

DICTATES AGAINST HARPERS

“Hang the harpers wherever found, and destroy their instruments!”

This title is part of a larger and much quoted paragraph from *A History of Irish Music*, published by William H. Grattan Flood in 1905:¹

January 28th, 1603, a proclamation was issued by the Lord President of Munster, by the terms of which the Marshal of the Province was strictly charged “to exterminate by marshal law all manner of Bards, Harpers,” etc. Within ten days after said proclamation, Queen Elizabeth herself ordered Lord Barrymore “to hang the harpers wherever found, and destroy their instruments.”

Virtually the same passage was repeated in 1913 by Captain Francis O’Neill in his work, *Irish Minstrels and Musicians*, leaving out the suggestion that Queen Elizabeth uttered her instruction ten days after the Lord President of Munster issued his proclamation: ²

A proclamation issued January 28, 1603, by the Lord President of Munster, in which the marshal of the province was charged to exterminate by martial law all manner of bards, harpers, etc., was followed by Queen Elizabeth’s orders to Lord Barrymore, “to hang the harpers, wherever found, and destroy their instruments.”

In his preface O’Neill acknowledges Flood as his inspiration for producing his work, so despite neither author providing references it seems reasonable to regard Flood as the primary source for the whole paragraph. Both books were influential publications, and although Flood in particular has been shown to be unreliable in many areas, they still tend to be much quoted. This particular paragraph is often cited as an example of a deliberate state policy of persecution of harps and harpers.

Accepting Flood as the primary version of the paragraph, it can be broken down into two statements: the proclamation by the Lord President of Munster, followed by an order ten days later from Queen Elizabeth to Lord Barrymore. We will first deal with the Munster proclamation. It can be shown to have a factual base, although as quoted without context by Flood it gives a seriously misleading impression.

Two copies of the *Edict of the Lord President and Council of Munster* are among the Harley Manuscripts in the British Library and were noted and published by Alan Fletcher in 2001.³ They bear the dates of 20th and 27th of January 1603. Neither uses the emotive word ‘exterminate’. In both copies, the Edict required the

marshal of that province to “execute by martial law in and throughout the whole province of Munster all Idle men, sturdie beggers, vagabonds, harpers, Rhymers, bardes” who were found travelling or residing in the province who could not produce a letter or bill under his master’s hand or a licence or passport of his Captain or known Marshall Officer to testify whose servant he was.

The version of the Edict dated 27 January gives a slightly different list of vagabonds: “...all manner of Bardes, rymers, harpers, Stokeghes [young men(?)], Clubbuers [(vagrants(?))] and all manner of vagrant and maisterles persons...”

In other words the Edict was not a blanket instruction to ‘exterminate’ all the harpers (and other people mentioned). Rather, in the aftermath of the late rebellion which had resulted in the Battle of Kinsale, it was aimed at the loose, master-less, but possibly still disaffected people roaming around Munster. The apparent intention was to re-establish control of the province following the continuing civil disorder, and in that respect it is similar to earlier instructions such as the equivalent section of the Statutes of Kilkenny of 1366.⁴

The second half of Flood’s paragraph with the instruction to “hang the harpers wherever found and destroy their instruments” is far more emphatic and probably the most frequently quoted section. It is also the one for which any firm evidence is lacking. Significantly Alan Fletcher in his extremely comprehensive work quoted above does not have any reference to it, nor does his book contain any contemporary record similar to this emphatic statement which might be construed as a basis for Grattan Flood having just misinterpreted one of the early sources.

According to Flood the ‘order’ was issued to Lord Barrymore but the standard work on that family, based directly on the family papers, makes no mention of such an instruction from the Queen.⁵ In fact the Barry family not only had a harper in their own ranks but also patronised harpers and rhymers and just three years later in 1606 Lord Barrymore sold land to a harper called Daniel og O’Cahill.

The general timing of the supposed instruction is also a little odd. Taking Flood’s dating of “within ten days” of 28 January 1603 places the event between then and 7th February, during a period when Queen Elizabeth, who died on the 24th March was failing rapidly and had apparently (and understandably) lost interest in government and was leaving such matters to her ministers. The government throughout that period continued to issue ‘pardons’ in the name of the crown, including one in the month of February to a harper from Mallow, actually in the province of Munster.⁶

Lacking any real evidence of a statement from Elizabeth I specifically ordered the deaths of all harpers (along with destruction of their harps), this ‘quote’ looks like one of Grattan Flood’s wilder claims. Yet it has been uncritically repeated so often that it has become an accepted ‘fact’. This in turn has coloured the approach to more reliable evidence regarding the case for or against the ‘persecution of the harpers’, especially when the series of Fiants is considered.

An additional problem is that once such ‘myths’ become established they can prove to be very tenacious and difficult to change. For example Flood was also primarily responsible for propagating the idea that Shakespeare makes a reference to the uilleann pipes.⁷ A similar situation exists in Scotland, where the mistaken belief that the bagpipe was banned following the Jacobite defeat at Culloden has, despite much effort, proved impossible to correct.⁸

An over-concentration on the various edicts promulgated against itinerant groups in Ireland has led to a tendency to ignore the other side of the coin; that most medieval societies imposed some sort of regulation on people, including entertainers, from outside of their own area. The principal reason was for protection. The degree to which these regulations were imposed varied according to circumstances. In some cases the regulations were to protect against carriers of disease at times of plague. When conditions were unsettled due to wars the suspicion was that itinerants might be spies or, especially in the case of musicians, might be secret carriers of messages between disaffected members of the community and those outside it. Even during times of peace the skilled craftsmen and merchants operated a cartel to prevent unwanted competition from elsewhere and there was probably some degree of 'trade protection' for the local musicians.

Ireland was no different, even though the situation was complicated by the tension between the bi-cultural population and the fluctuating boundary of the pale. Indeed, attempts to control the poets and their supporters precedes the arrival of the 'Normans' by several centuries if the account of the Convention of Druim Cett attended by Colum Cille in the year 575 is reliable. One of the questions debated at that convention was the proposal by Aed to banish the poets from Ireland. Whether he had the power to impose such an action is another matter,⁹ but the result was a compromise whereby the retinues of the poets, presumably including any musicians, were to be reduced in size.¹⁰

Moving forward to the beginning of the fourteenth century, one of the earliest statutes for sanctions against poets, tympanists, or harpers (and especially against kernes and importunate and wicked seekers, or rather 'extorters of gifts') was issued by the synod of Armagh while under the authority of the native Irish archbishop David MagOireachtaigh, (who died in 1346); although the statute was renewed by the two subsequent Norman archbishops who followed him.¹¹ The church interest in this case seems to have been to reduce the burdens imposed on the ordinary people who were required to provide the visitors with 'hospitality', sometimes for long periods.

The voices of the lower orders of society are usually unrecorded, but one late example in Scotland suggests that they did not necessarily share their superior's enthusiasm for the musical orders. In 1722 the Earl of Breadalbane's piper, Donald Roy MacIntyre, held a croft in the townland of Stix, about two miles from the Earl's castle of Balloch near Kenmore. The other joint tenants petitioned the Earl to remove the piper from their neighbourhood because the horses of his visitors were eating and destroying their 'corns'.¹² That the visitors had horses places them among the clan gentry but clearly they were indifferent to the plight of those below them.

Against this background the various edicts can be seen simply as attempts to exercise control, and they were actually issued at various levels of authority from the Crown downwards. Although the poets, (rhymers) and harpers/tiompan players featured in most of the edicts, there were always some five or more different groups listed in each statute. For this reason, the harpers can not be described as being specifically targeted. Furthermore, the edicts were not aimed at all harpers or poets in Ireland, but only those who did not have a master or lawful authority for being where they were. Once this 'society of two mixed halves' is appreciated then what appear to be a number of contradictions can be explained.

For example, in 1375 the 'Irish parliament' which had been responsible for the original Statutes of Kilkenny were themselves petitioning the Crown to 'let Downald O'Maghane, ministrallus hibernicus' dwell among them.¹³ Then in 1591, Patrick MacEgan of Carraig Beagh, brehon to O'Fearghail Buidhe, was appointed by

the English government to be seneschal of his district with licence to “prosecute and punish by all means malefactors, rebels, vagabonds, rymors, Irish Harpers, idelmen and women and other unprofitable members.”¹⁴ Here then is a case where a member of a hereditary Gaelic family of Brehons was adopting a dual role as he was also prosecuting laws issued under the ordinance of the government of Queen Elizabeth herself.

Over the period from the Statutes of Kilkenny in 1366 to Elizabeth’s death in 1603, so many ‘edicts’ were issued that the question arises of how effective they were given that they constantly needed to be restated.

There is also a distinct lack of contemporary records of any harpers being executed just for being a harper; unless any of the three ‘bards’ hung by the Earl of Thomond under one of the statutes in 1572 also played harp.¹⁵ Laws may be passed but their effect is often limited to how much the prescribed punishment acts as a deterrent.¹⁶ Since the statutes against the various undesirable groups would have been widely proclaimed it would have been a rather foolish harper, for example, who then remained in that area if the chances of being caught and executed were high. Execution was of course just the most extreme of the punishments used, stocks were not unknown and in Galway the interesting approach of also punishing the patron was legislated for.¹⁷

When it comes to examining the Tudor policy of ‘pardons’ with what has gone before, any real connection is extremely tenuous and cannot be used to bolster the case for harpers being specifically persecuted. The background to the Policy of Surrender and Re–grant which gave rise to the issuing of the Fiant or ‘pardons’ was thoroughly examined and placed in its context as long ago as 1913 by W F Butler.⁸⁷ Unfortunately the practice of extracting just the names of the harpers, pipers and bards among others without quoting the whole Fiant has led to the assumption, especially with the harpers, that to have been ‘pardoned’ they must therefore have transgressed in some way with an automatic mental link to the statutes.

The policy of Surrender and Re–grant had its origins under Henry VIII. Signs of a modern re–evaluation are appearing: a paper presented recently (at a conference in September, 2012) goes back to the start, if the abstract is a reasonable reflection of the subject. The author notes that “A curious aspect of that constitutional change was Henry VIII’s acceptance of Gaelic lords into the ranks of English nobility, the so–called process of ‘surrender and regrant’. Much of the current historiography continues to detail how the English considered the Gaelic Irish barbarous and savage. How, then, could Henry have allowed ‘savages’ like the O’Neill chief to come to court and leave an earl?”¹⁹

As it developed under Elizabeth’s administration, the policy became more formal. It widened into an expansion of the number of landowners involved, and sought to bring the lands into written titles rather than the mainly unwritten Gaelic approach. This was why the existing ‘landowner’ in what was still a feudal system had to ‘surrender’ all claim of title to the crown. Normally, only in the cases of rebellion or similar action on the part of the ‘owner’ would the land be forfeit and the crown resume title to the land. In most cases after the surrender the titles were officially ‘re–granted’ in total to the original holder, often naming his other main supporters including his harper or poet if he had one. In some cases where the original ownership was in doubt more than one ‘new’ title was granted. So although as an exercise the ‘Fiant’ provide a number of harper’s names, those harpers would in fact have already been on the right side of the law and not the ones that the Tudor Statutes were attempting to censure.

To end by returning to the beginning: did Queen Elizabeth utter the words used for the title? The evidence, or lack of such, must cast considerable doubt on the matter.²⁰ At the very least, future repetitions of the quotation should be heavily qualified. Regrettably, the odds on that happening are low. Furthermore, if the day should come when the quotation might be shown to be true, the effect in terms of its execution must have been zero. It would have been uttered by the Queen, in England, and in just over six weeks she was dead; hardly enough time for her words to have been carried to Ireland and put into action. Elizabeth was replaced as monarch by James VI and I. His track record in Scotland, which he governed for some thirty or more years, had never shown any such antipathy for the Irish harper's Scottish counterparts.

¹ Flood, W.H. Gratton. *The Story of the Harp*. 1905. Chapter 18, 152.

² O'Neill, Francis. *Irish Minstrels and Musicians*. 1913. 27.

³ Fletcher, J Alan. *Drama and the Performing Arts in Pre-Cromwellian Ireland. Sources and Documents From the Earliest Times Until c 1642*. 2001. pages 185 and 516.

⁴ Berry, H F. *Statutes and Ordanances and Acts of the parliament of Ireland*. 1907. p 446 which reads: *Accorde est defende qe nulles ministres Irroies cestascavoir Tympano, fferdanes skelaghes Bablers Rymo clerez ne nullez autres ministrellis Irrois...*

The same transcript of the original is included by Alan Fletcher in his *Drama and the performing Arts in Pre-Cromwellian Ireland* (2001) p346, but oddly in his translation in footnote number 530 on page 556 he translates the original word 'clerez' as 'clerks'. If the original scribe had meant clerks; he would have used the French word 'clerc' with no 'z'. However, in the earlier edited transcription by Berry, he translates the phrase as 'it is agreed and forbidden that any Irish minstrels, that is to say tympanours, pipers, story tellers, bablers, rhymers, harpers, or any other Irish minstrels, come among the English'. Where he has interpreted the word 'clerez' as harpers, and in his original adds a footnote number 4, p 446, referenced to clerez, in which he adds;— "For clarsaghours". He is probably correct in that it was a phonetic attempt in French to convey the sound of the Gaelic word and so is to date the earliest evidence for the use of the word 'clarsair'.

⁵ Barry, Edmond. *Barrymore, Records of the Barrys of County Cork*. 1902. Available on archive.org <http://archive.org/details/barrymorerecords00barr> (accessed on 18 October 2012)

⁶ Fletcher, op cite. 385.

⁷ In *Ceol; A Journal of Irish Music*, vol. V (1) July 1981, Nicolas Carolan published a scholarly article debunking of the idea under the title of 'Shakespeare's Uilleann Pipes'. In July 2010, almost 30 years later Na Piobairi Uilleann re-published the article, (*An Piobaire*, vol 6 No. 5) as they 'believe it needs to be re-printed in order to again rebut a fanciful idea about the origin and antiquity of the uilleann pipes, which continues to re-surface in every generation'. The subject has recently been revisited by Nicolas Carolan as part of a much wider study of the whole background to the 'naming' of the Irish bellows pipes and made widely available through hosting the publication on the website of the Irish Traditional Music Archive at Union Pipes (www.itma.ie/images/uploads/unionpipes.pdf). Whether this will succeed in dispelling the myth where other attempts have failed remains to be seen.

⁸ John G. Gibson, the author of a modern history of the Highland Pipes, published in 1998, (*Traditional Gaelic Bagpiping, 1745–1945*) went so far as to add a complete transcript of the Disarming Act of 1746 as an appendix in an attempt to correct matters. Despite his and others efforts, earlier this year, (2012), the holder of one of the most prestigious chairs in Scottish History was heard to say in a television programme on the history of Scotland that ‘the bagpipe was banned after Culloden’.

⁹ Byrne, Francis J. “The Ireland of St Columba.” *Historical Studies*. 1965. 45.

¹⁰ Bannerman, John. *Studies in the History of Dalriada*. 1974. 160–161.

¹¹ Simms, Katherine. “Guesting and Feasting in Gaelic Ireland.” *JRSAI* vol 108(1978): 76.

¹² National Archives of Scotland, GD112/11/1/1/20

¹³ Curtis, Edmund. “The Viceroyalty of Lionel Duke of Clarence.” *JRSAI* vol 8, no 1(1918): 73. quoting Pat Rolls 49 Edward III, 1375.

¹⁴ Patterson, Nerys. “Gaelic Law and the Tudor Conquest of Ireland.” *Irish Historical Studies*. vol 27, no 107(May 1991): 214.

¹⁵ *Ulster Journal of Archaeology*. vol 7(1859): 105.

¹⁶ Consider for example how many people break the law when driving their automobiles (drinking and driving, speeding, using a hand held mobile phone while driving). The few prosecutions that occur are only the tip of an iceberg.

¹⁷ Bylaws;– That neither porters harpers, messengers, millers, bakers, bowchers, or any nowrses, or any kynde of craftsman, do at no festivall tymes, or at any other tyme, come to any man is howse to crave either for benbridge, offringe, meate, or any drinke, by any way whatsoever, in vayne, on payne of imprisonment and loss of a crowne as well of the giver as also of the offender’. (Hardiman, J, *The History of Galway* (1926), 216.

¹⁸ Butler, W. F. “The policy of Surrender and Regrant.” *Journal of the Royal Society of Antiquaries of Ireland*. Series 6, no 2(1913): pp 47–65 and no 3: pp 99–128.

¹⁹ Kane, Brendan, ‘being Noble in Ireland Before Henry VIII’, being presented at the conference of the Forum For Medieval and Renaissance Studies, Cork. Sept 2012.

²⁰ The following sources have been searched with no evidence that Queen Elizabeth I of England ever uttered the words, “Hang the harpers wherever found...”:

- Chamberlin, Frederick. *The Sayings of Queen Elizabeth* London (1923).
- Perry, Maria. *Elizabeth I – The Word of a Prince: A Life From Contemporary Documents* London (1990).

Submitted by Cynthia Cathcart and Keith Sanger, 11 October, 2012
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