Dossier
New perspectives in Celtic Studies

Names and Social Contracts: Late Gaelic Ireland and Celtic Studies

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Abstract: Sixteenth century Gaelic Ireland is not normally associated with Celtic Studies. The aim of this paper is to show that not only can it be included, but it can also produce many useful insights for Celtic Studies. Using as an illustration a minor skirmish which occurred during the Nine Years War in Ireland, this paper will show how what at first may seem straightforward questions can be problematised, while also shedding a light on identity in sixteenth-century Ireland. Finally, the question of Gaelic contractualism is examined. This concept was quite widespread in Europe during the Renaissance and the later Medieval period, and in the works of sixteenth-century Spanish writers, notably Vitoria and Suárez, it gained a sophistication and radicalism not found in Hobbes or Locke. In Gaelic contractualism, the contract was not something rhetorical, or established in a distant past, rather it was dynamic, and allowed for a change of allegiance.

Keywords: Gaelic Ireland; Nine Years War; Contractualism.

Nomes e contratos sociais: a Irlanda gaélica tardia e os estudos célticos

Resumo: A Irlanda Gaélica do século XVI não costuma vir associada a Estudos Célticos. Neste artigo, pretendo mostrar que não apenas sua inclusão é possível como oferece uma série de ricas contribuições para a área de Estudos Célticos. Usando como exemplo um conflito ocorrido no âmbito da Guerra dos Nove Anos na Irlanda, mostra-se como o que, a princípio, seriam elementos evidentes podem ser mais bem investigados e igualmente jogam luz sobre tópicos importantes sobre identidade na Irlanda do século XVI. Por fim, analisa-se a questão do contratualismo gaélico. O conceito era bastante difundido na Europa durante o Renascimento e o período medieval tardio. Além disso, nos trabalhos de autores espanhóis, em particular Vitoria e Suárez, ganhou uma sofisticação e um radicalismo ausentes em Hobbes e Locke. Na concepção gaélica, o contrato não era retórico, ou estabelecido em um passado muito distante, senão algo dinâmico e que previa a mudança de lealdade.

Palavras-chave: Irlanda Gaélica; Guerra dos Nove Anos; Contratualismo.

Introduction

In March 1597, there was a minor skirmish outside Sligo town in the Northwest of Ireland between Hugh Roe O'Donnell, the most powerful Gaelic lord in the Northwest of Ireland, and a government force. The fighting was inconclusive and both sides would claim victory. It was one of many conflicts during the Nine Years War (1594-1603) when a Gaelic Confederacy led by Hugh O'Neill — supported by O'Donnell — came near to defeating Queen Elizabeth in what was probably the most serious threat to English control of Ireland since the lordship of Ireland had been assumed by the English monarchy in the late twelfth century. At first sight, this minor conflict in the late sixteenth century, which does not even have a name, would seem to have little to offer the field of Celtic Studies. Yet, as will be argued in this paper, it can offer considerable insights, which can contribute to a new perspective of late Gaelic Ireland. Related to this, I will also look at the concept of power in Gaelic Ireland and its contractual basis, though first, I will examine briefly the relationship between Gaelic Ireland and Celtic Studies.

Identities and Ideology: Gaelic Ireland and Celtic Studies

I think it is important to start by examining why late sixteenth century Irish — or better Gaelic — history can, and should, be situated within *Celtic* history. Obviously, there is an overlap between the Gaelic and Celtic "worlds" and indeed, their very concepts — at least in current usage.[1] The difference between Gaelic and Celtic is fuzzy, to say the least, in part because Celtic is a very elastic term.[2] Indeed, as they are used in relation to Early Christian Ireland, they are often interchangeable terms — though Gaelic seems to definitely replace Celtic from the Norman period onwards. In the way it is applied, Celtic often tends to convey a sense of an ancient culture/ethnicity which dissipates in the complexities of the Late Middle Ages. Nevertheless, if Ireland in the Early Christian period, or earlier, can be considered to be Celtic, so can sixteenth-century Gaelic Ireland.

Indeed, both the latter and "Celtic" Ireland were often subject to the same prejudices: accused of being barbarians or savages. This is a political trope, found in Tacitus, Cambrensius, and Spenser (as well as in other Elizabethan writers). On the fringes of Europe, with a different (and misunderstood) culture, and political and social institutions, and also largely being a non-urban society, Celtic and Gaelic Ireland were attacked by Normans and Elizabethans. Being different, they were also a potential threat, as the work of Spenser clearly shows.

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[1] As Kidd (1999, p. 192) shows, in the initial usage of Celtic in the seventeenth and early eighteenth centuries, the Gaelic Irish were often excluded.
[2] For discussions of the concept, see Carruthers and Rawes (2003); Hale and Payton (2000); and Harvey et al (2001).

Conversely, Celtic/Gaelic culture was also something exotic and seductive. Civilising and taming this seductiveness was often bloody. Ironically, after it was destroyed, it gained another sort of attractiveness. Here Gaelic Ireland and Gaelic Scotland followed radically different paths. In Ireland, Gaelicness/Celticness ultimately became part of nationalist attempts to break the union with Britain and achieve independence. In Scotland, however, approximately 50 years after the bloody destruction of Gaelic Scotland following the Battle of Culloden, it was reinvented. Having been purged of its Gaelic and Irish elements, the Gaelic Scots, in this arguably rather kitsch version, became Highlanders. Moreover, this new Highland culture was also closely tied to the Hanoverian monarchy and its successors.

Both Gaelic and Celtic Ireland have also been subject to another historiographical prejudice. In addition to being seen as backward, they are far too often portrayed as magically frozen in time, as if somehow nothing changed between the time of St. Patrick, the Norman invasions, and the defeat at Kinsale in 1601. Indeed, in the field of popular military history, where this perspective is perhaps most common, some works there would seem to believe in some sort of connection between Vercingetorix, Boadicea, Brian Ború, and Red Hugh O'Donnell.[3] All these "Celtic" warriors/heroes/leaders are presumed to share some existential characteristics in common.

Nevertheless, this perspective can also be found in academia. For example, in relation to the Early Modern period, Hill has argued in a number of works (1986, 1992) that there was a distinctive Gaelic/Celtic (both words are used in different publications) form of warfare. He believes that "primitive" shock tactics, notably some form of aggressive charge, constitute a "Celtic" way of warfare, common to the Nine Years War and the Confederate Wars in Ireland, and the Scottish Jacobite rebellions. Irrespective of how applicable his model is to the 1745-6 Jacobite Rebellion, in relation to Ireland, it flies in face of the facts. The success of the Gaelic Confederates led by Hugh O'Neill was definitely not based on "primitive" tactics or any sort of aggressive charges. Rather, it was the opposite: a refusal to do battle except on very favourable terms combined arms tactics based on superior Gaelic mobility (which included running away when necessary); flexibility; taking advantage of technology, especially the caliver; skilful use of the landscape and topographical features; and above all an extremely *political* war, where negotiations were as important as battles.[4] There was nothing primitive about this.[5]

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[3] For example, see Newark (1986).

[4] Somewhat bizarrely, Hill's argument has become intermixed (in part because his main book discusses the actions of Scottish Gaelic forces operating in the Americas) with a debate which, in my view, has both racist and fantastical tones, by claiming a "Celtic" influence on the Confederacy in the US Civil War, displayed in the apparently different manner of warfare of the Confederates. This Southern Celticity thesis — which also claims that the North was Saxon in origin — in addition to its flirtation with racism, also highlights the problems of the elasticity of the label of Celtic. Ironically, a label applied to the peripheral peoples in the Northwest of Europe, regarded as being uncivilised (or even worse), has been transposed to the United States, where in some circles it has become a symbol of white "purity" (Kerr, 2009).

[5] For more information, see O'Neill (2009 and 2014).

When used in a historical context, the label Celtic has a rather ambiguous sense. It tends to imply something non-modern, peripheral, and non-Western (in the mainstream understanding). Depending on political/ideological beliefs, this can be positive or negative. However, it also conveys the sense that there is something "pure" or inherent in Celtic culture, some sort of spirit that transcends the mundane political and social complexities of life and is not affected by technological changes. It implies that somehow the Celt (whatever that may be) is different and will never fully adapt to modern capitalist or liberal democratic society because of these inherent characteristics. I totally reject this perspective, as do the vast majority of scholars working in Celtic Studies. Nevertheless, I have found it necessary on more than one occasion within academia to stress this point. Although within Celtic Studies as an academic subject, this ahistorical and distinctly non-sociological perspective has long since been surpassed, it still lingers in later historiographical periods.[6]

The fact that Late Gaelic Ireland is (far) outside the traditional timeframe of Celtic Studies has an interesting advantage here. Celtic tends to be associated with the past, with something that no longer exists — leaving aside political uses of the term since the nineteenth century, which are outside the scope of this paper. Celtic means something that is in a way dead, ancient, and safely compartmentalised in the past. Conversely, studying Gaelic Ireland in the sixteenth century offers the chance to break down this compartmentalisation, and more especially, it allows Gaelic culture and society to be treated not as unchanging relics of the past, but rather as evolving and dynamic (like any other society), and perhaps even more importantly, as having a future, not being a doomed remnant of an ancient culture destined to be defeated by the "modern" English. In the aftermath of the defeat at Kinsale and the conflict ridden century which followed, the social and political institutions of Gaelic Ireland, and most of its elites, would be destroyed, but until then there had existed the possibility of an alternative historical path, one in which Gaelic Ireland would have played a much greater role in the modern state that would be built in Ireland. Military and political defeats aborted this possibility, yet it existed and for a while even seemed very possible. Studying Gaelic Ireland in the sixteenth century, thus, offers an interesting option to Celtic Studies, of examining a society that was evolving and developing, which was alive and interacting with other societies, was modern in its own way, and which both had a future and offered an alternative path to development.

In addition, the word Celtic is often used very generically in the literature. Celtic Ireland, Celtic Scotland, and other Celtic labels are often applied to periods when various ethnic/cultural groups coexisted and intermingled. Unravelling these complexities in the distant past can often be hard due to a lack of sufficient sources. In fourth or fifth century Ireland, for example, what ethnic or cultural groups existed? Did all inhabitants of Ireland consider

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[6] For example, see Loades (2009).

themselves Gaelic or Milesian? What other forms of identity could be found — provincial, local, large kinship groups (Uí Néill, Cenél Eóghain, Cenél Conaill)? Mapping these groups is easier in sixteenth-century Ireland as a much wider range of historical sources survive, both written and more material ones. At this time, a Gaelic world existed, the *Gaeltacht*, consisting of much of Ireland and parts of Scotland. It was politically divided but culturally unified, at least until the end of the sixteenth century, when political and religious dynamics contrived to undermine the cultural unity of the Gaelic universe. Existing in two separate states, the *Gaeltacht* was intersected by and intertwined with various political and social institutions. In addition, in Ireland at this time three broad ethnic/cultural groups existed: the Gaelic Irish; the Old English (or English Irish) descendants of the waves of Anglo-Norman settlers, most of whom would remain Catholic; and the New English, new arrivals in the sixteenth century, the majority of whom were Protestant. To confuse things slightly, there were also the Gaelic Scots, many of whom were soldiers serving various Gaelic lords, but in the Northeast of Ulster the MacDonalds were building their own lordship. The boundaries between these cultural groups were complex and fuzzy. Although each group took great pains to differentiate themselves from the others, there was also a huge amount of interaction (and especially intermarriage) between them. Some Gaelic lords were Anglicising, notably the O'Briens of Thomond, while New English officials were setting themselves up as quasi-Gaelic lords, and several Old English families were thoroughly Gaelicised, such as the Burkes. In general, the Old English made great efforts to differentiate themselves from the Gaelic Irish, while many New English argued that the Old English had degenerated into Gaelic Irish savages. Added to this were the maelstroms created by the Renaissance, Reformation, and Counter-Reformation. Identity in this period was extremely complicated and also open. It is, therefore, worth emphasizing that the meta-identities of English and Irish were intersected by those of Gaelic Irish and Old English, as well as religious, familial, and local identities. Identity in this historical period was much more malleable than what it would become later. National states — using Tilly's preferential terminology — were starting to emerge. However, it would be centuries before they (or better most of them) could secure a monopoly of identities, before English, French, or Spanish became primary identities, relegating Flemish, Burgundian, Castilian, Aragonese, or even Navarrese, or in England the identities of certain regions, such as Yorkshire.

In the 1590s, Gaelic Ireland itself was developing and changing. New ideas and new technologies were making an impact, as was the misrule of Elizabeth. Her maladministration resulted in the formation of a Gaelic Confederacy under Hugh O'Neill. This was inspired by the resistance theory of the Catholic League of France — but also by the successful Protestant opposition to Mary Stuart in Scotland. Thanks to Elizabeth's clumsy rule and O'Neill's skill, this Confederacy achieved an unprecedented unification within the politically fractured Gaelic world. It also attracted the attention of the Spanish and ended up becoming a theatre

in their global war with the Dutch and England. Although Spanish support was important, it was also the cause of the defeat of the Confederacy, since a small Spanish force landed in the south of Ireland far from the Confederate heartland, meant that O'Neill's forces were defeated in the Battle of Kinsale, which marked the end of Confederate hopes for victory, although the war would itself linger on for another year.

This defeat had two contradictory effects. First, the destruction of Gaelic society and its political/cultural institutions, a long complex process which lasted most of the following century. The second was a movement which saved the "memory", history, and the *idea* of Gaelic Ireland. Following Kinsale and the Flight of the Earls a few years later, many from the Gaelic political elite and intelligentsia took refuge in the continent, especially in Hapsburg dominions, in search of protection or education, out of which emerged a Gaelic Renaissance. This had several aims: showing that the Gaelic Irish were good Christians, safeguarding Gaelic history from a very selective religious revisionism being carried out by some Scottish writers, and ultimately to safeguard the history of Gaelic Ireland. Out of this would emerge, directly or indirectly, numerous significant texts. However, the most important are probably the *Annals of the Four Masters* (2002) and Keating's *Foras Feasa* (1902). These would play a crucial role in the preservation of Gaelic history. Nevertheless, they also, perhaps unintentionally, laid the basis for Celtic Studies — understood more in terms of popular history than its academic use. Keating's work was deliberately polemical. His introduction was a "modern" historiographical argument refuting classical, medieval, and Renaissance scholars' views of Ireland. However, this is probably what he is least remembered for. A well educated Catholic priest, undoubtedly influenced by Counter Reformation ideas, he provided a very accessible text, easier to understand (and translate) than most earlier Gaelic works. Since its translation into English, *Foras Feasa* — and the work of the Four Masters to a lesser extent — has had a huge, and probably unintentional, influence, having been used, abused, and plundered, to produce all sorts of works about Celtic mythology, religion, and history.

It should as well be noted that, in this period, Gaelic Ireland witnessed the unprecedented political and military unification of most of the traditionally divided Gaelic septs, especially the O'Neills of Tyrone and the O'Donnells of Tirconnell, whose rivalry ran back into the far distant past. In addition to this unprecedented unity, there was also an unprecedented equivalence between Gaelic Ireland and England in terms of military potential — the first time this had happened since the Norman invasions of the twelfth century. Based on technological changes — notably the Caliver, a light form of musket —, on the prowess of O'Neill, and — it must be admitted — helped by the ineptness of the English, the Gaelic Confederacy produced a modern army that proved more than a match for Elizabethan forces, defeating them on many occasions, despite the fact that in terms of siege warfare and cavalry Gaelic forces remained weak. Indeed, it was the latter which led to their defeat in Kinsale.

At this time, Ireland was also marked by an ideological and religious battle. Protestant Elizabethans tended to be concerned with justifying Elizabeth's absolutism, emphasising that she was the Queen and that all in Ireland, thus, owed her allegiance, while rebellion was something "unnatural". In Gaelic Ireland, resistance theories were gaining ground, influenced by the French religious wars, by the works of the Spanish Thomists, but also by Protestant actions, such as the overthrow of Mary Stuart in Scotland by Protestant lords. The demands of the Gaelic Confederacy, as evidenced in the 1599 "manifesto" (Morgan, 1994) were remarkably advanced and tolerant for their time, far ahead of what 1689 would produce in England. Indeed, the religious toleration it demanded would only be ultimately achieved in 1829! The interaction and competition between different ethnicities/cultures/identities of this period, and the various impacts of this — both in terms of political/military events and textual productions —, highlights why I believe this period not only has much to offer the field of Celtic Studies, but also should be considered an essential part of this discipline.

Having claimed the place of sixteenth century Ireland in Celtic Studies, it is time to turn to the structure of the rest of this paper. I will look at two questions in particular, related to both historiography and theory. First, returning to the skirmish in Sligo in 1597, I want to show how what at first may seem rather straightforward questions, such as the date of a battle or a name, can be problematised and raise interesting historiographical points, while also shedding a light on identity in sixteenth century Ireland. In the second, Gaelic contractualism will be examined. In the language of English social theory and historiography, contractualism is associated with Hobbes, Locke, and later Rousseau, and the idea of the social contract. However, contrary to what is often assumed, the idea of a (social/political) contract had long existed in Europe. Moreover, in the works of sixteenth century Spanish writers, notably Vitoria and Suárez, it gained a sophistication and radicalism not found in Hobbes and Locke. In this paper, their influence on a "Gaelic contractualism" is highlighted.

A Nameless Battle and the Power of Names

Returning to the opening of the article, in March 1597, there was a minor skirmish outside Sligo town in the Northwest of Ireland, between Hugh Roe O'Donnell and Donough O'Connor Sligo supported by English troops. O'Donnell was one of the most senior Confederate leaders, second only to Hugh O'Neill. From his base in Tirconnell (now Donegal), he carried out frequent raids deep into Connaught. The O'Donnells had long claimed suzerainty over Sligo (and large parts of Northern Connaught), though they had rarely managed to enforce it. O'Connor Sligo, a minor lord whose base was strategically important, was caught between O'Donnell and the state, meaning that he had to negotiate with both to preserve his power and autonomy, switching sides when necessary. In 1597, he was fighting on the government side.

When the fighting happened, O'Donnell was returning from another raid. According to government sources, although both sides suffered casualties, O'Donnell was defeated and forced back into Ulster across the River Erne. However, he left a strong force nearby.[7] Not unexpectedly, Gaelic sources (Ó Clérigh's biography of O'Donnell and the Four Masters) portray this event differently. They say that O'Donnell's attack on O'Connor Sligo was successful, and that most of the latter's men were routed. Afterwards, O'Donnell returned to Tirconnell with most of his forces for rest and resupply, leaving a force in Sligo, under the command of his cousin Niall Garbh, in order to ensure the continued support of many of the local septs, which otherwise might have supported O'Connor Sligo (Ó Clérigh, 1948, p.141; Four Masters, 2002, 1597.3).

It is interesting to compare the different accounts of this skirmish, looking at the interpretations of what happened, as this can help problematize something which initially may appear to be straightforward: the so-called historical *fact*. What both accounts have in common is that pro-government forces under O'Connor Sligo clashed with O'Donnell outside Sligo. Although this occurred in March 1597, in modern usage, the accounts differ about the year. Ó Clérigh uses the Gregorian calendar and a year that starts on 1 January. The English language sources use the Julian calendar and the English year, which started on 25 March (Lady Day, or the Feast of the Annunciation). Therefore, in addition to the ten day difference due to the different calendars, the battle took place in different years; for the English it occurred in 1596 not 1597. Though this may seem somewhat irrelevant, it nonetheless shows that even seemingly obvious "facts" can be questioned, interpreted, constructed, altered, and assigned various meanings. Can we actually know what happened in the skirmish between O'Donnell and Clifford outside Sligo in 1597 (or 1596)? Empirical schools of history tend to give more weight to the documents from the time, such as the letters of Captain Gifford and Clifford cited above. These were written shortly after the event by people closely involved in the events. On the other hand, the Gaelic language sources were produced years later. However, the texts were written in different contexts and produced for different readerships and purposes. Gifford and Clifford were writing to their superiors to explain what had happened, justify their actions, and — perhaps especially in the case of Gifford, a relatively unknown captain — to gain glory, prestige, or fame for themselves. Obviously, this can result in certain kind of biases, such as emphasizing the author's exemplary or even heroic behaviour and denigrating the enemy in accordance with common prejudices. They are neither neutral nor necessarily accurate accounts of what "happened" —, if indeed such an account could actually exist.

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[7] Captain Gifford to Henry Wallop, 16 Mar. 1597, *CSPI, July 1596–December 1597*, p. 251; PRO SP 63/198, 41(v); Sir Conyers Clifford to the Lord Deputy and Council, Abbey of Boyle, 19 Mar. 1597, *CSPI, July 1596–December 1597*, p. 250-1; PRO SP 63/198, 41.

Ó Clérigh (and the Four Masters to a lesser extent), by way of contrast, were interested in increasing the fame and glory of Hugh Roe O'Donnell, or as he is also known Aodha Ruaidh Uí Dhomhnaill/ Aodh Ruadh O Domhnaill/ Hugh O'Donnell / Red Hugh O'Donnell. Once again, something as simple as Hugh Roe O'Donnell's name can easily become something more complicated. For the English at the time, he was O'Donnell, sometimes Hugh or Hugh Roe O'Donnell. In the nineteenth century, in the wake of Romanticism, he appears to have become Red Hugh O'Donnell, a name that probably would not have been recognisable to his contemporaries, even the English speaking ones. His Irish or Gaelic name has also changed over time. Ó Clérigh wrote about Aodha Ruaidh Uí Dhomhnaill (written in the Gaelic script, a version of which was used until the second half of the twentieth century). The 1948 translation of his work (still the only one available) changes this to Aodh Ruadh O Domhnaill, as well as the name of the author from Uí Chlérigh to Ó Clérigh, echoing transformations in how the Irish language and Gaelic names were written. Indeed, even labelling the Gaelic language (and identity) in English is a historiographical maze. O'Donnell/O Domhnaill/Uí Dhomhnaill did not speak Irish (as the citizens of the modern republic commonly describe their first official language), he spoke *Gaedhilge* (modernised as *Gaeilge*), but when British or Americans call this language *Gaelic*, it tends to irritate the Irish, even though it is perhaps a better label than *Irish*. However, this is a fight for another day...

The many versions of O'Donnell's name also point to the complexity of identity. Uí Dhomhnaill and O'Donnell are in a way two different *persona* — one a Gaelic lord, the other Anglicised — co-existing and interacting in two intertangled worlds. Yet although the subtleties and nuances of Gaelic and Old English identity — and the ability to distinguish both groups — might have come easy to these groups or to those who had spent years or decades in Ireland, to others it did not. Elizabeth's questioning of whether Christopher St. Lawrence could speak English when he was sent to court as a representative of the Earl of Sussex in 1562 is exemplary of this (Kane and McGowan-Doyle, 2014, p. 1). By the late 1590s, Ireland had imprinted itself so much on England, that it must have been common knowledge in the court that English and Irish were spoken in Ireland. But how many would have been able to differentiate between the Gaelic Irish and the Old English? Probably the educated elite would have been aware of both of these groups, but they may also have believed that both were stubbornly Catholic, that the Gaelic Irish were barbarians, or that the Old English had degenerated. Very few would have understood the differentiation which the Old English meticulously built into their identity, their claims to be English (born in Ireland), to be Catholic, but also to be loyal — unlike the other Catholic inhabitants of the island — to the Crown.

On the other hand, while Uí Dhomhnaill and O'Donnell were contemporaneous, pointing to the existence of the same person in two different but interwoven worlds, Hugh Roe and Red Hugh refer to what are essentially two separate (historical) existences of the same

person: one was a Confederate lord and the principal ally of Hugh O'Neill in the 1590s war, while the other comes from post-romantic Ireland, especially from the nineteenth century. Ironically, it is the *post mortem* creation which still "lives" in a way. Red Hugh O'Donnell lives in Irish schools, in popular history, folklore, the popular imagination, and even in a Disney film, *The Fighting Price of Donegal*. By contrast, Hugh Roe and Uí Dhomhnaill are little remembered beyond specialist history, having been essentially subsumed by Red Hugh. However, these multiple (and confusing) lives of the lord of Tirconnell — and indeed various other Gaelic leaders — have generally failed to attract the attention of Irish historiography.[8]

Returning to the actual fighting in the skirmish, what we know is that there was a clash between O'Connor Sligo and O'Donnell, claimed as a victory by both sides, but nonetheless not given a name. In Ó Clérigh's account, he was near Calry, slightly to the northeast of Sligo, so one possible name would be the Battle of Calry. While naturally Clifford and Gifford had an obvious interest in portraying the fighting as a victory for the government force, there could well have been truth in this, as O'Donnell did, even according to Ó Clérigh and the Four Masters, fall back to Tirconnell afterwards. On the other hand, Ó Clérigh's account could also contain some truth. The latter states that O'Donnell made a "vigorous attack" on the government force, most of whom ran away, except for some who remained behind in Trá Eóchaille, now called Beltra, to the southwest of Sligo (Ó Clérigh, 1948, p. 141). However, it is not clear from Ó Clérigh where the fighting actually took place. Moreover, it is not beyond the bounds of possibility that O'Donnell's men attacked O'Connor Sligo's force, who suffered casualties and some of whose men routed. Not all the government force ran, some stood firm. O'Donnell's men, not interested in annihilating the troops who remained on the battlefield, as they did saw no reason to do so, fell back. In their view, they had been victorious. By way of contrast, no matter how many government troops may have run, in the eyes of the English officers, the fact that some of their force made a stand and that the Gaelic force then fell back gave them the victory. In short, both sides, based on their own cultural, political, and military frameworks — and on mutual misunderstandings of each other —, could legitimately claim victory here. Obviously, in the relatively rare cases of clear victories, such as the Yellow Ford or Kinsale, there was no space for misunderstanding; yet in many other cases, including famous battles, such as Clontibret (1595) or the Moyry Pass (1600), the military conflict was followed by attempts to what in modern political parlance would be called to "spin" the battle. In other words, what happened in the actual fighting and how this came to be seen were two different things. In 1600, Lord Deputy Mountjoy was defeated by O'Neill in his attempt to break through the Moyry Pass, yet he did his best to portray this as a victory — and indeed was fairly successful in this. Henry Bagenal did

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[8] I lack the space to expand on this here, but it is a question I believe to be important, and one in which non-orthodox authors (such as de Certeau or Nora) can help decipher entanglements involving different and conflicting cultures, historiographies, and traditions/memories which produce multiple versions of the same personae.

the same in relation to Clontibret but failed for various reasons: the circumstances were different, Bagenal lacked Mountjoy's *nous*, and — perhaps most importantly — the Moyry battle occurred after the downfall of Essex, which resulted in a dramatic decline in factional conflict, as well as the fact that Mountjoy was a far better military commander than Bagenal. Mountjoy was, thus, able to "spin" the failure of his 1600 offensive into a sort of victory, while Bagenal failed to do so. Rather, the opposite happened, the victory he tried to construct was an embarrassment, both to the government in Dublin and to the Queen herself.

This relatively insignificant clash near Sligo is, thus, a good example of what is historiographically interesting about the Nine Years War. to shed some lights on points related to identity and historiography itself, and above all to demonstrate that Gaelic society was not moribund and doomed to be defeated, somehow isolated from the many changes that Europe was undergoing at this time. Indeed, these changes also impacted on Gaelic Ireland. In the next section, I will illustrate this more clearly.

Gaelic Contractualism?

The end of the Elizabethan period was a time of often patently false rhetoric and flattery, where courtiers fawned over an aging queen. By way of contrast, the blatant honesty (and political realism *avant la lettre*) that can be found in Gaelic Ireland is quite refreshing. It also illustrates some important aspects of Gaelic political culture at the time. Power was not guaranteed by right of inheritance or investiture, nor was it generally legitimated through claims of divine choice. Rather, it was far more dynamic and flexible than this, and in a way simpler (and much more subversive, presenting an effective challenge to later theoretical works that drew on the idea of the social contract to justify the English idealisation of power, most notably Locke, but also to an extent Hobbes): power lay with those who held it. What was most radical about this was that it meant that those who held power had to protect those who "accepted" this power, a far different form of social contract. If a lord (or indeed the government) was unable to provide this protection, as was often the case, then the dominion of other lords could be accepted. Moreover, despite the numerous accusations of tyranny made by English officials against Gaelic lords, the power of the latter was not absolute. Indeed, it was far less absolute than what was claimed by Elizabeth. One of the limitations of power in Gaelic Ireland was that it involved certain duties or responsibilities. These duties were vague and never codified or theorised, as the context in which they existed mitigated against this. Nonetheless, they did exist. In addition, it can be argued that they point to the existence of a form of contractualism in Gaelic political culture. Power was based on protecting those ruled over. If this did not happen, the political/social contract was broken, and a lord could lose both his power and position.

Although the theory of contractualism was widespread in the medieval and Early Modern periods, in post-Whig English language historiography and social theory, it has been relatively neglected. Perhaps more accurately, it has been overshadowed by the contractualism which reappeared under the name of the social contract in the seventeenth and eighteenth centuries — with Hobbes, Locke, and later Rousseau, being the best-known advocates of this idea. In English language works, and perhaps especially in social theory and political science, Hobbes' and Locke's social contracts are frequently presented as something completely new, as a rupture with medieval or Early Modern forms of contractualism (if these are even mentioned). However, regardless of the innovations and novelties in their work, the idea of a social contract/contractualism was not something new. A *contractual* idea of power was common in medieval times and even during the Renaissance (Coleman, 2000, p. 13-22). Although Hobbes and Locke probably knew of these ideas (and may even have been influenced by them), they are often presented as rupturing with them, or as presenting something new, with the older debates being ignored or belittled. The most important previous ideas of contractualism can be found in the works of the Spanish Scholastic scholars Francisco de Vitoria (and his idea of *ius gentium*, the rights of peoples), and perhaps more importantly Francisco Suárez, notably his *Defensio Fidei Catholicae adversus Anglicanae sectae errores*, whose concept of contractualism was more complex and indeed far more democratic than those of Hobbes and Locke.[9] Vitoria and Suárez were both extremely relevant intellectuals, part of the Habsburg intellectual establishment, and two of the most important stars of Renaissance Scholasticism. Their influence went far beyond this. Due to his defence of the natives of Spanish America, Vitoria has been described as the originator of human rights law.[10] Suárez was a great influence on the work of Hugo Grotius and the emerging field of international law, also influencing giants of the emerging new sciences and philosophy, such as Descartes and Leibniz.

Vitoria's and Suárez' writings, unfairly neglected (though marginalised might be a better word) in English language historiography, were complex and potentially subversive.[11] Suárez allowed for a rolling back of the social contract and even the overthrow of the monarch in certain limited cases, essentially if a ruler became a tyrant, though religious differences also mattered. Instead of the Lockean contract, which was something belonging to an undefined

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[9] Indeed, as pointed out by Quentin Skinner, referring to the work Fichter, it has been claimed that Suárez was the first modern democrat (1978, p. 450).

[10] However, it is interesting here to note that despite Todorov's respect for Vitoria, due to the latter's opposition to the right of the Spanish to massacre, he also says that the impact of his discourse was to provide a legal foundation for the wars of colonization, something which had been previously lacking (1993, p. 47).

[11] In *O Espelho de Próspero*, Richard Morse highlights the work of Vitoria and Suárez (what he calls the Spanish political school) and compares them with Hobbes and Locke, tending to side more often than not with the Spaniards. One of his points is of special relevance here: Vitoria deals with a vast multi-formed world, while Hobbes (and by extension Locke), a circumscribed and homogenous one (1988, p. 61). Gaelic Ireland and its theoretical/intellectual beliefs did not have a place in this restricted homogenous world.

past, but which was nevertheless still — and eternally — binding, Suárez' contract was more realistic, allowing for a change of allegiance, the *translatio imperii*, if the ruler did not fulfil his part of the contract. Rebellion and the overthrow of the monarch were permitted in the case of tyranny, something unthinkable to Hobbes.

Despite their importance at the time, and in the following century or so, Vitoria and Suárez now occupy a relatively low position in the pantheon of sixteenth/seventeenth century theorists. While most English speaking undergraduate Humanities students will encounter Hobbes and Locke, very few will have heard of the two Spanish writers. Indeed, this is the case in many other countries. Hobbes and Locke have become universal in a way, while the work of the Spaniards has been relegated to specialised history. The latter were Catholic, Spanish, and Scholastic, which might be one of the reasons why their work has often been presumed to be uninteresting and not worthy of study due to the dominant nineteenth- and twentieth-century archetypes. Scholastics were taken to be conservative (or medieval), archaic, and defenders of papal supremacy: *Papists.* Moreover, they were usually contrasted with the humanists, seen positively as forward-looking, innovative, and *modern.* Despite presenting a coherent counterweight to the Whig history and social theory that provided the framework for so much of the Humanities in the nineteenth and twentieth centuries, their writings are barely translated and, apart from specialised studies, they tend to be ignored. Vitoria's and Suárez' works, or indeed any of the Scholastic authors of the sixteenth and seventeenth centuries, are often seen as outdated, as being automatically surpassed by new Humanist inspired ideas, as well as being foreign to the process of the emergence of democracy and what would become the liberal democratic state.

Gaelic Ireland has likewise been excluded from this narrative. Seen as backward and having nothing to offer, it was excluded from the idea of progress and new ideas. Neither Gaelic Ireland nor the ideas of late Scholastic thinkers fitted into the almost hegemonic picture of Early Modern historiography, especially the idea of a rupture with an archaic past. This was a key part of Burckhardt's concept of the Renaissance, and although his work has been criticised, it is still influential. Indeed, it is implicit in much of the historiography of the Renaissance. One of the basic tenets of humanism was its radical opposition to scholasticism, or at least to a particular model of scholasticism portrayed as backward looking and stale — even though, as shown by the work of Vitoria, Suárez, and the numerous others from the Salamanca School, scholasticism was most definitely neither archaic nor "medieval". Rather, in the sixteenth and early seventeenth centuries, it was very much a "modern" perspective, producing new ideas and theories.

The dominance of a particular theoretical model or narrative often imposes constraints, even what we might call a theoretical blindness. The Nine Years War — and its historiography — provides a very interesting example of this theoretical blindness, one that to an extent is still present. That the Gaelic Irish were demanding religious toleration and freedom a century

before William's *coup d'état* in England, or that a Spanish Jesuit priest had actually devised a more democratic form of social contract much before Locke's ideological justification of this coup did not fit within the dominant perspective in Early Modern historiography mostly built in the late nineteenth and twentieth centuries. Both were, thus, almost automatically seen as neither remarkable nor innovative. Rather they were marginalised, pushed aside and left to specialised scholars.[12] There was no way that they could be considered ground-breaking or revolutionary, something unthinkable or almost heretical, especially in an English language historiography dominated by an empiricism that shied away from macro perspectives and theory, focusing instead on a narrowly confined history. Nonetheless, for various reasons, this "confined history", or at least its underlying and too often unchallenged meta-narrative, achieved near global projection, becoming accepted beyond the English-speaking world, as a convenient way of explaining the rise of the West.

Returning to the theoretical blindness that was part of this perspective, two different types of peripheralization are involved here: the obvious one is Gaelic Ireland, on the fringes of both Elizabeth's dominions and of Europe; however, Vitoria and Suárez, despite their prominence at the time as esteemed members of the Spanish Hapsburg *establishment*, have also been posthumously exiled to a historiographical periphery. Moreover, until relatively recently, it was long assumed in important parts of English language historiography and social theory that neither "barbarian" Irish nor "papists"/ Spaniards/ Scholastics could produce any text that could threaten to displace certain "fathers" of political science. Nevertheless, they actually could and did. Suárez' work both predates Hobbes and Locke, and also presents a very strong challenge to them, but it has been excluded from a "Western Canon" in which the two English theorists occupy very privileged plinths. Likewise, Gaelic Ireland, very much on the periphery of this "canon" presents a "real" example of a social contract. However, it was destroyed in a clash with the new form of state power in England. The possible alternative paths of development it could have offered were discarded. Gaelic Ireland and its possibilities as a *modern culture and society* were rejected and jettisoned. The Protestant/ English rejection of the civilisation of the Irish (whether they were Gaelic, Old English, or even *Irish*) had a long-term impact. It became accepted in much of the historiography. Even in the late nineteenth century, the Gaelic Irish were regarded as primitive, as savages. In the twentieth century, some more pro-British writers, such as Falls, have adhered to this view. However, several Irish historians also see the Gaelic Irish as backward and doomed to fail in their wars and rebellions against the Tudors.[13]

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[12] To illustrate how peripheral Vitoria and Suárez have become, it suffices to compare the thousands of works on Hobbes and Locke (and the variety of languages they are published in) with the much more limited publications on the later Scholastics. Moreover, many of Vitoria's and Suárez' works remain untranslated into English — therefore limiting their impact on academic debate. Somewhat curiously, the opus of Suárez' fellow Jesuit and contemporary Peter Lombard on the Nine Years' War, *De regno Hiberniae sanctorum insula commentarius*, also inexplicitly remains untranslated.

[13] One interesting and important work in which this perspective appears, albeit very implicitly, is Foster (1989).

Returning to the sixteenth century, due to the many connections between Ireland and Catholic Europe (and especially with Spain), Suárez' and Vitoria's works would have been known to many Irish ecclesiastics in the 1590s. It is, therefore, probable that their ideas would have in some way affected other members of the Catholic elites in the country. Moreover, these ideas tended to echo the reality of certain parts of Ireland. The *realist* contractualism of Gaelic Ireland had much more to do with Suárez' work than with Locke's more theoretical and even cynical ideas. Indeed, it can be argued that the major difference between the Gaelic version of the social contract and the later more erudite and enlightened versions is that the former actually existed. In Gaelic Ireland, unlike Hobbes' England in the 1640s or Locke's a few decades later, there actually was a form of social contract, albeit a vague one, between a lord and certain of his subjects. Conversely, the idea of social contract constructed by Hobbes and Locke was prejudicial to the Gaelic Irish, cementing the destruction of Gaelic Ireland and the Old English. Neither the Gaelic Irish nor even the Catholic Irish were mentioned in the work of either Hobbes or Locke, which is not surprising as they were excluded from the social contracts both wrote about. Indeed, by the time of Locke, the Gaelic Irish were now a non-people. They no longer existed as such. A legacy of shared defeats following the Nine Years War and the Flight of the Earls had resulted in the painful emergence of a Catholic Irish identity (in which both the Gaelic Irish and Old English were subsumed). Moreover, the "Glorious Revolution" which Locke celebrated — and the Penal Laws enacted in its wake — dramatically reduced the property owned by Catholics, but, perhaps more importantly, excluded them from the body politique and the state itself. More than this, it represented the death of Gaelic Ireland. Unwanted, the Catholic Irish were in effect the victims of a new social contract, but one that omitted them. A new state was constructed based on the antithesis of what Hugh O'Neill and his Confederates had wanted. It excluded the majority of the population from political participation and replaced O'Neill's Catholic patriotism with a colonial model, involving a radical rebuilding of state institution's — and indeed displaced the dominant narrative of the Old English, who saw themselves as the defenders of civility in Ireland, replacing this with a more sectarian one with strong anti-Catholic tones that justified 1690 and its aftermath.

The Whig narrative of the English struggle against absolutism and for a limited monarchy is deeply flawed. On the one hand, it is based on a very selective choice of events in this struggle. Why, for example, is the Pilgrimage of Grace in 1536-7, in which there was a huge popular involvement, never included in this narrative, while the events of the 1640s were? The Levellers and Diggers, in which far fewer people were involved, have been given far greater historiographical prominence — especially in left wing historiography. In the Whig narrative, rebellions and protests against the Tudors seem to have been excluded. Second, the English struggle for limited monarchy had a perverse impact on Ireland. Whatever its positive effects on England may have been, in Ireland it was devastating: a series of bloody wars, the destruction of longstanding elites, the eradication of Gaelic culture, and the exclusion of the majority of the population from the new colonial state being built. Moreover, much of the

blame for this disaster can be laid at the feet of Elizabeth (though her successor James must share some of this). After all, it was under Elizabeth that all of Ireland was finally brought under English control, essentially because her lack of concern with Ireland (other than to avoid spending money there) and her equal tolerance of the actions of her officials there resulted in the alienation of so many native elites that she stumbled into a major war there.[14]

I will now return to the concept of power in Gaelic Ireland in order to close this section. Unlike in England, power was not something granted or inherited automatically. Although it could at times be inherited, it still had to be constantly renewed. Power was dynamic, and could be expanded or weakened, but could not be taken for granted. Those who held it could lose it, especially if they failed to protect those they ruled. Although due to the marginalised position of Gaelic Ireland — and its later destruction — there are no documents which explicitly explain the Gaelic conception of power, by reading between the lines and putting the fragments together, it is possible to get an idea of this concept. As mentioned above, power in late Gaelic Ireland was based on contractualism: to hold power a lord had to fulfil several duties, with the protection of his "subjects" being among the most important. Failure to provide this protection essentially meant that the contract on which power was based was broken. The latter could, thus, look for protection elsewhere by physically moving to another lordship or transferring allegiance to other lords, turning to the state, or supporting other claimants to the lordship. In other words, Gaelic custom/law, in contrast with English law, allowed for and operated with *translatio imperii*, the removal or transfer of authority for various reasons. This is why O'Neill was able to offer the crown of Ireland to Spain, and indeed to effectively transfer the allegiance of the Confederacy there, essentially because the Spaniards agreed to protect the rights of Catholicism.

Although this form of contractualism has been obscured by the works of Hobbes and Locke, it had much more of a real existence than what the latter proposed. Even though its theoretical support came from the unfashionable Scholastics rather than from Humanists, Gaelic contractualism existed. A close look at the practices of the Gaelic Confederacy shows this. The Elizabethans appear to have been bad anthropologists in Ireland and did not understand — or perhaps even care — that the Gaelic Irish had a different conception of power. Yet it is probable that had the government or the Queen showed a greater understanding of this and various other areas, a different and less traumatic path might have been followed.

Conclusion

This paper had two central concerns. First, to argue that Late Gaelic Ireland has much to contribute to the area of Celtic Studies, and second, to highlight the dynamism and complexity

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[14] A war whose legacy would undermine the Stuarts, especially Charles I and which would erupt again during the seventeenth century.

of this society, based on the example of an obscure conflict during the Nine Years War. During this war, the Gaelic Confederacy inflicted several important defeats on Elizabeth's force, revealing that in certain circumstances their forces were more than a match for the English ones. As an aside, the Confederacy could well have won the war, since luck played a great part in the English victory.

All societies are complex and dynamic. None are frozen in time. They develop, change, and transform. Ideas and technology spread, even in the most peripheral locations. Sixteenth-century Gaelic Ireland was very much on the periphery of Europe. Yet, in the final decade of the golden age of Queen Elizabeth, a Confederacy of Gaelic lords humiliated her armies, and forced her to spend a fortune to win the war. This Confederacy created an army that in many aspects was superior to the English forces. In this article, using as a starting point an obscure and insignificant skirmish near Sligo in 1597, I have looked at certain theoretical and historiographical aspects of this war, especially the complexity of identity and the contractualist nature of the Gaelic concept of power.

Narratives are important in historiography — and the humanities in general. However, in an age of ever-increasing specialisation and compartmentalisation, mainstream narratives can be strengthened almost by accident, since academic production increasingly assumes a restricted focus. Certain assumptions can continue to exist, since they go unchallenged due to compartmentalisation. Challenging some of these assumptions — and identifying them — is probably the main intention of this paper. In the last few decades, enormous work has been done on Late Gaelic Ireland, yet much of the impact of this work has been "parochial". In addition, sometimes the mainstream narratives can only be encountered by stepping back and looking at them from a distance — in my case from Brazil, where I did my doctoral and post-doctoral studies and encountered in the Social Sciences and History a somehow clear Whiggish conception of Early Modern history; something which this paper intends to challenge.

This may seem to involve a radicalness not usually associated with Celtic Studies. However, it is a radicalness that is necessary. Academic fields need to be challenged, boundaries questioned, and assumptions defied. Late Gaelic Ireland involves unavoidable ambiguities, complexities, contradictions, and confusions. So does life. No academic field can avoid this. Here in particular it is very much an advantage. Precisely because of this complexity, fuzziness, and ambiguities, what is in question are not long dead civilisations, but rather living cultures which have many paths open before them. Gaelic Ireland may have been destroyed in the seventeenth century, but until the defeat at Kinsale (in which luck played an immense part), its future was very open. The Gaelic Confederacy could have won; if they had an alternative historical path would have been followed by Ireland, but also by England — and indeed, due to what happened in the eighteenth and nineteenth centuries, by the world. An insignificant skirmish in Sligo can have many important effects.

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