



BARBARIANS & BROTHERS

Anglo-American Warfare, 1500–1865



WAYNE E. LEE

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Acknowledgments

A BOOK STARTS OUT as a solitary effort. By the end, however, almost without noticing, the pile of debts mounts to astonishing heights. In trying to acknowledge those debts I am certain of two things. One is that those mentioned here deserve more than mere mention. The other is that some deserving individuals will go unmentioned through my own failure of memory. I hope both groups will forgive me. I can also confidently state that any errors that have crept in here are my fault, and none of theirs.

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Thank you all.

Notes on Style

QUOTES FROM ORIGINAL SOURCES have been printed here as found, with a very few exceptions explained in the notes. I have silently converted vv to w, u to v, and i to j to reduce confusion, so “iustice” becomes “justice”; similarly y = the, and superscripts have been brought down. When working from an edited version of a manuscript, I have reproduced the editor’s spelling without change.

Dates from before 1752, when the English calendar was modernized, are old style, but the year is taken to begin in January and not March.

For those unfamiliar with English titles, I should explain the difference between a title and the family name. For example, the earl of Ormonde is called “Ormonde” in the documents. His birth name was Tom Butler. His brothers, Piers and Edmund, also Butlers, are the junior members of his generation, and so are not referred to as “Ormonde,” while he is only rarely referred to as a “Butler.” Three different earls of Essex appear in this book, two of them in the same chapter, so for clarity I will occasionally fall back on using their birth names (Walter and Robert Devereux).

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BARBARIANS AND BROTHERS

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Introduction

IN 1602 AN ENGLISH ARMY stormed the castle of Dunboy in southwest Ireland, rounded up about eighty Gaelic Irish survivors, and hanged them in the courtyard the next day.

In 1644 another English army, this time fighting a civil war at home, bombarded an enemy garrison in the castle of Sudeley in western England. After an initial offer to surrender was discussed and rejected, the alternate discourse of the cannon resumed. The garrison soon capitulated to a promise of mercy, and those inside were spared—probably to be recruited by the besiegers.

In 1675 a group of besieged Susquehannock Indians in Maryland were unable even to begin a discussion with their besiegers. When they sent out five representatives to parley with the attacking English army, the English simply killed them.

In 1780 an American army sat besieged by the British in Charleston, South Carolina. Seeing no hope of relief, they entered into days of discussions over the terms of their surrender. As at Sudeley, the discussion alternated between written demands and the resumption of combat. Eventually the two sides produced a detailed surrender agreement, specifying the treatment of various categories of defenders. The American army marched out and laid down their arms; the regular troops of which then went in one direction, and the militia in another.¹

Behind these bare outlines of restraint and atrocity lie complex processes and beliefs about war making. A simple explanation for the killing in one circumstance and the restraint in another might focus on the fact that the Irish and the Indians were considered “barbarians,” while the other examples come from wars between “brothers.” But does this explanation suffice? And is that all that can be learned from these comparisons? Did the participants see such killings as “atrocities”? Were these exchanges a normal part of war, or were they exceptional?

Barbarians and Brothers aims to answer these questions and more. It is a book about restraint and atrocity, about the many ways societies seek to limit war's destructive power, and about the choices and systems that unleash it. But it is also a book about the nature of war. Its fundamental argument is that war is defined by *both* violence *and* restraint, consciously and unconsciously, materially and mentally. Patterns of force and individual choices in war reflect more than the abandonment of the shackles of peace in favor of violence unconstrained by any law save necessity. War is violence, but it is violence perpetrated by humans with the intent to communicate with other humans. War is intended to convey specific messages to an enemy; only rarely in history has that message been merely "die." As an act of communication, it has its own structures, patterns, and internally consistent logic, a "grammar," in which violent acts carry meaning and convey intention. It is true, as the nineteenth-century theorist Carl von Clausewitz suggested, that the intensity and violence of war escalates as each side seeks victory, but its practitioners also struggle to keep their actions within bounds that fit their understanding of war. For Clausewitz the main limit on war's escalation was political—the assessment of ends versus means, gains versus likely costs.² Clausewitz was too subtle a thinker to ignore other kinds of restraints, but they were not his focus. Truly understanding war, however, demands an examination of restraint. This is not an attempt to downplay atrocity, or to redeem war from the ignominy it usually deserves. Rather this book seeks to understand both restraint *and* atrocity through a holistic examination of societies' thoughts and assumptions about war—how they plan to win specific wars, how they commit resources to fight a war, and how they seek to enforce social norms on those chosen to fight.

To illustrate these processes, *Barbarians and Brothers* examines five of the most significant sets of conflicts in the founding of the English colonies and the American republic. The nature of English warfare in Ireland in the sixteenth century helped lay the groundwork for English assumptions about North America and for some military methods employed in the colonies. Similarly, the English experience of civil war in the mid-seventeenth century imprinted profound messages in the minds of American colonists about the evils of standing armies and the need to restrain soldiers' behavior. Despite that lesson, the many Anglo-American wars with Indians often were waged with terrifying violence. The Americans then struggled during the American Revolution to reconcile these two different trends of restraint and devastating violence and produced three distinct ways of war: one against the British, one against Indians, and a third, middle way for the partisan war between rebels

and Loyalists. After the revolution, Americans convinced themselves of the virtuousness of their conduct compared to the rapacity of their enemies, and they entered the American Civil War expecting to wage another virtuously restrained war. Instead, the intensity of popular emotion, combined with the capabilities of the industrial era, convinced Union generals that this war required a return to strategies of devastation previously reserved for Indians and Irishmen—although with much greater control over the level of violence.

No single explanation of the nature of violence exists for these five cases, but there are connections, trends, and parallels among them. Of particular importance was that in all these conflicts Englishmen and Americans found themselves fighting either people they defined as “barbarians” or their own compatriots—their brothers. Both circumstances placed special burdens on their understanding of war and of appropriate conduct in war.

America in the early twenty-first century confronts a similar problem. After 150 years of conceiving of enemies as states, the nation now fights a “war on terror.” In such a war terrorists are defined as barbarians, and many Americans live in fear that they may lurk among us disguised as brothers. The “normal” understanding of war has been upended, and we struggle to define appropriate conduct within the new order. Our fears led us to condone or permit the abuse of prisoners at Abu Ghraib and domestic surveillance, waterboarding and the erosion of constitutional protections. Similarly, in their struggles with barbarians and brothers from 1500 to 1865, Englishmen and Americans learned to demand protections for themselves while simultaneously writing other people out of the nation. These struggles produced good and evil, new beliefs in the necessity of restraint and liberty, and a new willingness to exclude and destroy. They have much to tell us about ourselves.

Restraint and “Frightfulness”

In all the cases discussed in this book, the participants started with assumptions about restraint. Combatants and noncombatants alike expected certain sufferings; they could not deny that blood would be shed, but they also imagined that there would be limits on behavior and on war’s destructiveness. Combatants then wrestled with those limits, trying to find ways to fit their notions of restraint into their military and logistical calculations. Even in wars with people they called “barbarians,” the hope of ultimately incorporating their opponents into their own society served as an initial restraint on violence. They voiced a kind of logic that suggested, “Better that the corrupt

native elite goes down hard that we may save and civilize more in the long run." Not surprisingly, indigenous people labeled barbarians by their enemies generally proved reluctant to become subjects, and their leaders militantly and stridently resisted being supplanted.

When restraints fail, or are deliberately cast aside, violence in war escalates quantitatively or qualitatively, or both. Quantitative escalation brings the commitment of greater resources, the expansion of destruction, and often an enlargement of the conflict in space and time. Qualitative escalation refers to the way each side might adopt practices that they normally find disturbing. Common examples include mutilation, torture, and killing women, children, or the defenseless. This kind of qualitative escalation is culturally specific. Some societies regularly practiced behaviors that are now deemed atrocious, but which for them were normal. For example, if a Native American killed an enemy and then proceeded to scalp him, he did so within his traditional way of war. The act of scalping was not a qualitative escalation of violence; it was "normal." If a European witnessed that act, however, and, outraged, in turn scalped an Indian, that did mark an escalation—at least to fellow Europeans.³ Similarly, Englishmen in Ireland, although long accustomed to judicial beheading, professed horror at the Irish custom of beheading enemies in battle. The English, in their own qualitative escalation, rapidly adopted the practice.⁴

When violence escalates it becomes more "frightful." That choice of words may sound strange, but it is intended to convey the combination of quantitative and qualitative escalation. War does not become merely more "destructive"; the very nature and quality of that destruction changes. In many cases, "frightful" also conveys the warring society's own view of events, as a war breaks through the boundaries of what a society considers normal behavior.

Understanding how a war becomes frightful requires first understanding the restraints placed on it. For the most part, historians have approached this issue through the relatively narrow lens of the so-called laws of war—the codified traditions that most Americans think of vaguely as the Geneva Conventions. That limited definition usually leads to two types of analyses. One tracks the religious or legalistic development of the codes as an exercise in intellectual history, usually with few references to the actual practice of warfare. The other takes a more "utilitarian" approach and dismisses the codes by suggesting that such shallow legalisms collapsed in the face of military necessity. It is all too easy to assume that military men past and present have dealt only in calculations of advantage. In fact, history shows that they and the societies around them struggled with the meanings and consequences of violence

unleashed in war. A third, more recent tradition in the history of violence in war emphasizes ethnic or racial demonization as the root of atrocity. None of these interpretations is entirely wrong, but I believe restraint and frightfulness can better be explained through four categories of analysis: capacity, control, calculation, and culture.

Capacity, Control, Calculation, and Culture

One must begin with a state's *capacity* to mobilize force and that force's overall capacity to destroy, a subject all too often left unexamined. For most of history the ability of an army to destroy was defined primarily by its ability to burn, which was modified only by time and army size. Prior to the industrial production of explosives and their delivery systems, devastation was limited to the application of fire or the person-to-person infliction of violence. The most fundamental limit on frightfulness, therefore, has been the demographic and financial capacity of a society to produce larger armies and fight longer campaigns. Assuming a similar intent to destroy, an army of twelve thousand cannot commit as much violence as an army of a hundred thousand, unless its smaller size allows it to remain in the field much longer.⁵ It is in this sense that the political and industrial revolutions of the late eighteenth century dramatically increased the capacity of a state to inflict damage.

The ability to raise an army was not the same thing as the ability to sustain and *control* it. Whatever strategic or moral reasons might exist to limit the frightfulness of an army, if the society lacked the institutional means to control it, including the ability to feed and pay it, then the soldiers in that army inevitably looked out for themselves. For the period covered in this book, state expenditures on war and the military accounted for most of their budgets. One historian has suggested that they consumed an average of 40 percent of the peacetime budget, and 80–90 percent of the wartime budget, of early modern European states. Given that those states were at war more than half of the time between 1500 and 1750, this suggests that they were operating on the very edge of their ability to provide for their armies.⁶ Soldiers who were not provided for became a threat to anyone in their path.

Control is also defined as societal oversight that enforces the maintenance of normal social values. In part because early states failed to efficiently supply or pay their men, a separate, libertine military (or “soldiers”) culture developed, whose values diverged from mainstream society. Officers, representing society's elite, were expected to maintain control over the soldiers. All too

often, however, the officers shared in the divergent military culture, or simply lacked the institutional tools to control their soldiers. Over time, the increasing weight given to collective synchronized discipline as a means to military success enhanced the desire of the state to control all aspects of their soldiers' behavior. The soldiers' culture of libertinism and plunder gave way to a culture of discipline backed by a bureaucracy of control. Then, in yet another turn-about, the culture of discipline slipped—as did the control of soldiers' violence off the battlefield—in the face of the political revolutions of the eighteenth century, the impassioned commitment of citizens to their state, and the narrowing social gap between officers and soldiers. Discipline nevertheless continued to be seen as a key element of battlefield success.

Societies at different times, and in different technological and political contexts, have had different perceptions of necessity. Desiring to “win,” political leaders and military commanders turned to a strategic theory, or to a rough-and-ready *calculation* of how to do so, and shaped their decisions about where to go and what to destroy on that basis. This is not a claim for rationality in the sense of there being only one objectively rational choice. But these men were engaged in a conscious calculation of the material and moral factors within a specific vision of success as they perceived them.

Because it is an act based on perception, calculation is deeply influenced by culture, nevertheless, the focus here is on calculation as a select leadership's conscious balancing of a specific vision of victory against the limits of material reality. That process is very different from the diffuse, countless decisions of small-unit leaders or soldiers whose aggregate pattern of behavior represented a broader military culture. Because leaders typically arrived at their decisions consciously, the sources, often generated by the generals and their critics, usually clearly explain why certain military choices were made. One can analyze those choices for their effects on frightfulness. The effect is not always escalation: there are occasions when calculation might mandate restraint. For example, an army might try to win an opponent's “hearts and minds,” or decide not to kill those farmers whose produce fed it.

Finally, there is the subtle but pervasive effect of *cultural values* and beliefs about war, which includes, but is not limited to, the particular set of values usually defined as the laws of war. Here “culture” refers to the patterns of meanings and beliefs expressed in symbols and actions, by which people communicate, perpetuate, and develop their knowledge about and attitudes toward life.⁷ Most think of culture as pertaining to an entire society and the “patterns” involved being those which regulate and structure almost all aspects of life. However, there are subcultures within a society, especially in organizations

that have an extended life and that acculturate new members. Historian Isabel Hull has suggested that to examine this kind of “organizational culture” requires seeking out the organization’s basic assumptions, some of which may even “remain hidden from the actors and often contradict their stated beliefs.” To discover this “constellation of basic assumptions . . . one must begin by examining [not only] the patterns in their practices . . . but also the group’s language . . . , myths, explanations of events, standard operating procedures, and doctrines.”⁸ Thus a culture, whether at the societal or organizational level, holds beliefs, knowledge, and assumptions, not always explicitly stated, which are nevertheless transmitted from one generation to the next. Individuals continue to make choices, and by doing so they contribute to a body of precedent for future members. And all individuals retain the ability to improvise, to deviate, even if slightly, from past behaviors, especially when faced with changes in the material conditions of their lives. In this way culture evolves, as the participants in it continuously revise their patterns of belief and behavior.⁹

Culture is normally thought of as a restraint on violence, but that is not always the case. Military subcultures developed their own patterns of behavior that could amplify violence rather than restrain it. The common cultural insistence on retaliation, either out of passion or justice, could have similar effects. A desire for retaliation might lead to violence that takes no account of calculations of victory.

Furthermore, analyzing cultural values of war encompasses the levels or types of violence authorized by a society. Societies generally authorize killing armed enemies in wartime. Some scholars have argued that such authorization is designed to overcome any natural or socialized resistance to killing.¹⁰ Accepting that most humans experience some degree of reluctance to kill, I argue that they do so while also feeling a sense of release or license provided either by intense personal fear or social certainty. By fear I mean the visceral, the instinctive act of self-defense, or even the soldier who fears punishment for not obeying an order to do something he otherwise might not. In a sense fear is merely another kind of certainty: kill or be killed. Social certainty is broader; it is the belief that one’s killing accords with accepted community goals. License has been given and the conscience can remain clear.

Being “at war” provides the baseline social certainty (or authorization) to kill, but other questions arise. Once freed to kill by being at war, *how* is one expected to kill? And what limits exist on who and when one kills? Getting into soldiers’ heads, understanding what they were afraid of and what values licensed them to kill and destroy, reveals how the landscape of violence within war transcended commanders’ choices or calculations of necessity. Junior

leaders and individual soldiers had (and have) great power to determine the frightfulness of war. The conditions that created those situations can be blamed on those at higher levels of command, but the individual soldiers' cultural predilections, combined with their experiences in combat and on campaign, shaped their individual choices and determined what happened to their victims. To understand those choices in their countless variations, *Barbarians and Brothers* explores the social background, composition, and experience of armies, and then asks deeper questions about what those men believed and how their experiences and beliefs shaped their actions.

Barbarians and Brothers

Capacity, control, calculation, and culture intersect in different ways, and their particular intersection determines the level of frightfulness within a conflict. This is not a story of decline or of progress over 365 years, but rather an examination of the conjunctions of the four factors within shifting contexts. Each individual conflict in history has been the result of a different conjunction, but it is also possible to identify patterns and developments over time.

The wars between brothers and against barbarians represent unique and particularly challenging conjunctions of all of these factors. One of the ironies of English and American history is that both societies regularly confronted the problem of trying to redefine a "normal" vision of warfare between European states into one appropriate for either wars with barbarians or among themselves. Deepening the irony, Englishmen and Americans imagined their society as relatively open and inclusive. English liberties available to all subjects of the crown became American freedoms guaranteed to all citizens in the state. In fact, in their wars with barbarians and brothers, Englishmen and Americans repeatedly struggled with the problem of defining who could be imagined as a subject or a citizen. Their answers to that question proved crucial to determining wartime violence.

For "barbarian" wars, part of the problem was making one's grammar of violence comprehensible to peoples who did not share the same language and logic of war. In wars with brothers, the options seemed confined to a binary opposition: showing terror or extending mercy to traitors who might yet be reincorporated into the nation. Both situations differed markedly from fighting a foreign enemy from a roughly similar cultural milieu. For most of this period, a European enemy was unlikely to entirely destroy and occupy

another European polity (although it did happen on occasion, especially in eastern Europe). Violence against such an enemy could be tuned to necessity or expedience; it could escalate, but was normally bounded. The destruction of armies, capture of territory, or taking of cities generated new relative conditions of power that the competing sides acknowledged, debated, and then adjusted their relationships accordingly, but this violence did not lead to the wholesale destruction of relations. When fighting presumed barbarians, Englishmen and Americans rhetorically claimed that their enemies might one day be included as subjects or citizens, but such inclusion usually demanded that the “barbarian” side entirely remake the nature of their society. Such an all-encompassing goal for war created conditions in which frightfulness could escalate exponentially.

Brothers’ wars held similar potential for escalation. As attacks upon normal internal social relations, they opened up an emotive sense of betrayal. But brothers’ wars also involved worries about future relationships; violence left unrestrained would make reconciliation difficult. The obvious model for restraining the conduct of war was that used in international war—whatever its imperfections—because the meanings and purposes of violence in that kind of war would be intelligible to both sides. But other, less restrained models were also available. Where international martial traditions respected certain kinds of relationships between combatants, domestic civil law used the exigencies of war and words like “treason” to justify widespread, nominally “judicial” executions and wholesale confiscations of property. In those circumstances the goal of war again became more comprehensive and opened up the potential for escalation. The American Revolution is a good example of how both models existed side by side. The American leadership chose to fight their British “brothers” via the international model of conflict. Dealing with their Loyalist neighbors, however, they frequently applied the label of traitor and enacted policies through civil law that greatly escalated the violence of their war against them.

Englishmen and Americans of this era found themselves confronting these problems of restraint and frightfulness, inclusion and destruction, on a nearly constant basis. *Barbarians and Brothers* examines representative conflicts, keeping capacity, control, calculation, and culture always in mind, but looking at each from a slightly different emphasis and perspective.

Part I covers a century of conflict between the Irish and the English from roughly 1500 to 1603, providing a long look at what happens when “barbarian” and “brother” coexist in the same person, while also closely examining the role of soldiers’ fears and officers’ notions of chivalry. Part II examines just one

war, the “first” English Civil War, from 1642 to 1646, with a special concern for the development of international codes of conduct in war. It also examines the emergence of two restraints on armies: a demand for collective discipline that clashed with a libertine soldiers’ culture; and the ability of an aroused political public to limit military capacity, especially when they responded violently to the presence of armies. Part III returns to the long view, but adopts a Native North American perspective on war. It finds that Native Americans had highly developed restraints on war, and then demonstrates how that system failed to synchronize with the fundamentally different visions of restraint and war held by their English and American enemies. Part IV, on the American Revolution, compares two individual operations conducted by the same army and at times even the same regiments, but against entirely different enemies, yielding very different results. Finally, the conclusion briefly examines the American Civil War in the context of the massive shift in capacity created by the industrial and political revolutions of the late eighteenth century. Each part is broken into two chapters centered on a specific narrative, chosen for its exposition of important issues. Frequently the narrative involves a march rather than a battle or a siege. The story of an army on the march includes all the issues most closely related to violence: supply, time, fear, civilians, strategic choices, and eventually battle or siege. It is in the movement of an army and the choices of its commanders that we can see most clearly both restraint and escalation.

Barbarians and Brothers is also intended to reveal more broadly the nature and development of war in the early modern era. It is a reminder that only rarely is war truly unrestrained, fought without let or hindrance. In some ways, that fact is the simple result of capacity. Rarely indeed are all the resources of a society committed to destruction. Furthermore, no single atrocity defines the violence of an entire war, any more than a single negotiated surrender or orderly exchange of prisoners does. There is always to-ing and fro-ing, restraint and horror, discipline and mutiny, honor and cowardice. Studying armies on the march allows us to see both the banal and the grotesque, which in war are often not far apart.

It is simply impossible to try to cover the totality of all of these wars in a book of readable length, so the case studies are designed to limit the variables. Part II, for example, covers only the *English* Civil War, and for the most part only the so-called first one, ending early in 1646. This allows a sharper focus on the war between brothers, excluding the escalatory effect of the concurrent wars with those considered barbarians in Ireland and Scotland. Part IV uses General John Sullivan’s 1779 campaign against the Iroquois as an example of

white-Indian violence primarily because there were virtually no militia units present on that campaign. This confines the analysis to the supply, control, and culture of the Continental army alone.

In addition to being built around two specific narratives, each part shifts focus back and forth between high politics and the lowly soldier. The politics and the generals cannot be ignored, but the experiences, expectations, and choices of junior officers and soldiers were critical to defining the nature of wartime violence. Their choices were profoundly affected by the strategic vision of their superiors, but they had their own cards to play. They could occasionally force their commanders' hands, and at local and personal levels they had a surprising freedom of action. Narratives are the best way to convey those feelings and choices. Academic history rarely does justice to the blood, sweat, fear, and voided bowels of war's violence. On the other hand, mere stories rarely convey the complexity of the situations in which humans find themselves willing to kill or forced to die. What follows combines story and analysis, respecting the sources and conveying what was, in the end, a human experience.

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Part 1

BARBARIANS AND SUBJECTS

The Perfect Storm of Wartime Violence in Sixteenth-Century Ireland

By the sixteenth century the English had been in Ireland for hundreds of years. Their power and control had waxed and waned, but in the sixteenth century first Henry VIII, and then his children, sought to impose their will on an island that had never fully been conquered. New waves of Englishmen arrived in Ireland riding on the authority of their monarch but also carrying their own ambitions for gain and glory. The Gaelic Irish and the long-established Anglo-Irish inhabitants resisted this attempt to reorder their lives. Resistance made them rebels; cultural prejudice made them barbarians, and they soon found themselves on the receiving end of a frightful combination of greed, prejudice, and legal traditions justifying virtually any level of violence. The vitality of Irish resistance was as important to the story as English legal traditions. The ruggedness of their country and their elusive style of warfare dramatically escalated English commanders' calculation of the violence necessary for ultimate victory. English monarchs long held to a vision of incorporating the Irish as subjects, but frustration and the aggrandizing hopes of English "colonists" generated a spiral of violence that finally culminated in a new and devastating conquest from 1594 to 1603.

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Sir Henry Sidney and the Mutiny at Clonmel, 1569

But to enterprise the whole extirpation and total destruction of all the Irishmen of the land, it would be a marvelous expensive charge, and great difficulty; considering both the lack of inhabitants, and the great hardness and misery these Irishmen can endure. . . . [And] we have not heard or read in any chronicle, that at such conquests the whole inhabitants of the land have been utterly extirped and banished. Wherefore we think the easiest way and least charge were to take such as have not heinously offended to a reasonable submission and to prosecute the principals with all rigor and extremity.

Lord Deputy and Council of Ireland to Henry VIII, 1540

LORD DEPUTY HENRY SIDNEY would probably have preferred for heads to roll. Decapitating his enemies was nothing new to him or to other Englishmen fighting in Ireland, but in this case beheading was not an option: the enemy was fear inside his own camp. Thirty years later another lord deputy would be less hesitant. In 1599, the earl of Essex revived the ancient Roman practice of decimation and executed one man in ten of a company that had broken and run from the Irish.¹ But here, in 1569, in Sidney's camp at Clonmel in the province of Munster, Sidney's troops were prepared to run away even before the battle. Lurking enemies and scattered leaflets pronouncing their doom had undermined the soldiers' courage, and that, combined with a few idle days in camp, had left them listless, scared, and ready to go home. He had to do something, so he called for wine—a lot of wine—and now he stood in the camp's market square summoning the soldiers to hear him. Clearly too few in number for the threat they faced, they gathered round, expecting to hear that the campaign was over and they were going home.² Within days

these same men would storm castles, execute the defenders, toss the dead over the walls, and proceed to deliberately devastate much of the countryside. How did this transformation in Sidney's men take place, and what does it say about the nature of war in sixteenth-century Ireland?

The usual explanations for the long history of English-Irish violence begin with English prejudice, readily found in their sustained rhetorical attacks on the irremediable barbarity of the Catholic Gaelic Irish and the equally degenerate (and Catholic) Anglo-Irish descendants of the twelfth-century English (really Norman) conquerors.³ Further, the argument goes, since much of this ethnic demonization accompanied attempts to plant Englishmen on Irish soil, the wars and their extremities can be explained as a kind of colonial process of land theft, justified by religious and ethnic prejudice, that served the greed of a few elites (often dispossessed second sons) pursuing vast new estates. Irish (and Anglo-Irish) resistance only intensified the level of violence in an escalatory cycle.

One can hardly doubt the role of prejudice and avarice in generating violence and even atrocity, but they are insufficient to explain the full complexity of the military and political culture of the era. A veritable laundry list of additional factors must be considered, starting with how contemporaries defined victory and calculated how to achieve it. But this was more than a purely "military" calculation. English monarchs, their advisors, their Irish deputies, and even the military men (or "captains") in Ireland struggled with the meaning of Irish subjecthood and its claim on royal consideration and protection. Subjects merited protection, but rebellious subjects might well merit severe punishment. On the other hand, pardon and mercy were at times offered rapidly and quickly. Traditional methods of war in Ireland, both English and Irish, relied on devastation, but it was often narrowly targeted at overthrowing an elite lord, without necessarily intending genocidal famine. Within the military culture of the day, sieges ending in assault might be expected to result in massive atrocities, but such killings and plunderings were seen as legitimate, and therefore not atrocities at all. The entire system of military mobilization in Ireland depended to a large extent on the serious oppression, if not outright devastation, of the peasantry. Control over common English soldiers frequently broke down. The troops sometimes lived in conditions of extreme fear and paranoia and could be expected to lash out when they had the chance. Irish methods of war, both their tactics and their customary practices, did not help those fears. Both sides, for example, were invested in a military culture that took the heads of enemies, but they interpreted the process in different ways at different times. In some circumstances

it could be seen as a violation and a provocation, in others as a legitimate part of the due process of law.

All of these factors operated to produce what was an undeniably heinous brand of warfare, one that included true atrocities even by the looser standards of the sixteenth century. The sixteenth century saw the beginnings of some of the most severe religious warfare in European history, but it was also an era in which many of the basic codes of military behavior were becoming increasingly formalized and internationally shared. Ireland, nevertheless, fell victim to an unfortunate combination of English rationales and reasons for wartime atrocity. The English imagined it a country peopled by “savage” subjects frequently in rebellion, fiercely resistant to Protestantism, who, from tradition and from calculation, fought in a style that today would be called “guerrilla” warfare. Rebellions in Ireland escalated in number and length over the course of the century, feeding a profoundly ethnocentric English sense of grievance. Some English administrators and officers, aware of the lies behind calling the Irish “savage,” offered more restrained strategic alternatives. Some commanders recognized the possibility of winning local hearts and minds and therefore sought to limit the depredations of their soldiers. One high commander in Ireland left an almost achingly painful statement of regret and guilt about the violence inflicted by both sides.⁴ But such individuals struggled against a tempest of angry, or greed-inspired, or simply frustrated denunciations of the perfidy and incivility of the “mere” Irish. Finally, any complete explanation must also account for the fact that this was far more than a mere war, even five, ten, or thirty years long. This was a grinding, century-long contest for power and authority.

The English in Ireland: An Overview, 1169–1603

In fact, the English and the Irish had been struggling for a great deal longer than a century.⁵ The “English” first appeared in Ireland in 1169 as Normans. They rapidly made themselves the political masters of most of the island, and in time imported some of their own peasants and dominated the population of many of the towns. The countryside, however, remained predominantly Gaelic. Over the ensuing centuries the Norman elite accommodated themselves to Gaelic political and social customs, continuing to rule, but increasingly ruling in ways that resembled their Gaelic neighbors.⁶ Furthermore, many of these “Anglo-Irish” elite gradually shed their allegiance to the English crown. By 1500 royal influence in Ireland was confined to a relatively

small enclave around Dublin called the Pale, and to a lesser extent the larger Anglo-Irish earldoms of Kildare, Desmond, and Ormond in the south and west. Even in those locations, English royal commands usually ran through the Anglo-Irish earl of Kildare, whose legal authority may have derived from his appointment as the King's deputy, but whose actual power rested on his manipulation of a complex network of kinship and alliances including both Gaels and Anglo-Irish. Despite this rolling back of Norman (later English) authority, the medieval conquest nevertheless left two key legacies. One was the existence of an Anglo-Irish elite, many of whom maintained their identity as Englishmen, who were willing to acknowledge loyalty to the English crown, but who also sought to maintain control over their domains with a minimum of royal interference. Second, a precedent of conquest had been established in English minds. Henry Sidney understood the value of such a precedent, and he made a point of restoring the tomb (at Christchurch in Dublin) of Richard Strongbow, the first Norman conqueror of Ireland. English kings, queens, councilors, writers, and even soldiers regularly pointed to the Norman conquest as having established the legal right of the English to rule the Irish. Irish resistance to being "proper" subjects only proved their barbarity.

Henry VIII, king of England from 1509, began his reign with the traditional assumption that the Irish were subjects to be incorporated into the realm, to their benefit and the crown's. One advisor suggested that the key problem was not the wildness of the Irish peasantry but instead the poverty they had been subjected to through the exactions of their lords. He reminded Henry that "as the common folk go, so goes the king," and that the king should "rendre accompte [to God] of his folke." Henry seemed to take the advice to heart, ordering his lieutenant in Ireland in 1520 to treat the captain and heads "aswell of the Englishery, as Irishery, to come in to you, as our obeisaut subgiettes." Crucially, this ideological position also lumped all those who resisted into the category of rebels.⁷ Henry's take on the Irish could be seen as enlightened (all king's subjects were to be treated the same), while potentially paving the way to the more extreme forms of violence considered legitimate for rebels.

Henry flirted with more direct rule, bypassing the earl of Kildare and appointing deputies directly from England. That proved expensive and awkward, and Henry soon restored the deputyship to Kildare, but he also tried to control him more firmly. Henry's tighter leash produced a full-fledged rebellion in 1534, led by the earl's son, "Silken" Thomas Fitzgerald. What was in some ways a relatively pedestrian noble challenge to royal authority quickly



SIXTEENTH-CENTURY IRELAND. Adapted from Cyril Falls, *Elizabeth's Irish Wars* (London: Methuen, 1950). Map by Justin Morrill, the-m-factory.com.

got caught up in the issues of the Reformation. Fitzgerald assumed the mantle of leading a Catholic revolt, branded Henry a heretic, and drew heavily on Gaelic as well as Anglo-Irish resources.⁸ Sir William Skeffington, acting for Henry in Ireland, attacked Fitzgerald in Maynooth Castle, battered

down the walls, and executed the survivors.⁹ With the end of the rebellion in Ireland after fourteen months, and the end of nearly contemporaneous ones in the peripheral areas of England, Henry moved to further centralize his control and end his reliance on major nobles.¹⁰

Nevertheless, transforming the “sundry sorts’ of people” of Ireland into “one class only, the king’s subjects, all of whom would be anglicised” in their ways of war, language, inheritance and dress, remained central to Henry VIII’s vision for tightening his lordship over the island.¹¹ In part he was left with little choice—his destruction of the Anglo-Irish Fitzgeralds after the revolt left him without a suitable magnate to form the hard core of royal control in Ireland. In one sense Henry needed first to expand his control in Ireland in order to more fully centralize it, and that expansive vision was inclusive of the Gaels. Increasingly violent alternatives were considered, but at the suggestion of “extirpation” in 1540 Henry’s advisors demurred. They feared the probable “mervailous sumptious” (excessive) expense, but they also noted the lack of any legal precedent for such measures. They had neither heard nor read of any precedent “that at suche conquests the hole inhabitauntes of the lande have bene utterly extirped and banished.” They recommended instead to accept the submission of all but the most egregious offenders.¹² Eventually the policy of accepting submissions evolved into the “surrender and regrant,” in which Gaelic chiefs surrendered their lands and Irish titles to Henry VIII, now declared the King of Ireland, who returned them via a feudal grant. Under surrender and regrant, a spate of Gaelic chiefs became English barons, and three of the largest chiefs were ennobled as earls (Thomond, Clanricard, and Tyrone, with more to follow).¹³ True subjects in law, Gaelic chiefs holding English titles could sit in the Irish Parliament in Dublin and participate in court life in England.¹⁴

Here, then, lay a central paradox that set a crucial tone for much of what would follow in the sixteenth century: the Irish were subjects who, when rebels, should be allowed to submit. If they refused to submit, however, they merited no mercy and could and should be “extirped.” The severity of this attitude toward rebels increased during the sixteenth century, but the idea had deep roots. European legal tradition going back to Roman law established that only a sovereign prince held the right to wage war. Therefore any war waged against the prince by his subjects constituted treason. Attempts to enforce that belief consistently only became possible as centralized monarchies emerged, but Roman legal tradition clearly allowed kings to treat defeated opponents in civil wars as “bandits rather than legitimate political

opponents.” As the power of the English monarchy became more centralized in the late middle ages, this assumption became the basis for the English treason law, which initially defined treason simply as levying war against the king. The Tudors both expanded the definition of treason to include a variety of other affronts to the crown and extended it into Ireland. Elizabeth’s conflict with the Catholic Church further heightened the state’s sensitivity toward treason—publicly claiming that Elizabeth was not the rightful monarch came to constitute high treason.¹⁵

Closely tied to the expansion of the definition of treason was a parallel enlargement of the state’s tools for punishing it, specifically a shift in the meaning and use of “martial law.” Originally referring to the hasty trials necessary under wartime conditions, and usually applied to one’s own soldiers, by the mid-sixteenth century it was increasingly used as a tool for suppressing disorder more generally.¹⁶ Its use was particularly marked in the case of large-scale rebellion, although usually the state quickly shifted back to the ordinary course of law. If the king was “at war,” often defined by having his standard displayed, martial law required no further legal proclamation. Offenders taken in the course of military operations could be swiftly executed. When not “at war,” as, for example, in the comparatively placid aftermath of a rebellion, a martial-law commission was required, and after about 1550 those commissions became more and more common, both in England and in Ireland.¹⁷ The problem, in terms of violence, was that martial law was still law. It rendered extreme methods legal, and desperate or greedy administrators in Ireland proved all too willing to invoke it.

In the wake of a rebellion, an administrator armed with martial law could execute a range of rebels with little ceremony and less evidence. In practice in England, the Tudors carefully calculated their response to rebellions. They asserted their unquestioned claim to power and eliminated the leadership of their defeated opponents, but they also assuaged important political players and displayed appropriately royal mercy. Justice in the early modern era was always a balance between terror and mercy, designed as much to impress the public as it was to punish the offenders. Even civil-law trials for treason, which unlike martial law could also result in confiscating property from offenders of a high social status, produced a surprisingly small number of actual executions. Rebellions usually fell into this pattern of balanced terror and pardon, but there were exceptions. If the rebellions had been particularly threatening to the crown itself, the response could be merciless.¹⁸ Nevertheless, as the century wore on, the English suppression of rebellions grew only slightly more severe in England. In Ireland it escalated rapidly, resting on the

legitimacy of the theoretical “no limits” warfare for rebels, and without the restraints that kept such actions in check in England.¹⁹

Despite this escalating preference for the terror of martial law against the Irish rebels, the pardon remained a key component of English policy; the numbers of participants pardoned usually defied tallying. Justice was about terror *and* mercy. Even in Ireland there would be frequent, rapid, and substantial numbers of pardons offered to rebels.²⁰ Therein lay one horn of the dilemma: a rebel was not a foreign enemy; he was a subject, for whom a pardon *should* be the norm.

The other horn was that the Gaelic Irish did not see it that way. The Irish had their own notions of sovereignty and subjecthood; their legal traditions defining the meaning and obligations of sovereignty differed from English ones. The Irish lords, unsurprisingly, tended to accept the benefits that came with their English titles while rejecting the intention to reform their political and social system. In one sense, those who accepted surrender and regrant found themselves straddling an unstraddleable fence. It committed them to a mode of behavior that fit English expectations but compromised their standing within the Irish political system where the realities of local power played out. The struggle between the pretense of centralized authority and local realities of power almost inevitably generated conflict.

As for the Anglo-Irish lords, even those who still retained a sense of themselves as English subjects and who conducted themselves more or less according to English law, had nevertheless long been free of serious royal interference in their affairs. And they, like the earls of Kildare discussed earlier, had accommodated themselves to Gaelic legal and social systems. They chafed under the centralizing state. They had their own separate vision of how to reform the Gaelic population. And they sought to protect their personal estates and retain an older, more autonomous form of subjecthood, all without rejecting an English identity. The Reformation greatly complicated those plans.

This political redefinition of the subject in the context of state centralization provided a kind of cultural and moral platform of legitimacy for much of the violence that followed. Henry's split from the Catholic Church, which provoked active hostility from his subjects in Ireland, further bolstered the moral legitimacy that each side claimed to justify their violence: both sides proclaimed themselves the representatives of God's true church, and as such they claimed divine authorization for their rebellions or their suppression of rebellions.

Greatly worsening the situation was the process of colonization, or, in the term of the time, plantation. This process has been extensively studied, with

some historians suggesting that the English were inspired by the dramatic Spanish successes in the New World to seek outlets for what they imagined as a restless, burgeoning population, while also bolstering their position in a suddenly competitive Atlantic basin. Crucial to this vision was the growing belief that local control in Ireland required the importation of English settlers, who, in the natural course of things, would displace the local population. Early versions of colonization focused on claiming land either "vacated" by the dissolution of Catholic institutional land ownership in Ireland or the land of Scots whose status as hostile invaders merited their displacement. There were several problems even within this limited vision of plantation. Just changing the landlord did not "vacate" the land; the Gaelic tenants remained and resented being pushed off. Perhaps worse, English adventurers, fired by visions of gaining enormous personal estates, found it all too easy to twist reports of rebellion and the locals' Catholicism to their advantage.

It was in the adventurers' and administrators' personal motivations that the problems of plantation and martial law intersected, with enormous consequences. A commission of martial law granted officials great power to define who was a rebel meriting execution. Some English administrators in Ireland saw such power as a means for personal gain, and even the less corrupt imagined it as a core component of successful control of the countryside. Although execution at martial law did not technically convey land rights to the crown, attainder (removal of civil rights by act of Parliament) frequently followed retroactively, even years later. Furthermore, the complexity of competing English and Gaelic systems of land tenure allowed for corrupt English claims on "vacant" land, as well as corruption in the attainder process itself. The largest sixteenth-century plantation was on land legally confiscated from the attainted Desmond rebels in Munster in the 1580s. The legal tangles involved in distinguishing between those rebels pardoned versus those attainted versus those executed by martial law allowed ample scope for corrupt seizure of land by local officials, but the processes of law, even corrupt law, also resulted in a patchwork of small colonized parcels rather than one new, large, anglicized territorial unit. In this case it was primarily Anglo-Irish land being confiscated. Their seemingly more secure status as subjects demanded the creation of a rhetoric condemning them as even more barbarous and treacherous than the native Irish and thus worthy candidates for losing their land and position. Furthermore, as with the earliest plantations, changing the landlord did not automatically change the actual tenant on the ground. Dealings with the latter often turned violent, as did the Gaelic and Anglo-Irish reaction to the corrupt taking of land. Plantation, rather than pacifying, tended to aggravate.²¹