

Hierarchical, megalithic Aristocratic:

status in
early Irish society

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“Wonder, Wisdom and War”

Essays on Early Ireland

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Chapter Two

Hierarchical, Inegalitarian, Aristocratic

Status in early Irish society

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Summary

This essay analyses status in early Irish society from the perspective of political science. The society is first considered in terms of the structure common to the broad Indo-European culture. The basic features marking out early Ireland as *sui generis* are next identified, with the focus on its hierarchical and aristocratic nature, which was openly based on the concept of inequality.

The complex system of social stratification is then analysed on the basis of the main law tracts, with particular attention devoted to the distinction drawn between privileged and non-privileged freemen. The seven grades of the privileged aristocracy, who are the sole landowners, are detailed by rank and function, with particular reference to honour-price and clientship as the most unique features of the system. The various grades of non-noble freemen are briefly discussed, and a résumé of the unfree status by rank is presented.

The essay concludes that the concept of status provided social stability in early Irish society, and that the potential for mobility between ranks allowed for internal renewal of society. Viewed in the round, the system around which early Irish society was organised emerges as one which was extraordinarily sophisticated.

Introduction

Status in any society is determined by a number of factors. Wealth, birth and profession may be regarded as the three basic determinants. But a more fundamental consideration is the philosophy pertaining to the nature of man. Feudal societies were based on the principle that men were unequal simply by reason of birth, a feature that can more easily be seen in societies structured on a rigid caste system. In these social systems, status was conferred at birth and lasted permanently throughout life.

Under the impulse of the Reformation and the industrial revolution, the broad European culture developed the concept that the individual could determine his or her place in society by virtue of personal effort, thus allowing for an element of mobility between ranks or castes.

Beginning with the American and French revolutions, modern democratic societies have advanced further to the single premise that all men and women are equal, simply by being men or women. Consequently, status in society is an accident of circumstance, and not a preordained privilege granted by fate. At the root of any democratic society is the egalitarian concept that people are equal in the political and legal sense, even if there is economic and social inequality as a consequence of market forces.

Indo-European cultures, which precede feudal societies, differ substantially from these better known models in respect of status and display a variety of common characteristics relating to social organisation. The overriding political necessity of these cultures, an in-depth analysis of which lies outside the scope of this essay, was that society should be so structured that certain essential functions were discharged in a predictable and permanent manner, thus ensuring external security and internal stability. It could be said that status was a function of these primary social objectives. Furthermore, it could be argued that, as a direct consequence, a philosophy emerged which was firmly rooted in the precept that people were inherently unequal.

This is clearly obvious from the caste system in Indian society, with which early Irish society shared a number of striking similarities (Dillon, 1947). It is also seen in the Roman Republic with its division into patricians, equites and plebs, and slaves as is often forgotten.

Early Irish society belongs to this family of cultures, and that particular historical context serves as a backdrop for the following analysis. It will be seen that it had certain social characteristics which made it *sui generis*, but which can be readily

understood in the larger Indo-European context to which early Irish society properly belongs.

Basic features of early Irish society

Various authors have defined early Irish society as hierarchical, aristocratic and inegalitarian. Ó Corráin describes it as intensely aristocratic (1972: 42), Binchy as instinctively hierarchical (1954: 56) and Kelly as both hierarchical and inegalitarian (1988: 7).

If law is to be taken as the handmaiden of politics (a viewpoint with which lawyers might take issue), then it follows naturally that the Roman principle of equality before the law did not apply in early Irish society. That principle is defined by Binchy as meaning that every adult who was both free and *sui iuris* enjoyed equal status and capacity (1941: xviii).

Kelly reaffirms this analysis by commenting that native Irish law never subscribed to the Roman principle of 'all citizens being equal before the law' (1988: 7), although he immediately adds that early Irish lawyers were familiar with the principle from canon law, quoting both *Bretha Crólige* and the 'Introduction to the *Senchas Már*' in evidence (8). Nevertheless, as MacNeill observes, one of the most obvious characteristics of ancient Irish law is that it is the law of a limited and privileged class (1923: 266).

This apparent disjunction between secular and canon law merely reflected the compelling need for the legal system to buttress a functioning social structure. As an integral part of a sophisticated and complex culture it could not be plucked out of its natural setting and refashioned for purposes which were foreign to the nature of the society and which remained faithful to the Indo-European model. In that regard, the all-pervasive feature of early Irish society was the relationship between the community and the land, or differently expressed, between the people and nature.

The sacral role of the king, as personifying

the people, has been well established by scholars, as has the supporting sacred roles of other office holders, dignitaries or professions. Essentially, the king married nature so that it became an ally by marriage, hence the inauguration rite whereby a new king 'slept' with the earth goddess, and his fidelity to that marriage was blessed with the fruits of nature in phraseology which is a conventional feature of the sagas, praise poetry and wisdom texts. In an agricultural economy, with only the rudiments of scientific knowledge at its disposal, this was a common-sense communal response to the destructive potential of nature in terms of weather, climate and plague.

Again, it follows as a matter of course that the fundamental distinction between people is that some are sacred, *nemed* being the term with the basic (but not exclusive) meaning of 'sacred, holy' (Kelly 1988: 9), while the rest are non-*nemed*, i.e. non-sacred and non-holy. In the *Uraiceacht Becc* the category termed *nemed* comprises all persons of free status and this association of free status with 'holiness' dates from the time when freemen were 'holy', or privileged, in the sense of being qualified to participate in public religious rites (MacNeill 1923: 266).

Later, as society evolved, people are also divided into free and unfree, *sóer* and *dóer*, for social and economic reasons. On top of this, it is inevitable in a society with a developed sense of the role which each individual must perform for the common good that these divisions into the sacred and non-sacred, the free and the unfree, should each be ranked in accordance with their religious, political and social and economic significance.

Complex classification

When all these variables are taken into account, early Irish society emerges as one that is highly structured into a complex classification by status and rank. Consequently, as MacNeill observes, the most distinctive feature of ancient Irish law is the law of status and, to the minds of the Irish jurists, this law was the most important part of

their jurisprudence (1923: 265).

Yet, two features of the system give it a coherence consistent with the underlying philosophy and economic realities on which the society is based. Each individual who is free has a clearly defined legal status and capacity. And every such individual is given an honour-price consistent with, or deriving from, his or her position in the hierarchy (Kelly 1988: 11). Honour-price is defined by MacNeill as the valuation of the freeman's status, not a valuation for a life or for a year, but a valuation of the power and effect of the person's status at any given time (1923: 270). Moreover, in conformity with economic and social realities, that honour-price is determined in terms of units of currency expressed in cattle or female slaves.

There are, of course, other dimensions to what might seem a rigid stratification of society for ideological, theological or religious reasons. It is inevitable that birth and property should actually play a role in the determination or assignation of rank in any society. As the concept of kinship confirms, birth played a pre-eminent part in conferring status on an individual, for reasons of social stability; hence, the justification for Ó Corráin's claim that the society was intensely aristocratic.

But one does not need to be a Marxist to recognise instinctively that in any society property also confers status, indeed it is frequently a *sine qua non* of rank. Membership of the Roman patrician class, for example, depended on the value of property holdings in land and, until the advent of universal suffrage as late as the last century, property determined the right of franchise in so-called democracies.

Social mobility

Consequently, social function, birth and wealth are inextricably interwoven in the actual determination of status. But early Irish society was sufficiently intelligent to recognise that

these demarcations should not be so rigid that they became an obstacle to economic progress, or worse, a threat to communal survival. Consequently, a distinguishing feature of the early Irish social system was the potential for mobility between ranks, unlike in the caste system of India.

Movement in either direction was possible in early Irish society for two reasons: the loss or the acquisition of the necessary qualifications. A *nemed* could be degraded into a 'small person' for conduct unbecoming of rank or the failure to sustain the appropriate property qualification (as measured in clients, which was a surrogate for property holdings or wealth). Likewise, mobility in the opposite direction was possible, perhaps encouraged, by elevation into the ranks of the *nemed* because of increased wealth or an individual's art or God-given talent (Kelly 1988: 12).

The author of the text on status, the *Uraiceacht Becc*, offers the legal maxim *ferr fer a chiniud* ('a man is better than his birth'). This is an extraordinarily intelligent insight into the social and economic dynamic that any society requires if it is to survive by continuous internal renewal and, if proven to have been applied extensively, would favourably distinguish early Irish society from the Indian, or even the Roman, model.

Status and rank

According to Kelly (1988: 9), three law texts mainly dealing with rank in early Irish society have survived: *Críth Gablach*, *Uraicecht Becc* and *Míad*slechta*. They differ among themselves in some respects and, as Kelly puts it, 'their detailed classifications of rank can only have borne a limited resemblance to reality'.

Binchy goes further with this latter point when he states in his introduction to *Críth Gablach* that it is impossible to believe 'they were ever applied so rigidly and meticulously as they appear' in the text (1941: xix). He adds that the text is characterised by 'an extreme, and at times

ludicrous, schematism', which should only be regarded as a theoretical construction bearing only a very limited relation to the realities of life in ancient Ireland. Neither scholar, however, expands on his belief that the texts are ideal rather than actual representations of society as it existed.

MacNeill, on the other hand, takes a more rounded and pragmatic view of the law tracts. He argues that despite its artificial appearance, the system of classification by grades was an actual and important factor in the everyday practical working of the laws. The only way a person's honour-price could be determined was by assigning him or her to a particular grade to which a particular honour-price had already been assigned (1923: 266).

Hence, the classification was no mere matter of juristic theory, but a social necessity. This judgement by MacNeill, coming as it does from a man who was a politician as well as a scholar, can be taken as a closer approximation to the truth than those of the other two authorities cited above. Consequently, the following schema, taken from the *Uraicecht Becc*, can be regarded as a working model of status in early Irish society.

Using the sacred/non-sacred and free/unfree divisions referred to earlier, the first thing to be said is that people are essentially divided into four broad classes, from the king down to the slave. Each class is characterised by reference to the status of an individual as follows:

- 1) *nemed*, or 'privileged'
- 2) non-*nemed* freeman
- 3) *dóer* or unfree
- 4) slaves

Each of these social classes is internally divided on the basis of rank, which in turn, is determined by the social variables discussed at the outset. But, since the primary determinant of status is *nemed* or non-*nemed*, this matter is now discussed, and

is followed by an analysis of honour-price, which is the primary determinant of rank.

Nemed

The noble *nemed* class was composed of the aristocracy and noble professions, obviously including church dignitaries following the arrival of Christianity.

They are privileged in that they are free, take precedence socially and politically and land is in their exclusive possession. While no *nemed* is entirely above the law, the members of this class also enjoy certain legal privileges and are immune from a number of legal obligations. For example, procedures for the distraint of their property are different from procedures applying to other free persons and are difficult to enforce; this is a reasonable provision, since wealth is a condition for continued membership of the class, and hence ownership must be safeguarded to the greatest extent possible, especially against vexatious actions. Some law tracts emphasise that a contract with a *nemed* is unenforceable, presumably for the same social reason.

In legal terms, the property requirement for membership of the nobility was expressed in the possession of clients, this being a surrogate for wealth, as will be seen later. Each grade of *nemed*, accordingly, carries a stipulation as to the required number of both free and base clients. Each is also described in the texts by the use of the word *aire*, with a description of function or rank attached as the distinguishing marker.

The meaning of *aire* is debated by Binchy in his 'Legal glossary' in *Críth Gablach* (1941: 69–109), where he states it is used to describe any freeman who possesses an independent legal status with an honour-price accruing to him by virtue of his own status (69). Occasionally, it is used in the more restricted sense of 'noble', which seems to be the case in the following classification of the *nemed* by rank.

According to some of the texts, the *nemed* were

themselves divided into two broad groupings, noble and base, i.e., those who belonged to the aristocracy and learned caste and those engaged in non-agricultural professions and crafts. The latter were known as base-*nemed* to distinguish them from the nobility, and it is clear, according to Kelly (1988: 10) that they did not enjoy full *nemed* privileges. They might more accurately be described as non-noble freeman, or citizens, to borrow both a Roman and modern concept.

Dillon and Chadwick believe (1967: 97) that the old Celtic, and apparently the Indo-European, pattern of society was based on a tripartite division of warrior (*rí*), priest (*fili*) and husbandman (*aire*). MacNeill concludes that by the time the laws came to be written, about the middle of the seventh century, the original three grades of nobles had been expanded to seven in number. He states that *Críth Gablach* may well be historically correct in saying that the existence of seven orders in the clergy gave rise to a corresponding sevenfold classification of civil grades (1923: 268).

It seems clear that the social system had been in a state of evolution by the time the law tracts were committed to writing and, indeed, that they continued to evolve in the following centuries. Hence, the two main texts, the *Uraicecht Becc* and *Críth Gablach*, do not always correspond in respect of the classification of the nobility. Leaving aside for the moment the question of the *filid* and clerics, both of which rank equal in status to the nobles, the ruling nobility are divided into seven grades, exclusive of the *bóaire* class (MacNeill 1923: 269).

This division MacNeill asserts, became the traditional doctrine of the law schools. The terms *grád *flatha*, 'noble grades', and *grád sechtae*, 'sevenfold order', were applied interchangeably to the collectivity of ruling nobles and were taken as synonymous. The collective *grád féne*, 'order of the *Féni*', was the designation of all others of free status. These were considered as base-*nemed*, mentioned above, to distinguish them from the nobility.

Honour-price

It was suggested at the outset that the social structure of early Ireland was *sui generis*. By way of corroboration it was stated that this is borne out by the law tracts, which reveal a legal system with unique features in respect of the law of persons. In contrast to the Roman and canon law principle that all citizens or freeman are equal before the law, the point was made that the basic principle underlying early Irish law is avowedly the opposite.

Consequently, it was noted that the foundation on which the law of early Irish society rests is that individuals are unequal and that each person belongs to a particular grouping in society with different rights and privileges. Hence, individual rights and legal capacity are determined by, and limited to, those pertaining to the class and rank to which each individual belongs.

On this basis it can be said that the key distinguishing characteristic of each class and rank is an honour-price, or *lóg n-enech*, which literally means 'the price of his face' (Kelly 1988: 8). And it is this unique legal device which makes the early Irish social system *sui generis*. Honour-price is the measure of a person's status in society. It determines an individual's capacity to perform most legal acts, such as entering into a contract. And it determines the compensation to be paid for any major offence committed against the person.

Most of the provisions of the law are such that, according to MacNeill, the element of honour-price entered into almost every operation of law (1923: 266). For example, an individual could not make a contract greater than his honour-price, nor could that individual go surety beyond this amount (Kelly 1988: 9). The honour-price determined a freeman's capacity to give evidence (1988: 203) and to swear a compugatory oath (201). Most particularly, it pervaded the law on personal injury, such as murder, serious injury, theft and satire.

In short, honour-price determined social status and legal capacity in early Irish society. It was the all-embracing expression of an individual's place in society. The law made no bones about the fundamental inequality inherent in the social system. It faced the issue head on. The author of *Bretha Crólige* observes that everybody has an equal honour-price in canon law, but baldly states that in native law their honour-price is unequal (Kelly 1988: 8). The 'Introduction to the *Senchas Már*' goes so far as to claim that the world had equality until the distinction it introduced between king and commoner, free and unfree, rich and poor (*ibid.*).

The measure of these inequalities was the difference in honour-price attaching to each rank in society; and, hence, to every person by virtue of their status. As Kelly states so succinctly (1988: 11), the honour-price of an adult freeman derives from his rank. Moreover, the honour-price of any dependant is a proportion of his own price, a device which ensured that all members of the family were embraced in the social classification and automatically assigned a rank and legal capacity.

Clientship

The second distinguishing feature of status, and accordingly of the early Irish legal system, is clientship. This phenomenon was, of course, part of Roman society, particularly in the period of the Republic before the civil wars. But in Ireland it took on a more pronounced significance, in that the rights and duties of a lord (*flaith*) mainly related to clients (*céili* and *aithig*). In fact, it was the possession of clients which made him a lord (Kelly 1988: 27).

As can be seen immediately, the possession of clients was simply the physical and highly visible manifestation of wealth and a living proof that a lord met the property conditions pertaining to his status. This arose because clientship was created by a lord advancing a fief of stock or land to an individual in return for food-rent, winter-hospitality and other services (*ibid.*). Applying

the philosophical maxim of '*nemo dat quod non habet*', the granting of the requisite number of fiefs was a tangible demonstration of wealth.

Hence, clientship served a number of purposes simultaneously. Economically, it provided the lord with an income, which if properly managed, sustained his household and increased his capital worth. Socially, it enabled him to enjoy the privileges of rank.

Politically, it enabled him to discharge his responsibilities to the king and *túath* by having manpower at his disposal, such as for civil, military or ceremonial purposes. And, finally, the continued maintenance of a client base verified his conformity with the qualifications of his rank. Viewed in the round, the system was multi-functional, and a highly sophisticated social instrument for meeting the communal needs of internal stability and external security referred to in the opening paragraphs.

It also, perforce, introduced and sustained a basic differentiation in status, in that some were served while others did the serving. As the *Uraicecht Becc* puts it, there are two kinds of *nemed* on the earth, the free and the subject. The reason why the people of every art or craft are called subject *nemed* is because they serve the free *nemed* (MacNeill 1923: 273).

But the operation of the system of clientship had another set of consequences for the determination of status and legal capacity in early Irish society. The second party to the contract was the client.

As will be seen later, clients were freeman, who did not own land but who did possess property in the form of cattle and other moveable goods. Hence, the economic relationship between the lord and client was that between a landowner and a tenant. But the legal relationship could differ in one key feature; the tenant could either retain or forego his honour-price, i.e. his status as a freeman.

Consequently, the nature of the clientship contract indirectly affected status and directly

determined rank. The law texts distinguish between two types of client as a consequence of what was involved in the contract. A lord could either advance a fief to a client, or advance both a fief and a payment for the client's honour-price. In the first instance the client remained free by retaining his honour-price and was logically designated a free client or *sóerchéile*.

In the second case, the client forfeited his freedom by demising it on his lord in return for a consideration (to use modern legal terminology). Logically, a client who voluntarily assigned his honour-price to a lord was known as 'a client of submission' or *céile gíallnae*. The glosses and commentaries push the logic further by calling him a *dóerchéile*, or unfree client (Kelly 1988: 29). The consequence of these different contractual obligations is that the non-noble class of freeman was divided by status, those who remained free and those who temporarily had volunteered to be unfree.

The clientship system was hence inherently more complex than it appears at first sight. But it never obscures the fact that it rests on one class owning land, and that this class is the noble *nemed*. The nobles remain at the apex of the social system. They are ranked, of course, in accordance with wealth, essentially expressed in clients but, equally important, in terms of the social function they are expected to perform. This prompts the question of how the noble *nemed* were categorized on the basis of rank expressed in terms of functionality.

Sevenfold division of noble *Nemed*

The sevenfold division of the nobility according to the *Uraicecht Becc* (MacNeill 1923: 274) is in the following ascending order of importance, status and, hence, of honour-price. The term *aire*, employed in respect of the first five grades, is here taken to mean 'nobleman' or 'aristocrat'. The seven grades are:

- 1) aire déso
- 2) aire échtó
- 3) aire tuíseo
- 4) aire ard
- 5) aire forgill
- 6) rí túaithe
- 7) rí ruirech

In *Críth Gablach*, the seven grades are set out in two different schemas, but the following would seem to be the more authoritative (MacNeill 1923: 282; Binchy 1941: 1):

- 1) aire déso
- 2) aire échtó
- 3) aire ard
- 4) aire tuíseo
- 5) aire forgill
- 6) tánaise rí
- 7) rí

In respect of non-royal nobility, the texts most obviously differ in assigning precedence to the *aire tuíseo* and *aire ard*. Furthermore, *Críth Gablach* introduces a grade occupied by the chosen successor to the king and so maintains the seven fold division by excluding higher kings. Nevertheless, it does recognise three categories of kings, as is seen later. Despite the difference in classification, the two schemas are substantially the same, and that of the *Uraicecht Becc* will serve as the basis of the following commentary.

Both the main texts agree that at the bottom of the hierarchy is the *aire déso*, possessing the minimum property required for membership of the nobility at five free and five base clients. This typical lord, as Kelly calls him (1988: 27), has a retinue (*dám*) of six persons and an honour-price of ten *sets*, and his title means 'nobleman or aristocrat with clients' or 'lord of vassalry' (*déso* being the genitive singular of *déis* 'vassal,

vassalry'). MacNeill indicates that the term must have originated as a generic name for the whole class of ruling nobles (1923: 269).

In the *Uraicecht Becc*, the next grade of lord is given as *aire échtó* 'lord of violent deed', whose function it is to avenge the outrages inflicted on members of the *túath* by those of another *túath*, according to Binchy's glossary (1941: 70-72). Binchy comments, however, that the nature of this function is not clear and is open to a number of interpretations. He believes that it is likely the *aire échtó* is by birth and status a commoner of the 'bóaire class' who is ennobled for performing a public role associated with retribution, and hence, violence.

Joyce, however, offers an interesting insight by claiming that the post was similar to that of the 'Avenger of blood' of the Jews and other ancient nations, and that part of the duties was the defence of the border of a *túath* (1913: 92). As he also appeared to be at the immediate service of the king, the *aire échtó* could be regarded as analogous to a Minister for Defence or Head of the Armed Forces, a conclusion which seems reasonable in terms of collective political responsibility for the welfare of society based on function.

The next grade as stated is the *aire tuíseo*, literally 'lord of leadership' or 'precedence'. Binchy describes the role as that of representing kin in dealings with the king and with members of another *túath*. This would imply a political role at this grade, which is analogous to a combination of senator and ambassador. As such, it certainly has the ring of truth about it. While *Críth Gablach* assigns a higher ranking to this grade of lord, it seems the *Uraicecht Becc* is more logical placing the *aire tuíseo* above the *aire échtó*, but below the grade following.

The explanation for the name of the next highest rank, *aire ard*, is not given in the texts in terms of function, and none is offered by MacNeill, Binchy or Kelly. But the absence of a functional title and the unique use of one

immediately relating to position (*ard* = 'high') suggest this lord occupied a position of high rank in the hierarchy, with a political role analogous to a king's counsellor. This is a conventional function in any aristocratic society and is of particular political significance when important decisions of state are to be made, especially so if the state leadership is collegial rather than authoritarian. Such a lord would be tantamount to a member of the inner circle, or Privy Council in medieval England, or what would nowadays be called a government.

The highest of the non-royal grades is that of *aire forgill*, 'lord of superior testimony'. More to the point, the meaning of the title seems to be 'conclusive testimony' and, according to Binchy's glossary, derives from the fact that the testimony of a lord belonging to this rank outweighs that of his inferiors in all cases where there is a conflict of evidence (1941: 72). But, the title possibly refers to a public function in which the *aire forgill* also acted as part of a court of final appeal.

This is not too fanciful a speculation, since Kelly provides a translation of the *Airecht* text on court procedure (1988: 355) which names the five categories of court in Irish law and sets out their respective functions. It is clear that the first court, named, 'the back court', has a role analogous to a court of final appeal and its composition includes, along with the king and bishop, 'an expert in every legal language with the rank of master' (*ibid.*). This could well be the *aireforgill*, or law lord, and, at first sight, would be consistent with the system of ranking in accordance with function.

Kelly (1988: 28) lists the honour-price attaching to each grade of noble ranked in *Críth Gablach* as follows:

- 1) aire déso: 10 sét
- 2) aire ard: 15 sét
- 3) aire tuíseo: 20 sét
- 4) aire forgill: 30 sét

These lords have 10, 20, 27 and 40 clients, respectively. [Note that as units of value a *cumal* = 3 milch cows and a *sét* = half of a milch cow.]

In keeping with the nature of the society, the most important *nemed* in a *túath*, or statelet, is the king, known as *rí túaithe* 'king of a *túath*'. If such a king acquires dominance over other *túatha* he is generally described as a *rí túath* 'king of *túatha*' or *ruiri* 'great king'. In *Críth Gablach*, however, he is called the *rí buiden* 'king of bands', which Kelly notes is a term not found elsewhere (1988: 17). The highest grade of king is the provincial king *rí cóicid*, or sometimes called *rí ruirech*, 'king of great kings'. Kelly notes that the law tracts, generally speaking, do not provide for the post of *rí Érenn* 'king of Ireland' (18).

The status of each grade of kingship is reflected in, or determined by, the honour-price (Kelly 1988: 17):

rí túaithe: 7 cumals

rí túath: 8 cumals

rí cóicid: 14 cumals

Division of non-*Nemed* freemen

As remarked earlier, a striking phenomenon of the early Irish social system was the mobility between ranks, subject to the law, of course. Hence a commoner could be elevated to the ranks of the nobility in accordance with clearly defined procedures involving an intermediate grade, which might properly be described as a period of probation, since it is generally assumed that it took three generations to become a full lord (Kelly 1988: 28).

The property requirement for the transition from the highest grade of commoner, *bóaire*, to the lowest grade of lord, *aire déso*, is double that applying to the *bóaire* according to *Críth Gablach*. This is a sensible provision, as it

ensures the ennobled commoner not only has the requisite property to sustain clients but also that the family concerned has demonstrated its economic capacity to sustain its wealth across the generations.

A commoner launched on this path is called a *flaith aithig* 'commoner lord' in the *CáinSóerraith*, and in other texts is styled *aire eter da airig* 'an *aire* between two classes of *aire*', the first being a social, and the second a legal, description.

As stated earlier, the fundamental distinction between freemen, the *aire* class, is the ownership of land. All of the nobility described above are noble freemen who, crucially, are landowners. But there were also freemen who were without land yet, nevertheless, possessed property consisting of cattle and other moveable goods. To put this wealth to productive use, these freemen had, of necessity, to lease land from the landowning class on a rent paying basis, thereby establishing the relationship of lord and client described above.

Kelly observes (1988: 10) that the non-*nemed* freemen probably comprised the majority of the adult male population at the time of the law tracts. Statistically, this can easily be proven, but falls outside the scope of this essay. Two main categories of non-*nemed* were distinguished along lines roughly equivalent to large and small farmers in twentieth-century Ireland. These were the *bóaire*, with an honour-price of 5 *séts*, and the *ócaire* with an honour-price of 3 *séts*. Both ranks could take independent legal action and play a part in decisions affecting the *túath*, the two fundamental characteristics of a freeman.

According to Binchy's glossary (1941: 77), the *bóaire* class of freeholder is divided into five grades, the *aire coisring*, the *fer fothlai*, *aitheach arathreba a deich*, *bóaire febsa* and the *mruig*fer*. He doubts whether these divisions have any basis in reality. MacNeill says that clients were all of this class (1923: 267) but does not divide them by rank. On the other hand, Joyce claims there were several ranks according to the amount of property held (1913: 158).

There seems to be general agreement, however, that the highest rank is the *aire coisring* who, according to Binchy is accorded a special status by his function as head of his kin, whom he represents in their dealings with external authorities (1941: 70); hence, the meaning of the title, 'binding chief'. The function to be performed is that of ensuring the kin group respects the law and fulfills its obligations (1941: 70). Joyce describes this rank as magistrates, a not unfanciful analogy (1913: 158). The *fer fothlai* is a rich *bóaire* on the path to the status of nobility, as mentioned earlier. The other three grades are blurred somewhat but Binchy's glossary observes that the *mruig*fer* is the 'normal person' in Irish law for *Críth Gablach*, a role which the *bóaire* fills in most other tracts (1978: 78).

The *ócaire*, or 'young *aire*' is the lowest grade of freeman of full age and status recognised as a 'person' in Irish law (Binchy, 1941: 101). The 'young' (*óc-*) may refer to the age of this rank at the time of writing the law tracts, rather than the age of the person. Apparently what happened was that increased numbers of freemen made it difficult for all to secure the necessary property qualifications, and hence the jurists inserted a lower grade of commoner (1941: 102). This would have been a common-sense response to the conventional social problem of property division in the face of increasing population.

Non-free status

The unfree class consists of tenants-at-will. One class is the *fuidir* or 'semi-freeman', and Kelly notes that one law tract distinguishes no less than ten different types, although many of these distinctions are of little significance (1988: 33). A *fuidir* is free to quit the tenancy, subject to the law. But a *dóer*fuidir*, or 'base *fuidir*' may not exercise this right and has no independent legal status.

It might be expected that a 'cottier' or *bothach* would be beneath the *doer*fuidir* but this is not clear, despite the fact that such a class

existed (Kelly 1988: 35). Finally, a *fuidir* or *bothach* whose forebears have occupied the same land for three generations, is reduced to the status of *senchléithe*, a class that is bound to the lord and cannot renounce the tenancy. Although not a slave, the *senchléithe* is sold with the land, which would make this group the equivalent of a serf class.

Finally, there is a slave class, whose members have no rights or legal existence whatever.

Conclusion

On the basis of the above analysis, the concept of status in early Irish society emerges as a logical consequence of the underlying philosophy on which society was based in the Indo-European culture. Social function ('holy' evolving into 'privileged'), land ownership and birth all played a complex but interrelated role in determining status. What made the early Irish social system unique, however, was the additional concept of rank within the main grades. And it is this concept which, in turn, coloured the legal definition of rank by assigning an honour-price to each.

Viewed in the round, it was a stable social system, with the added advantage of mobility between the privileged and non-privileged, thereby ensuring internal renewal. It was an extraordinarily sophisticated system, which not only deserves wider appreciation but also a new multi-disciplinary approach to research from the academic community. The small number of references cited in this essay is proof that much more research needs to be done on status in early Irish society.

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