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Thomas O'Connor

Custom, Authority, and Tolerance in Irish Political Thought: David Rothe's *Analecta Sacra et Mira* (1616)

Irish Catholic Political Thought in the seventeenth century found a masterly expression in the writings of Kilkenny-born David Rothe. The theoretico-practical dilemma he faced arose from the need to reconcile the, as yet theoretical, notion of an Irish Nation with a de facto *Protestant government of totalitarian tendencies in a predominantly Catholic Ireland. His solution to the question of Church-State relations involved a self-critical interpretation of Irish history, a powerful protest against blatant injustice, and a modification of the model of toleration recently granted to the Huguenots in France.* [Editor]

I. Political and Religious Context[1]

In the early seventeenth-century, Europeans struggled with the legacy of religious war, including the problem of religiously divided populations subsisting in the same political jurisdiction. In the German lands, the regulation of the problem was in the hands of the local princes. In France, the recently converted Henry IV sought, through the Edict of Nantes (1598), to include his former co-religionists within the French *ancien régime*.[2] His solution, though sanctioned, eventually, by the *parlements*, depended heavily on the King's will and left the Huguenot minority vulnerable to future shifts in royal policy.[3] Within James I's realms, Ireland posed a special problem.

By the end of the sixteenth century, the majority of the population emerged as Catholic but the Catholic community was divided. In the 1590s, the Ulster Gaelic lords had risen against the Crown in a campaign which had many elements of a Catholic crusade.[4] The Old English Catholic élite, however, remained largely loyal to the Crown and, in the rebellion's aftermath, believed it possible to reconcile political loyalty to

1. On questions of method, see John Dunn, *The History of Political Theory and other Essays* (Cambridge, 1996), 11-38.
2. For an overview, see Bernard Cottret, *L'Édit de Nantes 1598: pour en finir avec les guerres de religion* (Paris, 1997).
3. On the implementation of the edict see Michel Grandjean and Bernard Roussel (eds), *Coexister dans l'intolérance* (Geneva, 1998), especially section four, 265-368.
4. On the rebellion see Hiram Morgan, *Tyrone's Rebellion: the Outbreak of the Nine Years War in Tudor Ireland* (Woodbridge, 1993). For the general constitutional context, see Brendan Bradshaw, *The Irish Constitutional Revolution of the Sixteenth Century* (Cambridge, 1979); Ciaran Brady and Raymond Gillespie (eds), *Natives and Newcomers* (Dublin, 1986); Hiram Morgan (ed.), *Political Ideology in Ireland 1541-1641* (Dublin, 1999).

the Stuarts with religious loyalty to Rome.[5] The King and his impecunious Dublin administration disagreed. In any case, even if their loyalty to the King was proven, the granting of toleration was a different question.[6] The government's preferred Irish policy was one of acculturation. This envisaged the introduction of English civility as the best means of securing the kingdom,[7] and included plantation and Protestantisation. As a policy, it may have lacked consistency both in conception and enforcement, but it dominated Irish politics in the first quarter of the seventeenth century.

The policy of acculturation was designed to reduce the whole kingdom to civility but its effects were most immediately felt by the Old English. They had controlled municipal and local government in Ireland and had enjoyed a share in the privileges associated with the *Laudabiliter* constitution which was based on the papal grant of the Lordship of Ireland to Henry II.[8] Finding themselves in the firing line of the government's anti-Catholic policies, they struggled to reconcile their deepening commitment to the Counter-Reformation with their traditional loyalty to the King.[9] For them, custom could accommodate itself to the new political demands forced on them by the collapse of religious unity. In their calculations, however, they underestimated both the political significance of religious difference and custom's capacity to adapt effectively to dual political loyalty. Their religious option looked to James I like obstinacy and seemed to make a sham of their protestations of loyalty. He called them 'half-subjects,' and reasoned that they had excluded themselves from the political nation.[10] For him, his government's enforcement of

5. On the general European background, see J.H. Burns and M. Oldie (eds.), *The Cambridge History of Political Thought 1450-1700* (Cambridge, 1991). On Ireland, see Breandán Ó Buachalla, 'James our True King: The Ideology of Irish Royalism in the Seventeenth Century' in D. G. Boyce, Robert Eccleshall and Vincent Geoghan (eds.), *Political Thought in Ireland since the Seventeenth Century* (London, 1993), 7-35; *Aisling Ghéar: na Stíobhartaigh agus an tAos Léinn 1603-1788* (Baile Átha Cliath, 1996), 3-66; Marc Caball, *Poetry and Politics: reaction and continuity in Irish poetry 1558-1625* (Cork, 1998); Hans Pawlisch, *Sir John Davies and the Conquest of Ireland: a study in legal imperialism* (Cambridge, 1985).

6. Apart from his own theoretical objections to toleration, James I had to consider the opinion of the London Parliament and of the Scots. See John Silke, 'Primate Lombard and James I' in *ITQ*, 22 (1955), 124-50, especially 144-149.

7. Aidan Clarke, 'Plantation and the Catholic Question' in T.W. Moody, F.X. Martin and F.J. Byrne (eds.), *A New History of Ireland* (9 vols, Oxford, 1976-84), iii, 186-232. On the legal context, with which Rothe is familiar, see John McCavitt, ' "Good Planets in their Several Spheres": the establishment of the assize circuits in early seventeenth century Ireland' in *The Irish Jurist*, new series, 24 (1989), 248-78.

8. See James Murray, 'The diocese of Dublin in the sixteenth century: clerical opposition and the failure of the Reformation' in James Kelly and Dáire Keogh (eds.), *History of the Diocese of Dublin* (Dublin, 2000), 92-111.

9. See Helga Hammerstein, 'Aspects of the Continental Education of Irish Students in the Reign of Elizabeth' in *Historical Studies*, 8 (1971), 137-54; L.W.B. Brockliss and P. Ferté, 'Irish Clerics in France in the Seventeenth and Eighteenth centuries: a Statistical Study' in *Proceedings of the Royal Irish Academy*, lxxxvii [sect. C], 9 (1987).

10. Rothe says that James I considered Irish Catholics 'halfe subjects onlie because he perceaveth that he is lord of their bodies but not of their soules.' National Library of Ireland, MS 643, f. 50v. The authors owes this reference to Dr Colm Lennon.

existing anti-Catholic legislation (the Acts of Supremacy and Uniformity) was not religious persecution but the legitimate exercise of royal authority.[11]

After 1611, the Dublin administration's acculturation campaign entered a new, more rigorous phase.[12] Things came to a head in 1613 when parliament convened.[13] The Old English party found itself in a minority and challenged the legal basis of the new Protestant majority, complaining of electoral irregularity. On 27 August, a commission was established to investigate the complaints. Initially infuriated by what he judged the trivial nature of the complaints, the King's attitude later softened.[14] With limited concessions, he convinced the Old English members to resume active participation but also opened the way for complete New English domination of subsequent parliaments. Misreading the writing on the wall as some sort of minor parliamentary victory, the Old English participated readily in the second session, between 11 October and 29 November 1614. A third session voted a royal subsidy, allowing Chichester to dissolve the assembly, during recess, in October 1615.

In the events of 1613-5, the long-term policy of the government with regard to Irish Catholics had become painfully obvious. The Old English in particular had good reason to take stock in the light of their vulnerable position in parliament and local administration, the surprising fragility of their land-title and the King's rejection of their religious option. The fullest assessment of their situation was penned by David

11. The first act of Supremacy (1537) declared Henry VIII Supreme Head of the Church in Ireland. Repealed by Mary in 1557, it was restored by the second act of Supremacy (1560) which declared Elizabeth Supreme Governor. It required all clergy and secular officials to swear an oath accepting the royal supremacy and renouncing foreign jurisdictions, including the Pope's. The Act of Uniformity (1560) required all clergy in Ireland to use the English Prayer Book of 1559.

12. This was at least partly due to plans for Church reform presented to James I in 1611 by Andrew Knox, Bishop of Raphoe since 1610. See, Clarke, *art.cit.*, passim; John McCavitt, *Sir Arthur Chichester, Lord Deputy of Ireland 1605-16* (Belfast, 1998), 173-4, and 'The Political Background to the Ulster Plantation, 1607-1620' in Brian MacCuarta (ed.), *Ulster 1641: Aspects of the Rising* (Belfast, 1993), 7-23, 18.

13. See T.W. Moody, 'The Irish parliament under Elizabeth and James I: a general survey' in *Royal Irish Academy Proceedings*, xlv [sect. C], (1939), 49-71.

14. However, in order that Catholics might not get the wrong impression, disqualification of Catholic lawyers was enforced, the county commissions of the peace were purged of Catholics in so far as this was possible, pressure was maintained against Catholic municipal officers and recusancy proceedings continued along with proceedings against jurors who refused to present the names of Catholics. See Clarke, *art.cit.*, 217.

15. Rothe was a native of Kilkenny, educated in the city and in Douai and Salamanca. He was in Rome from at least 1602, acted as secretary to Peter Lombard, Archbishop of Armagh and returned to Ireland in 1609 as Lombard's vicar. See John Lynch, *De praesulibus Hiberniae*, ed. J.F. O'Doherty, (2 vols, Dublin, 1944) i, 379; William Carrigan, *History of the Diocese of Ossory*, (4 vols, Dublin, 1905) i, 86-7; Patrick J. Corish, 'David Rothe of Ossory 1618-50 in *Journal of the Butler Society*, ii, 3 (1984), 315-23; Patrick Moran, 'The Bishops of Ossory from the Anglo-Norman Invasion to the Present Day' in *Transactions of the Ossory Archaeological Society*, ii, 3 (1882), 265-306. On Rothe's education see Donal F. Cregan, 'The Social and Cultural Background of a Counter-Reformation Episcopate' in Art Cosgrove and Donal McCartney (eds.), *Studies in Irish History: Presented to R. Dudley Edwards* (Dublin, 1979), 85-117, 112.

Rothe (1568/73-1650), Vicar General of the Archdiocese of Armagh.[15] Rothe's[16] *Analecta Sacra Nova et Mira de Rebus Catholicorum in Hibernia* is the most important political statement of the Irish Catholic community in the early seventeenth century.[17]

II. Text and Audience

Rothe's *Analecta* were written to express his community's disappointment at the government's refusal to enter into political partnership with the Old English, its concerns over land-title, and its frustration with Dublin's persistent anti-Catholic policy. In the first part, Rothe deals with the recent persecution of Irish Catholics. The second section concentrates on the parliament of 1613-15. The third describes the political, social and economic consequences of the new government policies.

The *Analecta* appeared in 1616, probably at the end of the year.[18] It would appear that the original material was elaborated in English.[19] After some editing work, probably by Rothe, it was translated into Latin[20] and published, perhaps in Dublin. Later on, expanded editions appeared in Cologne.[21] The text is richly referenced, with Scripture predominating, followed closely by the Fathers, especially Augustine, and the pagan classics, Pliny emerging as a favourite. Contemporary references are confined to historical works, both Catholic and Protestant, although one of James Ussher's theological tracts is mentioned.[22] The absence of explicit reference to contemporary Catholic political writing is remarkable. There is none of the close theological and philosophical argument here which characterised the work of his contemporary and friend, Archbishop Peter Lombard.[23] This may be a form of self-censorship to frustrate the authorities in finding out about the circulation of Catholic books in the country. Alternatively, Rothe might merely be assuming that his readers were already familiar with the field.

16. Thomas Ryves, *Regiminis Anglicani in Hibernia defensio adversus Analecten libri tres* (London, 1624), Book I, 61.
17. No place of publication is indicated. Another edition, containing Parts I and II appeared in Cologne in 1617. In 1619, his *Processu martyriali* was published in Cologne as the promised Part III. Patrick Francis Moran edited and published the entire work in Dublin in 1884. This is the version used in this article.
18. For the date of publication see William O'Sullivan, 'Correspondence of David Rothe and James Ussher, 1619-23' in *Collectanea Hibernica*, 36/37 (1994-5), 7-49, 8.
19. There is a contemporary English transcript of the first edition of the *Analecta* in the National Library Dublin, MS 643. On the English version, see Colm Lennon, 'The "Analecta" of Bishop David Rothe' in Hirman Morgan, (ed.), op. cit., 181-202.
20. See Benignus Millett, 'Irish Literature in Latin 1550-1700' in T.W. Moody, F.X. Martin and F. J. Byrne (eds.), *A New History of Ireland* (9 vols, Oxford, 1976-84), iii, 561-86.
21. On the history of the English transcript see Myles V. Ronan, 'A Contemporary English transcript of the *Analecta Sacra* of David Rothe, Bishop of Ossory (1618-1650)' in *R.I.A. Proceedings*, xlii [sect. C], (1935), 193-8).
22. *Gravissimae quaestionis de ecclesiarum ... successione ... explicatio* (London, 1613).
23. Ses Silke, *art. cit.*, 124-9, 135-44.

Generically, the text fits into an established literary tradition which went back to David Wolfe's *Regni Hibernia situs et origo* (1574)[24] and Richard Stanihurst's *De rebus in Hibernia gestis* (1584).[25] Rothe was probably familiar with these. It is also likely that he knew Peter Lombard's manuscript *Commentarius* (1600).[26] While it is difficult to get an accurate picture of contemporary reaction to the work, the fact that three editions appeared in rapid succession suggests that it was a propaganda success on the Continent. Henry Rougchier, afterwards fifth Earl of Bath and a contemporary of James Ussher, went to the trouble of sending to Paris for a copy of the first edition.[27] Moreover, the Dublin administration took the charges against Chichester's regime very seriously indeed. Officials were aware of the possible negative effect of bad publicity in London and further afield. The appearance of the first edition almost coincided with Chichester's retirement from the lord deputyship in 1616, a fact which probably made his Dublin regime sensitive to criticism. Thomas Ryves (1583?-1652), a judge of faculties in the prerogative court in Ireland, prepared a response as early as 1617. It was not published, however, until 1624 under the title *Regiminis Anglicani in Hibernia Defensio adversus Analectam Libri tres*.[28] The fact that he found it necessary to provide explicit, argued responses to Rothe's charges is an indication of the impression made by the *Analecta* in Dublin and London.[29]

III. Irish: Catholic by nature

In the first section, Rothe describes Sir Arthur Chichester's treatment of Irish Catholics as an example of bad government.[30] Recent events had sorely tested Rothe's confidence in the monarchy. According to him, Dublin refuses to recognise that '... the doctrine and practice of our orthodox religion is more effective in taming the savage and bringing him

24. See *Arch. Hib.*, v (1916), 158-60.
25. Richard Stanihurst's *De rebus in Hibernia gestis* (1584) and his *De vita Sancti Patricii* (1587), for instance, were probably known to Rothe and his contemporaries. See Colm Lennon, *Richard Stanihurst: the Dubliner 1547-1618*, (Dublin, 1981).
26. Significant contrasts between Lombard's *Commentarius* and *Analecta* are pointed out in the footnotes. It is interesting to note that while Rothe's text repeats much from the historical sections of Lombard's *Commentarius*, there is little evidence of sympathy on Rothe's part for the radical political strategy Lombard proposes in the sections dealing with Hugh O'Neill. In any case, Lombard later changed his mind.
27. See O'Sullivan, *art.cit.*, 8. The reference is *The Whole works of ... James Ussher ...* (17 vols, Dublin, 1847-64), xv, 130.
28. It was published in London. Ryves reveals in the *Ad lectorem* that the three books were completed in 1617, but, for a number of reasons, remained 'anekdotoi' until 1624. On Ryves's previous contact with Rothe, see *Arch. Hib.*, 6 (1917), 82. He also wrote *The Poore Vicars Plea ...* (London, 1620) and a number of historical works.
29. According to Lynch's *Praesulibus*, Rothe composed a rejoinder to Ryves's work which was not published and perished along with Rothe's other papers in the Cromwellian sack of Kilkenny in 1650. See *Transactions of the Ossory Archaelogical Society*, vol. 2. no.3 (1882), 286.
30. Chichester became Lord Deputy on 3 February 1605 and, though recalled in November 1614, did not resign his position until 10 February 1616.

to civilised living than any recourse to incarceration, legal constraints or bitter persecution'.[31] Behind the government's stubborn refusal to accept what nature, custom, and providence have established in Ireland, Rothe recognises the intransigence of the King. If he has already despaired of bringing James I to a better frame of mind, Rothe's dedication of the work to his heir reveals a hope, forlorn of course, of obtaining a favourable hearing in the future. It is only when his confidence in his own persuasive powers fails, or when he suspects that James is not open to persuasion, that Rothe hints at alternative political arrangements for Ireland. For him, it is impossible to conceive of a political settlement for Ireland which does not include some official recognition of Catholicism. Government failure to recognise Catholicism forces Rothe and his compatriots to reconsider their position in the Stuart State.

This reconsideration begins with the premise that Catholicism is natural to the Irish. He expresses amazement that they have remained attached to Rome despite both the administration's persecution and the lure of heresy. Once imbued with the faith as children, the Irish retain it for life, remaining viscerally attached to the Holy See. It is ineradicable. As an example, Rothe recalls how, during 1615, seasoned persecutors like Chief Justice Sir Nicolas Walsh and Gerald Comerford, both Anglican converts, returned to the Catholic fold on their deathbeds.[32] One might expect this sort of conduct from the better sort of person but in Ireland even the dregs of society, *etiam infimam vulgi fecem* are holding fast. Rothe explains, 'All are drawn by instinct and as if by natural inclination to this one way of believing.'[33] Not only is it natural, it is also, apparently, infectious. Indeed, William Cecil complained that those sent over to reduce the Irish to conformity were themselves lost to Catholicism.[34] For his part, Chichester wondered if the very soil of Ireland were not infected with the 'manure' of the papist faith.[35] Like Cecil, he noted that strangers who settled in Ireland tended to convert as if the very clay were Catholic.[36]

From these examples, the author arrives at the conclusion that it is Catholicism which unites all the Irish in one faith and obedience, despite differences in custom, education and social station. This unity and steadfastness, the fruits of Catholicism, are present to a remarkable degree in Ireland and are far more impressive than any monuments in stone and mortar.[37] Irish Catholicism has proved more than a match for heresy. An

31. *Analecta*, 12.
32. See McCavitt, *Sir Arthur Chichester*, 79.
33. 'Omnes quippe suo quasi instinctu duci et bono genio trahi ad hanc solam credendi normam.' *Analecta*, 26.
34. *Analecta*, 124.
35. '... nisi gleba sit infecta vel impollutus aer vel ipsum clima constupratum immunditiis et faecibus fidei Pontificiae.' *Analecta*, 125.
36. He cites James I on this matter. When he was presented with an Irish horse by Chichester, '... sciscitatus ille si ex Hibernia esset, ubi rescivit, protinus subiunxit, papistam esse oportere.' *Analecta*, 43.
37. *Analecta*, 26.

extraordinary achievement, says the author, considering that the heretics used all their wiles to appeal to human weakness. Referring to articles 43 and 76 of the recently concluded Convocation of the Church of Ireland in Dublin,[38] Rothe insinuates that the Protestant proscription of pilgrimages, their rejection of fasting, and their low regard for celibacy, are part of a strategy to remove all human and divine fear from men's hearts. The success of Irish resistance to these temptations can be explained only in terms of a special divine intervention. 'It is a second cause of my amazement,' says the author, 'whereby I see the greatness of divine favour towards a people suffering so great and so many tribulations.'[39] This special divine favour confers on Ireland an historic mission to remain faithful despite the high cost. Fidelity to this divine mission is the defining characteristic of Irish Catholicism and outweighs any advantage, political or otherwise, which might accrue to apostasy.

The author takes pride in describing how patiently loyal the Irish have remained in spite of the government's failure to respond to their constancy and devotion. Recently, in the last session of parliament in 1615, they voted a substantial subsidy to the King.[40] They expected, in return, that recusant lawyers be reinstated, that recusant justices of the peace be permitted to exercise their responsibilities, and that the offices of public administration be reopened to Catholics. They received nothing but abuse from the Lord Deputy and misunderstanding from their King. As if to add insult to injury, individual recusants, who by law and custom had assumed positions in local government, have been forced to resign their offices, solely because of their religion. Worse still, recusant jurors who declined to denounce their co-religionists have been subjected to fines and prison. The fines for recusancy, which according to law and tradition were to be used to alleviate poverty, were, first of all, refused to Catholic poor and, subsequently withheld altogether, falling into the hands of private persons. Heaped on all of these injustices has been the excommunication of recusants, fulminated by Thomas Jones, Anglican Archbishop of Dublin.[41] Because of it, many Catholics had been imprisoned during the recent parliament. Released by royal amnesty, they were imprisoned

38. The Convocation met in association with the Parliament of 1613-15. See *The Whole Works of the Most Reverend James Ussher, D.D., Lord Archbishop of Armagh and Primate of all Ireland* (17 vols, Dublin 1847-64), i, appendix 4, xli and xlvi. According to Clarke, the articles were well within the Anglican pale but stressed its more Calvinist aspects, reflecting the particular bias of Trinity College and a desire to include the newly arrived Ulster Scots. See Clarke, *art. cit.*, 229 and O'Sullivan, *art. cit.*, 10, n.29.

39. 'Haec ergo secunda causa est stuporis mei, et multae admirationis, qua divini erga eos beneficii magnitudinem, in tam multa et magna tribulatione constitutos, tremens ego et venerabundus suspicio.' *Analecta*, 29.

40. On Rothe's attitude to the subsidy, voted in the third session of the 1613-15 Parliament, see *Historical Manuscripts Commission, Report on Franciscan Manuscripts*, (Dublin, 1906), 66-7.

41. The practice of excommunicating prominent recusants from the State Church had been recommended to the King by Andrew Knox, Anglican bishop of Raphoe in 1611. See McCavitt, *Sir Arthur Chichester*, 84.

again after only three months. Even more insidious have been the government measures against Catholic education.[42] Catholic schools are prohibited, and students, denied orthodox education at home, are forbidden to travel abroad without taking the Oath of Supremacy. While Catholic education is stifled, Trinity College is bloated with state subsidies and privileges. As for recusant lawyers, they undertake expensive studies abroad but on return are barred from practice. Instead of education, the government prefers corruption of youth. The eldest sons of the Irish nobility are being sent to England for education in the ways of heresy. By means of *intrusionis laqueus*, Catholic heirs who refuse to take the Oath of Supremacy are fined, a punishment which has impoverished many families. Some have even been deprived of their property and are forbidden even to rent it from the new owners. All this has been accompanied by a government propaganda campaign against Catholics, accusing them of blasphemy, ignorance and all manner of turpitude. The result is the encouragement of the very barbarity to which the administration takes exception and for which they blame the Irish. These injustices have been borne with exemplary equanimity by the Irish. What other people could point to a more remarkable record of fidelity to God and King?

If Catholicism is natural to the Irish, and if the government is operating *contra naturam* in persecuting it, why, then, is the kingdom currently so prosperous? Why does God appear to reward rather than punish the King? The contradiction puzzles the author. He comments that some, like the Trinity divine, James Ussher, claim that the rightness of the government's persecution of Catholics is affirmed by divine providence which has granted material prosperity to the King's realms.[43] Indeed, Ussher advises James I to drag Catholics away from their deadly fascination with Papism: 'God has given you authority for this reason, that you might tend to this wound; we know what danger their delusion bears and the cost of their error; but it is better to free them, however unwilling, than to allow them the destruction for which they wish.'[44] The King, warns Rothe, should not be deceived by this apparent opulence. Distinguishing profane happiness from the real thing, he argues that the current prosperity and security pale into insignificance compared with the real happiness and prosperity of the city of God. Such prosperity as there is should not be attributed to the religious novelties of the present but flows from the historic obedience of the King's realms to the Roman faith. James I is like the Emperor Constantius II who, although he succumbed to the Arian heresy, continued to benefit from the good foundations which had been

42. Rothe finds it necessary to go back as far as Julian the Apostate to find anything comparable.

43. Rothe cites from the dedication of Ussher's *Gravissimae Quaestionis ... historica explicatio* (London, 1613), v.

44. 'Ad hoc tibi Deus summus commisit Imperium ut per te vulneris istius plaga curetur: facinoris eorum periculum scimus, erroris notae sunt poenae: sed melius est ut liberes invitos quam ut volentibus concedas exitium.' *Analecta*, 52.

laid by his ancestors. Constantius crowned his apostasy by proclaiming himself 'Lord of the world.' Rothe comments wryly, 'Thus they (the Arians) who denied the eternity of the Son of God and the Son's consubstantiality and co-eternity with the Father, with base pride and blindness attributed eternity to a son of man, a mere mortal.'[45] James has acted likewise. How could any permanent prosperity flow from such perversion?

James I needs good counsel and, in the concluding articles of this section, the authors obliges. He informs the King that efforts to uproot Catholicism have failed, and wonders why James continues to force Catholics to religious obedience, when, as St Augustine said, *monendo non minando crevit religio Christiana*. If the King ignores Ussher's bad advice and adopts a policy of clemency, he may not, explains the author, win the Irish over to Protestantism but at least they will engage peacefully in civil life and give due honour to the temporal prince with prompter hearts than at present.[46] Quoting Seneca,[47] he advises that the love of his subjects is the prince's best defence. Citing Plutarch,[48] he insists that a prince might as well try to transplant an old tree as persuade his people to desert established beliefs. He offers this advice not to stir up strife but merely to remind the King that when subjects who are born to liberty (*mentibus ad libertatem natis*) are forced from divine obedience by royal authority there are grounds for some form of resistance.[49] He carefully clarifies his thought here, stressing that resistance refers to religious matters only. In other words, Rothe is referring to the internal maintenance of the forms of Catholic piety and the continuation of religious loyalty to Rome. If only James would listen to Philo who said that rulers must be '... adaptable and versatile, acting one way in times of peace and differently in times of war, according to whether he faces many or fewer enemies'.[50] He pleads that the King regulate his rule in Ireland to accommodate the conscientious religious beliefs of his Irish subjects and continues that '... the ruler knows by the exercise of his charge, by ruling with prudence and justice, how to accommodate his laws to the condition of his people'.[51] He concludes, 'In the meantime in every time and circumstance subjects will continue to

45. *Analecta*, 51.
46. *Analecta*, 54.
47. Seneca, *De clementia* c. 21: cf. *Analecta*, 55.
48. Plutarch, *Verba*: cf. *Analecta*, 55-6.
49. 'Nisi quando et in quantum divinae subiectioni, et sanctionibus fidei, atque obedientiae Catholicae Ecclesiae nos abstrahere, et abstractis ab uberibus piae matris, novercali odio prosequentes animas, venenum exitiale novorum dogmatum nobis propinare vellent.' *Analecta*, 56.
50. *Analecta*, 59.
51. '... sciat Princeps per suum Basilicum, iudicii et prudentiae temperamento adhibitio, leges suas iuxta populi conditionem moderari.' *Analecta*, 59.
52. 'Interim vero adeoque omni tempore et statu, pergant subditi se subditos ostendere; in omni licitia, et necessaria obedientia, reddentes Caesari quae Caesaris sunt, quando quod suum est Deo non subtrahitur.' *Analecta*, 59. He cites Augustine's *Epistola* 70 to encourage subjects to continue in obedience, irrespective of the ruler's injustice.

show themselves docile, law biding and obedient, giving to Caesar what is Caesar's when what God has given him is not taken away.'[52]

The tone of fatalistic, stoical resignation is unmistakable but somewhat deceptive. While the author promises that, in spite of continued persecution, the King's Catholic subjects will show him loyalty, he is nonetheless adamant that they will also remain faithful to Rome. The peculiar alternation between outer acquiescence, almost resignation and inner defiance marks this section of the *Analecta*.[53] For the author, Catholicism is worthy of this inner resistance or, more correctly, it makes this resistance possible, because it is a truly spiritual religion, which encompasses the whole person, internally and externally. As the natural religion of the Irish, it withstands the merely human lure of heresy and despite consistent persecution remains loyal to the secular power. It alone assures real prosperity. The prince who rules best rules with, not against, it. And yet the administration in Ireland continues to persecute recusants. The impossibility of justifying the current persecution with glib references to Irish incivility forces the author to conclude that the real reason lies elsewhere. He suggests that the core of the problem lies in the clash of two different understandings of the nature of true civility. For Rothe, true civility is that characterised by obedience to the Pope and to Catholic Church discipline. For James and his government on the other hand, 'civility' demands not only the rejection of papal authority but also of the institutions and practices which assumed that the temporal and spiritual spheres, however interdependent, were autonomous. With the disappearance of separate ecclesiastical authority, the kingdom's traditional corporations are very vulnerable to the expanding temporal power.

IV. Heretical Assault on Orthodox Custom

In the second section, Rothe illustrates his argument with a description of the recently held parliament. Catholics viewed the summoning of parliament with foreboding because they feared being outvoted on anti-Catholic legislation by the newly arrived, allegedly illegally elected, members from Scotland, England, and Wales.[54] Although they feared the worst, they did not turn to arms but, like Esther, prayed and did penance, thereby producing a remarkable display of united, popular piety which shunned the old, failed, and misinformed strategy of armed resistance.[55]

53. This was the position of Canisius with regard to the Peace of Augsburg in the 1560s. See Oliver Christin, *La paix de religion: l'autonomisation de la raison politique au xvie siècle* (Paris, 1997), 54.

54. According to Rothe, the proposed legislative programme was to cover, *inter alia*, ecclesiastical supremacy, marriage, proscription of secular and regular clergy and measures against laity harbouring them. *Analecta*, 61-2.

55. Rothe is referring here to the rebellions under Elizabeth. If he was heavily influenced by Lombard in the general conception of his work, he certainly departs dramatically from his mentor on this point. For Lombard's temporary support of armed rebellion in the sixteenth and early seventeenth centuries, see *Commentarius*, 140-84.

They addressed pleas for assistance to foreign princes, not to solicit arms but rather to implore them to join in prayer and fasting for Ireland. When parliament eventually convened, the Catholics members were determined to oppose any new anti-Catholic legislation. Happily, divisions between the English and Scots members assisted them.

In the government's pre-electoral efforts to ensure a Protestant majority in parliament, Catholic members recognised an attack on custom. They claimed that the administration had flouted established electoral procedure to pack the parliament with compliant members. 'The ancient inhabitants have endured coercion', they complained, and the establishment of the new boroughs in Ulster was designed '... to sell out free-born men and to limit the liberal practices of the Irish.'[56] The Catholics moved to bring proceedings to a conclusion in the hope that, if parliament were dissolved, Chichester would be recalled to London. They hoped, '... that someone else be appointed in his place, one less likely to fall into the abuse of power, one less given to domineering ways'.[57]

The government disdain for established electoral procedure gave Rothe and his contemporaries food for thought. Mulling over the events in late 1615, Rothe asked why the Irish were once again the victims of bad government. He cites Augustine's *De civitate Dei* where the Bishop of Hippo locates the origin of bad government in the clash of the two cities, God's and man's.[58] The City of Man, explains Augustine, draws its origins from the crimes of Romulus and Cain against their brothers and naturally bears the stains of those beginnings. Romulus slew Remus because he would not share his authority in the newly founded Rome, Cain smote Abel for sheer hatred of the good. All earthly powers are marked by these crimes and there is no better illustration of this than the present administration in Ireland. Like Romulus, the English in Ireland seek all the earthly power for themselves, and, like Cain, burning with jealousy for the innate goodness of the Irish, they wish to lead them into error of faith.

In this section, Rothe moves beyond the traditional defence of Irish constitutional law to a Catholic reformed understanding of the new political configuration of Ireland. Ireland in 1615 is, for Rothe, a prime example of the canker at the heart of the unredeemed earthly city. Because this misrule is as intractable as it is general, it admits of no facile solution and is certainly not remedied by recourse to arms. The Irish, refusing to participate in the City of Man unless it served the City of God have turned not to arms but to patient forbearance. With their churches and schools closed, they imitate Pliny's Egyptian dogs who lapped the Nile water between the snapping jaws of the crocodiles. Catholics are forced to live

56. '... ad mancipandos ingenuos homines, et libera Hibernorum ingenia edomanda.' *Analecta*, 63.
57. *Analecta*, 72.
58. Augustine, *De civitate Dei*, XV 5.

like molluscs, in times of peace enjoying the ocean's surface but forced to dive deep when danger threatens. Forced into the inner chamber of conscience, they offer no resistance to their monarch but pray for his change of heart.[59]

For Rothe, it is impossible to find any human justification for the current treatment of Irish Catholics by the Dublin administration. The English can only invent specious reasons for continuing the present persecution, maintaining for example that the Irish are barbarian and uncivilised on account of their distinctive tongue, dress, customs, and religion. This is to assume that anything which is not English is barbarous. But these differences, argues Rothe, are not evidence of barbarism. On the contrary, the Irish language, 'Is superior because of its antiquity, the quality of its characters, the richness of its vocabulary ...'.[60] In any case, no man, argues Rothe, can be considered an absolute barbarian on account of dress, custom or language, since 'the true basis for the idea and the name of man is not his language but his way of living.'[61] The quality of a man's religious faith is the true measure of his worth and on this score few nations can compare with the Irish.

Rothe elaborates on this point, outlining the ancient dignity of Ireland, especially the antiquity of its Christian religion and the uniqueness of its religious mission. In the distant past when great migrations washed her shores, Ireland was as barbarous and uncivilised as any land. But 'the Gospel tamed this savagery and desire for mastery, when the light of Catholic truth enlightened blind minds and the acceptance of the Christian faith, brought by messengers from Rome, was communicated to and happily planted among us.'[62] Thereafter Ireland became a light to other nations, most especially to Britain. Alas, the golden era of Christian goodness succumbed to foreign wars (*externa bella*) and domestic dissensions (*internas simulates*). The country was first rocked in 644 by the attacks of the Northumbrians, followed by Norwegians, Eastmen and Angles. Domestic strife took its toll too, eventually opening the way to invasion from England in the twelfth century.[63] Indeed, as early as 1155, Henry II had considered invading Ireland. Later, when Diarmuid

59. Rothe takes the image from Pliny's *Hist. Nat. nautilus piscis*, IX.29. Later on he refers to the priests with the more usual terms *Nicodemi*. See *Analecta*, 95.
60. 'Nobis nostra lingua non videtur despicabilis, imo in multis praerogandam putamus; puta et ob antiquitatem originis, et characteris proprietatem, et sermonis copiam ...'. *Analecta*, 84.
61. *Analecta*, 84.
62. 'Quousque feritatem hanc, et dominandi libidinem edomuit Evangelium, coecas mentes illustravit Catholicae veritatis radius, fideique Christianae receptio, quae per Apostolicos praecones, Roma ad hanc gentem transmissos, communicata nobis fuerat et faeliciter seminata.' *Analecta*, 89.
63. *Analecta*, 94. He cites Camden on the 1155 Papal grant. For Lombard's version, see *Commentarius*, 102-12.

McMurrough approached him for help, he seized the occasion to put his dormant plan into action. Supported by the grant of his countryman Pope Adrian IV (1154-9), and its confirmation by Pope Alexander III (1159-81), he entered Ireland.[64]

In an implicit rereading of his own Old English community's role in Irish history, Rothe refutes the common opinion that Ireland owes what civility she has to the invaders.[65] Replacing the inherited racial distinctions with religious ones, Rothe argues that Ireland draws its civility from its Catholic religion and its ministers, the seminary priests. For Rothe, the latter are the most effective contemporary agents of civility. Indeed, it is impossible to conceive of a group of men more capable of taming this people and maintaining them in their obligations. Their goodness, purity of purpose, and orthodox faith mark them out as the most effective means of convincing the common man of the virtues of civil life. Through their rule and ingenuity, men are more effectively brought to obedience than by the use of force or punitive municipal laws or by cruel statutes of Parliament.[66] Catholic priestly censures are more capable of weaning the uncouth (*agrestiores*) from crime than judicial pronouncements. This is because their threats hit home and achieve the desired internal effect. Drawing on the classic Patristic contrast drawn between the New and Old Testaments, he compares the law of the true Church with that of the King's administration. The former is civilising and originates in Rome and is the best remedy for barbarism; the latter operates by force and on the level of appearances only.

James I and his Irish administration refuse to recognise Catholicism's civilising mission, and thwart the civilising efforts of the seminary priests. Rothe's exasperation grows as he approaches the conclusion. What more can Catholics do to demonstrate their loyalty? What more can the King justly demand? Are Catholics not obedient and law-biding? Why are the King and his administration blind to their loyalty? Rothe edges towards a depressing conclusion. Irish protestations of loyalty go unanswered not because the King cannot hear but, more disturbingly, because he will not hear. His failure to return to his mother's faith has caused him to adopt a corrupt notion of the dignity of man based on the City of Man and tainted by the unredeemed sins of Romulus and Cain. This is the root of misrule in Ireland. In the last section, Rothe explains this insight in terms of the political history of Ireland. He identifies the Norman invasion as a

64. *Analecta*, 95. See, for contrast, Lombard, *Commentarius*, 98-101.
65. Lombard was not so sure on this matter, praising the civilising effect of the Norman invasion. See *Commentarius*, 107.
66. 'Hac regendi arte, et solertia, magis illi movebuntur ad imperata facienda, quam per armatam militiam, vel per ferreas leges municipales, vel per cruenta comitiorum statuta.' *Analecta*, 97-8.

staging post in the corruption of political power in Ireland and the Royal Supremacy, with its unitary view of sovereignty, as its culmination. The administration of Sir Arthur Chichester is its inevitable, unlovely monument.

V. *Laicocephala anarchia*[67]: the fruits of perverse government

The final, gloomy part of the *Analecta* draws the consequences of the government's refusal to recognise Catholics as a corporate entity in the state. For Rothe, Chichester's regime is abusive precisely because it excludes Catholics. Chichester, however, is only the agent of a corrupt political power which has usurped the ecclesiastical power. Rothe explains Ireland's current political predicament in terms of the Reformation settlement which he understands to be a new phase in the medieval struggle between Papacy and King. This is turn reflects the ancient conflict between the City of God and the City of Man. In normal situations, Rothe explains, the ecclesiastical power, which came down from heaven, is assigned to Peter and his successors. Political authority, in normal circumstances 'rules the earthly city for the temporal good; it is given to men in this fleeting, mortal state and is arranged and organised by them ... as they decide which form suits their circumstances.'[68] As Rothe understands it, the ecclesiastical power ought to be in the hands of the Pope and his successors. Temporal power, for its part, is mediated to the people who then decide how best to administer it according to their own circumstances. In Ireland, however, the ecclesiastical power has been wrenched from the Pope and the temporal power is now exercised without concern for the welfare of the people.[69]

Rothe illustrates his charge concerning the double perversion of authority in Ireland by citing from Giraldus Cambrensis's account of the invasion of Ireland. Although he was himself a servant of the Crown, Cambrensis recognised that the Irish Church was unlawfully deprived of her power in the late twelfth century. Archbishops Laurence O'Toole and John Cumin tried to regain the proper balance between the two after

67. *Analecta*, 121. In the English language version, Rothe explains this colourfully as 'a strumpet copulation between king's crown and the bishop's mitre.' NLI, MS 643, f. 48v. The author owes this reference to Dr Colm Lennon.

68. 'Politicae vero administrationis authoritas, quae terrenam Rempublicam dirigit ad temporalem foelicitatem, in hac lubrica et mortali vita hominibus concessa, ab hominibus trahatur et inter ipsos contrahatur ... prout illi inter se convenientius fieri iudicarunt.' *Analecta*, 110.

69. For an overview of Catholic political thought on these questions, see Burns and Goldie, op. cit., 236-241 and Quentin Skinner, *The Foundations of Modern Political Thought* (2 vols, Cambridge, 1978), ii, 135-173.

70. See A.B. Scott and F.X. Martin (eds.), *Giraldus Cambrensis, Expugnatio Hibernica:The Conquest of Ireland* (Dublin, 1978). This text has been used to verify Rothe's citations from Giraldus.

1169.[70] Rothe comments, '... the invaders, having gained lawful permission to enter the country for the purposes of restoring the Church, proved themselves persecutors' in the manner of their arrival and government.[71] The new arrivals, and this is the testimony of Giraldus himself, failed to succour the Church and actually despoiled her. So deep an impression did this make on Giraldus that in a dream he saw John, the King's son, mark out a site for a church with only a small area reserved for the chancel as if he intended a restrained role for the clergy and a larger one for the laity.[72]

The plight of the Church was only aggravated with the passage of time. Giraldus was so appalled by the temporal power's treatment of the Irish Church that he dared advise King John on how to rule Ireland, pleading with him to respect the terms of Adrian IV's original grant. His efforts proved futile. So too did Irish efforts to obtain redress from the new Lords of Ireland. Eventually, despairing of any change of heart by the Kings of England, the Irish carried their grievances directly to Rome. Thus Pope John XXII wrote to chide Edward II for failing to respect the conditions of the original papal grant following the remonstrance of the Irish lords in 1318. Rothe cites from the papal letter which concluded ominously, 'whence, unable to tolerate such abuses for any longer, they (the Irish) are obliged to remove themselves from your lordship and to call on another to rule them.'[73] Naturally, explains Rothe, the English kings took a dim view of Irish recourse to Rome. Their solution was to put an end to it by assuming the ecclesiastical power themselves. Thus the catastrophe of the Norman invasion was capped when Henry VIII set up a new government, founded on the will of Parliament.[74] This government is *laicocephala anarchia*, concentrating all power, ecclesiastical and civil, in its own hands. The very model of this overweening power is Sir Arthur Chichester. Like a Behemoth, he strode into a peaceful jurisdiction, and, by exercising his usurped powers, turned it into a battlefield of religious persecution. He has overturned every solid thing in law, landholding, and religion, erasing all existing certainties and installing a climate of suspicion. Every means is good to achieve his end. In Chichester's hands all the might of ecclesiastical and temporal power, so unnaturally combined, are unleashed against Catholics, leaving no room for clemency or relief.[75]

71. '... gentem expugnatricem, quae certa lege et pacto obtinuit admissionem et ingressum in hanc Insulam ut Ecclesiam exaltaret, in ipso aditu et quasi auspicio sui conquestus, strenue oppugnasse Ecclesiam.' *Analecta*, 114.
72. *Expugnatio*, 243.
73. 'Unde talia ferre nequeuntes ulterius coacti sunt se a Dominio tuo subducere et alium in suum regimen advocare.' *Analecta*, 119. This is compatible with contemporary mainline Catholic political thought. See Suárez, 1614, iii.3.3, col. 253 cited in Burns and Goldie, op. cit., 239.
74. '... quam posset gyrare et regyrare ad libitum, cuius basis subsisteret in placito Parlamentari.' *Analecta*, 121.
75. He cites Baronius, for the year 301, speaking of the unity of purpose of the pagan persecutors Diocletian, Maximianus and others.

But what really shocks Rothe is the deliberate, premeditated nature of the policy, and the fact that it was originally conceived at the Hampton Court conference, held in January 1604.[76] At this meeting, according to Rothe, it was concluded that the surest way of securing Ireland was to impose absolute conformity to the State religion.[77] This was deemed to necessitate both the removal of the Catholic religion and Catholic landowners. The removal of the Catholic religion involved a reform of the State Church and its operations in Ireland. Critical was the procurement of suitable clergy to lead the attack on Catholicism.[78] This new Protestant clergy has been of very low quality, and Rothe is not surprised that the common crowd is running wild, when, as he describes it, rams are sent to minister to them (*quidni grex lasciviat quando arietes sunt emissarii?*). This debauched clergy preys on the poorest sort of Catholic who is forced to pay stole fees to them even for ceremonies presided by a Catholic priest. They fall too on recusants who flee to Ireland to live in peace. 'With the establishment of the plantation,' laments Rothe, Ireland '... is in danger of becoming, unless God intervenes, a haven for criminals and, though once perfectly pure, a fetid sewer of immorality'.[79]

The Royal Visitation of 1615 failed to address any of the real problems of religion in the kingdom, despite the high hopes it originally kindled.[80] The sectaries also undertook to undermine the historical primacy of Armagh. Rothe sees the assault on Armagh's authority as the mirror image of the attack on Rome's, '... striving to remove the ancient watercourse from its bed'.[81] This is what the English kings have made of Pope Adrian's grant of the lordship of Ireland! It would have been an unmitigated disaster had not God himself seen fit to endow the Irish with a special privilege to withstand heresy and thus serve as an example to neighbouring nations.

Unfortunately for the Catholics, *laicocephela anarchia* not only wants to remove the Catholic religion but also the Catholic landowner. Chichester has made it his speciality to sow as much disorder and confusion as possible in order to reap unlawful advantage, particularly by repossessing land for the King (*praedia in praedas vertunt*). His preferred means

76. See W.B. Patterson, *King James VI and I and the Reunion of Christendom* (Cambridge, 1997), 43-48.

77. Rothe recognises a change in government policy here. He expresses it thus, 'In illo celebratissimo coetu ... constituerat aggrediendam esse conformitatem suorum undequaque subditorum, in qua consistere putavit stabilimentum suorum Statuum ac Dominorum.' *Analecta*, 129.

78. Rothe's source is William Barlow, the Deacon of Chester's account of the meeting, ... *in libero suo de colloquio Regis edito*. This is his *Summe and Substance of the Conference* ... (London, 1604).

79. '... per istum novorum colonorum incolatum deventuram Hiberniam nisi Deus providerit et sceleratorum asylum, et puram putam cloacam impuritatis.' *Analecta*, 134.

80. See P.B. Pair, 'Seventeenth Century Regal Visitations' in *Analecta Hibernica*, 28 (1978), 81-102 and M. V. Ronan, 'Royal Visitation of Dublin, 1615' in *Archivium Hibernicum*, 8 (1941), 1-55.

81. '... laborant antiquam scaturiginem funditus transvertere ex suo alveo.' *Analecta*, 139.

has been to call land-titles into doubt. This was easy to achieve given the disturbed state of the country and the destruction of so much legal documentation. The land-title was then legally disputed and, if the decision went against the existing landowner, the property was made available for redistribution and plantation.

Land-hungry newcomers, aided wholeheartedly by the Lord Deputy and his government, have acted without principle, taking advantage of the lack of documentation and the landowners' reluctance to go to law. This is a deep perversion, a turning of the world on its head for the advantage of a few. Is it any wonder that possessors of illegally threatened land-title turn to violence? *Furor fit laesa saepius patientia*. Rothe paints a grim picture of the eventual consequences of present government policy: 'Where there is no limit and where no restraints are accepted there is no brake to seizing the property of others, to altering ancient boundaries, to confusing land titles, to overturning ownership and although in every well-run State it is taken as axiomatic that land-title be as secure and as stable as possible, here, however, it delights our public officials to throw everything into the irrational confusion of uncertainty.'[82]

That is exactly what Chichester did during his most recent circuit. Native landowners in the Leinster mountains were 'encouraged' to apply for surrender and regrant by the threat of having troops billeted on them. They were to receive confirmation of existing title and privilege, especially the exemption from cess and labour granted by Sir Henry Sidney. The titles were supposed to be approved by the parliament but Chichester preferred to leave property titles unconfirmed, seizing the opportunity, says Rothe, 'to fill his own pockets rather than fulfil the King's promise.'[83] The King was won over, the arrangement reached with the original owners was changed, and now they are forced into hostility to the King. Rothe throws up his hands in despair, for in any kingdom but Ireland '... laws exist which ensure the stability and strengthening of land-title of private persons rather than the reverse.'[84] The Lord Deputy's recent action in Leinster would properly require stringent legal argument and demonstration which should not admit any prior prejudice to the title of the current holder. In any case, says Rothe, in the case where title is difficult to establish, the right of the possessor is strongest. If these principles are not respected what is there to prevent the King claiming the whole of Connacht or the whole of Ireland for that matter. Chichester has flown

82. *Analecta*, 152.
83. 'Quia maluit crumenam suam quam verbum Regis adimpleri.' *Analecta*, 154. Rothe's account here is very close to that re-established by John McCavitt, *The Lord Deputyship of Sir Arthur Chichester 1604-1615* (Ph.D. thesis, The Queen's University, Belfast, 1988), 319ff.
84. 'Quemadmodum in aliis regnis et statibus similia recognoscuntur iura, quae magis serviunt ad stabiliendam et corroborandam, quam ad vertendam propritatem et possessionem privatorum.' *Analecta*, 156.

in the face of all this legal tradition, and has created a flood of landless fugitives who have no means of supporting themselves. Contemplating the fate of these landless people, Rothe is filled with fear of future instability, wondering when they will turn to armed resistance.[85]

It is Rothe's conclusion that the Lord Deputy actively seeks to incite rebellion and provoke unrest. This is how he justified maintaining a standing army and justifies his policy of intimidation and trouble shooting, goading threatened landowners into opposition. Remarking that Chichester's recall is imminent, he comments that it is by divine grace alone that the Irish have resisted his onslaught. As in Roman times God showed how useless civil activity was without religious virtues, so now he has specially chosen Ireland 'so that all might understand that she can flourish in temporal peace and earthly prosperity if the sons of God are allowed to instruct the sons of men so that with outstanding zeal they might love the gate of Sion and not reject the tents of Jacob.'[86] Citizens of the Heavenly City are just as capable of giving good service to the Earthly City as mere earthly citizens. He pleads in the last section for a change of government policy, calling on the king to act like *supremus mundi moderator*. He would regulate the movements of the planets according to their proper orbits, overseeing the different religious beliefs of his people, preventing any one group upsetting the rational equilibrium of the whole.[87]

VI. Conclusion

(i) Contradictory Tendencies

Rothe's text is a rag bag of political commentary on a rapidly evolving situation. Consequently, it is impossible to disengage from these pages any one, coherent 'system' of political thought. This is to be expected. Many hands were involved in bringing the book to press, all of them were passionately close to the rapidly evolving political situation. Further, it can be argued that the lack of a coherent political underpinning for the work is less a function of the authors' confusion than the consequence of their effort to appeal to a number of different audiences. Addressing the King and his government, Old English and Old Irish peers, Catholic monarchs and continental seminarians, the *Analecta* could not afford to be constrained by the niceties of consistency. Persuasion was the objective. All means, arguments, and rhetorical devices were justified to achieve one end: convincing its audiences of the unfairness of the Dublin administration's persecution of Catholics.

85. *Analecta*, 159.
86. *Analecta*, 166.
87. 'Ita ipse diversas et repugnantes suorum populorum circa Dei cultum inclinationes, regat et moderetur, ne obliqua et irrationalis quorundam deflexio, rectum ductum et rationale instinctum aliorum perturbet.' *Analecta*, 168.

This goes some way to explaining the seemingly incompatible political attitudes it contains. Passages in the book echo the rhetoric of defenders of traditional privileges. In this vein, Rothe upholds traditional landholding custom, established legal procedure, access to the royal person, and inherited parliamentary process against a government bent on introducing a new set of privileges and a new privileged élite. He states the case of a community struggling for the preservation of political and legal privilege in the face of more rigorous monarchical government. He presents this community as a sort of loyal opposition, anxious to play a part in the government's civilising mission, loud in its protestations of loyalty, and aware of its distinctiveness as the possessor of concrete political, legal, and landholding traditions. He understands 'community' as a group of citizens formed in the ways of civilised behaviour by persuasion and practice. From this angle, Rothe looks like the spokesman of any one of the thousands of medieval political corporations all over Europe anxiously making the transition into the early-modern State.

This politically traditional Rothe is tinged, however, with a more radical streak. This is discernible in the veiled threats of withdrawal of loyalty, if the King and his government continue to mistreat Irish subjects. Rothe's portrayal of the Dublin government is devastating. He paints a picture of a totally corrupt regime whose substitution of personal enrichment for good government has permitted every conceivable perversion of authority, from physical torture to the corruption of youth. In darker moments, Rothe hints at a corrupt King who has betrayed his parents by failing to see to the good government of his Catholic subjects. He has allowed himself to be convinced by the specious, self-interested arguments of Chichester and his minions regarding the government of Ireland. In short, he has set his store by the City of Man, not of God. The best loyal Catholics can do is await the accession of his son. It is possible that Pope John XXII's rebuke to Edward II might be used to justify contemporary Irish subjects transferring their loyalty to another Lord.[88] While Rothe is not about to form an Irish *Catholic League*, the raw material for a radical rethinking of Ireland's relationship with the King is already present in the *Analecta*.

This political radicalism pervades other sections of the book and other dimensions of Rothe's political thought. His negative reinterpretation of the English presence in Ireland, particularly the Norman invasion, suggests a sea change in Old English self-understanding. Racially descended from those Normans who failed to uphold the terms of *Laudabiliter*, Rothe acknowledges his community's crime.[89] By doing this, he distinguishes himself from the Norman descendants who have not only failed to acknowledge their crime but have compounded, indeed consummated it with the Royal Supremacy. It is Rothe's refusal to accept the Royal

88. *Analecta*, 119.

89. This is in line with Lombard's appraisal of the effect of the Norman invasion on the independence of the Irish Church. See *Commentarius*, 108-112.

Supremacy, i.e. the State's appropriation, as he sees it, of all spiritual and temporal authority in the Kingdom of Ireland, which provokes his re-reading of his own community's history. A temporal authority claiming spiritual supremacy is politically unacceptable because it is a revolt of pride against the natural political order. What is being attempted in Ireland by the government consummates the worst political excesses of the worst governments in the darkest periods of history. It is little wonder that this event calls for a rewriting of Irish history and a redefinition of loyalty, understood by Rothe as submission to the external authority of the King subject to the internal authority of God. With their new version of their own history and a modernised version of political loyalty, Rothe's Old English community redefines its traditional contractual loyalty to the King and makes common cause with the Old Irish community with whom it now shares three defining experiences – fidelity to Rome, the rupture of the royal contract, and political exclusion. Rothe's acceptance of the amalgamation of the previously divided ethnic communities of Ireland into a properly constituted and functioning Catholic community, a Catholic *natio*, is confirmed by his consistent failure to distinguish between different racial elements in the Irish Catholic community.[90] In this light, his insistence that true civility is a matter of religious faith and not of cultural or linguistic conformity not only permits him to argue for the civility of the Old Irish in the eyes of the New English but also of his Old English peers, many of whom appear to have been in need of persuasion on that score. In view of his relationship with Peter Lombard, this might not be surprising, but in the context of his shared heritage with, for example, Richard Stanihurst, it is remarkable.[91]

The coexistence of conventional and radical strands of political thought is echoed in Rothe's conception of ecclesiastical authority too. On one level, our author appears as an uncontroversial servant of the Counter-Reformation. Rothe is steadfast in his opposition to heresy, and he accurately recognises that the real battle is not on the level of dogmatic purity but of education and practice, especially through pilgrimages, fasting, and adherence to the practical moral demands of the Catholic faith. For Rothe, these are the basic ingredients of that civility which government policy is failing so miserably to encourage. The most effective agents of this properly Christian civility are seminary-educated priests. In this context, his commitment to the formation of a seminary-

90. For the attitude of other Old English bishops to racial difference, see Colm Lennon, *Archbishop Richard Creagh of Armagh, 1523-86* (Dublin, 2000), 19, 23, 137-40.

91. Recent scholarship has tended to nuance the understanding of the relationship between the Old English and Gaelic communities in late 16th and early seventeenth century Ireland. Some suggest that the lines of cultural and political demarcation may have been clearly drawn and that common economic interest at least brought them together. See *inter alia* Vincent Carey, 'Neither good English nor good Irish: bi-lingualism and identity formation in sixteenth-century Ireland' in Hiram Morgan (ed.), *Political Ideology in Ireland 1541-1641* (Dublin, 1999), 45-61.

trained clergy is central not just to his vision for a revitalised Catholic Church but also to his hope for a renovated polity. Not surprisingly, one of the *Analecta*'s dedications is to the new seminary clergy; they are the object of one of the most elaborate conceits in the whole work; they are identified as the leaders of Catholic Ireland, in the forefront of the Christian *mission civilisatrice*. His hopes for a religious renaissance spearheaded by seminary clergy may have appeared threatening to the old clergy still in harness, and might have seemed fanciful to hard-headed Catholic realists at home and abroad. They were, nonetheless, full of possibility and powerfully motivating.[92] When this is linked to his devotion to the Papal supremacy in religious matters and his defence of established Church privilege, property, and independence, Rothe looks like a conventional Counter-Reformation centurion who would not have been uncomfortable in the Society of Jesus.

Thumbing through the *Analecta*, however, the Jesuits would probably have found more than a few points over which to quibble. Rothe's implicit proposal for a form of religious toleration in Ireland based on the compatibility of inner obedience to the Pope with outer conformity to royal government smacked of compromise with the Earthly City. While his Old English contemporaries might accept Rothe's argument here, Counter-Reformation militants would see it otherwise. For them, Rothe's compromise failed to take account of the realities of a religiously divided Europe. Even in Catholic States, the Church was obliged to fight her corner to maintain her authority in the face of secular encroachments. Modernising Catholic States were just as hungry for ecclesiastical authority as their Protestant contemporaries, the Catholicity of the State notwithstanding. It was a forlorn hope that the Papacy would be happy with the sort of political compromise Rothe suggests, a sort of Edict of Nantes *à l'irlandaise*.[93] His spiritualisation of oppression and persecution, his espousal of a Nicodemean strategy for survival, and his rejection of all past efforts at armed resistance as mistaken, must have struck the exponents of a more muscular Counter-Reformation Catholicism as too benign a reaction not just to royal policy in Ireland but to burgeoning royal authority anywhere. That sort of selling the pass was not to be contemplated by the more dedicated supporters of papal authority and the autonomy of the ecclesiastical corporations.

(ii) The Irish natio

Given this diversity of audience and mixture of motive, what, may we conclude, is the significance of the *Analecta*? Perhaps this collection of

92. He develops these themes at greater length in his sermon delivered to the students of the Irish College, Paris on 1 February 1620. This was published in *Brigida Thaumaturga* (Paris, 1620), 1-20.

93. There is a large literature on this theme. See the essays in Wolfgang Reinhard and Heinz Schilling (eds.), *Die Katholische Konfessionalisierung* (Gütersloh, 1995).

comments and criticisms might usefully be viewed as a plea by Irish Catholics to be taken seriously. First of all, it is a plea to King and government to be taken seriously as a loyal political community which remains loyal despite or even thanks to their Catholicism. Secondly, it is a plea to the Irish to take themselves seriously as a *natio* despite the variety of their racial and cultural composition. Thirdly it is a plea to Ireland's Catholic neighbours to be taken seriously as a Catholic community despite its Protestant government, the plantation, and the absence of any of the usual distinctive features of a Catholic *ancien régime*. In elaborating and explaining his case, Rothe brings Irish Catholics into focus as a community worthy of the description *natio*. In the process, he asks important questions about what the *natio* is and what constitutes the Irish *natio*'s role in the family of European *nationes*.

This was not as straightforward as it might seem, principally because Rothe had to do more than make his point. He also had to prove it. In other words, the object of his discourse, the Irish *natio*, could not be taken for granted, for the simple reason that his audiences ignored, doubted, or denied its existence. Rothe describes the travails of the Irish *natio* under Chichester not primarily as an indictment of the Lord Deputy, though this is achieved, but fundamentally as a demonstration of that *natio*'s existence and identity. It is Rothe's aim to convince the King of Ireland, his government, his European peers, and his own Irish neighbours of the existence of the Irish *natio* and of the accuracy of his description of it. In this light, it is tempting to see Rothe's *Analecta* as part of a process of 'invention', the invention of the Irish *natio* where 'invention' is taken to mean the discovery of an already existing *natio*, rather than its *creatio ex nihilo*.[94] While it might eventually be the judgement of history that the *Analecta* helped 'create' the early modern Irish *natio*, Rothe himself would have found such a description at least anathema, if not incomprehensible, given his implicit conviction that truth, whether religious, political or legal, depended on antiquity. That is, however, beside the point. In the process of discovering the Irish *natio*, Rothe came to certain conclusions as to the qualities which defined it. He developed the conviction that Ireland was not only a *natio* but a very particular type of *natio*, a model for its European neighbours of how Catholicism is creative of civility even in confessionally divided jurisdictions.

This points to a further dimension of his political thought. Rothe's scope is not limited to the Irish nation, its origins, identity and survival. His is a broader canvas. The real value of his work is not to tell the Irish who they are, though he does that, nor even to inform the King and his European peers who they are, a task he nonetheless discharges compe-

94. Some of these themes have been examined in the context of the work of Rothe's contemporary and friend Thomas Messingham. See Thomas O'Connor, 'Towards the Invention of the Irish Catholic *Natio*: Thomas Messingham's *Florilegium* (1624)' in *ITQ*, 64 (1999), 157-177.

tently, but rather to unveil the unique destiny of the Irish *natio* for James's other realms and for Europe. If pushed to tell what the Irish *natio* is, Rothe would probably describe it as the community of individuals who have been specially elected by God to remain faithful to Rome and thereby demonstrate that, in the modern world, loyalty to King is compatible with loyalty to the Pope. In other words, he would be at pains to point out that fidelity to the Heavenly City is not incompatible with dutiful service to its earthly counterpart. Thus the Irish *natio*'s history is reinterpreted to illustrate how this worthy objective was betrayed in the past, by the Norman invasion and the Royal Supremacy, and how the moment has arrived for it to be realised in time and space through James I's acceptance of the loyalty of his Irish Catholic subjects. The *natio* is loyal to both King and Pope, and displays by its double fidelity the nature of true civility. The latter is rooted in the prior acknowledgement of God's will and of the priority of the Heavenly City, the City of God. Irish identity is primarily religious, in the sense that it based on the Irish being distinguished by their inner response to God's particular plan for the Irish *natio*. This is what characterises the Irish and unites them in spite of differences in custom, language, education, and social standing. It identifies them against other *nationes*, such as the English and the Scottish who have founded their polity in the sands of material prosperity and security, the Earthly City. It also identifies the *natio* for other European Catholic nations, not as a curious, persecuted avatar of the Catholic *natio* but as its very model.

The beauty of this way of identifying the Irish *natio* was that it required, in fact, no physical expression, none of the structures associated with ordinary *anciens régimes*. It did not depend on the size and magnificence of its cathedrals, the renown of its universities, its martial victories, or the wealth of its citizens, but on their perseverance in loyalty to God and to King. Though it longs for the tolerance of the Earthly City, the *natio* can survive persecution and misrule thanks to its inner spiritual resources. In fact, it is precisely its ability to survive such persecution and misrule which demonstrates how completely it conforms to what a truly Catholic *natio* ought to be, demonstrating its continuity with the persecuted Catholic *res publicae* of the past. This explains, to some extent, Rothe's tendency, when faced with the intractability of the royal refusal to accept Catholic loyalty, to retreat not to physical but to spiritual resistance which he sees as being its own reward. The Irish Catholic City of God can of course, he believes, function as a part of the Earthly City and the *Analecta* is arguing that this is possible. But if the Earthly City refuses, the City of God has its own resources and will survive.

Rothe paints a picture of a *natio* united by religion where traditional political, legal, and social practices are under attack from a corrupt administration. On one level, Rothe is reluctant to draw the consequences of his own arguments. Repeatedly refusing to read the writing on the wall and elaborate appropriate political alternatives, he could be

accused of clinging to a set of expectations which would never be fulfilled, i.e. a Catholic *natio* loyal to its religion and its Protestant King.

This is not, however, the whole picture. While it might be said that Old English political thought's *forte* was in framing traditional, especially legal arguments to defend itself against the new State, Rothe proves that it was not limited to these inherited strategies. He is aware that, by the imposition of the Royal Supremacy and Uniformity, by the packing of Parliament and the policy of plantation, tradition itself had been removed and old distinctions of ecclesiastical and temporal authorities had collapsed. From the dust and confusion, Rothe recognised a new authority, *laicocephela anarchia*. Here was a not-so-faint reflection, a Stuart version of Machiavelli's political *virtù* taking advantage of the *occasione* of the Flight of the Earls to impose itself on the peculiar version of *fortuna* which was recusant, barbaric, disloyal, early seventeenth-century Ireland.[95] This was a powerful new authority. It was disabused of the notion that alliance with the Old English colonists was necessary to maintaining royal authority in Ireland. It would prove powerful enough to face down any threat by the protean Irish *natio* to withdraw loyalty. Rothe's reluctance to found his political thought exclusively on either of these alternatives may indicate his awareness of both their limitations. But was there an alternative? Between the two lay the mollusc-like, Nicomedean limbo where the King's Catholic subjects might survive but without any civil status. The Old English community was already aware of the hardships of that sort of political existence; Rothe himself probably found it difficult and distasteful to consider it as a long-term political alternative. It is ironic that in the end this was the alternative which imposed itself. Rothe's conscientious defiance and political reluctance, hard-nosed legalism and extravagant spirituality, suppressed anger and forlorn hope were, in the long run, no adequate response to *laicocephela anarchia*. They do, however, communicate a political and spiritual vision that is sometimes inconsistent but nearly always humane, because in a homely way it remains attached to traditions and customs worn into familiar shapes by long usage. This older way of organising social, economic, and political relations between the different communities which made up early-modern Ireland had only as much chance of surviving in Ireland as in any of its Protestant, or Catholic, neighbours.

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95. On the meaning of these terms, see Niccolò Machiavelli, *The Prince*, ed. Quentin Skinner and Russell Price, (Cambridge, 1988), 103-7.