SOCIETY AND KINGSHIP IN PRE-NORMAN IRELAND

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How was it that the de Lacys and their successors in Meath, the Mortimers, established their domination over much of Ireland with such rapidity? This article considers the indigenous Gaelic society and why it so quickly succumbed to the Anglo-Normans settlers.

Ireland at the time of the Norman invasion that began in 1167 was markedly different from that of England. Ireland was a mainly pastoral farming society; the cow was central to Ireland's political economy. Until the late Viking age, Ireland was a coinless society and cattle remained the most common unit of value and exchange well into the late middle ages, owing to the role of cattle-loans in relations of social dependence between lords and farmers, and the importance of cattle to cultivation (as a supplier of manure and traction) as well as meat and dairy production. Land was measured in terms of the number of cows it could sustain. A well-off farmer was a *bóaire*, a "lord of cows". England by contrast was mainly arable; cattle were typically bought from long-distance drovers in highland areas such as the Welsh Marches, or were raised by tenants-in-chief who set aside one manor for the breeding of cows and oxen, while peasants relied on sheep for dairy produce.

Milk and dairy products were the Irish farmer's staff of life, but he was unable to control his supply, not only because cattle disease could strike suddenly but more significantly because his dependence on the nobility was institutionalised in Ireland through the implicit coercive power of a lord, which was enshrined in law. "There existed a class structure in which the small-scale producer was locked into a relationship with one or more lords which generated ties of obligation and loyalty that required little coercion or managerial supervision by the aristocracy, and in which the lord's role had become mystified so that he as viewed as gift-giver rather than an exploiter".[1] Lords granted loans of cattle not only on terms that made it hard for the farmer to repay the loan, but that also threatened the smaller farmer's herd balance. Cattle raids were an everyday occurrence and the Irish military aristocracy were cattle-raiders *par excellence*, reinforcing their domination over the smaller farmer, who obviously preferred the security provided by his own lord to the complete ruin that could be wrought by the loss of his livestock to an invader.

The basic political unit in Medieval Ireland was the *túath* or petty kingdom. A *túath* consisted of a number of allied *trícha céta*, ("thirty hundreds") and therefore probably in the range of 6,000 to 9,000 people, and since there were roughly 150 such petty kingdoms in Ireland in the Middle Ages, we can extrapolate a total population of between a million and 1.3 million souls. A *túath* population was divided into different social ranks based mainly on control of productive property and the social standing that went with it, described in detail in the *Críth Gablach,* a poetic tract on grades of commoners (*féni*) and nobility (*flaith*)and the duties of clientship.[2] Working from the bottom up the lay grades were: slave; *senchléithe* (hereditary serf); *fuidhir*, a free but landless labourer; *bóaire* (cattle lord or freeman). Then came the various grades of nobility (*flaith*): *aire déso* (lord of vassals); *aire ard* (high lord); *aire tuíseo* (lord of precedence), and the *aire forgill* (lord of superior testimony); finally, the highest lord below the king was the *tánaise ríg*, the presumed heir to the king (grades of kingship are described below).

In addition the *Críth Gablach* describes seven ecclesiastical grades and poetic grades corresponding to the lay grades from *bóaire* to the king. The role of the poets cannot be underestimated as part of the ideological and legal superstructure on Irish society; early Irish law consisted of the accumulated decisions of the Brehons, or judges, guided entirely by an oral tradition, while the origin-legends, great sagas and praise-poetry legitimised the power of the nobility and kings. Finally, the *Críth Gablach* describes the status of professions and crafts such as chariot-makers and engravers, who had a lower social standing than a *bóaire.*

Property rights were likewise governed by Brehon law, based on the writings of church men drawing on a variety of sources, the Old Testament in particular, and documented most notably in the eighth century legal compendium known as the *Senchas Már* ("the Great Tradition"). Social rank in Ireland was governed not by land tenure, but rather by a complex set of legal relationships. The tenure of land in Ireland was essentially a tribal or family right. All the members of a tribe or family in Ireland had an equal right to their appropriate share of the land occupied by the whole, and this set limits on the centralisation of power.

Status (*enech*, literally "face") was measured in terms of a person's "honour price" (*lóg-eneth*, literally "face value") and social struggles revolved around relative status within the framework of the legal system. The amount of honour-price could vary from 14 *cumals* (= 42 milch cows; a *cumal* was originally the value of a female slave) for a provincial king to a *sét* (half a milch cow or a yearling heifer) for an adolescent living on his father's land. Women's honour-prices were half that of male peers.[3] A person's honour price had to be paid to him, or his kin, in restitution for major offences against him, such as a physical assault on his kinsmen, or if he suffered ridicule or satire (*áer*) without justification, but could be forfeited if he broke certain rules.

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[1] Nerys Patterson, *Cattle Lords and Clansmen*, University of Notre Dame Press, Indiana, 1994, p. 80
[2] Crith Gablach (Mediaeval & Modern Irish), ed D.A. Binchy, Dublin Institute for Advanced Studies, 1941
[3] Patterson, p. 181

Surety

In the absence of any formal state structures, how was Brehon law imposed? How could a plaintiff seek recompense? How could a king seek redress from a neighbouring king? The answer lies in the complex system of suretyship or "reserve credit"; "they saved the plaintiff from facing the dangers of directly distraining an embarrassed debtor (who might be strong in terms of domestic power, though short of chattels), and they also protected the creditor from total loss in the event that the debtor absconded with is family and movables. To this extent, suretyship facilitated exchange between people of different kin-groups and even different territories."[4] Early Irish law recognised three types of surety:

1. *Ráth*, a paying surety, who was liable to make good the value of whatever amount the principal owed;
2. *Naidm*, an envorcing security, who compelled payment from the principal, or the ráth;
3. *Aitire* or *gíall*, a hostage-surety.

No-one could serve in any of these capacities where the chattels at stake were of greater value than his own honour-price.[5]

Clientship

It was clientship (*céilí*, literally companionship) that above all conferred the status of lordship on a noble. The lord granted his clients a fief (*rath*, literally gift), typically of livestock (rarely land), in return for which the client bound himself to make specific payments to the lord including new-born livestock, food, hospitality and labour. In return, the lord was expected to provide physical defence for the client and protect his rights. A lord who failed to meet his obligations to a client could, according to the introduction to the *Senchas Már*, be demoted to the rank of a commoner.[6]

There were two classes of clients, the free-clients, *sóer chéilsine*, and base or bond clients, *dóer chéilsine* or *céile gíallnae*, roughly corresponding to the free and higher base tenants of the English manor. The free-client, typically a middle-rank farmer, a *bóaire*, took three cows in fief from a lord. For the first three years, he paid back annually the equivalent of one-third of the fief, so that by the end of three years he had paid back the equivalent of the fief. For the next three years he paid the equivalent value of one cow, for example in dairy produce and manure. No payment was due in the sixth year, but in the seventh year the client had to pay back the original fief. In practice a free-client was a man of sufficient resources with which to defend his status in normal social confrontations. The free-client was entitled to end the relationship and restore the fief without penalties.

By dispersing cattle among clan members, clientship protected the lord's herds from cattle disease and raids, which were a constant threat to herds concentrated in the wilderness. But political security for both parties, as well as economic, was at the crux of the free-clientship arrangement. A free-client had to pay homage to the lord through a symbolic act of allegiance, standing to his feet or raising his knee (if already standing) at public assemblies and social gatherings. "This was an act of considerable importance … when men of similar rank met and sized up each other's political strength."[7] For the client, the arrangement provided a measure of legal protection from the repercussions in a change in local lordship. It was possible for a free-client to enter an arrangement with an external lord or king. "Changes in free-clients' allegiance were evidently a sensitive barometer of political change, and must often have been a prelude to the outbreak of war at the local level."[8]

Base-clientship was of greater importance in terms of producing transferable wealth for the lord. The lord advanced the base-client his fief, which could consist of cows, oxen, sheep, pigs, farm implements and land. "It was a system whereby the lord could lease surplus stock to the client, and get a share of the produce that resulted."[9] Although disguised as a "gift", *rath* or more specifically to a base-client, *taurchrecc*, the advance of a fief effectively entrapped the base-client, who owned the fief only after a seven-year term, by which time cattle would be useless other than for slaughter; but if the base-client sought to terminate the contract before maturity, he would be required to return the original fief in its entirety. Moreover, whatever losses occurred while caring for the lord's cattle, the client was still liable to meet the renders due for the fief and to produce the cattle if the lord himself wanted to terminate the relationship.[10] Base-clientship was therefore associated with the weakness of an individual family and its next of kin, in contrast to free-clientship, which was associated with economically independent extended families and clans.

The base-client also provided food, hospitality and manual labour to the lord, and had to help in building the rampart around the lord's fort. In Anglo-Norman Ireland he became the *betagh*, having a status roughly similar to that of the English villein. Any default on the renders of services owed by the base-client was sanctioned by heavy fine.

However, in the Gaelic system of clientship there was no equivalent of the knight's fee, the feudal duty to provide men, horses and arms in military service to the lord.

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[4] Patterson, p. 184
[5] Patterson, p. 185
[6] Seán Duffy, *Ireland in the Middle Ages*, pp.20-21
[7] Patterson, p. 156
[8] Patterson, p. 161
[9] Duffy, p. 21
[10] Patterson, pp. 174-6

Tenants-at-will

A major problem for the lords of late Medieval Ireland was the shortage of labour to work demesne lands. For this purpose, the nobility required tenants-at-will, without claims through inheritance to clan lands. These constituted a tied agrarian labour force, though their status differed in a number of ways from that of an English serf. A *fuidhir* was not a hereditary serf, but rather transitional. There were two main categories: "free *fuidhir*" could terminate his relationship with his lord and depart if he cleared his debts and surrendered two-thirds of his produce, whereas the unfree *fuidhir* was subject to a number of legal restrictions. Competition between lords for *fuidri* is likely to have been intense, just as it was for clients, and the Brehon judges were reluctant to get involved.[11]

Hereditary serfs and slaves

Tenants-at-will could also move downwards into the class at the base of Irish society, as with feudalism elsewhere, the hereditary serfs or *senchléithe* (literally, "old house-posts) who were unable to leave. Gearóid Mac Niocaill, the Irish medieval scholar, writes that "the *senchléithe* was bound to the land and passed with it when alienated as an appurtenance."[12] If a lord could keep a *fuidhir* family beyond three generations, it would fall into the status of *senchléithe*. However, labour shortages and the competition within and between branching dynasties inhibited the development of outright serfdom on a large scale; "it was better for a lord to permit his potential clients to retain vested interests in their land and to enforce dependency on them in less openly coercive ways than by the threat of usurpation and expropriation."[13]

Gaelic Ireland was one of the last places in Western Europe to tolerate slavery, but he lack of references to slaves in legal tracts suggests that by the late Middle Ages they were not generally available on a large scale.

Kingship

In medieval Ireland there was no definite law for choosing a king: "a king during the course of his life might have several wives and many sons by each. In a short time, a royal family was divided into several rival branches, with cousins and second cousins all trying to push the others and make their leader king. It was when they did not manage to do so that they invaded the lands of another kin-group or sept and set themselves up as kings there."[14] The rights of these kings were very much circumscribed by tradition. The ruler was never, in the feudal sense, *dominus terrae* ("lord of the land"); he could not impose his will on territories outside his ancestral *túath* and was subject to Brehon law, which was immutable. He therefore could not legislate. "Under these circumstances … it was impossible for anyone to weld the large number of petty kingdoms in Ireland into larger political units, much less to establish a real and united kingdom of Ireland. The sort of progression which had occurred in Anglo-Saxon England, from small, tribal kingdoms to a kingdom of England, was impossible here."[15] The man who came closest was Brian Boru, the High King who fell at the Battle of Clontarf in 1014.

At the bottom of the royal hierarchy was the *rí túaithe*, who by the 11th and 12th centuries was more likely known as a *toísech* or leader of a war band; above him was an overking or *ruirí* who exercised military and moral leadership not just over his own *túath* but also several other petty kingdoms. Above him came the "king of overkings" or provincial king, the *rí ruirech*, though even his power was rooted in his own *túath*. A provincial king might aspire to the High Kingship of Ireland *Ard Rí na hÉireann,* but such individuals are very rare (outside the realms of legend). The best a provincial king could aspire to was *rí hErend co fressabra* ("King of Ireland with opposition"), a provincial king who managed to get most other provincial kings to recognise him as the High King, but there were always others who refused to do so or did so only under duress. They were rarely, and then only for short intervals, *rí hErend cen fressabra*, "King of Ireland without opposition". Kings who attempted to rule without opposition became locked in so-called "circuit wars" in which they would fight from province to province, attempting to subdue one rival after another by taking hostages. But, because they invariably faced opposition from rival claimants at home, they were unable to fight sustained campaigns away from their own *túath*. The most important royal dynasty in Ireland, the Uí Néill, dominated the northern half of Ireland but separated into two main branches, the Northern and Southern Uí Néills. A king who could unite both was entitled to call himself *rí Temrach* or King of Tara but, though this title brought with it considerable prestige and allowed the belief to take hold that the Irish were a complete nation and that Ireland was a kingdom, this was based on propaganda commissioned by the Uí Néills that Tara was the ancient capital of Ireland and that "they were *ipso facto* high kings of Ireland".[16]

Unlike the English system, the military obligations of a client to a lord or king were indeterminate. Because of the unending power struggles between different branches of the ruling dynasties even powerful provincial kings often found it hard to keep their confederate armies in the field. "Citizen soldiers were never totally obsolete, but they may have become little more than local gangs facing down similar gangs in disputes between petty lords, or they may have served as a last resort, rather than a prime fighting force. The latter would have been hired fighters."[17]

[11] Patterson, pp. 152-3
[12] Gearóid Mac Niocaill, *Ireland Before the Vikings*, Gill History of Ireland, 1, p.68
[13] Patterson, p. 154
[14] Duffy, p. 21
[15] J.F. Lydon, *The Lordship of Ireland in the Middle Ages,* 1972
[16] Duffy, p. 32
[17] Patterson, p. 168

The Irish Church and sexual mores

The Irish political organisation of kingships based on ancestral *túath*, rather than territorial property, had left the other pillar of medieval and feudal society, the Church, out step with the rest of Europe by the twelfth century. The Church had no security of income and Church property was frequently subjected to exactions by rival kings. These abuses had slowed the pace of Gregorian reform in Ireland. "In Ireland,, every dynasty had its favoured church, and every province had its major ecclesiastical showpiece. Rival dynasties and he kings of neighbouring provinces had few qualms about attacking such centres, since by impoverishing an ecclesiastical settlement which was the hub of economic activity in their enemy's land, they were impoverishing the enemy himself."[18]

Moreover, Gaelic customs of marriage and divorce greatly limited the Church's authority over matters of sexual conduct and inheritance (polygamy was rife in Ireland). Irish law made provision for the inheritance rights not only of the progeny of formal unions but also of illegitimate children, a situation made worse by the common practice of fosterage, whereby the upbringing of children was entrusted to political allies, resulting in mixed ties of loyalty. This was a further cause of bitter succession disputes, since half-brothers born to separate mothers would often have competing claims to their common father's property and clientships. Duffy writes that the "most frequent cause of external complaint about Irish society in the eleventh and twelfth century were the irregularities in marriage law … more than one Archbishop of Canterbury, even the popes, continually condemned Irish marriage law."[19] Therefore it is not surprising that the Church looked to the reforming King Henry II to improve its standing in Irish society.

The invasion of Ireland had already been legitimised by the provisions of the Papal Bull *Laudabiliter*, issued by Adrian IV in 1155 largely on the grounds of the unacceptable sexual laxity of the Irish aristocracy. The Bull encouraged Henry to take control in Ireland in order to oversee the financial and administrative reorganisation of the Irish Church and its integration into the Roman Church system, though he did not act on it until the circumstances of the Anglo-Norman invasion forced his hand.[20] [21]

Under Henry's protection, at the Cashel synod of 1171-2 the Irish bishops voted a series of reforms that brought it into line with the Church of Rome, relating to the rites of marriage and baptism and the regulation of inheritance. Henry's patronage also helped to establish the independence of the Church, giving it a measure of protection against the abuses of the Irish kings. The fourth Act stated: "That all ecclesiastical lands and property connected with them be quite exempt from the exactions of all laymen. And especially that neither the petty kings nor counts nor any powerful men in Ireland nor their sons with their families do exact, as was usual, victuals and hospitality or entertainments in the ecclesiastical districts or presume to extort them by force and that the detestable food or contributions, which used to be required four times in the year from the farms belonging to churches by the neighbouring counts, shall not be claimed any more." The third Act moreover laid down the principle that the faithful should pay tithes to the Church.[22]

It is therefore not surprising that the Henry II and the Anglo-Norman invaders found an ally in the Irish Church, whose status was greatly advanced under their protection. The diocesan and parochial organisation of the Church was realised in Anglo-Norman Ireland, with parishes by and large corresponding to manors.

The rise and fall of Norman Ireland

The dynastic struggles for the high kingship in the 12th century and the strengths of the Norman system of economic and political organisation compared to that of the Irish created the conditions for the rapid invasion and settlement first by the Earl of Pembroke, Richard de Clare ("Strongbow") and his allies, then by Henry II and his Welsh Marcher subfeudatories such as Hugh de Lacy. Anglo-Norman society had fully developed the scope of military obligation as a service required of vassals and as a general levy on all free men. Irish feudalism, on the other hand, left the link between fief and military service vague, to put it mildly. Moreover, there was no system of scutage, whereby a tenant could pay a knight's fee rather than providing the soldier directly – a system that allowed the development of a professional army and enabled an English baron or king to fight longer campaigns. Thus the Anglo-Norman invasion of Ireland was effected with relatively small numbers of fighting men.

The Anglo-Norman system had the further advantage that when feudal tenures expired, the fief lands were remitted to the Crown. In the Irish system there was no central "register" of titles though there is evidence of local chancery in the decade before the Anglo-Norman invasion.[23] More importantly, Irish vassalages could end, typically after seven years, without remission. This prevented the development of the kind of vast royal demesne enjoyed by the Anglo-Norman and Cambro-Norman overlordships. Norman feudalism evolved a fully explicit rule of royal and noble succession, whereas the native system of kingship did not. Struggles over succession were therefore the rule rather than the exception in Ireland.

When Strongbow succeeded to Leinster he inherited the kingdom built up by Diarmait Mac Murchada and his predecessors. To secure his possession, he used the same method as had been applied in the Welsh Marches and before that in England: the division of the new lordship into manageable estates, the apportioning of this land to friends, followers and family, who would in turn subdivide their new acquisitions into manors, the process of subinfeudation. Thus Strongbow, the tenant-in-chief to the English crown, had his own tenants and sub-tenants, and just as he owed military service to Henry II (to a total of one

[18] Duffy, p. 29
[19] Duffy, pp. 23-24
[20] Curtis, Edmund (2002), *A History of Ireland from Earliest Times to 1922*. New York: Routledge. p. 49
[21] Lydon, p. 39
[22] In all the synod of Cashel passed seven acts or constitutions, recorded by Gerald of Wales. The translation used here is taken from William Gouan Todd.
[23] New History of Ireland, Gill & McMillan, Vol 8, p.72

hundred knights) in return for Leinster, so those who held estates under him owed Strongbow military service.[24] Under the terms of the Treaty of Windsor of 1175, and other informal agreements, the remaining Irish kings returned those who had fled from "the lands of the king of England's barons", mostly the servile class of *betagh*, who provided serf labour on the feudal estates.

The same held true for the other Anglo-Norman lords who took lands in Ireland. Henry II granted Hugh de Lacy the lordship of Meath for the service of fifty knights. Several of Hugh de Lacy's tenants were granted fiefs that amounted to entire baronies, and these were subdivided into manors. Their military duty was to defend Meath from native attack, which they did by building castles, first crude motte and bailey constructions and then great stone fortifications such as Trim and by entering into political agreements with the Irish kings, who often sought the invader's protection against their own rivals. Most of the de Lacy Irish lordships, and the duties that with it, passed to Roger Mortimer through his marriage to Joan de Geneville, granddaughter of Geoffrey de Geneville, who had married Maud de Lacy, great-granddaughter of the first lord of Meath.

What the Normans failed to achieve was the political unity of the island. The high point of the Norman lordship was the creation of the Parliament of Ireland in 1297, following the Lay Subsidy tax collection of 1292. The first Papal Taxation register was compiled in 1302–07; it was the first Irish census and list of properties, similar to the Domesday book. The Hiberno-Normans then suffered from a series of events in the 1300s that slowed, and eventually ceased, the spread of their settlement and power, notably the invasion of Edward Bruce, factional in-fighting, the European famine of 1314-17, the Black Death and of course the demand on English military resources in the Hundred Years War.

While much of Gaelic Ireland succumbed to rapid invasion and colonisation by the Anglo-Normans, it also demonstrated greater long-term resilience as, over time, the Normans were culturally assimilated, many of them adopting Gaelic customs and the Gaelic language. The "defect" of political fragmentation turned out to be Gaelic Ireland's greatest asset in resisting colonisation. "No one dynasty represented the whole Ireland, not even in the most symbolic way. So that not one, but many ruling dynasties had to be forced to accept the overlordship of the king of England, before Ireland could be conquered. And as time was to show, this was beyond the resources of the invaders."[25]

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[24] Duffy pp. 82-3
[25] Lydon, p. 61