

Abstract

This paper explores the constitutional relationship between England and Ireland at the end of the seventeenth century with a focus on the contemporary debate around the prerogative of the Irish legislature. It examines and contrasts the arguments developed in the pamphlets of William Molyneux of Dublin, representing the ruling Irish Protestant nation, and of English Whig Simon Clement, asserting the rights of the English empire. Molyneux's *The Case of Ireland's being bound by Acts of Parliament in England, Stated* (Dublin, 1698) and Clement's *An answer to Mr. Molyneux his case of Ireland's being bound by Acts of Parliament in England, stated: and his dangerous notion of Ireland's being under no subordination to the parliamentary authority of England refuted by reasoning from his own arguments and authorities* (London, 1698) are compared and analysed in the context of renewed tensions around the woollen trade. These pamphlets highlight the nature, and the perceived nature, of the constitutional relationship between the two polities in the aftermath of the Glorious Revolution. The main discussion was whether Ireland was a colony of England or an independent kingdom, and how its nature affected the relationship between both legislatures. Molyneux argued that Ireland, although sharing a monarch with England, was an independent kingdom. To Molyneux, Ireland's independence, as a kingdom, signified the independence of its legislature and the unconstitutionality of the English parliament's claim to legislate for Ireland. Clement refuted Molyneux's assertions point by point, contending that Ireland was part and parcel of an empire. In Clement's opinion, Ireland's subjection to England meant that the English parliament had a legitimate right to legislate for Ireland.

Contributor profile

Marie Léoutre's doctoral dissertation was completed at University College Dublin in 2011. It examined the life in exile of prominent Huguenot Henry de Ruvigny, later earl of Galway (1648-1720), with a focus on his contribution to the government of Ireland as lord justice (1697-1701, 1715-1717) and to the major European conflicts of the period as military leader and diplomat. She currently holds a postdoctoral 'research studentship' at the Manuscripts Department of the National Library of Ireland and lectures on Australian History at University College Dublin.

**Contesting and upholding the rights of the Irish parliament in 1698:
William Molyneux and Simon Clement's arguments¹**

This paper explores the constitutional relationship between England and Ireland at the end of the seventeenth century with a focus on the contemporary debate around the prerogative of the Irish legislature. It examines and contrasts the arguments developed in the pamphlets of William Molyneux of Dublin, representing the ruling Irish Protestant nation, and Whig economic writer Simon Clement, asserting the rights of the English empire. The main discussion was whether Ireland was a colony of England or an independent kingdom, and how its nature affected the relationship between both legislatures.

This question of identity and self-determination was not limited to Ireland, although Ireland's case was unique. By the mid-seventeenth century, the modern state system had emerged: Europe was divided into independent sovereign states, most of them governed by absolute monarchs -England, with her parliament, was an exception- and with their religion determined by the religion of their monarch under the doctrine of *cuius regio, eius religio*. France, under Louis XIV, had emerged as the strongest power on the continent. England was developing her overseas empire, mostly at the expense of the Dutch and the Spanish. There was also a renewed interest among intellectuals in defining the nature of government and political systems. They questioned the relationship between the governed and those who governed. The English philosophers Thomas Hobbes and John Locke were such political thinkers.²

To answer these questions, people used the pamphlet: a book, small in size, typically under a hundred pages and used to communicate news and polemics. It was the principal means of circulating information at the end of the seventeenth century. Pamphlets were used to voice opinions on controversial topics, which were often political and linked with current affairs. They were cheap and were important in shaping and influencing public opinion. They were designed for debate and quick diffusion.³

¹ This piece was originally written for the Oireachtas Library and Research Services in October 2012 as part of a post-doctoral bursary on the theme 'the British administration of Ireland' and based on collections held by the Oireachtas Library. I am greatly indebted to Professor Patrick Kelly for clarifying beyond doubt the identity of the writer of the *Answer*. I am also grateful to Dr Charles Ivar McGrath for his comments on drafts of this paper.

² For Locke and Hobbes' philosophies see Stanford University, <http://plato.stanford.edu/entries/locke-political/#ConPolOblEndGov>, and <http://plato.stanford.edu/entries/hobbes-moral/>.

³ Joad Raymond, *Pamphlets and Pamphleteering in early modern Britain* (Cambridge: Cambridge University Press, 2003), pp. 4-27.

This paper contextualises William Molyneux's pamphlet, entitled *The Case of Ireland's being bound by Acts of Parliament in England, Stated* (Dublin, 1698),⁴ and offers a comparative study of the answer offered by Simon Clement, entitled *An answer to Mr. Molyneux his case of Ireland's being bound by Acts of Parliament in England, stated: and his dangerous notion of Ireland's being under no subordination to the parliamentary authority of England refuted by reasoning from his own arguments and authorities* (London, 1698).⁵ These pamphlets highlight the nature, and the perceived nature, of the constitutional relationship between the two polities at the end of the seventeenth century.

The political environment in 1698 provided an opportunity for people at the head of the governments in England and Ireland to re-examine these relations. The nature of that relationship has long been a source of debate, and people on both sides of the Irish Sea have worked at defining it long before a sense of nationalism crystallised in the late 18th and 19th century.

I. The Irish context, the authors and their main lines of argument⁶

The 1698 session of the Irish Parliament promised to be lively due to several issues.

One of the principal tensions revolved around the constitutional relationship between England and Ireland. One underlying cause of these tensions was the increased profitability of Irish wool exports. This unwelcome competition threatened English pastoral and mercantile interests and it was decried in the English Parliament, especially by MPs with an interest in the trade who were known collectively as the wool lobby. This lobby attempted to

⁴ LH2000, Historical-Dublin Castle Collection, 55A17/1185. William Molyneux, *The Case of Ireland's being bound by Acts of Parliament in England, Stated* (Dublin, printed by Joseph Ray, and are to be sold at his shop in Skinner-Row, 1698); Joseph Ray was the King's Printer in Ireland. It means that although the pamphlet was controversial, it was printed legally.

⁵ LH2000, Historical-Dublin Castle Collection, 55A38/1246. [Simon Clement], *An answer to Mr. Molyneux his case of Ireland's being bound by Acts of Parliament in England, stated: and his dangerous notion of Ireland's being under no subordination to the parliamentary authority of England refuted by reasoning from his own arguments and authorities* (London, printed for Rich. Parker, at the Unicorn under the Piazza of the Royal exchange, 1698). The copy of the *Answer to Mr. Molyneux* in the Oireachtas Library bears the name of John Cary inscribed in pencil.

⁶ For more details on the context see Jane Ohlmeyer, ed., *Political Thought in Seventeenth-Century Ireland: Kingdom or Colony* (Cambridge: Cambridge University Press, 2000); Charles Ivar McGrath, *Ireland and Empire, 1692-1770* (London: Pickering and Chatto, 2012), esp. chapters 1 and 3; J. G. Simms, *William Molyneux of Dublin*, edited by Patrick H. Kelly (Blackrock: Irish Academic Press, 1982), esp. pp. 102-118; J. G. Simms, *Colonial nationalism, 1698-1776: Molyneux's The case of Ireland ... stated* (Cork: Published for the Cultural Relations Committee of Ireland by the Mercier Press, 1976); Patrick Kelly, "William Molyneux and the Spirit of Liberty in Eighteenth-Century Ireland," *Eighteenth-Century Ireland / Iris an dá chultúr* 3 (1988): 133-148; Patrick Kelly, "Conquest vs. consent as the basis of the English title to Ireland in William Molyneux's *Case of Ireland ... Stated* (1698)" in Jane Ohlmeyer and Ciaran Brady, eds., *British interventions in early modern Ireland* (Cambridge: Cambridge University Press, 2005), pp. 334-356.

exert pressure on Ireland, intimating on the issue to the Irish parliament that it should redirect its trade towards the linen industry. If Ireland did not comply, English MPs threatened to legislate for Ireland and prohibit the Irish woollen export trade altogether.⁷

Against this tense background, William Molyneux's pamphlet, *The Case of Ireland being bound by Acts of parliament in England, Stated*, was published in Dublin in April 1698, and circulated in London - precisely at the time the English parliament was considering a bill for prohibiting Irish woollen exports. Molyneux claimed that it was unconstitutional for the English parliament to legislate for Ireland. The pamphlet created a furore.⁸ Historians have argued that the pamphlet's untimely circulation was 'purposeful' and that it was 'intended to influence opinion at Westminster' - it was designed to garner support for the Irish interest.⁹

William Molyneux was born in Dublin in 1656 and was trained in law in England.¹⁰ He sat as MP for Trinity College in the parliaments which met in 1692, 1695, and 1697-9.¹¹ It was therefore not surprising that his pamphlet was 'a lengthy treatise of common law,' still as difficult to read today as it was by contemporaries.¹² Molyneux's aim in writing it was, in his own words, to establish 'how far the parliament of England may think it reasonable to intermeddle with the affairs of Ireland, and bind us.'¹³ For Molyneux, 'the key issue on which the question turned was the nature of the original establishment of English government in Ireland.'¹⁴ He contested the right of the English parliament to legislate for Ireland 'and claimed that acts passed in England should be re-enacted in Ireland.'¹⁵ He argued that Ireland was an independent kingdom on six grounds (detailed in the next section together with counter-arguments) and used 'three main lines of argument: those drawn from history and legal precedent, those from Natural Right,¹⁶ and lastly those from 'prudential

⁷ Marie Léoutre, "Life of a Huguenot exile, Henri de Ruvigny, Earl of Galway, 1648-1720" (Ph.D. diss., University College Dublin, 2011), p. 153; H. F. Kearney, "The Political Background to English mercantilism," *Economic History Review* 9, 2nd Series, no. 3 (1959), pp. 484-96; Patrick Kelly, "The Irish Woollen Export Prohibition Act of 1699: Kearney Revisited," *Irish Economic and Social History* 7 (1980), passim; Charles Ivar McGrath, *The Making of the Eighteenth-Century Irish Constitution: Government, Parliament and the Revenue, 1692-1714* (Dublin: Four Courts Press, 2000), p. 136.

⁸ Léoutre, "Life of a Huguenot exile," p. 153; Kearney, "Political Background to English mercantilism," passim; Kelly, "Kearney Revisited," passim; McGrath, *Irish Constitution*, p. 136.

⁹ McGrath, *Irish Constitution* 136; Ian McBride, *Eighteenth-Century Ireland, The Isle of Slaves* (Dublin: Gill and Macmillan, 2009), p. 301.

¹⁰ Oxford Dictionary of National Biography, James G. O'Hara, "Molyneux, William (1656-1698)," <http://www.oxforddnb.com/view/article/18929>, accessed October 2012.

¹¹ Dictionary of Irish Biography, Patrick Kelly, "Molyneux (Molyneaux), William," <http://dib.cambridge.org/viewReadPage.do?articleId=a5878>, accessed October 2012.

¹² McBride, *Eighteenth-Century Ireland*, p. 300.

¹³ Molyneux, *Case of Ireland Stated*, p. 4.

¹⁴ Kelly, "William Molyneux and the Spirit of Liberty," p. 134.

¹⁵ Léoutre, "Life of a Huguenot exile," p. 165.

¹⁶ to life, liberty and property.

considerations.’ ‘Historical and legal precedents,’ often quoted from authorities in Latin, ‘make up the bulk of the book.’¹⁷

There were five pamphlets published which were responses to Molyneux.¹⁸ The most influential of these was *An answer to Mr. Molyneux*. While the Irishman published his work under his own name, the author of the *Answer* published his pamphlet anonymously, creating a certain amount of doubt about his identity among contemporaries and historians alike. It has been attributed to Bristol merchant and pamphleteer John Cary,¹⁹ but also to English pioneer economist Charles Davenant,²⁰ and to English barrister William Atwood, who published similar works in 1698.²¹ The work has also sometimes been attributed to William Atwood and Simon Clement as co-authors. It has now been established beyond doubt that the sole author was English merchant and pamphleteer Simon Clement, who wrote on economic and trade matters.²²

Clement refuted all of Molyneux’s points, arguing that Ireland was part of an empire. He justified the origins and rights of empires by drawing on historical examples and precedents, and used self-righteous, imperialist rhetoric: empires free people from oppression and tyranny and bring just laws, civilisation and protection to the people they free. In return, colonies owe obedience to maintain the commonwealth. Clement’s arguments are also deep-rooted in protectionist economics. Essentially, it was driven by the fact that all states that were building their empires, as England was at the time, were by nature protectionist and aimed at keeping their markets closed until they were consolidated. Once the empire had become dominant, it could then open up to free trade, encourage competition and look to gain

¹⁷ Kelly, “William Molyneux and the Spirit of Liberty,” p. 134.

¹⁸ William Atwood, *The History, and Reasons, of the Dependency of Ireland upon the Imperial Crown of the Kingdom of England: rectifying Mr. Molyneux’s state of the Case of Ireland being bound by Acts of Parliament in England* (London, 1698); John Cary, *A Vindication of the Parliament of England : in answer to a book, written by William Molyneux of Dublin, Esq, intituled: The case of Irelands being bound by Acts of Parliament in England, Stated* (London, 1698); Charles Leslie, *Considerations of Importance to Ireland: In a Letter to a member of parliament there; upon occasion of Mr Molyneaux’s late book: intituled, The case of Ireland’s being bound by Acts of Parliament in England, Stated. Printed anno 1698* [London, 1698]; Charles Davenant, *An Essay upon the probable Methods of making the People gainers in the Balance of Trade* (London, 1699).

¹⁹ For biographical details, see Oxford Dictionary of National Biography, Kenneth Morgan, “Cary, John (1649–1719x22),” <http://www.oxforddnb.com/view/article/4840>, accessed October 2012; McBride, *Eighteenth-Century Ireland*, p. 11. An inscription in the copy held by the Oireachtas Library attributed the work to him. The copy held by the National Library of Ireland is attributed to Cary and Atwood.

²⁰ See DNB, Julian Hoppit, “Davenant, Charles (1656–1714),” <http://www.oxforddnb.com/view/article/7195>, accessed November 2013. A note in a copy held by the Royal Irish Academy attributed the work to him. I am indebted to Professor Patrick Kelly for bringing this to my attention.

²¹ See DNB, Melinda Zook, “Atwood, William (d. 1712),” <http://www.oxforddnb.com/view/article/884>, accessed November 2013.

²² An inscription in the presentation copy of the pamphlet in John Locke’s library makes it clear that the true author was Simon Clement. John Harrison and Peter Laslett (eds), *The Library of John Locke* (2nd ed., Oxford: Clarendon Press, 1971); J. G. Simms, *William Molyneux of Dublin*.

profits through established competitive advantage. These principles were also exposed in Clement's piece, *The interest of England as it stands, with relation to the trade of Ireland, considered: the arguments against the bill, for prohibiting the exportation of woollen manufactures from Ireland to forreign parts, fairly discusst, and the reasonableness and necessity of Englands restraining her colonies in all matters of trade, that may be prejudicial to her own commerce, clearly demonstrated. With short remarques on a book, entituled, Some thoughts on the bill depending before the Right Honourable the House of Lords, for prohibiting the exportation of the woollen manufactures of Ireland to forreign parts* (London, 1698). This pamphlet is one of the most sophisticated in terms of economic theory that was published on the topic.

Both authors appeal to reason, common sense and Natural Right throughout. In this they were mostly influenced by their mutual friend, the English philosopher John Locke (1632–1704),²³ who had just published *Two Treaties on Civil Government*, anonymously, in 1698. Locke's position on the wool and linen question was to encourage the linen industry in Ireland.

II. The six points: William Molyneux's arguments and Simon Clement's answers

The first point Molyneux addressed was 'how Ireland became a kingdom annex'd to the crown of England.' Both Molyneux and Clement agreed that Ireland became linked to England in the reign of Henry II (1133-1189).²⁴ However they disagreed on how it happened: Molyneux, quoting from four different accounts written at the time, argued that all the Irish 'archbishops, bishops and abbots', 'the kings ... and princes' and the 'nobility' swore loyalty to Henry II when he came to Ireland in 1172-3.²⁵ In Clement's opinion, this had not been a peaceful expedition and replied that Henry II had 'subdu'd Ireland by the means of an English army' and that therefore 'that country became annex'd to the imperial crown, or kingdom of England.'²⁶

²³ Ibid., J. R. Milton, "Locke, John (1632–1704)," <http://www.oxforddnb.com/view/article/16885>, accessed October 2012. See also Stanford University, <http://plato.stanford.edu/entries/locke-political/#ConPolOblEndGov>, accessed October 2012. Clement benefited from Whig government patronage; he was appointed secretary to one of Locke's friend, Lord Bellomont.

²⁴ Molyneux, *Case of Ireland Stated*, p. 4.

²⁵ Molyneux, *Case of Ireland Stated*, pp. 8-11.

²⁶ Clement, *Answer to Mr. Molyneux*, 'Epistle Dedicatory by way of Preface.'

The second point discussed whether ‘this expedition, and the English settlement that afterwards follow’d thereon ... be called a conquest?’²⁷

Molyneux first defined conquest as ‘an acquisition of a kingdom by force of arms, to which, force likewise has been opposed’ and claimed that Henry II’s ‘conquest was no violent subjugation of this kingdom ... for here we have an intire and voluntary submission of all the ecclesiastical and civil states of Ireland ... without the least hostile stroke on any side.’²⁸ Molyneux concluded that ‘Ireland cannot properly be said so to be conquer’d by Henry ... as to give the parliament of England any jurisdiction over us.’²⁹

Clement replied that ‘the subduing of Ireland by the people of England, under the conduct of their king ... was then esteem’d to be a conquest ... and that Ireland was thereby most certainly brought under the jurisdiction of the parliamentary authority of England.’³⁰ According to Clement, Henry II ‘had no ... right to the kingdom of Ireland; his descent was a p[e]rrfect invasion; he was not call’d in by the people of Ireland, and his business was nothing else than to conquer and subdue the kingdom: ’tis true the people made no opposition, but ’twas because his power was dreadful to them.’³¹ Clement further argued that ‘the Irish made no terms for their own form of government, but wholly abolishing their own, they consented to receive the English laws, and submitted entirely to the English government in the person of King Henry.’³²

As part of the second point Molyneux also asked if ‘the victories obtained by the English, in any succeeding ages in this kingdom, upon any rebellion’ could ‘be called a conquest thereof?’³³

Molyneux clearly stated that they could not: ‘the English victories in any succeeding rebellions’ in Ireland ‘give no pretence to a conquest.’³⁴

²⁷ Molyneux, *Case of Ireland Stated*, p. 5.

²⁸ *Ibid.*, pp. 12-3.

²⁹ *Ibid.*, p. 17.

³⁰ Clement, *Answer to Mr. Molyneux*, ‘Epistle Dedicatory.’

³¹ *Ibid.*, pp. 21-2.

³² *Ibid.*, pp. 22-3.

³³ Molyneux, *Case of Ireland Stated*, p. 5.

³⁴ *Ibid.*, p. 17.

Clement took this opportunity to further justify England's authority over Ireland, using imperialistic arguments. He claimed that Ireland 'was so lately ... reduc'd to its obedience' at such 'a vast expence of the blood and treasure of England' that Ireland could not be considered 'in any propriety distinct and separate from the Imperial Crown of England.'³⁵ Clement further explained that the 'Old Irish' were 'reduc[ed] ... by force of arms' and that therefore England has a 'title over them.' The English (as opposed to the 'Old Irish')³⁶ inhabitants of Ireland are 'descended from England' and therefore they are related, like a mother and her obedient daughter; they are not independent neighbours. Clement concluded that England cannot be blamed 'for seizing the estates of those that have been in rebellion against us.'³⁷

Thirdly, Molyneux enquired 'what title a conquest gives' in order to establish what rights would be obtained over the inhabitants of Ireland, if Ireland had been conquered. He discussed the concepts of 'just' and 'unjust' conquest. He stated that the conqueror in Ireland could only have subdued the 'antient race of the Irish,' and that 'the English and Britains, that came over and conquered with him, retain'd all the freedoms and immunities of free-born subjects,' and that therefore he would have gained no power over them.³⁸ Molyneux could then argue that the population of Ireland was, in 1698, mostly the 'progeny of the English ... that have come over into this kingdom,'³⁹ and that therefore they were a free, independent people.

As part of this point Molyneux wrote at length about the 'posterity and estates' of the conquered to conclude that 'even a just conqueror obtained very limited rights over the property of the conquered, and none over their innocent wives and children,' nor over those who partook in the conquest alongside the conqueror.⁴⁰ According to Molyneux, 'just conquest gives power only over the lives and liberties of the actual opposers,' but not over

³⁵ Clement, *Answer to Mr. Molyneux*, p. 8.

³⁶ Clement made important distinctions between the 'Native Irish,' 'Brittish Protestant' and 'Old English' (p 2). The 'Old English' were the first, Anglo-Norman, settlers; they always remained Catholic. They joined forces with the 'Native Irish' in the 1641-9 rebellion. Catholics, the majority of the population in Ireland, were not represented in parliament since 1691. The 'Brittish Protestants' are more commonly designated as 'Anglo-Irish' or 'New English.' They were the latest settlers and were exclusively Protestant.

³⁷ Clement, *Answer to Mr. Molyneux*, pp. 9, 13.

³⁸ Molyneux, *Case of Ireland Stated*, p. 19.

³⁹ *Ibid.*, p. 20.

⁴⁰ *Ibid.*, p. 22; Kelly, "Recasting a tradition," pp. 97-8.

their property or children, nor ‘over those that did not concur in opposition,’⁴¹ while ‘unjust conquest gives no title at all.’⁴² He concluded his third point by asserting that the conqueror is obliged to observe strictly the ‘concessions granted’ to the people he has conquered.⁴³

Clement’s counter-argument was an exposé justifying conquest and the existence of empires, which he illustrated with reference to the Roman Empire. He stated that ‘the end of all government is for the benefit of mankind, many nations have been subdued and conquered for their own good, and whoever hath been an invader in that way, hath done them right and no wrong: so did the Romans, conquer people from under the power of tyrants ... barbarism and ignorance, to make them members of the best and freest government in the world, and to civilise them.’ This gave him ground to conclude: ‘thus is Henry the second’s invasion of Ireland to be justify’d and commended: he began to rescue the people from the oppressions ... of their own wild princes’ and that ‘they were totally delivered by the authority of England.’⁴⁴

From this assertion he drew the definitive conclusion that ‘Henry’s descent upon Ireland was a just undertaking, and ... the entire submission of the people to the government of England, their receiving its laws, and being endow’d in all the privileges of Englishmen, made them become a member of, and annex’d to the English empire, and gave England a just title to exercise a perpetual jurisdiction over them.’⁴⁵ Clement also stated that conquest does bind posterity: the descendants of the conquered are bound to the same laws. He also stated that by accepting the laws of England the Irish reciprocally received from Henry ‘the priviledge of being admitted to be free denizons of England, whereby they evidently gave up themselves to be incorporated into, and become members of the British Empire; and to this day they remain to enjoy the liberties and priviledges of freemen of England.’⁴⁶

Molyneux’s fourth point was to establish what concessions were made to Ireland and by what degrees the English form of government had come to Ireland.⁴⁷

⁴¹ Molyneux, *Case of Ireland Stated*, p. 26.

⁴² *Ibid.*, p. 26.

⁴³ *Ibid.*, p. 27.

⁴⁴ Clement, *Answer to Mr. Molyneux*, p. 29.

⁴⁵ *Ibid.*, ‘Epistle Dedicatory.’

⁴⁶ *Ibid.*, pp. 30-31.

⁴⁷ Molyneux, *Case of Ireland Stated*, p. 5.

Molyneux asserted that the relationship between Henry II and the Irish was based on a ‘fair original compact’; that the Irish people should enjoy the same liberties as the people of England and be governed ‘by the same mild laws.’ To Molyneux, it was clear that ‘no laws [were] imposed ... by any authority of the parliament of England; nor [were there] any laws introduced into that kingdom by Henry ... but by the consent ... of the people of Ireland’. The notion of consent is key to Molyneux’s argument. He developed it further, stating that ‘the laws of England’ and ‘the manner of holding parliaments in Ireland to make Laws of their own (which is the foundation ... of the peoples liberties and properties) was ... established’ in Ireland by Henry II ‘as if he were resolved that no other Person ... should be the founders of the government of Ireland, but himself and the consent of the people.’⁴⁸

Clement counter-argued that ‘the ancient Irish did intirely submit their nation to become a member of, and united to the English empire’. To him, it was clear that England could exercise its ‘parliamentary authority ... over all the parts of its dominions’ and that this authority was exercised ‘over Ireland even from its first union’ to England and, ‘that the Irish understood their submission in this sense, and paid obedience to this act of an English parliament without regret.’⁴⁹

Molyneux continued: ‘Perhaps it will be said, that this subordination of the kingdom of Ireland, to the kingdom of England, proceeds from Ireland’s being annex’d to, and as it were united with, the imperial crown of England, by several Acts of parliament both in England and Ireland’, since Henry’s time. Molyneux interpreted that ‘little more is effected by these statutes than that Ireland shall not be alien’d or separated from the king of England, who cannot hereby dispose of it otherwise than in legal succession along with England’. To him they only meant that ‘whoever is king of England, is *ipso facto* king of Ireland, and the subjects of Ireland are oblig’d to obey him as their liege lord.’⁵⁰

Clement replied that England was a single monarchy and that if Ireland submitted to Henry II it submitted to England, as Henry was ‘supream magistrate and head of the kingdom,’ and that Henry’s army was the army of England. Clement made it clear that there was no personal bond:⁵¹ the Irish had submitted indeed, ‘but not to the person of King Henry, in any separate propriety from the kingdom.’⁵² Clement defined the legislative powers of the Irish parliament as narrowly as he could: ‘all the many concessions made to Ireland,

⁴⁸ Ibid., pp. 37-9.

⁴⁹ Clement, *Answer to Mr. Molyneux*, p. 46.

⁵⁰ Molyneux, *Case of Ireland Stated*, pp. 43-4.

⁵¹ Clement, *Answer to Mr. Molyneux*, pp. 17-20.

⁵² Ibid., ‘Epistle Dedicatory.’

empowering them to hold parliaments ... can be understood no otherwise, than that they should be enabled to devise and enact such laws when occasion required, as were suitable to the circumstances of that country.’ For Clement, this was the extent of the powers of the Irish legislature. He clearly stipulated that ‘no grant ever did, or could make Ireland an absolute, distinct, separate kingdom, and wholly independent of England, or invest it with such a supream legislature as is inherent in the head of the government only’; the head of the government of the English empire, he pursued, could ‘never reside anywhere else than in the king, by and with the advice and consent of the Lords and Commons of England in parliament assembled.’⁵³ In other words, the king had no power without the English parliament.

In Clement’s opinion, the Irish were given the right to have their own parliament only because Ireland was ‘separated by sea from the seat of the supream government,’ and that ‘all this must be understood to be no otherwise than in subordination to the ... authority of England.’⁵⁴ Clement nuanced and clarified his argument: ‘they have indeed an authority delegated to them from the head, to enact such laws in their settlement, as may be requisite for the circumstance of that place, but no such privilege can ever be extended to rescind and abrogate their allegiance and subjection to the head of the empire.’⁵⁵ So according to Clement, Ireland did have an independent legislature, but one which only extended to ‘the administration of commutative [relating to transactions between people] justice, regulating their own particular affairs, or raising taxes.’⁵⁶

Clement backed his argument - that power was only delegated - by explaining the role of governors who ‘whether under the title of lords lieutenants, deputies, justices, presidents or otherwise’ were sent from England to oversee government. These governors, Clement stated, were nominated ‘not by the king alone, but ... in the Privy Council’ and have been ‘accountable to our parliaments for any mal-administration’ in Ireland.⁵⁷

Molyneux examined laws which either made reference to Ireland by name or contained the words *All the Kings Dominions, or Subjects*, to see if they bound Ireland. He

⁵³ Ibid.

⁵⁴ Ibid., pp. 59-60.

⁵⁵ Ibid., p. 67.

⁵⁶ Ibid., pp. 70-1.

⁵⁷ Ibid., pp. 61-2.

claimed that it was ‘well known since Poyning’s Act in Ireland’⁵⁸ that ‘no Act can pass in our parliament here, till it be first assented to by the king and Privy Council of England’. Instead he demonstrated that

the king and his Privy Council ... have been so far from surmising that an act of parliament of England, mentioning only in general *All the Kings Dominions* ... should bind Ireland, that they have clearly shewn the contrary, by frequently transmitting to Ireland, to be pass’d into laws here, English statutes, wherein the general Words of *All the Kings Dominions* ... were contain’d; which would have been to no purpose ... had Ireland been bound before by those English statutes.⁵⁹

Clement could not disagree that Poyning’s Law was a check on the Irish parliament, so he argued that the law ‘was made in favour of the English interest in Ireland’ and that the law still left the Irish parliament the ‘liberty to consent or dissent to such laws as the king in his English Privy Council may propose to them.’⁶⁰ He carried on by stating that ‘all the prime motions and supream management’ of the Irish government, such as the calling, proroguing, or dissolving of their parliaments, and the approving all their acts, the sending over and establishing what English forces shall be kept there, the appointing all officers military and civil’ were ‘likewise consulted and directed’ from England ‘by the king in his Privy Council.’⁶¹

In fact Clement and Molyneux agreed that some laws of the English parliaments did bind Ireland. Clement stated that ‘these statutes are enacted when the occasion requires’ and are ‘declaratory of the supream authority, virtually inherent in, and inseparately united to the imperial constitution ... which hath been always exercis’d by this kingdom’, as well as by ‘all other governments that have had colonies of territories lying at a distance from them.’ He concluded that it is ‘only the exercise of this supream salutary authority that the parliament of England pretend to, and not to break in upon the just constitution so anciently granted, and

⁵⁸ For Poyning’s Law of 1494-5 see the following: Clarke, Aidan, ‘The History of Poyning’s Law, 1615-41’, *Irish Historical Studies*, 18 (1972-3), pp 207-22; Conway, Agnes, *Henry VII’s Relations with Scotland and Ireland 1485-1498. With a Chapter on the Acts of the Poyning’s Parliament 1494-95 by Edmund Curtis* (Cambridge: Cambridge University Press, 1932); Dudley Edwards, Robin, and Moody, T. W., ‘The Early Interpretation of Poyning’s Law: Part 1, 1494-1615’, *IHS*, 2 (1940-1), pp 415-24; Kelly, James, ‘Monitoring the Constitution: The Operation of Poyning’s Law in the 1760s’, *Parliamentary History*, 20 (2001), pp 87-106; Kelly, James, ‘The making of law in eighteenth-century Ireland: the significance and import of Poyning’s Law’ in N. M. Dawson (ed.), *Reflections on Law and History* (Dublin: Four Courts Press, 2006), pp 259-77; Kelly, James, *Poyning’s Law and the Making of Law in Ireland 1660-1800* (Dublin: Four Courts Press, 2007); McGrath, C. I., ‘Government, parliament and the constitution: the reinterpretation of Poyning’s Law, 1692-1714’, *IHS*, 35 (2006-7), pp 160-72; Quinn, D. B., ‘The Early Interpretation of Poyning’s Law, 1494-1534’, *IHS*, 2 (1940-1), pp 241-54.

⁵⁹ Molyneux, *Case of Ireland Stated*, pp. 81-2.

⁶⁰ Clement, *Answer to Mr. Molyneux*, p. 74.

⁶¹ *Ibid.*, p. 62.

ever since continued to the people of Ireland, of enacting all such laws by their representatives.’⁶²

Simmon Clement, not forgetting his mercantile objective, then proceeded to the crux of the matter: the competition from the Irish woollen trade which threatened English interests.

He argued that the English parliament had the right to legislate for the whole empire:

England must be allow’d to be the head of this empire, from whence all its members do derive their being, and must depend for their support and protection, the riches which she attracts from the benefit of her forreign trade, is the only means she hath to support her power, and maintain such fleets and armies as are requisite for the defence of all her territories, she must therefore prosecute all justifiable methods for the preserving her commerce, and hath the utmost reason to restrain her members from any prejudicial interfering with her in her trade, because this [has] a direct tendency to weaken her power, and render her incapable of supporting the great charge of her government.⁶³

Clement then explained that ‘for this end then, or the like extraordinary occasions, those laws have been made by which the distant dominions are bound.’⁶⁴

Clement was only reiterating the points he had made early on, in the introduction to his pamphlet. He justified the actions of the English parliament, which had started to discuss a bill to restrict the export of wool from Ireland in January 1698, by explaining that ‘the bill [was] design’d to restrain you from spoyling us in our principal trade of the woollen manufactory, by underselling us in foreign markets.’ He justified such an act on the grounds that ‘we were ... threaten’d with the danger of your joining with some other interest than that of England, or of your quitting the country ... and even Mr. Molyneux hath given some touches upon the same string.’

Clement’s argument was economic in nature: ‘you have ways enough to employ your poor, without the woollen trade, which with you ... is a new undertaking: you have large and encouraging improvements arising from the product of your lands; your great quantities of provisions, butter, leather, &c. afford you a fair foundation for foreign trade’; he added that the Irish were ‘very capable of a linen manufactory’, if they employed their ‘stock and industry that way’. Clement contrasted the options available to the Irish with English reliance on wool: ‘England hath for many ages, apply’d herself to the woollen manufactory, the poor

⁶² Ibid., p. 73.

⁶³ Clement, *Answer to Mr. Molyneux*, pp. 72-3.

⁶⁴ Ibid., pp. 72-3.

are settled in it, and have no other way of livelihood; she hath no means of gaining wealth sufficient to support her government without it; but your being able to work so much cheaper, must of consequence abate the prices to so great a degree, as that she cannot be able to hold the trade'. This led Clement to the conclusion that this unfair Irish competition would 'in time ... cause a decay of [England's] wealth and power, draw inevitable ruin upon her whole empire, and involve your selves in the same' and to ask : 'Is it not easie then to determine, for whom 'tis reasonable to give place in this contest?'⁶⁵

Clement explained that it was in this context that Ireland had 'been restrain'd from exporting [her] wools to any country but England' and asked 'is not the necessity of restraining the manufacture thereof much more cogent?' Like Molyneux, Clement appealed to reason, common sense, nature and self-evidence to justify his position:

the evident reason of the thing is sufficient to convince all mankind, that England must be perpetually oblig'd to preserve this trade to herself; that she cannot suffer any of her members to interfere with her in it, and that to advocate against so just an exerting of the supream authority, shews only a self-seeking temper, in minds that would grasp all to themselves, without having any regard to the well-being of the whole community, of which they are but members.⁶⁶

The fifth point Molyneux examined was the 'precedents and opinions of the learned in the laws, relating to this matter.'⁶⁷

He explained legal precedent at length, quoting judges and lawyers together with his interpretation. The most crucial point – and one which is perhaps difficult to understand from a 21st century perspective - is that Molyneux did not want to break away from England. Mentioning Poynings' Law again, he claimed that 'Ireland is inseparably annex'd to the imperial crown of England. The obligation that our legislature lies under by Poynings' act ... makes this tye between the two kingdoms indissoluble. And we must ever owe it our happiness to be thus annex'd to England.'⁶⁸ Molyneux also argued that the courts of Ireland were independent, and therefore that Ireland could not be bound by the English parliament.

Clement derogatorily replied that the 'opinions quoted by Mr. Molyneux, do not by any means assist his argument, but do most of them support mine against him.'⁶⁹

⁶⁵ Ibid., 'Epistle Dedicatory.'

⁶⁶ Clement, *Answer to Mr. Molyneux*, 'Epistle Dedicatory.'

⁶⁷ Molyneux, *Case of Ireland Stated*, p. 6.

⁶⁸ Ibid., p. 127.

⁶⁹ Clement, *Answer to Mr. Molyneux*, 'Epistle Dedicatory.'

Sixthly and finally, Molyneux considered ‘the reasons and arguments that may be farther offered on one side and t’other’ and drew ‘some general conclusions from the whole.’⁷⁰ Clement and Molyneux repeated their main points.

III. Analysis

What can be learnt from their arguments?

First, 500 years after Henry II came to Ireland, there was still disagreement about how to interpret those events. The situation over the wool simply re-ignited an on-going issue. Also, because they disagreed on how Ireland and England became linked, they were bound to disagree on the nature of that initial relationship: was Ireland conquered, and if yes, what were the rights of the English parliament over Ireland?

Clement’s reply presented the traditional argument that territory can ‘only be acquired by conquest or descent.’ He used the ‘inherent ambiguity to claim that Henry II’s acquisition of the country had made the Irish entirely subject to his will, as following a military conquest.’⁷¹

Molyneux went against this traditional view and refuted it by introducing the notion of consent, which was central to his argument. In his work, *Two Treatises of Government*, his friend John Locke claimed that there could be no legitimate government without the consent of the governed. Inherent with the notion of consent was the right of peoples to rebel if the government broke the contract.⁷² Molyneux, by saying that Ireland was not ‘conquered’ but consented to be linked to England -and freely accepted having the same laws as England, including the right to legislate for itself in parliament- remained an independent kingdom.⁷³

⁷⁰ Molyneux, *Case of Ireland Stated*, p. 6.

⁷¹ Patrick Kelly, “Recasting a tradition: William Molyneux and the source of *The Case of Ireland ... Stated* (1698),” in Ohlmeyer, ed., *Political Thought in Seventeenth-Century Ireland*, p. 101.

⁷² ‘men are naturally free and equal as part of the justification for understanding legitimate political government as the result of a social contract where people in the state of nature conditionally transfer some of their rights to the government in order to better insure the stable, comfortable enjoyment of their lives, liberty, and property.’ Stanford University, <http://plato.stanford.edu/entries/locke-political/#ConPolOblEndGov>, accessed October 2012.

⁷³ See Kelly, “Recasting a tradition,” p. 101.

Clement's counter-argument was about the nature of consent. He claimed that under the threat of violence the Irish people submitted and gave away their own system of government; therefore Ireland was 'conquered' and came under the jurisdiction of England.

In truth, both authors are right. Ireland can be said to have been colonised, as people from England and Scotland did settle in Ireland since the time of Henry II, and especially in the sixteenth and seventeenth centuries. Molyneux and Clement also discussed the significance of the several armed conflicts - in 1594-1603, with Hugh O'Neil, in 1641-53 with the Confederation of Kilkenny and in 1689-91 with the Jacobites- which were all successfully suppressed by the English state.⁷⁴

On the other hand it can be argued that these conflicts demonstrated that Ireland was not completely conquered before the 1690s.⁷⁵ Most importantly, Ireland did have her own legislature, which distinguished her from a typical colony.⁷⁶

In essence, both authors agreed that Ireland was linked to England. The bone of contention was about the word 'colony' and whether the settlers who came from England over the centuries were free, independent people, or they still had to obey the mother country and its parliament.

The last rebellion the authors implicitly referred to was the war against James II in 1689-91. The Catholic king of England, Scotland and Ireland, left England and Scotland to his son-in-law and nephew, the Dutch Protestant William of Orange, who became King William III. James II remained king of Ireland until 1691 when he lost the war to William. Clement argued that Ireland was re-conquered during this war, and that the English parliament, because it took part in the war by financing it, had therefore legitimate claims upon the forfeited estates of James II's supporters, or Jacobites, and could decide what to do with these estates.⁷⁷ In essence the English parliament had won the right to 'own' Ireland.

Clement implied that the investment gave the right to property: the cost of the war was also a justification for England to dispose of the forfeitures, as it pleased, to reimburse itself. This argument was particularly relevant in 1698, as the war against James II was still very fresh in the memories and the debt from it and from the ensuing war on the continent, which lasted until 1697, was not cleared. Molyneux rejected the 'notion that the English

⁷⁴ McGrath, *Ireland and Empire*, p. 37.

⁷⁵ McBride, *Eighteenth-Century Ireland*, p. 169.

⁷⁶ McGrath, *Ireland and Empire*, p. 39.

⁷⁷ Kelly, "Recasting a tradition," p. 102.

parliament has somehow or other “purchased” Ireland by paying for the suppression of rebellions there.⁷⁸ In fact it was the king, William III, who had disposed of the estates and given them as grants to favourites; some of these estates had been resold to people such as Molyneux. The possibility that the English parliament could resume these grants gave cause for concern, and this issue added fuel to the wool controversy.

Why did Molyneux and Clement mention these points when their main dispute was about the woollen trade? Molyneux argued that Ireland was not conquered by Henry II, or during the rebellions of the 1640s,⁷⁹ nor in the 1689-91 war. Clement countered that Ireland was conquered and re-conquered, thereby reaffirming England’s claims over Ireland to legislate and dispose of estates and, by extension, to legislate on the matter of the wool.

Both pamphleteers were building up their arguments and legitimising their positions by drawing on history and legal precedents in order to assert whether the English parliament had the right to legislate for Ireland, on that matter of wool and others. That is why they discussed the concepts of ‘just’ and ‘unjust’ conquest and the rights over the ‘progeny,’ and ‘property.’

From a postcolonial world standpoint Clement may sound quite self-righteous and imperialistic in his defence of the right of the English parliament to legislate for Ireland but, in his time, imperialism was rarely questioned and Molyneux was not challenging it.⁸⁰ Clement argued that conquest did bind posterity and that therefore Ireland -which was still part of the English empire- still had a duty to obey. Yet he agreed that Henry ‘gave the people the English laws, constituted parliaments, and the English form of government, to this ... they freely submitted’,⁸¹ implying consent from the Irish, and thereby adding complexity to his argumentation.

The pamphleteers focused on the nature of the relationship since the time of Henry II and the processes by which this relation was established. This is by far the most legalistic, and the longest, part of Molyneux’s pamphlet, where he gave many examples of the long-standing legislative independence of Ireland, real and invented. Molyneux implied that the

⁷⁸ Ibid., p. 101.

⁷⁹ See the Trinity College Dublin 1641 Deposition Project, <http://1641.tcd.ie/historical-rebellion.php>, accessed October 2012.

⁸⁰ Sankar Muthu, *Enlightenment Against Empire* (Oxford: Princeton University Press, 2003), pp. 4-5.

⁸¹ Clement, *Answer to Mr. Molyneux*, p. 29.

Irish had made a compact with the king as an individual and not the kingdom he represented. By claiming that there was a personal bond between Ireland and the king of England, Molyneux could refute that the English parliament had anything to do with it: the laws of England were freely accepted by the people of Ireland, as given by Henry II, and then his heirs and followers.

Crucially, Molyneux argued that Ireland and England were a dual monarchy: they were two independent kingdoms, with independent legislatures, sharing one monarch.⁸² The implication was that Ireland was a sister kingdom of England; the English parliament had no right to legislate for Ireland. In contrast, Clement argued that a monarch could not legislate without parliament.⁸³ This latter argument was particularly relevant in the light of the events of 1688 in England. When William of Orange became king of England, as William III, there was a change in the constitution, and the balance of power between the executive and the legislature changed in favour of the parliament.⁸⁴

Another fundamental disagreement lay in the interpretation of a law known as Poynings' Law, which had been passed by the Irish parliament in 1494-5. This law 'established the nature of the relationship between the executive (both Irish and English) and legislative arms of government in Ireland.'⁸⁵ It stated that 'an Irish parliament could not be convened without prior licence from the English monarch and council.'⁸⁶ To obtain it, the Irish Lord Lieutenant -a viceroy, or governor, who represented the monarch in Ireland- and his Privy Council -a group of leading notables- had 'first to certify into England, under the great seal of Ireland, the causes and considerations for calling parliament, along with all the bills to be enacted in that parliament.'⁸⁷ Then, 'if the causes and considerations were deemed valid, some or all of the bills, along with the monarch's licence for holding parliament, would be transmitted back to Ireland under the great seal of England.'⁸⁸ The Irish parliament could then be summoned and the bills that had been returned from England could be presented to it, to be passed or to be rejected. The fact that legislation did not start in the Irish parliament seriously curtailed its power, although there was some flexibility in the application of Poynings' Law from the outset.⁸⁹

⁸² Ibid., p. 55.

⁸³ Ibid., pp. 41-2.

⁸⁴ For more details see McGrath, *Irish Constitution*, passim.

⁸⁵ McGrath, "The reinterpretation of Poynings' Law, 1692-1714," p. 160.

⁸⁶ Ibid., p. 161.

⁸⁷ Ibid.

⁸⁸ Ibid., pp. 161-2.

⁸⁹ Ibid.

Poyning's Law was reinterpreted over time and in the aftermath of the Glorious Revolution of 1688 the Irish parliament gained considerably more freedom. By 1698 it could initiate legislation - most importantly money bills - ⁹⁰ which meant that it could control how often it would meet. If it voted taxes for two years it had to meet two years later to renew them. The monarch could no longer go for long periods of time without consulting parliament.⁹¹

Molyneux, when stating that if Ireland re-enacted laws which had already been passed in England it seemed logical to conclude that Ireland was an independent kingdom, certainly had a point; but he nonetheless understated the curtailing power of Poyning's Law to suit his argument. Also, Molyneux's interest on the subject matter was a family tradition: he was the son-in-law of Sir William Domville,⁹² who had written his *Disquisition* on the same subject in the 1660s. Molyneux made extensive use of Domville's manuscript work. The fact that governors representing England were sent to Ireland tends to uphold Clement's argument, although Poyning's Law was initially designed to put a check on the power of these governors.⁹³ Poyning's Law definitely altered the status of Ireland and tied it closer to England. Although it did not abolish the legislature, it did restrict it.

There was another attempt to clarify the relationship in 1541 with the Act of Kingly Title. The king of England became the king of Ireland by law (he had been 'Lord of Ireland' until then). It was supposed to bring Ireland fully under the control of England, but historians have argued that it actually gave more strength to Ireland's claim to independence.⁹⁴ Poyning's Law became more loosely interpreted towards the end of the seventeenth century, and as the Irish people had gained more legislative independence it opened a door for conflict with England's parliament.⁹⁵

The competition over the wool provided an opportunity to re-discuss and re-define the relationship between Ireland and England. Molyneux's pamphlet re-opened the debate; his work and Clement's answer show that it was not a clear-cut relationship; there were many ambiguities. Clement chose to argue along imperialistic lines and this attitude was patronising, and somewhat condescending, towards the Irish as he postulated that continuing to produce and sell wool would actually be detrimental to them. Again, this argument was

⁹⁰ For more details see McGrath, *Irish Constitution*, pp. 73-117.

⁹¹ McGrath, *Irish Constitution*, passim.

⁹² DIB, Hazel Maynard, Patrick H. Kelly. "Domvile (Domville), Sir William," <http://dib.cambridge.org/viewReadPage.do?articleId=a2678>, accessed October 2013.

⁹³ McGrath, "The reinterpretation of Poyning's Law, 1692-1714," pp. 161-162.

⁹⁴ McGrath, *Ireland and Empire*, p. 39.

⁹⁵ McGrath, "The reinterpretation of Poyning's Law, 1692-1714," passim.

embedded in the idea that Ireland was part of the English empire. The allegory of the empire as a body reflects Clement's view clearly: Ireland is a limb and England the head; if the limb hurts itself, it will be detrimental to the head and to the whole system.

IV. Conclusions

William Molyneux wrote his pamphlet at a time when Poynings' Law was more leniently interpreted; the Irish had gained more freedom in terms of legislation, but at the same time, since the revolution of 1688 in England, the parliament of England had also gained more power, and that could lead to a clash of interests. The British Empire was getting stronger after 1688 and it became important to reassess and reassert Ireland's place in that empire: was it a sister kingdom, a colony, or a province of England?

The wool issue provided Molyneux with an opportunity to clarify the status of Ireland from an Irish perspective. Molyneux represented the governing elite in Ireland: the Protestant minority, who owned most of the land and had all of the power. Molyneux never wanted to break away from England, but rather to affirm that despite this connection and the fact that the Irish Protestant elite were descended from the English, they were also independent and had separate interests. Molyneux represents 'colonial patriotism', an Ireland keen to protect its interests, but nonetheless perceiving itself as inalienably linked to England.

Molyneux's pamphlet was not well received in Ireland and experienced even worse censure in England, most notably in the English parliament. The latter did legislate on the wool question in April 1699. Its Irish Woollen Prohibition Act prohibited the exportation of Irish woollen manufactures completely, and restricted the export of raw wool to England only. It proved that the English parliament would 'bind' Ireland when 'political or economic pressure in England dictated as much.'⁹⁶ Ironically, it was passed by backbenchers against the will of the English government.

Simon Clement's reply is of tremendous significance, as it crystallised English fears. His pamphlet frequently evokes a menacing tone, suggesting that the issue raised by Molyneux was challenging England on a sensitive point. The fact that there were five answers and a discussion in the English parliament tends to confirm this view. Also, the arguments of Clement, who justifies the imperial nature of the relationship between England

⁹⁶ McGrath, *Ireland and Empire*, p. 48.

and Ireland, were reasserting in strong terms that imperial bond and the implied inferiority of Ireland. The existence of these replies shows that the issue was taken seriously and called for an unequivocal and clear explanation of the constitutional bond.

The vocabulary used by Clement was clear and left no room for doubt: Ireland was a ‘colony’ or a ‘member,’ England was the ‘mother nation’ and ‘supream government;’ Ireland owed ‘obedience and duty’ ‘so as that the tranquillity of the whole Empire may be best conserv’d.’⁹⁷ The meaning of colony is quite central in the debate, and the fact that Ireland did retain a parliament testifies to her unique place and status in the English Empire.

The other pamphleteers used the same rationale. William Atwood has been described as ‘the leading English imperialist theorist,’ involved in ‘almost every major political debate within England, and between England and her political peripheries, during the period 1680 to 1707.’⁹⁸ He provided the longest answer to Molyneux, the *History, and Reasons, of the Dependency of Ireland upon ... England* (1698). Like Molyneux, Atwood was a barrister, and he was an expert in ‘ancient constitutional debate’: he ‘met Molyneux on his own ground, matching one legal precedent with another and ultimately turning the myth of the ancestral constitution to the disadvantage of Ireland.’⁹⁹ The other answers were written by Charles Leslie, an Irish clergyman, and Charles Davenant, an English government official and political economist. It is in this latter respect that Davenant’s pamphlet may be considered an answer to Molyneux.¹⁰⁰

William Molyneux’s *Case of Ireland* can be considered ‘the most significant Irish political pamphlet of the seventeenth and eighteenth centuries.’¹⁰¹ It was reprinted nine times between 1706 and 1782, which evidenced the continuing interest in ‘his theory of Ireland’s legislative independence’ right down to the Act of Union with Britain in 1800.¹⁰² Molyneux was later acclaimed as a patriot, and his work, especially his claim that there could be no legislation without representation, was used in the American war of independence.¹⁰³

⁹⁷ Clement, *Answer to Mr. Molyneux*, ‘Epistle Dedicatory.’

⁹⁸ See Charles C. Ludington, “From ancient constitution to British Empire: William Atwood and the imperial crown of England” in Ohlmeyer, ed., *Political Thought in Seventeenth-Century Ireland*, p. 245.

⁹⁹ *Ibid.*, p. 255.

¹⁰⁰ DIB, Eamonn O Ciardha, “Leslie, Charles,” <http://dib.cambridge.org/viewReadPage.do?articleId=a4799>, accessed October 2012; DNB, Robert D. Cornwall, “Leslie, Charles (1650–1722),” <http://www.oxforddnb.com/view/article/16484>, accessed October 2012; *Ibid.*, Julian Hoppit, “Davenant, Charles (1656–1714),” <http://www.oxforddnb.com/view/article/7195>, accessed October 2012.

¹⁰¹ Kelly, “Recasting a tradition,” p. 83.

¹⁰² Kelly, “William Molyneux and the Spirit of Liberty,” p. 136.

¹⁰³ Kelly, “Recasting a tradition,” p. 83.

Molyneux and Clement's focus on the legislature of Ireland to determine the nature of the relationship between England and Ireland demonstrates that changes, following the Glorious Revolution, had brought the parliament to centre stage in this definition.