


Status and Exchange in Early Irish Laws¹

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tatus is one of the key concepts for understanding early Irish society. Status is important because the functioning of the society was based on contract-like relationships between individuals and groups. Status governed their capacity to enter into contracts and their rights and obligations in them. The value of a man's testimony in court depended on his status. Compensations for injuries, killing or other crimes were calculated according to the status of the victim and his kinsmen and lord. Furthermore, status defined the proper conduct towards people of different rank.

The relationship between status and exchange is an intricate one. The status differences and the functioning of the society become visible in situations involving personal exchange. Status governs how different groups interact with each other, what kind of mutual rights and obligations are expected from them. The bonds created by reciprocal relationships actually form the structure of the society.

Descent and wealth are usually mentioned as the main sources of status in early Ireland. The law-texts themselves, however, refer to other more immaterial requirements for soliciting a high status. In this paper I search through some of the most important law-texts on status for different arguments by which status can be claimed, and furthermore, lost. The latter part of the article is devoted to drawing a picture of reciprocal relationships in early Ireland, i.e. what kind of exchange, both material and symbolic, is involved, and what part status plays in these relationships. I will argue that some forms of status are actually contingent on exchange. I will also assess the general role of reciprocal relationships in the functioning of early Irish society.

Source material

The text material used in the analysis comprises three important general texts on rank: *Críth Gablach*², *Uraicecht Becc*³, *Míadslechta*⁴, and two texts focusing on the

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status of the poets and ecclesiastics, *Uraicecht na Ríar*⁵ and *Bretha Nemed*.⁶ Binchy dates *Críth Gablach* to c. AD 700 and *Uraicech Becc* to late seventh or early eighth century. *Míadsleхта* is dated by MacNeill to the eighth, *Bretha Nemed* and *Uraicecht na Ríar* by Breatnach to the second part of the eighth century (Binchy 1941, 1958; MacNeill 1923; Breatnach 1984, 1987). The sources are then roughly coeval, presenting an era when Christianity already had a firm hold of Irish society.

Recent research on early Irish law agrees on the role that the Church had in the writing down of secular law: the process was much affected and the texts indeed moulded by the churchmen.⁷ The sevenfold ecclesiastical hierarchy also influenced the systematisation of early Irish law. The status of the Church in the secular society is reflected by the fact that the churchmen were given very extensive privileges in the laws. Legal principles, rules and precedents were taken from the Old Testament. The fact that the canon lawyers adopted legal concepts and institutions from the secular law tells of the readiness of the Church to adapt to the existing social system. The legal practises of the vernacular law which were not contradictory to the teachings of the Christianity were authorized by declaring them to be the natural law, which was given to the Irish by God (Ó Corráin 1984, 1987; Breatnach 1984; Ó Corráin, Breatnach and Breen 1984, Moisl 1987).

The problems of using early Irish law-texts as sources for the study of society are well known. The approach of the texts may be called prescriptive, giving an idea of how the things should be rather than presenting the reality. Large parts of the law-texts consist of glosses commentary, which have been gradually added up to the fifteenth and sixteenth century. One may ask how well the law-texts reflect reality and from what period? It has been pointed out that the general legal principles of the Irish law seem to have remained the same for the whole history of Irish law schools. This conservatism is also suggested by the absence of Anglo-Norman legal ideas and terminology (Kelly 1992, 18). I would also suspect that the main structures of the society, such as social classes would be the slowest to change. The same applies to the 'realism' of the law-texts: even though there

² Corpus Iuris Hibernici, henceforth CIH 777.6–783.38; 563.1–570.32. Edited by D.A. Binchy in Medieval and Modern Irish Series, vol. XI (1941). Henceforth *CG*.

³ CIH 1590–1618; 634–655; 2318–2335. Henceforth *UB*.

⁴ CIH 582.32–589.32. Henceforth *MS*.

⁵ Edited by Liam Breatnach, *Uraicecht na Ríar. The Poetic Grades in Early Irish Law*. Dublin: DIAS 1987. Henceforth *UR*.

⁶ Edited in parts (the ecclesiastical grades) and translated by Liam Breatnach, 'The first third of *Bretha Nemed Toisech*.' *Ériu* 40/1989, 1–40. Henceforth *BN*.

⁷ The importance of ecclesiastical scholars is emphasised especially in the texts of the southern *Nemed* school of law, such as *Uraicech Becc* and *Collectio canonum hibernensis* (Ó Corráin 1981, 331). Another text, *Senchas Már*, has a narrative in which the laws of the Irish are inspected by St. Patrick and brought to conformity with Christianity (Ó Corráin, Breatnach and Breen 1984, 385).

may be misgivings about the prevalence of certain legal practises, it is hardly conceivable that the social classes or the principles governing their formation would merely have been the constructions of the jurists.

The grading of different hierarchies, arguments for status and especially honour-prices vary from text to text. The technical details as such – or their harmonising – are not the focus of this paper. My aim is to look at the principles for claiming status at a more general level and to give a picture of what kind of everyday aspects of life were governed by status. The material and professional requirements for some of the hierarchies are, however, tabulated by way of example in the Appendix to provide a measure for comparison between different hierarchies.

Status

The measure of a person's status was called 'value of the face' *lóg n-énech*, which was the price to be paid if a man was humiliated, i.e. lost his face. To be treated with due dignity was extraordinarily important to the early Irish. When discussing rights due to different ranks, *MS* says:

How many are their legal rights according to their rank in the dignity laws? Answer – Nine; That it may be known to what extent each of them is confirmed in his rights, as regards their full number, and their smallest number, at refectations, as regards their feeding and refusal, as to their wounding and their being insulted, as to their being treated with contempt and their protection violated, their exemption before and during refectations, as to their honor-price, and their blush-fine and their blister-fine.⁸

In the quoted passage the essence of the legal rights seems to be in social values, even more than material values: personal and material security was important, but equally important seemed to be the guarding of a person from the embarrassment of insults or exclusion from different gatherings. Full honour-price was paid for satire,⁹ refusal of hospitality, violation on a man's protection as well as for murder, serious injury or theft. Where a man's honour was not involved – for example animal trespass or minor damage to property – lesser fines were due (Kelly 1988, 8). As Professor Charles-Edwards has shown, avoidance of personal dishonour

⁸ *Cis lir a ndliged iar miadhaighecht ind eolaid isna miadlechtaib? .ní. noi, co festar cia meit i nastaitheir cach dibh iter a lín 7 a nuaite, iter a mbiathad 7 a nesain, iter a nguín 7 a ndiguín, iter a sar 7 a sarugud, iter a faesam 7 a turrthugud, iter a neneclainn 7 a nenechruice 7 a nenechgris. (MS CIH 583.1–4, translation Ancient Laws of Ireland IV, s. 345, ll. 11–19).*

⁹ Satire was thought to have physical effects on its object. Blushing was the mildest form, but virulent satire could even cause blisters on the face of the victim (McCone 1990, 124).

could drive a person to extreme and irrational actions, such as killing one's own children (1978).

The Irish social system acknowledged several separate status hierarchies according to the functions the members of these hierarchies performed in the society. The one by which the majority of the population was ranked was the 'grades of the lay people' *grád túaithe*, which included ordinary laity i.e. the ranks of the commoners (tenant farmers), and the ranks of the lords all the way up to the king. The other hierarchies consisted of 'people of skill' the *áes dána* i.e. the professionals, craftsmen, lawyers, and the ecclesiastical scholars; the ranks of learned poets and experts of vernacular tradition (*filid*); and the grades of the Church.¹⁰ One of the central problems of the early Irish jurist was thus the comparison of different hierarchies to establish their status in relation to each other.

Outside the ranks of the free were the unfree (*doer*), tenants, hereditary serfs and slaves, who did not have an honour-price of their own. They lacked land or skills that would give them an independent economic position. Lords usually owned the unfree; it was the group that actually performed the main agricultural work on a lord's land. If a slave was assaulted and wounded, the compensation was due to the lord who owned him, not to the victim himself. Slaves were recruited by force in raids, by birth but also by penalty for serious crimes. Also those who incurred debt often lost their free status as a consequence. Among the unfree or dependants were also counted women and minors, whose honour-price was a fraction of their male guardian's, father's, fosterer's or husbands honour-price (Charles-Edwards 2000, 68–71; McLeod 1987, 58–59).

While the different hierarchies of status were distinguished by the respective functions their members performed for the society, within these hierarchies members ranked according to how well they discharged their function.¹¹ The status of the *filid*, for example, varied in accordance with their metrical skill and the number of compositions of traditional lore they master. The grades of farmers on their part were distinguished by the number of cattle they owned and those of the lords by the number of clients they contracted.

¹⁰ The classes of the poets and the lords were the most ancient, originating in pre-Christian times. They were noted already by Caesar during his dealings with the Celtic tribes of Gallia (*Commentarii Belli Gallici*, VI.13.-15.). Ecclesiastical grades were introduced by Christianity in the fifth century.

¹¹ Professor Charles-Edwards calls this incremental status (1986, 55).

Sources for status: wealth

In the law-texts the qualifications for different ranks with regard to their material property (*folud*) are quite detailed. Some texts include the size of the house and outhouse, number of cattle and other livestock, acreage of land, shared resources such as kiln, mill, barn etc.; even standards for household utensils may be set in the texts. A certain amount of wealth was necessary to qualify as a freeman, i.e. to be considered as a self-ruling person capable of independent legal action and eligible to attend the assemblies of the *túath*. Non-noble freemen, or commoners, had enough material assets to be farmers on their own account: they had inherited (or would in time inherit) land, they owned a house, some agricultural equipment, and a share in a plough-team. Livestock, especially cattle, was indispensable, not only as a source of nourishment, but also to work the land. They also produced dung, a fertiliser necessary to make the land arable. Relatively few farmers were entirely self-sufficient; the majority entered into a clientship with wealthier farmers to acquire more cattle.

Some writers have claimed that a freeman farmer could live off his land and other stock such as swine and sheep, without actually needing the cattle from a lord for survival.¹² But since cattle was so important 1) for mixed farming; 2) as a depot of wealth to make a man eligible for legal action and to sustain the duties of his grade; 3) as a means of exchange, e.g. in a bride-price and other economic transactions; and 4) simply as a status symbol, not owning any would render credible business rather difficult.¹³ If anyone wanted to act as a surety to a party in a contract, he needed cattle to manage the obligations, in case that party backed out on the contract.

The main categories of commoners were *bóaire*, *ócaire* and *fer midboth*.¹⁴ *Fer midboth* was the lowest grade of freeman. He had not yet reached full adulthood (20 years) and was just establishing a household of his own. His honour-price was measured at 2 *séts*. An *ócaire* owned 7 *cumals* worth of land, which amount was supposed to sustain seven cows for a year, and which rendered him an honour-

¹² i.a. Gerriets 1981; 1983. Gerriets maintains that the exchange of cattle between a lord and his client was purely symbolic in meaning (see *infra*).

¹³ Archaeological record also shows the dominance of cattle as domestic animal: bovine bones constitute over 70% of all animal remains at a majority of excavated settlement sites (Patterson 1994, 73).

¹⁴ The terminology of status divisions in the Irish law tracts is very heterogeneous. Neil McLeod has calculated 24 different grade names for commoners in 11 law tracts, which he used as a source for analysing the early Irish status hierarchies. Of these *bóaire* occurred in nine texts, *ócaire* in eight and *fer midboth* in seven. Of the rest, 16 terms were used in one text only and five were used two texts. McLeod considers most of the terms to be sub-divisions of the three (1987, 57). When using the names of the grades, I may refer either to the status, to a class of persons, or to a single person holding that rank.

price of 3 *séts*.¹⁵ A *bóaire* owned 14 *cumals* of land, 12 cows and two horses (CG, ll. 91–3 & ll. 119–20). A free man's basic material assets, his house and land, were valued at 5 *séts*. For each higher grade, the house was estimated at that price, and further wealth in cattle and clients increased the status (CG ll. 354–6). The qualifications of commoner grades focused very much on the amount of land, buildings, and domestic animals they were supposed to own, whereas for the higher grades these were often left unspecified (see Table 1).

Clientele

Advancing to the ranks of the lords required more than wealth from a commoner. Certain economic resources, in the form of land, buildings, equipment and cattle, were necessary, but a mere amassing of wealth did not take a person over the threshold to nobility. CG explicitly states that while the *bóaire* owed his status to his wealth, even the lowest rank of the lords, *aire désa* derives his from *déis*:

Why is the *aire désa* so called? Because his honour-price is paid in virtue of his *déis*. Not so the *bóaire*: his honour-price is paid in virtue of his cows.¹⁶

What ennobles them? Their *déis*, their rights, each of them, both small and great. There are four kinds of *déis* for lords: the long-standing submission of a people (*túath*), his office among a people, including the office of leader or second-in-command, whichever office it be; his base clients; and his free clients; his hereditary serfs.¹⁷

This *déis* consisted of high ranking officers (kings and a few others explored below) and of the lord's clients. The size of the *clientela* determined the rank of the noble. The lowest grade of the lords, *aire désa* had 5 base clients and advancing to each superior grade required 5 more base clients.¹⁸

¹⁵ *Cumal* and *sét* are the most commonly used units of value, the worth of 1 *cumal* is measured at three milking cows and a *cumal* equals 6 *séts* (McLeod 1987, 79). Bovine stock was the principal unit of value, in which obligations such as compensation for breaches of law and bride price, were measured (Gerriets 1983, 56). Their size, however, impeded their use as 'money', and payments were made in barter or in silver instead (Patterson 1994, 73).

¹⁶ *Aire désa, cid ara n-eperr? Arindí as dia déis direnar. Nimthá bóaire: is dia búuib direnar side.* (CG §24: ll. 328–9, translation by Charles-Edwards 1986, 65).

¹⁷ *Cid nodasóera? A ndéis a ndliged cach áe, cid bec cid mór. Cair: caiti déis flatha, dég dligid comditen dána? Dicoissin cetheora déisi do flaithib: senchomditiu thúaithe; a dán i túaith, im dán toísig nó thánaisi, sechib dán dí[i]jb; a céli gíallnai; a sóerchéli; a senchléithe* (CG §23: ll. 319–24, translation by Charles-Edwards 1986, 58).

¹⁸ The different lay grades with their honour-price, wealth and client requirements are tabulated in Table 1 in the Appendix.

Marilyn Gerriets defined the nucleus of early Irish clientship as follows: ‘Clientship is a voluntary tie of personal dependence in which the social superior provides military protection, legal support, and productive goods in return for attendance in his retinue or war band and a flow of goods or labour services from the inferior’ (1983, 43f.). Base clientship, *aicillne*, was the form of clientship most suited to the common freeman. In *aicillne* a land-owning farmer got a supplement to his cattle (or sometimes land or tools) as a grant (*rath*) from his lord. The grant consisted of two parts, *taurchrecc* (pre-payment) and *séoit taurchluideo* (‘chattels of submission’), both of which were in proportion to the client’s honour-price, the *séoit* equalling it (Jaski 2000, 105; Patterson 1994, 162). The offspring of the granted cattle belonged to the client. In exchange for cattle, the client gave his lord annually one cow and some foodstuffs. Moreover, during the ‘time of coshering’ (*aimser chue*) – between New Year’s day and Shrovetide – the lord and his retinue could enjoy obligatory hospitality from his client, in the form of a feast and entertainment. The client was also expected to provide labour i.e. to harvest his lord’s crops or help in major building projects (Jaski 2000, 105).

The relationship of base clientship came to an end when the lord died.¹⁹ The *rath* of cattle given at the outset of the clientship remained (if any were alive) in the client’s position. The lord’s heir had to form new bonds with clients, since clientship was not a hereditary possession but based on individual choice of partners.²⁰ To break the contract of base clientship, however, was very costly to the party who wanted to opt out.

In the other form of clientship, free clientship (*sóerchéilsine*), the client was not so dependent upon his lord, apparently because ‘he had adequate social resources with which to defend his status in normal confrontations’ (Patterson 1994, 156), such as a middle-ranking farmer, *bóaire*, would have.²¹ The grant did not involve the payment of the client’s honour-price (*séoit taurchluideo*) and

¹⁹ According to some writers, the contract expired after 7 years, and if the clientship was renewed, the lord gave out a new *rath* with the new contract (Jaski 2000, 106; Charles-Edwards 1993, 357–9).

²⁰ The practice differed in the south in Munster, where base clientship could be hereditary. The status difference between a lord and a client determined the length of relationship: if the lord’s status was two or three ranks higher than that of the client, the contract would expire only in the second or third generation (Charles-Edwards 1993, 359–360).

²¹ Nerys Patterson maintains that the commentaries on the tract on free clientship, *Cáin Soerraiðh*, implied ‘non-aristocratic nature of free-clientship’ (1994, 155). *CG*, however, when discussing the *aire ard* in lines 373–4, suggests that both commoners and nobles may have been free clients: ‘each grade that is lower than him, they (can) be in clientship to him’ *cach ngrád asid n-islíu bíid dó i céilsini* (translation McNeill 1923, 298 §110). *CG* also defines the grant received by each grade of a lord from a higher one (see Table 1). The king is described as having the seven grades of *Féni* (the Irish freemen) in clientship (*CG* ll. 449–50).

accordingly the lord did not have any claim to legal compensations received by the free client (Ibid, 156). The grant was three cows, of which the client paid back a cow per year in three years. After that the value of one cow was paid annually in dairy products, calves or dung until the seventh year when no payments were due. The original grant was then returned, which brought the contract to its end. However, contrary to the base clientship, both parties could terminate the contract at will and without penalty, the client by returning the original grant and the lord by claiming it back.

The relative benefits of the clientship system to each party have been commented upon, claiming that it was too advantageous to the lord, but Patterson points out that it seemed to be an acceptable and honourable relationship for the free client. She also holds that provision of political security, not profit, was the reason for the exchange (1994, 158). The lord could demand services from his free clients in labour,²² but also in military services. The lord's cattle would be dispersed around the *túath* and therefore safe from mass raids and disease. Further benefit would arise from the fact that the lord's wealth was concealed from his competitors (Ibid, 160). The free client's allegiance might be harder to keep: for him the bargain held only the relative security from changes in local lordship, such as expropriation of the client's land by intrusive lords (Ibid).

Because of the imperative in Irish kinship that no land should be alienated from the possession of the kindred, it was thought preferable that the lord was the client's kinsman. In that case, even if the client ran into financial difficulties, the kindred would not face the risk of losing its assets. Charles-Edwards also maintains that clientship within the kindred promoted cohesion within the kin (1993, 362). Although the main function of the clientele obviously was to free the nobility from agricultural work against a loan of capital, there were other kinds of exchange involved in the lord-client –relationship. Apart from material exchange the relationship required legal and armed protection from the lord and political support on the client's part, i.e. the client would partake in his lord's retinue and military expeditions. It can be thus claimed that one of the primary basis for high status in early Ireland was engaging in relationships of exchange in the form of clientship contracts.

The normal route to lordship would entail contracting a certain number of clients, but as can be seen from the excerpt above, early Irish law tracts give other options as well, such as 'public' office and military leadership.

²² Charles-Edwards maintains that free client performed only 'the honourable task of attendance on his lord' i.e. appearing in his retinue (1993, 345) but produces somewhat contradictory evidence to support his claim (Ibid, 345f).

Office and military leadership

The law-texts imply that at least some ranks of lords did not owe their status entirely to their clientele, but to duties on behalf of their kin and *túath*. They acted as spokesmen for their kindred and some even for the *túath* in their dealings with the king, the Church or other territories. Some also acted as sureties guaranteeing the fulfilling of public obligations on behalf of their family. Among these higher grades of lords were *aire túise* and *aire ard*. *CG* for instance states of the *aire túise*:

The *aire túise*, for what reason he is [so] called? For the fact that he is a leader of people... [he is of] full assistance in the kingdom for representations, for oaths, for a pledge, for a hostage, for treaty on behalf of a people across the border and in the house of the Lord.²³

Also *MS* claims that *aire túise* represents kindreds and pleads their cases to the king.²⁴ It also states that the rank called *aire ard* or *aire forgaill*, which is second only to the king, represents the territory. *Aire ard* was elected by the free men of the *túath* and was involved in the making of *cáin*- and *cairde*-laws which concerned the *túath* and its neighbours. High status lords also had special powers of protection: *aire ard*, for instance could provide a sanctuary (*ardneimed*) for the people of his *túath*.²⁵ *Aire coisring* also performed services on behalf of his kin according to *CG*:

Why is *coisring* .i.e. noble of contract, so called? Because he enters into contracts with *túath*, king and church on behalf of his family, without being indemnity from them on (his) contracts, but they acknowledge him as a leader and advocate before them. He is head of kin, who gives a pledge to king, church and poets on behalf of his kin to compel their obedience.²⁶

Aire échta was responsible for some military operations outside of the *túath*, commanding an armed group. References in law-texts suggest that he was a medieval ‘hitman’, a universal avenger of wrongs on his *túath*, committed by people from the outside. In intercommunal feuding he seems to have acted on behalf of any kin, not just his own kindred (McLeod 1987, 46–7). None of the texts designates clients as a criterion of *aire échta*’s status. McLeod’s interpretation is that

²³ *Aire tuisce, cid ara n-eperr? Arindí as toisech a ceníul ...lánochongna, i túaith do aidbdenaib, do noillechaib, do gi[u]llm do gíall, do cahirdiu tar cenn ceníul tar crích 7 i tech flatha.* (*CG* ll. 386–7, 411–3, translation McLeod 1987, 42).

²⁴ *Aairi tuisi, do-fet fine comcinel do co ri 7 ar-ro-labrathar* (*MS*, CIH 677–8).

²⁵ *Cetharslicht Athgabálae* mentions that *aire forgaill* may provide sanctuary for impounded property (McLeod 1987, 44).

²⁶ *Aire coisring, cid ara n-eperr? Arindí cosrenga túath 7 rí 7 senod tar cenn a chenóil, ná[d] dlig a slán doib for curu bél, acht atndaimet do thoisiuch 7 aurlabraid remib. Is é aire fine insin tobeir gell tar cenn a fine do rí 7 senud 7 óes cherdd dia timorggain do réir* (*CG*, §20, translation from Henry 1977, 61).

aire echta is not a distinct grade on its own, but a special case of *aire désó* (Ibid, 50–51). Some Old Irish legal tracts refer to *aire echta* in derogatory terms putting his actions on a par with those of *díbergach* (marauders) and demoting him to the status of commoners. This implies that some parties, such as the Church wanted to suppress the practice of inter-territorial feuding already in the Old Irish period (Ibid, 48–9).

Even though the highest grades of lords derived part of their status from their offices, one has to assume, as McLeod points out, that succeeding to those offices also required material wealth and authority ensuing from the political support of clients. Those chosen as representatives of a kindred or several kindreds certainly were among the strongest individuals in every respect (McLeod 1987, 54). Most likely the holders of these offices were chosen from among the highest ranking individuals, already nobles, and not elevated to the rank because of their offices.

Religious status

Ecclesiastics rank very high in the law-texts, some being equal or even superior to the kings. UB gives the same honour-price to the archbishop and an *ollam* of ecclesiastical law as to the king of *túath* (CIH 2334.34–5, translation *AL V*, 113). In *CG* the bishop is deemed nobler than the king because ‘the king rises to salute him because of religion’ although the bishop also acknowledges the king.²⁷ The evidence of a *suí*, a bishop and a hermit (*deorad dé*) cannot be overturned even by a king (Kelly 1988, 41). *BN* also claims that ‘an ecclesiastic is more powerful than any other noble one of privilege.’²⁸

The status of ecclesiastics was not based on wealth but on their function of supplying the lay society with religious services. A church was ennobled by possessing the shrine and relics of a saint, but above all by attaining to Christian ideals, having a sinless superior, devout monks and practising believers (*BN Toísech* §3). Failing to perform the due rites and the functions of the church orders, neglecting devotions and accepting lay practices debased the church:

being without baptism, without communion, without mass, without praying for the dead, without preaching, without penitents, without active life, without the contemplative life; water through it to the altar, driving guests away from it, disobedience, misappropriation, private property, complaining, providing for clients; an ex-layman tending it, a young boy in its stewardship,

²⁷ *Is [s]ruithiu epscop, húare arneraig rí(g) fo bíth creitme: tuarga(i)b epscop dano a glún ria rí(g)* (*CG* ll.604–6, translation Mac Neill 1923, 306).

²⁸ *Biru is tresá eclais cach neimthiusi nár* (*BN Toísech* §24, translation by Liam Breatnach).

a nun announcing its canonical hours; reddening it with blood, putting it under a lord, going to it after plundering, its being diminished through supporting women, increasing debts on it, wearing it away with sin, giving it as payment to a lord or a kin.²⁹

As seen from the passage, losing economic independence through debts, clientship etc. also diminished the status of a church.

A churchman advanced in the ecclesiastical orders according to seniority: he was a novice from boyhood to adulthood, which was attained at 20 years of age. He could advance to the order of a doorkeeper or exorcist at 22, lector and subdeacon at 24, and deacon by 29. He might receive the order of priest at 30, but the office of bishop could only be achieved after 40 years of studies in scripture (*BN Toisech* § 24). *BN* lays down a *cumal* for every ecclesiastical grade, but losing one's innocence – e.g. breaching the vow of celibacy – diminished the honour-price (*BN Toisech* § 14).

In fitting the Church to the native law, *Bretha Nemed Toisech* constantly refers to native practices and takes a stance towards them. For instance, I take 'the church does not accept the price of innocent blood'³⁰ to mean that the native custom of paying a wergeld for killing a person was not accepted. A member of the Church had to repent, atone and do penance for his sin.³¹ Also, unlike the kin, the Church as an institution did not accept collective liability over its members: 'It does not take responsibility for anyone's crime'³² (Ó Corráin 1981, 332).

Learning and skill

The professionals earned their respect - and living – by their art. No material requirements were demanded of them in the law-texts. Of lay professionals, the full *nemed* status was granted only to the poet. The status of a *filid* depended on the

²⁹ *buith cen bathais, cen chomnai, cen oifrend, cen immon n-anmae, cen phrecept, cen áes n-aithrige, cen achtaíl, cen teoir; uisce tree for altóir, esáin oiged úaidi; nac, dichmairc, sainchron, fodord, frtihairle chéile; athláech inna hairitiu, gillae inna ferthigsiud, caillech do fócrú a tráth; a fodergad co fuil, a corf o flaith, a tascnam iar fogail, a fothlae fonnáib, mórad fáich fuiri, a fochnam co peccad, a fochraic cdo flaith no fini* (*BN Toisech* §6, translation by Liam Breatnach).

³⁰ *nád airfoim eclais lóg folo emge* (§ 12, translation by Liam Breatnach).

³¹ *CG* describes how one atones for misdeeds: 'Any filth that stains a person's honour, there be three that wash it away, soap and water and towel. This, first, is the soap, confession of the misdeed before men and promise not to return thereto again. The water, next, payment for whatever perishes through his misdeeds. The towel, penance for the misdeed, by the judgment of the books. *Nach sal aslén(n)a ainech duini bíit a trí ocá dñunuch .i. slíc 7 uisce 7 anart. Is ed as slíc cétamus foisítu in midénma fia(d) doinib 7 ingell ná[d] soífea friu aithirriuch; int uisce immurgu, ícc neich atbaill tria mígním(i)u: a n-anart, pennait in midénma ré[i]r lebor* (*CG* ll. 308–13), translation MacNeill 1923, 296).

³² *Ni beir cinaid neic* (*BN Toisech* §4, translation by Liam Breatnach).

amount of his learning and metrical skill. The fluency of a master poet's reasoning and knowledge and of his praise poetry was likened to a stream (*MS*, CIH 586.16–21; 587.6). According to a fragment from *BN* the privileges of poets result from three special prophetic techniques:

O wealthy mighty Morand, tell me how the power of every lawfully established *nemed* is estimated, for it is on the basis of privileges that every upright lawful skilled person is chosen (?). 'Great knowledge which illuminates', extempore chanting, the singing of *anamain* of four varieties are what confer dignity on a sage.³³

The poet's status was closely connected with the society's preoccupation with honour, as his main function was to praise and to satirize.

UR lists seven grades of poets: *ollam*, *ánruth*, *clí*, *cano*, *dos*, *macfhuirmid*, *fochloc*, and three subgrades *taman*, *drisiuc*, *oblaire*. An *ollam* was knowledgeable in historical science and jurisprudence of Irish law. The text defines *nath* and *laíd* as the meters that an *ollam* must master, (*UR* §2); *roscad* was considered of lesser merit (*UR* §18). The *ollam* should always be able to deliver a satisfying answer (*UR* §3). Also the moral qualities required from poets are listed, most notably monogamous marriage (*UR* §6). The number of compositions each poetic grade was supposed to master is enumerated, as are their honour-prices and number of company in different situations. These are listed in Table 2 in the Appendix.

In order to be a poet proper, to have a right to all the privileges brought by the status, a man's father and grandfather had to be of the same status (CG, 1. 335; Charles-Edwards 2000, 129–136; Jaski 2000, 40). This three-generation requirement was emphasised in *UR*: unless a poet comes from a family of poets in which his father and grandfather are both poets, they have smaller honour-prices or even belong to a lower order of bards (§3, §4, §7, §11).

Other professionals, such as jurists, physicians, wrights, and blacksmiths were also counted to the privileged classes, but below the free *nemed*s. *UB* also gives the reason for this: practitioners of arts and crafts were subject because they served the higher *nemith* (*UB*, CIH 637.1–3; 2330.3–6). The lower *nemed* received much scantier treatment in the law. Only *UB* mentions them in detail, paying some attention to skill requirements in addition to defining honour-prices, protection and refectation. A jurist who was proficient in the three languages or rules – the traditional Irish law *fenechus*, the lore of the *filid* and the Latin learning *legend* – was

³³ *A Moraind a maine a mochta, abuir frium co míter nertcach naosad nemedh, ar is anemtesaib do-eclamar cach direch dana dligid. Imus for-osnam, dicedul do cenduib, cedul n-anomuín cethirriach cato cach suad.* (*BN* CIH 2219.16–20, printed in Breatnach's edition of *UR*, p. 36, translation by Breatnach).

ranked as high as *aire túise* of the lords and was given an honour-price of 20 *séts* (*UB*, CIH 2329.3–10).³⁴ A jurist specialised in the justice of arts and crafts, i.e. in estimating the worth of the work and products of professionals, received an honour-price of 7 *séts*. Craftsmen were evaluated according to their products: a wright who could make oaken houses, or ships and other vessels, or mills, or is an expert in yew-carving received the same honour-price as an *aire déso*, but a maker of chariots had equal status with a commoner (*UB*, CIH 2332. 8–23; 2333. 3–8). Again, if a person mastered many crafts, he earned higher status (*UB*, CIH 2332.25–39). Most of the professionals led itinerant lives³⁵, but at least a harpist who managed to get a more permanent position in a lord's house was accorded free status (*UB*, CIH 2333. 17–19). Other musicians and performers owed their honour-price to their lords (*UB*, CIH 2333.36–2334.8).

Hospitality

The most effective way to rise in the early Irish status hierarchy was the unlimited or professional practising of hospitality. The *briugu*, 'hospitaller', engaged in providing hospitality for all visitors to his house. A person who undertook running a guest-house advanced to the ranks of nobility without delay, whereas an ordinary farmer trying to attain nobility through clientele had to wait for three generations. While all ranks were obliged to show hospitality to their lords and others according to entitlements of their status³⁶, *UB* states that a *briugu* 'excludes no rank, he refuses no company, he does not count it against anybody though he come often.'³⁷ Further specifications include the *briugu* having his house on a road or at crossroads, and the commentary even mentions special ushers, who show people to the guest-house.

The status of a *briugu* varied according to the wealth he possessed as a premise for providing hospitality services. According to *Uraicecht Becc*: 'the *briugu* is

³⁴ Elsewhere in *UB* *aire túise*'s honour-price is set at 15 *séts*.

³⁵ In fact intineracy was imperative for reaching the clients. The commoners were not able to move safely outside the borders of their *túath*, since except for the *nemed*-classes, legal status only applied within one's own territory (Kelly 1988, 223).

³⁶ Inadequate hospitality was one of the most common qualities to provoke satire. Lords were entitled to refectations from their clients annually, but they were also expected to arrange feasts. While poets were invited to provide entertainment, they might, unless satisfied with the banquet and their own reward, turn their tongue against the lord. The mythical first satire, incited by niggardliness destroyed king Bres mac Elathan in the days of the Túatha De Danaan (Simms 1978, 76).

³⁷ *Nicon urrscair fri cach richt, nicon etig nach naim, nicon airmi fri nech ciaba menic thi*. CIH 1608.19–21; 654.8–10; 2324,27–9. Translation by Mac Eoin 1997, 488).

of equal status with noble if he has twice the land and property of any grade.’³⁸ The same law tract also refers to *briugu cétach*, who has a hundredfold wealth and *briugu leitech*, who is even twice richer.³⁹ Several passages in law-texts suggest that a *briugu* could attain a status comparable to that of a king or a chief poet (Kelly 1988, 37; Mac Eoin 1997, 485).

Briugu may have also had other public duties; he appears in *Táin Bó Cúailgne* in the meaning *biattach* ‘sutlerv or camp cook’, translated in DIL as ‘supplier of food, victualler, farmer: a landholder or tenant whose duty it was to use his land to provide for the refectation of a lord and his attendants when travelling through the country and to supply the army of their territory’ (Mac Eoin 1999, 171). Bearing of weapons or taking part in military expeditions was, however, not assumed of a *briugu* (Ibid 1997, 487).

Personal qualities

MS proposes seven arguments for attaining status:

There are seven things out of which a person is estimated – form, and race, land, and tillage, profession, and property, and worthiness.⁴⁰

Land, tillage, property and profession have been covered above; form, race and worthiness could be called ‘personal qualities’. Race or birth right to a status was a practical *sine qua non* for the higher echelons of early Irish social hierarchy. Irish law-texts stipulated a three-generation rule, which applied to all privileged or *nemed* ranks. As mentioned above, in order to have a right to all the privileges brought by the status, a man’s father and grandfather had to be of the same status (CG, l. 335; Charles-Edwards 2000, 129–136; Jaski 2000, 40).

Form and worthiness might be interpreted to cover a person’s social values and skills as well as physical appearance. With regard to headships of kin, Church or *túath*, proper descent alone was not enough to secure succession. The candidate had to be fit and worthy to rule. The law-texts refer to *febas*: (‘excellence’) dignity, personal standing or worth, which qualified the heir-apparent (Jaski 2000, 334).

³⁸ *comgraid birugu fi flaith diamble diablad lais gach graid de tir 7 trebad.* (CIH 2273.33f.; 76.1. Translation by Mac Eoin 1997, 484).

³⁹ *CG* does not mention the grade of *briugu* at all. It does, however, give an extensive treatment of a commoner grade called *mruigfher*, which unlike with other grades, dwells on the household utensils needed for cooking and making ale and the rules for entertaining guests. It mentions that a *mruigfher* should have an ever-lighted fire (*CG* ll. 171–248). Gearóid Mac Eoin suggests that the *mruigfher* of *CG* is the *briugu* of *UB* (1997).

⁴⁰ *Sicaacht (sic) asa midithar duine: cruth 7 ocus, cenel, tir 7 trebadh, dan 7 indbus 7 innrucus* (*MS* CIH, 585.32–4, translation Ancient Laws of Ireland IV 355, ll. 18–19).

Basically *febas* meant behaviour which suited one's position, such as a lord being righteous towards his clients and fulfilling his obligations towards them, but in the case of kings, wisdom-texts and saga-literature give longer lists of required qualities. Kings and king-aspirants were expected to display 'royal' qualities – in addition to possessing them – i.e. valour, leadership and generosity (Jaski 2000, 337). Physical labour was considered demeaning: if a king was found holding an axe, spade or mallet, his honour-price was reduced to that of a commoner. The same happened if he went about without a retinue, or fled from the battlefield (CG, ll. 530–41). In likeness to a king, a lord's status had to show in his demeanour: he was not allowed to tolerate satire or refuse hospitality (Kelly 1988, 27). In the same vein, *folud*, or status qualifications, which were enumerated in the law-texts for different grades, embody social qualities, not only material possessions. Besides property qualifications, *folud* means 'conduct, duty' (CG, vocabulary p. 54).⁴¹

The moral qualities of the nobles especially are a constant concern in the early Irish laws. The material or skill requirements were not in themselves enough: status had to be earned by nobility of spirit – *noblesse oblige*. This is explicated in *MS*:

How many are the things that give dignity and honour-price to every one? Answer – Three: merit, and worthiness and innocence. There are three things too, that derogate from his proper honor to everyone, i.e. misdeeds, and low profession, and non-innocence.⁴²

UB echoes the same attitude in answer to the question: what gives *dire* to a person? – merit and integrity and purity⁴³, which MacNeill takes to mean 'possession and worthy use of qualifying wealth', the potential and actual fulfilment of functions and duties' and 'being guiltless of misdeeds', respectively (MacNeill 1936, 278 f).

Physical appearance was extremely important in early Irish society. While the law-texts may describe proper attire and ornaments for some status groups, the narrative literature abounds with evocations of the glamour and elegance of the royalty and even the heroes. *Táin Bó Cúailnge* alone, in depicting the mustering of Ulstermen, devotes pages to the clothing and hair style of the different warrior

⁴¹ Kim McCone explains *folud* as 'an individual's social worth...which can refer to whole or part of a spectrum covering due property rating, behaviour appropriate to one's position and rights, fulfilment of legal obligations, honesty, religious observance and so on.' (1990, 122).

⁴² *Cislir doberad miadh ocus eneclann do cach? Ní, a tri: airilliudh 7 indcrucus 7 endce. A tri, dó, atlendai miadh contfe ar cach .i. anfoladh 7 docerd 7 anendge.* (*MS*, CIH 583.5–6, translation Ancient Laws of Ireland IV 344, ll. 20–4).

⁴³ *Cid dobeir diri do neoch. Ni arilliud, inrucus 7 idna* (*UB* CIH 2329.37–8, translation MacNeill 1923, 278).

groups (TBC ll. 3589–3858). Heroes are also depicted as being notoriously vain: Conchobar is not the only one to lose his life after falling for the flattery of women (*Aided Conchobair* p. 6, §5). Being without deformity was most important to the king, whose body and moral qualities reflected the ruler's truth, *fir flathemon*, and well-being of his kingdom: a blind or blemished person could not qualify as a king (Jaski 2000, 72–5; McCone 1990, 127–31).

Change of status

In principle, then, the Irish laws allowed the climbing up the ladder of status hierarchy. This was most commonly done through increasing wealth by good housekeeping or possibly by inheritance from far kin. Even those with semi-free or unfree status could reach freedom with the help of their kin (Charles-Edwards 2000, 135). The professionals and ecclesiastics improved their status by seniority and by increasing skills. *UB* states that the free may become unfree by losing their wealth and the unfree may rise to freedom by acquiring wealth or skills:

‘The free in the seat of the unfree,’ the man who sells his land, or his authority, or his body in service. ‘The unfree in the seat of the free,’ the man who buys land or franchise by his husbandry or by his talent that God gives him. Hence there is [a saying], ‘a man is better than his birth’.⁴⁴

However, the other direction, social mobility downwards, was far more common. Division of the family estate in inheritance easily led to impoverishment and loss of status:

What is it which deprives this man of the status of *bóaire*? Because there may be four or five men who are the heirs of a *bóaire* so that it is not easy for each of them to be a *bóaire*.⁴⁵

The diminishing shares of land hit the lordly grades especially, since their children due to better nourishment usually reached adulthood. Also serious crimes brought down the status of the culprit. The status of the other members of the family, however, was not affected by the crime (Kelly 1988, 12).

When reading the law-texts one is struck by the relatively harsh fines for breaching economic obligations. Especially if interest started to run, this incurred

⁴⁴ *Saer i suigiud ndair, fear renas fora thir, no a deis, a corp i fognadh. Daer i suidi suir cetamus. Fear crenes tir, no dliged, no suiri dia dan, no dia trebhadh, dia tallaind tidnaic dia do .i. is fearr in fear-sin 'nas inti or genestar. (UB, CIH 638.9–26; translation MacNeill 1923, 273 ll. 17–21)*

⁴⁵ *Cid nodmbrisi in fer so a bóaireachas? Ar bás bid bethar nó chicer bite hi comarbus con[n]ách assa[e] bóaire do cach áe (CG §12 ll. 145–148, translation Charles-Edwards 1972, 9).*

debts and later economic dependence in the form of clientship or even semi-free status. At the lower rungs of the hierarchy, base clientship, for one, was a position hard to get rid of. The cattle-element in the food-renders, compulsory hospitality and the client's own consumption eroded the grant given by the lord and hampered the chances of acquiring one's own cattle. This ensured the continuity of the system: the heirs of a client were usually forced to accept a grant and become clients themselves (Charles-Edwards 1993, 460).

Exchange

The purpose of exchange in early Ireland was not the mere swapping of goods.⁴⁶ Most of the exchange happened to create bonds between individuals. As Charles Doherty points out: 'Men were bound to each other in a variety of relationships, the outward expression of which was reciprocal agreements by which goods and services circulated according to the relative status of the parties involved' (Doherty 1980, 67).

In his study on exchange Marcel Mauss describes the mechanism of gift-giving: by giving, one shows oneself as generous, and thus as deserving of respect, by receiving the gift, one shows respect to the giver, and by returning the gift one demonstrates that one's honour is equivalent to that of the original giver. By giving, receiving and returning gifts a moral bond between the persons exchanging gifts is created. The process of gift giving strengthens co-operation, competitiveness, and antagonism (1969).

Exchange was thus a means of creating and upholding bonds. In giving a gift to someone a person stated his superiority, while the acceptance of a gift demonstrated submission. This was the way over-kings tied subject kingdoms under their rule, and lords contracted clients. The subject people and clients reciprocated by paying tribute or renders, which consummated the alliance (Doherty 1980, 73). The functioning and unity of an early Irish *túath* was based on a web of reciprocal personal relationships, where the king 'held the heads of the

⁴⁶ Trade was undeveloped in the absence of money and urban market centres. Market exchange occurred at seasonal gatherings (*óenach*) held at territorial borders. The main purpose of these gatherings was to consolidate peaceful relations between the *túatha* by ceremonial gift-giving between their kings. From the eighth or ninth centuries onwards, monastic centres developed into local marketplaces where fairs were held on ecclesiastical feast-days (Doherty 1980, 81–3). Wealth consisted almost entirely of land, people and animals. Only the highest echelons of the society had access to specialised manufactured or imported goods, such as wine (Gerriets 1981, 171; Patterson 1994, 63). Animals and farm products from food to implements and clothing were the most common objects of exchange. Kings could afford to give prestige objects, such as horses, arms, female slaves, and jewellery (Doherty 1980, 72).

main noble families in clientship who on their turn held minor lords and commoners in clientship' (Jaski 2000, 89).

Also law-enforcement and redress of wrongs happened by way of exchange in early Ireland. Law-enforcement was done through a system of suretyships, pledging and distraint, which also involved a person's lord or legal guardian and his kindred. Breaching the terms of contracts or neglecting mutual obligations involved material restitution and fines. In principle any crime, from trespass to murder, could be atoned by paying the fine fixed for it in the law-texts. Physical punishment by mutilation or death, used as a norm in many other early law-codes, was the last resort in early Ireland (Kelly 1988, 214). Besides the severity of crimes, payment depended on the status of the victim, or his legal guardian. Redress of illegal injury also demanded that the victim be brought away on sick-maintenance and cared for, usually by a third party.⁴⁷ If the culprit could not afford to pay, he might be given as a slave to the victim. Also his kin would be involved in the payment of the fine. Lords sometimes obtained servants and slaves by paying off the fines of criminals (Kelly 1988, 217).

In the absence of a central authority which would have guaranteed peace and obedience to the law, the Irish honour-based system, which used personal sureties, functioned rather well. It was strengthened by the economy, which required a lot of co-operation and multiple loyalties outside of one's agnatic kin.⁴⁸ That, for instance, reduced the threat of large scale feuding if someone was killed.

***Lánamain*-relationships**

Early Irish law illustrates partnerships of unequals by a prototypical set of relationships, called *lánamna* 'couples'. Listed among *lánamna* are the relationships between parents and their children (a father and his daughter, a mother and her son), a sister and brother, Church and the *manach* (monk or monastic client), fosterson and fostermother, a lord and his unfree client, a teacher and his pupil, husband and wife (*Cáin Lánamna* §2).

⁴⁷ There are indications that sick-maintenance as concrete nursing became obsolete quite early and that it was replaced by payment of fines (*CG* 47–51).

⁴⁸ Charles-Edwards has described the Irish network of relationships as follows: 'A man might indeed owe a debt to his agnatic kinsman, but he was also related to his mother's lineage and to that of his sister's son; in addition to these two special cognatic links, he had more general circle of cognatic kin; he had foster-brothers; an Irishman might have dependants who, though not kinsmen by blood, were nevertheless part of his fine; and Irishman or Welshman might have formed ties of neighbourhood with non-kinsmen; members of more than one lineage might form part of the clientele of a single lord or be linked to a single church through common worship and through burial in the same cemetery' (1993, 470).

Lánamain-relationship works on the principal of reciprocity, *frithfolud*, where two closely bound parties within a long-term relationship have certain rights and duties. The relationship was biased towards the benefit of the subordinate party, who was deemed to be in the protection of the superior one.⁴⁹ The superior could punish the subordinate, but also himself be disqualified if he was negligent. The superior acted as automatic surety for the subordinate i.e. enforced claims that were made against him. That also involved familiarity with the subordinate's transactions and protection of his interests (Jaski 2000, 96). Normally, for a contract to be valid, it had to be witnessed and bound by sureties, but that did not apply to the *lánamain*-relationships, e.g. a contract of clientship would be valid even when made in drunkenness (Kelly 1988, 159).

Although some of these relationships are familial, even intimate in modern eyes, the responsibilities of the parties were, nevertheless, defined by the law. Marriages⁵⁰ were classified according to which family donated more wealth to the pair. When land came from the bridegroom's side, but both families contributed movable wealth, the marriage was called 'pairing of joint input'. If all the property came from the bridegroom's side, or from the bride's side, the marriage was considered of lower status. In CG a marriage of 'joint input' with a woman whose family was of equal status to the man was given as the norm for wealthier commoners and lords (Charles-Edwards 1993, 466). Women who were substantial or chief contributors to marriage exceptionally enjoyed a capacity to make contracts of their own and also veto those of their husbands (Etchingham 1999, 374). The inheritance rights of children varied according to the nature of the union (Charles-Edwards 313–6).

The relationship between a father and the son was governed by statutory rights and duties. The son was under the authority of his father even when he had set up his own household, as the contracts made by the son were not legal without the consent of the father. To qualify as an heir to his father, the son had to agree to maintain his parents in their old age. The father might also lose his right to maintenance if he burdened his heir with unnecessary debts or left him without land (Jaski 2000, 92–5).

⁴⁹ For instance, restitution but no fine was due, when property which properly belonged to the other party, was consumed by the other (Etchingham 1999, 367).

⁵⁰ It must be noted that the notion of formalised marriage was introduced by the Church and the Irish society counted as 'pairing for conception' a heterogeneous collection of sexual unions, ranging from organised public arrangement between two families to concubinage and even rape. Irish law also accepted polygyny, although the Church fought against it (Charles-Edwards 1993, 462–3).

The Irish kinship system worked on multiple bonds of reciprocity between the members of the family. These were tuned to protect the interest of the kin, i.e. the family assets, most importantly the kin-land. The kin was collectively responsible for the contracts, debts, crimes and other obligations of its individual members. It also inherited its members and collected the *wergeld* if a member was killed. If the kin regarded a contract that its member had engaged in as disadvantageous they could dissolve it. Contracts that might alienate the family inheritance, such as clientship to a monastery, were considered illegal unless they were made with the kin's consent (Jaski 2000, 89–94). The head of the kin represented it in dealings with external parties and usually acted as surety to guarantee the contracts of the kin members. He made sure that the terms of the contracts were carried out and in case he failed he had to carry the financial burden himself.

The relationship between mother and son and sister and brother was important from the point of view of the rights and duties of the maternal kin. The mother's kin provided important allies to the children. The mother's brother held specific affection to his sister's son as he was expected to take part in his upbringing. The uncle was also entitled to compensation for the killing of his nephew (Charles-Edwards 1993, 36). Children of alien men, i.e. those who came outside of the mother's *tuath*, were adopted to the mother's kin (Ibid, 312).

Fosterage, rearing of children by another couple, was an important and legally protected institution in early Ireland, which created artificial kinship. Foster-parents assumed the responsibility for the care and education of the child and in return received a fosterage fee from the natural parents.⁵¹ A suitable age for fosterage extended from 7 years to 14 or to puberty (Kelly 1988, 88–9). The emotional bond between foster-parents and foster-child was often warmer than the one between the child and the natural parents, which is reflected in the more informal and affectionate words daddy (*aite, data, daitiucán*) and mummy (*muimme, datnat*) used for foster-parents (Charles-Edwards 1993, 80; Kelly 1988, 87). The same applies to the relationship between child and her/his foster-siblings. Heartbreak caused by the loss of a foster-brother is a well-known theme in early Irish narrative literature.

Multiple fosterage was concomitant with high status. Noble boys might have several sets of foster-parents (Charles-Edwards 1993, 79). The child would be typically fostered by her/his mother's family and often foster-parents belonged to a slightly lower class (Kelly 1988, 90). The terms of fosterage were carefully spelled out in law tracts in relation to what kind of food was provided and what skills were

⁵¹ Another kind of fosterage also existed: fosterage for affection, for which no fee was paid (Kelly 1988, 87).

taught to the children. The terms were specified according to the status of the child's family (Kelly 1988, 87). Narrative literature and hagiography often include druids or monasteries among the fosterers of aristocratic children, which highlights the educational function of fosterage (Charles-Edwards 1993, 79–90). Alliance-building, however, was at least as crucial to the future of the child and the fortunes of her/his kin (Ibid, 79–82).

Although the skills typically taught to children in fosterage were limited to board-games and outdoor sports for aristocrats, and farm work for commoner boys, some boys were sent as apprentices to masters to learn poetry or a craft⁵². Those dedicated to an ecclesiastic career, boys or girls alike, were sent to monasteries. The relationship between a teacher and his pupil was governed by the same rules as in fosterage. While the pupil was enjoying instruction from the teacher, he could not make a valid legal contract (Kelly 1988, 91).

Exchange in clientships

Material exchange and relative gains for the parties involved in clientship have been discussed by several writers. Gerriets (1981) argued that exchange was not economically rational, as according to her calculations the lord did not earn any net increase to his stock and the client could have survived on grain and pigs instead. She concluded that the purpose of clientship relations was to build political alliances and its significance was mainly symbolic. Charles-Edwards originally held that the terms of free clientship in particular were economically incomprehensible from the client's point of view and inferred that the tract on free clientship *Cáin Sóerraithe* had confused free clientship with base clientship (cited in Patterson 1981, 53). Patterson, however, has suggested that clientship exchange was feasible, even from the material point of view. The cattle grant in base clientship was a necessary part of mixed farm production, even though the grazing of the lord's cattle may have impeded the client from increasing his own stock (1981, 58). She assumed that the lord may have replenished the client's stock by cattle raids and, if the stock suffered from some serious misfortune (1981, 57), the client would also gain economic and social security (Ibid, 58). With free clients the lord was able to maintain more cattle with greater security than on his own land and labour (Ibid, 59).

According to Charles-Edwards, in clientship relations 'the thing most prominent to contemporaries was exchange of movable wealth in both directions, from lord to dependant and from dependant to lord' (1993, 339). Although the

⁵² Aristocratic girls were taught sewing, cloth-cutting and embroidery, commoner girls how to use the quern, kneading-through and the sieve (Kelly 1988, 87).

main function of the clientele was obviously to free the nobility from agricultural work against a loan of capital, there were other kinds of exchange involved in the lord-client relationship. Apart from material exchange the relationship required legal and armed protection from the lord and political support on the client's part i.e. the client would partake in his lord's retinue and military expeditions.

The building of political alliances seems to be one of the most important aspects of the clientship system. It provided a way to form loyalties between the king and the lords and the lords and the commoners. Thus it formed the foundation of the Irish political structure. Nerys Thomas Patterson has summarised the political meaning of clientship in early Irish society: 'Clientage relationships provided the network of political alliances and jural obligations that served, in the absence of states institutions, to integrate communities beyond the purely local level of organisation' (1981, 53)⁵³.

Neighbourhood (*Comaithches*)

Co-operation between neighbours was another form of exchange that was necessary for the mode of production, mixed farming. Even substantial farmers could not afford all the implements and buildings needed in farming. Only the very wealthy would own a plough with its team⁵⁴ alone and most of the water-mills were a product of joint effort (Doherty 1980, 72). Joint industry between neighbours would also be required to build bigger buildings such as kilns, barns and especially mills (Charles-Edwards 1993, 416–430). The less well-off farmer, such as *ócaire* would not even manage ploughing without the help of neighbours. Labour-saving, in particular, was the arrangement, where the livestock of several farmers were looked after by a single shepherd (Kelly 1998, 445–6). Joint herding and joint ploughing were regulated by several law tracts, such as *Bretha Coimaithchesa*, *Bechbretha* and *Coibnes Uisci Thairidne* (Charles-Edwards 1993, 413). According to Charles-Edwards such co-operation between neighbours originally assumed that the neighbouring lands were owned by kinsmen, for instance as a consequence of a farm being divided up between several heirs. The shallowing of the kindred group, from *derbfine* (4 generations) to *geilfine* (3 generations), reduced the possibility of adjacent lands belonging to kinsmen. Within the group of

⁵³ As we have seen Patterson thinks that only commoners were clients to the lords. I think that a reading of *CG* already makes it clear that the clientship system covered all free ranks. Patterson for her part does not present any other explanation of what the political allegiance between the lordly grades might have been based on, if not clientship.

⁵⁴ The size of the early Irish ox-team varied, from four to six oxen in legal material and two to even eight in other sources. According to *CG* an *ócaire* should have one ox or $\frac{1}{4}$ of a plough-team (Patterson 1994, 77). When the total amount of his cattle was 8, and the standard renders were paid in heifers, it is understandable that no more draft animals could be bred.

neighbours the rights and obligations were equal regardless of the status differences of the members (Charles-Edwards 1993, 416–430).

Church and the laity

The Church had to assimilate to the Irish society and adapt to its mechanisms of exchange from the very beginning. St. Patrick ‘bought’ his way to the Irish elite by giving gifts to the kings and brehons (judges), but had to refuse accepting any, in order not to place himself in their debt (Doherty 1980, 75). Although the Church settled in its own monastic enclosures, it was dependant on the lay community for material maintenance. In *Bretha Nemed toisech* the relationship between the Church and the lay society is seen in terms of reciprocal exchange. The same contractual approach is echoed in *Riaguil Phátraic* (Ó Corráin 1981, 334) and *Córus Béscna*, which states that ‘the *túath* has an entitlement in the church and the church in the *túath*’.⁵⁵ Services due to the lay society from the Church were baptism, communion, mass, requiem for the dead etc. The laity owed counter-obligations to the Church in the form of offerings, tithes, first-fruits etc.⁵⁶ However, a considerable part of the wealth of the Church was built by the donations of the rich. In addition to that the Church set up a system, modelled on the lay clientship, where religious laity bound itself to the Church and worked on its land to produce food and other necessities.

A *manach*, (pl, *manaig*; earlier monk, later monastic tenant) was a client, servant or tenant of a church, who paid food-renders as tithes, first-fruits and firstlings to the church in exchange for religious services and sometimes also for land. A *manach* was legally dependant on the church as he was not able to contract independently of his abbot (Ó Corráin 1981, 333).⁵⁷ *Manaig* had some collective legal competence, somewhat like the secular kingroup: *manaig* as a body had a say in the appointment of their superior as did kinsmen in the selection of their head

⁵⁵ CIH 528.17–529.5, translation by Ó Corráin, Breatnach and Breen 1984, 386.

⁵⁶ It is not certain that the Church depicted in early Irish law-texts was able to extent its dominion over the whole of the laity. The opinion of many scholars seems to be that the provisions in the laws applied to the *manaig* and that the rest of the laity profited from pastoral care only haphazardly (Ó Corrain 1981, 334; Etchingham 1991, 99). Arguments in favour of wider pastoral duties are presented by Charles-Edwards (1992) and Sharpe (1984; 1992). It is interesting that the language of the sacral kingship was used to advocate the church’s claim for the tithes. While it used to be the *fir flathemon*, the ruler’s truth, that brought harmony and kept the forces of nature at bay, now according to *Córus Bescna* it was the paying tithes, first fruits and alms that ‘prevented onset of a plague’ (Etchingham 1991, 102).

⁵⁷ Ó Corráin suggests that the secular institutions presented models for the ecclesiastical organisation, the relationship between abbot and his church and his *manaig* being modelled on the relationships between lord and client and a man with his wife, respectively (Ó Corráin 1981, 333).

(Etchingam 1999, 390–1). They formed a kind of corporation, with mutual obligations and entitlements (Ibid, 392).

The secular and ecclesiastic elites had a special relationship: the Irish dynasties supplied many holders of the higher church offices from their stock. According to Ó Corráin ‘great hereditary clerical families were usually discarded segments of royal lineages, pushed out of the political struggle and forced to reprise themselves in the church’ (1981, 328). Sometimes, however, kings might also become abbots, or bishops take the kingship (Davies 1982, 82). Often the relationship was further strengthened by marriage alliances (Ó Corráin 1981, 329). Thus the dynasties and churches shared a mutual interest using in many cases propaganda to further the aspirations of each other (Ibid, 327–31, Moisl 1987). The seventh and eighth century over-kings of provinces also held churches in their protection, avenging attacks on them (Ó Corráin 1981, 332). Many small churches were actually owned by local aristocratic families (Ibid, 337).

Bishops of major monasteries seem to have kept a ‘court’ comparable to that of a king, where they had professionals working as assistants to them.⁵⁸ Although the Church was ruled by its own canonical legislation, knowledge of lay jurisdiction would have been necessary in dealings with lay neighbours.

Exchange between king and people

Charles-Edwards (1994) has proposed that *CG* presents the relationship between a king and his people as a contract. The duties of a king towards his people comprises an obligation to defend his people in dealings with external powers, and to provide his people with a just judge (*CG*, ll. 494–501). The king, on the other hand, had the right to expect his people to succumb to a hosting, an edict (*cána* or *rechtgae*⁵⁹) and an alliance treaty with other people at his request (*CG*, ll. 502–8).

Gerriets has argued that the relationships between over-kings and their subordinates were represented in terms of clientship, most often base clientship, both in law-texts and saga literature (1987). She also found evidence from the Canon Laws that churches or an entire people could be directly dependant to kings, in a position comparable to *fuidir* (semi-freeman) (Ibid, 54–55).

Here again we see the idea of authority being based on a reciprocal agreement between the two parties. Whether it was the fancy of the medieval

⁵⁸ *UR* states of a bishop that ‘his man of ecclesiastical learning and his chief judge and poet have the same honour-price as him. *I comeneclainn ris da a fer legend 7 a ollam bretheman 7 filed* (CIH 2102.3–5, translation by Breatnach 1987, 91).

⁵⁹ These are treaties binding several *túatha*, which were promulgated by kings and representatives of Church alike.

jurists or a social reality, the early Irish discourse was penetrated by contractual thinking and language.

Conclusions

Status in early Ireland was mainly achieved by wealth, clients, and profession. A short cut to high rank was engaging in unlimited hospitality towards guests. Limits to advancement in rank were set by the fact that status was hereditary and movement upwards was governed by a three-generation requirement. This concerned especially the advancement to the ranks of the *nemed* from the status of a commoner to that of a lord or to the status of a poet or other high professional. Maintaining high status, however, required personal worthiness: behaviour that suited one's rank, moral impeccability, and even presentable appearance. Due to economic constraints social mobility downwards was, nevertheless, far more general.

Some of the highest ranking positions in early Ireland were achieved by engaging in extensive exchange with other members of the society. In virtue of unlimited gift-giving in exchange for prestige a commoner could advance to a status comparable to that of a king in the office of *briugu*. The normal route to elevated status as a lord was to distribute one's cattle to clients in exchange for loyalty and services. The clientship relationships formed the backbone of early Ireland's social structure.

My suggestion is that the status relationships in early Ireland were largely based on two reciprocal models between superior and inferior parties. The relationships among the free men were modelled on clientship and those between the free and the unfree or dependants on *lánamain*-relationships. The reciprocal agreements offered relative security even for the inferior party in a honour-based society, as the status of the superior was bound to his fairness and the fulfilling of his obligations towards the inferior. Both models involved legal and economic protection from the superior party in exchange for loyalty and services from the inferior one.

The functioning and unity of an early Irish *túath* was based on a web of reciprocal personal relationships, which generated social cohesion crucial to the observance of contracts and the law. Early Ireland lacked a central authority and compliance to norms was guaranteed by one's kindred and personal sureties. Political structure also rested on personal chains of alliances from the king to the commoner created by the system of clientship. The idea of clientship is found already among the continental Celts. According to Caesar having dependants,

servants etc. was the only form of political power that the Gallic tribes knew (Commentarii Belli Gallici VI.15).⁶⁰

The extent to which clientship permeated the society is evident from the fact that the relationship of the early Irish to the Christian god was also modelled on the relations between lord and a client (Ó Riain 1989, 363). This idea is expressed directly in an early Irish poem by Bláthmac, where he compares God to a lord whose clients are the Jewish people (Ó Cathasaigh 1986, 130–31). It is also attested in the early Christian vernacular vocabulary where some of the key terms were borrowed from Irish legal terminology. The Christian idea of grace, *gratia*, was translated to Old Irish as *rath*, the stock, usually in the form of cattle, provided by a lord to his client (Ó Riain 1989, 363).⁶¹ Céile Dé (God's client)⁶² is the name of a member of a well-known eighth century reform movement in early Irish Church. Besides or even instead of the familial imagery that was more common in Christian discourse, the Irish borrowed from the vernacular cosmology and pictured themselves as bonded to a mighty and truthful lord, who granted them well being.

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⁶⁰ Before Caesar also Polybius (c. 200–120 B.C.) documented clientship as part of Celtic social order (Ó Riain 1989, 363 f.)

⁶¹ The idea is also expressed elsewhere in Old Irish poetry, e.g. in a poem included in the story *Cath Cairn Chonail*, Guaire thanks God for a morsel of supper and acknowledges that he has received more plentiful favours before when 'Mary's son gave me seven cows' *dombert .uiii. mbú Mac Maire* (LL V p. 1215, l. 36067). See also U695.1. *Ba dírsan do Fhinsnechta, indiu laigid crolige; rambe la firu nime dílgud ina boraim*. Alas for Finnechta, Today he lies in a gory bed; May he have among the men of heaven, reward for remitting the cattle-tribute.

⁶² Also the devil seems to have contracted clients, *Bretha Nemed Toisech* calls those who have sold their soul to him as Céile nDemuin (§ 4).

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Appendix 1.

Table 1. Status of lay grades according to Críth Gablach. (n/s = not specified)

<i>Féni Law</i>	<i>Honour-price, séts</i>	<i>Grant from lord, cows</i>	<i>No of base/free clients</i>	<i>Protection/sick-mainten., no of men</i>	<i>Guest-company</i>	<i>Land, cumals</i>	<i>House, feet</i>	<i>Farm-buildings</i>
King	7 cumals	12 cumals	n/s	n/s / 10	n/s	n/s	n/s	n/s
Aire forgill	15	9 cumals	20 / 20	n/s / n/s	n/s	n/s	30	n/s
Aire tuísea	20	8 cumals	15 / 12	8 / 8	60	n/s	29	n/s
Aire ardd	15	7 cumals	10 / 10	n/s / n/s	40	n/s	n/s	n/s
Aire désa	10	6 cumals	5 / 5	n/s / n/s	20	n/s	27	n/s
Aire coisring	9	5 cumals	n/s	n/s / n/s	5	n/s	30	n/s
Fer fothlai	8	4 cumals	twice that of aire désa	n/s / 4	4	n/s	27	n/s
Mruigfher	6	2 cumals	-	his equal in grade / n/s	3	21	27	shares mills, owns others
Bóaire febsa	5	12	-	n/s / 3	3	14	27	shares mills, owns others
Aithech	4	10	-	n/s / 2	2	n/s	20	n/s
Ócaire	3	8	-	1 / 1	2	7	19	shares all

Table 2. Poetic grades according to Uraicecht na Ríar

Grade	Honour-price, séts	Compositions	Company*
ollam	40	350	24, 12, 8
ánruth	20	175	12, 7, 4
clí	10	87	8, 4, 3
cano	7	60	6, 3, 2
dos	5	50	4, 3, 2
macfhuirmid	4	40	3, 2, -
fochloc	1 ½	30	1, -, -
taman	½ (?) scruple	20	
drisiuc	1 scruple	10	
oblaire	½ scruple	5	

* The figures designate a poets's companion when on 1) official business, 2) pursuing a claim and 3) on a circuit with a king.