Material Culture and Social Development in Early Irish Law Texts∗

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This paper discusses the interaction between material culture and early Irish legal texts. It considers some portable luxury goods from a range that at its broadest includes jewellery, illuminated manuscripts and altar goods, and luxury ‘structures’ from a range that includes round towers, high crosses and other extravagant buildings. The roles of ecclesiastical groups in the ownership and control of luxury goods are explored. The paper considers the extent to which useful information concerning the chronological development of early Irish law and the development of the legal and social systems can be derived from such an examination.

The focus of the paper is primarily on the early medieval period, and specifically the century or so following the year 600 CE. While its title might suggest that the paper considers Ireland exclusively, in fact what we call the early Irish legal system appears to have applied throughout much of what is now Scotland, as well as the island of Ireland. The principal evidence for this is the law tract Cáin Adomnáin, which was promulgated in 697 throughout most of Ireland and large parts of Scotland. We know this because of the list of 91 secular and ecclesiastical leaders whose names are appended to the tract as supporting and implementing its provisions (Ní Dhonnchadha 1982). Included in this list are a significant number of bishops and kings of Scotland: not only Gaelic, but also Pictish. Cáin Adomnáin’s primary effect is to impose extra fines in addition to, and calculated from, existing compensatory and restitutive penalties imposed by the traditional Irish legal system. In order for it to function in a single form in all of these areas, it is necessary that the existing, underlying laws throughout were very similar, if not identical. We have other

∗ I wish to thank Neil McLeod for his generous advice on various aspects of this paper. The paper has also benefitted from advice from Anders Ahlqvist and the anonymous peer reviewer. None of them is in any way responsible for its shortcomings.

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evidence for the applicability of what we call Irish law in Scotland in the form of *Miniugud Senchasa Fé nAlban*, a probably tenth-century text based on earlier material enumerating the supporters and holdings of various dynastic leaders in sixth- and seventh-century Scottish Dalriada¹ (Dumville 2002, 185–211). Neil McLeod (1987, 54–56) has demonstrated that these enumerations conform perfectly to those laid out in the Irish status texts such as *Críth Gablach* (Binchy 1941). Because the early Irish legal system apparently applied in what is now Scotland as well as in Ireland, this paper will draw on evidence, particularly of the material culture kind, from both Ireland and Scotland.

A central proposition of this paper is that the development over time of particular material culture forms is demonstrable, and that it can be associated with the concentration of power and wealth in particular sections of society. Further, the legal texts both reflect and enable the concentration of power and wealth, and can be linked to the developments in material culture. Various forms of luxury goods can be seen to have developed from a relatively unelaborate, inexpensive form early in the period, to become extremely expensive and elaborate later in the period, reflecting the capacity to invest greater resources in terms both of wealth and of manpower.

Penannular brooches, for example, appear to have become a dress fastener of choice throughout what is now Scotland and Ireland by the beginning of the early medieval period. Like the fibulae favoured by the Romans, they served much the same purpose as a safety pin might today. They were initially very simple affairs, consisting of a small, plain incomplete ring with a pin whose foot was looped around the ring. The pin was passed through a gathering of fabric and then through the gap in the ring, which was then twisted to hold the fabric firmly in place. They would have been very useful for holding a cloak closed or similar purposes. They then became more elaborate as decoration was added, more expensive materials used, and size increased.

Ultimately, the type developed into such extravagant productions as the pseudo-penannular Hunterston Brooch, whose utility as a clothing

¹ I use the spelling Dalriada for the people located in Scotland, for ease of distinction from the Dál Riata, their counterparts located in Ireland.
fastener is almost zero, but whose utility as a marker of wealth and position is unmistakeable. In Hunterston, the incomplete ring has become a closed circle. Elaborate decoration in the form of precious metal, filigree and inlays has been added. Crucially, the pin is no longer able to pass through the ring, meaning that the fundamental mechanical function of a penannular brooch is lost. It has been suggested (Whitfield 2004, 88) that the brooch would have been sewn to the fabric in order to keep it in place, implying the presence of some sort of servant to do the sewing (and presumably subsequent unpicking). It is heavy, and would probably pull the clothing downward in a somewhat uncomfortable manner if the wearer were to attempt much in the way of manual labour. On the other hand, it is very large and very shiny and would have been visible from a good distance, proclaiming the wealth and importance of its owner. This is further indicated by the presence of a similar brooch type on the chest of the mounted figure on the probably eighth-century Hilton of Cadboll Stone (Fraser 2008 #123). On this clearly very expensive monument, the prominent figure (whose gender is not agreed upon but who is agreed to be of high status) is shown mounted side-saddle on a horse, wearing a generously draped garment and a large penannular or pseudo-penannular brooch positioned in the centre of the chest.

We are able to derive some information about the production of penannular brooches from sites such as Clatchard Craig in Fife. Similar brooch production sites appear to have existed at Moynagh Lough in Ireland and Dunadd and the Brough of Birsay in Scotland (Grigg 2007, 160). These sites are generally dated, according to stylistic consideration of the brooches, around the late seventh to early eighth centuries. At Clatchard Craig, remains including moulds show that penannular brooches of various sizes and metallic compositions were made there, together with other personal ornaments (Close-Brooks 1986, 145–146). It is possible that this process could have occupied a relatively short timespan, but it appears to have been reasonably high-volume. It has been suggested (Grigg 2007, 165f), particularly in the Pictish context, that penannular brooches were produced in large quantities by particular power figures and distributed to individuals of certain status within loyalty groups. The evidence of Clatchard Craig is compatible with such a suggestion.
The production of high-status objects like brooches on such a scale suggests a demand for these artefacts fueled by increasing disposable wealth in the hands of a powerful minority. In the legal status-text *Críth Gablach*, the specialist classes of craftsmen who made artefacts for church or lord derived their status from their patrons. In *Uraicecht Becc*, on the other hand, the specialist classes, with their own intrinsic social status independent of patrons, included whitesmiths and copper-smiths (Kelly 1988, 63). This, together with the greater attention generally paid to metalworkers in *Uraicecht Becc*, may suggest a more flourishing role for them, which in turn would indicate a larger amount of surplus wealth in the hands of the powerful, enabling them to commission luxury objects.

Of particular interest at the Clatchard Craig site is the fact that zinc residue was found exclusively in the smaller moulds, meaning that the smaller brooches were made of a compound such as bronze, while the larger brooches were probably made from gold or silver (Close-Brooks 1986, 156). This supports the notion that there was a sliding scale of expense and elaboration corresponding to the status of the intended wearers of the brooches. Indeed, the wearing of particular colours and materials by various social grades, including reference to brooches, is prescribed in early Irish law. For instance, a Middle Irish commentary on *Cáin Íarrath*, the law of fosterage fees, informs us that sons of provincial kings were to wear gold brooches and sons of lesser kings silver (*AL* II 146). One might surmise that the lower grades were confined to less valuable materials.

*Críth Gablach* prescribes that the aire coisring, a high-level commoner, pledges ‘what he has’ of silver, bronze or yew (‘neoch rodbí, di arggut nó umu nó ibur’: Binchy 1941, §20), while his social superior the aire déso should own a clothdelgg n-ungae, ‘one-ounce brooch’, which probably means a brooch of value equivalent to one ounce of silver (Binchy 1941, §24). One reason for this requirement was probably to ensure that he was suitably equipped to offer pledges. *Bretha Nemed Toisech* prescribes that the nemed class was to pledge a five-ounce vessel and two one-ounce brooches (*CIH* VI 2223.8–23 translated in Etchingham & Swift 2004, 33). It is particularly noteworthy that the legal texts were concerned not only with the total value of the pledge, but with the kinds of goods that were appropriate for an individual of any given rank to offer as a
pledge. Interestingly, we are also informed that only ecclesiastics and lords were permitted to pledge gold objects (AL v 394). This inclusion of the ecclesiastical sphere in what are essentially secular social strata seems to reflect an increasing inclusion of the church in what had previously been secular considerations, particularly with regard to social status at law. This textual development is mirrored to some extent in the material record.

Penannular brooches might be considered primarily secular objects. However, surviving examples have been found in both secular and ecclesiastical contexts. At Castledermot, a penannular brooch was found in a location where there is also a high cross (Whitfield 2004, 84). At Roscrea, an elaborate penannular brooch was found at a site which housed an early medieval monastery, including a high cross and round tower. This site is also believed to have been home to one of the céli Dé, ‘companions of God’, a somewhat enigmatic group of clerics who appear to have been concerned with establishing a closer personal relationship with God through devotional practices (Follett 2006, 8).

Other sites where céli Dé are believed to have been present also tend to feature a concentration of high-status, expensive material remains. A selection of these is set out in table 1. The kinds of material objects listed in the table have several features in common. Firstly, they all represent a significant financial investment. Stone sculpture incurred considerable cost, in terms of quarrying and the skill and resources required to remove a large piece of stone, and in terms of the skilled artisans required to create the sculpture. A round tower is a remarkable feat of engineering, again requiring skilled artisans and a large quantity of raw materials. Fine metalwork involves the acquisition of expensive materials and tools and the work of skilled artisans. Production of illuminated manuscripts requires a large quantity of dead calves, potentially expensive pigments, and skilled artisans in the form of both scribes and painters.

Secondly, they all reflect an impulse to ostentation. Stone sculpture is made to be looked at, and the evidence of in situ sculptured stones suggests that they were placed in prominent positions. A round tower is a remarkable structure and in the early medieval landscape must have been uniquely visible from great distances. Fine metalwork, whether for wearing or for liturgical use, again would command the attention of anyone seeing it. It has been suggested that manuscripts
were carried in procession as well as being placed on altars to impress the onlooker (Ó Carragáin 1994).

This coincidence of expensive and ostentatious material goods with the presence of céli Dé may suggest that both were reflections of the same underlying impulse. The presence of highly visible and highly expensive objects at a site indicates the possession of disposable wealth and the inclination to display that wealth, suggesting a bid for recognition of high status. The presence of a céle Dé at a religious establishment may have served a similar purpose. It seems clear that the céli Dé were not merely founders of exclusive establishments for céli Dé but rather particularly observant, anchoritic, religious who might also be attached individually to an establishment of ‘mainstream’ clerics. This is the situation of Elair, who lived on an island in Loch Cré and was maintained by the establishment at Roscrea (Gwynn & Purton 1911, 128). It seems likely that a foundation might enhance its perceived status and importance by attaching a céle Dé. There is further support for this possible link between high-status objects and the céli Dé. A version of the Rule of Patrick is appended to the Rule of the Céli Dé (Follett 2006, 143). It includes the provision that:

Ni dliget dechmadu na bo chennaithe na trian annoti na dire seoit do mhainib mina bet a frithfolaid techta na heclaisi innte do bathis ɣ commai ɣ gabal n-ecnairce a manach etir biu ɣ marb, ɣ cor-roib oifrend for altoir i ndomnaigib ɣ sollamnaib, ɣ cor-rabut aidme oga cech altoir dib.

A church has no right to tithes, nor to the cow of bequest, nor to the third due to the patron’s church, nor to compensation for valuables, unless it provides its counter-obligations in baptism and communion and intercessory prayer for its manaig both living and dead, and unless there be sacrifice upon the altar on Sundays and high-days, and every altar have its complete furniture. (Gwynn 1927, 78–81)

So, not only might it be postulated that a foundation could increase its prestige, manifested in the possession of luxury objects such as altar goods, by attaching a céle Dé; it seems also that the céli Dé themselves had an interest in material goods. This interest seems to have extended at least to the view that an appropriate, or essential, use of the material wealth obtained by ecclesiastical foundations was the provision of suitable objects to adorn the altar.
Table 1: Places with céli Dé connections and material remains

<table>
<thead>
<tr>
<th>PLACE</th>
<th>CÉLI Dé EVIDENCE</th>
<th>EARLY MEDIEVAL MATERIAL</th>
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<tbody>
<tr>
<td>Armagh (Armagh)</td>
<td>AU 921.8: Vikings spare prayer-houses ‘cona lucht de cheilibh Dé’</td>
<td>round tower known but not extant crosshead, 2 partial shafts</td>
</tr>
<tr>
<td>Bangor (Down)</td>
<td>Rule of Comgall often combined with Céli De texts</td>
<td>high cross</td>
</tr>
<tr>
<td>Cashel (Tipperary)</td>
<td>OMR lists Feidlimid mac Crimthainn (ob847) of Cashel</td>
<td>round tower</td>
</tr>
<tr>
<td>Castledermot (Kildare)</td>
<td>Cormac (author of Rule) educated at Castledermot (mentioned in OMR)</td>
<td>high cross</td>
</tr>
<tr>
<td>Clondalkin (South Dublin)</td>
<td>AFM 1076.9: do-radad regles cona fherann i c-Cluain Dolcain do celi bh Dé go brath</td>
<td>round tower</td>
</tr>
<tr>
<td>Clonmacnois (Offaly)</td>
<td>AFM 1031.16: Cond na m-Bocht, cend Celedh n-Dhé, &amp; ancoiri, Cluana Mic Nóis AFM 1132.4: Uareirghe Ua Neachtain, cend chéledh n-De Cluana Mic Nois</td>
<td>round tower</td>
</tr>
<tr>
<td>Derrynaflan (Tipperary)</td>
<td>mentioned in Oentu Feidelmid</td>
<td>chalice, paten, strainer, bowl ‘or dó’ cross-slab</td>
</tr>
<tr>
<td>Emly (Tipperary)</td>
<td>Rule of Ailbe often combined with Celi De texts</td>
<td>round tower</td>
</tr>
<tr>
<td>Glendalough (Wicklow)</td>
<td>AU 868.3: ob Daniel abbas Glinne da Lache &amp; Tamlachtae</td>
<td>round tower</td>
</tr>
<tr>
<td>Killaloe (Clare)</td>
<td>OMR mentions</td>
<td>high cross</td>
</tr>
<tr>
<td>Roscrea (Tipperary)</td>
<td>MT IV: Iarfacht Maoldithrubh tiri daglaí do hElair locha cre ... Gerald of Wales: Colidei at Loch Cre</td>
<td>round tower 12th-century cross silver pseudo-penannular brooch Book of Dimma</td>
</tr>
<tr>
<td>Slane (Meath)</td>
<td>MT LXXVII: Colcu of Slane seeks to join Mael Ruain but rejected because too ascetic</td>
<td>round tower burned by Vikings (AU 950.7) high cross fragments nearby at Fennor associated with Slane</td>
</tr>
<tr>
<td>Tallaght (South Dublin)</td>
<td>associated with MT and many other céli Dé texts</td>
<td>no early medieval remains (but urban site and not excavated—could have been obliterated)</td>
</tr>
<tr>
<td>Terryglass (Tipperary)</td>
<td>MT XII: Ised fogníd i tír da glas indtan rombúi riaguil and</td>
<td>possible round tower incorporated into later castle</td>
</tr>
</tbody>
</table>

(Céli Dé data obtained via Follett 2004. Abbreviations: MT=Monastery of Tallaght, OMR=Oentu Mail Ruain, AU=Annals of Ulster, AFM=Annals of the Four Masters)
Commissioning luxury objects reflecting the status and importance of an ecclesiastical foundation extended far beyond portable objects like altar goods. During the early medieval period a marked growth in expenditure on stone sculpture occurred throughout Scotland and Ireland. On the whole, sculptured stones appear to have existed primarily in ecclesiastical contexts. We deduce this from the presence of Christian iconography including crosses and from the location of many surviving examples on sites with early medieval ecclesiastical associations. Meggen Gondek (2006) has proposed a methodology for estimating the relative investment in stone sculpture through time in a range of regions across Scotland. Her methodology consists of allocating numerical values to the size and complexity of monuments, which it is assumed represent the relative financial cost of creating them. She then multiplies these factors by the quantity of sculpture at a given centre during a specified time period. One might argue that there are flaws in Gondek’s experimental data, but these are amenable to correction, and not necessarily methodological. For example, one might disagree with the relative values she assigns: one might then assign different relative values and recalculate the findings, using the same methodology. A significant issue is the difficulty of dating stone sculpture with any precision. In order for the methodology to have value, the dating must be at least moderately reliable. Yet, as more reliable dates are ascertained, the sculpture can be reassigned chronologically as necessary and the findings recalculated, without altering the methodology. Gondek chose to divide the early medieval period into three ‘phases’: sixth to seventh centuries, eighth to ninth centuries, and ninth to eleventh centuries. One might disagree with these divisions, and again it would be relatively simple to allocate different divisions, or indeed shorter divisions which would provide a more nuanced result. These concerns aside, Gondek’s experimental findings are important in that they reveal clear changes in the pattern of deployment of stone sculpture over time. In her early period, the investment by individual foundations is relatively small. The pattern for each foundation is that they have either a very small number of sculptured stones; and/or the monuments are small to medium-sized; and/or the sculpture is not particularly elaborate, perhaps featuring abstract designs, carved in low relief or incised. Thus, at each foundation, there is a modest investment in stone sculpture, probably
signifying a minimal interest in displaying wealth and importance or limited disposable wealth to create such a display. The pattern is also characterised by a quite large number of foundations investing in sculpture.

In the seventh to ninth centuries, the picture is radically different. At this stage, the relative investment by individual foundations becomes very large, while at the same time the number of foundations investing in sculpture is reduced. The greater investment by foundations is manifested in larger numbers of monuments at single sites (for example, the flowering of sculpture at Iona, St Vigeans and St Andrews occurs in this phase); and/or larger monuments, most considerably taller than a person; and/or highly elaborate sculpture, featuring human and animal figures, high relief, and extremely complex abstract ornament. This was the period in which elaborate Pictish cross-slabs and Dalriadic and Irish high crosses began to be constructed. Gondek’s late period sees a falling away in investment in monumental sculpture. It is likely that this gradual decline took place over varying periods of time in other parts of Scotland or indeed in Ireland. There is a strong argument to be made that the pattern shown by Gondek’s data in three Scottish regions is replicated elsewhere in Scotland and Ireland. That is, early on, there is a small investment in monumental sculpture at a large number of sites, followed by a period of massive investment in monuments as a means of displaying wealth and power. This larger investment is carried out by a smaller number of foundations, which have accumulated greater wealth and power—one might surmise at the expense of smaller foundations, or indeed at the expense of secular power brokers such as petty kings and their households.

A particularly interesting site for the matters considered in this paper is the Pictish site of Forteviot. Forteviot is generally held to be a royal site (Alcock & Alcock 1992, 218), but it has clearly Christian, and arguably ecclesiastical, remains. Amongst these are several fragments of stone crosses and cross-slabs and a bronze hand-bell. There is also the large remnant of a sculptured architectural arch now in the National Museums of Scotland, of probably eighth-century date (illustrated at Alcock & Alcock 1992, 225). This arch is interesting because it is unique amongst material remains of this period. It is unclear whether it comes from a secular building, the ‘Pictish palace’
which has not yet been found on the site, or from an ecclesiastical building. The sculpture it bears is also of considerable interest. It appears to be secular in nature, portraying, amongst other things, a seated human figure. That the figure is of high status is argued by the elaborate chair on which he is seated, the traces of key-pattern at the hem of his garment, and the presence of a small dog, possibly a pet (a luxury item in itself) at his feet. Across the knees of the figure is an object which has been variously identified, usually as a sword (eg Alcock & Alcock 1992, 225). However, it is exceptionally large and a rather unusual shape for a sword. It seems more likely that it represents an oar.\footnote{This possibility was first suggested to me by Julianna Grigg, who comments on it in her doctoral thesis: Grigg 2010.} If it is indeed an oar, it is almost certainly a reference to the kingly advice literature circulating in the Gaelic areas in the seventh century. In this literature, composed by ecclesiastics, kings are exhorted to act as gubernator, steersman, to their people (eg Hellman 1909 51.8f). The literature serves a very clear agenda, which is to guide kings into good Christian behaviour, including proper and substantial support for the church. This support would take the form of financial support through donations of chattels and land, as well as proper deference to and involvement of the church in matters of state.

There is a considerable quantity of literature surviving from the early medieval Gaelic areas in which it was asserted that ecclesiastical figures wielded considerable influence in secular affairs: assertions that may have been exaggerated, if not invented outright, to serve the agenda of the clerical writers. For example, in Adomnán’s late-seventh-century *Vita Columbae*, St Columba is portrayed as a kingmaker, consecrating Áedán mac Gabráin (Sharpe 1995, 208f). We have no other evidence for or against the veracity of this portrayal, but it would certainly have been useful to Adomnán in pressing the case for his church’s authority, and indeed its right to intervene in secular affairs: precedent and pedigree weighed highly in the seventh-century Gaelic world.

Writing in an English milieu early in the eighth century, the venerable Bede recorded appropriate deference to an ecclesiastic by the Pictish king Nechtan, who asked the English abbot Ceolfrith to supply him with arguments to persuade his subjects to convert to the
Roman observation of Easter, together with masons to build suitable churches and singing teachers to teach chants (Bede V.21). This request may reveal the extent to which the church, or rather churches, were active in secular affairs. There was no shortage of clerics in Pictland to whom Nechtan could have referred his request, but on one reading, Nechtan wished to weaken their position by seeking external authority, suggesting that perhaps the Pictish clerics had reached a position of greater power and influence than Nechtan found comfortable. Bede records Ceolfrith’s answer to Nechtan concerning Easter; we should probably assume that the masons and singing teachers were also forthcoming, and that those masons had a measure of influence on the material record amongst the Picts. Perhaps the Forteviot arch, discussed above, was a product of this urge to display wealth and power by building in stone and in an ecclesiastically approved style that also reflected the importance of the church. While the singers may have left no tangible trace in the material record, one might envisage that they added to the ostentatious display, by adding an audible element to the visible material assemblage.

These moves by ecclesiastics to influence secular affairs, and in particular to seek a measure of power in the conduct of those affairs, were not limited to the sphere of kings. There were similar interventions in the professional sphere of lawyers. For example, in a similar style to Adomnán’s assertion that Columba selected Aedán as king, the pseudo-historical prologue to the important seventh-century compilation of law texts, Senchas Már, attributes the compilation to the work of St Patrick. While clearly anachronistic, the attribution reflects a wish on the part of the Patrician community, centred at Armagh, to promulgate the impression that Patrick’s influence was widespread. One might wonder whether the assertion was accepted at the time (one could perhaps compare James Macpherson’s Ossian) or whether this elaboration of the truth was an acknowledged fiction. Similarly, the prologue to the Senchas Már refers to Adam’s exchange of the world for an apple as a precedent for inadequate consideration not rendering a contract voidable. This may be an apt analogy for the legal principle, but it is unlikely to be its source. Rather it is another manifestation of the campaign to imply that the church had an established and legitimate role in the making and transmission of laws. That clerics were involved in transmitting laws was almost
certainly true—evidence suggests that many copies of legal texts were made by clerics (Kelly 1988, 233–234). That clerics had an established role in making laws is much less likely. The evidence suggests rather a bid by clerics to begin creating a role for themselves in the making of laws during the seventh century.

A further example of this campaign to create authority for the church in legal matters is the mythological figure of Caí Caínbrethach, an Irish jurist who is cited in a number of texts and supposedly delivered judgements pursuant to Mosaic law. Donnchadh Ó Corráin points out that by means of references to Caí, ‘the message, which is expressed both symbolically and in an explicit rational statement, is clear: Irish law has drawn heavily on the Pentateuch’ (Ó Corráin 1987, 291). The message is indeed clear, although it lacks foundation: despite the frequent assertions that Caí applied Mosaic law, the only evidence of Mosaic influence on the provisions of early Irish law appears in a single text. This is the fragmentary Bretha im Gatta or ‘Judgements concerning stolen objects’ which appears in the Senchas Már (Hull 1956). In Bretha im Gatta, early Irish law’s ordinary twofold restitution for theft is increased in the case of bovine or ovine livestock, in a provision which is virtually identical to that in Exodus 22:1–4 (Kelly 1988, 147). In both passages, the increase is to fourfold restitution for sheep and to fivefold restitution for cattle (Hull 1956, 217–218). The resemblance is sufficiently close and the provision sufficiently distinctive that it is very likely that the provision is borrowed from Exodus into Bretha im Gatta. The pattern of its inclusion in various other Irish texts including the Collectio Canonum Hibernensis (Wasserschleben 1885, 99) and the Old-Irish Penitential (Gwynn 1913, 154; Bieler 1975, 266) makes it likely that ecclesiastics were heavily involved in the process of incorporating this provision (O’Neill 2013).

The borrowing from Mosaic law of multiple restitution for theft of cattle would have provided churches with a means of increasing their wealth rapidly. They would have had large herds of cattle. Ecclesiastical settlements were large, with many mouths to feed, and dairy products were an important source of nutrition. Churches also needed large herds of cattle as a source of calf-skin to be transformed into vellum for use in manuscripts. The law of averages would suggest that a large proportion of thefts of cattle were from the herds attached
to church foundations. It is therefore likely that the individuals who stood to benefit most from the increased restitution for theft of cattle were those in ecclesiastical office. Clerics seem to have been responsible for the inclusion in *Bretha im Gatta* of an innovative borrowing from a foreign legal system. A further imposition of a hitherto unknown kind of legal provision appears to have occurred within the following twenty or thirty years, when *Cáin Adomnáin*, ‘Adomnán’s Law’ was promulgated (Ní Dhonnchadha 1982). The name of this law reveals its clerical origins, and it was promulgated around the same time as Adomnán composed his *Vita Columbae*, discussed above. For the first time in the early Irish legal milieu, *Cáin Adomnáin* introduced penalties for certain crimes that were payable not to the victim or his kin but to an independent third party. The new fines, which were to be paid in addition to the traditional penalties to the victim, were payable to the church of Iona (Ó Néill & Dumville 2003). The new kind of law embodied by *Cáin Adomnáin* opened the way for churches to benefit even more from their intervention in lawmaking. Not only would the church receive these new fines, but unpaid fines were treated as theft, and fines seem to have been frequently payable in cattle: unpaid fines pursuant to *Cáin Adomnáin* probably attracted the multiple restitution provisions of *Bretha im Gatta* (O’Neill 2013).

*Críth Gablach* indicates that kings of certain status had the right to promulgate cána, proclaimed laws, citing *Cáin Adomnáin* as an example (Binchy 1941 § 38). *Cáin Adomnáin* was, as far as we can tell, the first ecclesiastical cáin, but it was soon followed by a large number of others, some of which survive and others which are known only from references to them. One example which clearly demonstrates the extent to which ecclesiastical power in lawmaking escalated is *Cáin Domnaig*, ‘The Law of Sunday’. This was essentially a law which prohibited the performance on Sundays of many normal activities, and provided large fines to the Patrician church whenever any person transgressed the prohibition. *Cáin Domnaig* also makes specific reference to the multiple restitution found in *Bretha im Gatta*:

*It é a ōéich i. cethéoir samaisc la dílsí a thimthaich co nneoch tecmai leiss eter ech γ sét γ is fíach gaite bís inna muin i. ocht n-ungi mani dílsigter no mani fácabtar la nnech ad-ťíri γ is cummae.*
These are his fines, namely four heifers, together with forfeiture of his apparel along with whatever may happen to be with him, including horse and chattel. The fine for theft is in addition, namely eight ounces, if they are not handed over or if they are not left with the person who acts as identifier (Hull 1966, 162–163).

The not inconsiderable fine for transgressing Cáin Domnaig is four heifers, equal to two ounces of silver. In the event that the fine is not paid, it escalates to ten ounces of silver. As the unpaid fine consists of cattle (four heifers), the restitution for its theft is five-fold, as in Bretha im Gatta. The total restitution is ten ounces of silver, the equivalent of twenty heifers, or five times the ‘stolen’ four heifers constituting the original fine.

As the seventh century unfolded in the Gaelic world, great changes and developments were afoot. Penannular brooches grew into great pseudo-penannular monstrosities, while status enshrined in law texts dictated one’s proper possessions. Stone sculpture developed from relatively small investments by relatively many foundations in relatively small and plain monuments to extravagant investments by far fewer foundations in increasingly large and elaborate monuments. Not discussed in detail in this paper, the deluxe illuminated manuscript genre that eventually culminated in the mid-eighth-century Book of Kells worked its way up from the Cathach of St Columba through the Book of Durrow. Churches succeeded in insinuating themselves into many aspects of life, particularly asserting their role in secular politics and power-mongering. This resulted in a large number of texts justifying and fulfilling that role. Early Irish law, which had been largely self-contained arguably for centuries, was opened to outside influence wielded by the church. First the provision for multiple restitution for theft of livestock was accepted into the existing legal system. Then, in a far stronger exhibition of power, Adomnán succeeded in imposing a revolutionary new set of fines payable to his church. This was followed by a steady stream of church laws, which dramatically changed the face of the Irish legal system.

It is the contention of this paper that these developments are inextricably connected. Without the increased wealth and power enabled by its interventions in politics and law, the church could not have invested so heavily in material displays of wealth and prosperity. Yet these very displays were crucial in the church’s play for power:
they encouraged the observer to believe that the churches were powerful and able to influence events, and therefore encouraged the observer to support the churches. As something of a self-fulfilling prophecy, the church became richer and more powerful because it gave the impression of being rich and powerful. In this process, traces were left of the process of development, both in the material record and in the record of legal and other texts. By carefully sifting those traces, this paper suggests that a more nuanced understanding of the development of the laws in their context might be possible, and that this in turn might enable more precise dating, relative if not absolute, of some legal texts and provisions.

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The image on the front cover appears courtesy of the National Library of Ireland. It is taken from manuscript G3 f 26vb.1–16 and shows the opening section of the law tract *Uraicecht Becc*. The editors wish to thank the Dublin Institute for Advanced Studies for facilitating its reproduction through Irish Script on Screen (www.isos.dias.ie), and Professor Neil McLeod for the following transcription (cf. *CIH* 2256.13–16) and translation:

**CID I N-ARAGAR BREITHEAMNAS BERLA FENE NI I FIR 7 DLIGIUD 7 AICNEAD**

*BREITHEAMNAS* BERLA FENE .i. in breath somain-each uais raidit na fene o mbelaib Ní .i. ni anand sui hi sund on no ni handsa son .i. ni doilgi son .i. ni doilgi son in erniudha na son in imcomairc

**HI FIR** .i. i fir in roscaid 7 DLIGEAD .i. in [Í]asaig 7 A[ICNEAD] .i. aicnead [...]  

**IN WHAT IS THE JURISPRUDENCE OF TRADITIONAL IRISH LAW BASED? NOT DIFFICULT: IN TRUTH AND ENTITLEMENT AND NATURE. THE JURISPRUDENCE OF TRADITIONAL IRISH LAW, i.e. the precious noble judgement that the Irish utter from their mouths. Not difficult, i.e. because an expert does not fixate upon that utterance [but fixes rather on its sense], or that is not difficult, i.e. that is not hard, i.e. no harder is the utterance of the explanation than the utterance of the inquiry.**

**IN TRUTH, i.e. in the truth of a maxim. AND ENTITLEMENT, i.e. of a precedent. AND NATURE i.e. nature [...]**