4. Unfortunately it is not clear whether *Cáin Fuithirbe* contained any reference to a review of the law by Patrick or ascribed any role to Dubthach in this process. However, the Old Irish law tract *Do Fastad Cirt ⁊ Dligid* does allude rather laconically to legal rules established by Patrick in Lóegaire's reign and to "their truth of nature and of conscience and of scripture (*a fír n-aicnid ⁊ coibse ⁊ screptra*)" (*CIH* 240.22; McCone, 1986c, 23), glossed "of the righteous men", "of the Christians" and "holy, of the head of a monastic school (*in fir léigind*)" respectively. This threefold establishment of truth by conformity to nature, scripture and conscience obviously derives from Saint Augustine as cited in the Irish Canons: *tribus modis agnoscitur omne verum, cum non venit contra naturam, et verbis scripturae conveniat, et animis prudentium non distinguat* (*Can. Hib.* XXII, 5).

A more detailed account of the activities of Patrick and his associates is given in the probably early eighth-century tract *Córus Béscnai*: "each law is bound. It is in this that the two laws have been bound together. It is the law of nature (*recht aicnid*) that was with the men of Ireland until the coming of the faith in the time of Lóegaire son of Níall. It is in his time that Patrick came. It is after the men of Ireland had believed in Patrick that the two laws were harmonised, the law of nature (*recht aicnid*) and the law of the letter (*recht litre*). Dubthach maccu Lugair the poet (*in fili*) displayed the law of nature. It is Dubthach who first paid respect to Patrick. It is he who first rose before him in Tara. It is Corc son of Lugaid who first bowed before him. He was in hostageship with Lóegaire. Lóegaire, then, refused Patrick on account of the druid Matha son of Umor. He, the druid, had prophesied to Lóegaire that Patrick would steal the living and the dead from him. Cairid son of Findcháem first bowed to him after him, as he was a poet (*fili*) of Lóegaire's. Erc, he is the first person who rose before Patrick at Ferta Fer Féige on the edge of the Boyne, and their prohibition was felled . . . Dubthach maccu Lugair the poet (*in fili*) recounted the judgements of the men of Ireland according to the law of nature and the law of the prophets (*recht fáide*). For prophecy according to the law of nature (*fáidsine a recht aicnid*) had prevailed in the judgement of the island of Ireland and in her poets. Prophets among them, then, had foretold that the blessed white language (*bélrae bán biáid*, glossed *in léigend*) shall come, i.e. the law of the letter, (and) that there are many things according to the law of nature that have reached what the law of the letter has not reached. Dubthach, then, showed (this) to Patrick. What did not contradict the word of God in the law of the letter and the consciences of Christians was harmonized in the order of judges by the Church and poets. All the law of nature was right except for the faith and its due, and (there was) joining of Church to state" (*CIH* 527.14-529.4).

The three key concepts of the law of nature, the law of the letter and the law of the prophets in the above passage recur in a rather different context in the Stowe Missal tract on the Mass: "what is chanted of the Mass thereafter, both introit and prayers and addition, as far as the lesson of the Apostles (the Epistle) and the Gradual, that is a figure of the law of nature (*recht aicnid*), wherein Christ has been renewed through all His members and deeds. The Epistle, however, and the Gradual, and from this to the uncovering (of the chalice), it is a commemoration of the law of the letter (*recht litre*) wherein Christ has been figured, only that what has been figured therein was not yet known. The uncovering, so far as half, of the host and the chalice and what is chanted thereat, both Gospel and Allelulia as far as *oblata*, it is a commemoration of the law of the prophets (*recht fáthe*). Wherein

Christ was manifestly foretold, save that it was not seen until he was born. The elevation of the chalice after the full uncovering thereof *quando canitur oblata*, that is a commemoration of Christ's birth and of his glory through signs and miracles'' (*Thes.* II 252-3).

The four phases here related by a conventional typological process to Christ's coming clearly refer to the biblical sequence of the pre-Mosaic period of the patriarchs, the law, the prophets and the New Testament. Indeed, this is precisely the scheme presented by that major but hitherto unpublished eighth-century Irish exegetical tract on the Bible from Genesis to Revelation known as the *Bibelwerk* or Reference Bible: *quod sunt leges principales et unde incipit et finit unaquaeque de eis? Lex naturae et lex litterae, lex prophetiae et lex evangelii. Incipit lex naturae ab Adam usque Moysen, lex litterae a Moysen usque ad Samuhel, lex prophetiae a Samuel usque ad Iohannem Baptistae, lex evangelii ab Iohanne usque ad finem mundi* ''what are the main laws and whence does each of them begin and end? The law of nature and the law of the letter, the law of prophecy and the law of the Gospel. The law of nature begins from Adam to Moses, the law of the letter from Moses to Samuel, the law of prophecy from Samuel to John the Baptist, the law of the Gospel from John to the end of the world'' (McNamara, 1987, 89). Furthermore, Isidore gives the traditional definition of the first two orders of the Old Testament as the Law comprising the whole Pentateuch ascribed to Moses, and the Prophets consisting of Joshua, Judges, Samuel, Kings (or 1 and 2 Kings), Isaiah, Jeremiah, Ezechiel plus the twelve minor prophets, but sets the pre-Mosaic section of the Pentateuch apart by stating that ''what was given through Moses, however, is properly called the Law'' (*Etym.* VI i 5). The standard scheme here and in the Reference Bible is precisely mirrored in Fintan mac Bóchra's poem in *Do Suidigud Tellaich Temra*, par. 12, on great judgements in Ireland (ch. 3, 11):

4.	*Dálais Moyse, monar nglé*	Moses delivered, bright deed,
	bretha lánmaithi litre	perfect judgements of the letter.
	dális Duid ar sine	David delivered according to age
	bretha fíra fáitsine	true judgements of prophecy.
11.	*Iarsin ro:génair in gein*	Thereafter was born the child
	hÍsu ó Muiri ingein	Jesus from maiden Mary,
	co tárfas bretha co mbail	and judgements were shown with goodness
	tria núfíadnaise nóemgloin	through his holy pure new testament.

In the legal context *recht aicnid* and *recht fáithe* are said to have been in operation before the coming of Patrick, who brought *recht litre* with him and harmonized the pre-existing Irish law with this. From a legal standpoint the fundamental terms are *recht litre* and *recht aicnid*, which forms the basis of the typologically oriented *recht fáithe*, pre-Christian utterances foretelling the coming of the new dispensation.

According to Binchy, ''it is true that some comparative legal historians have claimed to note an echo of classical Roman jurisprudence in the term *recht aicnid* 'the law of nature' which figures among the 'sources' of the *Senchas Már*. But though this expression is undoubtedly borrowed from Latin – more probably from patristic than from legal literature – it has in Irish a totally different meaning from that of *ius naturale* (or *ius naturae*) in the works of Ulpian or Pomponius or the

Stoic philosophers from whom the classical jurists took the idea'' (1983, 13). In the discussion (ch. 3, 10) of Cormac mac Art's precocious belief in God and righteous pre-Patrician judgements attention was drawn to the centrality of the Pauline concept that from the beginning God stood revealed in his creation for those with eyes to see. Allied with the apparently native Irish belief that the righteousness or otherwise of judgements was liable to be manifested by a favourable or adverse reaction on the part of nature at large (see 1 above and McLeod, 1982, 358-62), this may have contributed to the fundamental early medieval Irish idea of a pre-Patrician *recht aicnid* or 'law of nature' that proved largely compatible with the later Christian dispensation.

Nevertheless, the relevance of the classical Roman juristic concept of natural law, at least as modified in the light of Paul's specialized use of it in Romans 2:14-5, should not be underrated. For instance, the second-century A.D. Roman jurisconsult Gaius gives the basic definition as follows at the beginning of his well known *Institutiones*: ''all peoples that are governed by laws and customs (*qui legibus et moribus reguntur*) use partly their own law and partly the common law of all men, for the law that each people has established for itself is proper to itself and is called civil law (*ius civile*), in the sense of law proper to the state, but what natural reason (*ratio naturalis*) has established among all men, that is observed equally among all peoples and is called the law of peoples (*ius gentium*), in the sense of law that all nations use''. Saint Paul's crucial reformulation in response to the question of faith and the Mosaic law was as follows: *cum autem gentes quae legem non habent naturaliter quae legis sunt faciunt eiusmodi legem non habentes ipsi sunt sibi lex qui ostendunt opus legis scriptum in cordibus suis testimonium reddente illis conscientia ipsorum* ''for when the gentiles, which have not the law, do by nature the things contained in the law, these, having not the law, are a law unto themselves: which shew the work of the law written in their hearts, their conscience also bearing witness'' (Rom. 2:14-5). Leading up as it does to the discussion in Romans 4 of Abraham's righteousness through faith rather than the circumcision enjoined by Jewish law (see 3 above), this concept of a natural propensity to justice in conformity with the spirit rather than the letter of the Mosaic law could readily be applied to the patriarchal phase of the Old Testament, as in the Stowe Missal tract above.

That influential cleric Isidore, who is inevitably concerned to distinguish between divine and human laws, incorporates a crucial expansion of the dichotomy between specific *ius civile* and more or less general *ius gentium* into a trichotomy comprising a further *ius naturale*, which is not only truly universal but also intrinsically just and hence compatible with God's will: *Omnes autem leges aut divinae sunt, aut humanae. Divinae natura, humanae moribus constant . . . Ius autem naturale [est] aut civile aut gentium. Ius naturale [est] commune omnium nationum, et quod ubique instinctu naturae non constitutione aliqua habetur . . . Nam hoc, aut si quid huic simile est, numquam iniustum [est], sed naturale aequumque habetur . . . Ius civile est quod quisque populus vel civitas sibi proprium humana divinaque causa constituit . . . Et inde ius gentium, quia eo iure omnes fere gentes utuntur* ''however, all laws are either divine or human. The divine exist by nature, the human by customs . . . Law, however, is natural or civil or of peoples. Natural law is common to all nations and what is held everywhere by the impulse of nature, not by some regulation . . . For this or anything like it is never unjust but is always held to be natural and fair . . . Civil law is what each people or state has established as peculiar

to itself for human or divine reason . . . And thence it is law of peoples, because almost all peoples employ it'' (*Etym.* V ii & iv).

It thus seems likely that *recht aicnid* was chiefly modelled upon *ius naturale* as defined by Isidore and could, with Saint Paul's help, be compared with the pre-Mosaic dispensation in Israel during the patriarchal period. Moreover, Martin McNamara has recently drawn attention to an illuminating passage on *lex naturae* in the Reference Bible apparently reflecting Eucherius' influence: ''why did the Lord give the law only to the one people of the Jews? That is, not to one alone but in anticipation he gave the law of nature to all men, through which many good men emerged, like Enoch and Noah and Abraham and out of that ancestry and their deserts they were the sons of Israel and deserved to receive the law of the letter when the law of nature passed'' (1987, 94).

According to Isidore *Moyses gentis Hebraicae primus omnium divinas leges sacris litteris explicavit* ''Moses of the Hebrew race was the first of all to expound divine laws in sacred letters'' (*Etym.* V i 1). Moreover, etymologically writing was held to be of the very essence of *lex* 'law, ordinance' as opposed to *ius* 'law, justice' and *mos* 'custom': *ius autem dictum, quia iustum. Omne autem ius legibus et moribus constat. Lex est constitutio scripta. Mos est vetustate probata consuetudo, sive lex non scripta. Nam lex a legendo vocata, quia scripta est* ''justice, however, is (so) called because it is just. Moreover, all justice consists of laws and customs. Law is a written regulation. Custom is a usage tried by age or an unwritten law. For law is (so) called from reading, because it is written'' (ibid. V iii 2). These considerations appear to be reflected in the Irish Canons' simple use of *lex* to refer to Pentateuch law.

In the first instance, then, *recht litre* refers to the written Mosaic law, as is clearly the case in the Reference Bible, Fintan's poem and the Stowe Missal tract above. However, allusion there to Christ's being prefigured in that law is in perfect accord with the New Testament doctrine that the Old Testament law had been brought to fulfilment by Christ, whose Sermon on the Mount is obviously meant to echo Moses' promulgation of the old law before the assembled tribes of Israel. Jesus, indeed, declares his basic respect for the Old Testament dispensation as follows: *nolite putare quoniam veni solvere legem aut prophetas. Non veni solvere sed adimplere. Amen quippe dico vobis donec transeat caelum et terra iota unum aut unus apex non praeteribit a lege donec omnia fiant* ''think not that I am come to destroy the law, or the prophets: I am not come to destroy but to fulfil. For verily I say unto you, Till heaven and earth pass, one jot or tittle shall in no wise pass from the law, till all be fulfilled'' (Matth. 5:17-8).

In relation to Irish law Patrick was cast in a composite role drawn from the two typologically interlocking biblical figures with whom he was most persistently compared: like Moses in ancient Israel he was the divinely inspired promulgator of the first written law, but at the same time he resembled Christ as bringer of the full evangelical dispensation by now embodied in the whole Bible and the Church's subsequent teaching. Consequently the *recht litre* brought to Ireland by Patrick was represented as historically analagous to the biblical law of Moses and Christ, but in practice also included other ecclesiastical learning and could be glossed *léigend* '(written) Latin learning' or the like (see above). Like Christ in Israel, Patrick was said on arrival in Ireland to have been confronted by a worthy pre-existing system of law and prophets, termed *recht aicnid* and *recht fáithe* in the senses intimated

earlier. In keeping with this model, he supposedly treated these with respect and, rather than abrogating them, brought them to fulfilment in harmony with the Church's *recht litre* and the Christian conscience (see first paragraph above).

It can thus be seen that the evolution of early Irish law, like and, indeed, in conjunction with the periodization of Ireland and her Gaelic conquerors' history (see ch. 3, 7-10), was being consciously represented along biblical lines by monastic *literati* from at least the seventh century onwards. This process is made still more explicit in the full narrative account of Patrick's review of Ireland's law and institutions.

5. In a recent article the present writer has discussed the various extant recensions of the so-called 'pseudo-historical' prologue to the great compilation of vernacular Irish law called *Senchus Már* (McCone, 1986c, 1-5), has offered a translation of what seems to be the prologue's original core (ibid., 5-10) along with an analysis of its contents (ibid., 10-8), and has argued for an early eighth-century date roughly contemporary with the *Senchus Már* as a whole (ibid., 18-28) before presenting a text with commentary of Dubthach maccu Lugair's central judgement in *roscad* (ibid., 29-35). Since this more detailed treatment is available for reference, it will be sufficient here to draw attention to a number of salient features of this important text, which fleshes out the narrative details underlying the passage from the *Senchus Már* tract *Córus Béscnai* cited in the first paragraph of section 4 above.

The narrative proper begins with king Lóegaire urging the murder of one of Patrick's followers in order to test the saint's position on the Christian law of forgiveness. The king's brother Núadu duly slays Patrick's charioteer Odrán. Terrified by an earthquake and darkness resulting from the angry saint's invocation of his God, the men of Ireland offered Patrick arbitration and his choice of judge. This fell upon 'the chief poet of the island of Ireland', Dubthach maccu Lugair, 'who was a vessel full of the Holy Spirit'. Dubthach lamented the apparent unavoidability of offending either Patrick by recommending forgiveness or God by opting for retribution in the teeth of the Gospels' injunction to forgive one's neighbour, but this fear was assuaged by a guarantee that God would speak through him after his mouth had been blessed by the saint. Dubthach then utters a long *roscad* replete with arguments drawn from Scripture and advocates a compromise between the claims of punishment and forgiveness by sentencing Núadu's body to death for his crime but granting God's mercy upon his soul. A note then adds that this arrangement succeeded a previous system of full retribution but that, since Patrick is no longer available to guarantee the divine side of the bargain, the current compromise is a wergild payment (*éraic*) for culpable homicide.

Patrick then summoned the men of Ireland to an assembly, preached the Gospel and demonstrated his miraculous powers to them, so that they "acknowledged the whole will of God and Patrick". Lóegaire called for "the establishment and arrangement of every law among us" , and "it is then that all the men of art (*áes dána*) in Ireland were assembled so that each displayed his craft (*a cheird*) in the presence of Patrick before every lord in Ireland. It is then, indeed, that it was entrusted to Dubthach to show the judgement and all the poetry of Ireland (*tasfénad breithemnusa ⁊ uile filidechta Éirenn*) and whatever law had held sway among the men of Ireland in the law of nature and in the judgements of the island of Ireland and in the poets (*i recht aicnid ⁊ i mbrethaib innse Éirend ⁊ i filedaib*), who had prophesied that the white language that shall be would come, i.e. the law of the letter

(*recht litre*). For (it is) the Holy Spirit that had spoken and prophesied through the mouths of the righteous men who had formerly been in the island of Ireland (*tria ginu na fer fíréon ceta:rabatar in inis Érenn*), as it had prophesied through the mouths of the righteous men and the patriarchs in the law of the Old Testament (*tria ginu na fer fíréon ⁊ na n-úasalaithre i recht petarlaice*). For the law of nature had covered much that the law of the letter had not reached. The judgements of true nature (*inna bretha fíraicnid*), then, that the Holy Spirit had uttered through the mouths of righteous judges and poets (*tria ginu breithemon ⁊ filed fíréon*) of the men of Ireland from when this island was settled up to the (coming of the) faith, Dubthach showed them all to Patrick. Of whatever belonged to the law of nature apart from faith and its due and the joining of Church to state, then, that which did not conflict with the word of God in the law of the letter and the New Testament (*fri bréithir nDé i recht litre ⁊ núfíadnaise*) and with the consciences of Christians was joined in the regulation of judgement by Patrick and the churchmen and lords of Ireland. So that it is the *Senchus Már*. Nine men, then, were selected for the drawing up of this book, namely the three bishops Patrick and Benén and Cairnech, the three kings Lóegaire, Corc and Daire, Ros mac Tricim the expert in legal language and Dubthach and Fergus the poet. Legal knowledge (*nofis*) is the name of the book that they drew up, i.e. knowledge of nine men, and we encounter narrative illustration of this above. This, then, is the law of Patrick, and no human judge of the Gael can annul anything that he find in the *Senchus Már*" (*CIH* 341.39–342.20).

The final section of the prologue asserts the subordination of historian, poet and judge to ecclesiastical scholar since Patrick's coming (see ch. 1, 11), and describes the alleged earlier breaking of the poets' monopoly over judgement: "since Amairgen White-knee gave the first judgement in Ireland, judgement was in the hands of the poets alone until the colloquy of the two sages in Emain Machae" but the utterance of that pair was so obscure to the listening nobles that, on the Ulster king Conchobor mac Nessa's recommendation, "judgement, therefore, was taken away from the poets apart from their proper part of it, and each of the men of Ireland received his share of the judgement" (*CIH* 342.21-34).

It is to be noted that the relationship between the laws in Ireland is described by virtually the same words in the *Córus Béscnai* passage and the prologue. The latter, however, explicitly compares the divinely inspired natural judgements and prophecies of pre-Patrician Ireland's righteous judges and poets with the inspiration of pre-Christian Israel's righteous men and patriarchs by the Holy Spirit, thus further implying that the old law's subsequent accommodation to the demands of the Bible, particularly the New Testament, and Christian conscience was analagous in both cases. The quasi-biblical scheme of an Irish 'Old Testament' law being adapted with due reverence to the Patrician 'New Testament' could hardly be more clearly expressed (cf. ch. 3, 10).

It has been argued in section 3 above (cf. ch. 2, 3) that Muirchú had already drawn a typological and historical analogy between Patrick and Christ, Lóegaire and Herod, Tara and Jerusalem, while introducing Erc and Dubthach as contemporary individual representatives of the old law and prophets prepared to bear witness to the new. The later juristic versions basically adhere to this scheme but depict the Irish analogues of the Old Testament law and prophets more literally as the *recht aicnid* and *recht fáithe* practised by certain righteous judges (*brithemain*) and poets (*filid*) in the pre-Patrician period.

This shift left the poet Dubthach free to be equated with a major biblical figure of mediation between the Old and New Testaments. John the Baptist functions as both the last representative of the old law and prophets and as Christ's harbinger. Thus Jesus' remarks about him include the following: *omnes enim prophetae et lex usque ad Iohannem prophetaverunt* "for all the prophets and the law prophesied until John" (Matth. 11:13), *sed quid existis videre? prophetam? utique dico vobis et plus quam prophetam. Hic est de quo scriptum est, ecce mitto angelum meum ante faciem tuam qui praeparabit viam tuam ante te* "but what went ye out for to see? A prophet? Yea, I say unto you, and more than a prophet. This is he, of whom it is written, Behold, I send my messenger before thy face, which shall prepare thy way before thee" (Luke 7:26-7). This, of course, is precisely the kind of role played in the *Senchus Már* prologue by Dubthach maccu Lugair as a representative of the pre-Patrician order of *filid* who is inspired by the Holy Spirit to pave the way for Patrick's teaching.

At the beginning of his ministry "the word of God came unto John (*factum est verbum Dei super Iohannem*) the son of Zacharias in the wilderness. And he came into all the country about Jordan, preaching the baptism of repentence for the remission of sins (*praedicans baptismum paenitentiae in remissionem peccatorum*); As it is written in the book of the words of Esaias the prophet, saying, The voice of one crying in the wilderness, Prepare ye the way of the Lord, make his paths straight (*parate viam Domini rectas facite semitas eius*)" (Luke 3:2-4, cf. Matth. 3:1-3). This imagery is quite deliberately imitated in Dubthach's case. Thus Patrick's blessing upon his utterance guarantees that the Holy Spirit will speak God's word through him, the first part of his poem concentrates upon the Joannine concerns of baptism, repentance and forgiveness, and the second part opens with a clear echo of Isaiah's prophecy as applied to John, *áiliu Día, dírged mo sét* "I beseech God, let him make my path straight" (McCone, 1986c, 14-5).

Dubthach, of course, functions in this historically framed myth as the perfect prototype of the *fili* in the post-Patrician scheme of things. By virtue of his status as God's mouthpiece and Patrick's ally the poet becomes the leading representative of the *áes dáno* and their activities in relation to the new faith and its requirements. As the brief saga version of these events, *Comthóth Lóegaire*, puts it, "their excesses were, then, put from them therein and they were arranged in their propriety" (*LU* 9774), the implication being that these professions now owe their position to the poet's advocacy and the Church's approval in the persons of Dubthach and Patrick respectively. One is reminded of the Levites' subordination to the priesthood in chapter three of Numbers, and presumably this early Irish narrative is meant to provide a mytho-historical sanction for the restriction of the highest *sóer-nemed* status to churchmen (*ecalsa*) and poets (*filid*), while other types of *áes dáno* are only granted various levels of subordinate *dóer-nemed* status (see 2 above).

The central legal issue in the prologue is whether or not homicide is exempt from Christ's famous modification of the Mosaic code in the Sermon on the Mount: "Ye have heard that it hath been said, An eye for and eye, and a tooth for a tooth: but I say unto you, That ye resist not evil: but whosoever shall smite thee on thy right cheek, turn to him the other also" (Matth. 5:38-9). Dubthach's poem deploys much scriptural erudition and sophistry in order to justify the death penalty in such cases, the suggestion being that forgiveness should here apply to the soul rather than the body. Since the actual penalty for homicide in Ireland was usually a wergild

payment, this advocacy of the death penalty seems strange at first sight. However, it was very much in tune with clerical thinking at the time in Ireland and elsewhere. Thus the Irish Canons display considerable enthusiasm for corporal and capital punishment, quoting with approval Jerome's dictum that 'to punish those guilty of homicide or sacrilege is not an effusion of blood but administration of God's laws (*homicidas et sacrilegos punire, non est effusio sanguinis, sed legum Dei ministerium*)" (*Can. Hib.* XXVII 8c., cf. McCone, 1986c, 17-8). It would appear that the Church and her lawyers, having failed to induce the secular aristocracy to abandon the financially advantageous system of wergild, grudgingly acknowledged it as a second-best solution to the problem of culpable homicide.

6. This brings us to the commission of nine appointed to draw up the *Senchus Már*. Consisting as it does of three bishops, three rulers and a trio of poets and judges, this body precisely matches the three constituents of judgement according to *Uraicecht Becc*, namely the churchman's judgement (*breth ecalsa*) based on Scripture, the poet's judgement (*breth filed*) based on maxims (*for roscadaib*) and the ruler's judgment (*breth flatha*) combining both of these with precedents (see ch. 1, 10). Moreover, in early medieval Ireland the *cúl-airecht* or 'back court' as described in a short Old Irish legal text recently edited by Fergus Kelly consisted a king, a bishop and a "sage of every language of an *ollam*", glossed "*ollam* of poets" (1986, 78, 80 and 89-91). Obviously we are dealing with yet another aetiology of contemporary practices and perceptions, the three classes involved being comparable with the priests (*sacerdotes*), Levites (*Levitae*) and princes (*principes*) appointed by the virtuous king Jehosaphat firstly to teach the law among the cities of Judah (2 Chron. 17:7-9) and then to pass judgements in Jerusalem (ibid., 19:8). Still more to the point, perhaps, was a tendency in some Irish exegetical circles, animadverted to by Pádraig Ó Néill (1979, 154), to divide the Old Testament into three periods or orders, namely those of the kings (*reges*), the judges or prophets (*prophetae*) and the priests (*sacerdotes*).

A similar tripartite scheme in the *Uraicecht* focusing upon the traditional law or *fénechus* as a whole rather than the ruler's role in its application speaks of *breth bérla báin* or *léigend, breth filed* or *filidecht* and *breth féni* or *fénechus* (*CIH* 1612.23-6, 1614.31-2). This has its most direct aetiology in the story of how Cenn Fáelad first effected a written vernacular merger of these disciplines in a monastery around the middle of the seventh century (ch. 1, 10).

The so-called 'genuine' prologue to the *Senchus Már* covers much the same ground by giving the following answer to its opening question "the law of the men of Ireland, what has preserved it (*senchus fer nÉrenn cid conid:róeter*)?": "the joint memory of two old men (*comchuimne dá sen*), transmission from one ear to another (*tindnacul clúaise diaraili*), the chanting of poets (*díchetal filed*), increment from law of the letter (*tórmach ó recht litre*), corroboration according to law of nature (*nertad fri recht n-aicnid*), for those are the potent practices in relation to which the judgements of the world are established" (*CIH* 346.24-347.17; Thurneysen, 1927, 175). The first two constituents reflect not only the importance of memory and oral statement for the legal process in Ireland as in other societies, whether literate or non-literate, but also the belief that Irish law was unwritten until the coming of Patrick. The need for such oral testimony to be corroborated matches the biblical precept that "one witness shall not stand against someone (*non stabit testis unus*

contra aliquem) . . . but in the mouth of two or three witnesses shall every word stand (*sed in ore duorum aut trium testium stabit omne verbum*)" (Deut. 19:15, cited by *Can. Hib.* XVI, 7) or "that the testimony of two men is true (*quia duorum hominum testimonium verum est*)" (John 8:17). The accompanying glosses presumably reflect standard doctrine in identifying the last three elements with the three poets or jurists, the three bishops and the three rulers respectively on the commission charged with drawing up the *Senchus Már*, and a comparison with the passage from *Córus Béscnai* in section 4 above points to the equivalence of *díchetal filed* and *recht fáithe* 'law of the prophets' in the Irish scheme of things.

The combination of ingredients such as these under the Church's aegis as symbolised by Patrick brought into being a new written law for early Christian Ireland in which, as *Cáin Fuithirbe* puts it, "that which is contrary to conscience has been made forfeit by ink (*ro:dilsiged la dub in dícubus*)" (Breatnach, 1986, 52). This seems to contradict the *laisser-faire* approach envisaged by Binchy: 'the introduction of Christianity in the fifth century brought in its wake the art of writing into a society that was still archaic, even primitive. As a result the members of an already powerful and well-organized legal caste were enabled, one might almost say by accident, at an exceptionally early period of social evolution to embody in permanent form the oral tradition that provided the framework of that society' (1973, 22).

Indeed, the passage cited from the 'pseudohistorical' prologue in 5 above makes it clear that, as far as early Ireland's men of letters were concerned, the sacrosanctity of the *Senchus Már* resided in the fact that it was held to be God's law as promulgated by His apostle Patrick. Its status as a repository of pagan ancestral wisdom figures as the major source of its authority only in some modern writings. To the medieval jurists themselves the validity of all Irish law, whether pre- or post-Patrician, depended upon God's inspiration and its apostolically certified compatibility with biblical and Christian teaching as well as nature. As an Old Irish gloss on *Cáin Fuithirbe* puts it, 'let the judges bear in mind, since they are not pagans (*ginntí*), that they did not transgress as long as they were in periods of unbelief (*i réib écretme*, i.e. before Patrick brought the faith) until ignorance of the baptism of salvation (*anfis bait[se] slái[ne]*) destroyed them if they deviated from the law of nature that God had given them (*asind recht aicnid do:rat Día doib*)' (*CIH* 773.5-8; Ó Corráin, 1987, 291). This seems to reflect the Pauline doctrine at the heart of the Epistle to the Romans (especially chapters 4-8) that sin and death came into the world through Adam, that Mosaic law defined and punished offences, but that only faith and baptism in Christ could save man fully from the consequences of sin. However, what matters most for present purposes is the statement that God had granted *recht aicnid* to Ireland's pre-Patrician inhabitants through their righteous judges, a point reiterated by the glossing of *íar fénechus* "according to traditional law" as *.i. íarsin aicniud do:rat Día dúinn* "i.e., according to the (law of) nature that God had given to us" (*CIH* 773.21).

7. Although *recht litre* in the Christian sense was seen as Patrick's gift to Ireland, the continuing validity of much of the *recht aicnid* allegedly in force there hitherto came to be ascribed to rather more than mere general divine promptings through nature. Thus by about the eighth century Irish *literati* were daring to assert that the pre-Patrician Gaels had already been vouchsafed privileged, if indirect, access to *recht litre* according to its strict definition as Mosaic law.

The Harley recension of the 'pseudohistorical' prologue, which may or may not continue the original at this point, has Dubthach explain to Patrick prior to giving judgement in the case of Núadu that "what was before you in Ireland was judgement of law (*breth rechta*), i.e. that was revenge, foot for foot and eye for eye and life for life (*cos i cois ⁊ súil i súil ⁊ anim in anim*)" (*CIH* 340.21-2), an obvious reference to the Old Testament injunction "thou shalt exact life for life, eye for eye, tooth for tooth, hand for hand, foot for foot (*animam pro anima, oculum pro oculo, dentem pro dente, manum pro manu, pedem pro pede exiges*)" (Deut. 19:21, cf. Ex. 21:23-5). The clear implication is that the pre-Patrician *breth rechta* practised by king Cormac mac Airt (ch. 3, 10) and other righteous men in Ireland was essentially Mosaic (cf. McCone, 1986c, 12).

Indeed, that remarkable Middle Irish synthetic historical compilation *Scél na Fír Flatha* not only echoes aspects of the 'pseudohistorical' prologue's Patrician settlement but also endows its hero Cormac with a distinctly Mosaic aura as ruler presiding over "the most noble assembly that was held in Ireland before the faith, since it is the rules and laws that were made in that gathering that will last in Ireland till Doomsday" (par. 4). These legal activities include the promulgation of twelve ordeals for distinguishing between truth and falsehood. Several of these, namely Morann's three collars (pars. 12-16, cf. ch. 3, 10), Sencha mac Ailella's lot-casting (par. 18), Sen mac Aige's lot-casting (par. 22) and a practice allegedly brought from Israel by Caí Caínbrethach (par. 23), are associated with figures on the H.3.17 recension of the 'pseudohistorical' prologue's list of pre-Patrician authorities. After arranging the laws, Cormac declared a seven-year jubilee (*iubail*) lifted from chapter 25 of Leviticus between one Feast of Tara (*Feis Temro*) or "Passover/Easter of the gentiles/pagans (*cáisc na ngente*)" and the next (par. 55), and this was followed by the authoritative writing of Ireland's histories, genealogies and regnal successions down to that time in the so-called 'Psalter of Cormac' or 'Psalter of Tara', which is thus represented as a kind of Irish Pentateuch (see end of ch. 3, 10).

It has already been seen that the formation of the Irish language under the auspices of Fénius Farsaid was set in Egypt (ch. 2, 4), which the ancestors of the Gael under their leader are said to have left to begin their protracted wanderings to Ireland in the aftermath of the Israelite exodus under Moses (ch. 3, 7). The account of the ordeal introduced by Caí in *Scél na Fír Flatha* shows how this link could be further exploited to provide a plausible explanation for the unnaturally high proportion of Mosaic judgements ascribed to the Irish *recht aicnid* implemented by Cormac and others well before Patrick set foot in Ireland: "now Caí Caínbrethach, the pupil of Fénius Farsaid, the twelfth or seventy-second disciple of the school (cf. Ahlqvist, 1982, 47) which Fénius sent out from Greece in order to learn the many languages throughout the countries of the world, it was that Caí who brought that ordeal with him from the land of Israel, when he had come to the chosen people (*túath Dé*) and had learned the Law of Moses. And it was he that used to deliver judgements in the school after it had been gathered from every side and it was he that ordained the *Breth Caí*. It was the same Caí moreover who first ordained in Ireland the law of the four tracks [= *Cethirslicht Athgabála*], for only two of the school came to Ireland: Aimirgen Glúngel the poet and Caí the judge. And Caí remained in Ireland until he had spent nine generations, in consequence of the righteousness of his judgements. For it is judgements that he used to deliver, namely judgements of the law of Moses (*bretha rechta Maísi*), and therefore judgements of law (*bretha rechta*)

are very abundant in Irish law (*fénechus*). These were the judgements of law (*bretha rechta*) which served Cormac'' (par. 24).

In a recent discussion of this and related passages Ó Corráin points out that a brief notice of Caí's role in Cormac's Glossary proves that in its essentials this tradition goes back at least as far as the eighth century (1987, 288-91). The H.3.17 recension of the 'pseudohistorical' prologue provides the fullest account (*CIH* 1653.16-1654.9), elaborating on how Caí went on an expedition from Thrace, joined the sons of Míl and came with them to Ireland. It is to be noted that Caí and Aimirgin, his pupil according to H.3.17, present us with a by now familiar pairing of judge or *brithem* and poet or *fili*. Indeed, this aetiology is particularly ambitious in projecting a contemporary hallmark of these two professions, namely an Isidorean amalgam of classical and biblical knowledge (ch. 1. 10-11), right back to the Milesians themselves.

8. In editing the *Collectio Canonum Hibernensis* Herrmann Wasserschleben brought great erudition to bear upon identifying the sources used by the early medieval Irish canon lawyers, and concluded: ''it stands out among all contemporary and older systematic collections for the wealth of its patristic and ecclesiastical historical material, and attains particular importance on account of countless excerpts from Irish synodal decisions and statutes, which grant an insight into the peculiar views and tendencies of the national Church there and of the national law'' (*Can. Hib.*, xiii). Moreover, ''an extraordinarily large number of citations are taken from Holy Writ, about 500, but in this connection it seems striking at first sight that almost ⅔ of these belong to the Old Testament. On closer inspection, however, this seems explicable: for a whole series of situations and questions requiring treatment and consideration the Old Testament material presented an embarrassment of riches, whereas for many of the same the New Testament had scarcely anything to offer'' (ibid., xiv).

Owing to the rather different preoccupations of the scholars concerned, the contribution of such sources to early Irish vernacular law has only recently begun to be investigated seriously. However, the profound intermingling of secular and canon law along with their practitioners in the monastic schools is beginning to emerge clearly from seminal studies by Ó Corráin and Breatnach already referred to (see bibliography and ch. 1, 10-11). It can now be confidently stated that all early Irish law betrays the Old Testament stamp so typical of the early medieval Irish learned classes' overall outlook and likewise manifested in other intertwined branches of *senchus* such as genealogy, gnomic tracts and narrative mytho-history.

Various factors presumably conspired to produce the affinities between Irish and Mosaic law so clearly perceived by native *literati*. To begin with, direct borrowing from Scripture is the obvious explanation for many features, including the identification of major monasteries with the levitical cities of refuge (2 above) and emphasis upon the salubrious effects of offering *dechmada* ⁊ *primiti* ⁊ *almsana* ''tithes, firstfruits and alms'' (e.g. Num. 18:26 *decimas . . . primitias*, Luke 11:41 *elemosynam*) according to the so-called 'genuine' prologue to the *Senchus Már* (*CIH* 351.9; Thurneysen, 1927, 176) and *Córus Béscnai* (*CIH* 522.33; Ó Corráin, Breatnach and Breen, 1984, 384).

In Irish law ''the normal disposition of a man's estate on his death was by equal division amongst his lawful sons, except chattels, of which daughters received *lann*,

rann and *bregda*, and any property which the father had himself acquired which they shared equally with sons. This inheritance by the sons is nowhere, to my knowledge, expressly stated, but it is everywhere implied . . . if there is no male heir, a daughter or daughters inherit all chattels, and may inherit all other property as well. In this event, the daughter was a *banchomarba*, a female heir, and this privilege of women dates back to early times" (Dillon in Binchy, 1936, 134). "The son of a *banchomarba* did not inherit *finntiu* unless his father, while being husband to his mother, was also the nearest surviving member of her *fine*" (ibid., 151), i.e. after her death the estate reverted to the male patrilateral next of kin, typically her parallel cousin, whose sons would be hers too if she married him. Only when the one or more inheriting siblings that constitute a *gel-fine* die out without further descendants in the male line, a situation known as *díbad* "extinction", is the family property shared out among the more distant degrees of paternal kin represented by the *derb-fine, íar-fine* and *ind-fine* (ibid., 134). Furthermore, "his father puts an undutiful son (*mac ingor*) out of inheritance and bestows his inheritance on him who performs his maintenance (*a goire*)" according to *Córus Béscnai* (*CIH* 534.26-7). Good early evidence for the equal division of an estate between surviving sons in Tírechán (McCone, 1984b, 57-8) is corroborated by a clear statement to that effect in the Irish Canons (see below), a somewhat obscurely defined extra portion of property known as the *cumal senorba* apparently being reserved for the head of the inheriting kindred (Dillon, ibid., 141-2).

The Irish Canons had no difficulty in finding scriptural justification for these prescriptions. The duty (*pietas,* cf. OIr. *goire*) of sons towards their parents and its relevance to testamentary provision is stressed at various points with the help of apposite quotations from the Pentateuch and elsewhere (e.g. *Can. Hib.* XXXI, 13-4, XXXII, 1-2). The quotation of Numbers 27:8-11 suffices to establish the basic principle of inheritance: *homo cum mortuus fuerit absque filio, ad filiam eius transibit hereditas eius. Si filiam non habuerit, habebit successores fratres suos; quodsi non habuerit fratres, dabis hereditatem fratribus patris eius; si autem non habuerit fratrem patris, dabitur hereditas his, qui eius proximi sunt* (*Can. Hib.* XXXII, 9) "if a man die without a son, his inheritance shall pass unto his daughter. If he have no daughter, he shall have his brethren as heirs (cf. the *gel-fine*). And if he have no brethren, thou shalt give his inheritance unto his father's brethren (cf. the *derb-fine*). And if he have no father's brother, his inheritance shall be given to those who are next to him (cf. the *íar-fine* and *ind-fine*)". After referring to the Mosaic law's requirement that a father bestow a double portion of his inheritance upon his firstborn son (cf. Deut. 21:17), the Canons represent what is obviously the current Irish custom of the *cumal senorba* as a later modification of this: "in most recent days a father divides equally among all his sons and reserves to himself, as if to one of his sons, a part of the inheritance and whole substance, which he entrusts to his firstborn, and it shall be his inalienably, or shall be divided after the firstborn's death between his heir and his brothers and their successors" (*Can. Hib.* XXXI, 18).

It is, of course, hardly likely that early medieval Irish jurists simply jettisoned their pre-Christian rules in so fundamental an area as inheritance and replaced them with provisions taken over root and branch from Mosaic law. In the type of patrilinear system familiar not only from Old Testament Israel but also from a wide range of Indo-European and other peoples, nothing could be more natural than inheritance in the direct male line by preference before moving steadily outwards

through the various degrees of the father's male collateral kin. This is, indeed, essentially the type of system ascribed by Tacitus to the Celts' Indo-European neighbours, the Germans, in the pagan period: "everyone's heirs and successors are his own children, and there is no will. If there are no children, the next grade in possession (consists of) brothers, paternal uncles, maternal uncles" (*Germania*, par. 20). Here, of course, reversion is to the maternal kin after a certain stage, whereas the Irish system makes no such provision. Furthermore, insistence upon the duty of looking after ageing parents is too much of an anthropological commonplace for biblical borrowing to be the most likely explanation. It therefore seems probable that the broad similarities between the medieval Irish and Old Testament inheritance rules owe more to statistically acceptable coincidence than to extensive borrowing. On the other hand, Goody's remarks about the impact of Islam upon parts of black Africa present obvious parallels with the early Irish situation vis à vis biblical and canon law: "the existence of a legal code which was so closely linked with the word of God (it was as if the only law was canon law) meant that there were strong pressures upon certain societies, or anyhow upon important groups within those societies, to adopt new forms of social action. The influence of these law books – Maliki law from the Maghreb – upon Sudanese societies has been touched upon by various authors and it cannot be doubted that changes of considerable significance have occurred and are continually occurring, in the system of kinship and marriage as well as in the organization of kin groups, in the position of the chief, etc. But what is of central importance here is not so much the diffusion of Islam but the fact that Islam is a religion of the book" (1968, 240-1). So, of course, is Christianity, and a core of coincidental agreement may well have been enhanced by imitation of the Bible, the most likely candidate being the 'Zelophahad' rule about a daughter inheriting in the absence of sons but needing to marry a paternal kinsman in order to transmit this to her own offspring (see 1 above).

Be that as it may, the basic point is that such similarities, regardless of how they had arisen, encouraged early Christian Ireland's monastic jurists in the belief that their native law had particular affinities with the Mosaic code. Once this conviction had taken root, even manifest discrepancies could be explained away historically. Thus, as has been pointed out in 5 and 7 above, the doubtless ancient Irish institution of *éraic* or 'wergild' as the normal penalty for culpable homicide was explained as an unavoidable later substitute for a Christian modification of the Mosaic principle of 'life for life' allegedly observed in Ireland prior to Patrick's coming.

9. Lévi-Strauss has suggested that so-called 'primitive' thought, as opposed to the modern western mode inherited from classical Greece via Rome, typically integrates past and present by means of a relatively static mytho-historical model that is primarily concerned with authorising various values and institutions regarded as essentially immutable thereafter (cf. McCone, 1986c, 13). When actual and irresistible changes threaten to dislocate such a system, reintegration can only be achieved by modifying, recreating or (as in the rather special case of allegory) reinterpreting the past in the light of the new present. As Vansina puts it, "traditions are altered, more or less consciously, to fit in with the cultural values of the time" (1973, 96).

Obviously this is likely to have happened on a large scale in the wake of Ireland's conversion to Christianity, although the details inevitably elude us in the absence of sources predating that process. Indeed, Ó Corráin makes the following apt remarks

about early medieval Ireland's *literati*: "this caste of hereditary or quasi-hereditary scholars quite self-consciously held themselves in the highest esteem and discharged duties of very considerable political and social importance: they were the custodians of the past – the *mos maiorum* (in church as in lay society), the royal pedigree, dynastic (and ecclesiastical) genealogy and *origo gentis*. Their powers, as the arbiters of good custom, as provers of pedigree (and thus of claim to role and property), as panegyrists of the great and, above all, as makers of the past who re-shaped it to accord with the pretensions and ambitions of the contemporary holders of power, were extensive and jealously guarded' (1986, 142).

Medieval Irish literature abounds in episodes testifying to the importance attached to the past as a sanction for present realities and aspirations. Thus the 'first' poetic satire uttered by the *fili* Cairbre in protest against maltreatment by king Bres (Gray, 1982, 35) permanently validated the genre and defined its proper use, while it has been seen (end of 6 above) that the leading role played in its compilation by God's apostle Patrick was made the guarantee of the *Senchus Már*'s inviolability.

It has been argued (ch. 3, 6) that the ecclesiastically inspired development of a chronological and synchronistic framework for *senchus* did not significantly affect these fundamentally mythical functions. It is, of course, true that Irish synthetic history was cast in a superficially dynamic mould by virtue of being adapted to and from the biblically oriented scheme of Christian world history with its successive phases (ch. 3, 7-10), but the counterpoise of historical typology must be borne in mind. This method was applied at almost every conceivable level to represent the Old Testament as a prefiguration of the New and the New Testament as a fulfilment of the Old, thus bridging the major divide between them and integrating the Jewish past with the Christian present and future. In effect, it provided a means of accommodating the relatively static view of the past as a display of permanent truths to the dynamic of progressive revelation and vice versa.

Early Christian Irish jurists are unlikely to have been sure how far their *fénechus*'s extensive affinities with biblical and canon law were due to borrowing, coincidence or virtually endless combinations of the two, but they could presumably have ascribed all or most of these to the Church's impact upon law and society by casting Patrick in the role of a divinely inspired radical reformer, had they so wished. The disagreeable corollary would have been that Christianity had had a major disruptive effect on Irish *mores*, that a great deal of the current social and ideological *status quo* was no more than two or three centuries old, and that native practices and beliefs prior to the *annus mirabilis* of 432/3 A.D. had been seriously out of tune with God's law – in short, that until quite recently the Irish had been beyond the pale of God's providence. Small wonder that such a message did not appeal.

Equally obvious advantages attached to the alternative of claiming that the main elements of Irish law, Old Testament parallels and all, were already in place when Patrick came to Ireland and only required fairly minor adaptation, in collusion with the native learned establishment, to bring them to perfection in the light of Christian revelation. In practice, this enabled the Church to claim ultimate control over and, where necessary, modify a body of laws and institutions geared to the social and political milieu in which it had to operate. After all, in the words of the *Senchus Már* prologue cited in 5 above "the law of nature had covered much that the law of the letter had not reached".

At the more abstract level of theory, this construct made it possible to develop a 'native' historical typology in which Christianity represented the natural or logical fulfilment of pre-existing trends and traits in Irish history and society rather than a rude intrusion from outside. The potentially uncomfortable break between the pre-Christian past and the Christian present could thus be minimised and the integration of both phases into an essentially unitary mytho-historical model facilitated. Such a scheme inevitably implied a gratifyingly large role for divine providence in Ireland's pre-Patrician history, the substantial accommodation of which to that of Old Testament Israel could only increase its efficiency as a typological precursor of the Patrician settlement. Pauline claims that God's will could operate beyond the confines of Israel even before Christ's appearance, medieval doctrine about the divinely inspired Greek and Roman sybils (end of ch. 3, 12) and so on made it possible to endow pre-Christian Ireland with certain righteous kings, judges and prophets, but a more literal approach based on Caí's alleged contact with Moses soon supplemented this. The parallels between Irish and biblical history were eventually even enhanced to the point where the two-stage promulgation of the law by Moses and Christ was echoed by adding a major legal assembly under Cormac to the one presided over by Patrick. Indeed, a combination of mythical interest in the remote past with the needs of historical typology presumably accounts for the well known early Irish juristic practice of seeking and often enough, no doubt, inventing legal precedents in the actions of important figures from their pre-Patrician 'Old Testament' (cf. Binchy, 1952, 33; 1973, 40-44).

The age-old integrity and divine sanction of most of Ireland's social and legal system could be thus be congenially asserted, a major advantage for clerics and their associates being the ease with which convenient innovations could be given the prestige of antiques by being slipped into the pre-Patrician *senchus*. In effect, these monastically oriented men of letters were Ireland's first nativists, eager to assert their own and their patrons' place in a unique cultural continuum going back to the Milesian invasion of Ireland and beyond to still more distant Thracian ancestors' peripheral involvement in epoch-making biblical events. So dazzling is the array of the most international, up to date and authoritative scholarship of the time brought to bear upon whatever native materials were used, and so imposing is the composite edifice so constructed, that it continues to mesmerise modern counterparts, whose own rather less coherent model essentially substitutes Celts and Indo-Europeans for Milesians and Thracians respectively while asserting early Christian Ireland's peculiar affinities with ancient India rather than ancient Israel.

CHAPTER FIVE

Kingship and society

1. The almost obsessive concern of medieval Irish writers with kingship is apparent from even the most cursory glance at their literary output, especially in the field of narrative, and clearly reflects the pivotal role ascribed to monarchy in politics, society and the overall scheme of things. The main aim of this and the next chapter is to identify certain key aspects of this ideological system and then to consider their literary manipulation within the broader context of a Christian society with roots in a pagan past.

As already indicated (ch.1, 5-6), kingship is an area in which many scholars have been particularly prone to stress the conservatism of the medieval Irish outlook, the tenacious adherence to pagan traditions, and the weakness of the Church's impact. Thus according to Byrne in the opening chapter on 'the Irish concept of kingship' of his book *Irish kings and high-kings* "the records offer a detailed picture of a self-absorbed society, at the same time archaic and sophisticated - a backwater undisturbed by the mainstream of the Latin middle ages, to which it paradoxically contributed a refreshing current of intellectual liveliness and religious idealism. The primitive characteristics of Irish society, and in particular the archaic features of Irish kingship, find their nearest European parallels in pre-Christian Scandinavia" (1973, 12).

The very abundance of Irish material relating to kingship, the importance of the institution in the Bible as well as in medieval Christian Europe as a whole, and the existence of germane comparative data from other Indo-European societies make it a uniquely good platform for assessing the interplay of pagan and Christian factors. It seems appropriate to start by looking at possible or probable Celtic and Indo-European antecedents.

2. Extensive comparative evidence clearly shows that the Old Irish words for the king and the basic territorial unit ruled by him, *rí* and *túath* respectively, both go right back through Common Celtic to Indo-European protoforms (**rēḱ-s* and **tewtā*) with similar basic meanings (Binchy, 1970, 3-8; McCone, 1987, 110-1, 115-6, 142-4). As pointed out earlier (ch. 1, 7), precise phonetic and rather less well defined semantic correspondences of this kind do indeed imply some degree of continuity with the prehistoric past, but continuity as such is too vague a notion to be useful

in the absence of further specifics and in any case does not preclude significant intervening change.

Nevertheless, there is no shortage of comparative evidence indicative of an appreciable pagan Celtic and Indo-European input into the early Irish concept of kingship. For instance, the Irish king's major functions as leader in war, presider over his assembled people or elders and judge or lawgiver, although commonplace enough, are at least closely paralleled in other ancient Indo-European societies, notably those of the Hittites, the Spartan Greeks and the Romans (McCone, 1987, 135-6).

At the heart of early Irish kingship theory lay the notion that a kingdom's welfare in both the social and natural spheres was intimately bound up with the sovereign's physical, social and mental condition. Medieval Irish literature abounds in descriptions attributing peace, social stability, good weather, abundance of crops, livestock and so on to the "sovereign's truth" or *fír flatha*. Conversely, other passages record the catastrophic consequences such as strife, bad weather, pestilence and famine liable to result from the *gáu flatha* or "sóvereign's lie". These concepts, which will be further explored and illustrated below, are typical enough manifestations of so-called 'sacral kingship'.

The essence of this ideology and institution, various forms of which are widespread among the peoples of the earth (e.g. Frankfort, 1948, on ancient Egypt and Mesopotamia), is that the monarch has supernatural attributes as mediator between the human and divine worlds. Thus on page 64 of a collection of many scholars' contributions on facets of this topic entitled *The sacral kingship* James formulates the basic idea as follows: "as the intermediary between the human and the natural orders, the supernatural potency embodied in the kingship flows through this appointed channel into the body politic establishing a state of harmony, equilibrium and beneficence in the integration of nature and society. It is on this basis that the institution exercises a sacerdotal function, and for this reason that the throne must always have a virile, healthy and alert occupant, since the king, symbolising the community and its transcendental and temporal aspects, is the unifying and dynamic centre".

It seems probable that a sacral kingship along such lines existed among the pagan Celts and Indo-Europeans. Pagan Gaulish belief in the fecundating effects of good judgements has already been mentioned (ch. 4, 1), and Livy's somewhat rationalized version of what was presumably a native account of the Gaulish conquest of North Italy presents us with an ideal pagan Celtic monarch Ambigatus who was "distinguished by both personal and public virtue and fortune, since in his reign Gaul was so fertile in crops and men that the abundant multitude seemed scarcely able to be ruled" (V, 34, 2). In the broader Indo-European context Odyssey 19, 109-14 provides a clear description of the abundance of crops, flocks and fish expected to characterize a just reign, and Calvert Watkins has compared Old Irish, Indo-Iranian and Greek data pointing to "a feature of Indo-European culture: a simple but powerful ethical notion of the Ruler's Truth . . . which ensures the society's prosperity, abundance of food, and fertility, and protection from plague, calamity, and enemy attack" (1979, 181, cf. Dillon, 1947, 3-8 and 1973, 16-8).

Given that such notions are by no means confined to Indo-European peoples (e.g., Frankfort, 1948, 51 on Egyptian *maat* 'truth', cf. Wagner, 1971), this general hypothesis needs the support of circumstantial correspondences that make it

possible to reconstruct genetically significant details linked to an overall Celtic and Indo-European doctrine of kingship along with its mythical realizations.

3. It is well known that certain women are represented in Irish literature as the wives of a considerable number of kings traditionally belonging to different generations or even periods. The evidence relating to two particularly celebrated exponents of this pattern, Medb of Crúachu and Medb Lethderg, has been assembled by Ó Máille, who cites a statement in *LL* to the effect that Medb Lethderg would not let a king into Tara without his being her spouse (1927, 137). Moreover, Ó Cathasaigh remarks of the similar Eithne Thóeb-fota, who marries Cormac Mac Airt in *Esnada Tige Buchet* but appears as his grandfather Conn's wife at the beginning of *Echtra Airt meic Cuinn*, that "in a traditional oneiromantic text she is explicitly identified with the sovereignty of Tara" (1977, 31), and further points out on the basis of a comparison between *Esnada Tige Buchet* and *Cnucha Cnoc os Cionn Life* that functionally "the Laginian Medb Lethderg ('Red-side') is equivalent to the Laginian Ethne Thóebfota ('Long-side')" (ibid., 77).

In *Baile Chuind*, an arguably early list of Tara's kings cast in the form of obscure prophecies, various monarchs are said to 'drink' the sovereignty (Murphy, 1952, 146-9), and female symbols of sovereignty are not infrequently represented as bestowing a drink upon kings-to-be. For instance, in the prophetic Tara king-list entitled *Baile in Scáil* a supernatural enthroned woman described as *flaith Érenn* "the sovereignty of Ireland" pours a draught of red liquor (*derg-⟨f⟩laith*) from a vat into a cup and her companion then foretells the king to whom it is to be apportioned. In *Echtra mac nEchach Muigmedóin* a hag by a well successively offers thirsty princely brothers a drink in return for a kiss but is rebuffed. However, when their half-brother, the future king of Tara Níall Noígíallach, has intercourse with her, she is transformed into a beautiful maiden and likens herself to the 'sovereignty' (*flaithius*). Similarly, in a tale recounted in *Cóir Anmann* 'the fitness of names' Dáire Doimthech's five sons, each named Lugaid, encounter in turn a hideous, filthily clad old woman in a well appointed house containing ale (*linn*), but all except Lugaid Laígde refuse her advances. However, when Lugaid sleeps with her she is transformed into a beautiful maiden and states *missi in flaithius ⁊ gébthar ríge nÉrenn úait* "I am the sovereignty, and the kingship of Ireland will be obtained from you" (Stokes, 1891, 318-21). Moreover, the very name Medb (< **Med^{h}w-ā*) is a feminine derivative of *mid* 'mead' (< **med^{h}u*) and must once have signified something like 'mead-woman' (cf. O'Rahilly, 1943, 15).

As Murphy recognized (1937, 143-4), essentially the same configuration of elements occurs in Aristotle's account of the Greek foundation of Massilia, present-day Marseilles, on the southern coast of Gaul (Rose, 1886, 459 = Zwicker, 1934, 2-3; Latin version Justinus XLIII 3, 8-11 = Zwicker 95). According to this the Greek colonists arrived just as the local Gaulish king's daughter was about to choose a husband by offering him a drink. She duly chose the Greeks' leader, they married and their son's descendants supposedly still live in Massilia. This looks very much like a Massiliote assimilation of a native Gaulish myth to account for Greek sovereignty over a city state bordering on their territory. If so, the notion of a king's daughter transmitting sovereignty to the man of her choice by proffering him a drink prior to marriage and thus establishing a dynastic line is clearly attested among the pagan Gauls as well as the early medieval Irish. The

highly circumstantial correspondences involved point strongly to common Celtic inheritance.

These features conform to a well attested but by no means ubiquitous variety of sacral kingship centring round a so-called *hieros gamos* or "sacred marriage" between the king and a goddess held to embody the territorial sovereignty (cf. Binchy, 1970, 11-2). Rather than the king being viewed simply as a god in his own right, as in pharaonic Egypt, divine power is supposed to flow through him by means of intercourse with a deity, a sexual symbolism apposite to the monarchy's fecundating function that has been discussed in the second part of Frankfort's book (1948) with reference to ancient Mesopotamia. Evidence for a hierogamous sacral kingship in ancient Ireland has been assembled and discussed by de Vries (1961, 235-47), and it is in this light that numerous women associated with kings and kingship in early Irish literature are commonly referred to as 'sovereignty goddesses'.

Just as the Gaulish princess in Aristotle's tale preferred a stranger whom she had never seen before to local suitors, so too are the future spouses of kings often represented in early Irish literature as spurning advances nearer home for love of their hitherto unseen intended. For instance, at the beginning of *Togail Bruidne Da Derga* the fair Étaín encountered "at the edge of the well" (l. 3) by king Eochaid Feidlech, who is immediately smitten with her, is so unabashed by his request to sleep with her as to state that this is precisely what she has come for (ll. 48-9). After telling him her name and pedigree, she continues: "I have been here for twenty years since I was born in the *síd*-mound. The men of the *síd*-mound, both kings and nobles, asking for me, but it was not got from me because I have loved you with a child's love since I was able to talk on account of your great reputation and your splendour, and I have not seen you before and I recognised you immediately by your appearance. It is you that I have come for then" (ll. 52-7). Similarly, according to *Cóir Anmann*, "Éogan the Great (eponymous ancestor of the Munster Éoganacht) went to Spain on a visit. The king of Spain at that time was Éber the Great son of Midna. Éogan, then, met with great affection in Spain on that journey. The king, then, had a noble unmarried daughter at that time, Bera daughter of Éber her name. And she had given love in absence (*grád écmaise*) to Éogan before he went into Spain. Éogan, then, took the maiden thereafter and she bore him distinguished offspring, namely a wondrous son Ailill Ólomm and two daughters, Scuithniam and Caimell their names" (par. 38).

A strikingly similar constellation of motifs is found in the first piece of Sanskrit literature read by many learners, namely the *Nalopākhyāna* or Nala episode from the vast epic Mahābhārata (3, 53, 1f.). Stimulated by reports, the handsome, truthful king Nala and king Bhīma's beautiful daughter Damayantī fall in love with each other unseen (*adṛṣṭa-kāma*; 53, 16). Correctly diagnosing his daughter's pining condition, Bhīma decides to summon royal suitors so that she can make her own choice of husband (*svayaṁ-vara*; 54, 9). Nala is obliged to plead four gods' suits before Damayantī, but she recognises him as the object of her love and promises to choose him at the assembly. However, the gods assume Nala's appearance. Confronted by five look-alikes of her beloved amidst the host of suitors, Damayantī induces the gods to reveal themselves by uttering a number of truths (*satya*; 57, 13f.), chooses Nala with their blessing and marries him. Nala's happy reign is characterised by right and due custom (*dharma*; 57, 42) as well as religious offerings, which significantly include the famous sovereignty ritual of *aśva-medha* or 'horse-

sacrifice' (57, 43; see 4 below). His union with Damayantī produces a son Indrasena, a daughter Indrasenā and general prosperity to his "treasure-filled land (*vasu-saṁpūrṇā vasu-dhā*)" (57, 42-3).

Some years later he loses his kingdom and possessions in a dice game, and in derangement abandons his wife. As MacDonell puts it, "many and striking are the similes with which the poet dwells on the grief and wasted form of the princess in her separation from her husband. She is *like the young moon's slender crescent obscured by black clouds in the sky; like the lotus-flower uprooted, all parched and withered by the sun; like the pallid night, when Rāhu has swallowed up the darkened moon*. Nala, meanwhile, transformed into a dwarf, has become charioteer to the king of Oudh. Damayantī at last hears news leading her to suspect her husband's whereabouts. She accordingly holds out hopes of her hand to the king of Oudh, on condition of his driving the distance of 500 miles to Kundina in a single day. Nala, acting as his charioteer, accomplishes the feat, and is rewarded by the king with the secret of the highest skill in dicing. Recognised by his wife in spite of his disguise, he regains his true form. He plays again, and wins back his lost kingdom. Thus after years of adventure, sorrow, and humiliation he is at last reunited with Damayantī, with whom he spends the rest of his days in happiness" (1900, 298).

Among Indo-European literatures the choice of a husband by a king's daughter, usually on the basis of tests or ordeals, is not confined to the allegedly archaic peripheries inhabited by Celts and Hindus (ch. 1, 7). In Greek mythology an obvious figure of this type is Iasus' fleet-footed daughter Atalanta, outrunning and then killing her suitors until defeated by Melanion through slowing down to pick up the three golden apples he had strewn in her path (Apollodorus 3, 9, 2). Penelope's attributes and behaviour in the Odyssey are still more revealing and will be discussed below. Damayantī's acts of truth to winnow the four false Nalas from the true one likewise constitute a test, as does the feat of chariot driving she demands later. In Irish tradition the sexually symbolic charioteering tests confronting a would-be king of Tara according to *De Síl Chonairi Móir* have been described earlier (ch. 3, 4) and will figure again near the end of the present section. The challenge of making love to an at first sight ugly hag has a similar import, and in *Echtra Airt meic Cuinn* the future king of Tara, Art, must go on a dangerous quest and slay fierce supernatural adversaries to win his bride-to-be's hand (cf. Ó Cathasaigh, 1977, 27-8).

Indian *svayaṁvara* or 'own choice' is generally held to represent an old type of marriage amongst the *kṣatriya* caste of kings and warriors (e.g. Wezler, 1965, 6-7, n.13), the opening chapters of the Nala episode providing the best evidence for this institution. In firmly patrilinear societies like those of ancient Ireland, Greece or India, not to mention the ancestral Indo-Europeans themselves, it would be strange indeed if the all-important kingship were left literally in the gift of a mere woman. Stranger still, perhaps, that the king's daughter endowed with such a privilege by her people should normally be expected to select a stranger she had never set eyes on before, as implied by the Indian and Irish traditions of *adṛṣṭa-kāma* and *grád écmaise* respectively. On the whole, this hardly looks like a real institution, obsolete or otherwise, in the societies concerned. Given Stig Wikander's demonstration that divine functions and configurations may be transferred to heroes in the Mahābhārata (1947; cf. Dumézil, 1970, 4-5), Nala and Damayantī may be suspected of carrying the impress of an archetypal sovereignty myth, as was argued in the case of Aristotle's similarly euhemerized account on the strength of the manifest

connection of the relevant features with 'sovereignty goddess' types in early Irish literature.

Disguise or concealment and subsequent transformation or revelation are essential ingredients of this myth, being still discernible in probable modern folktale derivatives like the story of Cinderella or that of the frog-prince as recorded by the brothers Grimm (cf. the remarks on their version of 'the golden bird' below). In early Irish literature the 'sovereignty goddess' may be hidden beneath an uninviting exterior to be transformed by association with her destined royal husband, as in *Echtra mac nEchach Muigmedóin* and the *Cóir Anmann* story of the Lugaid brothers above. Near the beginning of *De Síl Chonairi Móir* king Eterscél of Tara's mate, the *síd*-frequenting herdswoman Mes Búachalla, is described as large and repulsive of aspect, but a functionally equivalent alternative version in *Togail Bruidne Da Derga* makes her a regally born and beautiful seamstress hidden away in a hut with only a skylight by cowherd fosterers until discovered by Eterscél's men, brought to him and raised to her proper status by marriage to the king, whose previous lack of offspring is remedied by the birth of a son, Conaire (par. 5-8). In the tale from *Cóir Anmann*, the woman is confronted with five Lugaids just as Damayantī must choose between five Nalas, but in both cases the true spouse is ultimately disclosed. Due allowance being made for the inversion of sexes and the unfavourable outcome, a still more striking Irish analogue of Damayantī's dilemma is provided by *Tochmarc Étaíne* (III, 15-9), in which king Eochaid digs up the *síd*-mound to which his wife Étaín has been abducted by Midir and is promised satisfaction. When confronted by fifty look-alikes, he is confident of recognising the real Étaín from her skill in serving drink but unwittingly selects a daughter born after their separation.

Irish literature tends to focus upon the beneficial transformation of the woman on contact with her destined spouse, but *Echtra Airt meic Cuind* does depict Conn's distress at the loss of his wife Eithne: "and the death of his wife lay heavily with him and impinged upon him to such an extent that he could not order or govern the kingdom or the sovereignty" (par. 2). While the Nala episode describes the heroine's lovesick condition prior to obtaining her proper husband, greater emphasis is placed upon the adverse effects of subsequent separation upon both partners, namely Damayantī's physical and mental deterioration as well as Nala's decline from magnificent king to menial dwarf. However, these are merely opposite sides of the same coin, and Damayantī's recognition and their reunion restore both to former glory.

The markedly equine connotations of Rhiannon in the the Middle Welsh *Mabinogi*, especially the first branch *Pwyll Pendeuic Dyuet* (ed. Thomson, 1957), have been emphasised by Alwyn and Brinley Rees: "originally her name may have meant 'Great Queen', and she is repeatedly associated with horses. Wrongly deemed guilty of destroying her child, she is obliged to sit by the horseblock ready to carry visitors on her back to the court. After disappearing in Llwyd's magic fortress, her punishment is to have the collars of asses, after they have been carrying hay, about her neck. Furthermore, the loss and recovery of her son is linked with the birth of a colt which is later given to him when he shows a remarkable interest in horses and (in the Fourth Branch) his acceptance of a gift of horses is the prelude to his death" (1961, 45). Given the ritual significance of the horse as a symbol of sovereignty in Celtic and some other Indo-European cultures (see 4 below), it seems reasonable to

look for other diagnostics of the goddess or woman of sovereignty in Rhiannon's representation, and indeed these soon become apparent.

To begin with, the unmarried king Pwyll first spies her on horseback when sitting on a mound (*gorssed*) near his court in expectation of a wondrous sight (*rywedawt*, ll. 196-8). After various of his followers have failed to catch her on different occasions, Pwyll himself rides after her and succeeds in getting her to wait for him (ll. 203-74). Her beauty is peerless (ll. 278-80, *bot yn diuwyn ganthaw pryt a welsei eiroet o uorwyn a gwreic y wrth y ffryt hi*) like that of Damayantī above or a manifest Irish sovereignty figure like Étaín waiting for king Eochaid at the well at the beginning of *Togail Bruidne Da Derga* (e.g. ll. 43-4, *cruth cách co hÉtaín, cáem cách co hÉtaín*). Like Étaín (see above), she has resisted proposals nearer home for love of a king she has never seen before: "the chief errand I had was to try and see you . . . I am Rhiannon daughter of Heueyd Hen, and I am being given to a man against my will. And I have not desired any man, and that for love of you (*ac ny minneis innheu un gwr, a hynny o'th garyat ti*), and I will not desire him even now unless you refuse me. And it is to find out your answer concerning that that I have come" (ll. 282-8).

At a feast set a year thence to unite the pair Pwyll's rash generosity enables his rival Guawl to claim Rhiannon from him, and Rhiannon announces a feast after a further year, ostensibly to wed Guawl but really to secure Pwyll's triumph by means of a ruse. This involves Pwyll's appearance at the celebrations disguised as a beggar (*gwiscaw bratteu trwm ymdanaw a oruc Pwyll, a chymryt lloppaneu mawr am y draet*, ll. 366-7) to request the fill of a magic bag. The impossibility of filling this enables Pwyll to bring Guawl to the bag and tip him in, whereupon Pwyll's men appear and Pwyll casts off his beggar's rags (*a bwrw y bratteu a'r lloppaneu a'r yspeil didestyl y amdanaw a oruc Pwyll*, ll. 378-91). Subsequently Guawl is literally beaten into submission and gives up his claim on Rhiannon, who then marries king Pwyll and eventually bears him a son. Pwyll's beggarly disguise after losing his intended bride for the first time and prior to regaining her and revealing himself is uncannily reminiscent of Odysseus's basic behaviour to be considered below and arguably presents us with a somewhat rationalised Celtic reflex of the king's transformation in such circumstances.

This cumulative dossier of correspondences, some of them quite circumstantial, between Ireland or Wales and India creates a strong presupposition that a shared Indo-European foundation is involved. However, this hypothesis would be greatly strengthened by comparative data from the early literature of a third branch at least, which brings us to king Odysseus and his queen Penelope in Homeric Greek epic.

The Odyssey depicts a situation in which the hero's long delayed return from Troy has led to his being, in effect, declared missing, presumed dead. In consequence nobles from Odysseus' own island kingdom of Ithaca and some nearby territories assemble to feast and await his queen Penelope's selection of a new husband. Penelope's famed procrastination made hers a quite abnormally drawn-out *svayaṁvara*, so to speak, in the course of which the royal household and kingdom were being steadily impoverished by her suitors' notorious greed and misbehaviour, obvious disqualifications from kingship that are consistently condemned both in the Odyssey and in similar early Irish literary contexts (see 4 below). Moreover, Penelope makes the significant claim that her own physical and mental state deteriorated from the very day that her husband left her to sail for Troy: "for the

gods who possess Olympus destroyed my beauty (*aglaiēn*) from when he went in hollow ships" (18, 180-1) and "Eurymachus, indeed the immortals destroyed my excellence, form and stature (*aretèn eîdós te démas te*) when the Argives embarked for Ilium and my husband went with them. If he should come and look after my life, my fame (*kléos*) would be greater and fairer in that case" (18, 251-5).

The Odyssey thus vividly and consistently portrays the land of Ithaca and its sovereignty, now vested in his wife Penelope, languishing in the absence of their rightful lord Odysseus. Penelope is, of course, explicitly represented as a mortal in the epic (e.g. 5, 217). However, it seems quite reasonable to assume that she is either a euhemerized sovereignty goddess or has attracted the key attributes of such a figure by virtue of her role in the myth exploited by the Odyssey. This function may help to explain certain aspects of her behaviour after Odysseus's clandestine arrival in Ithaca that have struck modern commentators as bizarre or irrational.

G.S. Kirk has argued on the strength of apparent inconsistencies in the plot "that an earlier version, in which the contest was arranged in full collusion between husband and wife, has been extensively but inadequately remodelled by the large-scale composer" (1965, 177). Support is sought in Amphimedon's underworld resumé of events in the final book: "but he with manifold cunning bade his wife set up a bow and grey iron for the suitors" (24, 167-8). This, however, is scarcely inconsistent with the main narrative's version, in which the idea of the test to find a new husband is Penelope's but her disguised confidant Odysseus provides strong encouragement (19, 570-87). At most this might imply a variant in which Odysseus first put the idea into Penelope's head, but it does not follow that he had revealed himself to her beforehand.

Kirk finds support for his contention in three of Penelope's actions and one of Odysseus's in the main narrative. "First the odd episode at 18. 158ff., where she is inspired by Athene to act provocatively towards the suitors and so become 'more honoured than before by her husband and son'. If Odysseus had not yet revealed himself, his natural reaction to this performance would be one of resentful suspicion; instead we are told that he 'rejoiced because she was eliciting gifts from them and charming their heart with soothing words, *but her mind was eager for other things, nóos dé hoi álla menoína*. Secondly, Odysseus's insistence in the next book that if his feet are to be washed by a servant it must be by an aged retainer. This almost inevitably means Eurycleia, who will certainly recognise his scar. That is what in fact happens – yet it is not what Odysseus is depicted as wishing to happen, for he turns his face into the shadow and fears Eurycleia may recognise him. Why then did he so carefully specify an old retainer? Probably, after all, for the precise purpose of being recognized and so declaring himself to Penelope during their nocturnal conversation. Thirdly, Penelope's announcement of the trial of the bow at the end of that conversation. This is utterly illogical. Evidence has been accumulating all that day that Odysseus is near at hand. She may not believe Telemachus, Theoclymenus, or the disguised Odysseus, but she has just related to the last of these a dream which clearly portends the very same thing – that her husband is near and will destroy the suitors. Admittedly she thinks this dream may be false, but it would be welcome to her and Telemachus if it were not. She envisages the possibility, then, that it is not false; so why does she proceed in the very next line, apparently without special reason, to announce a contest which will result in her immediate acceptance by one of the suitors? . . . Lastly, when the suitors have

failed to string the bow, Penelope herself insists at surprising length that it should be given to Odysseus to try – a poorly motivated insistence if she really thought him a beggar" (ibid. 176-7).

As regards the second point above, Odysseus's manifest antipathy towards the haughty young female slaves who pander to the suitors (344-5 etc.) provides an adequate motive for his request for a sensible old woman to wash his feet, and one might reasonably expect a number of such people to be available in the palace. Eurycleia's selection is indeed inevitable in terms of the plot and leads to a memorable scene, but there is no need to posit an earlier version in which this was deliberately engineered by the hero. As to the final difficulty, Odysseus has already misled Penelope into believing him to be, despite his present unfortunate condition, a Cretan of high royal birth, son of Deucalion and grandson of Minos (19, 172-81), a pedigree that would give him every right to sue for her hand. That leaves the first and third arguments, which bring us back to the posited sovereignty myth of Indo-European origins.

On arrival in Ithaca after his long absence and wanderings Odysseus at first fails to recognise his home through the intervention of Athene (13, 188-235), who then reveals all (236-360), helps him to stow his treasures (361-91) and in order to give him the advantage of surprise over his numerous enemies makes him in turn unrecognisable to his own people by magically changing him into a decrepit and ill clad beggar who will initially consort with the lowly swineherd Eumaeus (392-438). After being briefly restored by Athene to his true regal appearance so that his son Telemachus, who has just returned from Sparta and Pylos, may recognise him (16, 154-320), Odysseus resumes his base beggarly mien (452-9).

The following morning Telemachus sets off to visit his mother in the palace and bids the swineherd follow later with Odysseus. Having been encouraged by Telemachus's tidings and the Argive seer Theoclymenus's prophecy that Odysseus is already in his native land and will bring woe to the suitors (17, 84-165), Penelope seeks tidings of the stranger who has by now arrived unrecognised in his own home (492-540). The "odd episode at 18. 158 ff." follows immediately upon Odysseus's victory in single combat over another beggar. Suddenly minded by Athene to appear before the suitors, Penelope experiences a magical restoration of the beauty impaired by her husband's departure twenty years ago (180-1): "then the noble goddess (Athene) gave her immortal gifts so that the Achaeans might behold her. First she purified her fair countenance with immortal beauty such as garlanded Aphrodite is anointed with whenever she goes to the lovely dance of the Graces; and she made her taller and fuller to behold and made her whiter than sawn ivory" (190-6). When Penelope appears before them, the suitors are duly filled with longing for her beauty (212-3), Eurymachus admiring her "since you surpass (other) women in form and stature and balanced mind within (*eîdós te mégethós te idè phrénas éndon eísas*)" (248-9). She then hints at her readiness to remarry and, to the still disguised Odysseus's delight, shames the suitors into giving her fine gifts (250-303).

It is hardly a coincidence that Odysseus's first interview with Penelope begins by applying to her the famous simile of the fecundity of a righteous king's rule (2 above): "indeed, your glory reaches broad heaven, like that of some noble king who, ruling god-fearingly among many stalwart men, upholds righteous judgements (*eudikías*), and through (his) well-doing (*ex euergesíēs*) the black earth bears wheat and barley, and trees are heavy with fruit, and it breeds unfailing livestock, and the

sea provides fish, and the people fare well (*aretôsi*) by him" (19, 108-14). Finally, the beggar Odysseus's prediction of her husband's imminent return (19, 261-316), Eurycleia's stifled recognition of the hero (349-502) and a dream clearly portending Odysseus's arrival and slaughter of the suitors (536-69) is followed by Penelope's "utterly illogical" decision to marry whoever should be able to string Odysseus's bow and shoot an arrow from it through twelve axes (570-81). This test is as unmistakable a symbol of phallic penetration as the requirement in *De Síl Chonairi Móir* (Gwynn, 1912, 134, 138-9) that a successful aspirant to the Tara kingship drive a chariot through the opening slit between two stones to rub his axle against a third known as Fál or the "stone penis". Like Conaire in the early Irish tale, only Odysseus succeeds in passing the test in question, after which he reveals his true identity to all, slays the suitors and is restored to his wife and kingdom.

Irrational though Penelope's behaviour may seem in terms of normal human motives, it conforms fully to the inner dynamic of the type of sovereignty myth already identified from early Irish and Indian sources. Viewed in this light, the association of the improvement in Penelope's looks and spirits with Odysseus's as yet unappreciated arrival in the palace and victory in a brawl would be quite deliberate, while her decision to set up the test to find her mate would constitute an entirely appropriate or even inevitable response to the accumulating premonitions of Odysseus's return and revenge. On this level Penelope functions as a barometer, so to speak, for Odysseus's progress: her sudden blossoming is a subconscious response to her royal husband's proximity and a prefiguration of his ultimate success, which is encompassed through the challenge she is inspired to impose.

To my wife, Katharine Simms, I owe an explicit reference to a very similarly conditioned empathy in a Grimms' fairytale replete with sovereignty symbolism, 'the golden bird' (*der goldene Vogel*, no. 57 in the 1960 Winkler edition). This tells how the lowly regarded youngest of a king's three sons eventually succeeds on a quest where his two depraved brothers had failed, thus acquiring a golden bird, a golden horse and, by a kiss, a beautiful princess. After almost killing him, the brothers steal and bring these treasures to their father amidst great rejoicing, "but the horse did not eat, the bird did not sing and the maiden sat and wept (*aber das Pferd, das frass nicht, der Vogel, der pfiff nicht, und die Jungfrau, die sass und weinte*)" (ibid., 327). Subsequently the youngest son manages to slip into the palace disguised as a pauper: "no one recognised him, but the bird began to sing, the horse began to eat, and the beautiful maiden stopped weeping. The king asked in astonishment 'what does that mean?'. Then the maiden spoke: 'I don't know why, but I was so sad and now I am so happy. I feel as if my rightful bridegroom had come (*ich weiss es nicht, aber ich war so traurig, und nun bin ich so fröhlich. Es ist mir, als wäre mein rechter Bräutigam gekommen*)'" (ibid., 328). Then she told all, the wicked brothers were executed, "but he (the youngest) was married to the beautiful maiden and designated the king's heir (*er aber ward mit der schönen Jungfrau vermählt und zum Erben des Königs bestimmt*)".

It could, then, be argued that the Odyssean poet, far from failing to rework an assumed prototype altogether neatly, has achieved a highly effective counterpoint in the person of Penelope between a behaviour pattern conditioned by the stylised conventions of a sovereignty myth presumably known to his audience and a psychologically realistic portrayal of the diffidence and pessimism natural after two decades of repeatedly frustrated expectations. If so, these striking ancient Greek and

later German parallels with the Celtic and Indian material considered above provide vital further points of comparison to corroborate the hypothesis of a significant Indo-European core.

4. The integrating function characteristic of a sacral king in relation to society and the world about him has already been referred to (2 above). Furthermore, a rather distinctive tripartite representation of this process seems to typify the cultic practices, institutions and mythical or historical narratives of various Indo-European peoples.

To begin with, there is widespread literary and linguistic evidence for a basic Indo-European institutional dichotomy between the **koryos* or 'Männerbund' and the **tewtā* or 'tribe' (McCone, 1987; cf. 1986d, 16-22). The former was an itinerant werewolf society of typically youthful, aristocratic and as yet propertyless and unmarried warrior-hunters (**hyuhen-es* or **hyuhn̥-k̂ōs* "youths", **moryōs* "killers", **wl̥kʷōs* or **lukʷōs* "wolves") who fought on foot with javelin and shield, the latter a propertied and preeminently cattle-owning community of older married soldier-farmer householders (**potey-es*) who may have been divided by birth and wealth into a yeoman infantry (**wihrōs*) and a chariot-borne aristocracy (**h₂ner-es*) culminating in the king (*rēk̂-s*). A third age grade was constituted by the elders (**senōs* and **gerh₂ont-es*), members of the **tewtā* beyond military age who were apparently charged with various advisory, judicial and religious functions (McCone, 1987, 125 and 134).

It is clear from Livy's historicising account of Rome's first four or so-called 'pre-Etruscan' kings that the vigorous Romulus essentially embodies the wildness (*ferocitas*) of the Männerbund's *iuventus*, the elderly and pacific Numa the juridical and religious concerns (*iustitia religioque*) of the *senatus*, and the stern Tullus a more dutiful approach (*fides*) to warfare appropriate to the soldier-farmers of the *populus*. These three successive stages culminate in Ancus, who combines his predecessors' qualities in a reign marked by success and prosperity of the state or *civitas* as a whole in war and peace. This mytho-historical pattern replicates a cultic one. Thus of ancient republican Rome's most prestigious priestly quartet the *flamen Quirinalis* was devoted to a war-god intimately linked with Romulus, the *flamen Martialis* to the soldier-farmers' deity, and the *flamen Dialis* to the wise father of the gods, while the *rex sacrificulus* provided the ritual continuation of the former kings' sovereign integrating role (Livy II, 2, 1; McCone, 1987, 127-35).

In connection with the last of these Dumézil draws attention to "the *regia*, the *regia domus*, on the Forum. In the historic period, the *rex* and the *regina* do not live there: the *regia* is essentially the department of the grand pontiff, who has taken onto himself the most active part of the religious heritage of the king. But it still remains, in name, the "house of the king", and rituals like that of the October Horse, on the Ides of the first month of autumn, make sense only if the *regia*, which holds an important place in them, is understood in this fashion" (1973, 119-20). Franz Schröder long ago (1927) connected this equine sacrifice in Rome with similar fructifying rituals involving horses in Norse, Greek, Indian and Irish sources, and argued for their origins in a sexually symbolic Indo-European sacrifice to secure the fecundity of a king's reign, as is particularly apparent from the Irish, Indian and Germanic evidence (Davidson, 1988, 54-6).

The Irish institution is known only from the somewhat hyperbolical pen of the twelfth-century Giraldus Cambrensis: "there is, then, in the northern and further

part of Ulster, among the Cenél Conaill to be precise, a certain people that is wont to appoint a king for itself by an excessively barbarous and abominable rite. When the whole people has been gathered together, a white horse (*iumentum candidum*) is brought into the midst. Whereupon he who is to be elevated not into a chief (*in principem*) but into a beast, not into a king (*in regem*) but into an outlaw (*in exlegem*), approaching bestially in the presence of all, no less impudently than imprudently declares himself too to be a beast. And when the animal has been killed forthwith and boiled in pieces in water, a bath is prepared for him in the same water. Sitting in this, he himself eats of those meats brought to him, his people standing round and eating with him. He also quaffs and drinks of the broth in which he is washed not from some vessel, not with his hand but just with his mouth all around. When these things have been thus carried out by due rite, not right, his kingship and lordship have been confirmed (*regnum illius et dominium est confirmatum*)" (*Topographia Hibernica* 3, 25). A probable narrative equivalent of this ritual is supplied by the *Cóir Anmann* tale of the five Lugaids, in which Lugaid Laígde's sexual encounter with the woman of sovereignty was preceded by his capture and consumption of a fawn (*láeg*), from which one of his brothers made a feast (*feis*) for them (Stokes, 1891, 318-9). The basic significance of *feis* in such regal contexts as the *Feis Temro* or Feast of Tara has been well brought out by Carney: "*feis* is the verbal noun of *foaid* 'sleeps, spends the night'; hence *feis la mnaí* means 'to sleep with (or, to marry) a woman'" (1955, 334).

The celebration of the *aśvamedha* after Nala's successful wooing of Damayantī has already been mentioned (3 above), and a study by Jaan Puhvel compares this patently sexual Indian sacrifice for the prosperity of king and kingdom, in the course of which the king's first wife places the dead horse's penis in her lap (cf. Schröder, 1927, 311), with the Roman *October equus* and, above all, the Irish inauguration rite (1970). In Dumézil's words, "once returned, the horse is sacrificed according to an extremely detailed ritual which entails a very rich symbolism, the horse being assimilated to the totality of what the king and through him his subjects may expect. Just before the sacrifice the body of the living horse is divided into three sections, front, middle and rear, upon which three of the king's wives (the titular queen, the favourite, and a woman called 'rejected') respectively perform unctions placed under the patronage of the gods Vasus, Rudras and Ādityas and aimed to procure for the king, variously, spiritual energy (*tejas*, in front), physical force (*indriya*, in the middle), cattle (*paśu*, at the rear), these three benefits, divided between the three functions, recapitulating themselves in a fourth term, prosperity or good fortune (*śrī*)" (1966, 226-7).

The oldest attested meaning of the second term of the compound *aśva-medha* is 'broth', which may be significant in relation to the rite described by Giraldus, and Puhvel draws attention to the Gaulish royal name *Epo-meduos* containing the words 'horse' (*epo-* < **ekwo-*, whence also Skt. *aśva-*) and 'mead' (1970, 164 and 167). Insisting that the inversion of sexes affecting the human and animal principals in the Indian and Irish rituals cannot be dismissed as trivial, Puhvel gives reasons for regarding the inaugural context and sexual roles in the Irish record as closest to the presumed common prototype: "the Indo-European pattern of theriomorphic hierogamy was clearly King and Mare, the Near Eastern and Aegean one Queen and Bull (e.g. Europa, Pasiphae in Cretan saga, wife of Archon Basileus in Greek religion, and so on). The Indic *aśvamedha* is thus a halfway house of trans-

formation" (ibid., 168-9). Dumézil (1973, 70-84) further discusses an episode from the Mahābhārata in which the disgraced king Yayāti is restored to celestial integrity by a quartet of variously endowed grandsons fathered upon his daughter Mādhavī, like the Irish Medb a feminine derivative of the Indo-European **med^{h}u* "mead" (3 above), by a succession of four monarchs. In accordance with Indian ideology these grandsons individually excel in wealth, strength and the paired sovereign attributes of truth and sacrifice, all of which they combine to elevate Yayāti.

There is, of course, no trace of tripartition and integration in Giraldus's account of the Donegal inauguration. However, this feature does occur in the well known account of the Tara king Lugaid Réoderg's conception. This presents an Irish mythical scheme strikingly similar in import to the Indian equine ritual (Dumézil, 1973, 105-6), an early Iranian account of the separation of Yimo's sovereignty (cf. Skt. *Yama* "twin" < **yem-os*) into three parts acquired by a god, a warrior and a landowning dynast respectively (ibid., 40-2), and also to the historicising legend of Rome's first four kings (McCone, 1987, 135-8).

According to the beginning of *Cath Bóinde* "(there was) a king who assumed the kingship of Ireland once, namely Eochaid Feidlech . . . It is on this account that he was called Eochaid Feidlech ("steadfast"), because he was steadfast (*feidil*) with everyone, i.e. that king was honourable towards everyone. He had four sons, namely the three Find-emna ("white triplets"), i.e. *emain* ("twins/triplets" < **yem-nī*) a thing that is not divided, and Conall Anglondach . . . The former were born of the same delivery - Bres, Nár and Lothar their names - and it is they who begat Lugaid of the three red stripes (*Lugaid tri ríab nderg*) upon their own sister the night before giving the battle of Drumcree to their father so that the three of them fell there by Eochaid Feidlech's hand". *Aided Meidbe* gives a somewhat more detailed account in which the incestuous sister is named as Eochaid's daughter Clothru, who is said to have enjoyed the sovereignty of Connacht until murdered and supplanted by her more famous sister Medb. Furthermore, *Cóir Anmann* explains the significant physical consequences of king Lugaid's triple conception: "Lugaid Réo nDerg, i.e. of the red stripes (*sríab nderg*), i.e. (it is) two red stripes that were over him, namely a belt under his throat and a belt over his middle. His head resembled Nár, his chest Bres, (and) from his girdle down (it is) Lothar that he resembled" (par. 105).

Clearly this Irish myth too sees the sovereignty as three in one, so to speak, and tells of the prevention of a potentially catastrophic threefold split through the sexual intervention of a royal daughter, who symbolises the kingship's transmission and reintegration in the person of her triply fathered son Lugaid. In Dumézil's opinion "there is certainly nothing functional in the meanings of the fathers' names" (ibid., 105), but Nár may be translated "magnanimous, righteous" or the like and Bres "fight(er)", while Lothar might reflect a rare glossary word for "assembly" or perhaps be read as Lóthar and equated with the better attested word for "vessel" (OIr. *loathar*, later *lóthar* < IE **lewh$_3$trom*). If so, Lugaid's head would embody the moral, his torso the martial and his nether regions the productive landowning aspect in a manner strikingly reminiscent of the horse's ritual division in the *aśvamedha*.

In strictly functionalist terms (ch. 3, 3-4), the relationship between myth and social reality seems unlikely to be any more literal in this instance than in that of the

king's daughter's own selection of a spouse to succeed her father (3 above). These incestuous mating habits are presumably determined by her mythical role as the carrier of sovereignty rather than reflecting actual past or present behavioural norms rare indeed beyond the confines of ancient Egypt. Hence the paradox that, on the mythical plane, this socially unacceptable activity may signify the eminently desirable continuation of the sovereignty in the royal father's direct male line, as in the case of king Eterscél's fathering of his successor Conaire upon his own daughter Mes Búachalla in *De Síl Chonairi Móir*. Conversely, in this context a conventional exogamous liaison can only imply the kingship's less welcome passage to an outside group. A case in point is *Esnada Tige Buchet*, which recounts the eventual transfer of the Tara kingship personified by Eithne Thóebfota (3 above) from Laginian dynasts, represented by her decrepit royal father Catháer Már and his selfish sons, to the Síl Cuinn ancestors of the Uí Néill in the person of Cormac Mac Airt, to whom she bears Cairbre Lifechair, Cormac's successor in tradition, and is later married (Ó Cathasaigh, 1977, 74-80).

5. The points raised above constitute a substantial dossier of varied evidence, including some remarkably circumstantial correspondences, for an Indo-European institution, ideology and mythology of sacral kingship. This was based on the widely attested notion that the well-being of society and nature flowed from a ritual marriage between a goddess and the new ruler to emerge after appropriate tests. The former might be called **Med^{h}w-ī* or **Med^{h}w-ā* after the draught of mead (**med^{h}u*) involved in the ceremony, which apparently centred upon an equine ritual and associated feast. The success of such unions was held to depend upon maintenance of the king's 'truth' as manifested by his physical perfection, social standing, justice and so on, any serious infringement of which constituted a 'lie' liable to rupture this happy state of affairs (cf. Dumézil, 1973, 44-6).

The beneficial natural, social and moral effects held to accrue from successful liaisons of this type could be given mythical expression as radical improvements in the principals' appearance, status or mental condition. Conversely the dire results of failure could find narrative realization as a separation of the partners accompanied by the physical, social and/or psychological deterioration of one or both.

As argued above, free males in Indo-European society presided over by its king seem to have been divided into three main age grades, each with its appropriate attributes and functions. These comprised a semi-independent warrior-hunter association of unsettled and unmarried youths, a settled community of married soldier-farmers, and a group of retired elders charged with religious and judicial counsel. In view of this it is hardly surprising that regal fortunes should be viewed in terms of the integration, disintegration or reintegration, as the case might be, of three essential ingredients. Needless to say, such tripartite configurations might, with appropriate shifts of emphasis, survive significant reorganization of one or more of their triple constituents, as seems to have happened in ancient India (McCone, 1987, 146).

There is thus a good deal of convincing comparative evidence that certain key elements of the early Irish theory and practice of kingship have come down from Celtic and Indo-European antiquity relatively intact. Nevertheless, important though the implications of this are for comparative Indo-European studies and attempts to assess the contribution of inherited native forms and concepts to early

Christian Ireland's culture, it by no means follows that her monastically oriented men of letters viewed and described the politically and ideologically crucial institution of kingship in consciously pagan terms or refrained from tampering with it as scrupulously as nativist scholarship tends to imply. Their actual attitudes should emerge from an examination of the representation of sovereignty in early medieval Irish sources that is as unclouded as possible by the question of antecedents.

6. Early Irish literature sets great store by the king's personal qualities. For example, a long and detailed list of the social and moral traits appropriate to a good ruler is given by *Tecosca Cormaic* (Meyer, 1909, 12-5). Much the same concern lies at the heart of the still older gnomic tract *Audacht Morainn*, the so-called 'B-version' of which summarily recommends that the king be merciful (*trócar*), righteous (*fírión*), proper (*cosmail*), conscientious (*cuibsech*), firm (*fosath*), generous (*eslabar*), hospitable (*garte*), of noble mien (*fíal-ainech*), steadfast (*sessach*), beneficent (*lessach*), able (*éitir*), honest (*inric*), well-spoken (*suthnge*), steady (*foruste*), true-judging (*fír-brethach*), and then names the following alliterative pairs inimical to ruler's falsehood (*gáu flathemon*): lordship and worth (*flaith* ⁊ *febas*), fame and victory (*cluith* ⁊ *coscar*), progeny and kindred (*cland* ⁊ *cenél*), peace and life (*síd* ⁊ *sáegul*), prosperity and parturitions (*toceth* ⁊ *toatha*) (Kelly, 1976, 16-7).

Great kings in saga narrative are liable to be described by similar catalogues in which physical and martial attributes loom large alongside social and intellectual or moral factors. Thus according to *Scél na Fír Flatha* "in beauty (*álaind*) did Cormac come into that great assembly, for the like of his form (*delb*) had not come, except for Conaire son of Eterscél or Conchobar son of Cathbad or Óengus son of the Dagdae". After a detailed description of his glorious apparel (*écosc*), the highlights of the king's physical beauty (*cruth*) are prefaced by the remark that he was "handsome, fair, without blemish, without defect (*cruthach cáem cen ainim cen athais*)" (pars. 3-4). The virtues of two of those other regal paragons Conaire and Conchobar are covered by a set menu of virtually identical and partially alliterative triads in the sagas *Aided Chonchobair* (par. 5) and *Togail Bruidne Da Derga* (par. 102) respectively, citation here being from the latter: *nicon fil locht and isind fir sin eter chruth* ⁊ *deilb* ⁊ *dechelt, eter méit* ⁊ *chórae* ⁊ *chutrummae, e[ter] rosc* ⁊ *folt* ⁊ *gili, eter gaís* ⁊ *álaig* ⁊ *erlabrae, eter arm* ⁊ *erriud* ⁊ *écosc, eter áni* ⁊ *immud* ⁊ *ordan, eter gnáis* ⁊ *gaisciud* ⁊ *cenél* "there is not a fault in that man as regards form and appearance and attire, as regards stature and symmetry and proportion, as regards eye and hair and whiteness, as regards wisdom and manners and eloquence, as regards armour and apparel and equipment, as regards beauty and wealth and worth, as regards habits and heroism and family".

Three terms in this description, namely *delb* "figure, form", *gaís* "wisdom" and *gaisced* "martial prowess, valour", recur as a single triad in *Aided Chrimthainn maic Fidaig*, which states of the king of Connacht, Fíachra mac Echach, *ba láech ar gaisced, ba coicertaid catha* ⁊ *tíre ar gaís, ba rígda ar deilb* "he was a hero in martial prowess, he was an adjuster of battles and territories in wisdom, he was kingly in form" (par. 15). As a compound of *gáe* "spear" and *scíath* "shield", *gaisced* "set of arms" and then by extension "martial prowess, valour" evidently belongs to the sphere of the warrior. Indeed, receipt of *gaisced* was a key element in a young warrior's initiation, as when Conchobar simply gives the precocious Cú Chulainn a spear and shield in response to the latter's request for *gaisced* (*Táin*[1] 616-26; cf.

McCone, 1986d, 16-7; 1987, 112-4). *Gaís* "wisdom" is above all an essential prerequisite for judgement (*mes*), an activity closely connected with the professionally skilled *áes dáno*. Thus the legal tract on status *Uraicecht Becc* glosses *ollam gaíse* "professor of sagacity" as *in saí brethemun* "the master judge" (*CIH* 1618.11). *Delb* "form", on the other hand, was of peculiar importance to kings, as when Cúscraid son of Conchobar is described as *adbar ríg ar deilb* "the makings of a king in form" in *Scéla Muicce Meic Da Thó* (par. 14).

It would appear, then, that the ideal king in ancient Ireland was supposed to excel in the three basic areas of military prowess, mental discernment and physical beauty, thus combining the functions of warrior (*láech*) and judge (*brithem*) with his own specifically regal need for a perfect appearance. There is an obvious relationship between physical magnificence and material munificence, a good example being the praise of Conaire's son and heir apparent Lé fri Flaith "for generosity and shape and form and horsemanship (*ar gart ⁊ c[h]ruth ⁊ deilb ⁊ marcachas*)" in section 106 of *Togail Bruidne Da Derga*. Moreover, the typical martial hero of early Irish saga, the "hero within the tribe" as Marie Louise Sjoestedt puts it (1949, chap. 6; cf. Nagy, 1984), was at the same time a propertied pillar of an aristocratic society in which "refusal of hospitality (*esáin*) is a very grave offence" (Binchy, *Críth Gablach*, 76-7). Accordingly both liberality in peace (*gart* etc.) and prowess in war (*gaisced*) are important facets of an individual's overall social worth expressed by the virtually untranslatable legal term *folud*, which can refer to whole or part of a spectrum covering due property rating, behaviour appropriate to one's position and rights, fulfilment of legal obligations, honesty, religious observance and so on. The legal tract *Críth Gablach* declares the *folud* peculiar to a king to consist of acting for his *túath* in various external legal dealings, giving them a righteous judge, upholding the material support (*folog*) due under certain circumstances, and providing a duly constituted and conducted assembly (*óenach*) for the proper promulgation of a military hosting (*slógad*), or special ordinance (*rechtge*) in the three crucial areas of armed expulsion of foreigners (*rechtge do indarbbu echtarchiníuil*), preparation of crops (*rechtge fri túar toraid*) and "faith that illuminates" (*recht crettme ad:annaí*) (pars. 36-9). It further decrees forfeiture of a king's proper status and entitlements through such social stigmas as being caught performing menial tasks or going round without his proper retinue as well as through manifest cowardice in battle (par. 40).

Handsome appearance and conduct, martial prowess, social distinction, and wisdom all figure as qualifications for kingship in the gnomic *Tecosca Cormaic* cast in the form of a dialogue between the mythical king of Tara and his son Cairbre Lifechair:"'O grandson of Conn, O Cormac' said Cairbre, 'whence is sovereignty taken over kingdoms and families and kindreds?' 'Not difficult' said Cormac, 'by virtue of shape and breeding and discernment (*cruth ⁊ cenél ⁊ érgnae*), through wisdom and rank and generosity and soundness (*gaís ⁊ ordan ⁊ eslabrae ⁊ indracus*), by virtue of hereditary right and eloquence (*dúthchas ⁊ airlabrae*), by dint of fighting and an army (*imguin ⁊ sochraite*) it is taken'" (par. 5).

Needless to say, the sagas provide ample illustration. The emphasis upon beauty in an aspirant to kingship has already been adequately exemplified. Cormac Mac Airt's well known accession to the Tara monarchy as a result of a true judgement in the tales *Genemuin Chormaic, Scéla Eogain ⁊ Chormaic* and *Cath Maige Mucrama* (both ed. O'Daly, 1975) has been aptly discussed by Ó Cathasaigh (1977,

62-5). In *De Síl Chonairi Móir* a supernatural army is assembled by his mother Mes Búachalla to secure the kingship of Tara for Conaire by threat of force in the face of the local population's initial hostility. As already pointed out (ch. 3, 4), this text and *Togail Bruidne Da Derga* recount Conaire's progress to the kingship in a structurally similar way despite significant surface differences. In the latter version (pars. 11-4) the future king is foretold in a vision induced by ritual trance at a *tairb-feis* or "bull-feast", and the youthful Conaire duly appears in conformity with this (cf. Lugaid Réoderg in *Serglige Con Culainn*, pars. 23-7). Since, however, he is manifestly under age, the people of Tara refuse to accept him: "'It seems to us that our bull-feast and our incantation of truth have been spoiled, since it is a beardless young lad that has been shown to us in it'. 'That does not matter' said he. A young generous (*eslobar*) king is no blemish. That is not to be judged extinction of patrimony (*ní messi díb[ad] é sin*, l. 163: original reading best preserved in D iv 2 *ní misi dib- esein*, Knott, 1936, 49). I have a paternal and grandpaternal right to bind the hostages of Tara'. 'Wonder of wonders' said the host. They bestow the kingship of Ireland upon him, and he said 'I shall enquire of the wise that I may be wise myself'" (par. 15). In this case Conaire overcomes opposition by a peaceful insistence upon his qualifications of generosity and hereditary right, thus in effect giving a true judgement acknowledged as such by his subjects-to-be. His subsequently declared aim to become wise completes a triple qualification in the major spheres of material, social and intellectual capacity.

Conversely, failure in one or more of these departments can bring a king down. A physical defect, debility or niggardliness can cause loss of sovereignty. For instance, the law tract on bees *Bech-bretha* alludes to the arguably historical deposition of the seventh-century Ulster dynast Congall Cáech ("C. the one-eyed") from the Tara kingship through being blinded in one eye by bees (pars. 31-3; Charles-Edwards and Kelly, 1983, 131). Cormac's Glossary tells how king Caier of Connacht's wife urged her lover, the poet Néide, to request from the generous king a knife that it was a taboo (*geis*) of his to give, satirise him when he refused and thus cause a blemish that would drive him from the kingship. This was duly done, three blisters arose on his cheeks, and the sight of these caused Caier to flee, thus leaving the kingship to Néide (Stokes, 1862, xxxvi-xl). On the other hand, the sagas *Aided Chonchobair* and *Aided Fergusa Maic Léti* (Binchy, 1952) tell how the Ulster kings in question were unanimously granted special dispensations by their devoted subjects from the normal consequences of serious physical disfigurement and continued in office until these defects brought about their deaths, although the deferment of Fergus's end was only possible by keeping all knowledge of his now hideous appearance from him. Ailill Ólomm abdicates the Munster kingship in favour of his son Éogan on account of old age in *Cath Maige Mucrama* (par. 20), and meanness is a prime cause of king Bres's downfall as related in *Cath Maige Tuired* (pars. 36-9). The reign of the lower-class (*aithech*) usurper Cairbre Cinn Chait (C. "Cat-head") after the slaughter of Ireland's noble lineages (*sóer-chlanna*) and their kings was predictably catastrophic (Thurneysen, 1917, 60-9), while a false judgement sets Conaire on the slippery slope in *Togail Bruidne Da Derga* (pars. 20-1; cf. O'Daly in Dillon, 1968, 114), similarly affects Bres in *Cath Maige Tuired* (pars. 26-30), and forces Mac Con to abdicate in the Cormac tales mentioned in the previous paragraph.

7. The crucial legal term *enech* "face, honour" (Binchy, *Críth Gablach*, 84-6) has a basic physical sense still well attested in Old Irish and guaranteed by the Welsh cognate *wyneb* "face", but is inextricably linked with conformity to appropriate social or martial norms and with truthfulness in general. As *Críth Gablach* puts it, a man's honour-price (*lóg n-enech*) remains intact only as long as his *folud* (see 6 above) is unimpaired, i.e. he avoids situations "in which everyone's face collapses (*hi tuitet enech cáich*)", namely the failure to rebut a defamatory satire, bearing of false testimony or evasion of sureties, which are bluntly said to entail *cacc fora enech* "excrement on his face" or dishonour (par. 21). Face, social and moral worth are connected to the extent that justified satire or a false judgement are supposed to have direct physical effects, as in the tale about Caier and Néide above. Indeed, Cormac's Glossary defines *ferb* "blister" as "a bubble (*bolg*) which the man puts on his cheeks after satire or after false judgement" (Stokes, 1862, 19).

The nexus of physical, martial, social and moral or intellectual attributes that constitute a person's *enech* is enhanced in the king's case to *fír flaithemon* or "ruler's truth", which is distinguished by cosmic resonances reaching beyond the individual into the depths of nature, society and morality as a whole (cf. Frankfort, 1948, 3).

8. As is abundantly clear from law tracts such as *Críth Gablach*, *Uraicecht Becc* or *Míadslechta*, the society over whose welfare the king presided in ancient Ireland was meticulously divided into different social classes based upon property or calling, these being liable to more or less elaborate further subdivisions on the basis of wealth, function, professional standing or various combinations of the three.

The backbone of that society consisted of a landowner class of soldier-farmers termed *grád túaithe* ("the grades of the kingdom/lay society") collectively and *fer túaithe* ("man" of the same) individually at the beginning of *Críth Gablach*, the Old Irish law tract that deals with them in greatest detail. In hierarchical arrangement this class fell into two major divisions. The lower of these comprised the various grades of propertied commoner, for which *Críth Gablach* (pars. 3-4) uses the name of the central *bóaire* category as an overall term whereas *Uraicecht Becc* prefers *féni* (*CIH* 1593.6). For the upper division of nobles primarily distinguished by the adherence of clients both use the terms *flaith(i)* or *grád flatha* (e.g. *Críth Gablach* par. 23, *CIH* 1593.6 and 1595.26).

The peaceful land- and householding side of *grád túaithe* activities, commonly termed *trebad*, was the specialization of a professional class of *briugaid* or hospitallers, whose high rank depended on the successful provision of hospitality to any visitors who might request it, and feasts given by such figures are a prominent feature of a number of famous early Irish sagas (McCone, 1984c, 2-7). According to *Tecosca Cormaic* "everyone is a hospitaller until refusal (of hospitality) (par. 31, *brugaid cách co eitech*)", and the opening of *Esnada Tige Buchet* claims of the *briugu* Buchet that "fire had not been extinguished under his cauldron since he took up householding (*ní-ro:díbdad tene foa choriu ó ro:gab trebad*)" before proceeding to king Cathàer's praise: "true, o Buchet, you were a hospitaller for feeding companies (*brugaid bíata dám*), a gift your valour (*gal*), your generosity (*gart*), your prowess (*gaisced*), your smile of welcome (*fáilte*) to everyone in your great drinking hall (*midchúairt*)". Fergus Kelly points out in his recently published *Guide to early Irish law* that under normal circumstances "unlike a king or lord, the *briugu* has no military role" (1988, 36; cf. McCone, 1984c, 19, n.54).

As will emerge in chapter nine, the martial aspect of the functionally composite *grád túaithe* was the specialist preserve of mostly youthful warrior-hunters known as *féindidi* or *fían*-members and explicitly excluded from the ownership of property essential to the status and activities of *briugu* and *fer túaithe*. As *Tecosca Cormaic* puts it, "everyone is a *fían*-member until landowning (*fénnid cách co trebad*)". Because of well documented clerical disapproval of this institution to be discussed later (ch. 9, 8; cf. McCone, 1986d, 3-6) other less socially specific terms for the career warrior such as *láech* "hero", *trén-fer* "strong-man, bodyguard", *cath-míl* "battle champion" are often preferred in the extant pre-Norman literature.

The third and final specialists were, of course, the *áes dáno*, a carefully subdivided class of professional practitioners of numerous different skills that has already been discussed in some detail (ch. 4, 2). It has also been seen that key sections of this were closely connected with the monastic establishment in the early Christian period (ch. 1, 9-12). Naturally, such ecclesiastical elements are generally absent from depictions set in the pre-Patrician past, but biblically inspired historical typology presumably invested these with significance as a prefiguration of the current early Christian system (ch. 9, 13-4).

It is worth noting in passing that these three specialist groups of *briugaid, féindidi* or the like, and *áes dáno* give a remarkably clear focus in early Irish ideology to the three functions central to the Dumézilian system, namely peace plus material and natural abundance ('third'), warfare ('second'), and knowledge centring upon law and religion (bifurcated 'first'; see ch. 1, 2). Since, however, there seems to be no good evidence for a corresponding category among other Indo-European peoples, the medieval Irish hospitaller does not offer a way out of the difficulties and uncertainties associated with Dumézil's notoriously vague 'third function' (cf. McCone, 1987, 146-7). Be that as it may, what matters for present purposes is that the hospitaller, warrior and *áes dáno* classes obviously represent the functional 'primes' of early Irish social theory, and we would do well to analyse relevant Irish material in terms of this actually attested contemporary tripartition rather than the Dumézilian model ascribed rather doubtfully to the ancient Indo-Europeans two or more millenia previously.

In relation to these three constituitive social activities the king's integrating function was real as well as symbolic. Members of the *grád túaithe* were expected to fight in time of war (e.g. *Críth Gablach*, par. 37), but the importance of hospitaller-like *trebad* revolving round farming and the provision of hospitality and feasts appropriate to their and their guests' status is well brought out by *Córus Béscnai*, which begins its definition of the *fled dóendae* or "human feast" by referring to *fled cuirmthige cáich dia flaith* "an alehouse feast from each to his lord" (*CIH* 525.5; cf. Binchy, *Críth Gablach*, 81 on *cóe*). The role of the king as leader in war and battle is so commonplace in the sagas and annals that it will suffice here to note the long catalogue at the end of the saga *Cath Almaine* of kings great and small slain in the battle of Allen in 722 A.D. (cf. *AU* entry for that year). The provision of hospitality was likewise an important royal function. For instance, the saga *Cath Maige Tuired* dwells upon king Bres's catastrophic failings in this area (par. 36-9), the proper layout of a king's feasting hall or *tech midchúarda* is described in prose by *Críth Gablach* (par. 46) and through a diagram as well as in verse by *LL* 3637-789, and *Tecosca Cormaic* (par. 4) lists the "proprieties of a king and an alehouse (*ada flatha ⁊ cuirmthige*)".

However, the king also has significant further functions linking him with the *áes dáno*, above all his role as judge and lawgiver, typical instances of which in sagas about Cormac Mac Airt have been given in section 6 above. In the gnomic genre *Tecosca Cormaic* twice recommends that a king give true judgements (*bered fír-bretha*, pars. 1.38 and 6.28), be a poet and one versed in traditional law (*rop fili, rop fénech*, par. 6.12-3), judge everyone according to his substance and dignity (*mestar cách íarna míad, rop midid cách íarna míad*, par. 6.43 and 45), and that his judgements and decisions be sharp and light (*ropat áithe étrumma a bretha ⁊ a chocerta*, par. 6.49), while *Audacht Morainn* has a litany of precepts pertaining to law as well as various other matters, each beginning with *ad:mestar* "let him judge/estimate" (Kelly, 1976, 10-5).

The law tracts provide corroboration. For instance, *Críth Gablach*, probably a trifle schematically, earmarks Mondays and Saturdays of the king's week for judgement(s) (*lúan do brithemnacht . . . satharn do brethaib*, par. 41), and Fergus Kelly notes that an Old Irish text on court procedure recently edited by him "illustrates the involvement of both judge and king in the judicial process. The judgement is arrived at and expounded by a judge or judges . . ., but it is clear that the king – and the other dignitaries of the back court – also exercise some function in relation to judgement. Thus par. 2 describes the king and other dignitaries as 'the cliff which is behind the courts for promulgation' (*fri breth ⁊ forus*). It would seem, therefore, that the judgement is promulgated by the king or other dignitary, or at least that it is announced in his presence and with his approval, and consequently supported by his power and prestige" (1986, 80). This supreme *cúl-airecht* or 'back court' consists of king, bishop and chief poet representing the three types of judgement underlying Irish law according to *Uraicecht Becc* (*CIH* 1592.3-39), namely a cleric's judgement (*breth ecalsa*), a poet's judgement (*breth filed*) and the comprehensive ruler's judgement (*breth flatha*). Moreover, the mythical authority for this is provided by the commission of kings, bishops and poets allegedly established by Patrick to draw up the main body of early Irish law, the *Senchus Már*, as representatives of the law of the letter (*recht litre*), the law of the prophets (*recht fáithe*) and the law of nature (*recht aicnid*) respectively (ch. 4, 6).

As Marilyn Gerriets has recently demonstrated (1988), there can be no doubt that the king was regarded as the fount of justice in early Ireland. Although a judge in his own right, he would normally take expert advice from professional jurists or *brithemain*, to whom he might also delegate the decision of various cases. This, indeed, is the situation envisaged by the legal text *Gúbretha Caratniad* "the false judgements of Caratniae", *brithem* of the mythical Tara monarch Conn Cét-chathach, in which "every judgement that was submitted to Conn, Conn used to refer it to him, (and) then Conn would ask him 'what judgement have you given?'" (*CIH* 2192.5-6). Caratniae then reels off a string of judgements, each of which appears to contravene basic rules and is declared false by Conn until Caratniae justifies it with regard to the exceptional circumstance involved. Here the king is represented as someone well versed in legal affairs but lacking the detailed expertise of the professional.

This scheme of three functionally distinct basic social categories and an integrating fourth can be expressed mythically in genealogical terms, as was argued at the end of section 4 with regard to Eochaid Feidlech, his three sons Bres, Nár and Lothar, and their joint son Lugaid Réoderg. The functions so interrelated are made