

ABSOLUTIONS AND ACTS OF DISOBEDIENCE: EXCOMMUNICATION AND SOCIETY IN FOURTEENTH-CENTURY ARMAGH

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In the Bull of Promulgation of his 1234 Compilation of Decretals (commonly known as the *Liber extra*), Pope Gregory IX declared the goal of written law to be that “the human race is instructed that it should live honorably, should not injure another, and should accord to each person his own rights.”¹ Yet despite the proliferation of canon laws and ecclesiastical legal procedures, Archbishop Milo Sweteman, metropolitan of the Irish province of Armagh from 1361 to 1380, could still complain about the futility of the church’s ultimate legal measure, excommunication, against the many crimes of local malefactors.² In 1366, he wrote to one of his officials:

Very many times I have proceeded legally against Malachy O’Hanlon king of Oirthir as a destroyer of the clergy and people of the church, by excommunicating him and his henchmen in the proper form as despoilers, plunderers, and usurpers of church goods; and by placing an ecclesiastical interdict on the land to which they had fled in diverse moments. Nevertheless, because Malachy and some of his accomplices endured repeated correction, promised to make restitution, and even offered sworn oaths, in this way they obtained absolution and relaxations of the sentences of excommunication and interdict. And then they committed worse acts against the people and clergy of the church at Armagh than ever before.³

¹ Robert Somerville and Bruce C. Brasington, trans., *Prefaces to Canon Law Books in Latin Christianity: Selected Translations, 500–1245* (New Haven, 1998), 235; cf. G. Hugoni, ed., *Corpus Juris Canonici* (Leipzig, 1839), 1.

² Sweteman was archbishop of the archdiocese of Armagh, which had its cathedral in the town of Armagh, and which was the metropolitan see of the ecclesiastical province of Armagh. In this paper, “Armagh” means the province unless otherwise specified. The suffragan dioceses of Armagh included Meath, Down, Connor, Dromore, Clonmacnois, Ardagh, Kilmore, Clogher, Derry, and Raphoe. Although focused on a later period, Aubrey Gwynn (*The Medieval Province of Armagh, 1470–1545: An Account of Diocesan Life in the Northern Province of Armagh during the Late Medieval Period* [Dundalke, 1946]) is the only comprehensive study of the ecclesiastical organization of the medieval province.

³ Brendan Smith, ed., *The Register of Milo Sweteman, Archbishop of Armagh, 1361–1380* (Dublin, 1996). Hereafter, *RMS*. Items in the register are cited by document number, not page number. *RMS* 133: “Nosque a tempore adventus nostri ad nostrum ecclesiam Ardmanam contra Malachiam Ohanloyn regem de Erthir plures plures processus ecclesie fecissemus tanquam contra destructorem ecclesie cleri et populi eiusdem ipsum et suos malefactores et bonorum ecclesie usurpatores spoliatores et detentores excommunicando

Sweteman's complaint highlights the contradictory relationship between frontier conditions and excommunication in Armagh: the same widespread conflict and political decentralization which gave rise to behavior incurring excommunication also prevented enforcement and reduced the sanction's sting. Although Sweteman himself repeatedly lamented the weakness of excommunication (and other ecclesiastical sanctions) in maintaining the desired social order in Armagh, he nevertheless relied upon it extensively, particularly to quell the violence of Gaelic lay lords.⁴ Given the admitted weakness of the sanction against violent disorder, why did the archbishop promulgate it with such frequency? Moreover, if the sanction was ultimately ineffective against its targets, why did Malachy O'Hanlon invest energy in obtaining absolution, in Sweteman's words, "Very many times?" Indeed, why did many of the lay elite of Sweteman's Armagh engage extensively with excommunication — their own, their allies', and their rivals'?

Relocating the questions of efficacy, order, and excommunication to encompass the perspective not only of the archbishop but also of a wider community of clergy and laity in Armagh, this paper makes a case for the centrality rather than the irrelevance of excommunication in shaping adversarial social relationships on the Irish frontier. To approach the canon law in this way contradicts the expectations of medieval canonists, who treated excommunication as a spiritual remedy that could only be applied by a limited number of experts in order to bring sinners into church discipline. Such an approach also departs from the main themes of the past century of scholarship on excommunication, which Richard Helmholz notes has revolved largely around whether excommunication worked to regulate lay behavior, and whether its success represented domination of the laity.⁵ Although this approach has illuminated many aspects of canon law theory and practice, it

in forma ecclesie et . . . terram adquam declinaverint diversis vicibus supponendo ecclesiastico interdicto. Ipse nihilominus et nonnulli de suis huiusmodi malefactoribus frequentes correctiones subeundo nobisque promittendo de derestituendo ablata juramenta sua super prestando absolucionem et relaxacionem sententiarum huiusmodi excommunicationis et interdicti de facto obtinuerunt ex tunc pejora prioribus contra nos ecclesiam nostram clerum Ardmachanum et populam committendo et in eadem censuras sive sententias revicidendo."

⁴ Sweteman's fifteenth-century successors would even note that he was the first archbishop to decree that each of his bishops "should work to the best of his ability to bring about, maintain and conserve the peace between the English and Irish of our province of Armagh and preach peace between them and must compel their subjects by all ecclesiastical censures to keep the peace." See Smith, "Introduction," *RMS*, xvi. For an example in which Anglo-Irish elites were made the unwilling subjects of Sweteman's judgment in a matrimonial case, consult Brendan Smith, "Lionel of Clarence and the English of Meath," *Peritia* 10 (1996): 297–302.

⁵ Richard Helmholz provides a concise summary of the historiographic trends on excommunication in *The Spirit of Classical Canon Law* (Athens, GA, 1996), 369–70.

can only address what excommunication failed to accomplish in Armagh without accounting for the role it did play.

Building upon several decades of Irish frontier studies as well as recent developments in canon law history, this paper addresses the relationship of law and society beyond the question of *whether* the technicalities of canon law were known and obeyed by lay people to ask *how* the canons were received, expressed, evaded, or transformed by diverse actors in local context.⁶ Read in light of this question, Sweteman's correspondence concerning the excommunication of lay people suggests that frontier dynamics in Armagh provided opportunities for laity to make strategic claims about excommunication in the course of conflict, a reappropriation of canon law which in turn shaped Sweteman's own use of the sanction. Together, these patterns of lay and archiepiscopal engagement with excommunication suggest that the sanction was deeply integrated into — its meaning transformed by — the dynamics of conflict that structured political life in Armagh. Ultimately, Sweteman's case points to a more complex interrelationship between the written canon law and social conflict in Armagh than Gregory IX's distinction between "rule of law" and "harmful desire" affords.

TEXT AND CONTEXT

A member of a prominent Anglo-Irish family based in Kilkenney, and a former attorney who had visited Rome and may have studied at Oxford, Milo Sweteman shared the legal framework common to scholars and canonists of his day.⁷ As archbishop of Armagh, Sweteman nevertheless exercised

⁶ Studies of marriage have been at the forefront in illuminating lay navigation of the canon law; see Frederik Pedersen, *Marriage Disputes in Medieval England* (London, 2000); Richard Helmholz, *Marriage Litigation in Medieval England* (New York, 1975), 165–89; Charles Donahue, "The Canon Law On the Formation of Marriage and Social Practice in the Later Middle Ages," *Journal of Family History* 8 (1983): 144–58. These sources have shown that although courts and lay people were attentive to the same technical details of marital law, different patterns of practice emerged out of different social contexts. Meanwhile, historians concerned with heresy and inquisition have also touched on lay navigation of inquisitorial procedure; see for instance James Given, *Inquisition and Medieval Society: Power, Discipline and Resistance in Languedoc* (Ithaca, NY, 1997), 91–165.

⁷ For the known facts of Sweteman's career, consult Smith's "Introduction" to *RMS*, xiii–xvi. A. B. Emden includes Sweteman on his list of people probably present at Oxford (*A Biographical Register of the University of Oxford to A.D. 1500*, 3 vols. [Oxford, 1957–59], 3:2220). For the international norms underlying the canon law and medieval European legal culture generally, see Stephan Kuttner's *Harmony from Dissonance: An Interpretation of Medieval Canon Law* (Latrobe, PA, 1961); Manlio Bellomo, *The Common Legal Past of Europe, 1000–1800*, trans. Lydia G. Cochrane (Washington, DC, 1994); and the essays collected in James Brundage, *The Profession and Practice of Medieval Canon Law* (Aldershot, 2004).

the tasks of his office in an uncommon context of ethnic division, institutional confusion, endemic conflict, and cultural diversity. His archdiocese encompassed century-old English settlements alongside pastoral Gaelic clans whose habits mystified and shocked outsiders.⁸ The cultural differences between the two groups were stark enough that medieval observers had long distinguished between the church *inter Anglicos* and *inter Hibernicos* as if they were not quite the same unit.⁹ This jarring disjunction of cultures and social systems was marked by constant military conflict ranging from low-grade skirmishes to extended campaigns. Whether attempting to extract rents, manage clerical subordinates, or regulate lay behavior, Sweteman contended with circumstances unlike those in the heartlands of European Christendom in which most canonists wrote. Sweteman's attempt to uphold canonistic administrative norms in a social system that was profoundly inhospitable to them thus represents a fascinating case study on the interaction of ecclesiastical law and society. With their largely pastoral economy, clan-based political organization, "unreformed" religious practices such as hereditary clerical office, and a compensation-centered legal system, the Gaelic regions of Armagh were particularly inhospitable to the canonists' vision of ecclesiastical justice.¹⁰ Nevertheless, the surviving correspondence between

⁸ While certainly acknowledging that the English settlers in Ireland considered themselves "English," in this paper I will sometimes use the anachronistic term "Anglo-Irish" when seeking to clearly distinguish people and communities long settled in Ireland from English people visiting or newly arrived in Ireland. For the recent debate over the appropriateness of this terminology, see Steven G. Ellis, "More Irish than the Irish Themselves? The 'Anglo-Irish' in Tudor Ireland," *History Ireland* 1:1 (1999): 22–26, and Kenneth Nicholls, "Worlds Apart? The Ellis Two-Nation Theory on Late Medieval Ireland," *History Ireland* 1:2 (1999): 22–26. For English settlement and society in and near the province of Armagh, see Robin Frame, *English Lordship in Ireland, 1318–1361* (Oxford, 1982); Brendan Smith, *Colonisation and Conquest in Medieval Ireland: The English in Louth, 1170–1330* (Cambridge, 1997); T. E. McNeill, *Anglo-Norman Ulster: The History and Archaeology of an Irish Barony, 1177–1400* (Edinburgh, 1980). Kenneth Nicholls, *Gaelic and Gaelicized Ireland*, 2nd ed. (Dublin, 2003) remains the standard overview on Gaelic society and culture. Catherine O'Sullivan, *Hospitality in Medieval Ireland, 900–1500* (Dublin, 2004), also covers many aspects of Gaelic social life.

⁹ The standard study for ecclesiastical administration and ethnic politics in pre-Reformation Ireland remains John Watt, *The Church and the Two Nations in Medieval Ireland*, (Cambridge, 1970). For Armagh specifically, see John Watt, "Ecclesia Inter Anglicos et Inter Hibernicos: Confrontation and Coexistence in the Medieval Diocese of Armagh," in *The English in Medieval Ireland*, ed. John Lydon (Dublin, 1984), 46–64, and Katherine Simms, "Frontiers in the Irish Church — Regional and Cultural," in *Colony and Frontier in Medieval Ireland*, ed. Terry Barry, Robin Frame, and Katherine Simms (London, 1995), 177–200.

¹⁰ The evidence in *RMS* (e.g., *RMS* 6, 158, 247) itself suggests the degree of difference between Gaelic and Anglo-Irish integration into archiepiscopal justice: the two marriage cases, the formal invocations of the secular arm against heretics, the one record of an ordi-

Sweteman and his Gaelic lay neighbors is saturated with language, reasoning, threats, and justifications grounded in an understanding of canon law theory and procedure.¹¹ And while lay people in England or on the Continent were very frequently concerned with the canon law of marriage, life on the military frontier meant that the lay elite of Gaelic Armagh grappled with the legal particulars of excommunication instead.¹²

Even prior to James Lydon's explicit invocation of "the problem of the frontier" in 1967, the history of medieval Ireland has long been written in terms of the complex interrelationships among Gaelic clans, English communities settled in Ireland, and English government officials or other interested parties based in England itself.¹³ Recent disagreement over the degree to which these broad groups constituted self-consciously and materially distinct communities should not obscure the shared participation (albeit from different positions) of all three in a common economy of power and status. A key feature of this shared frontier world was the multiplicity and instability of its power centers. With no single party exercising a monopoly of

nary visitation with its terse list of fornicators and adulterers, and the sole instance in which Sweteman personally presides over the examination and judgment of a lay defendant all concern the Anglo-Irish. Since Sweteman did not regularly travel to the Gaelic reaches of his province, appointing Gaelic clerics as proxies, it is possible similar legal records may have existed for Gaelic lay people.

¹¹ *The Register of Milo Sweteman* is not properly a "register" at all, but rather an eighteenth-century compilation of records primarily originating from that archbishop's chancery. Despite the absence of a court book, however, its scattered letters, administrative memoranda, and fiscal documents contain evidence that illuminates the interaction of an elite sector of the Gaelic laity with the canon law outside an immediate courtroom setting. On the history and utility of the Armagh registers generally, consult Art Cosgrove, "The Armagh Registers: An Underexplored Source for Medieval Ireland," *Peritia* 6-7 (1987-88): 307. For the Sweteman Register specifically, H. J. Lawlor, ed., "A Calendar of the Register of Archbishop Sweteman," *Proceedings of the Royal Irish Academy* 29 (1910-11): 213, and Smith's Introduction to *The Register of Milo Sweteman, 1361-1380* which provides an overview of textual issues.

¹² The absence of matrimonial cases is probably closely related to the divergences between Gaelic marriage practices and canonical norms. See Gillian Kenny, "Anglo-Irish and Gaelic Marriage Laws and Traditions in Late Medieval Ireland," *Journal of Medieval History* 32 (2006): 27-42.

¹³ James Lydon, "The Problem of the Frontier in Medieval Ireland," *Topic: A Journal of the Liberal Arts* 13 (1967): 5-22. Barry et al., *Colony and Frontier in Medieval Ireland*, has extensive relevant bibliography. For an introduction to approaches to medieval frontiers, see Robert Bartlett and Angus MacKay, eds., Introduction to *Medieval Frontier Societies* (Oxford, 1989), and David Abulafia's "Introduction: Seven Types of Ambiguity, ca. 1100-ca. 1500," in *Medieval Frontiers: Concepts and Practices*, ed. David Abulafia and Nora Berend (Aldershot, 2002), 1-34. Abulafia's case that the frontier in the Middle Ages should be understood not as a spatial zone, but as a set of often-confrontational relationships among people who viewed each other as alien has been invaluable to this paper's understanding of Armagh as frontier.

coercive force beyond a local level, elites warred in constantly shifting alliances and enmities, grasping any opportunity to increase their status by wooing or bullying temporary submission from each other. This competition took place not only across cultural boundaries, but within them as the expanded range of potential protectors, proxy targets, and strategic allies provided new fuel for internecine and intra-ethnic factionalism. This endemic, decentralized martial contest had a significant impact on a variety of institutions and practices among both the Gaelic and English of the island.¹⁴

While ecclesiastical history has played a comparatively small part in medieval Irish frontier studies, many historians have concurred with Sweteman's own assertion that "continual plague" and "perpetual war" prevented him from fulfilling his canonical duties.¹⁵ Because of persistent violence and weak law enforcement methods, they write, the archbishops of Armagh were frequently victimized with little recourse except "spiritual weapons" such as excommunication, interdict, and fasting. In these discussions, excommunication is presented paradoxically as an ineffectual method for controlling violence, and yet nevertheless the best option available in tumultuous Armagh.¹⁶ There is no doubt that frontier conflict limited Sweteman's exer-

¹⁴ In one of the strongest examples, military exigencies on the Irish frontier militated against strict definitions of legitimacy and primogeniture, promoting extended familial and quasi-familial lineages in which leadership qualities and military prowess could propel legally ineligible men into positions of power (Robin Frame, "Military Service in the Lordship of Ireland, 1290–1360: Institutions and Society on the Anglo-Gaelic Frontier," in *Medieval Frontier Societies*, 101–26, and Katherine Simms, "Bards and Barons: The Anglo-Irish Aristocracy and the Native Culture," *Medieval Frontier Societies*, 177–97).

¹⁵ *RMS* 138 (n. 3 above). Of course, it should be noted that Sweteman's complaint comes in the context of petitioning the pope for a dispensation from visiting the Gaelic regions of his province in person: "In primis concipiatur supplicatio fienda domino pape cameraliter si fieri potest alioquin in publico consistorio proponenda continens in materia quod cum ne dum ecclesia Ardmachana a tempore adventus dicti M. ad ipsam fuisset primo per pestilentiam continuam et postea per continuam guerram verum etiam tota provincia Ardmachane pro majori parte tam in clero quam populo destructa et precipue istis duobus annis jam proximo preteritis. Adeo quod idem archiepiscopus non potuit dictam suam provinciam commode nec plene potest vistare nec procuraciones debitas et consuetas percipere nec esculenta seu potulenta pro se et sua familia communiter in locis visitatis invenire sed quamplures dioceses sibi jure metropolitico subjectas visitando proprias suas et ecclesie sue facere oportuit sumptus ac expensus."

¹⁶ Anthony Lynch seems to express the consensus by writing "The primates were frequently in contact with the Gaelic chiefs in efforts to control their attacks and promote peace. Given the weakness of the Dublin government and the archbishops' own avowed policy of peacemaking, they were confined exclusively to the use of spiritual weapons: the invocation of ecclesiastical sanctions of excommunication and interdict. Unfortunately, overuse of these spiritual weapons meant that they yielded increasingly diminishing results" ("Religion in Late Medieval Ireland," *Archivium Hibernicum* 36 [1981]: 1–15, at

cise of office; between the danger of raids and the hostility of his cathedral chapter, Sweteman spent the bulk of his episcopacy at a manor in Louth far from his own see. However, it is also worth considering Robin Frame's warning that the complaints of English officials in Ireland can overshadow "a richer story of mingling and institutional adaptation," in which a complex body of "relationships and conventions" grew up around formal institutions and ultimately "amounted to an additional scheme of control."¹⁷ Frame has argued that the extra-legal aspects of Anglo-Irish society, especially private warfare and frequent pardon of criminals in exchange for military service, should be understood not as simple disobedience or failure of legal institutions, but instead as successful adaptations to military conditions under which "order and law were not always compatible."¹⁸ Frame and others have shown that frontier military strategies which relied upon temporarily harassing rivals into submission through raids or private warfare were supplemented by a steady stream of diplomatic, performative, literary, and legal gestures that expressed and maintained relationships of power.¹⁹ If treaty-making, marriage, poetry, and hospitality could be part of Armagh's busy economy of status and authority, why not the canon law?

THE CANON LAW OF EXCOMMUNICATION

Despite occasional differences in emphasis, virtually all canonists in Sweteman's era agreed on the basic nature of excommunication: it was neither a penance, nor a penalty levied as punishment for a completed crime, but rather a judicial sanction meant to pressure recalcitrant sinners into conforming to the standards of the church.²⁰ With the burgeoning legalism of

5). See also, Brendan Smith, "The Adventures of Milo Sweteman Archbishop of Armagh 1361–1380," *History Ireland* 4:4 (1996): 18–21, and W. R. Jones, "Violence, Criminality, and Culture Disjunction on the Anglo-Irish Frontier: The Example of Armagh, 1350–1550," *Criminal Justice History* 1 (1980): 29–47.

¹⁷ Frame, "Military Service," 125–26.

¹⁸ Robin Frame, "The Justiciarship of Ralph Ufford: Warfare and Politics in Fourteenth-Century Ireland," *Studia Hibernica* 13 (1973): 7–47, at 41. His analysis of "degeneracy" was first laid out in Robin Frame, "Power and Society in the Lordship of Ireland 1272–1377," *Past and Present* 76 (1977): 3–33.

¹⁹ Frame, "Defence of the Lordship," 88–91, discusses some political, diplomatic, social,

and performative aspects of frontier contest on the Anglo-Irish side. Simms, *From Kings to Warlords: The Changing Political Structure of Gaelic Ireland in the Later Middle Ages* (Woodbridge, 1987), covers similar issues for the Gaels.

²⁰ Richard Helmholz, "Excommunication as a Legal Sanction: The Attitudes of Medieval Canonists," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte* 99 (= *Kanonistische Abteilung* 68) (1982): 204–12, and Elisabeth Vodola, *Excommunication in the Middle Ages* (Berkeley, 1986), cover the development of the canon law of excommunication across the period.

the post-Gratian era, excommunication became closely associated with failure to obey judicial pronouncements and ecclesiastical courts. Unlike the personalized curses promulgated by wandering early Irish saints, by Sweteman's time, the carefully delineated power to excommunicate was increasingly concentrated in a limited sector of the ecclesiastical hierarchy, especially bishops and the papacy.²¹

Nevertheless, at least three elements of the theory and practice of the canon law of excommunication left the sanction open to manipulation and reappropriation by lay people. First, the multitude of canons and commentaries surrounding excommunication were neither clear nor internally consistent. Canons and commentaries contained contradictory impulses towards stringency on the one hand, and the safeguard of individual rights on the other, which were difficult to resolve on paper and sometimes impossible to reconcile in the courtroom.²² If, in Richard Helmholz's words, "the force of social reality, combined with ingrained habits of mind, kept the ecclesiastical courts from enforcing some of the stricter rules of the canon law," lay people also would have had multiple potential interpretations of the canon law from which to choose.²³ Second, lay people had many opportunities to become conscious of the legal particulars of excommunication since the sanction featured in everything from saints' lives to political history to the admonitions of preachers and confessors.²⁴ The very sentence of excommunication was characterized by the publication of the excommunicate's name so that others could avoid him or her. Finally, especially under conditions in

²¹ Lester Little (*Benedictine Maledictions* [Ithaca, NY, 1993], 154–85) considers the tradition of Irish cursing. Smith, "Adventures of Milo Sweteman," 18–21, outlines similar practices in use during Sweteman's tenure at Armagh, including fasting and the ringing of sacred bells.

²² Helmholz describes how the very elements that gave excommunication its force (e.g., total ostracism, disruption of social bonds, inexorability of the sentence for certain grave crimes), also raised concerns about the injustice of a wrongful sentence and the dangers of the penalty's socially disruptive consequences (*Spirit* [see n. 5 above], 374–383).

²³ Richard Helmholz, "Si quis suadente (C.17 q.4 c.29): Theory and Practice," in *Proceedings of the Seventh International Congress of Medieval Canon Law* (Vatican City, 1988), 425–38, at 438.

²⁴ For instance, a document from late fourteenth-century York lists forty-six crimes incurring excommunication and includes instructions for it to be published three times a year "as is the practice of the Holy Church throughout Christendom." See "The Great Cursing," in *Pastors and the Care of Souls in Medieval England*, ed. John Shinnors and William J. Dohar (Notre Dame, IN, 1998), 198–201. Salvador Ryan describes the evidence of "personal engagement with a body of doctrine received from a teaching authority" among the Gaelic Irish in the fifteenth century and suggests some vehicles for the transmission of these ideas ("The Most Traversed Bridge: A Reconsideration of Elite and Popular Religion in Late Medieval Ireland," in *Elite and Popular Religion*, ed. Kate Cooper and Jeremy Gregory [Woodbridge, 2006], 120–29).

which there was no temporal power to back up sentences of excommunication, the sanction largely depended on the willing or coerced daily participation of lay people for its immediate sting. The imperative to avoid excommunicates (and the threat of incurring minor excommunication as a *communicator*) would force even the most disinterested person to consider myriad questions from the permissibility of dining with an excommunicate to the legality of withholding rent owed to an excommunicated landlord.²⁵ Thus, whatever the technical correctness of their answers, lay people had an additional incentive to ponder, research, and devise interpretations about the canon law of excommunication.²⁶

The canonists themselves acknowledged the potential for abuse of the sanction of excommunication by laity and clerics alike, although they emphasized a courtroom context which had little relevance to lay life in Gaelic Armagh.²⁷ Lay people might seek to have enemies unjustly excommunicated, or even to have themselves excommunicated in order to escape a debt or an unwelcome spouse. The fact that the courts required a plaintiff to swear an oath that “he had not brought his action simply to harass the defendant and that he intended to prove his claims honestly,” only evidences a real concern that such illegitimate motives might drive an individual’s turn to the ecclesiastical law.²⁸

The remainder of this article examines some of the best documented cases in which Milo Sweteman and the Gaelic laity of Armagh interacted around questions of excommunication, with particular attention to the possibility of such “illegitimate” strategic deployments of the canon law. Although any attempt to divine individual motives from such sparse, historically distant evidence must necessarily be speculative, I hope to present a plausible reading of the documentary record in light of the larger body of scholarship on systematic law and society in later medieval Ireland.

²⁵ Vodola, *Excommunication*, 48–67, describes some of the relevant legal concerns and notes a pervasive social anxiety around the possibility of pollution by contact with an excommunicate.

²⁶ Frederik Pedersen does not speak directly to excommunication, but does suggest some of the ways lay people might acquire and use a “rough and ready” technical legal knowledge concerning topics that interested them (“Did the Medieval Laity Know the Canon Law Rules on Marriage? Some Evidence from Fourteenth-Century York Cause Papers,” *Mediaeval Studies* 56 [1994]: 111–52).

²⁷ Helmholtz cites Hostiensis’ warning in relation to creditors seeking the excommunication of their debtors: “Excommunication is medicine for the person excommunicated, not the right of any [other] person” (*Spirit*, 376). On the role of excommunication in adversarial legal processes, see Francis Edward Hyland, *Excommunication, Its Nature, Development, and Historical Effects* (D.C.L. Thesis, Catholic University, 1928), 123, and Vodola, *Excommunication*, 3–37, 159–90.

²⁸ Brundage, *Medieval Canon Law* (n. 7 above), 131.

EXCOMMUNICATION IN *THE REGISTER OF MILO SWETEMAN*

A 1365 dispute between the Lieutenant of Ireland and son of Edward III, Lionel the Duke of Clarence, and the man soon to be most powerful Gaelic chief in Armagh, Niall (Mór) O'Neill, is perhaps the clearest example of the potential for the canon law of excommunication to become a channel for, rather than a check against, the expression and continuation of frontier hostilities. In this case, the leading English official in Ireland responds to a hostile act of a threatening Gaelic lord in Armagh by requesting his excommunication. Read as an attempt to mobilize the authority of church law in order to resolve an immediate conflict, this request is perplexing in its apparent naïveté. Viewed within the cycle of raid and counter-raid in Armagh, however, the request for excommunication becomes a rational form of retaliation in an ongoing dispute.

The dynamic between Niall O'Neill and the Duke of Clarence was rooted in complex web of political and social relationships. In addition to his role as Edward III's son and Lieutenant in Ireland, as heir by marriage to the Earldom of Ulster, Clarence had a strong interest in reestablishing and expanding control over a theoretically extensive territory that was, in practice, confined to the eastern coast of Counties Antrim and Down.²⁹ West of the Ulster Earldom lay the territory of the Cenél Eoghain, where Niall O'Neill (r. 1364–97) was consolidating his power within his family and establishing a dynasty which would not only dominate the other clans of Ulster but seriously challenge English authority in the region and beyond.³⁰ Under such circumstances, Niall O'Neill's ascendancy could only come at the expense of the Duke of Clarence as both Lieutenant of Ireland and Earl of Ulster.

Around 1365, Sweteman wrote to his canons that Clarence had claimed that his constable's horses were stolen by O'Neill "just after a peace pact

²⁹ McNeill concisely describes the complex events leading to the collapse of the de Burgh family in Ulster, including a civil war among de Burgh factions which led to the fragmentation of the family and left the infant Elizabeth de Burgh (Clarence's future wife) heir to the Earldom (*Anglo-Norman Ulster* [n. 8 above]). For the extent of English settlement in Ulster, see McNeill, 33–36.

³⁰ The main details of Niall O'Neill's rise to preeminence are included in essentially the same form in several Irish annals; e.g., W. M. Hennessy and B. Mac Carthy, *Annala Uladh: Annals of Ulster otherwise Annala Senait, Annals of Senait: A Chronicle of Irish Affairs from A.D. 431 to A.D. 1540*, 2 vols. (Dublin, 1887–1901), and W. M. Hennessy, *The Annals of Loch Cé*, Rolls Series 54 (London, 1871), vol. 2. Key events are the death of his father Aodh O'Neill (1364), his brother Domnall's attack (1366), Domnall's submission (1370), his victories against the English (1374/75), a second defeat of Domnall (1379), and, by 1380, his presence at the head of a delegation of Irish chiefs to the newly arrived Earl of Ulster, Edmund Mortimer. Katherine Simms provides a longer range view of the O'Neill expansion ("The King's Friend: O'Neill, the Crown, and the Earldom of Ulster," in *England and Ireland in the Later Middle Ages*, ed. James Lydon [Dublin, 1981], 214–36).

had been completed and sworn between the duke and O'Neill.³¹ Since the theft broke a sworn oath, Clarence could appeal to ecclesiastical jurisdiction. Like many a medieval creditor or victim of theft, Clarence requested that O'Neill be excommunicated until restitution was made.³² As a result, Sweteman instructed his chapter at Armagh to warn O'Neill to make restitution, and to pronounce him excommunicate if he failed to comply.

The forms and vocabulary of this letter evidence a concern for technical accuracy and procedural regularity that would accord with any canonist's standards of rigor. Sweteman portrays Clarence as taking care to be canonically correct, recording that the duke specifically requested that O'Neill should be excommunicated only "once the canonical warnings have been issued in the proper form of the church."³³ Sweteman's own instructions to the canons are similarly precise, emphasizing that O'Neill should be warned to amend three times, that he must remain recalcitrant for fifteen days before he can be excommunicated, and that if the sentence is pronounced, O'Neill should be denounced on Sundays and feast days until the horses are returned. Sweteman here conforms closely to the canonical injunctions that only a contumacious person should be excommunicated, and only after having been warned and given a chance to respond (except in cases of grave and notorious crime).

For all its technical precision, however, Sweteman's injunction remains curiously detached from the juridical context increasingly associated with the canon law of excommunication at that time. Unsurprisingly given both O'Neill's status and the relative weakness of ecclesiastical justice in Gaelic Armagh, Sweteman does not cite O'Neill to appear in court, or note previous citations. Sweteman's command is equally disconnected from any immediately obvious "secular arm" to effect the return of the horses. Although Sweteman's register does record evidence of the English legal process for requesting the imprisonment of recalcitrant excommunicates *inter Anglicos*, in this case the participants were the chief English official in

³¹ RMS 232 (n. 3 above): "Quod cum alias pax inter dictum ducem et Oneyll fuisset reformata ad tempus in usque ad festum apostolorum Philippi et Jacobi prout indentura inde confecta inter eosdem plenius testator infra quem terminum dictus Oneyll cepit de Galfrido Whyte constabulario dicti domini ducis de Viridi Castro suum equicium."

³² Ibid.: "Dux dictis literis suis nobis specialiter et ex corde supplicavit in quantum potest quatenus dictum Oneyll et suos complices in hac parte velimus in forma ecclesie canonicis monicionibus alias secundum eum premissis et propter eorum contumacia in hac parte contractas excommunicare et excommunicatos publice denunciare quousque dicto Galfrido de dicto suo equicio realiter et integraliter sit satisfactum." For ecclesiastical jurisdiction over oaths (including the role of excommunication in debt cases), see Vodola, *Excommunication* (n. 20 above), 36–40. Helmholz also discusses "oaths as the source of obligations" (*Spirit*, 161–64).

³³ RMS 232.

Ireland and his leading Gaelic opponent in Ulster, leaving no higher secular authority to be invoked.³⁴ In the absence of judicial context or secular enforcement mechanisms, the sanction of excommunication in this case lacks any obvious material significance. Sweteman's threat of excommunication on his own accord might be easily dismissed as a simple case of an archbishop making the best use of the tools at his disposal, but why would a savvy lay figure such as the Lieutenant resort to requesting excommunication in an unlikely attempt to win back his horses?³⁵

Placing O'Neill's theft and Clarence's response within the raiding economy of the Irish frontier sheds a different light on the efficacy of the request for excommunication. In the pastoral economy of Gaelic Ireland, where wealth and prestige were often measured in heads of cattle, livestock raiding was the major form of military aggression. In addition to inflicting the material cost of lost cattle, these raids were also political gestures meant to humiliate and dominate opponents. Sometimes the target of a raid could regain most of his lost goods in exchange for a formal act of submission including the giving of hostages.³⁶ In response to both the military decentralization of the frontier and encounters with the Gaels, the Anglo-Irish and English in Ireland adopted complementary military tactics. Within the raiding economy of the Armagh frontier, O'Neill's "theft" was not a crime of opportunity but a hostile assertion of dominance. Thus, Clarence's request for excommunica-

³⁴ The laws of England, to which all Anglo-Irish were subject, did include a mechanism for bishops to request the imprisonment of recalcitrant excommunicates until they complied with the authority of the church courts; for instance, *RMS* 59 instructs the bailiff to capture and imprison suspected John Brodok of Carlingford "until it is established by us and by the church whether he walks in light or in darkness," and *RMS* 30 is a writ of *significavit*, requesting the king's aid against an excommunicate. The details of this procedure at all stages from the ecclesiastical court through the royal chancery are described by F. Donald Logan (*Excommunication and the Secular Arm: A Study in Legal Procedure from the Thirteenth to the Sixteenth Century* [Toronto, 1968], 72–112). The brehon tradition which most Gaels and, at least in some contexts, some Anglo-Irish employed does not seem to have had a procedure for aiding the church against excommunicates at all, and Katherine Simms has observed that whom the archbishop considered to head the secular arm among the Gaels varied widely depending on the relative position of the possible candidates at any given time (Katherine Simms, "The Archbishops of Armagh and the O'Neills 1347–1471," *Irish Historical Studies* 19 [1974]: 38–55).

³⁵ This reading owes much to Daniel Lord Smail who argues that the lay people of medieval Marseille invested in civil litigation in order to perpetuate hostile relationships with neighbors through public displays of animosity, status, and allegiance (*The Consumption of Justice: Emotions, Publicity, and Legal Culture in Marseille, 1264–1423* [Ithaca, NY, 2003]).

³⁶ See Robin Frame, "The Defence of the English Lordship, 1250–1450," in *A Military History of Ireland*, ed. Thomas Bartlett and Keith Jeffery (Cambridge, 1996), 76–98, and Katherine Simms, "Gaelic Warfare in the Middle Ages," in *A Military History of Ireland*, 99–115.

tion can be read as a counter gesture that potentially shifts the power dynamics between Clarence and O'Neill through both symbolic and material means. Such a gesture could either complement or substitute for military response, particularly since Clarence may have been physically absent from Ireland at the time of the theft and subsequent letter; the Irish annals record that Clarence left Ireland temporarily in 1365.³⁷

In symbolic and performative terms, Clarence's response to O'Neill's raid perpetuates the ongoing conflict between the two parties in a way that potentially reinscribes the meaning of the initial attack. Within the raiding economy, the theft of livestock caused not only material damage, but was also a potent humiliation. Placed within the canonistic framework, however, O'Neill's act becomes a shameful crime instead of an expression of superiority. In an era when law was personal rather than territorial, and when the Statutes of Kilkenny (enacted by a parliament held before the Duke of Clarence himself) famously claimed that march law and brehon law "should not reasonably be called law, being a bad custom," Clarence's appeal to formal legalism was a vigorous performance of his unquestionable Englishness, his noble civility, and his alliance with the archbishop.³⁸ In this reading, Clarence's response was a non-military retaliation under circumstances that could not be solved by physical force.

In addition to the symbolic impact, the sanction of excommunication held potentially serious practical consequences for O'Neill amidst the contentions and power struggles in Armagh. An excommunicate might find himself ostracized, unable to conduct business or enforce contracts, excluded from participation in the communal events in which relationships of dominance were produced and performed. Even if the support of local clergy for Gaelic lords often made enforcement of excommunication difficult, a sentence of excommunication could nevertheless provide a rebellious tenant, rival kinsman, or insubordinate cleric both justification and numerous opportunities to harass the unlucky target. Sweteman emphasized the publicity that would attend O'Neill's excommunication, instructing his canons to "cease-

³⁷ For instance, Hennessey, *Annals of Loch Cé*, includes this entry for the year 1365. (However, the text in question is from the *Annals of Connacht*, used by Hennessey to fill in lacunae in the *Loch Cé* manuscripts.)

³⁸ "Statutes of Kilkenny," *Statutes and Ordinances, and Acts of the Parliament of Ireland: King John to Henry V*, ed. H. F. Berry (Dublin, 1907), 430–69. On the complex patchwork of jurisdictions and legal cultures in Ireland, see Geoffrey Hand, *English Law in Ireland, 1290–1324* (Cambridge, 1967), 187–213; G. Mac Niocaill, "The Interaction of the Laws," *The English in Medieval Ireland*, ed. John Lydon (Dublin, 1984), 105–18; Katherine Simms, "The Brehons of Later Medieval Ireland," in *Brehons, Sarjeants, and Attorneys: Studies in the History of the Irish Legal Profession*, ed. Daire Hogan and W. N. Osborough (Dublin, 1990), 51–76.

lessly denounce O'Neill excommunicated openly by name and in public in the cathedral and in all churches among the Gaels of the diocese on Sundays and feast days after the solemnities of the mass when the majority of the clergy and the crowd of people have come to hear the divine office."³⁹ Furthermore, an excommunicated Gaelic chief was cut off from the support of the archbishop, including his prestige as *coarb* (successor) of Patrick and his assistance in interceding with the English and Anglo-Irish. Archbishops after Sweteman further intensified the cost of excommunication to their enemies by providing indulgences and benefits for those who waged war against despoilers of church property.⁴⁰

Combined, these factors provide alternative criteria for assessing the efficacy of Sweteman's threat of excommunication. Judged as an attempt to bring the rebellious O'Neill to heel, the threat of excommunication was clearly a failure. Although the register does not reflect whether O'Neill was excommunicated or returned the horses, it is certain that he continued to harass English settlers and officials and the archbishops of Armagh for the rest of his life. However, the invocation of excommunication seems to have provided an excellent channel for Clarence to continue his contest with O'Neill. Furthermore, additional evidence in Sweteman's register indicates that such strategic manipulation of excommunication was not limited to the English laity. In fact, O'Neill himself was capable of navigating the canon law of excommunication to his own benefit against even the archbishop.

A letter dated May 1376 and addressed to the son of Niall O'Neill shows Sweteman himself personally disadvantaged by the canon law of excommunication. In the letter, the archbishop explained that during his last visit at the O'Neill manor, Sweteman had learned from Niall O'Neill about a revolt among his canons at Armagh. When O'Neill then swore an oath to defend the archbishop against the canons wherever and however he could, he was rewarded with the office of archseneschal.⁴¹ However, he did not deliver the rents he should have collected by virtue of the office, because, as Sweteman later discovered, O'Neill had learned (through "lying canons") that the archbishop had been excommunicated at the papal curia, and therefore "did not

³⁹ *RMS* 232: "Eosdem extunc in ecclesiis tam nostra cathedrali Armachana quam omnibus aliis ecclesiis nostre diocesis inter Hibernicos diebus dominicis et festivis infra missarum solemnities cum major cleri et populi multitudo venerit ad audiendum officia divina palam publice nominaliter et expresse excommunicetis."

⁴⁰ On the political capital to be earned by allying with the archbishops during succession disputes, see Watt, "Ecclesia" (n. 9 above), 55–56, and Simms, "Archbishops and the O'Neills," 42–43.

⁴¹ *RMS* 7 (n. 3 above): "Ego Nelanus Oneyl tactis hiis sacrosanctis evvangelis et per me deosculatis juro quod ego defendam vos archiepiscopum Ardmacanum Hibernie primatem contra omnes clericos vestros de capitulo omnibus viis et modis quibus potero."

dare to release the rents or answer concerning them while the archbishop remained excommunicated."⁴² (Of course, that Sweteman could produce proof of absolution shows that he had, in fact, at some point been excommunicated.⁴³) According to the letter, the messenger carrying proof of Sweteman's absolution was taken prisoner by the rebellious dean of the chapter. Thus, Sweteman enclosed a copy for the son of O'Neill, beseeching him to convey this information to his father lest the archbishop be forced to proceed against O'Neill for perjury.

Whether or not Niall O'Neill was sincerely concerned with upholding the law, his reasoning was firmly rooted in canonistic thought. Canons forbade transacting business with an excommunicated person, made the debts owed an excommunicate uncollectable, and most contracts unenforceable. In theory, excommunication could even loosen the bonds of obedience to secular authorities.⁴⁴ Without proof that Sweteman was not in fact excommunicated, O'Neill could justify his continued withholding of rents. Pope Clement III, for instance, had decreed that people rumored to be excommunicated should be avoided, even if they had not been publicly named as such.⁴⁵ Thus the archbishop's urgency to deliver a copy of his absolution to Niall O'Neill, and perhaps also the rebellious dean's unwillingness to let the absolution through or even O'Neill's unwillingness to receive it. Against the frontier backdrop of an ethnically divided clergy, competing secular authorities, institutional disorder, and persistent violence, O'Neill appears to have deployed his interpretation of the canon law of excommunication in order to profit at the archbishop's expense.

The two incidents described above are neat, discrete examples of how leading laymen in Armagh could take advantage of the canon law of excommunication in ways that contributed to the military rivalries and disregard for ecclesiastical authority that the canon law aimed to quell. Sweteman's

⁴² *Ibid.*: "Et extunc intelleximus quod dictus Nelanus per quosdam falsos clericos nostros fuit informatus nos fuisse excommunicatos in curia Romana propter quod dictus Nelanus non audebet ut asseritur nobis respondere de dictis redditibus nostris nobis sic excommunicato manente."

⁴³ The circumstances of Sweteman's excommunication are unclear; the list of offenses for which he may have been excommunicated is extensive. A document from 1378, *RMS* 252, finds Sweteman appointing his kinsman proctor to carry out his defense at the papal court in Rome, where someone, probably among his clerical enemies, has accused him of murder, heresy, adultery, and incest ("homicidium heresim adulterium et incestum"). Again, ecclesiastical law is being used against the archbishop instead of by him.

⁴⁴ Vodola notes that excommunicated clerics were deprived of their benefices (*Excommunication*, 58). For the legal consequences of excommunication generally, consult Vodola, *Excommunication* 70–111, and Helmholtz, *Spirit* (n. 5 above), 381–83.

⁴⁵ Vodola, *Excommunication*, 34.

role in these incidents appears limited to co-conspirator or dupe of the Duke of Clarence and victim of O'Neill. The more richly documented relations between Sweteman and the O'Hanlon clan show the archbishop interacting with the lay elite around the canon law of excommunication in a more engaged manner. These incidents portray Sweteman engaging in a dynamic negotiation of the norms of canon law, his political circumstances, and the tactics of his adversaries. With the archbishop as a participant and not a victim in this process, excommunication acted less as a tool for maintaining a set social order than as a means by which that order was produced.

The O'Hanlons were one of the clans being edged out of their territory and politically subordinated as vassal kings by the rising preeminence of the O'Neills during the fourteenth century. In their struggle to survive both English aggression and the O'Neill expansion, the O'Hanlons alternately warred and allied with neighboring settlements, and took sides in disruptive conflicts within the O'Neill clan. During the first power struggle between Niall O'Neill and his brother Domnall (1364–70), O'Hanlon backed Domnall, the weaker claimant, and in the process plundered the archbishop's rich holdings around Armagh city.⁴⁶ Despoliation of church lands was grounds for excommunication, but the yield of "at least 160 cows" in a single raid was apparently worth the risk.⁴⁷ Sweteman's response was to threaten, and sometimes execute, the sanction of excommunication.

A December 1366 letter to Malachy, the head of the O'Hanlons, captures this dynamic at play. In this letter, the archbishop complained that he had proceeded many times against O'Hanlon and his men for despoiling and usurping church property; whereupon they had repeatedly obtained relaxations of their excommunications and interdict by promises to reform and make restitution, only to commit crimes worse than before.⁴⁸ Because of these offenses, the letter ordered local officials at Armagh to cite Malachy O'Hanlon, several leading members of the O'Hanlon clan, and their "principal accomplices" to appear in the archbishop's court and "show why, given their flagrant contumacy, rebelliousness, and notorious despoliations of the goods of the archbishop, his clergy and tenants, he ought not proceed against them then and there, through the ecclesiastical censures of excom-

⁴⁶ For annalistic accounts of this conflict, see n. 29 above. For general background, consult Katharine Simms, "Medieval Armagh: The Kingdom of Oirthir (Orior) and Its Rulers the Ui Annlúain (O'Hanlons)," in *Armagh: History and Society*, ed. A. J. Hughes (Dublin, 2001), 187–216.

⁴⁷ RMS 123: "Et homines Eugenii Ohanloyn in eiusdem Eugenii absentia apud Armachiam receptorum que se indubitanter extendunt ad minimum centum sexaginta vaccarum."

⁴⁸ RMS 133.

munication and interdict, through the invocation of the secular arm, and through the fasting and curses of Christ's church in every region."⁴⁹

Unlike in his threats to O'Neill above, in this case the archbishop more explicitly referenced judicial proceedings, probably a reflection of O'Hanlon's lesser status and closer proximity. Sweteman's letter formally cited O'Hanlon and his men to appear in court to show a reason why the archbishop ought not proceed against them, and invoked the full battery of coercive measures — judicial sanctions, secular intervention, and religious ritual.⁵⁰ Sweteman also pointedly referenced O'Hanlon's contumacy, the stubborn disregard for church law with which excommunication was essentially associated. This contumacy was evident not only in O'Hanlon's repeated crimes but also his perpetual cycle of excommunication and absolution, clearly documented in the register. In December of 1366, the archbishop threatened both O'Hanlon and his sons with excommunication. Early the next year, Sweteman may have been on better terms with the clan, as he requested that Malachy O'Hanlon use "his lay power" to force his subject kinsmen to restore stolen property, while suggesting that the O'Hanlon sons might influence their father on the archbishop's behalf.⁵¹ By September of 1367, O'Hanlon was again excommunicated for plundering church lands.⁵² The sanction of excommunication again seems to have done little to rein in lay violence.

Just as the rapid cycle of alliances on the frontier encouraged the frequent making and breaking of treaties, so too did the archbishop excommunicate and absolve from moment to moment in the face of changing conditions. The very flexibility of the canonical norms of excommunication with their emphasis on warnings and reconciliation was well suited to facilitate the on-again, off-again relations between Sweteman and the ambitious men of Armagh. In addition to these communications with the O'Hanlon, other

⁴⁹ RMS 133: "Propositurus quare contra eosdem omnes et singulos propter eorum contumacia manifestas ac rebelliones et notorias spoliaciones bonorum nostrorum ac cleri et tenentium nostre ecclesie antedictae per censuras ecclesiasticas videlicet sententias excommunicationis et interdicti et invocacionem brachii secularis ex omni parte jejunia et maledictiones Christi ecclesie et nostras procedere dictis die et loco non debeamus."

⁵⁰ Logan describes citation *causam quare non* as a flexible tool in the hands of English judges (*Excommunication and the Secular Arm* [n. 34 above], 77–79). The citation could delay the invocation of the secular arm by giving the excommunicated person a final chance to submit. However, the citation could also hasten secular involvement by providing an occasion for the excommunicated person to prove him or herself contumacious through failure to appear, instead of by remaining excommunicated over a lengthy period of time.

⁵¹ RMS 100: "Quod sua laicali potentia Gylchalmyn Mcrory Mcgingussa subditum suum compellat."

⁵² RMS 96 (n. 3 above).

documents find Sweteman warning recalcitrant lords that he could have proceeded against them already, but has not done so.⁵³ On another occasion, he offered mass absolution to any excommunicated lords willing to appear before him at a fixed time and place.⁵⁴ Unable to compel Gaelic lords to court or to rely on the English justice system to put down their rebellions, Sweteman's only judicial option was to warn, threaten, and delay the punishment he was incapable of enacting.

However, a final dramatic conflict in *The Register of Milo Sweteman* reveals that Sweteman was not the only party in Armagh whose negotiation of the law of excommunication was constrained by frontier politics. Instead, both the archbishop and the O'Hanlons navigated their relationship via direct negotiation around excommunication. The incident is outlined by letters to O'Hanlon and the dean of Armagh respectively.⁵⁵ In the first, Sweteman wrote to Malachy O'Hanlon that he had heard through common report (*per communem famam*) that O'Hanlon and his men had been committing such violence that the entire chapter and Céli Dé of Armagh were captive, prevented from meeting outsiders, or even from performing the Office.⁵⁶ In fact, according to Sweteman, the archbishop's only word from the besieged chapter had been two letters from the dean petitioning for O'Hanlon's absolution. But not believing that the dean wrote freely and seeking a "true and not feigned peace," Sweteman refused absolution. He demanded access to the dean and chapter, and claimed to intend to meet with other leading lords about a military campaign against O'Hanlon, which he did not wish "unless compelled."⁵⁷ Sweteman's frustration over O'Hanlon's lax attitude towards excommunication may be evidenced by the insertion of an

⁵³ RMS 100: "Intimantes eidem Malachie per ipsum Eugenium filium suum et Odonem filium Petri licit sententiam potuissemus gravi contra eosdem processisse . . ."

⁵⁴ RMS 55.

⁵⁵ RMS 94, 96, 205.

⁵⁶ The Céli Dé were an eighth-century Irish monastic movement largely subsumed or supplanted by other orders after the tenth century, although the name continued to make scattered appearances in Irish records until the dissolution of the monasteries. There remains controversy on the nature of the early Céli Dé, with Peter O'Dwyer (*Céli Dé: Spiritual Reform in Ireland, 750–900* [Dublin, 1981]) and Westley Follet (*Céli Dé in Ireland: Monastic Writing and Identity in the Early Middle Ages* [Woodbridge, 2006]) strong representatives of the opposing camps. A small college of Céli Dé was still associated with Armagh as late as the sixteenth century, apparently as choir, with their prior the second ranking member of the cathedral chapter. See Gwynn, *The Medieval Province of Armagh* (n. 2 above), 76–78.

⁵⁷ RMS 94: "Idcirco cum consilio dictorum clericorum nostrorum et aliorum magnatum de terra Hibernie de dicto negotio consultius deliberare intendimus ad vestrum exterminium faciendum quod facere nollemus Deo teste nisi per vos et vestros compellamur pacem enim Christi et ecclesie affectamus veram et non fictam quam si obtinere crederemus que decanus nobis pro vobis scribit libenter pro tunc et non citius adimpleremus."

(emphatic?) interlinear *multoties* into the statement, “And *many times* we have been deceived through absolutions granted in this way and the disobedient acts following [*italics added*].”⁵⁸

Clearly, O’Hanlon’s attempt at extorting absolution does not reflect a submission to church law or respect for the archbishop’s authority. It does however indicate that church law was not meaningless to O’Hanlon, whose precarious military position gave him reason to avoid excommunication and the harassment it could invite from O’Neill to the north or the English settlements to the south. Hence, perhaps, the menacing conclusion to Sweteman’s letter, promising to “consult with the magnates of the land for O’Hanlon’s destruction.” With the specter of coercive force behind them, Sweteman’s ecclesiastical sanctions became something O’Hanlon wished to avoid, although not, apparently, at the price of abandoning raids.

Just as O’Hanlon’s calculations about excommunication were shaped by the landscape of challengers he faced, Sweteman too was limited by his rivalries and enmities. He was being pressured, however reluctantly, by some of his chapter to acquiesce to the O’Hanlons. Witness Sweteman’s response to the dean of Armagh’s petition on behalf of the excommunicated lords:

I feel great upset and pity for the church at Armagh. But to what you have written concerning my absolving O’Hanlon and Domnall [O’Neill], I answer that I do not intend to do this and I moreover desire that you not speak to them on my behalf because, after repeated absolutions, and oaths to remain within the laws of the church, and even pledges given by O’Hanlon, they committed worse deeds than before.⁵⁹

Unfortunately, the dean’s letter does not survive, so it is impossible to know how he characterized his situation in Armagh town; if he mentioned that he was being virtually held hostage or coerced, Sweteman’s response does not reflect it. In his letter to O’Hanlon, Sweteman claimed that he had learned “through common report” of the dire situation in Armagh town, not through the dean’s letters.

Sweteman’s options were further limited by the broader landscape of violence surrounding him; he was also suffering losses from Niall O’Neill and his allies. A note on the archbishop’s chancery receipt of the letter to the dean

⁵⁸ Ibid.: “Et quia multoties decepti sumus per huiusmodi vobis factas absoluciones et subsequentes recalcitraciones.”

⁵⁹ RMS 205: “Quibus perlectis et intellectis multum dolentes compatimur perturbationi et miserie ecclesie nostre Ardmachane nostre et vestre super eo autem quod scribitis pro absolutione Ohandeloyne et Donaldi per nos fienda et committenda taliter respondemus quod hoc facere adhuc non poterimus et hoc volumus quod ex parte nostra dicatis eisdem tum quia post frequentes absoluciones eorundem per nos factas et juramenta prestita de stando mandatis ecclesie et pignora Ohandeloyne data pejora prioribus commiserunt.”

remarks that Sweteman would like to have sent a warning letter to Niall O'Neill opening ecclesiastical proceedings against him, but he could not find any messenger who dared make the dangerous journey.⁶⁰ Facing both internal pressures and external threats, Sweteman had good reason to hasten his reconciliation with O'Hanlon, even without a true submission to ecclesiastical authority.

A final letter, which gives a hint of the probable resolution of this situation, highlights the distance between Sweteman's conception of excommunication based on the canons and O'Hanlon's, which was based on the material realities of power on the frontier. The dean had written again to ask that Sweteman commit to absolving O'Hanlon and Domnall O'Neill from their excommunication, since they were now willing to offer pledges to cover the claims of the victims of plunder at Armagh. Sweteman responded that he was "not a little amazed" by the letter: he was primarily concerned with the issues of excommunication and interdict, and only secondarily with the claims of the men at Armagh.⁶¹ While O'Hanlon (or perhaps his clerical intermediary) framed the plundering as the central issue, and the excommunication as a compulsion to make restitution for the crime, Sweteman focused on O'Hanlon's contumacious disregard for church law.

This dual framing hints at the possible role of excommunication within frontier dynamics beyond what the canonists anticipated. For Sweteman, restitution was meant to be evidence of a change of heart signifying submission to ecclesiastical authority, while absolution marked the expectation of future obedience.⁶² O'Hanlon, however, presented restitution as amends for a past injury analogous to the status-based compensation provided for by Gaelic law, while absolution was a conciliatory gesture much like the fragile treaties concluded among lay adversaries. Just as royal officials were forced by frontier conditions to offer frequent pardons to those who broke the law

⁶⁰ Ibid.: "Quo ad facta Nelani vellemus sibi scribere satis comminatore et processus facere contra eundem in forma ecclesie sed propter tyrannidem Ohandeloyne et Donaldi non poterimus invenire nunciam qui audebit iter arripere cum nuncii nostri fuissent continue in via spoliati et male tractati."

⁶¹ *RMS* 96: "Literis vestris nobis directis . . . intellectis de dato diei lune infra octobas na . . . Mmo CCCmo super eo quod miramur non modicum et ita." And, "Et aliter respondemus quod absolucio eorundem Ohandeloyne et Donaldi ab excommunicationis sententia et relaxacione interdicti petita tangit nos et ecclesiam nostram principaliter et Ardmachanos quasi secundario."

⁶² Katharine Walsh, in *A Fourteenth-Century Scholar and Primate: Richard Fitzralph at Oxford, Avignon, and Armagh* (New York, 1981), a study on Sweteman's immediate predecessor at Armagh, Richard Fitzralph, notes that Fitzralph's theological emphasis on the importance of restitution was likely sharpened by his experience with border warfare in Ireland. While Fitzralph believed restitution was strong evidence of a true change of heart, Sweteman here prioritizes other signs of submission to his ecclesiastical authority.

in pursuit of survival, so Sweteman acquiesced to the realities of his position in Armagh. After admonishing the dean for his petition, the archbishop's letter went on to say that the men of Armagh should write whether they are willing to receive pledges, and he would deliberate on the matter. If sufficient amends or promises to amend were made, then the excommunicated men would be absolved.⁶³

In this case, conversations about excommunication provided a forum for navigating conflicts of which the sanction itself was neither cause nor solution. Excommunication was not able to quash O'Hanlon's violence, but neither was the sanction rendered irrelevant in the face of that violence. Instead, the archbishop and O'Hanlon (along with the dean of Armagh) conducted negotiations over conflict, hierarchy, enmity, and alliance within the frame of canonistic language about excommunication and absolution. Despite the procedural advantages in his favor (e.g., the fact that he alone could absolve O'Hanlon's excommunication), Sweteman seems to have been forced by political realities to contend with O'Hanlon's interpretation of his excommunication. Breaking the theorized link between archbishop, law, and order, Sweteman granted absolution when the spirit of the canon law recommended he should do otherwise.

Just how far Sweteman might diverge from the canonistic norms which the sanction of excommunication was meant to help him uphold is suggested by his contentious dealings with Bishop Richard O'Reilly and the O'Reilly clan. The same frontier dynamics which limited Sweteman's authority over the Gaelic laity in Armagh also affected discipline within the church. The infrequency of Sweteman's personal visitations, growing ethnic factionalism among the religious, and cultural differences in standards of clerical discipline all hampered Sweteman's attempts at regulating his clerical subordinates. As a result, the archbishop faced ongoing resistance and open rebellion from suffragans including bishops, monks, and even his own cathedral chapter. One such figure was Bishop Richard O'Reilly of the diocese of Kilmore, who steadfastly refused to obey the archbishop's citations and judicial pronouncements. In attempting to check Bishop O'Reilly's misconduct, Sweteman relied on the aid of O'Reilly's lay kinsmen in ways that stretched and even reversed canonistic norms about the proper relationship between ecclesiastical and secular power.⁶⁴

Sweteman first excommunicated Bishop O'Reilly in relation to crimes of incest and adultery on account of his refusal to give up his intimate rela-

⁶³ *RMS* 96 (n. 3 above): "Et emendis prestitis pro manifestis offensis vel pignoraticia cautione competenti prestita in forma ecclesie erit absolucio facta ut petitur."

⁶⁴ Helmholtz, *Spirit* (n. 5 above), 377.

tionship with a married kinswoman, Edina O'Reilly.⁶⁵ In June of 1366, O'Reilly was subjected to major excommunication for failing to answer previous citations, persisting in contumacy and rebellion.⁶⁶ In the late summer and autumn of 1366, Sweteman's chancery issued instructions for O'Reilly's public denunciation, letters of corrective exhortation and threats of prosecution, and citations for visitation.⁶⁷ During Sweteman's visitation in November 1366, the excommunicated bishop was absolved and received back into the church on the condition that he put away his married cousin and sin no more.⁶⁸ Just a week later, Sweteman received a report that Bishop O'Reilly had been recalcitrant about a mandate of the archbishop; again, he was excommunicated.⁶⁹

When his attempts to check Richard O'Reilly's behavior through canonistic sanctions failed, Sweteman turned to the lay leaders of the O'Reilly clan for assistance. At the same time as he cited Bishop Richard to appear and show cause why the fruits of his office ought not be sequestered, Sweteman solicited the assistance of lay O'Reillys in carrying out the sequestration.⁷⁰ Kin liability, the principle that heads of clans and lineages should take responsibility for the misdeeds of their followers, was a commonplace of Irish politics; even the Statutes of Kilkenny declared that chiefs must turn over to royal justice any of their "adherents or retainers . . . within their power to correct" who committed a felony.⁷¹ In light of centuries of dispute over secular involvement in disciplining clerics, however, Sweteman's turn to lay assistance was a somewhat unorthodox step, which risked further diluting Sweteman's authority and diverting Bishop O'Reilly's income

⁶⁵ *RMS* 68, a memorandum from 1368, notes that Bishop O'Reilly had relationships with two women named Edina: one his (previously?) married cousin, another "Edina Mc Gaueran," also a relation, but unmarried. Unfortunately, this entry does not illuminate whether Bishop O'Reilly was particularly romantically active, or merely entered into two successive quasi-marital relationships, as were common and widely acceptable among clergy in Gaelic regions.

⁶⁶ *RMS* 70: "excommunicationem ac denunciationem contempnebatis ac in presenti viliter horribiliter et scandalose contempnitibus volentes vero dictos processus propter vestri cordis duraciam in contumacia ac rebelione continuatis persistentes."

⁶⁷ *RMS* 73, 74, 75, 76, 77.

⁶⁸ *RMS* 78: "Ac tandem ipsum ad gremium ecclesie revertentem in forma ecclesie iure absolverimus sub modo aut forma que sequitur ipsius episcopi ad hoc consensu concurrente. Scilicet quod si contingeret ipsum residivaret in futurum cum ipsa peccando aut ipsam in qua cura aut curia aut terra tenuerit seu accessum suspectum ad ipsam quovis modo faciendo aut accessum ipsius Edine ad."

⁶⁹ *RMS* 121. In his notes on the text, Brendan Smith conjectures that the mandate in question was the citation for metropolitan visitation issued just after Bishop O'Reilly's absolution.

⁷⁰ *RMS* 70.

⁷¹ *Statutes* (n. 38 above), XIX.

away from the church into lay O'Reilly coffers. Sweteman's earliest surviving request for lay assistance against the bishop (June 1366) displays an awareness of these risks and attempts to mitigate them. Writing to Catholus O'Reilly to request he deliver a citation to his brother Richard (a gesture which in itself may have been a threatening warning to the bishop), Sweteman specified that Catholus was empowered to choose local clerics to carry out the sequestration of Bishop O'Reilly's income.⁷² Perhaps to win Catholus's cooperation or perhaps to try and preempt Catholus's misappropriation of church funds, Sweteman highlighted his familial connections to the O'Reilly lord, sending greetings to Catholus's wife from her foster brother, Sweteman's chancellor. The O'Reilly clan's long familiarity and cultural exchange with the English may partially explain why Sweteman was willing to enlist Catholus's assistance in the first place.⁷³ Sweteman also promised that Catholus would receive some remuneration for his trouble.

Despite these safeguards, both Catholus and his more prestigious kinsmen Philip O'Reilly, king of Bréifne, made further attempts to profit from Bishop O'Reilly's excommunication. The two O'Reilly lords competed with each other and pressed the archbishop to offer them a richer prize in exchange for their help. Two letters from July 1366 indicate that Philip O'Reilly, king of Bréifne, had written requesting permission to collect the sequestered fruits of Kilmore.⁷⁴ In the first, Sweteman hesitated, requesting an in-person meeting to discuss Philip's proposal, a matter which he "does not wish to undertake lightly." Upon further consideration, however, Sweteman chose another tactic. The first letter was struck out, and another one drafted the same or the next day. Whether because of Philip's superior status or because Catholus had failed to follow through on Sweteman's earlier charge, the archbishop made a new offer to Philip O'Reilly. Again, Sweteman put up protective preconditions: Philip O'Reilly should nominate a cleric, not a layman, to collect the fruits and he will receive some compensation for his labor. In return, Philip must swear to obey the archbishop regarding the fruits while Bishop O'Reilly's case is tied up in the Curia. If

⁷² *RMS* 71: "Pro quo citando unam literam mittimus quam per vos volumus sibi presentari aut unum de vestris et certificari die et loco in ipsis literis contentis de eius traditione ipsi facta. Et volumus quod aliquos clericos de terra oriundos et promotos nobis nominetis qui huiusmodi sequestrationem valeant executioni."

⁷³ Beyond family connections, the O'Reilly clan had a history of engagement with the Anglo-Irish and English beginning with their strategic alliance with the first wave of English adventurers. Katharine Simms has traced how over two centuries of inter-clan competition, the O'Reillys' primary "relations in peace and war" were their near Gaelic neighbors, and especially the Anglo-Irish in Meath and Louth (Katharine Simms, "The O'Reillys and the Kingdom of East Breifne," *Breifne* 5 [1979], at 317).

⁷⁴ *RMS* 56, 57 (n. 3 above).

Philip agrees to this, the archbishop will consult him before making further agreements with Bishop Richard. A letter from September of the same year finds Sweteman similarly refusing to let Catholus collect the fruits since that privilege had been “refused to all lay people and Philip himself.”⁷⁵

On paper, Sweteman carefully balanced his need for lay assistance with his reluctance to turn over church revenues to a secular authority, even attempting to head off future problems from Philip O’Reilly through an oath of obedience. However, in practical terms, Sweteman’s carefully-worded offer virtually invited violent interference with church personnel and goods. Sequestration of Bishop O’Reilly’s revenues would require that the designated agent intercept or preemptively collect money or goods, a process that carried the risk of violent coercion or resistance.⁷⁶ Squeamishness (or coyness) about this possibility may account for Sweteman’s initial “unwillingness to undertake such matters lightly.” Yet Sweteman’s response to Philip O’Reilly’s actions against his kinsmen’s diocese further suggests that the archbishop was not only aware of the possibility of theft and violence inherent in his turn to lay assistance, but may even have been counting on that possibility to bring the bishop to heel. An undated letter which Smith places in 1367 finds Bishop O’Reilly despoiled by Philip O’Reilly and seeking aid from the archbishop. Sweteman’s reply upended the canonists’ expectations of appropriate lay-ecclesiastical relations and the role of excommunication in maintaining them. He wrote:

From the time of my arrival, I have found you always recalcitrant against our God the savior, disobedient to me, and for many years willingly deceived by the devil’s own suggestion, serving up the most deadly sins and shamelessly and brazenly perpetrating crimes against my warnings and decrees, and relapsing most wickedly as often as I corrected you. So it is not necessary to wonder at your many tribulations or even at the plundering of the goods of your church by wicked enemies of Christ crucified since you suffer these things deservedly.⁷⁷

Despoliation of church property was a serious offense meriting excommunication. Yet, instead of his usual fulminations and recriminations, Swete-

⁷⁵ *RMS* 120: “Deputaverimus clericos certos pro collectione huiusmodi fructuum eorum custodiam denegando ipsi Philippo et cuicumque layco propter majus bonum ut credimus.”

⁷⁶ For instance, *RMS* 79 is an undated list of rents received, including various denominations of money, beer (*cervisia*), and geese (*anca*).

⁷⁷ *RMS* 99: “Quia a tempore adventus nostri ad vos et citra semper invenimus vos contra Deum salvatorem nostrum recalcitrantem et nobis inobedientem et diabolo sua suggestione deceptum voluntarie per plures annos ministrantem peccata mortalissima notorie et effronter contra nostra precepta et decreta minis voluntarie perpetrantem et pluries taliter qualiter per nos correctum turpissime recidivantem et ideo, mirari non oportet de vestris variis tribulacionibus et bonorum ecclesie et vestris spoliacionibus etiam per malivolos et inimicos crucis Christi factis quia merito hec patimini.”

man here called the plundering of the church evil but nonetheless “deserved.” If only through concurrence *post factum*, Sweteman may have allowed a lay lord to act as the violent enforcer in his dispute against his suffragan. This strategic abandonment to predation may have been effective, since a final item from January 1368 shows Bishop O’Reilly standing trial for his incest, adultery, and recalcitrance. After confessing, he was remanded to a group of clerks who absolved his excommunication, sentenced him to a fine, and restored his jurisdiction.⁷⁸ Sweteman’s willingness to countenance lay interference in ecclesiastical justice lasted no longer than the crisis; however, the account of Richard O’Reilly’s trial also contains a note that an investigation should be opened into whether Philip O’Reilly and his allied clerks diverted any of the bishop’s sequestered fruits.⁷⁹ The results of this inquiry are unknown; the one later entry related to Philip is indecipherable.⁸⁰

The O’Reilly incident demonstrates how deeply the canon law of excommunication was integrated into — and stretched by — the ongoing diffuse conflict that marked the Armagh frontier. Yet, the law was by no means infinitely malleable. At the same time as excommunication provided opportunities to those who cared to make claims about it, the body of laws surrounding the sanction also limited and molded the possibilities of those claims.

To close, I will briefly examine a final item from *The Register of Milo Sweteman* whose details suggest the complex interrelations between the pre-existing forms of canon law (texts and procedures) and social practice in Armagh. This incident illuminates not only excommunication, but also some of the related canonistic issues that preceded, derived from, or intersected with the sanction. The passage in question hints at some ways in which the specific proscriptions, prescriptions, and procedures of the normative canon law could shape and be re-shaped by the dynamics of conflict in Armagh.

A 1374 letter from Sweteman to his cathedral chapter laid out a number of serious charges against Niall O’Neill, then in a more powerful position than during the dispute over Clarence’s horses. He had been heard to say that “all the lands and possessions of the archbishop and of St. Patrick in Armagh were his, and that neither the archbishop nor his canons would

⁷⁸ *The Annals of Ulster* (n. 30 above), among others, reports that Bishop O’Reilly died in 1369.

⁷⁹ RMS 68: “Quod cum Philippo Oraigill rege Breffinie et cum aliis clericis dicte diocesis Triburnensis pro custodia dicti sequestri ecclesiastici per nos communiter electis et deputatis tractatum habeatis quid et qualiter de fructibus dicti episcopatus suquestratis per nos actum fuerit. Et utrum ad alienos usus quam ecclesie bona ipsius ecclesie sunt distracta vel dissipata.”

⁸⁰ RMS 115.

have anything except the cathedral church.”⁸¹ He had also threatened to build a manor on the archbishop’s land, planned to take over all the lands in a nearby town, and despoiled a deanery “right down to the bare skins” of its residents. In his letter, Sweteman claimed not to believe the accusations, which were brought by unnamed sources. However, he warned that if they were true, O’Neill had relapsed into heresy and should be proceeded against. As previously promised, the archbishop was writing to consult with the canons of Armagh before proceeding against O’Neill, and they should write back concerning these matters within eight days. Sweteman closed the letter by asking the chapter to proceed against Gilbert O’Muldoon, a “pretended canon” and son of a priest, whose perjury and lies turned the archbishop’s “lay friend” against him.

Sweteman noted that he heard about O’Neill’s misdeeds from unnamed people who shared the information “in secrecy as if a confession,” and who “would not otherwise have dared to expose them.”⁸² The canon law provided several paths by which wrongdoing could be brought to the formal attention of ecclesiastical authority, including denunciation, in which an individual reports another person’s crime to a church official for investigation and potential action.⁸³ It is not clear that this procedure permitted the denouncer to remain anonymous, which would explain Sweteman’s peculiar phrase, “in secreto quasi confessionis.” However, in James Brundage’s words, denunciation did have “the decided advantage that it relieved [the accuser] of any liability to the defendant for the false accusation.”⁸⁴ What does seem likely is that some legitimate or manufactured canonistic procedural framework was used by either the original accusers or the archbishop himself to condemn O’Neill anonymously. Canonistic procedure provided an opportunity to strike against O’Neill in ways the complainants “would not otherwise have dared.”

Sweteman’s threat of an inquiry into possible heresy also indicates how the body of canon law not only sat as a static tool to be used by either archbishop or lay person, but also imposed its own logic on proceedings in

⁸¹ *RMS* 8: “Item quod omnia terras et tenementa beati Patricii Ardmachani et nostra vendicat falso tum esse sua. Et quod nec nos nec clerici nostri quicquam ibidem habebimus nisi ecclesiam tantummodo cathedralem.”

⁸² *RMS* 8: “Quia multa Deo et beato Patricio patrono nostro et nobis enormia ac nimis prejudicialia de Nelano Oneyll a quampluribus Christi fidelibus in secreto quasi confessionis nobis referuntur qui nobis aliter exponere non audebant.”

⁸³ Oswald J. Reichel, *A Complete Manual of Canon Law*, vol. 2 (London, 1896), 249–54, cites a variety of the medieval sources on denunciation.

⁸⁴ Brundage, *Medieval Canon Law* (n. 7 above), 143. Brundage also notes that procedure by denunciation was rarely used in practice, suggesting that if denunciation was indeed deployed in this case, whoever levied the charge against O’Neill had a high level of canonistic literacy.

Armagh. Originally meaning only the willful persistence in doctrinal error, “heresy” moved from a primarily theological category to a judicial one as canonists drew on their strongest weapons to ensure the power of ecclesiastical courts.⁸⁵ Following the precedent that only a contumacious person could be heretical and in light of the post-Lateran IV preoccupation with sacramental doctrines, the willingness to undergo excommunication lightly and to remain excommunicate for an extended period came to be seen as grounds to suspect heresy. The principle that a lax attitude towards ecclesiastical authority or extended excommunication might indicate heresy was controversial throughout the period, but it was a possibility inherent in the reasoning that underlay canonistic approaches to excommunication.⁸⁶

As discussed above, frontier conditions drove and were structured by a cycle of frequent excommunications and absolutions. While men like O’Hanlon and O’Neill might have been content to perpetuate that cycle indefinitely, tensions within the normative canon law permitted — and in some ways, logically compelled — the archbishop to amplify the sanction of excommunication into a suspicion of heresy over time. The evidence here that O’Neill had been (and might again be) suspected of heresy betokens a series of confrontations in which the archbishop had been unable to exact obedience from the rebellious lord, an unintended consequence of the lay strategies of frontier conflict. Since a charge of heresy theoretically carried a host of serious consequences beyond those of mere excommunication, including the requirement that secular authorities take all possible measures to assist the church against the heretic on pains of excommunication and interdict, it also represented an opportunity for the archbishop to increase the pressure on O’Neill.⁸⁷ The archbishop’s deployment of heresy was no more the final word on the subject than his claims about excommunication were, however. *The Register of Milo Sweteman* 247 records a case in which Sweteman pronounced heretical one Sir Thomas of the infamously troublesome Anglo-Irish de Verdon family for plundering a church and defiling the Eucharist, and then failing to appear in front of the bishop.⁸⁸ When Swete-

⁸⁵ Howard Kaminsky explores the history and historiography of the judicialization of heresy and the canonists’ increasing emphasis on the link between heresy and contumacy (“The Problematics of ‘Heresy’ and ‘Reformation,’” in *Häresie und vorzeitige Reformation im Spätmittelalter*, ed. František Šmahel and Elisabeth Müller-Luckner [Munich, 1998], 1–22).

⁸⁶ See Vodola, *Excommunication* (n. 20 above), 32–33. The principle that a persistent excommunicate should be suspected of heresy was not made an official element of the universal canon law until the Council of Trent in 1563.

⁸⁷ On the consequences of *Ad abolendam*, the decretal that set forth these requirements, consult Helmholz, *Spirit* (n. 5 above), 360–65.

⁸⁸ A distinction should be drawn between this case in which Thomas de Verdon is declared a heretic on the grounds of his crime against the body of Christ, and other cases,

man declared, “we justly and rightly pronounce you heretical, and cast you out with such words,” feisty Thomas immediately shot back, “and I, Thomas de Verdon pronounce and denounce you as a heretic.” In an echo of O’Neill’s withholding of the archbishop’s rent, here the rebellious layman not only disregarded Sweteman’s pronouncement of heresy, but turned it back against him word for word.⁸⁹

A final element of the letter in question indicates the breadth of situations in which canonistic theory simultaneously shaped social practice and was shaped by social conditions in its practice. Sweteman’s troubles with O’Neill and the canon O’Muldoon also suggest a mechanism by which clerical conflict waged over canonistic issues and partially via canonistic strategies could synergistically align with lay attempts to outwit the archbishop and each other. In this way, the forms and procedures of ecclesiastical law could become even more closely intertwined with the “disorder” that constituted the normal order in Armagh. It is hardly surprising that religious in Armagh took an active role in negotiating the canon law which regulated their behavior, preferment, and revenues. *The Register of Milo Sweteman* includes ample documentation of protracted legal battles between Sweteman and his subordinates over issues including their sexual and marital practices, rents, neglect of duty, and especially benefices.⁹⁰ Ambitious Gaelic churchmen were especially likely to deal with the legal questions, since Gaelic religious culture permitted behaviors forbidden by normative canon law such as marriage among the lower clergy and the inheritance of clerical offices.⁹¹ The “false canon” O’Muldoon whom Sweteman blames for O’Neill’s misdeeds was one such churchman. As the son of priest who should have been celibate, O’Muldoon was barred from office without a papal dispensation.⁹² Since such dispensations were frequently obtained by others in Ireland, the

such as Niall O’Neill’s, in which a person is suspected of heresy on the grounds of disregard for judicial authority, and thus required to appear before the archbishop for additional questioning and correction.

⁸⁹ *RMS* 247 (n. 3 above): “Noverit cum Thoma de Verdon quod ex premissis errore in corpus Christi et ipsius vilipendium per te factum et ob fracturam dicte ecclesie tum per te erone factam et cum pertinacia in dictis erroribus te defensantem juste et sancte te pronuntiamus hereticum cum talia tibi dissemus.” And “Et ego Thomas de Verdon te pronuncio et denuncio hereticum.”

⁹⁰ *RMS* 13, 68, 101, 102, 109 are just a few examples.

⁹¹ Nicholls outlines this phenomenon, noting that benefices were usually hereditary within the family but not along strict father-to-son lines (*Gaelic and Gaelicized Ireland* [n. 8 above], 106–8).

⁹² Walsh discusses a case in which Archbishop Fitzralph received papal permission to dispense twenty sons of priests or married men to become priests to combat the shortage of clergy in the wake of the plague (*Richard Fitzralph* [n. 62 above], 282–83).

key to his prosecution may have been less his non-canonical office-holding than his putative influence on O'Neill.⁹³

In the midst of longstanding disputes over the privileges and fiscal obligations of canons and other religious, the chapter of Armagh had erupted into open rebellion against the archbishop during the period in which this letter was composed.⁹⁴ Although the immediate causes and chronology of this uprising are unclear, it raises tantalizing questions about the symbiosis between lay and religious navigation of the canon law. Did O'Muldoon turn against the archbishop because of the threat of losing his office on canonical grounds, or did Sweteman only open proceedings against him after the canon had fomented rebellion? How close was the relationship between the canons and O'Neill, and were they coordinated in their efforts to defy the archbishop? Combined with Sweteman's assertion that O'Neill had been misinformed of the archbishop's excommunication by a lying canon, this incident raises the possibility that discontented clerics connected to leading Gaelic families may have helped facilitate the strategic lay deployment of canon law against opponents — including even the archbishop.⁹⁵

CONCLUSION

To argue that the canon law of excommunication permitted the perpetuation of conflict on the Armagh frontier is not to claim that the law in itself caused or increased that conflict. Instead, I hope to have suggested that the canon law was deeply integrated into political life in Armagh, creating both possibilities and limitations for a variety of actors. Canonistic strictures created the problem of the canon O'Muldoon's irregular status, but canonistic sanctions provided an avenue for the archbishop to combat him. The canon law of excommunication presented a channel for O'Muldoon and O'Neill to strike against the archbishop, but Sweteman himself utilized the threat of excommunication to strike back. O'Neill's opponents may have used the canonistic procedure of denunciation to inform against him, but Sweteman could also hold out the promise of absolution as an occasion to negotiate a

⁹³ Watt describes the growing fear among the Anglo-Irish/English administration that Gaelic clerics would conspire with Gaelic chiefs to harm the lordship (*Church and Two Nations* [n. 9 above], 174).

⁹⁴ *RMS* 7, dated May 1376, refers to the time just previously when the canons at Armagh had risen against Sweteman with all their men, "clerici capituli ecclesie nostre Ardmacane insurgerent contra nos cum omnibus viribus eorum." For a different viewpoint which emphasizes Sweteman's close working relationships with some of his canons, see James Watt, "The Medieval Chapter of Armagh Cathedral," in *Church and City, 1000–1500*, ed. David Abulafia, Michael J. Franklin, and Miri Rubin (Cambridge, 1992), 219–48.

⁹⁵ *RMS* 8.

truce. Even if the canon law could not ensure that Armagh's elite "should live honorably, should not injure another, and should accord to each person his own rights," it nevertheless may have helped structure the dynamic equilibrium of conflict and cooperation that marked frontier life.

Could the canon law have performed a similar function under other circumstances? As the body of protocol for an administrative institution with outposts in all corners of western Christendom, the written canon law encountered a staggering diversity of social conditions from place to place across the medieval period. In every locale, the canonistic worldview met with other social orders, both lived and imagined. The obvious gaps between legal mandates and social manifestations should not obscure the possible richness of the interactions in the interstices. Despite its static forms and explicit purpose, the mass of institutions, norms, texts, and procedures that made up the medieval canon law seems to have been remarkably flexible under the specific conditions of late medieval Armagh. With further studies of canon law in local practice, historians can look forward to a still deeper understanding of the range, limits, and potentially the variable social consequences of that flexibility.

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