

The Statutes of Kilkenny

In our popular culture, we have been introduced to the phenomenon of people raised in Western societies who take on the life style of a different culture. Think of how Arabian Peter O'Toole looked in the film "Lawrence of Arabia," where he portrayed the English soldier who dressed and spoke as an Arab, fought with them and advocated for them with British officials. Recall, too, Kevin Costner in Sioux face paint in "Dances with Wolves." Here again a soldier "went native," learning the language of the Sioux, taking on an Indian name, dressing as a tribesman, and falling in love with a woman raised by the Sioux. Both characters were reviled by their countrymen, treated almost as if they were traitors. In Irish history, many of the Anglo-Normans who lived in Ireland became *ipsis Hibernicis Hiberniores* ("more Irish than the Irish"), a cause of great consternation in England. The Normans were supposed to control the "wild Irishie," not adopt their language, dress, customs, law, and marry Irish women. In an attempt to stop the Normans from "going native," the crown under Edward III promulgated the Statutes of Kilkenny.

The Normans had come to Ireland in 1169 at the invitation of Dermot MacMorrough to recover his throne as King of Leinster. Richard de Clare, called Strongbow (left image), helped the Irish king but also helped himself to Leinster, which he inherited after Dermot's death. Over the next 100 years while the English kings were focused on Wales and Scotland, the Anglo-Normans expanded their lordship over Ireland, to the extent of controlling three-quarters of Ireland by the middle of the 13th century. The distracted English tried to rule Ireland through the most prominent Norman families, the Butler earls in Ormonde, the FitzGerald earls of Kildare and the FitzGerald earls of Desmond. But the Normans were in a long descent from power, partially accelerated by the strengthening of powerful Irish kings, O'Neill, O'Donnell and MacCarthy, during the Gaelic Revival in the middle of the 13th century. Part of the Norman decline was its assimilation— the English monarchs would call it "degeneracy"— into Irish culture. Many of the Anglo-Normans had taken on the manners, customs, dress, language, names and sports of the Irish. A great Anglo-Norman story of such assimilation is told about the de Burgos (Burke) family which renounced England to become Irish in all things. They threw off their English clothing in full view of the garrison of the English castle at Athenry and donned Irish costume and took on the name MacWilliams.

In a vain effort to turn back the tide of cultural assimilation, a parliament assembled in Kilkenny in 1367, led by the Duke of Clarence, husband of Elizabeth de Burgh, 4th Countess of Ulster, passed the Statutes of Kilkenny. The preamble of these statutes laid out many of the objections the English had of Norman behavior in Ireland: *many English of the said land, forsaking the English language, manners, mode of riding, laws and usages, live and govern themselves according to the manners, fashion, and language of the Irish enemies and also have made divers marriages and alliances between themselves and the Irish enemies.* The preamble uses words like "misdeeds," "mischief," and "evil doers" to emphasize that adopting Irish culture is

"contrary to reason" and detrimental to "good government" and the "quiet of the people." Thirty-five articles were written to "ordain and establish" proper English behavior. Most of the laws were of a general nature dealing with the usual aspects of the laws governing inheritance, property, crime, the administration of the law, and so on. However, in the Statutes of Kilkenny there are many references specifically toward controlling Irish behavior and Norman

behavior.

Some of the laws governed what we would regard as private behavior. For instance, hurling was prohibited: *... do not, henceforth, use the plays which men call horlings, with great sticks and a ball upon the ground, from which great evils and maims have arisen....* The law promotes proper sports like drawing bows, hurling lances and *other gentlemen like games*. The penalty for playing Irish games was imprisonment and fine. Also required by law was that *... every Englishman use the English custom, fashion, mode of riding and apparel* when on horseback. Under penalty of law, *no Englishman... shall ride otherwise than on a saddle in the English fashion*. Apparently, an Englishman who rode bareback risked imprisonment and the forfeiture of his horse.

One article restricted Irish vocations: *no Irishman of the nations of the Irish be admitted into cathedral, collegiate church by provision, collation or presentation of any person*. Important to remember is that at this point in history, the English, the Normans and the Irish were all Catholics. The Statutes of Kilkenny show disdain for the Irish as Irish. It will be many years later when specifically anti-Catholic laws are enacted.

These laws of 1367 tried to control social interactions between the Anglo-Normans and the Irish: *it is agreed and forbidden that any Irish agents, that is to say, pipers, story tellers, babblers, rimers, mowers, nor any Irish agent shall come amongst the English*. It seems that Irish were not trusted: *Irish agents who come amongst the English, spy out the secrets, plans and policies of the English*. This lack of trust affected commercial interaction as well. No Englishman could sell horses or armor to an Irishman even in time of peace. In time of war, selling victuals to the Irish was traitorous. And when war was upon the nation, the law dictated total surrender of the Irish enemy: *the Irish enemy shall not be admitted to peace, until they shall be finally destroyed*.

The Statutes of Kilkenny included restrictions which might remind the reader of the Jim Crow laws in American history. Like the Jim Crow laws, one article prohibited marriage and other family relationships with the Irish: *it is ordained and established that no alliance by marriage, gossipred, fostering of children, concubinage or by amour, nor in any other manner, be henceforth made between the English and the Irish*. What had the English monarchy seen in the Irish people that it enacted law which named the Irish as pariah? Was it that the Irish were too fiercely independent? Was it that life in Ireland was too delightful for England's cold heart? Even the Brehon Laws, honored now as enlightened for its time, especially in the rights it gave to women, are insulted: *ought not to be called law, being a bad custom*.

One of the most hateful and enduringly hurtful articles in the Statutes of Kilkenny has to do with the Irish language. Children could not be given Irish names: *every Englishman be named by an English name, leaving off entirely the manner of naming used by the Irish*. Today we know people of many nationalities and ethnicities finding beauty in the Irish names like Brigid, Kieran, Sean/Shawn, Seamus/Shemus, Clare, Kerry, and so on, but the English saw the 14th century Irish as a people to be shunned. The Statutes of Kilkenny was to be the first assault on the native language of the Irish: *if any English, or Irish living among the English, use the Irish language amongst themselves, contrary to the ordinance, and thereof be attainted, his lands and tenements, if he have any, shall be seized into the hands of his immediate lord*. The English had declared war on Irish Gaelic, and, unfortunately, after protracted conflict, English won out as the common, if not official,

language of Ireland . How might Ireland 's history have been different if it had retained its ancient language?

As notorious as the Statutes of Kilkenny were, worse law was yet to come. Ireland in the 14th century was not placed high on the English monarch's agenda, so the Statutes of Kilkenny were ineffective. When anti-Catholic venom was added to England 's toxic attitude toward Ireland , harsher laws were enacted, such as the Penal Laws for the Suppression of Popery in the late 17th century, and stricter enforcement was imposed. Dark centuries loomed for the Irish.

(Full text of Statutes

at www.mc.maricopa.edu/~tomshoemaker/celtic/KilkennyStatutes.html.)

(Written by John Walsh)

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