LEABHARLANN CHOLÁISTE NA TRÍONÓIDE, BAILE ÁTHA CLIATH
Ollscoil Átha Cliath
TRINITY COLLEGE LIBRARY DUBLIN
The University of Dublin

Terms and Conditions of Use of Digitised Theses from Trinity College Library Dublin

Copyright statement

All material supplied by Trinity College Library is protected by copyright (under the Copyright and Related Rights Act, 2000 as amended) and other relevant Intellectual Property Rights. By accessing and using a Digitised Thesis from Trinity College Library you acknowledge that all Intellectual Property Rights in any Works supplied are the sole and exclusive property of the copyright and/or other IPR holder. Specific copyright holders may not be explicitly identified. Use of materials from other sources within a thesis should not be construed as a claim over them.

A non-exclusive, non-transferable licence is hereby granted to those using or reproducing, in whole or in part, the material for valid purposes, providing the copyright owners are acknowledged using the normal conventions. Where specific permission to use material is required, this is identified and such permission must be sought from the copyright holder or agency cited.

Liability statement

By using a Digitised Thesis, I accept that Trinity College Dublin bears no legal responsibility for the accuracy, legality or comprehensiveness of materials contained within the thesis, and that Trinity College Dublin accepts no liability for indirect, consequential, or incidental, damages or losses arising from use of the thesis for whatever reason. Information located in a thesis may be subject to specific use constraints, details of which may not be explicitly described. It is the responsibility of potential and actual users to be aware of such constraints and to abide by them. By making use of material from a digitised thesis, you accept these copyright and disclaimer provisions. Where it is brought to the attention of Trinity College Library that there may be a breach of copyright or other restraint, it is the policy to withdraw or take down access to a thesis while the issue is being resolved.

Access Agreement

By using a Digitised Thesis from Trinity College Library you are bound by the following Terms & Conditions. Please read them carefully.

I have read and I understand the following statement: All material supplied via a Digitised Thesis from Trinity College Library is protected by copyright and other intellectual property rights, and duplication or sale of all or part of any of a thesis is not permitted, except that material may be duplicated by you for your research use or for educational purposes in electronic or print form providing the copyright owners are acknowledged using the normal conventions. You must obtain permission for any other use. Electronic or print copies may not be offered, whether for sale or otherwise to anyone. This copy has been supplied on the understanding that it is copyright material and that no quotation from the thesis may be published without proper acknowledgement.

Trinity College Library Dublin



University of Dublin

THIS THESIS MAY BE READ ONLY

IN THE LIBRARY

Trinity College Library College Street Dublin 2 Ireland

ASPECTS OF EARLY IRISH ECCLESIASTICAL ORGANIZATION

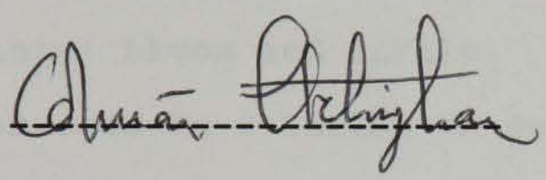
VOLUME I: TEXT

DECLARATIONS

1. This thesis has not been submitted as an exercise for a degree at any other university.

2. This thesis is entirely my own work.

3. I, the undersigned, agree that Dublin University Library may lend or copy this thesis upon request.



TRINITY COLLEGE
10 MAR 1995
LIBRARY DUBLIN

THESIS
2853.1

SUMMARY

This study re-assesses crucial aspects of the organization of the Irish church between the seventh century and the tenth. It is undertaken in the light of a recent fundamental questioning of the conventional wisdom that that church was distinctively monastic in character.

The method adopted is to analyse the Latin prescriptive texts and the vernacular law tracts and, where possible, to correlate the findings with what may be gleaned from saints' Lives and annals. The evidence of these sources is discussed in relation to several key topics: the nature of ecclesiastical ruling authority, models of jurisdiction, pastoral care and dues, the legal and socio-economic position of the church's manach-dependents, and the question of death dues and inheritance with particular reference to the manaig.

The major findings under these headings are as follows. The prevailing model of rulership was an eclectic accommodation of episcopal and abbatial elements and the image of an administrator of the church's temporal lordship. Each of these functions might be exercised by different individuals or combined in a variety of possible permutations. Three models of jurisdiction evidently co-existed: that of a basic, territorially cohesive domain which was in principle that of the bishop but in which the presiding official need not himself be in episcopal orders;

that of a territorially defined sphere of superior jurisdiction which may be envisaged as archiepiscopal or metropolitan, but which again might be headed by a non-episcopal church ruler; that of dispersed jurisdiction over a scattered paruchia of dependent churches which was not quintessentially 'monastic' but in which the notions of temporal lordship and perhaps also of supervisory pastoral jurisdiction were uppermost. Pastoral care and concomitant dues in theory bore on society in general, but their application in practice is likely to have been restricted in the first instance to the church's direct dependents or manaig. The legal and socio-economic condition of these latter resembled in some respects that of the dependents of a secular lord, ranging from the slave or serf to the base client, and also that of members of a kindred and especially those like women and sons whose legal and socio-economic autonomy was to a greater or lesser degree circumscribed. In regard to inheritance and the claims of the church upon the property of the deceased, the position of manaig also bears comparison with those of kin members and of a secular lord's dependents.

Overall, it may be concluded that in regard to its public institutional manifestation, monasticism is less revealing of the organization of the early Irish church than are the concepts of the church's temporal lordship and of pastoral jurisdiction.

ACKNOWLEDGEMENTS

The assistance and support of three scholars has been indispensable to the production of this thesis. I should like to thank first of all my original mentor James Lydon, who inspired my interest in medieval history, takes chief credit for my undergraduate training in the discipline and whose encouragement and advice has always been available to me as a research student. I am greatly indebted to my supervisor, Katharine Simms, without whose dispassionate criticism, erudition and patience this project could not have been brought to fruition. Liam Breatnach is primarily responsible for placing at my disposal an essential tool in the form of a knowledge of Old and Middle Irish, and in particular an acquaintance - still far from complete - with the vernacular legal material, on which his unrivalled expertise has been of enormous value. Apart from formal tuition he has given unstintingly of his time, advice and general support.

I have also benefitted particularly from the encouragement, practical assistance or scholarship of Terry Barry, the late James Carney, Máire Herbert, Fergus Kelly, Kim McCone, Damian Mc Manus, Christine Meek, Donnchadh Ó Corráin, Richard Sharpe and the late Maurice Sheehy. Others who have provided information or practical assistance or with whom discussion has helped to clarify my thinking are

Caoimhín Breatnach, Seán Duffy, Adrian Empey, Annette Kehnel, Toshitsugu Matsuoka, Alan McGovern, Una Miley, Aoife Nic Ghiollamhaith, Máirín Ní Dhonnchadha, Máire Ní Mhaonaigh and Pádraig Ó Néill.

I should also like to record my indebtedness to Dublin University for financial support in the form of a post-graduate research scholarship for the years 1981-4, and to the Dublin Institute for Advanced Studies, School of Celtic Studies, for the award of a scholarship with stipend for the years 1984-7. I am grateful for the assistance of the Library staff of both the latter institutions as well as of the Royal Irish Academy and University College Dublin.

CONTENTS

Volume 1

Chapter I: Introduction.....page 1

I.1 The views of previous scholars.....page 2

I.2 Defining objectives and methods.....page 39

I.3 Sources.....page 50

Chapter II: Models of authority: bishop, abbot and ecclesiastical lord.....page 67

II.1 Latin prescriptive texts.....page 68

II.2 Vernacular prescriptive texts.....page 88

II.3 Hagiography and annals.....page 115

Chapter III: Models of basic, supervisory and dispersed jurisdiction.....page 142

III.1 Latin prescriptive texts.....page 146

III.2 Vernacular prescriptive texts.....page 175

III.3 Hagiography.....page 200

III.4 Annals.....page 235

Chapter IV: Pastoral care and dues.....page 257

Chapter V: Legal status and socio-economic function of manaig.....page 302

V.1 The legal status of manaig.....page 303

V.2 The socio-economic function of manaig.....page 327

Chapter VI: Inheriting capacity and death dues of manaig.....page 370

VI.1 Death dues, inheritance: manaig, kinsmen and

clients.....page 371

VI.2 The tertia Deo.....page 403

Chapter VII: Conclusion.....page 429

Volume 2

Notes:

Chapter I.....page 1

Chapter II.....page 16

Chapter III.....page 33

Chapter IV.....page 46

Chapter V.....page 53

Chapter VI.....page 71

Chapter VII.....page 81

Bibliography.....page 82

Chapter I

INTRODUCTION

The organization of the church in early medieval Ireland has been a matter of considerable scholarly interest in the course of the nineteenth and twentieth centuries. Recent work in particular has raised profound questions about certain widely-held and fundamental assumptions. In this thesis it is intended to consider afresh several crucial aspects of the subject, based partly on a reappraisal of evidence which has been taken into account by previous commentators, and partly on examination of material which has not as yet been exploited by historians. By way of introduction, it is proposed first of all to undertake a review of some of the issues which have absorbed scholars of the subject over the last hundred and fifty years or so. A most important assessment of the literature is to be found in a recent article by Richard Sharpe[1] and what follows in the first section of this introductory chapter is much indebted to his paper. Although covering some of the same ground, it is felt that a reasonably full account of the salient points raised by previous contributors is the most appropriate way to introduce a definition of the point of departure for the present study, the precise objectives of which can then be

spelt out in greater detail. The final part of the chapter is taken up with a discussion of the primary sources used.

I.1 THE VIEWS OF PREVIOUS SCHOLARS

The perception that the organization and government of the church in early medieval Ireland was distinguished by certain marked peculiarities has been a consistent theme in the historiography of the subject at all times. In the first half of the nineteenth century John Lanigan and William Reeves were struck by what seemed to be a proliferation of bishops. Lanigan suggested that some may have been chorepiscopi or bishops of lower status and restricted jurisdiction,[2] an idea which has reappeared more recently,[3] while Reeves was undecided between an explanation along similar lines and an alternative proposal - which ultimately he seems to have preferred - that many of the bishops attached to monasteries lacked any jurisdictional authority and had only sacramental functions.[4] Reeves's researches also drew attention to the prevalence of abbatial rule, as exemplified by the Columban church - an oddity originally remarked upon by Bede[5] - and he noted the use of the term parochia to designate a non-territorial sphere of jurisdiction over 'detached monasteries'.[6]

It seems to have been J.H. Todd who first articulated

the notion that in the sixth century a predominantly monastic church ruled by presbyter-abbots superseded an episcopally-governed church instituted in the time of Patrick. Although the value as evidence of the Catalogus Sanctorum Hiberniae which provided the inspiration for his theory was subsequently impugned, this theory itself nevertheless proved remarkably tenacious and, as Sharpe points out, remains the basis of twentieth-century views.[7] On the other hand Todd adopted a notably cautious approach to the implications of the evidence for the period preceding the postulated triumph of monastic organization, maintaining that the original bishops were neither attached to fixed dioceses nor subject to any archiepiscopal jurisdiction on the part of Armagh, whose primacy was purely honorific.[8]

J.B. Bury was not in any doubt that Patrick was responsible for the deliberate organization of a network of territorial dioceses governed by bishops, over which Armagh exercised a real archdiocesan or metropolitan jurisdiction, and that his original purpose was later defeated by the 'centrifugal spirit of the land' and the 'extravagant growth of monasticism'. Thus the term paruchia at first had the connotation of a sphere of episcopal jurisdiction but later came to designate 'the district of a presbyter'.[9] At the same time Bury was prepared to allow that from the first diocesan bishops were also the heads of the monastic

communities in which they resided; moreover, at one point he wondered 'whether the Irish church in the sixth century was as exclusively monastic as it is generally represented' and he considered that 'Roman reform' was pursued by seventh-century Irish synods.[10] A few years before the publication of Bury's book Heinrich Zimmer rejected the very notion of an episcopal church of Patrician institution, holding that the evidence for it is later than the date of its supposed disappearance, and maintained instead that the growth of the Patrick legend in the seventh century and after reflects the displacement of an original monastic church by an episcopally-dominated one, which was first promoted by the advocates of 'Roman' reform.[11] Zimmer's views generally found little favour, but his sceptical attitude towards the sources was certainly well-founded and ahead of his time. The fact that his inverted model of developments seems on the face of it as worthy of serious consideration as that against which Zimmer set himself was ignored at the time by critics who were concerned only to vindicate the authenticity of Patrician tradition.[12] In the following generation historians were largely content to endorse and develop the interpretation of the sequence of events favoured by Todd and Bury, subject to a variety of qualifications some of which stem from caveats voiced by these two scholars themselves. There was an awareness on the part of some more

than others that evidence existed which did not seem in perfect accord with the accepted chronological framework, but in no case did this prompt a fundamental questioning of the prevailing orthodoxy such as was essayed by Zimmer.

Thus J.L. Gough Meissner accepted that Patrick had established a system of diocesan episcopacy which was superseded in the sixth century by abbatial government, leaving to bishops only their power of orders. He maintained that 'a group of monasteries, single churches and anchorites' cells' subject to the rule of the founder and his successors 'constituted the monastic familia (muintir), and the region comprising these establishments was the monastic parochia or diocese'.[13] Like Todd, Louis Gougaud was circumspect both about the extent to which the dioceses of the original bishops were clearly defined and about the reality of Armagh's primacy before - and, indeed, during and after - the seventh century. In keeping with a remark of Bury's noticed above, he affirmed the survival of a 'secular priesthood' alongside the all-important monastic element, but without spelling out the relationship of the one to the other. Nevertheless, he did not question the basic concept of transformation from episcopal to abbatial rule and he observed that monastic paruchiae resembled 'abbatial dioceses embracing rich domains scattered throughout Ireland' which largely deprived 'territorial bishops' of their jurisdiction and

led to a multiplication of 'cloistral bishops' employed to perform the essential episcopal duties in the monasteries and their paruchiae. Like Meissner he considered that familia / muinter designated the churches of a founder and his successors and that paruchia referred to territory belonging to such a familia or over which it exercised 'a kind of protectorate' in virtue of services rendered.[14]

John Ryan accepted the existence of diocesan sees of Patrician institution - designated parochiae - though he doubted that their boundaries were clearly fixed or that Armagh's acknowledged pre-eminence readily translated into effective exercise of primatial authority.[15] He considered that monastic organization predominated from the second half of the sixth century, so that parochiae came to refer to the districts of priests or deacons and were often attached to monastic communities; thus they ceased to be dioceses.[16] Notwithstanding his belief that ecclesiastical temporalities, prestige and effective government generally passed to abbots, he was not unaware of a considerable amount of evidence from the seventh and eighth centuries which indicated that the bishop was still the characteristic embodiment of the highest ecclesiastical status. He seems to have countenanced the survival after the sixth century of small, scattered territorial parochiae administered by bishops who were not always monks and he maintained that in general the transfer of most authority

to abbots was partially remedied in that bishops usually retained 'territorial jurisdiction in spiritual matters', a formulation the intended meaning of which is difficult to gauge. Although Ryan's book has been justifiably criticized for the underlying assumption that the Irish church might be validly depicted in terms of a predominant monasticism of a conventional character, it must be acknowledged that he was among the first scholars to discuss - albeit summarily - the application of the term manaig not only to monks but to the 'tenants' or 'lay clients' of the church, a connotation of the word perhaps first spelt out in the glossary to The ancient laws of Ireland.[17]

Writing before Ryan, Gougaud and Meissner, J.F. Kenney was also disposed to accept the essence of the orthodox view but on the whole he was inclined to be rather more circumspect about the chronological framework. Thus he remarked that a conventional model of territorially-defined episcopal sees was doubtless 'in the minds' of the fifth-century pioneers and that a revolution was seemingly effected in the sixth century. Nevertheless, he felt sufficiently confident in another context to declare regarding Patrick that 'we may assume that before he died he had created an episcopal organization for the western half of the island as well as for the eastern.' However, implicitly accepting one point made by Zimmer, he cautioned that

'It is not till the middle and second half of the seventh century, perhaps three hundred years after the introduction of Christianity, that our sources begin to give us a serviceable picture of the Irish ecclesiastical system.'[18]

Kenney was in no doubt that from that point on 'monasticism was the basis of the Irish system'. 'Administrative jurisdiction' as well as all assets, dues and privileges proper to the founder were in the hands of the abbot as the founder's comarba or heir. The bishop retained only his sacramental functions and the position of highest ecclesiastical dignity. In a rather enigmatic aside Kenney allowed that episcopal jurisdiction over 'churches or districts that the monastic system had not absorbed' may have survived, but he did not develop this conjecture.[19]

Kenney affirmed that the churches associated with a particular saint formed a non-territorial paruchia which might be widely scattered and was ruled by the abbot of the mother-church. There is a subtle but important distinction between this formulation and that favoured by Bury, Meissner, Gougaud and Ryan alike, who were disposed to refer to the paruchia - even in the period of reputed monastic dominance - in territorial terms and not simply as a designation of the affiliated churches. In keeping with this distinction, Kenney also differed from Meissner and

Gougaud in defining familia as the personnel of the churches belonging to a paruchia, rather than the churches themselves. Nevertheless, he held that a tendency towards 'territorial ecclesiastical divisions' was prompted by the adoption as patron in each secular polity or túath of the saint venerated by the chief mother-church in the túath. He represented the paruchia Patricii as a creation of the seventh century, echoing something of Zimmer's thinking. He saw it, however, not as an attempt to impose a novel episcopal model of government, but as an effort by Armagh to transform a limited territorial diocese into an unlimited monastic-type paruchia in response to the power of existing monastic federations such as that of Colum Cille.[20] As Sharpe points out, this latter hypothesis as well as the currency given by Kenney to the concept of the widely scattered paruchia have proved influential, whereas his proposition that the túath tended to become a unit of territorial ecclesiastical jurisdiction has not received much attention.[21]

For three decades or so following the publication of Kenney's work scholarly interest was concentrated on the Patrician mission and the problems which it raised, with the result that the wider question of how the church was organized was comparatively neglected. The dates of Patrick's arrival and death, the possibility that traditions about him represent an amalgam of the acta of

more than one fifth-century figure, the matter of his relationship to Palladius and the reliability of the evidence which was thought to shed light on the subject were the principal themes of this debate. In retrospect the controversy would appear to have generated a good deal more heat than light. It culminated in a masterly paper by D.A. Binchy in which he presented a devastating critique of many previous contributions, arguing convincingly that there is little or no trustworthy evidence for the fifth century apart from Patrick's own writings and the record of Palladius's papal commission and that the Patrician documents in the Book of Armagh are primarily evidence for the seventh and eighth centuries.[22] Not the least significant effect of his paper was that it brought to an end this polemical phase of the debate on the origins of Christianity in Ireland, thus facilitating a redirection of scholarly attention towards other issues.

It is remarkable that the prolonged dispute did little to disturb the prevailing consensus about the general question of organization, for the orthodox view established by Todd and Bury and refined by Kenney emerged essentially unscathed. Thus Binchy could conclude that

> 'The earliest organisation of the Irish church, as introduced by Patrick and his predecessors, was almost certainly diocesan, modelled on that which obtained

throughout Western Europe; but within a comparatively short time, both in Celtic Britain and in Ireland, this system proved incapable of adaptation to a tribal pattern of society. It was, therefore, replaced by the "Celtic" Church, in which the diocese gave way to the federation of monastic communities, each with its paruchia under the supreme jurisdiction of the "heir" of the founder-saint.'[23]

However, while convinced that Patrick was the founder of Armagh, he was unsure if he could be properly described as bishop of Armagh, 'for it is uncertain whether Patrick himself was ever limited to one diocesan area' and 'the first missionary bishops doubtless had a "roving commission" without being restrained to the limits of a particular diocese'. Moreover 'the picture of strictly organised unity which we get from the Lives may be a later simplification'.[24] Curiously - presumably following a suggestion of Ryan's which is based on evidence the value of which Binchy himself impugned - he held that Armagh had reorganized itself 'on monastic lines' as early as the end of the fifth century, but its sway was originally confined to its immediate hinterland in the northeast, the area described in the Liber Angeli as its terminus. Following Kenney, he affirmed that Armagh's claim to an island-wide paruchia and a primatial authority was a seventh-century

riposte to the more extensive influence of such as the 'families' of Colum Cille and Ciarán. The success of this claim was facilitated by the support of Armagh for what he regarded as the triumphant 'Roman' party in seventh-century controversies and by the alliance of Armagh with the Uí Néill overkings of Tara who were advancing comparable claims to an island-wide suzerainty.[25] The replacement of diocesan episcopacy by a predominantly monastic system he attributed to the 'tribal and rural nature of Celtic society' which was politically fragmented and lacked administrative cohesion and urban civilization. He perceived an analogy between the distinctive organizational pattern of the developed church and that of secular society: the terminus of Armagh was the 'territory' directly ruled by its abbot 'like any rí túaithe or tribal king' while the paruchia was a wider 'area' over which he exercised 'indirect suzerainty similar to that enjoyed by a ruiri or superior king'. Some difficulties raised by this comparison will be considered at a later stage and are touched on by Sharpe, who points out that Binchy also maintained that 'the original episcopal paruchia was certainly the túath'.[26] In view of the distinction which has been discerned between Kenney's definition of paruchia and that favoured by other scholars, it should be observed that while Binchy often referred to the paruchia of the post-Patrician period in 'territorial' terms - witness some

of the above quotations - he was also disposed to speak of it as consisting of the 'daughter-monasteries' and subject churches of the 'heirs' of a founding saint.[27]

The basis of the conventional wisdom to which Binchy subscribed was not fundamentally challenged by Kathleen Hughes in what has become the standard modern account of the pre-Norman Irish church.[28] It broke new ground in its survey of the characteristics of the church in its fully developed state between the eighth and the twelfth centuries and especially with its sober approach to the 'abuses' associated with 'secularization'. A notable aspect was her treatment of the occurrence of both the vernacular manach and in some instances the Latin monachus as designations of the 'monastic tenant' or 'monastic client', a feature of Irish ecclesiastical organization on which Ryan had previously commented.[29] Hughes also devoted considerable attention to two familiar themes, namely the transition from an early diocesan episcopal system to one of abbatial rule and the development of the dispersed 'monastic paruchia'.[30] However her discussion of the former matter was undoubtedly innovative in that she confronted more directly than any of her predecessors the evidence - of which Bury, Gougaud, Kenney and in particular Ryan had shown an awareness - which did not seem to accord with the generally accepted chronology. She contended that the triumph of the monastic system was

neither as rapid nor as complete as had been assumed and that 'an episcopacy controlling ecclesiastical administration survived into the seventh century, where it coexisted with the monastic paruchiae'.[31] Following up points made by Bury, Zimmer, Kenney and Binchy, she argued that there was some connection between Armagh's seventh-century 'claims to a Roman-type jurisdiction' and advocates of 'Roman' reform in the same period. She suggested tentatively that promotion of the Roman Easter dating may have been accompanied by support for episcopal government and she cited those elements of the Collectio Canonum Hibernensis which invoke the Synodus Romana and which 'imply the existence of an episcopally administered church'. Although acknowledging that the far more numerous acts of the Synodus Hibernensis also quoted in the Collectio envisage government by abbots, she was nevertheless minded to conjecture that the Collectio 'may be a final statement by the Romani, setting out canons advocating a Roman-type government as well as a Roman-type tonsure'.[32]

Hughes maintained that if this was part of the intention which inspired the compilation of the Collectio, it was frustrated, for 'monastic government had developed too far to be superseded' and the 'monastic paruchia' was the organizational model which prevailed in the Irish church from the end of the seventh century.[33] Describing this

model she quoted the analogy drawn by Binchy between Armagh's terminus and paruchia and the secular hierarchy of kings. Here and in one or two other passages her 'monastic paruchia' could perhaps be construed as a territorial entity, but more commonly she used it of the subject churches or monasteries themselves and contrasted its unrestricted potential for expansion with the limited early territorial paruchia which, she affirmed, was coterminous with the plebs or túath.[34] In summary, then, she attempted to account for sources which envisaged episcopal government and which could not be dated any earlier than the seventh century by postulating a more elaborate process of change and reaction with a substantially modified chronology. She does not appear to have been in any doubt as to the reality of change itself, involving the ultimate triumph of abbatial over episcopal government. In a later paper which was published posthumously she questioned whether the concept of the 'Celtic' church has any validity in view of what she perceived as a disparity between the Irish situation and the apparent survival of episcopal rule and territorial dioceses in Wales throughout the pre-Norman period.[35]

A number of subsequent contributions to the discussion of ecclesiastical organization have likewise shown no inclination to question the fundamentals of the received view, albeit that some have offered valuable new insights

into certain aspects of the problem. Ludwig Bieler, writing immediately after the publication of Hughes's book, was in no doubt that Patrick was responsible for a system of jurisdiction by bishops within territorial dioceses. The original sees were 'probably modelled on the pattern of cathedral chapters with a cenobitical organization' and thus contained the germ of the future transformation to a monastic constitution. The principal reason for this development was, he believed, to be found in the tribal structure and rural character of Ireland, which rendered it more fit for a monastic than a diocesan system.[36] The work of P.J. Corish, a non-specialist in the field, has been singled out by Sharpe for approbation on account of the prominence accorded the subject of pastoral care, although his particular observations on this matter are understandably rather general in character. Nevertheless, his emphasis on the indispensability of clerical and especially episcopal orders at all times and his reluctance to explain away manifestations of a territorial or diocesan organizational model which cannot be dated earlier than the eighth century are certainly to the point. He also endorses Hughes's remarks on the phenomenon of the 'secularized manach' or 'lay tenant'.[37]

In his account of the established church from the seventh century onwards Donnchadh Ó Corráin stresses the role of ecclesiastical dynasties and highlights the

involvement of the church in the compilation of genealogical material and in the development of a sophisticated ideology of its position in society which is expressed in the Latin and vernacular legal material. His comments on the role of the ecclesiastical dependents known as manaig include the suggestion that they were equated with the non-priestly Levites of the Old Testament, which he sees as the inspiration for the self-image of the Irish church.[38] He points to the existence of numerous small proprietary churches, doubts 'if many of these were churches or monasteries in any real sense of the word' and makes some comments about the probable limitations of pastoral care. While acknowledging that 'there were bishops with recognised territories or spheres of influence' in the seventh century, he does not discuss how or when this situation may have changed, but his broad acceptance of the prevailing orthodoxy is to be presumed from his comments on the emergence of 'monastic paruchiae' in the seventh century and his suggestion that they had reached the limits of expansion in the later ninth, by which time they constituted a 'complicated network' of ecclesiastical interests by comparison with which 'the patchwork quilt political map of Ireland is simplicity itself'.[39] However, it may be significant that 'monastery' as a description of the major centres has, in the more recent of his two contributions considered at this point,

largely given way to the neutral designation 'church'.[40]

Vincent Hurley presents a valuable study of the distribution and typology of church sites in the southwest of Ireland, in which he stresses the distinctions between the larger centres and the much more abundant smaller ones, whose primary function he takes to have been the local pastoral mission. He accepts the traditional conceptual framework of transformation from episcopal to monastic and he invariably refers to the greater centres of the developed period as 'monasteries', holding that their paruchiae comprised different grades of churches which are indicated in the documentation and observable in the field. However, in emphasizing diversity he maintains that 'some vestiges of the earlier diocesan system survived long after the great monasteries had become the dominant force', that bishops were of course still required in the monasteries and that 'even at the height of monastic power, there were still other forms of ecclesiastical sites in existence in Ireland' such as tribal churches and private churches.[41]

Charles Doherty's work has been concerned chiefly with the economic and broader social dimensions of the impact of the church and he credits it with the generation of urban settlement in Ireland. Until recently he has had comparatively little to say about general organizational models, but in his earlier papers it is clear that he shares the accepted view, affirming that in the seventh

and eighth centuries the 'early diocesan centres' were superseded or even absorbed by the lordships of the great 'monastic federations'. He commonly refers to 'monasteries' and 'monastic towns / settlements / sites' in that period and after but Armagh, while undoubtedly belonging to this category, 'still felt herself to be a diocese as well'. Following Deirdre Flanagan - who maintained that domnach churches are relics of the earliest missionary period and that the disappearance of domnach as a productive element in placenames before the seventh century is a marker of the transition from an episcopal to a monastic church - Doherty contemplates that Armagh's claims in respect of such churches might be a genuine attempt 'to protect small defenceless churches against powerful monastic neighbours'. He also devotes some attention to evidence illustrative of the condition of manaig in the sense of tenants or vassals, and detects social differentiation within this class.[42]

In a survey of the state of knowledge of early Irish ecclesiastical organization in which he expressly disclaims any pretensions to original interpretation, Giovanni Orlandi endorses the prevailing wisdom regarding the displacement of an early episcopal church by a monastic one after the mid-seventh century. This he attributes to the singularity of Irish social structure and in particular to a lack of central authority in the civil or

ecclesiastical spheres, so that the influence of the greater monasteries was enabled to expand without restriction in contrast to the limited jurisdiction of the territorial bishoprics. A decline in the importance of bishops is considered to have been accompanied by an increase in their number, so that they might be said to resemble the parish priests of other churches. He cites - though merely as an unproven hypothesis which he ascribes to Hughes - the theory that the structure of the 'monastic paruchia' is paralleled by the aggregation of petty kingdoms under a powerful overking and in at least one instance he gives expression to a territorial concept of the 'monastic paruchia', defining it as 'il territorio dipendente da un'abbazia'.[43] Wendy Davies is another scholar who has been content to accept the thesis of change from episcopal to abbatial rule as the background to her discussion of the terminology and attributes of secular lordship as they were applied to ecclesiastics.[44]

Sharpe's first paper on ecclesiastical organization - undoubtedly the most iconoclastic contribution to the debate since that of Zimmer - subjects the prevailing orthodoxy to a critique which is far-reaching in its implications. He maintains that the theory of change from an original pattern of territorial dioceses to one of scattered 'monastic paruchiae' and from government by bishops to abbatial rule rests on shaky foundations. He

holds that it is by no means certain what manner of organization would have been favoured by fifth-century missionaries. Reliable evidence only becomes available from the seventh century, but arguing back from this he affirms that the church does not have the appearance of deliberate organization according to any blueprint, but rather one of gradual, unplanned growth with no sign of a 'clearly defined hierarchical structure', or a 'canonically recognized metropolitan authority', or indeed of 'the early existence of dioceses'. Moreover, the ubiquity of the 'monastic paruchia' as an organizational model from the seventh century if not before, although widely assumed, has not been demonstrated. He does not believe that the paruchiae of such churches as Clonmacnoise and Iona - to which the genesis of that of Armagh has been portrayed as a response - were at all well developed in the seventh century; in truth Armagh and Kildare pioneered the formation of paruchiae of subject churches rather than reacting to the initiative of others. Paruchia in the seventh-century Armagh material, from which the term has gained its currency, as well as in that of Kildare, in his opinion has no particularly 'monastic' sense. He observes that 'its churches appear to have been secular charges, its head was certainly a bishop who claimed a territorially defined metropolitan province' and that the essential element in such a paruchia was 'the proprietary control of

a mother-church over its dependencies' and the financial returns from the ministry provided in these. As regards Binchy's suggested analogy with secular models of authority, Sharpe remarks that the normal hierarchy of archbishop and bishops may constitute a better parallel with the polity of kings and overkings than the conventional picture of the dispersed 'monastic paruchia'.[45]

Sharpe rejects as unsatisfactory Hughes's attempt to account for the diversity which she recognized in the sources by separating out the evidence in line with an elaboration of the theory of change, involving the emergence of two parties in the seventh century supposedly advocating different models of ecclesiastical government, in addition to the attested disagreement about paschal dating. He contends that to view the Romani and Armagh as reacting alike to the rapid spread of monastic government is inconsistent with Hughes's other argument that the displacement of episcopal by abbatial rule did not occur as quickly or as completely as had previously been imagined. He feels that to add a 'two party' theory to the theory of change also gives rise to the problem of 'how one is to assign evidence to a particular period or to a particular party'. On the other hand Hughes's emphasis on the 'diversity of conditions' and the 'complexity of the evidence' provides, in Sharpe's opinion, 'an alternative

view which seems to me more valid than the strict logic of the detailed argument'.[46]

His critique of the received wisdom is accompanied by what he describes as no more than a 'preliminary statement' of a different organizational model, in which episcopal, monastic and secular elements were accommodated in a single, hybrid ecclesiastical system, the salient characteristics of which were not change and confrontation but continuity and diversity. What he regards as the false distinction between 'a church run by bishops with a well-defined territorial jurisdiction' and 'a church made up largely of monasteries ruled by abbots' is that of the historian. In reality, the bishop retained pastoral jurisdiction after the seventh century and resided, along with a monastic community sensu strictiore, in a church settlement the lands and revenues of which were controlled by the comarbae ('heir') of the founder in his capacity of princeps / airchinnech ('supreme head'), a function which might be combined with those of abbot in the conventional sense and / or bishop, or be performed by a separate official. He suggests more hesitantly that the pastoral clergy in the small churches of a locality under the bishop's jurisdiction themselves 'probably had some tie with larger churches, the churches we habitually think of as monasteries'. This integrated structure would appear to be emergent by the seventh century, for while he allows -

conceding a point to the traditional approach - that the fifth and sixth centuries probably differentiated to a degree between 'secular and monastic types', in the seventh century they 'tend to merge', as indicated by the mixed populations and claims to 'jurisdiction over churches and monasteries alike' described by the propagandists of Armagh and Kildare.[47]

This hypothesis suggests an approach to the evidential complexities acknowledged by Hughes - and, indeed by some of her precursors - that, on the face of it at least, appears to the present writer to constitute a plausible alternative to traditional concepts of rival episcopal and abbatial models, with the triumph of the latter followed by a growing secularization. However, not all of his remarks on the relationship between pastoral jurisdiction, dependent churches and property - if I understand them aright - are in keeping with the preceding exposition of his proposed eclectic model. For example, in the course of explaining why the term 'monastic paruchia' is a misnomer, he seems to contradict much of the above in alluding to the existence of two mutually exclusive forms of organization in the seventh century, the one essentially pastoral, the other essentially monastic. He asserts that a proprietary and jurisdictional paruchia like those of Armagh and Kildare differed fundamentally from a 'monastic confederation' such as that formed by Iona, Durrow and

Derry, for which the early Iona annalists prefer the designation familia. The term paruchia is not used by Adomnán and, in Sharpe's opinion, a pastoral mission 'would be at odds with the religious life for which the constitution of a church like Iona was designed' and which is the main theme of Adomnán's Vita Columbae (yet at another point he declares that historians have been misled by 'the ascetic enthusiasm' of texts like Adomnán's to form 'an image of the church in which the monastic life was too largely represented'). Changes after the seventh century, insofar as they are detectable, appear, if anything, to bring Iona's federation closer to the system developed by Armagh and Kildare; he considers that evidence of a Columban paruchia similar in structure to that of Armagh emerges only after the foundation of Kells, in Middle Irish Columban hagiography. Thus it would seem that the integrated organization he postulates at one point for the seventh century is here presented as taking effect in the Columban churches - and perhaps by inference in other 'monastic' churches like Clonmacnois, whose extant hagiographical dossiers are of a relatively late date - only in the ninth or tenth century. This implies a return to the episcopal / abbatial dichotomy for the seventh century.[48]

Furthermore, if there is no evidence of an early diocesan episcopate, it is difficult to know what to make

of Sharpe's comment that the reference in the Liber Angeli to omnis...civitas <quae> ab episcopali gradu videtur esse fundata in tota Scotorum insola 'every city in all Ireland which is seen to have been founded by a bishop' is not to 'all other diocesan churches' but to 'churches founded by the bishop within the diocesan system, as distinct from private, monastic, or other independent foundations'. With this may be compared his apparent willingness to accept the possibility that 'in the first place the tribe or túath was coterminous with the diocese'.[49] Indeed, while at another point he denies that the diocese or the 'monastic confederation' like that headed by Iona - anymore than the proprietary paruchia - constituted the 'common pattern of ecclesiastical organization in the seventh century',[50] the most striking deficiency of Sharpe's outline model is that he does not make it entirely clear what he thinks that pattern was. He goes on to discuss the pastoral mission and various categories of churches named in the Liber Angeli, emphasizing the prevalence of small churches which might be free, like those claimed by Armagh, or which might belong to one of several classes of unfree church.[51] One of the latter consisted of churches which were 'part of the paruchia of a powerful church - something we should not think of as membership of a federation but as owing some kind of census to the abbot of the controlling church'.[52] Here he seems to imply that there were in fact seventh-

century paruchiae apart from those of Armagh and Kildare and that their dependencies are among those churches which were excluded from the claims of the Liber Angeli. In addition, although continuing to differentiate between a paruchia and a 'federation', he is here apparently prepared to contemplate that the former might be headed by an 'abbot'. He calls to witness Ríagal Phátraic to argue that the pastoral ministry in all small churches, free or unfree, was supervised by 'the bishop',[53] but does not say if he means the enigmatic 'bishop within the diocesan system' aforementioned or the bishop of his integrated structure; indeed how and to what extent these two are to be distinguished is not apparent, especially as the bishop of Ríagal Phátraic is expressly portrayed as operating within the túath. It may be noted that these remarks precede the exposition of his postulate of an integrated structure, as already detailed, but it would then appear to follow that this system had wide application by the eighth century, to which Ríagal Phátraic dates. To these puzzling inconsistencies may be added one of his concluding comments. Notwithstanding the unmistakable connotations of temporal authority borne by the titles princeps, airchinnech and comarbae in sources of the seventh and early eighth centuries, he maintains that the third - 'coarbial' - function of the ecclesiastical ruler 'depends on the increasing scale of the church's temporalities'.

This is said to be a development - misconstrued by previous scholars as the 'abuse' of secularization - of the eighth and ninth centuries.[54]

These discrepancies argue some uncertainty and may perhaps be accounted for at least in part by supposing that Sharpe's thinking about his integrated organizational model was as yet inchoate at the time of writing. One should doubtless bear in mind his description of this as no more than a 'preliminary statement'. While perplexing, the apparent inconsistencies which have been noted do not invalidate his contribution but merely detract somewhat from its effect. Both his critique of the orthodox view and the overall thrust of the alternative interpretation he proposes - even if he seems not to be entirely consistent in his adherence to it - demand the most serious consideration.

In a very recent paper which is concerned specifically with the question of pastoral care Sharpe makes some observations which shed further light on his alternative model of ecclesiastical organization, though even these are described as a 'sketch' produced in advance of 'a more thoroughly worked-out account'.[55] He restates his view that the terminology which has led to the pre-Norman Irish church being characterized as quintessentially monastic is misleading and that pastoral provision is at the heart of the matter. He supposes that local churches were probably

supplied with clergy by the district 'mother-churches' over whom the bishop of 'the petty kingdom or túath' exercised jurisdiction, apparently from the principal church of the túath. These 'mother-churches' were the centres of pastoral care from the sixth century but from the seventh century they tended to be 'held as property by greater churches' which, however, he does not think were seeking episcopal jurisdiction. Conflicts between such churches as Armagh and Clonmacnoise in the seventh century were the result of a system 'with many small dioceses but no archbishops with recognized metropolitan authority' and concerned 'power and property' rather than the supervision of pastoral care in the local communities. This assessment develops views expressed elsewhere that the Romani of the Irish canons were advocates not only of the Roman Easter but of a metropolitan hierarchy linked to Roman papal primacy, who, however, were ultimately obliged to give way to the laisser faire approach of the Hibernenses characterized by tolerance of diversity. It may be remarked that this again bespeaks a reversion to Hughes's model, or to a modification thereof, which suggests that Sharpe's fundamental scepticism about this model has been tempered to a degree.[56] Be that as it may, his most recent comments bear the interpretation that he considers that there was no inevitable linkage between pastoral jurisdiction and proprietorship at the highest level of what might be

described as ecclesiastical lordship.

Local churches as depicted in the eighth-century Ríagal Phátraic seem to have been much more numerous than later parochial churches, bearing witness to 'what in its time was one of the most comprehensive pastoral organizations in northern Europe', but there is evidence that this 'density of pastoral provision' was declining by the twelfth century, with somewhat more extensive spheres of basic ministration created through amalgamating areas formerly served by several small churches. Sharpe also apparently detects chronological development in regard to the role of monasticism sensu strictiore, to which Adomnán's Vita Columbae is said to be a unique witness, but which is seen as declining in importance thereafter, to such a degree that he doubts if there was in the ninth and tenth centuries 'any general continuance of regular monastic life in Ireland'. The communities of the greater churches should be seen as 'collegiate', resembling 'canons' or a 'cathedral priory' rather than 'contemplative religious' or monks. This may be linked with a seeming tendency - noticed in some of his earlier observations and possibly also detectable here, though his position is not entirely clear - to revert to that element of the traditional analysis which presents the church as increasingly characterized by 'secularization' as one proceeds from the eighth century towards the twelfth, possibly calling in question his

adherence to the notion that the single eclectic organizational model encompassed temporalities at the conceptual level from the first.[57]

There also remains some uncertainty about Sharpe's conception of episcopal jurisdiction in the period after its original association with the túath and the 'mother-church'. He affirms that 'after the seventh or eighth century the single túath was of very little significance'; thus historians have been mistaken in imagining that numerous bishops 'had vanished into monasteries' when in reality they had 'merely become too insignificant as a group to be included in the annals'. This presumably implies a belief that bishops remained attached to the principal church of each túath, but in his comments on a passage in Indarba Mochuda depicting a hierarchy of church-types he suggests that a second-tier church, one grade above a district 'mother-church', but certainly not in the same túath, 'may have housed a bishop', and seems to feel that the local 'mother-church' may not. Perhaps he means a prímepscop of higher status, of whom he guesses there could have been 'up to fifty or so', as distinct from ordinary bishops who may have numbered 'as many as 150', but he does not make this clear. Finally, it should be noted that on a particular aspect of the church's 'monastic' vocabulary Sharpe has reached the conclusion that Ríagal Phátraic must be read as indicating that the word manach 'has

extended its semantic range to something like "parishioner"'.[58]

Work which has appeared in the last few years suggests that Sharpe's first paper has not had the impact on scholars which one might have expected, a fact which may be attributable to a degree of confusion about his position. An important instance is Máire Herbert's valuable account of the Columban churches up to the twelfth century.[59] She shows an awareness of Sharpe's views in remarking on 'a tendency to generalize from the Columban model, and to assign monastic paruchiae to other sixth-century saints, while a contrary view is sceptical of the existence of any such structure'. However, she considers that the greatest need at present is for 'close studies of particular aspects of the Irish ecclesiastical scene' rather than for further efforts at synthesis. She believes she can shed some light on 'Columban organizational structure', but disclaims any intention to essay 'broader generalizations about Irish monastic organization'. Nevertheless, she goes on to endorse the analogy posited by Hughes (and before her by Binchy) between 'secular overlordship in Irish society and the headship of a monastic federation' as particularly appropriate to the 'view of monastic organization evolved' by Colum Cille as a Cenél Conaill ecclesiastic.[60] She states that Adomnán 'appears to depict the Irish ecclesiastical system as being predominantly monastic and

without a hierarchical structure'. Notwithstanding the archiepiscopal and metropolitan claims made on behalf of Armagh and Kildare in the seventh century 'both churches in time adopted the technique of claiming and acquiring subject churches as a necessary power strategy'.[61] But this is merely to beg the question; all of the above remarks tend to the conclusion that she subscribes to the traditional view of opposition between episcopal and abbatial models culminating in the triumph of the latter.

The term familia is used throughout to refer to the Columban organizational pattern[62] and occasionally to others such as those of Clonmacnoise, Ardbraccan and Dulane and indeed there are several references to the 'familia of Patrick',[63] but there are also a number of allusions to the Columban paruchia.[64] No definition of either designation is attempted but it would seem that by paruchia she means the subject churches themselves rather than any territorially defined sphere of jurisdiction associated with them. Familia seems generally to be used almost as a synonym of paruchia, though in a few cases it could be understood as denoting the personnel of the subject churches.[65] Clearly she discounts Sharpe's characterization of these as designating mutually exclusive organizational models and in general she can hardly be said to take a neutral stance in respect of his position on a number of important points, though without spelling out her grounds for disregarding

his strictures.

Lisa Bitel's recent book has little to contribute to the present discussion as it seeks - in accordance with a curiously old-fashioned conception not unlike that underlying Ryan's Irish monasticism - to illustrate various features of what she assumes was a dominant monastic element in the pre-Norman Irish church, chiefly by means of an astonishingly uncritical, capricious and indeed idiosyncratic use of hagiographical material.[66] Her observations on the relationship between conventional monks and manaig as economic servitors are addressed in a later chapter. Her only comment of relevance to the issues of general organization under consideration here is in a footnote in which she opines that the debate about the respective roles of bishops and abbots is 'obsessive and confusing' but does acknowledge that Sharpe, pace Hughes, has pointed to the continuing jurisdictional authority of bishops 'over abbots and the entire spiritual life of Christian communities' in 'the eighth-century canons'.[67] However, she remains singularly indifferent to the fundamental question this observation raises about the standpoint adopted in her book.

Models of general ecclesiastical organization are nearer to centre-stage in Doherty's most recent paper than in his earlier articles discussed heretofore. His contribution is valuable in drawing attention to the role

of Louth in the transmission of Patrician propaganda, stressing the origins of the cult among the Ulaid and postulating a seventh-century association with the overkingdom of the Airgialla. In this connection he implicitly modifies the parallel drawn by Binchy between Armagh's terminus and the territory of a rí túaithe, rightly pointing out that such a territory would be of much more limited extent and proposing instead a comparison with the overlordship of the Airgialla in the seventh and eighth centuries. He makes a number of interesting points about seventh-century submissions to Armagh by old churches like Trim, Sletty, Drumlease and Baslick in Leinster, the midlands and Connacht: in their search for protection against powerful rivals they rather than Armagh itself were the initiators and were responsible for promoting Patrician hagiography, as exemplified by Áed of Sletty's encouragement of Muirchú and, he feels, by the doctrine that Patrick was identical with Palladius, whose real historical sphere of activity is likely to have been in Leinster and the midlands.[68]

However, the broader conceptual framework of Doherty's discussion is essentially the same as in his earlier articles, written before Sharpe's intervention. He states as if it were a matter of undisputed fact that 'in the fifth century...the first dioceses (with their concern for pastoral care) were established'. Developing a point made

in a previous contribution, he conjectures that the bishops of these dioceses were aristocratic British and Gaulish clergy of the domnach churches whose supposed hostility to the monastic sympathies of Patrick could account for 'the rapid spread of monasticism, as a reaction to it, during the course of the sixth century'. He affirms that in the seventh century 'it is clear that major monasteries such as Clonmacnoise and Iona were building up their paruchiae (federation of churches) by taking over old, independent or non-aligned, churches of the missionary period'.[69] These latter included the 'free independent bishoprics' whose imminent absorbtion by the 'monastic paruchiae' is likened to the political decline of the 'túatha or tribes' with which these bishoprics were identified, in the face of the expansion of new dynasties like the Uí Néill. Thus old churches which had been independent of, or hostile to Patrick's mission, paradoxically were obliged in the seventh century to resort to the protection of Armagh. Armagh itself survived the seventh century by undergoing a transformation from a 'diocesan organization' to a monastic one 'with a far-flung paruchia which was to eventually embrace the whole island' - why so belatedly, given Patrick's alleged prescience with regard to monasticism is unexplained.[70] He declares that this transition 'must have formed part of the debate of those who called themselves Romani in the seventh century', citing an article by

Pádraig Ó Néill in which it is maintained that the so-called 'First Synod of Patrick' and 'Second Synod of Patrick' are both late sixth-century witnesses to the insistence of the Romani on episcopal as opposed to abbatial government. A different view of the significance of these texts is adopted below, but in any event Doherty's belief in Armagh's identification with the cause of the Romani, like that voiced by Hughes - somewhat tentatively - and by others, appears difficult to reconcile with its willingness to adopt the 'monastic' mode of government if one assumes that rule by bishops was a central tenet of the programme advocated by the Romani.[71]

The interpretation favoured by Doherty is therefore indistinguishable - apart from certain embellishments - from that developed by Hughes a quarter of a century ago. Of course that is not to say that such a position might not be sustainable. Perhaps Doherty has good grounds for rejecting all or most of Sharpe's criticism of the traditional approach, not to speak of his alternative hypotheses, but if so it is unfortunate that he does not lay these before us. Although he cites Sharpe's paper twice in footnotes[72] he makes no reference whatsoever to the case made out therein.

Harold Mytum is another recent commentator who takes little account of Sharpe's reappraisal of the issues. Archaeological and art historical evidence is accorded

pride of place and Mytum draws attention to the fact that many sites do not manifest specifically monastic characteristics in archaeological terms. Nevertheless, he seems to assume that surveyed or excavated sites are either 'monasteries' or 'family churches' as contrasted with the 'communal churches that must have been so common' and which he envisages as providing pastoral services for the general public. Moreover, his general perspective again presupposes the reality of transition from an episcopal to an abbatial system which then tended to become secularized. The early episcopal paruchia was probably coterminous with the túath but the later 'monastic federations' were dispersed and organized, he suggests, on the analogy of the secular institution of clientship.[73]

Recent comments by Ó Corráin suggest a greater awareness of the importance of Sharpe's novel assessment. He agrees that there is nothing known for certain about the organization of the missionary church, that the traditional view of the replacement of episcopal by abbatial rule is too simplistic and that the population of the great ecclesiastical centres was diverse. While the 'monastic movement' was influential it did not displace 'secular bishops' who, often operating from a 'monastic base', exercised pastoral jurisdiction over all manner of churches. On the other hand he is inclined to refer to the major churches as monastic and seems to display some

inconsistency in his inclusion of Armagh in this category at one point while at another he avers that 'it was not a monastic church'.[74]

Thomas Charles-Edwards is another very recent contributor who has recognized the import of Sharpe's original paper. Thus he believes that 'the debate about if, how and when the Irish church became monastic is perhaps misconceived' and that the Collectio Canonum Hibernensis does not distinguish 'between a church which is monastic and a church staffed only by clerici'. He is inclined to regard pastoral services and especially dues as bearing in particular on the manach-dependents of the church and to present any wider application as primarily aspirational. Perhaps his most innovative proposition is that the model of provincial metropolitan jurisdiction espoused by the Collectio Canonum Hibernensis was designed as a deliberate rebuttal of primatial claims voiced by Armagh and Kildare in the seventh century.[75]

I.2 DEFINING OBJECTIVES AND METHODS

The overall impression conveyed by the above survey of the current state of knowledge is one of broad agreement - until recently, that is - about the general course of developments combined with a remarkable diversity of opinion about the blend of elements comprising the total picture. This disagreement about details, as well as the

fact that in the light of Sharpe's fundamental critique the entire edifice of the established consensus appears to rest on rather unstable foundations, together seem to point to the conclusion that our appreciation of early Irish church organization to date may have been somewhat superficial and impressionistic rather than in-depth and systematic. There seems to be much merit in Herbert's remark, already quoted in part, that 'there have been, perhaps, too many attempts at synthesis, and too few close studies of particular aspects of the Irish ecclesiastical scene'.[76] Notwithstanding the criticisms voiced above it must be acknowledged that her book is a fine example of one approach to such a close study, leading to a detailed narrative history of a church or group of churches based principally on sources such as the annals, genealogies and hagiography. Another promising methodology is that employed by Hurley, involving the interpretation of patterns in the distribution of ecclesiastical sites as revealed by a combination of hagiographical evidence and the results of archaeological field surveys. Further studies of these kinds are needed, but it seems that an equally legitimate project is to try to establish with as much clarity as possible what organizational models were envisaged or applied within the early Irish church generally, taking particular cognizance of material of a more legalistic or prescriptive character than that already noticed, such as

Hiberno-Latin and vernacular law, penitentials and 'monastic' rules, in conjunction with those narrative sources mentioned above. Such an approach to the investigation of certain of these organizational models is attempted in the present thesis. Its objectives and terms of reference may now be defined more precisely in the light of the preceding survey of the secondary literature.

The questions which Sharpe has raised are of such fundamental significance that it seems the height of folly to suppose that they can be ignored. That at any rate is the assumption which informs this study. To quote Sharpe himself on challenges to the traditional model, 'some recent writers have not appreciated that the challenges are not further refinements: they undermine the model from start to finish'.[77] It is considered a priority, therefore, to assess whether the evidence is in accord with the single, eclectic model of church organization discerned by Sharpe, with specific reference to the three facets of ecclesiastical rulership he has distinguished, namely, the episcopal, the abbatial and the 'coarbial'. The portrayal of each of these in the Collectio Canonum Hibernensis is closely analysed and the conclusions drawn are then set against the testimony of other Latin canonistic and penitential texts as well as that of the vernacular laws, while the evidence of narrative sources, namely saints' Lives and annals, is also taken into account. One principal

objective is to ascertain how precisely the episcopal role was envisaged in the sources, given that the vocabulary of abbatial authority and monasticism has usually been regarded as pre-eminent. A second major aim is to attempt to determine the character of the third, 'coarbial' function, so as to discover to what extent it is indebted to episcopal or abbatial concepts or whether it should be viewed as a distinctive theoretical model for what might be called 'ecclesiastical lordship'.

This leads to an examination of the spheres within which jurisdiction and authority in general may be supposed to have been exercised by ecclesiastical rulers. This is much the most complex and difficult subject addressed by the study and the relevant chapter is the longest therein. The traditional view that the dispersed 'monastic paruchia' - having superseded the territorial diocese at an early stage - was the standard model thereafter is rejected by Sharpe. However, it has been suggested already that his efforts to resolve the question of how jurisdiction was organized are not entirely satisfactory and indeed that some of his comments on the matter seem mutually inconsistent. The approach adopted here is to attempt to discover what light the evidence sheds on three postulated models of jurisdiction: that of the basic, territorially cohesive unit which is in principle that of the bishop, that of the territorially defined sphere of extended or superior

jurisdiction, and that of authority over more or less widely dispersed subject churches. Some attention is devoted to Sharpe's seemingly problematical distinction between the connotations of the usages paruchia and familia. The significance of the former is fully teased out. Some consideration is also given to the jurisdictional implications of the promulgations of ecclesiastical cáini 'laws'. The range of sources which illuminate these issues is as above, though the witness of the hagiographers assumes comparatively greater importance. The problems posed by the relationship between the various models of jurisdiction and ecclesiastical lordship to which the sources attest are not easily resolved and the subject is one upon which there is scope for a good deal more work. Sharpe's apparent difficulties in dealing with the issue are therefore hardly surprising, and this study presents an interpretation which is necessarily somewhat tentative and can have no pretensions to finality.

The focus of attention is then shifted from the general to the particular, in order to address the subject of the pastoral mission, the central importance of which is emphasized by Sharpe. Provision for pastoral care and for the sustenance of the ministry would appear to be the most basic attribute of the church in any society, but the almost universal scholarly consensus as to the peculiarly monastic character of the early Irish church has obviously

been responsible for deflecting attention from this crucial measure of the church's impact. Evidence illustrative of the services and dues connected with the pastoral ministry of the church is admittedly limited but it is nevertheless surprising that it should have been relatively neglected by most previous scholars. It consists of a handful of prescriptions in the Latin canons and somewhat more frequent and informative references in the vernacular legal material, together with occasional allusions of an anecdotal character in the narrative literature. The provision of pastoral care is in principle presumably the quintessential function of the clerical order headed by the bishop, while income from reciprocal pastoral dues may be regarded as pertaining to the administration of the church's temporalities, the characteristic preserve of the princeps / airchinnech / comarbae. As we shall see, prescriptions for pastoral provision and for payment of dues also have important implications for the position of monachi / manaig, terms which bespeak - in theory at least - the 'monastic' element, so that at least at the level of terminology this subject may be said to bring together the three elements identified by Sharpe. The principal aim of this section of the thesis is to establish whether the available evidence allows any conclusions to be drawn regarding the extent and effectiveness of the pastoral mission.

It has been widely recognized among scholars for some time that the connotations of monachus / manach are ambiguous, for while these terms may describe the monk sensu strictiore, they often designate rather the category of ecclesiastical dependents usually known as 'monastic tenants', whose relationship to the church is perceived to have been primarily an economic one. Their position would seem to be crucial to any assessment of the church as lordship and so the later chapters of this thesis are devoted to a detailed examination of the evidence for their legal status and socio-economic functions, bearing in mind Charles-Edwards's contribution on the subject,[78] which is not noticed in the opening section of this chapter as it does not deal with the general issues of organization which are discussed therein. As far as the ecclesiastical dependents' legal standing is concerned the central issue is to what extent - if any - monachi / manaig were afforded contractual capacity. Closely related to this is the question of whether they could own property. In attempting to elucidate their economic role the hypotheses considered are that they acted mainly as labourers or chiefly as rent paying tenants deploying agricultural capital which they controlled individually. Arising from this is the problem of whether the designation monachi / manaig denotes an essentially homogeneous class or covers a diversity of legal and socio-economic conditions. Indeed, does the

position of manaig resemble more closely that of the various dependents of a secular lord or that of members of a kindred? An entire chapter is devoted to the difficult and relatively neglected problem of the rules governing bequest and inheritance with a view to determining whether the position of monachi / manaig resembled or differed from that of secular kinsmen in this regard. The vernacular legal corpus provides quite a substantial amount of material for a study of the condition of monachi / manaig and can be supplemented by the testimony of the Latin canons and, to a lesser extent, of penitentials and 'monastic' rules, while hagiography contains an abundance of narrative motifs which seem pertinent to some of these issues and which may also shed light on the relationship between the ideology of conventional monasticism and the condition of the economic dependants or tenants of the church.

The final chapter consists of a summary of the conclusions reached on the various aspects of Irish ecclesiastical organization with which the thesis deals.

In the light of the preceding outline of objectives and methods it will doubtless be immediately apparent that it is not proposed to present a comprehensive account of early Irish church organization. It may be as well at this point to spell out the limitations of the enquiry, which are in the first place chronological: the main focus is on

the period from the seventh to the ninth centuries, with some reference to the tenth. These limits are in large measure imposed by the nature of the chief sources used. Thus there is no attempt to address the thorny problem of the beginnings of early Irish christianity. In other circumstances this could be justly deemed a serious shortcoming, but there seem to be compelling reasons to ignore the matter of the origins of Irish church organization in view of the present state of knowledge.

As maintained by Kenney and other scholars noticed in the preceding section, it is not until the seventh century that a serviceable body of indisputably contemporary source material shedding light on the Irish ecclesiastical system becomes available.[79] It has been argued, though hardly irrefutably, that one or perhaps two of the shorter texts of canon law which are among the sources discussed in the third and final section of the present chapter should be regarded as testimony of the sixth - or in one case the fifth - century.[80] Moreover, notwithstanding Binchy's marked pessimism, it is not inconceivable that it may be possible to discover in seventh-century hagiography material which genuinely reflects earlier developments, though recent efforts to do so have reached different conclusions and the methodology proper to such an endeavour is by no means clear as yet.[81] On the whole it appears much the safest approach, and one eminently defensible in the

present case, to treat the seventh-century evidence synchronically as a contemporary reflex of church organization. It seems reasonable to suppose that when a clearer picture of the situation in the seventh century and after has been established, the investigation of origins might be pursued more productively from the point of view of hypotheses as to how that state of affairs may have come about.

The approximately tenth-century terminal date proposed for this study is not intended to imply that this period is of any particular significance for the development of Irish church organization, but is once again prompted by the character of the evidence. The essential problem is the degree to which the organizational features which can be deduced from sources of the seventh to ninth centuries persisted thereafter. While we do not have evidence for this later period which can compare with the seventh- and eighth-century Latin and vernacular legal material as regards either contents or the relative precision with which these documents are datable, less closely dated sources such as the later legal glossators and later hagiography provide no intimation of any dramatic transformation. The same impression is created by the annals up to the end of the tenth century, at least as regards those relatively limited aspects of the subject upon which they shed light. On the whole, therefore, it may

be tentatively postulated that the degree of continuity into and indeed after the tenth century was as likely as not considerable, but a cut-off point in the tenth century has been somewhat arbitrarily selected in order to keep this thesis within manageable proportions and specifically with a view to excluding issues that arise in the period leading up to the reform movement of the later eleventh and twelfth centuries. Again, it seems not unreasonable to suggest that these latter can best be reconsidered in the light of a clearer appreciation of Irish ecclesiastical organization in what may be posited as the central period of establishment between the seventh and tenth centuries.

In addition to the above limitations on its chronological scope, it should be emphasized that this study is unapologetically selective as regards themes. A notable omission is any pretence to addressing the subject of monasticism in the conventional sense per se. The routine of ascetic and penitential practices and religious rituals pursued by monks and anchorites is not considered in its own right, as it is deemed to have been comparatively well documented in the work of previous scholars such as Ryan and, more recently, Peter O'Dwyer.[82] It may also be remarked that such matters are not strictly relevant to the present study, which is concerned exclusively with what might be described as the public manifestation of the institutional church rather than with

its impact at an internal, personal level on those of its members who were dedicated to the most pious ideals. On the other hand the general position of the monastic element relative to that of the pastoral and temporal aspects of the organizational model is assessed. Moreover, much attention is devoted to elucidating the part played by monastic ideology in formulating concepts of the church's external, public influence or jurisdiction both in a pastoral sense and in the sense of what has been described as its lordship, these being the two chief preoccupations of this study.

I.3 SOURCES

The sources which provide the material for this investigation have been noticed in passing in the preceding section, but a more systematic account is called for before concluding this chapter. As has already been indicated, the most crucial material is of a legalistic or prescriptive character and consists of Latin canons and vernacular law tracts with their associated glosses and commentaries. In dealing with certain aspects of the subject these are supplemented to a greater or lesser extent by the testimony of the penitential tracts and monastic rules and of narrative sources such as hagiography and annals, as well as by that of the Tallaght documents which are in some respects both prescriptive and narrative.

We shall consider first the output of the Latin canonists, which is where one might be expected to begin any investigation of ecclesiastical organization. The most important text is of course the Collectio Canonum Hibernensis, the testimony of which is at the heart of the discussion of models of ecclesiastical rulership in the chapter which immediately follows this. It also illuminates in varying degrees each of the other topics discussed, these being jurisdictional spheres, pastoral care and dues, the status of manaig and the rules governing bequest and inheritance. The absence of a modern edition of this fundamental text has occasioned difficulty for historians since Kenney's day[83] and the recent death of Maurice Sheehy has doubtless further postponed any prospect of this deficiency being supplied. Rather than undertaking to examine and critically analyse for myself all of the manuscripts - an enterprise the scale of which would have occasioned an unacceptable delay in the completion of this study - I have instead chosen to make do with Herrmann Wasserschleben's edition, now over a hundred years old.[84] This offers a usable if in important respects incomplete witness to the contents of the text and, granted its defects, provides a serviceable impression of the canonists' views on those aspects of ecclesiastical organization with which I am concerned.

Its chief shortcoming lies in Wasserschleben's reliance

for his text on the 'A' recension - one of two groups into which scholars have long recognized that the extant manuscripts fall - and indeed on a particular manuscript of that recension the selection of which Sheehy suggested was open to question.[85] The variant readings noticed by the editor give nothing like a complete picture of the contents of the 'B' recension, the relationship between which and the 'A' recension is far from clear, although some recent scholarly comment would appear to bespeak acceptance of Wasserschleben's and Henry Bradshaw's belief that 'A' is the earlier.[86] A colophon copied by the scribe of one of the extant manuscripts of the 'A' recension and finally deciphered by Rudolf Thurneysen identifies the compilers as Ruben of Dair Inis - on the Blackwater near Youghal - (+ 725) and Cú Chuimne of Iona (+ 747). Whether they were together responsible only for the 'A' recension or whether, as Thurneysen proposed, Ruben should be credited with the 'B' recension - regarded by Thurneysen as the earlier - and Cú Chuimne with recension 'A' is a moot point.[87] The interpretation of the colophon, together with the fact that the latest authorities cited in recensions 'A' and 'B' respectively are Theodore of Canterbury (+ 690) and Adomnán (+ 704), does at least allow the historian a measure of confidence in placing the compilation of the Collectio in the first half or perhaps the first quarter of the eighth century.[88]

In addition to the uncertainty surrounding the relationship between the two recensions, the absence of a modern edition leaves us without an up-to-date critical analysis of the sources of the Collectio. Citations of Patricius, Synodus Romana and Synodus Hibernensis have long been recognized as denoting Irish antecedents. Indeed, as has already been observed, Hughes detected a contrast between the second and third of these in their supposed advocacy of, respectively, episcopal and abbatial models of rulership but - taking account of the comments of Kenney and perhaps those of Bury - she was also disposed to view the Collectio as in effect a final position paper drawn up by the Romani faction in the seventh- and early eighth-century Irish church, on the assumption that episcopal government as opposed to abbatial was a part of the programme espoused by the reformists.[89] It is not immediately obvious how these two interpretations can be reconciled and a further complication is created by Hughes's view of the compilers as in some measure 'antiquarian' in their depiction of 'a church under episcopal jurisdiction' given that 'the administration of the Irish church in the early eighth century no longer conformed to this pattern'.[90]

How, then, is one to determine whether any given passage on episcopal government in the Collectio is a retrospective allusion to a long dead Patrician episcopate or an attempt

to promote this administrative model in contemporary circumstances? Sharpe, who is aware of this difficulty, also aptly remarks that the inclusion of a supposedly antiquarian element in a work the preface of which suggests it was intended for practical use requires explanation. On the other hand it must be admitted that Sharpe himself elsewhere articulates what seems in effect a modified version of part of Hughes's interpretation, holding that the distinction between Romani and Hibernenses in the Irish canons is one between advocates not just of the Roman Easter but of a metropolitan hierarchy linked to Roman papal primacy, and adherents of a laisser faire approach marked by greater diversity and tolerance, with the latter view ultimately triumphant.[91] On the whole, given the current state of our knowledge, it appears that much the safest approach - unless and until compelling evidence to the contrary should emerge - is to treat the Collectio as an entity reflecting the position of early eighth-century Irish canonists, rather than try to impose on it an interpretation of its component elements based on assumptions about organizational change and reaction. This at any rate is the approach adopted here and detailed evidence from the text itself which seems to justify it is outlined more fully in the next chapter in dealing with the question of models of ecclesiastical rulership. A similar perspective is detectable in the recent comments of

Charles-Edwards who, pace Hughes, affirms that in the Collectio 'there is no sharp distinction between a church which is monastic and a church staffed only by clerici'.[92]

The remaining Hiberno-Latin canons have been edited by Ludwig Bieler.[93] Two texts which shed some light on models of ecclesiastical rulership and spheres of jurisdiction are the so-called 'First Synod of Patrick' and 'Second Synod of Patrick', both of which were identified by Bury as sources used by the compilers of the Collectio, though the precise dating of both is controversial. Scholars have attempted to locate these texts in accordance with the theory of change from episcopal to abbatial rule, an approach which raises the same kind of problems as it does in connection with the Collectio itself.[94] Some of the content of the texts seems to invite a more flexible interpretation, as discussed in the next chapter. The so-called Canones Hibernenses is a short collection of miscellaneous material which indeed may never have formed a whole, but parts of which were drawn on by the compilers of the Collectio. Two of the component elements - which in truth belong to the category of penitential tracts - touch on models of rulership, while a third, which in form closely resembles the prescriptions of the Collectio, is of the utmost importance for the subject of pastoral dues. A seventh-century date may be tentatively postulated for this material.[95]

The vernacular law tracts constitute perhaps the single

most valuable source of data for a study of this kind and afford the best prospect of novel insights since their evidence remains comparatively unexploited by historians. Binchy's diplomatic edition,[96] while it is neither entirely comprehensive nor above criticism on occasion for accuracy of readings, word division, punctuation and presentation of certain tracts, nevertheless supplies a broadly reliable text and so represents a major step forward. However, the sheer volume of the material together with the linguistic difficulties and problems of interpretation it presents has rendered it impractical to work through the whole Corpus iuris Hibernici. The method adopted for the purposes of this study is therefore selective. All tracts which have been critically edited - mainly by Thurneysen and Binchy - are taken into account as are all others belonging to the Senchas Már, the great collection of 'canonical' tracts assembled in the first half of the eighth century,[97] as well as various other early tracts, including all the extant items among those recently listed by Fergus Kelly.[98]

Thus most of the hitherto identified 'canonical' tracts written in the seventh and eighth centuries have been examined, together with their accompanying apparatus of gloss and commentary, some of which is in Old Irish of the eighth or ninth century,[99] though most is later. How much later is difficult to say in advance of the substantial

work which needs to be done on the development of legal glossing in the Middle Irish period (i.e. up to the twelfth century) and after. For the present it must suffice to remark that in this writer's opinion the low estimate of the glossators' work repeatedly expressed by Binchy[100] hardly does justice to the erudition and subtlety they frequently display. Such preconceptions must be set aside by those who would attempt a detached appraisal of the degree of change or continuity in the law subsequent to the period of the 'canonical' tracts. Naturally it has not been possible to undertake any systematic assessment along these lines as part of this study. However, in individual instances a cautious but open-minded approach to the light the glossators and commentators may shed on the earlier text has been adopted.

Returning for a moment to the question of how representative is the sample of data used in this survey, it must be emphasized that the greater part of the extant legal corpus consists of later digests or compendia which expand on words or phrases cited from a wide variety of early tracts, the texts of some of which have been elsewhere preserved in a more or less complete form while many are not known other than from such fragmentary survivals.[101] Very little material of this kind has been taken into account in view of the particularly acute problems of interpretation it presents, but when the

necessarily slow and difficult process of analysis is complete it will doubtless yield further evidence of value. The present study can therefore make no claims to comprehensive coverage of the vernacular legal sources but at least one may be reasonably confident that what has been selected for investigation is a fair representation of the church's profile in the jurists' output, especially in the earliest - seventh- and eighth-century - stratum.

The question of the authorship of the vernacular legal tracts has attracted considerable comment of late. The conventional wisdom propagated by Binchy, namely that they should be attributed to 'secular' law schools, has been challenged by the recent work of Liam Breatnach, Kim McCone and Donnchadh Ó Corráin, all of whom see the law texts as the product of what Ó Corráin has termed the ecclesiastical 'mandarin caste'.[102] Thomas Charles-Edwards has shown a reluctance to accept this interpretation,[103] but for my part I do not find his arguments persuasive as against the evidence adduced by the trio aforementioned. Most telling is Breatnach's demonstration that the first third of Bretha Nemed Toísech dealing with the church actually renders the Latin of the Collectio Canonum Hibernensis both in standard Old Irish prose and in the condensed alliterative rosc style which had hitherto been regarded as archaic and characteristically oral.[104] It seems that the abundant evidence concerning various aspects of church organization

which is furnished by the vernacular legal sources must be treated as first hand information just as much as that of the Latin canon law. However, whatever about clerical authorship, one may distinguish between the vernacular and Latin prescriptions in that, with a few exceptions, ecclesiastical affairs are not the predominant subject matter of the former, which touch on the church most frequently in the context of delimiting its place in society in general or in comparing its standing, function and internal arrangements with those of other institutions such as kinship or lordship.

Sources with a more exclusively ecclesiastical focus which are closely related to the main body of vernacular laws are the cáin-law tracts. These are couched in legal language and either afford protection to churches, churchmen and innocents (i.e. Cáin Adomnáin) or have peculiarly ecclesiastical objectives such as the enforcement of the Sabbath (Cáin Domnaig). Cáin Éimíne Báin is of a rather different order, being cast not in legal language but in the hagiographical narrative style of the matter introductory to Cáin Adomnáin, and is taken by its most recent editor to belong to the late Old Irish or early Middle Irish period (i.e. ninth to tenth century).[105] We know of the existence of other cáin-laws, the texts of which have not survived.[106] With this category of document we may associate the tract known as Ríagal Phátraic -

whether or not it is to be identified as (part of?) Cáin Phátraic, the promulgation of which is repeatedly noticed in the eighth- and ninth-century annals - which is a witness of unique importance on the question of pastoral care and dues and, unlike the three surviving cáin-laws noticed above, is preserved in a manuscript containing other legal material.[107] Like the main body of vernacular law these texts, with the exception of Cáin Éiméne Báin, belong to the later seventh and eighth centuries.

Of the two remaining groups of documents of an expressly prescriptive character, the Latin penitentials have been consulted in Bieler's edition which also contains a retranslation by Binchy of the Old Irish Penitential, previously edited and translated by E.J. Gwynn. Again most of these sources are to be dated to the seventh and eighth centuries, though some are apparently of a rather earlier date.[108] The limited interest of these texts is discussed below in connection with the topic of pastoral care; otherwise they are chiefly of note for their incidental information on ecclesiastical rulership, spheres of jurisdiction and the position of manaig.

The same may be said of much of the eighth- and ninth-century vernacular material which goes under the description 'monastic rules' and to which the Tallaght documents are related. This consists of spiritual and religious exhortation and inculcation of behavioural

precepts within a context which is primarily monastic in the conventional sense[109] and so is of relatively little value for elucidating the organizational features at issue here. The Tallaght documents, which in large measure belong to the same tradition, are of rather more interest in that their contents are anecdotal as well as prescriptive and while undeniably charged with ascetic zeal, they are sometimes illuminating with regard to the wider ecclesiastical scene in the early ninth century and offer a particularly fascinating insight into pastoral activity.[110]

So much for the evidence of an entirely or mainly prescriptive character. It remains to comment on the narrative sources used in this study, namely annals and hagiography. Of these the testimony of the saints' Lives is more frequently deployed as it has a bearing on each of the aspects of organization considered. On the other hand the evaluation of hagiography presents greater difficulty. The broad dating of the earliest hagiographical stratum presents no major problems. This includes the seventh- and eighth-century Patrician documents in the early ninth-century Book of Armagh, which were reworked and expanded during the course of the ninth century to produce Bethu Phátraic, better known as the 'Tripartite Life of Patrick', which was seemingly substantially completed by the mid-tenth century or perhaps by the end of the ninth.[111] Adomnán's Vita Columbae was undoubtedly composed at the

end of the seventh century and the later products of the Columban hagiographers are now - thanks to the work of Máire Herbert and Pádraig Ó Riain - more securely dated than those of most other traditions.[112] While the chronological development of the Brigidine dossier has been somewhat controversial, it is agreed that Cogitosus's Vita Brigitae belongs to the seventh century whereas the Vita Prima has been seen as either a seventh-century precursor or an eighth-century compilation drawing on the former. The early ninth-century date of the partly Latin and partly Old Irish Bethu Brigte is not in dispute.[113]

To material the antiquity of which has long been recognized may now be added nine or ten of the Latin Lives in the so-called 'Salamanca' collection, for which there appears to be good evidence of composition in the period before about 800 A.D.[114] The dating of the remaining Latin and vernacular Lives[115] for the most part rests on no very secure foundation. More or less plausible dates - ranging from the seventh century to the later middle ages - have been proposed for some texts or for strata within them,[116] but few carry the authority deriving from in-depth analysis such as has been undertaken in the case of the Patrician, Columban and Brigidine dossiers. Use is made here of the testimony of Lives about which one cannot be confident as to their dates, especially where there seem no grounds for suspecting anachronism and where the motifs cited are

consistent with those in texts which are undoubtedly contemporary evidence for the period covered by this study. Clearly, however, more weight attaches to the witness of the latter which is expressly distinguished in all cases from hagiography of uncertain date.

The final category of evidence to be noticed is that of the annals, on which little comment is required. The published editions used here are well known[117] and while there is still much debate about the various stages of recording, compilation and dissemination which may underlie these,[118] there is no doubt that in the period covered by this study the annals are a contemporary though not a homogeneous source. Their evidence is of course more strictly historical in a matter-of-fact sense than that of either hagiographical literature or legal discourse and prescription, but it is also more narrowly focussed as regards subject matter. Thus it is a most valuable witness on the question of the relationship between episcopal, abbatial and 'coarbial' church rulers and also provides important information on the spheres within which ecclesiastical authority and jurisdiction was exercised. However such aspects of organization as the day-to-day operation of the pastoral ministry, the position of the church's manach-dependents and the processes of inheritance and bequest insofar as they bear on the church were obviously not of a kind to excite the interest of the

annalists, who shed little or no light on these issues.

The difference in character between the annalistic evidence and that of the other sources draws attention to a fundamental problem which must be addressed before concluding this introductory chapter. What confidence can there be that institutions and procedures delineated in the following chapters existed in reality and were not merely theoretical concepts, given that sober historical records of day-to-day events can tell us nothing of crucial aspects of organization, in respect of which we are entirely reliant on legal texts which may be suspected of some degree of idealized schematism and on hagiography which is of course a genre of literary creation the historical relevance of whose motifs are obviously susceptible to more than one interpretation? This objection is decidedly most pertinent in the case of a feature such as the Irish interpretation of the principle tertia Deo 'a third to God' relating to bequests - discussed below in chapter six - where the only evidence is a handful of Latin and vernacular prescriptions couched in general terms which give conflicting impressions of the rules that may be supposed to have obtained. Diversity of practice could be inferred in such a case, though one might also be sceptical about the historicity of the institution or whether it had any reality outside the formulations of canonists and jurists who were evidently acquainted with the usages of

the eastern church. On such a topic conclusions can be drawn only with the greatest caution.

The above objection may also carry some weight in connection with a phenomenon such as the organization of pastoral provision - dealt with in chapter four - to which there is a relatively limited but more diverse body of references in Latin and vernacular law texts and in hagiographical and quasi-hagiographical anecdotes. However, the fact that the particular interpretation of the system favoured below seems to be borne out by material in these two very different categories - and by texts of different provenance within both groups - at any rate would appear to rule out the possibility that we have to do with the idiosyncratic speculations or inventions of a particular juristic or hagiographical tradition. This is all the more true of topics such as the status and functions of manaig, considered in chapter five, for which the evidence is of the same kind but more abundant.

Of course general agreement among independent sources about theoretical models of organization does not in itself give any indication of the extent of practical application, but it does at least generate a presumption that such widely held notions were not utterly divorced from real experience. Many legal passages and some hagiographical narratives relevant to the matters discussed contain details whose verisimilitude is a persuasive argument for

the same assumption. We are obviously on much firmer ground when the import of legal formulations or hagiographical motifs can be tested against the annals, as in the case of the relationship between episcopal, abbatial and 'coarbial' functions discussed in chapter two, and to an extent with regard to spheres of ecclesiastical jurisdiction and lordship in chapter three. These areas where such a control can be deployed afford some indication of the general reliability of the legal and hagiographical testimony on issues upon which the chroniclers cast little or no light. In conclusion, then, it is clear that while not everything in the legal and hagiographical material can be taken at face value, there is no justification for total scepticism either. The approach adopted here is to try to assess the evidence relating to each issue on its merits and indicate what seems the more probable interpretation where absolute assurance is impossible.

Chapter II

MODELS OF AUTHORITY: BISHOP, ABBOT AND ECCLESIASTICAL LORD

One of the traditional assumptions about the Irish church is that it was predominantly monastic and ruled by abbots from the seventh century if not before, in contrast to an original episcopally ruled and in some sense diocesan organization, and that abbatial government succumbed to secularization from perhaps the eighth century onwards. The purpose of this chapter is to test the credibility of Sharpe's alternative model of a single eclectic structure embracing episcopal, abbatial and temporal authority in a variety of possible permutations. The evidence considered spans the seventh to tenth centuries and the problem of how any such pattern could have developed in the preceding period, for which reliable contemporary sources are not abundant, is disregarded, as has been explained in the previous chapter. The method adopted is to examine the portrayal of ecclesiastical rulers first in canon law and other Latin prescriptive texts and then in vernacular material of a similar character, followed by consideration of the testimony of the more securely dated hagiographical dossiers and of the annals up to 1000 AD.

II.1 LATIN PRESCRIPTIVE TEXTS

The early eighth-century Collectio Canonum Hibernensis contains information of paramount importance on Irish ecclesiastical organization which plays a notable part in Hughes's influential study. As remarked heretofore, Sharpe highlights the difficulty posed by her simultaneous imputation to the compilers of both antiquarianism and a propagandist intent in their inclusion of canons quoting scriptural and non-insular authority as well as the enactments of the Irish Romani for 'a church under episcopal jurisdiction'. These she contrasts with citations, notably from the Hibernenses, which in her view are more influenced by native legal institutions and accord better with contemporary reality in intimating that 'the abbot controls the property of the church and directs its affairs'. Why the latter should be included in a text the entirety of which is regarded by her as in some sense propagandist on behalf of the Romani is hard to understand, as is the relevance of either antiquarianism or propaganda in a work the preface of which suggests that it was intended for practical use.[1] However, these apparent inconsistencies seem capable of resolution if one endeavours to see the Collectio as an integrated whole which adopts a subtly nuanced approach to the relationship between the three images of ecclesiastical rule of which it

treats.

Book I De episcopo, citing mainly scriptural and other non-native sources,[2] deals with the selection of a bishop and the personal, religious and educational standards expected of him.[3] His power of ordination and his pastoral and judicial functions are emphasized and he is expected to read scripture, peruse the canons, pray, fast and perform vigils, care for the needy, receive pilgrims, redeem captives, protect widows and orphans and provide hospitality.[4] There are indications that he controlled property, as he is instructed to treat the res ecclesiae 'substance of the church' as a trust and to dispose of none of its possessions by gift, sale or deposit absque subscriptione clericorum suorum 'without the assent of his clergy'. The aforementioned obligations to support the needy, supply hospitality and redeem captives involve deploying material assets and there are injunctions against preoccupation with worldly affairs and against conferring orders for gain or accepting the gifts of the iniquitous.[5] His pastoral jurisdiction ostensibly operates in a territorial or diocesan context, a matter discussed in the following chapter; it may be noted here, however, that the relevant passages include the sole ascription in this book to the Synodus Romana. On the other hand one manuscript of the 'B' recension attributes to the Synodus Hibernensis a warning that the bishop shall be degraded should he neglect

to officiate in his church on Sunday.[6]

The episcopus has similar characteristics elsewhere in the Collectio. His powers to confer orders, control the ministry and consecrate churches apart,[7] his chief role is judicial. In Book VIII judicare 'to judge' heads a succinct list of his capacities which include consecration, confirmation, ordination, baptism and offering sacrifice. The bishop, along with the scribe and the person who shuns the world, may judge ecclesiastical causes and bishops adjudicate disputes about testaments and burial rights and all cases involving clerici.[8] The presence of a bishop or his grave in a church enhances the penalty for its violation and the bishop's status is equated with that of a king in the matter of compensation due. All four passages dealing with these issues quote the Synodus Hibernensis.[9] As in Book I he is presented as acting within a territorial or diocesan system. There are also hints of his control of temporalities, among them a provision that he might provide land for clericis vel monachis to cultivate, as well as less direct intimations of authority over monachi and a suggestion that he might supervise penitents which, as we shall see, is a role more commonly assigned to the abbot.[10] The above references are again drawn mainly from non-insular sources but there are also six citations of the Synodus Romana and five of the Synodus Hibernensis, the latter including an allusion - thus ascribed in two

manuscripts of recension 'B' - to a sphere of episcopal jurisdiction.[11]

Book XXXVII De principatu 'Concerning leadership', like Book I based chiefly on scriptural and continental sources, contains a larger number of citations from native sources, including six from the Synodus Hibernensis but none from the Synodus Romana.[12] The selection of a princeps 'head' and his suitability for office are considered and as Wendy Davies points out, his attributes resemble those of the secular ruler in the speculum principum genre - 'sustenance, governor, anchor, righteous persecutor, sun and water to the flock'. Indeed, Maurice Sheehy has been led to characterize this book as 'a confused mixture of citations concerning both secular and ecclesiastical leaders'. However, there can be no doubt that the character thus portrayed is an ecclesiastic.[13]

He is not credited with powers of ordination or judicial capacity or with specific pastoral duties, though he is said to occupy officium pastorale 'pastoral office' and gradum ministrationis 'order of ministration' and although his leadership of monachi calls to mind a pastor and his flock. These appear to be images of a general character which do not necessarily betoken the exercise of a clerical pastoral ministry.[14] Rather, the emphasis is on the princeps as gubernator 'governor' and dominus 'lord' of subjects - who are repeatedly exhorted to obedience - and

on the administration of property. He is not to have a private house in his civitas 'church settlement' but should furnish hospitality, sustain the ministry and cater for the needs of the parochia, the subjecti and the poor; donations properly belong not to the princeps but to the ecclesia and he is cast as the recipient of the first fruits of the populus. He may not misuse the substantia ecclesiae 'resources of the church' but should devote them to care for the subjecti as regards nourishment, clothing and the maintenance of a virtuous way of life and he must not alienate property - apart from small amounts for redeeming captives and relieving the destitute - without the consent of the subjecti and clerici, both of whom are also accorded a say in selecting the princeps or primarius 'principal'.[15] Much attention is given to mali principes 'evil leaders' moved by greed and vainglory who cupiditatem pecuniae magis exercent quam animarum 'exercise a passion for riches rather than for souls' and there is a warning against a laicus 'layman' who is irregularly tonsured and seizes the principate, while the subjecti / subditi are instructed to admonish their wayward superior but remain obedient. The princeps may nevertheless be ejected from office in certain circumstances.[16]

The distinctive features of the princeps in Book XXXVII are found elsewhere in the Collectio. As a ruler his wrongdoings or maladministration must not result in the

seizure of church property by an aggrieved party or the subjection of the church to census (seemingly implying a state of legal dependence as well, no doubt, as liability to charges), but conversely his status is such that his church ought not to be oversworn in litigation even after his death. He is to apply resources, including perhaps his personal property, to sustaining the poor and the ministry and is charged with protecting the basilica 'royal tomb' or 'grave' (?) against damage - perhaps an injunction against the illicit removal from a church of the remains of one whose burial there enhances its status, as another passage requires the permission of the princeps for digging up the basilica in order to return to his church of origin one who had died and been buried elsewhere.[17] Hughes drew attention to a canon citing the Synodus Hibernensis which details the arrangements regarding property between an ecclesia and a departing princeps, allowing for the possibility that he might have engaged ministers or a dominatrix 'head of a female community', requiring that he restore to the church intact what had been entrusted to him except for necessary expenditures and prescribing the apportionment of oblationes alienorum 'the offerings of outsiders' between the princeps and the church. However si princeps sacerdos catholicus sit 'if the head be a catholic priest', all property including the fruit of his labours is detained by the church but he is

not obliged to repay necessary expenditures. The paradigm of the princeps is non-clerical though he may also be in orders. Ó Corráin observes that his relationship with his church resembles the secular marriage contract and this passage also clearly reflects Old Testament models in that the princeps provides for the clergy just as Moses - a Levite but not a priest - supplied the material needs of the priest Aaron.[18] The above canons comprise four quotations from non-insular sources, three from the Synodus Hibernensis and one from the Romani.

Comparison of the episcopus and princeps as depicted in the Collectio indicates that the power of orders and specific pastoral functions are distinctively episcopal attributes but that administration of property may be undertaken by either. The validity of the latter point is strengthened if one takes into account the testimony of Book II De presbitero vel sacerdote which accords the priest much of the bishop's ministerium 'ministry' and makes him the recipient of dues arising from the pastoral mission including tithes, first fruits, firstlings, offerings for the redemption of souls - which the priest like the princeps must render to the ecclesia - and burial fees.[19] Book II also depends largely on non-insular authorities, but of the native sources cited there is a marked preference for the Synodus Hibernensis over the Synodus Romana, to which there is but one allusion. The

former is quoted seven times, notably on donations, but also on the priest's sacramental functions and obligation to be present in his church especially on Sunday, a matter on which - as has already been mentioned - the Synodus Hibernensis also comments with reference to the bishop.

Overlapping prescriptions regarding control of property at first sight lend weight to Hughes's hypothesis of two mutually antagonistic notions of organization, the one headed by the bishop and the other by the abbot, particularly since the princeps may be identified with the monastic abbot in previously noted passages referring to monachi and tonsuring and in another which insists that the aspirant princeps must himself have been a monachus.[20] However, one must surely allow that clergy (including bishops) would have been a universal requirement even if the church were in truth composed of two clearly distinguished parties on the question of government. Moreover, insofar as the bishop is assigned a worldly governmental capacity - including responsibility for the church's property - like that which characterizes the princeps, neither antiquarianism nor a propagandist intent need be imputed to the compilers, but rather a realistic recognition that in the seventh and earlier eighth centuries some bishops were the temporal lords of their churches, as the annalistic evidence considered later shows.

That this arrangement does not seem to have been the norm even in the seventh century is less important than the fact that it occurred at all, as it offers an alternative to the antiquarianism / propaganda hypothesis in attempting to understand why the compilers of the Collectio should attribute to the bishop in addition to his characteristic clerical capacities functions which one might expect to be the preserve of the model of administrator of ecclesiastical temporalities whom they designate princeps. If episcopal rule and that of the princeps who was not a bishop are seen as possible alternatives within a single system, this may help to explain seeming inconsistencies and a loose application of terminology in the Collectio, such as a canon of Book I which describes episcopal office as a principatus and condemns its confinement within a kin group. By the same token one manuscript of the 'B' recension substitutes episcopus for princeps in a chapter of Book XXXVII; the title of the final chapter in the same book proposes that the princeps should treat donations as belonging to the ecclesia and not to himself, but the text applies this to the pontifex (literally, 'high priest', 'pontiff', i.e. bishop). Elsewhere the episcopus is exhorted to leave the cathedram episcopalem 'episcopal see' undiminished for his successors and the same advice is then offered to the princeps. In at least one and perhaps two other passages the princeps is associated with the cathedra

and the fact that general images of pastoral care are occasionally used in connection with the princeps has not gone unnoticed. An anecdote relates that the testament of a princeps granting land near the civitas 'church settlement' was contested by the monachi and angelic resolution of the case was required but the judgement quoted - possibly with an unconscious slip - is that the testamentum episcopi 'bishop's testament' be confirmed; episcopus and princeps are seemingly interchangeable in other passages on testamentary capacity.[21]

Although the characteristic image of the princeps in Book XXXVII is one of lordly power, his occasional portrayal as a monastic abbot has been mentioned and he is several times explicitly or implicitly identified as abbas and superior of monachi. However the strictly monastic role of an abbot takes second place to authority over monachi in matters such as testaments, burial dues and legal capacity.[22] As no book of the collection is entitled 'De abbate' or the like one might deduce that the compilers intended De principatu to apply to the abbot and the inference that princeps is synonymous with abbas and should be translated 'abbot' is made by a number of scholars who nevertheless acknowledge the primarily worldly authority signified by the former usage.[23]

Book XXXIX De monachis 'Concerning monks' almost invariably prefers abbas as title for the superior of

monachi in chapters drawing largely on Isidore, Gildas and other non-native commentators on monasticism sensu strictiore.[24] Monks are categorized as coenobitae 'cenobites', heremitae 'hermits' and anachoritae 'anchorites' as well as vagabonds and self-seekers, and poverty, chastity and obedience to the abbas are advocated. An abbas enforcing a strict rule is not to admit a monachus of more relaxed discipline, nor is a lax abbas to obstruct his monachus in seeking a more demanding regime, but in general monachi wandering without their abbot's permission are discouraged as is harbouring the fugitive or excommunicate monachus. A monachus is not permitted recourse to a solitary cell nor may a monachus be enlisted in duabus ecclesiis 'in two churches' according to the title of a chapter the text of which applies this precept to the ministry of a clericus.[25]

In sum, the abbas of Book XXXIX is a conventional monastic abbot, but a straightforward distinction between abbas and princeps is belied both by some of the 'monastic' attributes of the latter previously noticed and by references to the abbas elsewhere in the Collectio. The abbas occasionally presides in an unambiguously monastic context or supervises penitents including lapsed clerici, and monastic practices of chastity, poverty, penance and fasting are prescribed for those under rule without mention of the abbas. These allusions comprise four citations of

non-insular authorities, two of the Synodus Hibernensis, one of the Romani and one of Patricius.[26]

However, most instances noted reveal a preoccupation with relations between abbas and monachi in such matters as legal capacity and property, in which respect he seems effectively indistinguishable from the princeps. Among these there are no less than eight quotations from the Synodus Hibernensis, two from the Synodus Romana and three from non-insular sources. A monachus cannot go surety nor is his oath valid without the assent of his abbas, according to canons which parallel vernacular lists of legal non-competents or dependents examined below in chapter five, and correspondingly the ecclesia is not liable for the offences of monachi who have fled the church. A monachus may bequeath nothing without permission from his abbas to whom he must leave all at death and he must be buried in ecclesia cui monachus est 'in the church of which he is a monachus', for as he has no liberty during his life praeter jussionem abbatis 'beyond the abbot's ordinance' so it is after death; alternatively, the ecclesia in which he dies lays claim to a pretium sepulturae / sepulcri 'burial fee' from the moveable goods of a monachus, saving which his property reverts to his original abbas. The position of a monachus prompts comparison with the state of being sub censu (legally dependent and seemingly subject to charges): just as anyone

dwelling sub censu cannot bequeath nisi iubente domino suo 'except with the assent of his lord', so a monachus shall presume to alienate nothing sine permissu abbatis 'without the permission of his abbot', but if anyone living sub censu regali aut abbate 'under royal census or (under) an abbot' should make a bequest in the knowledge of his dominus 'lord' and no objection be raised within two days it may not be revoked thereafter.[27]

It seems that in all the above canons abbas is synonymous with princeps and that the monachus is visualized not as a monk but as a property holding tenant or servitor who is a socio-legal dependent of the abbas or princeps.[28] He is clearly a different figure from the conventional monachus of Book XXXIX yet the compilers, although sporadically attributing to the princeps or even to the episcopus[29] power over ecclesiastical tenants, prefer to cast the abbas without discrimination both in this role and in that of monastic abbot. This appears to imply that while they must have been aware of a real difference between these relationships they did not regard them as theoretically discrete. It would seem that obedience, the essential element linking a monk to a monastic abbot, was adopted as a model for the dependence of an ecclesiastical tenant or client, with the image of the abbas as the common denominator.

It is noteworthy that of all the material considered

heretofore those passages of the Collectio which treat of the abbas as superior of the property holding and legally dependent monachus alone contain a preponderance of quotations from the Synodus Hibernensis. Otherwise the Synodus Hibernensis is cited with significantly greater frequency than the Synodus Romana only in allusions to the princeps and in Book II on the priest, though even here non-insular exemplars predominate, as they do in the portrayal of the bishop and the monastic abbot. Apparently Hughes's conclusions on this matter require some modification. She was certainly right to point to the concern of the Hibernenses with native legal institutions, or perhaps rather with principles of law which did not have exclusively ecclesiastical application, such as status and compensation: this is exemplified by the references to the bishop which invoke the authority of the Hibernenses. Temporalities are a prominent feature of precepts relating to the priest which quote the Synodus Hibernensis, though this source is also cited on the basic pastoral duty to be present in one's church, especially on Sunday, which is declared to be incumbent on both bishop and priest, and in one instance on episcopal jurisdictional authority in a broader sense. The compilers were otherwise content to rely largely on non-insular prescriptions for their depiction of the clerical and especially the episcopal role and it should be reiterated that the picture of the conventional

monastic abbot is based almost entirely on material of similar provenance. Of the three models of authority devised, it is evidently in connection with the notion of the ecclesiastical administrator or lord - who may be designated *princeps* or *abbas*, who is typically not a cleric, though he may also be in higher orders, and who characteristically has charge of temporalities and of the socio-legal dependents of the church - that the *Collectio* relies most heavily on the injunctions of the *Synodus Hibernensis*.

A degree of interchangeability, both terminological and functional, between *episcopus* and *princeps* has been discerned, but the overlap of *princeps* and *abbas* in the *Collectio* is more substantial. This can be defined first of all in terms of their common deficiency, for the specific sacramental and pastoral duties of the bishop and priest are not as a rule associated with the *princeps* or *abbas*. Secondly, the conceptual link between the latter pair revolves around the ambiguous connotations of *monachus* which occasion a blurring of the distinction between the monastic abbot and the ecclesiastical lord of the church's dependents and temporalities, in both of which roles the *abbas* is cast. An awareness of some difference in practice may have been one imperative underlying the development of the idea of the *princeps*. Thus although monastic abbacy supplies a general paradigm for the sway of the church over

its socio-legal dependents - a fundamental aspect of its temporal lordship - Book XXXVII De principatu notably prefers subjecti and subditi to monachi as the epithet for those over whom the princeps presides,[30] thus adopting a non-monastic vocabulary of dependence corresponding to the secular overtones of princeps itself. It is significant that the terms subjecti and subditi are otherwise almost entirely confined to the short Book XXIV De dominatu et subjectione 'Concerning sovereignty and subjection', which quotes mainly Pauline precepts to establish a general linkage between submission to secular and ecclesiastical authority.[31] In addition to an evident desire for an alternative to the monastic model of power over persons, however, the idea of the princeps would also seem to have allowed the compilers to account for the fact that church rulers who were themselves neither bishops nor priests might engage clergy and be responsible for income deriving from the pastoral mission, both of which tasks were in principle outside the competence of a conventional monastic abbot. The princeps was therefore a model of authority which was all-embracing and of which the general vocabulary of pastoral jurisdiction could be employed on occasion, perhaps less incongruously than it could of the abbas. At the same time his particular attributes identify him as an image of temporal administration which was, so to speak, neutral in its ecclesiastical connotations as between

bishop and abbot, though its functions could of course be performed in practice by rulers who were either bishops or abbots or even both.

The testimony of the Collectio regarding ecclesiastical rulership far surpasses in extent and complexity that of the remaining Latin material of relevance, which consists chiefly of short collections of canons and more lengthy compilations of penitential prescriptions. These offer a small number of useful insights which are in essential accord with what has already been observed. The so-called 'First Synod of Patrick' and 'Second Synod of Patrick' are among the few hitherto identified native exemplars of the Collectio - the former almost invariably cited as Patricius and the latter being the source of a number of references to the Synodus Romana - and are thus obviously earlier, but the dating of both is controversial.[32] Their chief concern is with precepts and penances for laity, clergy and - particularly in the 'Second Synod' - for monachi of a conventional type. There is little interest in general concepts of rulership, although the 'First Synod' especially sheds light on spheres of jurisdiction, as outlined in the following chapter.

The 'First Synod' places the episcopus - or pontifex (literally, 'high priest', 'pontiff') as he is sometimes called - in charge of the pastoral ministry of clerici and as in the Collectio he has responsibility for donations,

distribution to the poor and the redemption of captives. He has no power to ordain or offer sacrifice on Sunday in another parruchia without permission ab eo qui in suo principatu est 'from him who has charge of it', an injunction which appears to exemplify the mixed terminology of an eclectic notion of ecclesiastical rule such as has been discerned in the Collectio. A similar interpretation may be borne by a canon restraining a diaconus 'deacon' from moving inconsultu suo abbate...in aliam parruchiam 'without consulting his abbot...into another paruchia'. A monachus, seemingly of the monastic variety, is twice mentioned, once as the subject of the abbas.[33] If one abandons the attempt to reconcile the text with a theory of change from a system of episcopal government to a predominantly monastic one, it can as a whole be regarded as not far removed from the thought world of the Collectio, so that Binchy's initial suggestion of a seventh-century date may be nearest the mark.[34] The 'Second Synod' accords the episcopus power of absolution and provides that should he be improperly elected he is to be condemned ab altero episcopo 'by another bishop'. The abbas has charge of penitents and a monachus may move to another ecclesia only permissu abbatis 'with the permission of the abbot', but monachi described in unambiguously monastic terms are sub potestate episcopi vel abbatis. Monachi of an apparently similar type are associated with virgines 'virgins' in a

classification of the faithful along orthodox lines, comprising also episcopi et doctores 'bishops and teachers', clerici et viduae <et> qui continentes sunt 'clergy and widows who are continent' and layci qui fidelis sunt 'laity who are faithful', of whom more hereafter.[35] There is no mention of princeps or principatus but it is evidently assumed that the church encompasses both clerical and monastic elements and the distinction between the episcopal and abbatial competence is obviously not a hard and fast one.

The penitentials shed relatively little light on models of church government due to their preoccupation with one aspect of the ministry. From the earliest - the sixth-century Penitential of Finnian - to the latest - the late seventh- or early eighth-century Bigotian Penitential - penance is invariably administered by clerics.[36] The bishop is occasionally credited with power of absolution and charged with control of penitents by Finnian, the late sixth- or early seventh-century Penitential of Columbanus and the seventh-century Penitential of Cummean. Finnian, Cummean and the Bigotian also depict the abbas as overseer of the exiled penitent and he figures now and again as a monastic superior. In Columbanus, Cummean and the Bigotian monachus and frater are used interchangeably of an undeniably monastic figure.[37]

Particular interest attaches to a prescription in the

Bigotian which imposes the same penance for the offence of keening over the bodies of anchoritae vel scribae vel episcopi vel principis magni vel regis magni 'an anchorite or a (master?) scribe or a bishop or a great church head or an overking'. This is paralleled by one of the 'Canones Hibernenses', while others equate the penalty to be paid - execution or a fine of .vii. ancellae (= Ir. secht cumal 'seven female slaves', a technical term for a unit of value) - for shedding the blood of episcopi vel excelsi principis vel scribae 'a bishop or a superior church head or a (master?) scribe' and prescribe one seventh of this penalty for refusing hospitality to an excelsum principem aut scribam aut anchoritam aut iudicem 'superior church head or (master?) scribe or anchorite or judge'; the same proportion is due for thus insulting a bishop. In each case the editor renders princeps as 'prince', but that it has the same connotations as in the Collectio need not be doubted and is demonstrated by corresponding rules in the Old Irish Penitential noticed below.[38] The use of princeps distinguishes these texts from the other penitentials and the two shorter collections of canons and identifies them more closely with the ideas of the Collectio. This is particularly true of the Bigotian in which, as noted, the abbas appears as a monastic supervisor and overseer of penitents. None of the 'Canones Hibernenses' mentions the abbas and the sole allusion to monachi indisputably

envisages them not as orthodox monks but as dependents of the church who were liable for dues including a levy on their human offspring.[39] We shall have occasion to examine this passage more closely in chapter four.

Before passing on to consider the vernacular sources it seems appropriate to comment briefly on the portion of the seventh-century tract De Duodecim Abusivis Saeculi 'Concerning the Twelve Abuses of the World' which treats of the episcopus negligens 'neglectful bishop'. The bishop is exhorted to observe standards of personal probity - sobriety, prudence, chastity, wisdom, modesty, hospitality and the like - and no very specific impression of his functions is conveyed, but his negligence is envisaged as essentially relating to his role as speculator 'overseer' and involves a failure to correct the iniquitous. While the terms in which this is expressed are of the most general kind, it may be inferred that the jurisdictional and indeed judicial aspect of the bishop's capacity is of primary interest.[40]

II.2 VERNACULAR PRESCRIPTIVE TEXTS

The largest body of prescriptions in Irish concerning the rulers of the church is to be found in the law tracts. This material will be considered presently, but first it is proposed to look at some texts which more closely resemble in their exclusively ecclesiastical interest the Latin

sources dealt with above. It should be emphasized that the distinction is purely one of convenience and is by no means watertight, as the first text to be discussed is Ríagal Phátraic, an eighth-century document bearing the hallmarks of a legal tract, the fullest recension of which is in fact preserved in a manuscript containing other legal material.[41]

This tract provides for episcopal supervision of the pastoral mission evidently within territorially defined limits. Thus it is affirmed that there should be a prímepscop cecha túaithe 'chief bishop of every community' to ordain clergy, consecrate churches and act as confessor do flaithib 7 do airchinchib 'to lords and ecclesiastical superiors' and whose sacramental powers also include confirmation. He must ensure that the clergy he ordains are properly qualified and that churches and graveyards are well kept with the accoutrements of the altar supplied for the clergy, for whom he also acts as anmchara 'confessor' and assists them to obtain a ndliged hi túaith 7 i neclais 'their due in the community and the church'. Neglect of the pastoral ministry is deprecated throughout and a church which does so should forfeit its legal status and consequently its entitlement to compensation.[42] The valuable light which this tract throws on the provision of pastoral services and on the income deriving therefrom is addressed in detail in chapter four.

Of most immediate interest here is the relationship between episcopal pastoral jurisdiction as envisaged above and the lordly sway over the church and its dependents exercised by the airchinnech 'ecclesiastical superior'. It is in this capacity that the version of Ríagal Phátraic appended to the 'Rule of the Céli Dé' condemns droch-oirchindig diumsacha 'wicked prideful church heads' who transgress the behests of Patrick by violating the church and buying and selling it. The airchinnech is obliged, under pain of loss of income - including a fine of a cumal 'female slave' payable to the bishop - and at the risk of forfeiting his authority over his manaig and his entitlement to compensation, to see to it that there is adequate pastoral provision for his manaig. The duties of the fer gráid 'cleric' who actually performs this ministry include that of confessor to the manaig who, according to the 'Rule of the Céli Dé' version, comprise firu, maccu, mna sceo ingena 'men, boys, women and girls' and so can be identified with the monachi of the 'Canones Hibernenses' who are also represented as having children. The manaig of Ríagal Phátraic are portrayed as property holders who pay dues or levies and give a legal surety or guarantee of their intention to provide sustenance for the cleric. The only hint of a conventional monastic environment contained in the text is the injunction to lapsed clerics to do penance do réir apad nó anmcharat chráibdig 'at the behest

of an abbot or a pious confessor'. As has been remarked, the Latin sources often assign to the monastic abbas the task of supervising penitents.[43]

Thus Ríagal Phátraic attests to a distinction between the essentially pastoral jurisdiction of an epscop and the lordly authority of an airchinnech over the church and its dependents and also possibly hints at the separate and strictly abbatial role of an ap. That airchinnech is identical with princeps is shown by the eighth-century Old Irish Penitential which is substantially derivative of the Penitential of Cummean and the Bigotian Penitential and which renders the latter regarding penance for keening for epscop nó ríg nó ancarait nó aircindech ardcathrach 'over a bishop or king or anchorite or head of a great church settlement'. A comparable passage of the same text stipulates penance for reviling someone's own family nó a flaith no airchindech no a senóir remibí do i n-aes nó forcetul 'or his lord or church head or an elder who is superior to him in age or instruction'.[44]

A text of a rather different order is Cáin Adomnáin 'The Law of Adomnán', which was promulgated in 697 with the purpose of protecting women, churchmen and other innocents from violence. In its extant form a compilation of different strata, the original nucleus of the Cáin like Ríagal Phátraic resembles the vernacular legal corpus in terminology and style.[45] It provides an insight into the

implementation of cáin-laws, a matter discussed in the following chapter, but has little to contribute on the broader question of ecclesiastical rulership. The contemporary guarantor list includes a number of heads of churches who are entitled ap 'abbot' and some described as epscop and is immediately followed by a seemingly early clause which decrees payment of the fixed penalty for killing a woman do Adomnán 7 do cach comorbuo bías ina suidiu 'to Adomnán and to every successor who shall be in his seat'.[46] Comarbae as a designation of a church head is otherwise well attested, as we shall see.

The text of the Cáin itself opens with the announcement that its protection should extend to the church community and its insignia and property as well as

> a llaíchib dligthechaibh cona cétmunteraib téchtaidib bíte fo réir Adomnáin 7 anamcharat téchtaide ecnaid cráibthig.
>
> their lawful laymen with their proper wives who are under the rule of Adomnán and of a proper, wise and holy confessor.

There is reason to believe that this category of 'lawful laity' is not far removed from the class of legal and socio-economic dependents sometimes called manaig. The regime of periodic sexual continence which characterizes

such persons is exemplified by a canon of the Collectio - closely paralleled by passages in the Old Irish Penitential, the Tallaght documents and Cáin Éimíne Báin, among others - which, quoting the Synodus Hibernensis, decrees that conjuges 'married folk' should be continent during the three Lents of the year, on Sundays, Wednesdays and Fridays, at the great church festivals as well as during and for a time after pregnancy. This is followed directly by the injunction Habitantibus illis in habitu religioso copulari non permittitur 'It is not permitted to those dwelling in the religious state to be coupled', indicating that monks and nuns proper were expected to be completely celibate. The juxtaposition of the two precepts may be seen as in itself a pointer to the quasi-monastic status of the first group.[47]

A considerable body of vernacular material in the form of eighth- and ninth-century 'monastic rules' and accounts of the practices of Máel Ruain of Tallaght and other rigorists of the Céli Dé persuasion is preoccupied with spiritual and religious exhortation and with the inculcation of behavioural precepts within a predominantly monastic context, with but little regard to general concepts of ecclesiastical rulership. These texts therefore have more in common with the penitentials than with the other sources examined. Passing references to the airchinnech in the Ríagal Ailbe Imlecha 'Rule of Ailbe of

Emly' and in the Tallaght documents rarely bear connotations of authority different from that of the abbots - or occasionally bishops - who are depicted as presiding over these congregations. In one instance Ríagal Ailbe alludes to the airchinnech who distributes justly dia manchaib 'to his manaig' - where the latter might denote monks or ecclesiastical dependents of the more worldly kind - while the Tallaght documents advert to ecclesiastical income, as outlined in chapter four.[48]

Material of ecclesiastical interest in the vernacular legal corpus has as its main focus the place of the church in society as a whole. The status of church heads and their subjects is a common theme but fine distinctions between different images of authority as regards functions can often only be inferred. This even applies to what are perhaps the two most informative tracts, Bretha Nemed Toísech and in particular Córus Béscnai, which manages to comment in detail on the church's pastoral obligations and dues while saying comparatively little about the specific character and functions of its ruling officials. Evidence is nevertheless forthcoming on a number of the issues discussed heretofore.

Críth Gablach, the best known tract on the grades of lay society, mentions the bishop in passing and places him on a par with the rí túaithe 'king of a (single) community' - the most basic type of king known to the laws - as regards

entitlement to hospitality and adds, with an obvious clerical bias, that a bishop is in fact more venerable than a king.[49] Numerous references in other tracts equate the bishop with the king - whether rí túaithe or a superior king - as well as with the chiefs of other classes, both lay and ecclesiastical, in respect of entitlement to compensation for injury, sick maintenance, pledge interest, exemption from liability for the offences of their respective kindreds and capacity to afford legal protection and proffer eye witness evidence. The equation of episcopal status with that of the king as regards entitlement to compensation is also made in the Collectio, as has been observed. The bishop is clearly pictured as the principal embodiment of ecclesiastical status in society and by comparison with parallels drawn in Latin and vernacular texts previously noticed the princeps / airchinnech is omitted, whereas categories corresponding to the scriba '(master?) scribe' and anchorita 'anchorite' are sometimes included. In one instance the secht ngrad necalsa 'seven clerical orders' are mentioned and in several the orders below the bishop are compared with lay grades below the king.[50]

Uraicecht Bec lists all seven clerical orders headed by the bishop and, having tabulated the compensation, refection and legal protection proper to the grades of lay nobility up to the overking remarks

Faenan cuma du gradaib ecalsa itir biathad 7 turtugud 7 diri, act doformagar pendait do suidib la diri.

In like measure for the clerical orders as regards refection and protection and compensation save that penance is added to compensation for them.[51]

In the eighth-century (?) Míadslechta, yet another status tract, the clerical orders are subdivided into three groups of seven, headed respectively by the espoc oighe 'celibate bishop', easpoc aenseitce 'bishop of one wife' and espoc aithrighe 'penitent bishop', in descending order of dignity, with the first of them accorded the highest díre 'compensation'. This reflects the distinction drawn in the Collectio between a virgin bishop, a bishop unius uxoris 'of one wife' and a grandevus laicus 'aged layman' who becomes a bishop.[52] Celibacy, involving the repudiation of wives or concubines, is advocated for the clergy in the Heptads and the so-called 'Genuine Introduction to the Senchas Már' provides that the epscop tuislech 'sinful (literally 'stumbling') bishop' shall forfeit entitlement to legal compensation.[53]

In attributing the highest status to the bishop the vernacular laws bear out intimations in the Collectio that only a church of episcopal rank receives the maximum compensation for offences against it. The bishop's particular power of orders and pastoral duties are not

noticed but there is an allusion to his jurisdictional competence in a tract on judges and court procedure. A judge is obliged to swear by the gospel as to the integrity of his judgement, seemingly when challenged to do so by a litigant or his advocate, unless the judge be a king, a bishop, a priest or an ecclesiastical sage, and in the absence of such an oath teit in breth-sin iarum docum rig no easpuic na tuaithe 'that case is then referred to the king or bishop of the community'.[54] This tract also distinguishes between secular and ecclesiastical jurisdiction, the former presided over by an ollam laich 'lay supreme judge', the latter by an ollam cleirigh 'clerical supreme judge', and in the above instance these roles seem to be filled by the king and bishop of the túath respectively.[55]

The only other specific episcopal function noticed in the laws relates to temporalities and appears in a problematic formula common to two texts, numbering among irrescindable contracts or transmissions tabert rig, tabairt epscoip, audbert ar anmuin, tabert fileth / duas teachta do file 'a king's gift, a bishop's gift, offering for one's soul, a poet's gift / proper reward for a poet'. Tabairt ríg, tabairt epscoip are ambiguous and on the analogy of the variant dúas thechtae do filid might be supposed to signify donations to king and bishop, as Kelly holds, whereas Binchy believed that alienations by king and

bishop are indicated. There seem to be no compelling grounds for preferring the one interpretation to the other. The Collectio empowers the bishop to dispose of property but also makes him the recipient of dona 'gifts' and the vernacular phrase calls to mind the pontificalia dona of the 'First Synod of Patrick' which the bishop may expend as he sees fit.[56]

While the bishop is the epitome of ecclesiastical status, non-episcopal rulers are also acknowledged. We may return to Uraicecht Bec for an insight into the relationship between the two types of authority. Following the aforementioned comparison of the clerical orders with lay grades as to the compensation, refection and legal protection proper to each, the tract continues

> Faenan cuma do chomarbaibh ecalsa amail bis gradha na necalsa oca mbiad cenni bed grada foraib fodhesein madh maith o [read a] folaidh chena.
>
> In like measure for ecclesiastical successors according to the orders pertaining to the church to which they belong, though they themselves be not in orders, if their qualifications be otherwise good.

The sense is that the non-clerical comarbae 'heir, successor' of a church - the term previously encountered in discussing Cáin Adomnáin - enjoys the same status as that

of the highest clerical grade attached to his church so that if this be episcopal he has the legal rank of a bishop.[57] This passage thus concurs with others discussed above which equate the status of the princeps / airchinnech with that of the bishop and complements the allusion in the Collectio to the employment of clergy by a princeps. Uraicecht Bec reveals its Munster provenance in declaring ollam uas rigaib ri Muman 'supreme over kings is the king of Munster' and having assigned him an enhanced entitlement to compensation and refection and a corresponding capacity to afford legal protection adds

> Ollam uasaleascup a chumut; ollam morchathrach a chumut amail rogab Imlech Ibair no Corcach Mor Muman.
>
> (To) a supreme noble bishop the equivalent; (to) the superior of a great church settlement - such as Emly or great Cork of Munster - the equivalent.

The position of a bishop of superior standing - discussed in the context of spheres of jurisdiction in the next chapter - is equated with that of the non-episcopal heads of two leading Munster churches.[58] The terms comarbae and ollam mórchathrach used of such rulers have no particularly abbatial connotations and the latter echoes airchinnech ardchathrach 'head of a great church settlement' in the Old Irish Penitential and indeed references to the princeps

magnus 'great princeps' and excelsus princeps 'superior princeps' in the Bigotian Penitential and the 'Canones Hibernenses'.

Another passage of Uraicecht Bec ascribes leathcatu 'half the dignity' of every man to his wife or dutiful son no dia rechtaire no dia secnabaid 'or to his administrator or to his secnap'. Rechtaire denotes a royal official and secnap or secundus abbas (literally 'vice-abbot') is not necessarily a monastic functionary: he is deputy to an ap or ríaglóir 'ruler' in one of the 'monastic rules' but occupies the same position in relation to a church head designated airchinnech in one of the Old Irish glosses on the Senchas Már, which closely parallels the maxim in question and assigns lethchata airchindig do secnapaid 'half the dignity of a church head to (his) deputy'. In Uraicecht Bec, therefore, the secnap would appear to be the deputy of a comarbae or ollam mórchathrach.[59]

Bretha Nemed Toísech is another Munster tract dating to the second quarter of the eighth century, the first section of which, dealing with the church, has recently been shown to have borrowed directly from passages of the Collectio. The linguistic and stylistic difficulties of the text have until recently obscured the value of its evidence but this is now remedied by Breatnach's edition of the first section.[60] In its overall conception the tract exemplifies the perspective of the vernacular jurists and emphasizes

ecclesiastical status by contrasting dagfolad soértho ecalso 'good qualifications ennobling a church' with mífolad doértho ecalso 'disqualifications debasing a church'. The requisite qualifications include possession of relics and scriptures and and the pursuit of learning as well as the presence of airchinnech etail 'a sinless superior', manaig craibthig 'devout manaig' and secht ngrada ecalso cona fodlaib 7 cona n-ordaib coraib 'the seven grades of the church with their divisions and with their proper functions'. The seven grades of the church headed by the epscop are again mentioned and named individually in three rosc passages and appended to the first third of the tract is a list of na grad uird ecalsa 'the functionary orders of the church' headed by the airchinnech.[61]

The position of the airchinnech is spelt out in two further statements, one of which refers to legitimate claims upon the church:

> Ní biat acht téora selba fuiri .i. selb Dé 7 selb nóebmartarlaic asa chongbál, selb airchinnig craibthig comalnathar ríagla soiscélai 7 screptro.

There are only three possessions (claims) (imposed) on it, that is possession by (i.e. the claim of) God, possession by (i.e. the claim of) the holy shrine of him whose foundation it is, possession by (i.e. the claim

of) a devout superior who fulfils the rules of the gospel and scripture.

The editor is doubtless right in regarding selb Dé 'the possession or claim of God' as an allusion to the inalienable right of the church, as against its individual members, to endowments, for which he cites other passages in the vernacular laws. Comparable injunctions in the Collectio have already been noticed. The import of the distinction between the interests of God and of the saintly founder in this respect is not immediately obvious, but one can be confident that the claim of the airchinnech relates to his right - again detailed in the Collectio in a canon on the princeps to which attention has been drawn - when departing the church to bring with him a portion of gifts received during his tenure. It is further remarked of the properly qualified church Is forsin n-eclais-sin ní tét míchor míairchinnig 'It is that church which is not responsible for the illegal contract of an evil superior'. The airchinnech is unmistakably identical to the princeps of the Collectio, whose deleterious undertakings should not bind the church.[62]

Bretha Nemed Toísech apparently subscribes to a distinction between the airchinnech as effective lord of the church and, seemingly, of its manaig, and the bishop, whose powers are not described but are presumably implicit

in his position at the summit of clerical orders. The image of the fordecsem 'overseer', evidently applied to the bishop, has Latin parallels in the Collectio and in De Duodecim Abusivis Saeculi and as in the latter may reflect specifically the concept of a supervisory jurisdictional role.[63] In any event the bishop and airchinnech and the functions they represent are not treated as alternatives still less as rival sources of authority but as complementary, since both are necessary in order that the church can maintain its status.

A list of disqualifications debasing a church concentrates on functions rather than offices but is nevertheless most enlightening. The first mentioned - and therefore perhaps the most keenly felt - deficiency is a failure to perform the pastoral services of baptism, communion, mass, prayer for the dead and preaching. The absence of the active and contemplative life and of penitents perhaps implies a degeneration of the conventional monastic function - though the active life could also designate the church's pastoral work - as does the condemnation of disobedience, misappropriation, private property, complaining, the announcement of its canonical hours by a caillech 'nun' and its being diminished through supporting women, albeit that the latter could betoken a departure from the practice of celibacy by either the monastic or clerical element in the church (but see the

reference in the Heptads, below, to a church paid as a bride price). Still other items bespeak a church which is an estate or lordship susceptible to misrule or the depredations of outsiders. These include the prospects of athláech ina hairitiu, gillae inna ferthigsiud 'an ex-layman tending it, a young boy in its stewardship' - the former echoing the warning of the Collectio against an irregularly tonsured laicus making himself princeps. A similar concern informs references to the church which becomes the resort of plunderers or the target of violence or is alienated or subjected to laymen or burdened with debts.[64]

Since there is no mention of an ap it may be inferred that in this text the airchinnech combines lordship of the church with abbatial authority in the strict sense, though specifically abbatial attributes are not mentioned. That he should be an ecclesiastic and not merely a usurping layman does not of course in itself imply that he was expected to be a conventional abbot and the requirement that he be pure and pious is an exhortation to virtue of a rather unspecific kind. By the same token it is impossible to say whether the devout manaig in the passage quoted at the outset were visualized as monks proper or dependents of the more worldly variety or perhaps as comprising both, though the connotations of a subsequent allusion to a manach béothlusach bunaid 'indigenous livestock-possessing

monastic tenant' are indisputable.[65]

The passage in which the devout manaig appear also differentiates between

> áes airnaigthe ar chách foda-gní; áes fognamo airlaithe eter cet 7 chloc 7 ṡalm 7 ṡecnapaid ocus ṡacarbaic; áes aithrige ascnamo sacarbaic a réir anmcharat co n-erroscaib crabaid...
>
> people praying for those who serve it (viz. the church); serving people obedient with regard to seeking permission and to bell and psalm and secnap and the sacrament; penitents attending the sacrifice under the direction of a confessor with pious sayings...

This is one of a number of places where Breatnach has demonstrated the direct dependence of Bretha Nemed Toísech on the Collectio. In this instance it expands a maxim attributed to 'Hieronimus' which affirms that the church supports only the contemplative life, the active life and penitents, reference to which elsewhere in Bretha Nemed Toísech has already been remarked. The particular construction which the vernacular jurist puts on his exemplar in this case evidently belies a contrast between a contemplative monastic function and an active clerical one. The second category - plainly corresponding to the active life - is in fact made subject to the secnap, which the

editor renders 'prior', but as previously observed this title is elsewhere used variously of the deputy of an ap, a comarbae and an airchinnech, and indeed the secnap is noticed as second in line to the airchinnech in the list of grád n-uird 'functionary grades' appended to the first third of Bretha Nemed Toísech. The seeming ambiguity contained in the subjection of this category to the secnap is reinforced by their required submission to 'bell and psalm', which could betoken a conventional monastic obedience, while at the same time in calling them 'serving people' the author employs the term fognam which, as we shall see in chapter five, designates the service of manach-dependents of the more worldly sort. One is tempted to see here instead a distinction between on the one hand an elite composed of clergy who are identified with the contemplative life seemingly insofar as they are engaged in prayer - possibly a euphemism for the performance of liturgical offices and sacramental rituals in general - and on the other hand two less eminent categories both of which are characterized by obedience to authority and are expected to partake of the sacrament, a subject discussion of which properly belongs in chapter four. The first of these subordinate groups exhibits the characteristic ambiguity of manaig / monachi discerned in other sources, while the penitents under confessorial direction call to mind the 'lawful laity' who figure elsewhere and who, it

has been suggested, seem to have much in common with the first group.[66]

In any event it may be concluded that while the distinction between the bishop and the airchinnech as lord of the church is clear enough in Bretha Nemed Toísech the separate role of the monastic abbot does not loom large and one must tentatively suppose that it was understood to be subsumed in that of the airchinnech. The titles comarbae, airchinnech and ap are seemingly used interchangeably to designate the superior of manaig of the socio-legal dependent type in numerous citations from a variety of legal tracts which form the basis for a thorough analysis of the condition of ecclesiastical subjects undertaken in chapter five and which demand no further comment here other than to remark that the favoured term is in fact ap, a preference which mirrors the greater frequency of abbas than princeps in similar contexts in the Collectio.[67]

On the other hand a clear distinction between the airchinnech as effective ruler and the ap as spiritual supervisor is contemplated in the first of the Senchas Már Heptads which, together with the second, tabulate the factors which degrade a church in a manner reminiscent of Bretha Nemed Toísech. Loss of status shall befall a church which refuses hospitality, permits iniquity or blood-letting, lacks bell or psalm or celebration of the canonical hours or becomes void, subject to base client

service or alienated to a king, a poet, or an extern kindred, or is disposed of to pay compensation for offences or bride price for a woman. Also degraded is

> ceall a mbi airchindech laich cin cairiuga do abuid...ceall a mbid aircindech doairngir a bithdenma et etarscara fri cach claen nabi fir noch tindta fri peacad aitherrach.
>
> a church in which there is a lay superior without being reproved by an abbot...a church in which there is a superior who promises his perpetual purity and parting from every iniquity and it is not true, rather he reverts to sin again.

Compared with Bretha Nemed Toísech shortcomings of the pastoral mission are not specified but are possibly covered in the first Heptad by the term fas 'void' or 'waste' and may be inferred in the second, which declares that such disqualifications shall entail forfeiture of udburta in domain 'bequests of the world' (i.e. from the laity).[68]

There is a difference of emphasis here compared with Bretha Nemed Toísech and the Collectio in that while a lay airchinnech is deprecated the occurrence of such a phenomenon is accepted so long as he accedes to spiritual direction from an ap, who is presumably a monastic abbot. The jurisdictional sway of a bishop over airchinnig

envisaged in Ríagal Phátraic is ignored, but it should not be imagined that this text endorses an alternative model of general pastoral jurisdiction on the part of an abbot. Rather it can be seen as portraying him in the guise of confessor and director of penitent ecclesiastics in which he appears in several texts already considered, including Ríagal Phátraic. The drift of the first Heptad is merely to inculcate standards of personal probity and religious observance for the ecclesiastical lord who is neither an abbot nor in orders and whose primarily contractual relationship with his church is illustrated by a comment covering degraded churches in general:

> It e cealla indso o nach acrait aircindig a leasa, inge ma deoru De atgaru uadaib ar etgo i neclais De, na tibera somaine d'aircindech [de], nabi ar fuillim dogne.
>
> These are the churches which church heads may not sue for their claims, unless it be a pious outsider who sues them out of zeal for the church of God, who shall render no dues from it to the church head, and who acts not for the sake of profit.[69]

Seemingly the lord of a church which had lost its status would forfeit his claims from it - hinted at in Bretha Nemed Toísech and detailed in the Collectio - to an outsider - the déorad Dé 'pious outsider' of whom more in

the next chapter - committed to restoring its religious functions and status.

Córus Béscnai, the single most important source of information on the church in the eighth-century assemblage of tracts known as the Senchas Már, has remarkably little to say about particular models of ecclesiastical rule, but concentrates instead on justifying the accommodation of native and scriptural law and on providing that proper procedure should obtain both in the church's internal relations and in its dealings with society as a whole.[70] The only presiding official who is specifically identified is the ap, who appears first in a passage which juxtaposes a lord's authority over the lay community and that of the church, of which it is remarked:

> Clerig 7 caillecha fri heclais fo reir anmcarat co racht 7 riagail, co tarngaire co brud; gell iar mbrud, fri corus rachtge ecalsa, fo reir abbad 7 anmcarat techta.
>
> Clerics and nuns (are bound) by the church under the direction of a confessor by law and rule, by a vow until it is broken; by a pledge after breaking, in accordance with the proper legal order of the church, under the rule of an abbot and a proper confessor.[71]

It will be noted that the primary bond of clerics and nuns is to the eclais 'church' rather than to any person in

authority, and that the ap only enters the picture after breach of their vows, in other words when they have sinned. In view of his association with the anmcharae 'confessor' it may be deduced that that the ap is here once more cast in the role of monastic supervisor of penitent clerics.

The second reference to the ap in Córus Béscnai presents him as overall superior of the church and its subjects, the other guise in which he has already figured. It occurs in an exposition of the fled doena 'profane feast' - distinguished from the godly and demonic feasts - which alludes firstly to the feast of a lord's banqueting hall but is then extended to cover all services due from dependents to their superior.

> Coir mancuine fri sloiged, fri dunad, fri gell, fri dail, fri digail, fri fuba, fri ruba, fri fognam do Dia, fri fortacht noibre in coimded 7 caich dia flaith, dia fine, dia abaid...
>
> The due personal service - in the matters of hosting, encampment, pledge, assembly, vengeance, attack, defence, service to God, assisting the work of the lord and of all - to his lord, to his kindred, to his abbot...

The ap resembles both the flaith 'lord' and the fine 'kindred' in his entitlement to these forms of manchaine, a

term which seems to have originated as a designation of the services of ecclesiastical dependents (< manach) but which came to signify the personal service of secular clients. It is conceivable that fognam do Dia 'service to God' refers to labour services due to the church from its particular dependents - a matter discussed in chapter five - and that this is the peculiar due of the ap and is to be distinguished from the other forms of service listed. This is by no means certain as it would be quite reasonable to assume that great ecclesiastical magnates, whose involvement in warlike activities is reported by the annals in the eighth century and after, might well have been entitled to attendance as a retinue and military support from their dependents. Even if this be not what is intended here, the services owed to the ap from his dependents would seem to be of a worldly kind since they are noticed under the broad heading of the 'profane feast' and not under that of the godly feast.[72]

Explicit allusions to manaig in Córus Béscnai are found in two lists of those in a comparable state of legal dependence, who are denied the power to enter contracts without the sanction of their respective heads. The manaig in question are therefore presumably property holding dependents of the worldly variety. Another passage affirms that

Marmoigid eclais endce airitiu cach meic do forcital, cach manaig dia coir aithirge co foltaib coiraib...

Reception of each son for instruction, of each manach in his proper penance with proper obligations, greatly magnifies the innocent church...

This may be considered ambiguous as it could reflect either a conventional monastic context or the penitential regime previously noticed as characterizing some at least of the church's dependents who were not monks in the strict sense. There are in addition references to the role of manaig in determining the succession to the ruling office in the church, a topic which is touched on below in chapters three and five - it may be recalled that the Collectio accords the clerici and subjecti a say in selecting their princeps or primarius.[73]

Córus Béscnai, unlike most of the vernacular material examined heretofore, makes no mention of episcopal jurisdiction, but the bishop may be assumed to be included in the allusion to clergy noticed at the outset. The tract does cast the ap in a conventional abbatial role as overseer of penitents and also as lord of the church, and while the bishop himself is ignored the church's pastoral services figure most prominently, as outlined in chapter four.

Two further references to the airchinnech should be

noted before concluding this survey of vernacular legal material. In a text on distraint athgabál aesa ecolsa 'distraint of ecclesiastics' is said to apply do airchindchaib 7 aes graid 'to church heads and clergy', thus exemplifying a familiar distinction, but since both categories are to be distrained by their livestock property is obviously not assumed to be the exclusive prerogative of non-clerical ecclesiastical lords.[74] The possibility of clerical responsibility for property is rarely highlighted in the vernacular laws - the only example previously noted being that of the ambiguous phrase tabairt epscoip 'gift to or by a bishop' - whereas several instances have been cited from the Latin canons. The second example of airchinnech is found in a text or fragment of a text which differentiates between lay and ecclesiastical judges thus

> Mad fer tuaithe bid i cetud fri rig no tuiseach oca mbe; diam clerech bid i cetu fri aircindech nuasal.
>
> If he is a layman he sits with the king or lord who employs him; if a cleric he sits with the noble church head.[75]

As in a comparable regulation previously quoted the typical ecclesiastical judge is assumed to be in clerical orders, but the fact that here he 'sits with' the non-clerical head of the church would appear to afford the latter a role in

the pronouncement or perhaps rather the enforcement of a judgement, since the king or lord with whom a lay judge 'sits' is plainly credited with a judicial function analogous to that of a bishop in the text discussed above.

Notwithstanding some difference of emphasis, there can be little doubt that the vernacular legislation no less than the Latin canons attests to a heterogeneous model of ecclesiastical rulership, encompassing within a single system episcopal, abbatial and 'coarbial' concepts which may in practice be distinct or combined in a variety of possible permutations. Ap like abbas is ambiguous and often denotes monastic or spiritual leadership but is frequently treated as a synonym of comarbae and airchinnech to designate the lord of the church and its dependents. The bishop is rarely portrayed in such a role and in the vernacular laws generally figures as a dignitary who confers status on the church and may perform a judicial function but whose sacramental and other pastoral duties are expressly addressed only in Ríagal Phátraic.

II.3 HAGIOGRAPHY AND ANNALS

It remains to be seen if the eclectic model of authority discerned in the prescriptive material can be discovered also in hagiographical narratives and annalistic records. We shall begin with a scrutiny of the terminology used in particular hagiographical dossiers and in the annalistic

entries relating to the churches in question, and then proceed to examine broad trends in the usage of the annalists between the seventh century and the tenth.

Patrician hagiography employs a range of titles for church rulers including those of Armagh. The vocabulary of the seventh-century Liber Angeli is predominantly episcopal and indeed metropolitan but it is not exclusively so. There is an allusion to churches claimed to be

> in speciali societate Patricii pontificis atque heredis cathedrae eius Aird Machae
>
> in special union with the high priest / pontiff (i.e. bishop) Patrick and the heir of his see of Armagh.

Armagh itself is otherwise described as a cathedra apostolica 'apostolic see', a civitas or urbs 'city', presided over by a pontifex or antistes 'high priest' who is archiepiscopus Hibernensium and praesul 'bishop', but also rector 'ruler', dux principalis 'chief lord' of the Irish and Patrick's heres. The occurrence of heres is significant as it constitutes an early Latin usage corresponding to the vernacular comarbae. Armagh's claims subsume aeclessiae and monasteria and omnis monachus uniuscuiusque aeclessiae 'every monachus of any church' can resort to 'Patrick' without breaching his own monachi votum 'vow of a monachus' especially if he does so ex consensu

abbatis sui prioris 'with the consent of his former abbot'. Moreover, mention of those in matrimonio ligitimo aeclessiae servientes 'serving the church in lawful matrimony' at Armagh - distinguished from virgines 'virgins' and poenitentes 'penitents' - calls to mind the 'lawful laity' who, it has been suggested, resemble the monachi of the worldly kind.[76]

Bishops predominate among Patrick's followers in Tírechán's seventh-century narrative, while aeclessia is the preferred designation of a church and monasterium is never used, but the saint's disciples include many monachi and monachae, the former usually also credited with episcopal or another clerical rank. Armagh's head is sometimes termed heres and Patrick's appointee to rule an aeclessia is in one instance described as an abbas. The saint predicts that the ecclesiastical progeny of an adherent shall comprise sacerdotes Domini et principes 'priests of the Lord and church heads' and there is a further passage in which principes may be used in this sense of two of Patrick's followers who are also episcopi.[77]

Other texts in the Book of Armagh exhibit a comparable terminological flexibility. The fragments grouped by Bieler as 'Notes supplementary to Tírechán' include one detailing honours due to Patrick omnibus monasteriis et aeclesiis per totam Hiberniam 'from all monasteria and churches

throughout Ireland' and it is assumed that founders of aeclessiae as well as of monasteria would have monachi. In the eighth-century Additamenta Patrick and his followers are regularly called episcopus / epscop and Armagh is an apostolica cathedra 'apostolic see'. Yet Patrick's successors are twice termed heres and one, Flann Feblae (+715), is cast as an ap in agreement with his annalistic obit. Principatus aeclessiae 'rulership of a church' is mentioned and it is remarked of the 'ecclesiastical progeny' of Trim

> Hii omnes episcopi fuerunt et principes venerantes sanctum Patricium et successores eius
>
> They were all bishops and church heads reverencing holy Patrick and his successors.

The presence of manaig at the Patrician church of Drumlease is also noted.[78]

Bethu Phátraic is largely derivative of the earlier Patrician dossier but we should expect that its vocabulary of rule, like its content, would reflect something of the milieu of the ninth century and perhaps the earlier tenth. Thus it is noteworthy that Patrick is nowhere called a bishop in the body of the text, this epithet being applied to him only in the homiletic prefaces and perorations which seem to date to no earlier than the eleventh century.[79]

Patrick is said to have received berradh manaigh 'tonsure of a monk' from Martin of Tours while Pope Celestine, variously designated princeps, airchindech and abb Romae 'abbot of Rome', is credited with conferring gráda 'orders' on him, though no particular clerical order is specified and Patrick is several times described simply as clérech 'cleric'.[80] Apart from attributing to numerous individuals episcopal or other clerical rank, the text prefers the rather neutral designation muinter 'community, adherents' for Patrick's followers, a few of whom are additionally described in specifically 'monastic' terms as manach or ap, while one of Patrick's successors is identified as Nuada ab Aird Macha; he is indeed called abbas in both references to him in the annals but in his obit in 812 he is also accorded episcopal rank.[81] In addition to the description of the Pope as airchinnech only two further instances of this usage have been detected, one of which alludes to the prerogative of the airchindach Gránairt 'church head of Granard' to appoint the head of the female community of nearby Clonbroney; Guasacht the founder of Granard is claimed to have been a disciple of Patrick and a bishop. Comarbae on a number of occasions denotes the head of a church, particularly that of Armagh, and like airchinnech is not envisaged as a title exclusive of episcopal rank, as illustrated by a statement attributed to Patrick concerning epscop Ercc of Slane:

dlegair do c[h]omarbu Pátraic a glún do tecbail réna c[h]omarbu co bráth.

the successor of Patrick is evermore obliged to raise his knee before his successor.[82]

While the vocabulary of Bethu Phátraic remains consistent with the hypothesis of an eclectic model of organization in which bishops persist, it is undeniable that episcopal rank is not expressly associated with the person of Patrick (or of his successor), who is typically envisaged in terms suggestive primarily of ecclesiastical lordship with somewhat vague intimations of clerical status and monastic abbacy. On the other hand Patrick's exercise of episcopal orders would seem to be implicit in his foundation of churches as this may be assumed to have involved their consecration, an episcopal prerogative according to the Latin canons and Ríagal Phátraic. Moreover, in conferring clerical including episcopal orders Patrick performs another function which is characteristically episcopal.[83]

It cannot be fairly concluded that Patrician hagiography bears out the traditional picture of transformation from episcopal to abbatial rule. Episcopal and abbatial vocabulary and the language of ecclesiastical lordship are to be found in all strata, though a more subtle shift of emphasis is detectable in Bethu Phátraic. The annalistic

record of the rulers of Armagh sheds some light on this. Before the second half of the eighth century all but one - the aforementioned Flann Feblae (+715) who, however, is termed suí-epscop 'learned bishop' or perhaps 'pre-eminent bishop' in the guarantor list of Cáin Adomnáin - are credited with episcopal rank, though some are also described as abbots.[84] Tomás Ó Fiaich pointed to evidence of the separation of the episcopacy from the ruling office at Armagh in the later eighth century in support of his thesis of laicization, but this does not seem to prescribe a norm for the ninth and tenth centuries, for eight of the fifteen recorded bishops of Armagh in this period also bear titles indicating that they were effective church rulers. Up to the mid-ninth century these are always abbatial designations, with exception of one instance of airchinnech / princeps in 818; from the mid-ninth century heres Patricii, comarba Pátraic and princeps appear and after 936 comarba Pátraic is invariably employed.[85] The impression gained is certainly not of marked change from one clearly defined model to a quite different one. If the evidence betokens any changes other than in the usages favoured by the chroniclers and hagiographers they would seem to amount to no more than an increased incidence of one of a number of permissable permutations, according to which episcopal office and that of overall rulership could be occupied by different individuals.

Flexibility is again the keynote of the vocabulary of Brigidine hagiography. For Cogitosus in the seventh century ecclesia and monasterium are freely interchangeable designations of Kildare which is also called a cathedra episcopalis et puellaris 'episcopal and conventual see' and civitas metropolitana 'metropolitan church settlement', the location of archiepiscopus Hibernensium episcoporum 'the archbishop of Irish bishops', that is bishop Conlaed who is said to have been appointed by Brigit specifically because his power of orders was required for the ordination of clergy and consecration of churches.[86] Mixed terminology also marks the seventh- or eighth-century Vita Prima Brigitae. Thus Brigit's associates Mel and Melchu are entitled episcopi yet their church is a monasterium, while an ecclesiastic whom Brigit wished to appoint in alia civitate 'in another church' is called princeps.[87] The ninth-century bilingual Bethu Brigte commonly describes those brought into contact with Brigit as episcopus / epscop or occasionally as clerech. Patrick is made to insist that she should always be accompanied by a cleric to perform the sacraments and it is remarked that this has been observed abbaitibus Brigitae 'by Brigit's abbesses' up to recent times.[88] The annals indicate several parallel strands of authority at Kildare from the late seventh century, when regular records begin, to the end of the period under consideration. Female rulers, variously

entitled abbatissa, dominatrix and in the tenth century comarba Brigti 'successor of Brigit' are chronicled from first to last, as are bishops who by the end of the tenth century are designated comorba Condlaith 'successor of Conláed'. From the seventh century up to the second third of the tenth there is a non-episcopal line of male authority consisting of individuals designated abbas, ap, princeps or airchinnech, and the intrusion of a branch of the Leinster royal dynasty into this office at the end of the eighth century suggests that its functions were not primarily those of conventional monastic abbacy; the same may well be true of the female rulers.[89]

Adomnán's late seventh-century Vita Columbae is very different from Patrician and Brigidine hagiography, having more of the character of a true biography of a comparatively well documented monastic pioneer, and sheds no more than incidental light on general ecclesiastical organization and models of authority. Nevertheless, there are some hints that Adomnán too contemplated a single diverse and integrated system in which, however, pride of place goes to the monastic element in Columban churches. It is noteworthy that ecclesia and monasterium regularly designate a church without apparent distinction and while many of the named churchmen brought into contact with Columba are abbates, others are episcopi.[90] The saint's teacher was bishop Finnio / Findbarrus whom Columba served

as diaconus 'deacon' and one anecdote shows that the head of a monasterium was obliged to resort to an episcopus to confer orders. Abbas and episcopus apart, looser designations like praesul 'bishop, abbot' and praepositus 'church head' are used and while princeps is not, the comparable expressions primarius ecclesiae 'principal of a church' and cellulae dominus 'lord of a church' each occur once. Mochtae of Louth Patricii episcopi discipulus 'disciple of bishop Patrick' is credited with a prophecy of Columba, foretelling the propinquity of their duorum monasteriolorum 'two little monasteria', so that the Patrician church of Louth could be thought of in the same ostensibly monastic terms as a Columban foundation evidently located nearby.[91]

The Middle Irish Betha Adamnáin, which seemingly dates to the mid-tenth century, is of very limited value for present purposes. Adomnán and his followers are designated cleirigh 'clerics' and the more neutral muinter also occurs, while Adomnán's future successor is a comorba, all of which usages are reminiscent of the vocabulary of Bethu Phátraic. One illuminating passage describes the head of Glendalough both as ab and airchinnech but also makes it clear that he was an epscop. The Middle Irish Betha Coluim Cille dates to the twelfth century and so falls outside the terms of reference of this study, though it may be remarked that its vocabulary does not seem to betoken any departure

from the eclectic model of authority discerned elsewhere.[92]

The heads of Iona are invariably entitled abbas up to the early eighth century but the death of an episcopus Iae 'bishop of Iona' is recorded in 712 and about this time the vocabulary of the annalists becomes more varied. In 713 it is reported that one Dorbéne occupied kathedram Iae 'the see of Iona' but died after only five months in primatu 'in the primacy / abbacy'. Faélchú Mac Dorbéni assumed kathedram Columbae 'the see of Columba' in 716 but at his death in 724 is called abbas Iae. Whether these usages bespeak episcopal orders is unclear: the episcopal dignity is not otherwise accorded to ecclesiastics of Iona or indeed of any other Columban church in the annals before the tenth century, with the exception of an episcopus Rechrainne 'bishop of Lambay' who died in 739, but it seems hardly credible that bishops were not required. The tenth century instances together with that of the early eighth renders it more likely than not that there were others and we have unimpeachable evidence that in the seventh century bishops were dispatched from Iona to head the English mission, as well as Bede's express statement that the abbots of Iona presided over bishops.[93]

There are other markers of a flexible use of terminology by the annalists with respect to the heads of Iona from the early eighth century. In 707 Dúnchad Mac Cinn Faélad principatum Iae tenuit 'held the leadership of Iona' but in

his obit in 717 he is styled abbas Iae. Cillene Fota in principatum Iae successit 'succeeded to the leadership of Iona' in 724 and is called abbas Iae at his death in 726, while Feidlimid who obtained principatum Iae in 722 is described as abb Iae at his death in 759. Thereafter the rulers of Iona are entitled abbas or ap up to the mid-ninth century but in 801 the death is reported of Bresal Mac Segeni abbas Iae anno principatus sui .xxxi. 'abbot of Iona in the thirty-first year of his leadership', while Cellach Mac Congaile who is styled abbas Iae at his death in 815 reliquit principatum 'resigned the leadership' the previous year. The appearance of a non-monastic description of the presiding office in the contemporary Iona core chronicle of the annals in the first half of the eighth century is surely significant in view of the connotations of princeps in the Collectio Canonum Hibernensis, in the compilation of which the Iona scholar Cu Chuimne participated at about this time.[94]

The title heres Coluim Cille 'successor of Colum Cille' occurs in 854 and while abbas is still the preferred usage up to the end of the ninth century, the vernacular equivalent of the former, comarba Coluim Cille, prevails during the tenth, with one of those so designated in 980 perhaps also bearing episcopal orders.[95] Thus there appears to have been a tendency, more marked in the Columban tradition and at Kildare than at Armagh, for the episcopal

office to be separated from that of overall ruler of the church, but that these were possible permutations of a single eclectic system seems the most plausible interpretation.

We may now look briefly at the evidence for a number of other churches with extant hagiographical material in the 'Salamanca' collection for which a date anterior to about 800 has been proposed.[96] The Vita of Ruadán of Lorrha is one of those. Ruadán is in orders - though these are not specified - and is called clericus. Most of the ecclesiastics with whom he is brought into contact are episcopi, but Ruadán's followers are variously styled monachi, fratres 'brothers' and populus. While rulers of Lorrha typically have non-episcopal titles - including one called princeps in the late ninth century and one airchindech in the mid-tenth - bishops are recorded in the eighth- and ninth-century annals.[97] In the similarly dated Vita of Fintan / Munnu of Taghmon the hero is an abbas et caput populi 'abbot and leader of people' and his adherents monachi, fratres or populus. There is mention of a laicus, monachus sancti Fintani 'layman, a monachus of holy Fintan' but also of clerici de monachis eius 'clerics of his monachi'. He resides for a time at Artramon near Wexford harbour, a dependency of Comgalli sancti abbatis Benchuir 'holy Comgall abbot of Bangor', a disciple of whom princeps erat illius loci 'was head of that church'. He predicts

that one of his disciples dominus erit ecclesie et...episcopus 'will be lord of a church and...a bishop'. A fully hybrid concept of ecclesiastical organization is indicated, largely couched in terms which are ostensibly monastic but in which the notion of ecclesiastical lordship is uppermost and which accommodates an episcopal and clerical element. The chronicle of the rulers of Taghmon in the extant annals is most incomplete and what survives is largely confined to the Annals of the Four Masters, which cannot be relied upon to accurately reflect the vocabulary of its exemplars. For what it is worth, however, the abbatial title prevails throughout the period.[98]

The first 'Salamanca' Vita of Molua of Clonfertmulloe normally calls him abbas but sometimes clericus; his followers are monachi, fratres or in one instance populus, but an episcopus who visits Molua in his civitas also has fratres. Molua encounters a number of bishops and is himself capable of conferring orders, while the pope is said to hold principatum Rome 'leadership of Rome'. Despite such intimations of an all-embracing concept of authority the slim annalistic record of the rulers of Clonfertmulloe from the seventh century to the tenth always accords them an abbatial title, except for one instance of comarba.[99] The Vita of Fintan of Clonenagh is predominantly monastic in tone, with the saint presiding over labouring monachi or fratres, though his community also includes multi

sacerdotes 'many priests' who offer the sacrifice coram populo 'in the presence of the people', as well as at least one elderly retired bishop. The annals generally describe the rulers of Clonenagh as abbots, but a bishop is noticed in the seventh century and two in the first half of the tenth while in 972 the death of an epscop 7 comarba Fionntain 'bishop and successor of Fintan' is reported.[100]

The Vita of Áed Mac Bricc regularly describes its hero as episcopus, though he is twice addressed as abba 'father, abbot' and presides over monachi or fratres, while a reference to the labours of his community at harvest time conveys the impression of a monastic milieu. However, quidam monachus eius, homo fidelis et valde diligens sanctum Aidum 'a certain monachus of his, a man faithful and truly esteeming holy Áed' is portrayed as engaged in preparing a feast for a local king and so must be regarded as an ecclesiastical dependent or tenant of some independent means. One of only two recorded rulers of Áed Mac Bricc's church of Rahugh - both eighth century - is termed episcopus, abbas, the other simply abbas.[101] Cainnech of Aghaboe in his Vita is depicted as an abbas who had attained sacerdotalem gradum 'priestly orders' and his followers are generally described as monachi or fratres, but sometimes as clerici, while bishops figure on a number of occasions in the narrative. Again distinctions between abbatial and episcopal authority are not clearly defined,

as in an allusion to a struggle against demons by Eugenium episcopum Aird Sratha...circa animam Aidui monachi sui 'Éogan bishop of Ardstraw...for the soul of his monachus Áed', while another passage refers disparagingly to the head of a rival church as princeps. The rulers of Aghaboe are never accorded episcopal rank in the annals and are invariably described as abbots up to the late ninth century, after which comarba Cainnig is preferred, with one tenth-century instance of princeps.[102]

The vocabulary of the Vita of Colmán of Lynally is predominantly monastic, with Colmán styled abbas and his adherents called monachi or fratres. Bishops appear on a couple of occasions and there is mention of the heres sancti Patricii episcopi 'successor of holy bishop Patrick' and of a princeps monasterii 'head of a monasterium', while the pope is accorded the more orthodox title - by comparison with the Vita of Molua and Bethu Phátraic, above - papa urbis Rome 'pope of the city of Rome'. There is also a reference to a monachus of Colmán who is nevertheless described as a laicus fidelis et iustus et vir bonus 'faithful and upright lay person and a good man' and so would seem to belong to the category of worldly dependents of the church met with in other contexts. The rulers of Lynally are entitled abbots up to the end of the ninth century, with the death of a bishop also reported in 887. In the tenth century comarba Colmáin Ela is preferred,

though there is one instance of airchinnech.[103]

Ailbe of Emly is invariably entitled episcopus in his Vita, with considerable emphasis on his Roman sojourn, but the pope is described as both papa urbis Romane 'pope of the Roman city' and abbas Rome. There is mention of the capacity of the sacerdos 'priest' to offer sacrifice, but not in the presence of a bishop, whose superior dignity is thus emphasized. Several others whom Ailbe encounters are called bishops and none - apart from the allusion to the pope - are called abbas. Monastic terminology and images are entirely lacking, apart from references to Ailbe's fratres in one paragraph, and the vocabulary of ecclesiastical lordship is also completely absent. Bearing in mind the propagandist intent of the eighth-century (?) Vita of Ailbe in attempting to counter Patrician claims, it is striking that the rulers of Emly are invariably described as abbots by the annalists up to the late ninth century, after which princeps, airchinnech and comarba Ailbe make their appearance. The first attribution of episcopal orders to an ecclesiastic of Emly occurs in 881 and there are two more instances in the second half of the tenth century. Since there is evidence of an Emly stratum in the Annals of Inisfallen - the main repository of the comparatively abundant records of this church - throughout most of the period in question, it would appear that episcopal orders, whether borne by its rulers or by

subordinate functionaries, were of less interest to its chroniclers than the connotations of authority conveyed by the designation 'abbot'. It may be recalled that the head of Emly is cited in the legal tract Uraicecht Bec as an example of status equivalent to that of a bishop which might be attained by the non-clerical ollam mórchathrach 'superior of a great church settlement'. Another possibility is that we have to do here with abridgement of its exemplar by the extant text of AI. This is suggested by the fact the individual to whom the title episcopus, abbas of Emly is applied by AU in 881 is in the corresponding entry in AI called simply abb.[104]

A Life whose textual transmission differs from the above but for which an eighth-century origin has been proposed is the 'Kilkenny' Vita of Carthach / Mochutu of Rahan and Lismore. Its vocabulary is markedly eclectic, with Carthach always designated episcopus or pontifex while his disciples are monachi or fratres, of whom however some subsequently became episcopi and some abbates. Clerici occurs occasionally, seemingly as a generic description of ecclesiastics, but some distinction is expressed in the observation that at Rahan Carthach was always accompanied by monachi...et non clerici 'monks(?) and not clergy'. On the other hand a conception of ecclesiastical authority embracing the three elements of episcopacy, abbacy and lordship is encapsulated in an account of one Ciaranus

episcopus, founder of monasterium Ros Giallain (Rostellan, Co. Cork), who commends me et ecclesiam meam cum monachis meis 'me and my church together with my monachi' to Carthach on condition that his son Furudrán should succeed him, a proviso to which Carthach agrees so that Furudranus principatum post sanctum Chiaranum viginti annis tenuit 'Furudrán held the leadership for twenty years after holy Ciarán'. In addition there are allusions to the princeps of Clonard and the principem et populum civitatis Deirmaige 'head and populace of the church settlement of Durrow'. In the period under consideration there are annalistic records of Rahan only for the seventh and eighth centuries and the one title of rule which is used is abb. The rulers of Lismore from the seventh century to the ninth are invariably described as abbots, with princeps, airchinnech and comarba Mochutu making an appearance in the tenth century, but there is a possible notice of a bishop in 867 and several in the tenth century.[105]

An exhaustive account of less securely dated hagiographical dossiers and the relevant annalistic records is deemed surplus to present requirements, as it would consist for the most part of repetition of deductions made from the above sample of material. Individual hagiographical traditions stress either the abbatial or episcopal model of rule at the expense of the other and some countenance a separate concept of lordship more

explicitly than others. Generally speaking it would seem that the annalists were somewhat less concerned with episcopal powers than with the notion of overall authority conveyed by the designations abbas and ap and, increasingly in the ninth and tenth century, princeps, airchinnech and comarba. That is not to say that bishops either disappeared or declined in importance, for the annalistic evidence - which is subjected to more systematic analysis below - tells against this. It would appear that the eclectic model of authority is much the best way to account for the above evidence as a whole.

It is intended to conclude this chapter with a general survey of the vocabulary of rule employed by the annalists between the seventh century and the tenth. It has already been observed that at Armagh up to the mid-eighth century overall government of the church was usually exercised by bishops. Of the relatively few other churches for which there is some contemporary annalistic record before the mid-eighth century, bishops alone are associated with Ardstraw, Aughrim Co. Galway, Clonenagh, Connor, Devenish, Inishboffin Co. Galway, Nendrum, Mayo and Sletty. It is reasonable to assume that these, like the bishops of Armagh, ruled their ecclesiastical estates in the manner of principes, and the same may well be true of the episcopi who are apparently to be numbered among the early heads of such as Clonard, Ferns, Lusk and perhaps Glendalough.[106]

However, most church rulers up to the mid-eighth century are designated abbas / ap, with princeps a rarity before the later eighth century[107]. It may be inferred that the abbas / ap of this period was effective lord of his church, but it would be rash to conclude that the few early examples of princeps denote rulers without major orders or abbatial function and that those called abbas / ap were necessarily monastic abbots in major orders, as this presupposes a clear cut distinction which is not borne out by the evidence of prescriptive texts or annals. As regards the latter, it will be recalled that the office occupied by eighth- and early ninth-century abbates of Iona is described as a principatus. The interchangeability of the two ideas is further illustrated by the report that in 823 Ronan abbas Cluana M. Nois, reliquit principatum suum 'abbot of Clonmacnois, relinquished his leadership', while Dub-Dá-Boirenn Úa Dubáin is called abbas of Clonard in 787 and princeps at his death in 805.[108]

By comparison with the earlier period it may be observed firstly that after 750 there is only one church with which episcopi alone are associated, this being Clonkeen Co. Louth whose three ninth-century heads are so called.[109] This bears no implication that episcopal jurisdiction was marginalized in the ninth and tenth centuries. Bishops continue to be frequently - and in the case of most of the better documented churches regularly - noticed.[110] The idea

that separation of the episcopate from the abbacy or ruling office at Armagh in the later eighth century was a harbinger of the 'secularization' of the latter has already been refuted. Overall of the 204 bishops I have noted in the annals between AD 750 and 1000, no less than 94 are in addition accorded another title of rule, 50 of them abbatial, with 29 instances of princeps / airchinnech, 14 of heres / comarbae and one ríaglóir 'ruler'. That just under half the recorded bishops in this period were also effective rulers of churches ties in with the endorsement by prescriptive texts and hagiographical literature alike both of the ecclesiastical lord who himself performs the episcopal function and of the non-clerical lord on whose behalf this function can be undertaken by a bishop appointed for the purpose. The essential difference between the portrayal of bishops before about 750 and after is therefore simply that their exercise of overall ruling authority is expressly recorded in many instances in the later period but must be inferred in the earlier annals.

The annalists' vocabulary otherwise changes appreciably after the eighth century, such that between AD 801 and 870 about 18% of references to ruling office apart from the episcopate use terms other than abbas / ap, with the proportion increasing AD 871-950 to roughly 48% and to about 67% AD 951-1000.[111] This appears firstly as an increased preference for princeps - a title almost

exclusive to AU[112] - which is attested only 9 times between the first instance in AD 682 and 800, but 38 times AD 801-870 and 96 times AD 871-950. Airchinnech, noticed only twice before AD 800, also shows an increase but with a much lower incidence before the mid-tenth century (4 times AD 801-70, 17 times AD 871-950), doubtless due to the continued preference for Latin in obits and other stereotyped entries in AU after the eighth century, when discursive accounts are more commonly in Irish.[113]

Vernacular titles are increasingly favoured in the tenth century. Comarbae, which occurs 4 times in the ninth century when there are also 3 instances of heres,[114] is more frequent than airchinnech. Between AD 901 and 950 there are 45 examples of princeps, 25 of comarbae and 15 of airchinnech. The corresponding figures AD 951-1000 are 2 princeps, 86 comarbae and 43 airchinnech. Notwithstanding the disappearance of the Latin princeps after the mid-tenth century, AU continue to preserve about 70% of references to comarbae and airchinnech, albeit that after 870 only about 46% of all non-episcopal titles of rule are found in that text. This disproportion is explained by the tendency of AFM to employ the designation abb when it may be suspected that another term occurred in the exemplars of that compilation, and the same would appear to be true of AI.[115] As we rely on the latter two together for about 48% of tenth-century non-episcopal titles, it is likely that they

grossly exaggerate the incidence of ap in the usage of the contemporary annalists, for which AU is a safer guide. In the latter abbas / ap appears on only 14 occasions in the tenth century, amounting to just 8% of the total of non-episcopal titles of rule.

The gradual disappearance of abbas / ap to which AU testifies most tellingly has been viewed as symptomatic of the growing secularization of the church in the Viking epoch. This takes insufficient account of the occurrence of princeps in the annals well before the Viking advent and of its frequency in the first two thirds of the ninth century, when it is difficult to believe that the church had already responded to a supposedly devastating Viking impact by initiating a fundamental organizational transformation. In fact, the term princeps is completely ignored by Kenney and John Barry in their observations and its ninth-century incidence is understated by Aubrey Gwynn followed, it seems, by Hughes.[116] The currency of princeps, airchinnech and comarbae in early legislation and of the former in early hagiography is also denied the weight it deserves by the above interpretation. It has already been suggested that allusions to principatus in eighth-century Iona annals may not be unconnected with the Iona input into the Collectio Canonum Hibernensis. The greater frequency of the epithet princeps in AU after AD 800 may perhaps submit to a similar explanation for, like the increased use of the

vernacular and other developments in that text, it is conceivably to be related to the proposition that an Armagh chronicle underlies AU from the late eighth century.[117] As has been demonstrated above, Tírechán and the Additamenta attest to the currency of princeps as an ecclesiastical title among Armagh literati of the seventh and eighth centuries and both, as well as the Liber Angeli, allude to the heres Patricii. The occurrence of the latter designation twice in the ninth-century annals, together with one instance of heres Coluim Cille and the few ninth-century examples of comarbae - two of the earliest of which also refer to the head of Armagh - evidently presage the wide use of the vernacular version in the tenth century.[118]

These considerations prompt the inference that the annalists' vocabulary is as likely to have been dictated by local usage, scribal convention or discretion as by any strictly objective classification of ecclesiastical rulers. The secularization hypothesis is inconsistent with some of its advocates' awareness of a large measure of interchangeability between princeps, airchinnech and comarbae on the one hand and abbas / ap on the other, of which I have previously cited early annalistic and other evidence and of which Barry and Gwynn mention later examples, and the influence of subjective factors is exemplified by the divergence of AU and AI as to the titles accorded certain ecclesiastics, which has been regarded as

reflecting differing estimates of their eminence.[119] The increased popularity of designations other than abbas / ap for ninth- and tenth-century heads of churches undeniably signifies a more explicit evocation of the concept of ecclesiastical lordship, but it must also be borne in mind that a substantial proportion of those entitled princeps, airchinnech or comarbae (approximately 25% in both centuries)[120] are also credited with episcopal orders, scholarly eminence or an epithet such as anchorite indicative of particular religious devotion, while on the other hand there is no reason to assume that those designated abbas or ap were necessarily monastic abbots.

It remains only to summarize what emerges from consideration of the various categories of evidence. The validity of Sharpe's integrated model of church government, comprising episcopal, abbatial and 'coarbial' functions in a single system, would appear to be borne out and offers a more convincing explanation of the evidence as a whole than do previous theories, which suppose firstly the displacement at a more or less early stage of the episcopal by the abbatial concept of authority which is in turn superseded by secularized 'coarbial' rule. The texts which have been called to witness sometimes emphasize one of the three functions of rule rather than the others, but I have found nothing to dispel the impression that they attest to diverse elements comprehended in a system the essential

unity of which is taken for granted and to which one might readily apply the aphorism employed in the legal tract Bretha Nemed Toísech in a different context:

> Comthogairm cathlaic / ainm n-oenairbertae biuth / bis inna uili idnai.
>
> 'Catholic convocation' (i.e. the church) is the name of a single practice which is in its complete integrity.[121]

Chapter III

MODELS OF BASIC, SUPERVISORY AND DISPERSED JURISDICTION

The hypothesis that the Irish church embraced episcopacy, abbacy and temporal authority within a single, flexible system would appear to be well founded as regards the notions of ecclesiastical rulership that emerge from the evidence considered in chapter two. However, the implications of this triple faceted model for the wider question of the kind of power exercised by church rulers and the sphere within which it operated remain to be explored. The second traditional assumption about the Irish church discussed in chapter one is that the dispersed 'monastic paruchia' constituted the common pattern of organization from the seventh century if not before. Sharpe's contention that paruchia in the seventh-century Patrician material - from which the term with its peculiar spelling gains its scholarly currency - has no particularly 'monastic' sense is persuasive, but in his first effort to delineate an alternative to the 'monastic paruchia' model it has been argued that his observations carry least conviction and indeed at times appear mutually inconsistent.

While on the one hand he denies that there is evidence of an early diocesan episcopate, he nevertheless speaks of

the bishop as active within a diocesan system and of the 'tribe or túath' as perhaps originally 'coterminous with the diocese'. He draws a contrast between, on the one hand, the proprietary and pastoral paruchiae pioneered by Armagh and Kildare and on the other, the Columban 'monastic confederation' or familia, the 'constitution' of which, designed for the 'religious life', precluded a pastoral mission. Thus he seems to adopt what is in effect a modification of Hughes's thesis of two mutually antagonistic models of organization in the seventh century, against which, however, much of the general thrust of his critique is directed. The same applies to his view expressed elsewhere that while a metropolitan hierarchy was espoused by the Romani of the Irish canons they were ultimately forced to give way to the laisser faire approach of the Hibernenses which endorsed local particularism and tolerance of diversity. It has also been remarked that further uncertainty about the date at which his postulated eclectic pattern of organization prevailed is generated by his observation that the 'coarbial' function of the church ruler was related to the increasing scale of the church's temporalities in the eighth and ninth centuries.[1]

His most recent contribution is a more considered attempt to develop an alternative model of general organization. He seems more assured in his belief that the 'petty kingdom', plebs or túath was the original

jurisdictional sphere of the bishop whom he is inclined to associate with the 'larger church' which was the religious focus of the *túath*. Below these were the district 'mother-churches' which from the sixth century were supervisors of pastoral care in the probably very numerous 'local churches', but from the seventh century these mother-churches tended to be expropriated by 'great churches'. These latter were interested in 'power and property' rather than in episcopal supervision of local pastoral care and conflicts between the likes of Armagh, Clonmacnoise, Iona and Kildare were not about rival diocesan and monastic systems but 'the outcome of an organization with many small dioceses but no archbishops with recognized metropolitan authority'. A continued belief in some kind of hierarchy of bishops is betokened by his unamplified distinction between the *epscop túaithe* and the *prímepscop*, but by comparison with his initial essay Sharpe's most recent paper exhibits a more unequivocal commitment to the notion that expansion of the *paruchiae* or ecclesiastical *hereditates* of these greater churches was entirely on the temporal or proprietary side and involved no concomitant extension of pastoral jurisdiction. Furthermore, his consigning of the metropolitan model to the realm of pure aspiration is now accompanied by a boldly stated belief that 'monastic life without a pastoral role' to which Adomnán attests may have

had no 'general continuance' in the ninth and tenth centuries.[2]

This analysis essentially postulates three general concepts of ecclesiastical jurisdiction and authority, one of which - the territorially defined superior jurisdiction of an archbishop or metropolitan - was in Sharpe's view never more than an ideal of the seventh-century Romani. The two remaining concepts are the territorially cohesive pastoral sphere of the bishop of the túath and the dispersed but not 'monastic' paruchia of a great church to which lesser churches tended to belong in a proprietary sense which held no implications for pastoral jurisdiction. A fourth system, the Columban 'monastic confederation' which was 'of a type perhaps unique', is regarded in his original paper as having transformed itself into a proprietary paruchia in the period after the foundation of Kells in the ninth century.[3] In examining the evidence for these models the procedure adopted is broadly the same as in the preceding chapter, with consideration given first to the testimony of the Latin and vernacular prescriptive texts and then to that of hagiography and the annals.

III.1 LATIN PRESCRIPTIVE TEXTS

We may begin this investigation by looking at the Collectio Canonum Hibernensis in conjunction with the shorter collections of canons and the penitentials. Of the models of authority mentioned, the basic jurisdictional sphere and the concept of a superior territorially defined jurisdiction are clearly discernible in these sources. We shall consider first testimony relating to the former.

The Collectio employs a number of terms with reference to the episcopal domain, of which two are found in a passage which cites Synodus Romana and expresses the sense of a canon of the 'First Synod of Patrick':

> Episcopus non invadat alienam parochiam, non ordinet alium clericum alicujus ecclesiae, neque de diocesi ad diocesim alteram transeat, quamvis vocati [sic] a populis, neque ullas ordinationes faciat sine consensu episcopi.
>
> A bishop may not enter another's paruchia, he may not ordain a cleric of any other church, neither may he pass from (one) district to another district, although summoned (?) by the people, nor may he perform any ordinations without the consent of the bishop.

The corresponding text in the 'First Synod of Patrick' refers to parruchia but omits the term diocesis - which in

this context may warrant the translation 'diocese' - adds a limitation on the right of a migrant bishop to offer sacrifice on Sunday and requires that permission be obtained ab eo qui in suo principatu est 'from him who is in charge of it', a usage the significance of which for the vocabulary of rulership has been discussed in the preceding chapter. However, the emphasis in both texts on paruchia as a primarily episcopal sphere of pastoral jurisdiction is undeniable.[4] The bishop's sphere is similarly denominated in a canon - for which the authority quoted is simply Sinodus - which again proscribes his departure ad aliam parochiam 'to another paruchia', abandoning his own, while the same section provides for excommunication of episcopus qui alterius episcopi parochiam rapit 'a bishop who seizes the paruchia of another bishop'. In addition to the notion of a sphere of pastoral jurisdiction paruchia here evidently has the connotation of an asset which might be coveted, whether in a straightforward proprietary sense or on account of the prestige and access to material benefits which control of it might be expected to bring. It is particularly striking, therefore, that a manuscript of the 'B' recension should add after alterius episcopi the clause vel alicujus abbatis 'or of any abbot'.[5]

Jurisdictional and proprietary concepts are juxtaposed in a chapter consisting of a lengthy citation from Sinodus Sardinensis on the principles according to which disputed

places should be allotted and headed De divisione parochiae inter episcopos 'Concerning division of paruchia between bishops'. Proximity appears to be the primary consideration determining allocation but a place equidistant from two cathedrae 'sees' should belong to that preferred by the plebs 'lay community'. Locus 'place' was conceivably understood by the compilers to denote a church site, in which sense it is well attested in Hiberno-Latin sources, among them Books XLIII and XLIV of the Collectio entitled De locis and De locis consecratis 'Concerning consecrated places'. However, the issue is complicated by the fact that in the passage in question as well as locus the neuter plural loca (which normally means a region) occurs in one instance in the sense of loci 'places' and in another where it may be regarded as ambiguous. Be that as it may, paruchia clearly means episcopal jurisdiction within adjacent territorial dioceses, though again in the Irish context it is possible that the passage was also taken to have application to disputes involving dispersed proprietary paruchiae.[6]

Two chapters of Book XXXVII De principatu envisage that the princeps might preside over the paruchia. The title of one instructs the princeps to have a minister and the text reads

Sinodus: Oportet principem omnia pensare per manus

ministrorum in usus parochiae, et subjectorum et pauperum.

A Synod: It behoves a church head to dispose of all matters with the assistance of ministers for the benefit of the paruchia and the subjects and the poor.

The princeps is charged with caring for the needy and providing for the subjecti who, as previously shown, are synonymous with the monachi, and also with responsibility for the paruchia. The ministri who should assist his endeavours are surely clergy, bearing in mind an allusion, noticed in the preceding chapter, to the engagement of ministri by a princeps who is not himself in orders. Evidently management of the pastoral ministry, including that in the paruchia, was considered to fall within the competence of such a princeps.[7] A second passage - citing the Synodus Hibernensis - affirms that no princeps is to be appointed nisi vocatis clericis et parochia in unum consentientibus 'except by the summoned clergy and the paruchia agreeing together'. Here paruchia would seem to refer to the flock to whom the clergy minister and is to be identified with the populus whose agreement is prescribed in the biblical citations immediately preceding this and in the chapter heading. A parallel is provided by a reference to the appointment of the bishop consensu clericorum et laicorum 'with the agreement of clergy and laity'.[8]

It may be inferred that in the above rulings princeps signifies the head of the church who, even if he is not himself in episcopal or clerical orders, carries overall responsibility for its sphere of pastoral jurisdiction. The same implication is perhaps borne by the reference to the paruchia of an abbas noticed heretofore. The remaining instance of the usage in the Collectio is a chapter heading which exemplifies terminological flexibility in deprecating the break up of ecclesia vel parochia unius monasterii 'the church or paruchia of one monasterium'. The body of the chapter consists of biblical exhortations to preserve the unity of the sacerdotium 'priesthood', but whether the connotations of paruchia be primarily those of pastoral jurisdiction or of property in the present instance, its association with monasterium renders incongruous the translation 'monastery' and points rather to an analogy with the 'minsters' of Anglo-Saxon England to which Sharpe draws attention.[9]

Among the Latin prescriptive texts apart from the Collectio, paruchia is attested only in two of its precursors, the 'First Synod of Patrick' and the 'Second Synod of Patrick'. Of the two instances of the term in the former one, paralleled in part by the Collectio, defines it as the domain of the bishop, but also describes the presiding authority in the paruchia as principatus, as we have seen. The second declares that a diaconus 'deacon' who

departs inconsultu suo abbate sine litteris in aliam parruchiam 'to another paruchia without consulting his abbot and without a letter' should not even receive food and should be punished with penance a suo presbitero quem contempsit 'by his priest whom he has disobeyed'. Disregarding as tendentious Bieler's suspicion that abbas is intruded, we may instead see this passage as bearing out the import of the 'B' recension variant of the Collectio noted above, to the effect that an ecclesiastic so designated might be the supreme authority in a paruchia. In view of the similarity of expression between this and some of the above stipulations regarding the bishop it may be supposed - though one cannot be absolutely certain - that the paruchia over which the abbas presides is territorially cohesive and it is expressly intimated that he might have some overall managerial role in respect of the pastoral ministry, though the wording of the passage does not make it clear whether he is himself the presbiter who would of course be the superior of the deacon in a strictly clerical sense.[10]

A canon of the 'Second Synod of Patrick' is entitled De parrochias but the text is obscure or perhaps incomplete:

> Cum monachis non est dicendum, quia malum est inauditum; qui unitatem vero plebis non incongrue suscipimus <...>.

With monachi one must not speak because it is an unheard

-of evil; we who not improperly maintain the unity of the lay community <...>.

While it is by no means certain that the terms are precise synonyms, both paruchia and plebs apparently signify jurisdiction the integrity of which is threatened by intercourse with monachi and an attempt to exclude monks from the pastoral ministry has been inferred, on the analogy of a passage which may or may not belong to the Penitential of Finnian and which prohibits monachi from baptizing or receiving alms.[11] This is a plausible interpretation, but the text before us does not make it crystal clear that monachi would be providers as distinct from beneficiaries of a pastoral ministry which might sunder the unity of the plebs or paruchia.

Paruchia and the lone example of diocesis apart, other terms for the basic unit of episcopal jurisdiction are employed by the Latin prescriptions. The Collectio, simply citing Sinodus, stipulates that the appointment of a bishop's successor must be made consensu sinodi et regionis ipsius sententia 'with the agreement of a synod and by the will of his region' and in a ruling quoted from a non-native synod it is affirmed that if anyone, including a bishop, should erect a church in territorio alicujus episcopi 'in the territory of any bishop', rights of consecration and government belong to the bishop in cujus

territorio edificata est 'in whose territory it is erected'.[12]

A more common usage already encountered is plebs. In the Collectio the bishop is enjoined to rule and correct the subditam plebem 'subject lay community' and he appoints the lector spectante plebe 'with the lay community looking on', in the second of which plebs would appear to signify the people or flock while in the first a specific jurisdictional sphere could be intended.[13] The sense of a defined area within which pastoral authority is jealously guarded is unmistakable in a close paraphrase of the 'First Synod of Patrick':

> Sinodus Patricii dicit: Si quis advena ingressus fuerit in plebem, non ante baptizet, nec offerat, nec consecret, nec edificet ecclesiam, donec permissionem acceperit ab episcopo illius provinciae...
>
> The Synod of Patrick declares: If any stranger shall have entered the community, he may not baptize nor offer (sacrifice) nor consecrate nor erect a church until he shall have received permission from the bishop of that province...

The text goes on to condemn anyone who seeks such permission only from laymen, again following the 'First Synod'. Clearly the plebs falls within the bishop's

jurisdiction, but does it define his sphere in the way that paruchia has been shown to do? Hughes was inclined to believe that it does, and that it could have similar force of definition is a possible deduction from the wording of the corresponding passage in the 'First Synod', which omits the qualificatory clause illius provinciae.[14] As we shall see, provincia elsewhere bears the connotation of a sphere of superior jurisdiction. The addition of the formula illius provinciae by the compilers of the Collectio in preference to, say, illius plebis - which the exemplar might lead one to expect - prompts the suspicion that it was deliberate and conceivably motivated by unease about plebs as a designation of the typical bishop's domain.

Support for this supposition is furnished by a passage peculiar to a single manuscript of the Collectio which qualifies in a significant way the general principle that a bishop must be consecrated not by one but by several bishops.

> Conepiscopi, id est vicarii episcoporum vel unius plebis ab uno episcopo ordinentur; hi autem a solo episcopo civitatis, cui adjacent, ordinentur.
>
> Co-bishops, that is vicars of bishops or (bishops) of a single community, may be consecrated by one bishop; they may be consecrated by the bishop of the church settlement to which they are contiguous acting alone.

Ó Corráin proposes emending conepiscopi to chorepiscopi, pointing to the analogy of the subsidiary chorepiscopi of seventh- and eighth-century Gaul who did not dwell in a cathedral city and lacked full episcopal dignity. Whether the emendation be accepted or not, the comparison seems in general terms most apposite. The text is the plainest intimation that an episcopus unius plebis might be distinct from and of less account than the normal bishop of the Collectio.[15]

The Collectio paraphrases parts of two further decrees of the 'First Synod of Patrick' in prohibiting a monachus from inconsulto abbate vagus ambulans in plebe 'wandering in the lay community without consulting his abbot'. The context - this is from Book XXXIX De monachis - requires that a conventional monk be understood and there is no suggestion that the abbas has authority over the plebs. However, another canon derivative of the 'First Synod' condemns quis 'anyone' who attempts to redeem a captive in plebe suo jure sine permissione abbatis 'in the lay community on his own without permission of the abbot'. The version in the 'First Synod' does not specify the ecclesiastical superior from whom permission is to be sought. Redemption of captives is a duty assigned to both episcopus and princeps elsewhere in the Collectio, so what is at issue here, evidently, is an infringement of the prerogative of the abbas to perform this public function in

plebe.[16]

Plebs occurs on a number of occasions in the shorter collections of canons and in the penitentials. Instances in the 'First Synod of Patrick' have already been noted as examples of borrowing by the Collectio and there are others. One of these rehearses the theme of the need to protect pastoral jurisdiction from unsolicited encroachment but merits quotation as the exact meaning is controversial. The text runs

> Clericus aepiscopi in plebe quislibet nouus ingresor, baptizare et offerre illum non licet nec aliquid agere...

Bieler rendered this 'Any cleric who is a new-comer in a bishop's community is not allowed to baptize, or to offer the holy sacrifice, or to perform any functions...'. Sharpe remarks in his original paper on church organization that this might be thought to demonstrate the identity of the plebs or túath with the diocese, but that the word order is untypical of the text and that aepiscopi is more likely to depend on clericus, and goes on to assert that plebs and túath in an ecclesiastical context do not carry the same precise jurisdictional meaning as paruchia.[17] His most recent contribution bespeaks a change of mind on the significance of these terms in general, as pointed out in the introduction to this chapter, but he does not discuss

this particular example therein.

It is certainly true that the syntax as interpreted by Bieler is without parallel, but the semantic implications of Sharpe's reading seem to present a difficulty. Why should clericus be qualified by aepiscopi? If the clause were clericus alterius aepiscopi 'cleric of another bishop' or the like the essential meaning would appear plain enough and not at variance with that deduced by Bieler, but if we are to accept Sharpe's subsequent change of mind regarding the identity of plebs and diocese, then the most natural reading of the text as it stands would seem to be that the aepiscopus is the bishop whose sphere of jurisdiction is the plebs mentioned. In that event it is hard to understand why or by whom his own cleric should be debarred from undertaking pastoral duties within his diocese in general. On the other hand it must be admitted that if we accept Bieler's interpretation the injunction merely duplicates the ruling against unsanctioned pastoral ministration in the plebs by an outsider articulated in another canon of the same synod the inclusion of which in the Collectio has been noted. A possible solution may involve a return to Sharpe's original conclusion that plebs is not to be equated with the bishop's sphere here in the way that paruchia is elsewhere. Rather, perhaps, it may allude to a local lay community within his domain, in which the clericus who is a newcomer - albeit that he is the cleric

of the bishop of that jurisdiction rather than a complete outsider - cannot minister unless he is specifically assigned to do so.

The two remaining examples of plebs in the 'First Synod' portray it as a sphere in which the activities of the clericus ought to be properly regulated, though there is no mention of the bishop. One decrees that there should be no vagrant clericus in the plebs, while another affirms that a clericus who comes from the Britons without a letter etsi habitet in plebe, non licitum ministrare 'even though he lives in a lay community, is not allowed to minister'. This last provision has featured in the controversy about the date of the document.[18] A canon of the 'Second Synod of Patrick' in which both plebs and paruchia are used apparently with reference to pastoral jurisdiction has already been noticed. Plebs occurs in a second passage of this text which requires that an improperly elected bishop be condemned ab altero episcopo 'by another bishop' and ad reliquam plebem declinandus, et degradandus 'he is to be relegated to the rest of the lay community and to be degraded'. Here plebs would appear to signify the laity in general rather than any particular jurisdictional unit.[19]

Plebs on occasion seemingly bears the latter connotation in the penitentials, though normally in connection with the clericus or in one instance with the sacerdos 'priest' and never with the bishop. One of the 'Canones Hibernenses' and

the Bigotian Penitential prescribe penance for keening over the body of a clericus plebis / plebilis 'cleric of the lay community'. In a provision for confession coram sacerdote et plebe 'in the presence of priest and lay community' found in another of the 'Canones Hibernenses', the primary meaning seems to be 'laity, people' but plebs may also have the force of a sphere of jurisdiction. It is certainly used in this sense and with explicitly pastoral overtones in a distinction, common to the Penitential of Cummean and the Bigotian, between the penance appropriate to a cleric who denies a child baptism si clericus de una plebe...si non de una plebe 'if (he be) a cleric of the same community...if (he be) not of the same community'. This expands a prescription which may or may not belong to the Penitential of Finnian for penance to be performed by a clericus for this offence si ex una plebe fuerit 'if he shall be of the same community'.[20]

A different usage occurs in passages of Finnian and Columbanus which decree that the sinning clericus be exiled from his patria 'own country, native place' while the 'Second Synod of Patrick' discusses the merits of teaching or leaving one's patria. Generally speaking the word does not seem to denote any clearly defined area, but in one case Finnian indicates that the clerical sinner must leave patria sua for ten years et agat penitentiam vii annorum in alia urbe 'and must do penance seven years in another city'

(i.e. church settlement), a formula which suggests a departure from one ecclesiastical jurisdiction for another. The term has a similar colour in a canon of the Collectio which cites the Synodus Romana in disapproval of a cleric who despiciens suam patriam 'despising his own land' seeks legal redress from outsiders.[21]

Clearly the key terms relating to basic spheres of jurisdiction in the Latin prescriptions are paruchia and plebs. The primary meaning of paruchia is evidently a territorially cohesive domain of episcopal pastoral jurisdiction, but it is apparent that the church head exercising supreme authority therein might be designated princeps or even abbas. The paruchia is also sometimes spoken of as a material resource or asset concerning which there might be competing claims and there is a possibility that in the Collectio at least it may have been considered applicable to a dispersed jurisdiction. The significance of plebs is decidedly more problematic. It is used loosely of people, the community or flock among whom the bishop, the cleric or even the abbas may have a role. The difficulty concerns its signification when employed with greater specificity to denote a jurisdictional unit. In at least one case - and arguably in another - the 'First Synod of Patrick' can be interpreted as indicating that it might designate the jurisdiction of the typical bishop, as can one instance in the Collectio, but conclusive

corroboration of this has not been found in the other sources considered, where it tends to be most commonly associated with the clericus. There is a possible hint that the compilers of the Collectio were anxious to avoid identifying the plebs with the standard episcopal sphere and there is a more explicit indication in that text that the episcopus unius plebis was perceived to be not identical with but rather subordinate to the normal bishop. On the whole, therefore, there would appear to be merit in Sharpe's first impresssion that plebs does not as a rule define the episcopal area of jurisdiction in the way that paruchia does.

The Collectio describes a territorially defined higher jurisdiction chiefly in the short Book XX De provincia 'Concerning the province'. The latter is portrayed - with an attribution to Augustinus - as a coterminous civil and ecclesiastical domain:

> Certa provincia est, quae decem civitates habet et unum regem et tres minores potestates sub se, et unum episcopum aliosque minores, decem judices, ad quorum judicium omnes causae civitatum referuntur, et si causae difficiles oriantur, ad omnium judicium decem judicum referendae sunt.

An established province is one which has ten cities and one king and three lesser rulers subject to him, and one

bishop and others of inferior standing, ten judges to whose judgement all lawsuits of the cities are referred, and if difficult cases should arise, they are to be referred to the judgement of all ten judges.[22]

The primary signification of provincia is evidently a sphere of jurisdiction in the strict sense, in which there is one presiding bishop as well as others (bishops?) of lesser standing and it seems probable that civitates would be understood in an Irish context to mean church settlements; if so, it follows that the judges would be ecclesiastics.

The jurisdictional integrity of the province is emphasized in a citation from Institutio Romana warning against referral of cases ad alias provincias aut alias ecclesias 'to other provinces or other churches' which differ in custom or religion, such as the Jews who are not devoted to the truth, or the Britons, who are contrary in all things to Roman custom and have cut themselves off from the unity of the church, or heretics, though they be well versed in ecclesiastical law. The Synodus Romana is invoked to the effect that each province should have its own judices et episcopos lest it be degraded, and that clerics must not bring cases abroad. A passage which in the 'B' recension is attributed to the Synodus Hibernensis claims that the sedes patriarcharum et cathedra legis 'see of the

patriarchs and seat of the law' lost its rank when it had no kings or judges or worthy persons, except when they could be summoned from outside, and it is noted that emissaries were sent from Jerusalem to Rome and from Rome to Alexandria to consult about various cases, to which a manuscript of the 'B' recension adds significantly maxime ob rationem pasche 'especially about the computation of Easter'. As Charles-Edwards points out, the essential implication of the passage seems to be that it was considered preferable to call on judicial expertise from another province rather than take the case to that province. An addition to a different passage in one manuscript of the 'B' recension notes that Moyses accepit consilium a viro alicujus provinciae 'Moses accepted counsel from a man of any other province'.[23]

In the canon quoted at the outset the bishop of the province would seem to be represented as presiding over other bishops but he is called simply episcopus. However, the superior jurisdiction of a metropolitan is noticed in another citation from the Synodus Romana which again denounces anyone who brings a case ad alienos 'to strangers' rather than having it decided apud suos judices 'by his own judges' or apud metropolitanum episcopum suae provinciae 'by the metropolitan bishop of his province'. To this the 'B' recension adds

Canones Romani dicunt(ur): Causa uniuscujusque provinciae non referenda ad alteram, si autem cause majores fuerint exortae, ad caput urbium sunt referendae.

The Roman Canons decree: The case of any individual province is not to be referred to another, but if major cases shall have arisen they are to be referred to the chief of cities.

An appellate jurisdiction is also countenanced in a further quotation from the same synod which provides that disputes arising in any provincia about which the clerici disagree ad majorem sedem referantur 'may be referred to the greater see' and if still unresolved may be submitted to arbitration at a sinodus 'synod'. This is followed by the stipulation

Patricius: Si quae [difficiles add. recension 'B'] questiones in hac insula oriantur, ad sedem apostolicam referantur.

Patricius: If such (difficult) questions should arise in this island they should be referred to the apostolic see.'

It has been suggested that this paraphrases the formula in the Liber Angeli which represents Rome as the highest court

of appeal. In both these passages a judicial hierarchy is contemplated, in which the case is to be considered in the first instance by the judges or clergy of the province, with the possibility of referral to the metropolitan bishop or greater see and subsequently, according to the second formulation, to the synod, before the ultimate appellate jurisdiction of Rome comes into play. The supervisory role of the synod is confirmed by other canons of the Collectio which excuse the episcopus from attendance only in exceptional circumstances, require his compliance with its decisions and empower a clericus with a grievance against a bishop to seek a remedy ad synodum. The synod is accorded a role in the appointment of a bishop, as noted above, and also in the designation of a heres 'successor' by a princeps and in the dismissal of a heretical princeps.[24]

The concept of a provincial or metropolitan tier of episcopal authority is occasionally noticed in the Collectio outside Book XX. A ruling attributed to Isidore declares that a bishop is to be appointed not by one sed a cunctis comprovincialibus episcopis 'but by all fellow bishops of the province' and another, citing the Synodus Cartaginensis, requires for an episcopal appointment the assent of clericorum et laicorum et totius provinciae episcoporum maximeque metropolitani 'the clergy and laity and bishops of the whole province and especially of the metropolitan'. A chapter heading confined to one manuscript

of the 'B' recension reads De clerico vel episcopo habente causam contra metropolitanum episcopum 'Concerning the cleric or bishop having a lawsuit against the metropolitan bishop'. Elsewhere on the authority of Innocentius it is affirmed that scriptural, hagiographical, church historical and canonistic writings are to be consulted in attempting to decide a case and if these fail, recourse may be had to the seniores provinciae 'elders of the province'. Finally, a passage which is again peculiar to the 'B' recension quotes a provision of the Synodus Sardinensis that anyone who refuses to comply with the decision of judices is to judged by the primae sedis episcopo 'bishop of the chief see'.[25]

Scholars have been inclined to impugn the credibility of the concept of provincia articulated in the Collectio or to treat it as tendentious. Corish describes Book XX as an assemblage of materials from foreign sources which gives the impression that the compilers had no clear idea of what provincia meant 'beyond some notion that the whole of Ireland constituted a "province"'.[26] Citations from native synods among the passages quoted above obviously disprove the point about the provenance of sources. Moreover, the equation of the whole of Ireland with a province is nowhere expressly stated in the Collectio, but is an inference on Corish's part, perhaps from the provision for referral to the 'apostolic see' of difficult cases arising 'in this

island' where these have already proved insusceptible of resolution by the clerici of the provincia, by the major sedes 'greater see' and then by a synod. Corish's inference may also stem from the fact that the threat to the jurisdictional integrity of the provincia is represented as coming from those who would have recourse trans mare 'over the sea', to the Jews, to the Britons or to heretics. However, it would seem not inconceivable that such allusions were intended simply to highlight the most spectacular forms of non-compliance with proper procedure imaginable to the compilers. By comparison injunctions against bringing a case ad alienos 'to strangers' or from one province ad alteram 'to another' could be understood as implying merely referral to a contiguous provincial jurisdiction within Ireland. Nevertheless the idea that the compilers allowed - if they did not expressly prescribe - that the whole of Ireland might be viewed as a province may not be utterly unthinkable. A corollary not discussed by Corish is that there would then be but one major sedes or metropolitanus episcopus in Ireland, the apparent implication being that some kind of primacy - perhaps that of Armagh - was tacitly acknowledged. A possible argument against Corish's interpretation is that the passage quoted at the outset describes the provincia as a coterminous civil and ecclesiastical sphere which seems too neatly defined and of too restricted an extent to be readily

equated with the whole of the island, but this need not be an insuperable objection.

Sharpe quotes much of the material from Book XX cited above and is in essential agreement with Corish that 'there was no coherent sense of what jurisdiction was appropriate to a metropolitan bishop nor what course appeal should take' and furthermore 'the desire to collocate such contradictory prescriptions indicates that any attempt to resolve the problems of ecclesiastical authority had been abandoned.' Thus while the compilers again stand accused of a lack of clarity born of practical inexperience of the system they attempt to describe, Sharpe is disposed to relate their prescriptions in a general way to the - ultimately unfulfilled - aspiration to establish a metropolitan hierarchy acknowledging the primacy of Rome which he attributes to the seventh-century Romani and with which he also associates the claims of Armagh voiced in the Liber Angeli.[27]

Charles-Edwards is more willing to take the canonists at their word and attempts to tease out the implications of their formulations. He introduces an important distinction, arguing that the Collectio recognizes the metropolitan bishop of the province as the only appellate jurisdiction below that of Rome - reflecting the structure of provinces headed by metropolitan bishops which prevailed in sixth-century Gaul - and implicitly rejects the rival claims of

Armagh and Kildare to primatial jurisdiction on the part of their 'archbishops' over the whole island, analogous to that of Canterbury in England before 735. In this connection he holds that the phrase ad majorem sedem 'does not suggest that there was only one greater see', but as has been implied in relation to Corish's interpretation, it is equally true that it does not necessarily suggest that there was more than one. Charles-Edwards deduces from Book XX a more elaborate scheme of jurisdictional strata corresponding to the 'usual lawyers' account of kings and overkings' - possibly taking his cue from a conjecture of Sharpe's - with a correlation at the lowest level between the ecclesiastical plebs or populus and the secular túath 'petty kingdom'. At a secondary level the '(lesser) provincia' with its '(leading) bishop' and other 'lesser bishops' is matched by the 'mesne kingdom' of two, three or four túatha and an overking. At the highest level the major sedes parallels the secular cóiced 'province' such as Munster or Leinster. However, he too feels that any such schema was essentially speculative, as he concludes that neither this model nor that of a primatial archiepiscopate of the entire island became securely established, a failure to which he conjectures that their mutual opposition contributed.[28]

The nature of the claims set out in Patrician and Brigidine hagiography are examined below, and the

underlying problem of whether models of superior episcopal jurisdiction might have had any basis in fact can only be addressed in the light of other evidence to be considered. However, it may be observed at this stage that the imputation to the compilers of either deep confusion and / or a propagandist tendency in regard to this or any other significant component of the Collectio faces the objection voiced by Sharpe in his initial critique of Hughes's assessment of the text, namely that the preface suggests that it was intended for practical use.[29] One might expect a degree of anachronism and inconsistency in such a work, but that it should include a whole book - as well as other scattered prescriptions - dealing with an organizational structure which had no basis in reality but merely attests to semi-coherent theorizing and partisan sentiment is a proposition which seems to require more justification than it has received. On a point of detail, it may be noted that while advocacy of an episcopal hierarchy has been seen as a diagnostic feature of the Romani - and the frequency with which they are cited in De provincia will not have escaped attention - one of the chapters on jurisdictional integrity quoted above contains in the 'B' recension an ascription to the Synodus Hibernensis.

Leaving aside the question of whether the distinction between the primatial and metropolitan models is truly applicable, how plausible is Charles-Edwards's detection

of two tiers of superior jurisdiction, the one represented by what he calls the '(lesser) provincia' and the other by the metropolitanus episcopus or major sedes? An inevitable corollary of his interpretation is that one must suppose that provincia refers simultaneously to these two clearly defined and distinct tiers, an assumption which on the face of it is difficult to accept. On the other hand there is at least a hint of ambiguity about the connotations of provincia in the Collectio. Charles-Edwards's hypothesis is attractive insofar as it may be thought to explain why provincia is sometimes associated with the metropolitanus episcopus or major sedes, whereas in the passage quoted at the outset it is described as having but unum episcopum aliosque minores 'one bishop and others of inferior standing'. One might be tempted to identify the latter with the conepiscopi / chorepiscopi or episcopi unius plebis 'bishops of one community' mentioned in the preceding discussion of the minimal episcopal domain, but since these may be appointed a solo episcopo civitatis cui adjacent 'by the bishop of the church settlement to which they are contiguous, acting alone', one must infer that they constitute a still lower tier and that the alii minores are in fact the fully fledged bishops of each of the ten civitates comprised in the provincia. However, Charles-Edwards's analysis is consistent with the fact - also noted previously - that the normal bishop who typically

wields authority in plebe is described in the Collectio as episcopus illius provinciae 'bishop of that province', where it seems improbable that a bishop of metropolitan status is intended.

Whether the episcopus episcoporum 'bishop of bishops' - noticed in passing by one of the 'Canones Hibernenses' in what is the only reference to a superior episcopal jurisdiction in the Latin prescriptions apart from those of the Collectio - is to be regarded as a bishop of the postulated second stratum or as a provincial metropolitan is unclear. In this and in two more of the 'Canones Hibernenses' as well as in the Bigotian Penitential the status of one called simply episcopus is equated with that of the princeps magnus 'great church head' or excelsus princeps 'superior church head', who must be the non-episcopal ruler of a church of episcopal rank, but it is not apparent if the status envisaged is that of a bishop of the basic type or of a more exalted figure.[30]

As compared with the light which the Latin prescriptive texts - and especially the Collectio - shed on the primary and supervisory jurisdictional spheres associated in the first instance with bishops and clergy, their testimony regarding paruchiae - monastic or otherwise - of dispersed subject churches is negligible, notwithstanding frequent and most illuminating references to non-episcopal church rulers discussed in the preceding chapter. A possibility

already canvassed is that paruchia may sometimes have been thought applicable to a dispersed sphere of authority, and perhaps especially so where it is represented as being in the charge of a princeps or abbas. But this is no more than conjecture. Where the indications are clearest, paruchia seems to be a territorially coherent area of pastoral jurisdiction and the linking of abbas and plebs in a number of passages shows that a non-episcopal church ruler could have a role in the local lay community. It must be admitted that the existence of either a system of dispersed proprietary paruchiae or of a 'monastic confederation' of the type allegedly exemplified by the Columban churches is nowhere unequivocally acknowledged.

Sharpe suggests that a church which belonged to the proprietary paruchia of another owed census 'tribute' of some sort to the 'abbot of the controlling church', but none of the references to census in the Collectio has any bearing on this. Many of these speak of people or property being subject to royal census - a situation which is equated with subjection to ecclesiastical rule - where the term has connotations of legally dependent status as well as liability to charges, and the significance of this for the position of ecclesiastical dependents is dealt with below in chapters five and six. There are, however, three allusions to a church which is itself under census, two of which warn against the a church falling sub censu regis /

regali 'under royal charges'. The third affirms

> Ecclesia catholica libera est ab omni censu; si autem gravetur causa mali principis, debet revertere ad priorem libertatem.
>
> A catholic church is free of every charge; if, however, it be burdened on account of a bad church ruler, it should revert to its former liberty.

Sharpe considers that 'the assumption behind the if-clause is that a church may be sub censu principis' and apparently regards this as a case of census owed to a 'controlling church', but the context renders this interpretation unlikely. The text is from Book XXV De regno 'Concerning kingship' and the preceding chapter endorses the king's entitlement to census and tributum 'tribute', whereas God is due tithes, first fruits and offerings. The drift of the passage quoted is that a church may fall under the census of a king or secular magnate through the perversity of its princeps and the immediately preceding and following precepts deprecate in general terms the imposition upon the church of terrestrial levies.[31]

While allusions to census shed no light on proprietary paruchiae the concept of an unfree church subject to secular census conjures up an image of something akin to a proprietary church or Eigenkirche. A private church would

seem to be indicated in a passage in which it is envisaged that a female heir might have an ecclesiam paternam 'paternal church' to which she could legitimately bequeath portion of her inheritance. There is also a reference to the failure of an advena 'stranger', who is apparently a cleric, to obtain possession of a church assigned to him, seemingly in the face of resistance on the part of local proprietary interests.[32] Finally, before concluding this section, mention should be made of the civitas refugii 'city of refuge' whose dimensions and legal privileges are discussed in the Collectio. It would seem to designate a church of more than average eminence since it has seniores 'elders' who have a judicial function as well as clerici. Perhaps it is to be identified with the ten civitates, each with a judge, which are supposedly comprised in a properly constituted provincia, but the extent of its jurisdiction - whether territorial or dispersed - is not revealed and it is not even expressly stated that it is an episcopal church.[33]

III.2 VERNACULAR PRESCRIPTIVE TEXTS

The testimony of the vernacular prescriptions relates to the models of a basic and extended territorial jurisdiction with which the Latin precepts would appear to be primarily concerned but again some of the material could be understood as alluding to the concept of a dispersed

paruchia. We may begin with texts of purely ecclesiastical interest and look subsequently at the legal corpus.

The Old Irish Penitential is largely derivative of the Latin penitentials and in a reflex of one of the 'Canones Hibernenses' and of the Bigotian Penitential it prescribes penance for keening for cleiriuch tuathe 'over a cleric of the community', where its exemplars have clericus plebis / plebilis.[34] Both vernacular and Latin usages may signify the laity in general or a specific sphere of jurisdiction. Two further passages suggest that the typical bishop's domain was expected to encompass more than a single túath 'petty kingdom, community'. On account of the shortage of clergy those guilty of sexual misdemeanour may be reconsecrated after penance 7 tiagait fo laim nespscuip .i. epscuip tuath 'and they go under the hand of a bishop i.e. a bishop of (a number of) communities', for which there is no parallel in the Latin regulations. In the case of killing a bishop or priest is la rig forbi tuatha 7 la epscop commus a peindi-side 'power to fix their penance rests with the king who is over (a number of) communities and with the bishop', where the corresponding ruling in the Bigotian Penitential merely requires determination by a king. Assuming the bishop's jurisdiction to be roughly co-extensive with that of the mesne king with whom he is paired it would seem to cover more than one túath. A similar penance for keening over a bishop, a king and an

aircindech ardcathrach 'head of a great church settlement' echoes references to the princeps magnus and excelsus princeps, but as in these there is no indication here as to whether or not the comparison betokens a bishop and non-episcopal church head with extended authority.[35]

Ríagal Phátraic provides for episcopal supervision of the pastoral mission by a prímepscop cecha túaithe 'chief bishop of every túath' or, in the version appended to the 'Rule of the Céli Dé', prim-espoc cecha prim-tuathi i nErinn 'chief bishop of every chief túath in Ireland'. The second formulation strongly suggests that this bishop's domain encompassed more than a single small túath and is the basis of Sharpe's differentiation, noticed at the beginning of this chapter, between an epscop túaithe 'bishop of a túath' and a prímepscop prímthúaithe 'chief bishop of a chief túath'.[36] The latter may be understood as designating the bishop of the túath which, in terms of the ecclesiastical as well as the secular hierarchy, exercised hegemony over a number of subordinate túatha, the home túath, so to speak, of both the rí túath 'king of (a number of) túatha' and of the epscop túath. The variant prímepscop cecha túaithe thus need not imply that there were a number of bishops in each túath among whom one was pre-eminent, but that an epscop túath was acknowledged as the supreme authority in every individual túath, in some at least of which there might also be a local bishop of lesser standing

who perhaps can be identified with the episcopus unius plebis 'bishop of a single community' in the Collectio. A reference elsewhere in Ríagal Phátraic to nach epscop tra soért(h)a túatha 7 eclaisi 'any bishop, then, whom túatha and churches exalt' also tends to the conclusion that this bishop was assumed to have authority over several túatha. At the level of the basic pastoral ministry - of which more in the next chapter - the tract adverts to a shortage of clergy in the túatha in explanation of the practice of allowing a fer gráid 'ordained man' have cure of three or four churches.[37]

As Charles-Edwards observes, the invocation of Patrician authority to which the souls of the men of Ireland are claimed to be subject indicates that Ríagal Phátraic may emanate from Armagh or one of its satellites. He conjectures further that the contractual approach to pastoral care and dues which it exemplifies was calculated to undermine the provincial structure advocated in the Collectio, in the interests of Armagh's primatial ambitions. The tract certainly makes no mention of provincial metropolitans, but it does endorse the túath as the basic jurisdictional unit and moreover seemingly gives credence to the notion that the bishop of several túatha - the middle tier of Charles-Edwards's provincial model - typically supervised the pastoral mission. Furthermore, provisions relating to dues and temporalities - discussed

in chapter four, below - are concerned exclusively with the upkeep of churches, sustenance of the ministry and the revenues of local airchinnig 'church heads'. There is no intimation that any material benefits accrued to Armagh and notwithstanding the rhetorical invocation of Patrick as guardian of the souls of the Irish there is no hint of any functioning supervisory jurisdiction on Armagh's part.[38]

Cáin Domnaig, which states that the féich 'dues' of this cáin are levied di aitiri chána Pátric 'on the basis of a surety of Cáin Phátraic', seemingly envisages that adjudication on breaches of the sabbath would be the duty of brithem bes gaíthem 7 bes cráibdigem bes i cach thúaith 'the wisest and most pious judge who is in each túath' or of chléirig no brithemon túaithe 'the cleric or judge of the (lay?) community'.[39] It may be significant that at the level of the individual túath the cleric rather than the bishop seems to be perceived as the likely authority.

The text of Cáin Adomnáin, which aimed to provide an effective machinery for tackling offences against clerics, women and children, reveals the direct intervention of the Columban community in arrangements for its implementation, but apparently within pre-existing spheres of jurisdiction. Pre-eminent local churches - perhaps of each túath or group of túatha - are evidently acknowledged in the provision for

téora aitire cac[h]a prímegalsa fri Cáin Adomnáin .i.

secnap 7 coic 7 fertiges...

three personal sureties of every chief church with respect to Cáin Adomnáin viz. the deputy ruler and the cook and the steward...

These were three of the 'functionary orders' of the church. Furthermore, it is stipulated that

It é brithimain cánae Adomnán i cach eclais 7 i cach thúaith .i. clérich dongoat munter Adomnán...

They are the judges of Cáin Adomnáin in every church and in every túath viz. clerics whom the community of Adomnán selects...

This draws attention to a slightly different connotation often borne by túath when juxtaposed with eclais, namely that of the laity in general or even a particular lay community as distinct from the church. It is not clear whether these clerical judges were intended to be representatives of the Columban community who would enter each túath to judge cases arising under the Cáin, or local clergy otherwise unconnected with Iona. Widespread endorsement of the Cáin attested by the guarantor list would seem to leave the second possibility open. The tract decrees that the muinter Adomnáin 'community of Adomnán' or muinter Iae 'community of Iona' should receive the profits

of justice in the form of the lánéraic 'full wergild' or lánfíach 'full due' prescribed by the Cáin for killing a woman and a proportion of what is due for other offences including those against ecclesiastics and children. It also provides for refection of the rechtaire Cána Adomnán 'administrator (?) of Adomnán's Caín' and of the collectors of fines.[40]

The significance of this project may be gauged by the fact that it was felt necessary to append to the guarantor list the assurance that ní gata Adomnán fíachu ar flaith 7 eclais 7 fine dia mbí dír 'Adomnán does not deprive of their dues lord and church and kin to whom they are proper'. From the text of the law it is clear that, at least as regards offences against clerics or innocent children, what was payable to Adomnán's community was without prejudice to the entitlements of their own churches or kin. Nevertheless if these measures had practical effect we must agree with Hughes that Cáin Adomnáin 'is our first certain intimation that one church had gained authority throughout the country', and with Herbert that Iona 'is seen to take the lead in Irish ecclesiastical life'. One must assume that local churches and secular rulers - who had a judicial competence in regard to the offence of killing clergy, as the Old Irish Penitential, quoted above, shows - acquiesced in Iona's appropriation to itself of exclusive jurisdiction over the matters covered by the Cáin

and of the income deriving from it. That this may have been the case is a fair inference from the list of ecclesiastical and secular magnates who endorsed the Cáin, headed by Flann Feblae of Armagh (+715), described as suí-epscop 'learned bishop' or perhaps 'pre-eminent bishop', and by Loingsech Mac Óenguso (+704), the Uí Néill overking of Tara. The importance of royal sanction is underlined by the oft repeated fact that in the legal tract Críth Gablach the recht Adamnáin 'enactment of Adomnán' is said to exemplify a recht crettme 'enactment pertaining to religion', one of three types of rechtge 'ordinance' which it is proper for a king to bind upon his túatha.[41]

Such a scenario holds profound implications, not merely for Iona's ability to over-ride local and indeed larger rival interests, but also for the jurisdictional model presupposed by the endeavour. Charles-Edwards is minded to regard Adomnán's initiative in 697 as 'consistent with the provincial structure' advocated in the Collectio, as opposed to the primatial claims of Armagh and the contractual approach to relations between church and túath which he connects with these, and considers Adomnán himself to have been 'an excelsus princeps, an ollam mórchathrach, the head of a great church' with a status equivalent to that of a king or bishop. He seems to imply a position akin to that of a metropolitan. But in truth the system for implementing the Cáin, as well as the revenue gathering

dimension, betoken a jurisdictional interventionism which goes far beyond the appellate function of a metropolitan and in some respects seems more in keeping with some of the claims made in Patrician hagiography, which we shall have occasion to examine presently.[42]

We may now turn to consideration of the vernacular legal corpus, which sheds some light - if only indirectly - on episcopal spheres of jurisdiction. As pointed out in the preceding chapter, the bishop is often equated in status with the king, the extent of whose domain is not generally spelt out. On a few occasions, however, a parallel is specified with either the rí túaithe 'king of a (single) community' or with a superior grade of king, from which inferences may be drawn about the position of the bishop.

In Críth Gablach the rí túaithe is entitled to refection for a retinue of twelve when engaged in the business of the túath and by the same token dá fer déac dano dám epscuip do lessib ecalsa 7 túaithe 'twelve men, moreover, (constitutes) the retinue of a bishop for (attending to) the interests of church and túath'. The juxtaposition of eclais and túath here suggests that the latter should perhaps be rendered 'laity' or 'lay community', though an allusion to a specific sphere of jurisdiction is not to be ruled out. In any event the analogy with the rí túaithe in terms of status is undeniable. Bishop and rí túaithe are also placed on a par in a tract on judges and court

procedure which, uniquely among the early vernacular legal material examined, adverts expressly to an episcopal judicial function, affirming that where a judge does not swear an oath in support of his judgement

> nibi britheamh i tuaith in fer feimas inaoill-sin, 7 teit in breth-sin iarum docom rig no easpuic na tuaithe.
>
> the man who neglects (to swear) that oath is no judge in the túath, and that case is then referred to the king or bishop of the túath.

The identification of the individual túath as an episcopal sphere of jurisdiction coextensive with the secular sphere of the rí túaithe is possibly indicated in the first and certainly in the second of these passages. Moreover it is noteworthy that the túath is represented in the second as having more than a single tier of jurisdiction, for cases might be appealed from subordinate judges to the king or bishop. The point is reinforced by the fact that comparison of this passage with others in the same tract makes it clear that the episcopal and royal authorities of the túath are to be connected respectively with the ollam cleirigh 'clerical supreme judge' and ollam laich 'lay supreme judge'. Cáin Domnaig, it will be recalled, indicates that there might be several judges in a tuath from among whom the most suitable should be selected

to judge breaches of the Cáin.[43] The depiction of the túath as the jurisdictional sphere of the typical bishop would seem to link this text with the Hiberno-Latin tradition - principally represented by the 'First Synod of Patrick' - which suggests that the domain of such a bishop might be designated plebs. This is in contrast to other texts examined which tend to associate the plebs or túath more frequently with the clericus / cléirech - or, in one case, with a category of bishop lacking full episcopal dignity - though it is conceivable that the term ollam cléirig 'clerical supreme judge' in the text on judges may bear the specific interpretation that while the túath is ultimately subject to episcopal jurisdiction, the highest clerical authority within the túath need not be a bishop.

That the bishop's sway normally extended beyond a single túath is presumably the perspective of a Heptad which seems to imply an analogy between the relative standing of, on the one hand, a ri tuath 'king of (a number of) túatha' and tri righ do riguib tuaithe 'three kings of (individual) túatha' and on the other, a bishop and the three subordinate clerical grades of priest, deacon and lector.[44] This calls to mind Charles-Edwards's comparison of the '(lesser) provincia' - having its king and three lesser potentates as well as its bishop and others of lesser standing - with the mesne kingdom comprising several túatha. Parallel secular and ecclesiastical hierarchies are

also envisaged in Bretha Déin Chécht, in which the bishop is likened in status to the ollum ri[g] 'supreme of kings', as the sacurt 'priest' is to the ri tuath 'king of (a number of) túatha, and as the dechan 'deacon' is to the ri tuaithe 'king of a (single) túath'. Here the bishop is equated with the grade of king elsewhere described as rí ruirech 'king of great nobles', rí bunaid cach cinn 'ultimate king of every individual' or rí cóicid 'provincial king', so the metropolitan bishop of a great province would seem to be intended.[45]

A direct reference to such a bishop occurs in a passage of the Munster tract Uraicecht Becc quoted in the previous chapter, which accords the king of Munster enhanced legal status and adds

> Ollam uasaleascup a chumut; ollam morchathrach a chumut amail rogab Imlech Ibair no Corcach Mor Muman.
>
> (To) a supreme noble bishop (or 'the most supreme of noble bishops'?) the equivalent; (to) the superior of a great church settlement - such as Emly or great Cork of Munster - the equivalent.

The particular interest of this formula lies in the fact that the status of a provincial metropolitan bishop could equally well be enjoyed by the non-episcopal head of a leading Munster church. This would also appear to be the

import of an eighth- or ninth-century Old Irish gloss on the Senchas Már tract dealing with díre 'atonement, penalty based on status', which declares

> Ar id da .vii. cumala diri n-ollaman .i. comarba Caisil no Patraic no Ailbe...
>
> For fourteen cumala constitute the atonement due to a supreme one i.e. the successor of Cashel or of Patrick or of Ailbe (of Emly)...

The king of Cashel (i.e. Munster) has double the entitlement of the basic rí túaithe 'king of a (single) túath' (= seven cumala) and the heads of Armagh and of Emly - both of whom are accorded titles with no particularly episcopal overtones - are placed on a par with him.[46]

The pre-eminence of Rome advocated by the Collectio is reflected in Míadslechta, where it is declared that the church is the highest dignitary on earth and the bishop the highest dignitary in the church and further that

> is e espac as uaisliu dib-sidhe easbuc ecasla [sic] Peatair, ar is fo mam bite flaithe Romhan...
>
> the highest bishop of these is the bishop of Peter's church, for the Roman lords are under his yoke...

Binchy pointed to the tract's failure to assign to Armagh any corresponding position of primacy within Ireland where,

indeed, no episcopal hierarchy is explicitly countenanced, for the highest dignity is attributed simply to the celibate bishop. On the other hand some such hierarchy may be implicitly acknowledged in another passage of the same tract which evidently places the bishop on a common footing with the ri bunuidh cach cinn 'the ultimate king of every individual', one of the designations of the highest grade of king noticed above.[47]

The civitas refugii of the Collectio corresponds to the cathair ataig 'city of refuge', a term which is not found in the earliest stratum of the laws but which occurs in the Old Irish glosses on the Senchas Már tract on distraint, Cetharślicht Athgabála. The relevant passage to which Ó Corráin has drawn attention states

> Robui da .x. la tu[a]ith nDe fri cach na(e)inces doiced 7 fri tuatha echtranna do comairle. Fo bith do batar .x. mbreithemain la tuaith nDe isna .x. primc[h]athrachaib ataigh. Cibed dib tisead ainces fuigell fosuided .x.n co tised athc[h]omarc in nonbuir ile...
>
> Now the people of God (i.e. the Israelites) used (a) ten (-day period?) for (dealing with) every difficult case which arose and in negotiation (consultation?) with extern peoples. Because then the people of God had ten judges in the ten principal cities of refuge. Whichever of them encountered a difficult case of judgement, he

put a stay of ten (days?) on it until he could consult with the other nine...[48]

This remarkable account is apparently not drawn from any specific scriptural exemplar but is reminiscent of the description of the provincia in the Collectio Book XX.2, with its ten civitates and ten judices to whose collective arbitration difficult cases should be referred. It is conceivable that comairle denotes the consultation with experts from another jurisdiction for which other passages of Book XX provide. The text lends weight to the supposition made above that the ten civitates may be identified with the eminent churches designated civitates refugii elsewhere in the Collectio. Neither this text nor the Collectio specify that the civitas refugii or cathair ataig is an episcopal church, but this is expressly stated in An Dubhaltach Óg Mac Firbhisigh's unpublished legal glossary of the seventeenth century and in Middle Irish legal commentaries which in addition mention another category of superior church, the cathair apstail 'apostolic church', the distinction between which and the cathair ataig is unclear. Two of these later commentaries also differentiate between the enhanced status of a bishop attached to a cathair ataig and that of a bishop who is for lar achaidh 'in the middle of the countryside' or for achud ceana gin cill 'in the field moreover without a church'.

The correspondence between Irish achad and Greek χώρα prompts the suggestion by Breatnach and Ó Corráin that this is an allusion to an Irish chorepiscopus of less than full episcopal dignity, a possible reference to which in the Collectio has already been noticed.[49]

It has been conjectured that the alii minores 'others of lesser standing' - who are said to be subordinate to the unus episcopus 'one bishop' of the provincia in Book XX of the Collectio - are in turn the superiors of the chorepiscopi / conepiscopi / episcopi unius plebis. This is in keeping with the model implied by the vernacular evidence, according to which a fully fledged bishop presides over each of the ten 'cities of refuge' in the province. Each of these bishops is potentially the superior of an epscop for achud or chorepiscopus, a bishop lacking complete episcopal dignity. If the notion of a province underlies the formulations of the Old Irish glossator it therefore cannot be the '(lesser) provincia' or middle tier of Charles-Edwards's model, but rather must be the metropolitan province or upper tier. This interpretation is consistent with the fact that the vernacular jurist has in mind a sphere of jurisdiction encompassing the entire people of Israel.

The canonical text of Córus Béscnai in conjunction with its apparatus of later gloss and commentary provides a unique insight into the relationship between different

categories of churches. That the church must keep itself in due order is a central theme of the tract and one element of this obligation is expressed in the following terms:

> Cach fine, cach manche, cach andoit iar nurdliged; dliged cach deoradas; comloigthe cach etal ria nanetal; cach imtoga la comtoil comairle...
>
> Every kindred, every church vassalage (= manaig), every mother-church according to prior claim; according to entitlement, every outsider; mutual concessions of (i.e 'to'?) every pure person before the impure; every selection in agreement with counsel...

The final statement is the key to the meaning of this passage which deals with the interests of different elements within and without the church in the selection of its head. If the later glossator be believed, the kindred concerned is the fine grin, the owners of the land upon which the church is established. If either they or the manaig should fail to supply a suitable candidate the right to do so passes to the andóit, apparently a borrowing from Late Latin ant(i)tatem (antitas < antiquitas), meaning an ancient foundation. The translation 'mother-church' seems appropriate, especially in view of the later gloss .i. fine erlama 'i.e. kindred of the founder or patron saint'; the original meaning of érlam appears to be 'tutelary

deity'. Another gloss defines annoit as the location of taisi inn erlama 'relics of the founder', while a further explanation of the term runs .i. eclais doet in aili, as cenn 7 is tuiside 'i.e. a church which takes precedence of another, it is head and is earlier'. It may be concluded that Córus Béscnai credits mother-churches with a conditional interest in appointing the rulers of their dependent churches. Moreover it would appear that as a last resort a déorad 'outsider' may be brought in, a provision that recalls a Heptad noticed in the previous chapter which indicates that a déorad Dé 'God's outsider' might be summoned to restore the religious functions and status of a degenerate church.[50]

The latter part of Córus Béscnai - evidently a sizeable proportion of the original - is now represented only by glossed citations with extensive later commentary. These give further tantalizing glimpses of different types of churches. The relevant fragments of the canonical text refer to eacluis fine erluma 'church of the founder's kin' where, according to the commentator, the founder's kin has first right of succession to the apdaine, literally 'abbacy', but best understood as 'ruling office', since it is affirmed that the fine erluma retain priority even if they can only provide a sailmceatluidh 'psalmist', this being one of the three subordinate sub-grades of clergy.[51] There is then mention of eacluis fine grin 'church of the

landowning kin', where they take precedence, of ceall iar mbunud griain 'church according to the origin of the land (?)' which, judging by the commentary, resembles the latter, of eagluis fine erluma 7 grin imale, 'church of the founder's and landowning kin as one', where the church has been established on the founding saint's kin land, and of cell manuch 'church of manaig', where the manaig have first claim on the ruling office. There is also an apparent allusion to the déorad Dé as a category of last resort in the event of the failure of all others to produce a suitable candidate.[52]

These fragments reflect possible permutations of a scheme of contingent succession rights the basic form of which is outlined in the continuous text quoted above from Córus Béscnai. The andóit 'mother church' of the latter is not found among the fragments but is presumably represented by the fine érlama, so that the permutations involve the same four interests of landowning kin, manaig, founder or mother-church and 'God's outsider'. One might be disposed to disregard the late commentary on eclais fine érlama which elaborates the classification to include annoit as a separate interest and to add three more, the dalta 'disciple', the compairche 'church of the same paruchia' and the ceall comfoguis 'neighbouring church'. However, two of these additional categories figure in a syllabic verse quoted by the commentator which cannot be later than early

Middle Irish (ninth - tenth century) since for grin 'land' therein one must restore the original disyllabic grian to conform to the syllable count. It runs

Érlam, gri[a]n, manach mín,
eclais dalta co nglanbríg,
compairche 7 déoraid Dé,
úadaib gabthar apdaine.

Founder, land(owner), placid manach,
daughter-church with pure virtue,
'co-paruchial' church and God's outsider,
by these the 'abbacy' can be taken.

Both this and the schemae in the canonical text and prose commentary countenance at least two local interests in any church, those of the landowners and the manaig. The érlam 'founder' could also presumably be local or might stand for the claim of a superior or mother-church, so that the distinction drawn by the prose commentary may be given some credence. The déorad Dé is also common to all accounts, but the introduction of the daughter-church in the verse and prose commentary implies a hierarchy of three categories of church. There is no clear indication as to whether this or the references to the compairche bespeak a territorially cohesive or dispersed system of authority. The fact that the commentary distinguishes a 'co-paruchial'

church from a cell chomfocuis 'neighbouring church' perhaps favours the latter, but is hardly conclusive one way or the other and the question must remain open.[53]

The term andóit is of relatively frequent occurrence in later glosses and commentaries denoting a superior or mother-church. Another fragmentary citation from the canonical text of Córus Béscnai alludes to departure - by manaig, according to the Old Irish glossator - o ecluis bunaid 'from the church of origin' and the Middle Irish commentator discusses the apportionment of death dues between the latter and the annoit to which a transfer is made, as well as the further division of dues should the heir of the first migrant move from the annoit to a compairche. The commentator on a Heptad noticed in the previous chapter distinguishes between an eclais bunaid and an andoit and also describes the ap 'abbot' whom the canonical text requires to admonish a lay airchinnech 'church head' as ab annoiti 'abbot of a mother church', a designation also found without context in an Old Irish gloss on that portion of Córus Béscnai of which not even fragments of the original survive. One may also note a late commentary on the tract dealing with judges and court procedure mentioned heretofore which envisages referral of a case do breitheamh egailsi bunaigh no apad andoite no comhorbai Patraig 'to the judge of the original church or of the abbot of the mother-church or of the successor of

Patrick'. The same commentator makes other allusions to an appellate jurisdiction on the part of Armagh.[54]

Thus the evidence suggests that although an andóit-church has no particularly episcopal or even clerical associations in the material examined, it might exercise jurisdiction in the sense of penitential (and pastoral?) supervision, judicial authority and a contingent right to determine the succession in the churches subject to it. The occurrence of the term andóit with what may be a somewhat different meaning in connection with the apportionment of the property of the deceased is discussed below in chapter six.

The vernacular legal tracts make reference in passing to synodal authority. Críth Gablach suggests that the typical kindred is formally bound by a pledge to obey the injunctions of a synod as well as those of the king and the túath, while Din Techtugud affirms that unjustly ejecting a synod from its enclosure reveals a king's falsehood.[55] The latter tract also mentions the term cís, apparently a vernacular borrowing of census, in the phrase uracomol cis neimid 'prior obligation in respect of a charge owed to a privileged person'. The Old Irish glossator gives as examples specific places in Munster from which the king of Cashel and comorba Lesa Moir 'successor of Lismore' are entitled to appropriate what they find on the day of their respective accessions. In the case of Lismore the place

concerned is a roadway in Uí Chonaill Gabra in west Limerick, so that the interests of a dispersed ecclesiastical lordship would appear to be in question. A heptad mentions bo ciss flatha no eclasa 'a cow assigned to a lord's or a church's charge / rent / tribute'.[56] In this instance cís has the connotation which census frequently has in the Collectio, that of a liability borne by the dependents of a secular magnate, the implications of which are analogous to those of subjection to the church.

There are one or two intimations of the existence of private or proprietary churches. The eclais fine griain of Córus Béscnai in which the kin of the landowner has first claim on the ruling office is perhaps to be understood as a private church. A possible allusion to such a church is found in Cáin Lánamna, where it is remarked that the boaire 'typical commoner / strong farmer' shall sustain a flaith 7 a eclas fadesin 'his own lord and church', while later commentators distinguish between one's eclais budein 'own church' and an eclais echtrann 'extern church'. Most interesting is a reference in Antéchtae to finechealla for tuath[s]et 'kin churches upon the public(?) way', a situation which is associated with the burdening of the church with comlaithre 'vicarious liability' and with the silence of the bell and the absence of psalm-singing, in other words neglect of the religious and pastoral facet of the church's activity evidently due to its being

compromised by its subordination to kindred interests.[57]

By comparison with the Latin prescriptions, the vernacular material relating to spheres of jurisdiction is relatively disparate. There is no one systematic account to compare with that of the Collectio, but an assemblage of references widely scattered through the legal corpus and other texts serves both to broadly confirm deductions made from the Latin sources and to offer some original perspectives. There are allusions to bishops whose sway extends over several túatha and to others who invite comparison with provincial metropolitans. We have seen that the Old Irish glossator of the Senchas Már had in mind an image of an appellate jurisdiction akin to that of the provincia in the Collectio, and provides the earliest attested rendition in the vernacular of the latter's civitas refugii. A distinctive feature of the vernacular evidence is the unambiguous intimation that at this highest level some form of jurisdictional power, or at least the enhanced status associated with it, might be enjoyed by a non-episcopal church head, and Cáin Adomnáin provides a graphic illustration of this, irrespective of what particular model of authority may be thought to be in question. The general significance of the vernacular testimony on these points is that it encourages a presumption that at the very least the model of supervisory jurisdiction was not confined to the wishful thinking of

the seventh-century Romani preserved by compilers of the Collectio supposedly motivated by antiquarianism, a propagandist intent or both.

At a lower level the túath is evidently the basic pastoral and jurisdictional unit, judging by the Old Irish Penitential, Ríagal Phátraic, Cáin Domnaig, Cáin Adomnáin and the tract on judges and procedure, but an ambiguity as to whether it is the domain of the bishop or of lower clergy parallels that regarding the plebs in the Latin prescriptions. It is noteworthy that the vernacular equivalent of the term paruchia does not have the currency of the latter, but the evidence relating to andóit suggests it could be envisaged as either a district mother-church or the chief church of a túath or group of túatha, with either one or two tiers of subordinate churches. The Latin prescriptions convey an impression that the paruchia is in principle an episcopal sphere over which, however, an abbas or princeps may preside in practice. Andóit has no specifically episcopal or clerical associations and the later commentators envisage an ap as effective ruler, but of course this does not rule out pastoral jurisdiction or a clerical function. Just as the concept of the paruchia was conceivably regarded as applicable to a dispersed network of subject churches, so the possibility exists that the andóit was visualized not just as mother-church to the churches of a particular area but as exercising a more

widely diffused jurisdiction, but as in the case of the paruchia no conclusive proof that this was so has been found in the prescriptive material. However the Old Irish glossator's explanation of an ecclesiastical cís does point to lordship - in the sense of an entitlement to impose charges - over property at quite a remove from the church concerned.

III.3 HAGIOGRAPHY

It remains to be considered whether the formulations of the prescriptive material find a reflex in hagiography and in the annals. It must be emphasized that this endeavour is limited to an impressionistic overview of concepts of jurisdiction. Any attempt at a comprehensive detailed analysis of the often competing claims embodied in the various hagiographical dossiers and of the light which the annals may shed on the relative position of different churches in any given period or region must be eschewed as being incompatible with the overall parameters of this study. In this section we shall deal first with the closely datable Patrician, Brigidine and Columban documents - though the latter are of limited value for the present purpose - and then examine those vitae which can be safely treated as contemporary evidence for the period under consideration. Finally, in section four, we shall look at some pertinent aspects of the annalistic evidence.

Patrician and Brigidine hagiography of the seventh century and after is informative regarding notions of an episcopal hierarchy, the precise connotations of paruchia and the relationship between this usage and the term familia. As regards the first of these, the Liber Angeli is a principal witness. The claims of Armagh are those of an apostolic, primatial and archiepiscopal see. There is reference to the proper refection of archiepiscopi heredis cathedrae meae urbis 'the archbishop, the heir of the see of my city' and to due reverence for cathedrae suae apostolicae 'his apostolic see'. Patrick is an apostolicus doctor 'apostolic teacher' and apostolico...episcopo 'apostolic...bishop' and there is mention of the honour of episcopi praesedentis cathedram pastoris perfecti 'the bishop presiding in the see of the perfect pastor' which has precedence over all other churches superna auctoritate summi pontificis illius fundatoris 'by the heavenly authority of the supreme bishop, its founder'. The standing of Patrick's successor is such that his oath outweighs that of any other ecclesiastic and he is entitled to pass judgement on all offences against his community or its interests and moreover

> Item quaecumque causa valde difficilis exorta fuerit atque ignota cunctis Scotorum gentium iudicibus, ad cathedram archiepiscopi Hibernensium, id est Patricii,

atque huius antestitis examinationem recte refferenda.

Further, any exceptionally difficult case which may arise and is obscure to all the judges of the Irish peoples, is properly to be referred to the see of the archbishop of the Irish, that is of Patrick, and to examination by its bishop.

This claim to supreme appellate jurisdiction in Ireland is followed by an endorsement of ultimate appeal ad sedem apostolicam...id est ad Petri apostoli cathedram 'to the apostolic see...that is to the see of Peter the apostle'.[58]

An archiepiscopal primacy is also claimed for the bishop of Kildare by Cogitosus, though he does not specify an appellate judicial role. Brigit's bishop Conlaed is described as summus pontifex 'supreme bishop' and the body of archiepiscopi Conlei is said to lie on the right-hand side of the altar at Kildare, which is called a cathedra episcopalis 'episcopal see' and civitas...metropolitana 'metropolitan city', the seat of archiepiscopus Hibernensium episcoporum 'the archbishop of the bishops of the Irish'.[59]

The primatial claims of Armagh in particular have occasioned some scholarly comment. Binchy, who was chiefly concerned to rebut the argument that any element of the Liber Angeli could be regarded as evidence for the fifth century, pointed to the fact that the canonical text of the

vernacular laws provides no corroboration of Armagh's appellate jurisdiction or of the pretensions of its head to overswear all other ecclesiastics in litigation. He perhaps overstated his case in implying that the laws recognize no episcopal hierarchy, for as we have seen, this is not so. Hughes discussed Armagh's archiepiscopal claims - which she also described as metropolitan - at some length and associated them in a general way with the objectives of the seventh-century Romani, but concluded that 'a Roman-type archbishop remained a theory' whereas in other respects 'the ecclesiastical superiority of Armagh was beginning to secure wider recognition' by the eighth century. More recently Sharpe comes to a similar conclusion and argues further that this aspect of the Liber Angeli was ignored in the subsequent development of Patrician propaganda. Charles-Edwards, as noted previously, is essentially of the same view as to the ultimate fate of such aspirations, but distinguishes between the notion of archiepiscopal primacy espoused by Armagh and Kildare and that of the provincial metropolitan advocated in the Collectio, which he feels was realized in some sense in the implementation of Adomnán's Cáin. In this connection it may be noted that Cogitosus's characterization of Kildare as a civitas metropolitana suggests that for him at least the distinction was not entirely clear-cut, and moreover perhaps gives some credence to Corish's view that the whole of Ireland might

be envisaged as a province.[60]

It is certainly true that the idea of an archiepiscopal or metropolitan jurisdiction is not promoted in later Patrician hagiography and the same can be said of the Vita Prima Brigitae and Bethu Brigte. However, the general concept of apostolic precedence is attested elsewhere in the Book of Armagh. Tírechán affirms that Patrick preached the faith to the people of the whole island, taught them the law of God and baptized them, and although he does not restate the case for an appellate jurisdiction he explicitly subscribes to the view that Patrick (and therefore his successors) could not be oversworn in curial procedure by another ecclesiastic. The fragments grouped by Bieler as 'Notes supplementary to Tírechán' credit Patrick with having a papal commission and declare that the whole of Ireland believed at his instigation and that he baptized almost all. The Additamenta refer to his uniting certain ecclesiastics in Connacht sub potestate unius heredis suae apostolicae cathedrae Alti Machae 'under the authority of the one heir of his apostolic see of Armagh'. Muirchú also describes Patrick's apostolic mission to teach and baptize all peoples and expressly acknowledges an island-wide episcopal authority in proposing to recount the miracles of Patricii...totius Hiberniae episcopi doctorisque egregii 'Patrick...bishop and illustrious teacher of all Ireland'.[61]

A rather different formulation of territorial jurisdiction merits mention here. The Liber Angeli declares that constituitur terminus a Domino vastissimus urbi Alti Mache 'a most vast precinct is established by the Lord for the city of Armagh', the boundaries of which are specified. The location of one of these, Brí Erigi, is not securely identified so the precise extent of the terminus remains uncertain, but Doherty is undoubtedly correct in his rejection of the comparison - made by Binchy and followed by Hughes - with a basic diocese analogous to the domain of a rí túaithe, for it seems to comprise much if not all of the overkingdom of Airgialla and arguably some at least of that of the Ulaid. If a model is to be sought among the vocabulary of conventional ecclesiastical jurisdiction, then as Doherty suggests one must regard the terminus as a province rather than a diocese.[62] The word occurs in the Collectio and in the vernacular laws as termonn to signify the area of sanctuary in the immediate vicinity of a church and is associated in particular with the civitas refugii. The area so designated in the Liber Angeli is much larger than a normal terminus. It is noteworthy that while the general concept of archiepiscopal supremacy advocated by the Liber Angeli is ignored by Bethu Phátraic, the latter has a much abbreviated narrative of the encounter with the angel, including reference to commus termuind do chathrach 'the extent of the precinct of your church settlement',

though only three of the four co-ordinates are given. It is impossible to tell if this reflects no more than a scribal slip or indicates a degree of indifference to a formula which was of no practical relevance in the ninth century. In any event the passage belies Sharpe's belief - if I understand him correctly - that the Liber Angeli was not used in the development of Bethu Phátraic.[63]

On the other hand there is no denying that the chief preoccupation of most of the Patrician texts apart from the Liber Angeli - and of the aforementioned Brigidine material - is with detailing the particular interests of Armagh and Kildare in different parts of the country and, especially in the case of Armagh, with cataloguing subject churches forming what has been described as a dispersed paruchia.

The latter term occurs in the Liber Angeli, where God is said to have assigned tibi...universas Scotorum gentes in modum paruchiae et huic urbi tuae...Ardd Machae 'all the tribes of the Irish as a paruchia to you (viz. Patrick)...and to this city of yours...Armagh'. As in the Latin prescriptions paruchia would seem to mean a sphere of pastoral jurisdiction, but extended in this instance to encompass all the people of Ireland. That it also entailed jurisdiction over specific churches is deducible from the statement that three classes of church - every aeclessia libera 'free church', every episcopal foundation and every church called dominicus - ought to be in speciali societate

Patricii 'in the special union of Patrick' because, it is explained, donavit illi Deus totam insolam, ut supra diximus 'God has given him the whole island, as we said above'. The final paragraph of the Liber Angeli purports to record an agreement between Patrick and Brigit, according to which Patrick is made to proclaim

> O mea Brigita, paruchia tua in provincia tua apud reputabitur monarchiam tuam, in parte autem orientali et occidentali dominatu in meo erit.
>
> O my Brigit, your paruchia in your province will be reckoned to your rule, but in the eastern and western part it will be in my control.

Brigit's paruchia does not seem to be exactly equated with her territorially defined sphere of authority or provincia, which appears to lend itself to identification with the province of Leinster, although its evident juxtaposition with alleged Patrician interests to the east as well as to the west presents a difficulty. Neither does paruchia denote the authority exercised, which is described as monarchia and dominatus, terms which are evocative not so much of episcopal or pastoral jurisdiction as of lordship. Perhaps the more likely interpretation of paruchia here, therefore, is that it designates the churches deemed to be subject to Kildare, but it is not impossible that it refers

to the flock under its jurisdiction.[64]

The statement appears to be an addendum to the body of the Liber Angeli, though the fact that it contradicts the pretension to an island-wide Patrician paruchia may not be as telling an argument as has been supposed since, as we shall see presently, this claim is already diluted in the body of the text. A date in the second half of the eighth century is proposed by McCone on the assumption that it represents the actual terms of an agreement between Armagh and Kildare and must be later than the Vita Prima Brigitae, which continues to reflect Brigidine interests outside Leinster. It may be remarked that his thesis that Cogitosus is anterior to the Vita Prima and that the latter dates to the eighth century rather than the seventh is altogether more convincing than Sharpe's arguments for the precedence of the Vita Prima. The date of the appendix to the Liber Angeli is not crucial to McCone's case and it could be regarded as no more than Armagh's version of a theory of co-existence with Kildare, alternative formulations of which have been shown by McCone to underlie two of the seventh-century texts which he postulates as sources of the Vita Prima. Later Patrician and Brigidine hagiography seemingly disregard the terms of the 'pact', for the ninth-century Bethu Brigte reveals no inclination on Kildare's part to abandon or tone down its claims outside Leinster, while Bethu Phátraic also ignores the Liber Angeli 'pact'

and instead draws partly on the Vita Prima or one of its sources to describe Patrick's encounter with Brigit near Clogher, Co. Tyrone. Moreover Bethu Phátraic, in its only allusion to a general concept of jurisdiction apart from Armagh's termonn, states that Patrick appointed Fiacc of Sletty to the e[p]scopoti Laigen 'bishopric of Leinster' or epscopóti in chóicid 'bishopric of the province'. If one views the addendum to the Liber Angeli as a hagiographer's claim no more or less likely to be tendentious than other formulations of a theory of co-existence between Armagh and Kildare propounded between the seventh century and the ninth, it appears unnecessary to assume that it must post-date the Vita Prima and that it could not have been devised earlier rather than later in the eighth century, or even in the seventh.[65]

Returning to the question of the significance of paruchia, we may consider a passage in Tírechán which contains a reference to the unqualified claim in the body of the Liber Angeli. He expresses concern about those who

> odio habent paruchiam Patricii, quia subtraxerunt ab eo quod ipsius erat timentque quoniam, si quaereret heres Patricii paruchiam illius, potest pene totam insolam sibi reddere in paruchiam...

hate Patrick's paruchia, because they have taken away from him what was his and are afraid since, if Patrick's

heir were to seek his paruchia, he could restore to him almost the whole island as paruchia...

This is followed immediately by the statement that God through his angel granted Patrick the whole island and its people whose conversion, as previously noted, is attributed to the saint. Thus while paruchia would appear on the one hand to refer to a territorial pastoral jurisdiction, it is also portrayed as in some sense an asset or property liable to misappropriation. This impression may be strengthened by the fact that those accused of encroachment are described in terms which suggest they might be laymen rather than rival churchmen - dissertores et archiclocos et milites Hiberniae 'deserters (?) and arch-robbers (?) and warriors of Ireland' - though of course this could be no more than rhetoric. Tírechán asserts that omnes primitivae aeclessiae Hiberniae 'all the primary churches of Ireland', which Hughes and Sharpe are disposed to identify with the churches called dominicus in the Liber Angeli, belong to Patrick - and therefore to Armagh - in a proprietary sense. This too is the tenor of his numerous allusions to other more or less prominent ecclesiastical centres which have gained possession of smaller churches reputedly founded by Patrick or his alleged disciples.[66]

The 'Notes supplementary to Tírechán' mention the celebration of Patrick's feast and three other liturgical

venerations proper to him in omnibus monasteriis et aeclessiis per totam Hiberniam 'all monasteria and churches throughout Ireland' and add that such honours are also due

> a monachis suis sibi qui aeclessiam fundavit vel monasterium, et qui habet paruchiam et regiones multas quattuor praedicta habere debet in honore.
>
> from his monachi to him who has founded a church or a monasterium, and he who has a paruchia in many regions is entitled to have the four above mentioned in (his) honour.

The precise significance of paruchia is not self-evident, but - whether or not Bieler is right in taking paruchiam et regiones multas as hendiadys - as in the addendum to the Liber Angeli it does not seem to be exactly equated with the territories in which authority is acknowledged and, in view both of the apparent distinction between the founder of a single establishment and one whose sway is more extensive, and of the proprietary connotations of habet, one might well suppose that it denotes subject churches. Again, however, the possibility that it designates in a broader sense a sphere of jurisdiction cannot be discounted. The passage appears to date to the eighth century and is of importance as recognition on the part of Patrician propaganda that churches other than Armagh might

have paruchiae.[67]

As we have seen, this is acknowledged in respect of Kildare in the appendix to the Liber Angeli, but a general concession of a similar kind is also contemplated in the body of that text. Patrick thanks God for the island-wide paruchia granted him and then observes that he foresees the advent of other worthy holy men

> qui autem videntur indegere aliquid sibi proprie diocessis ad utilitatem necessariae famulationis aeclessiis seu monasteriis suis post me.

> who seem to need some territory of their own for the purpose of necessary maintenance in their churches and monasteria after me.

Patrick therefore offers to share the abundance conferred on him by God with the 'perfect religious of Ireland'. Bieler stated that diocessis 'is used here in a non-technical sense' and rendered it 'provision', citing Hughes's translation of the text appended to her The church in early Irish society. In the body of her book, however, Hughes had written of Patrick's anticipating the need of others for 'dioceses'. Of the two other examples of the usage which have come to light in the material examined, that in the Collectio noted in the first section of this chapter certainly denotes an episcopal sphere of

jurisdiction, while in Adomnán's Vita Columbae it has a looser but indisputably geographical meaning, signifying a district or region. There is surely a strong possibility that the word has comparable force in the Liber Angeli, since plainly what is intended is to suggest that what other churches possess has been generously conceded by Patrick from the resources of his vast paruchia.[68]

There are two instances of paruchia in the Brigidine dossier. Cogitosus describes Kildare as

> caput pene omnium Hibernensium ecclesiarum et culmen praecellens omnia monasteria Scottorum, cuius parochia per totam Hibernensam terram diffusa, a mari usque ad mare extensa est.
>
> head of almost all of the Irish churches and pinnacle surpassing all the monasteria of the Irish, the paruchia of which is spread through the whole land of Ireland and extends from sea to sea.

Here again paruchia is not simply equated with territory, for it extends throughout but is not identical with the whole of Ireland. One might infer that it signifies an island-wide pastoral jurisdiction over people, as in the comparable assertion in the Liber Angeli, or that it designates subject churches. The proprietary dimension of paruchia is highlighted by the Vita Prima Brigitae in an

episode set in Connacht - specifically in the vicinity of Lough Mask, according to the parallel passage in Bethu Brigte - in which the infant Brigit, in response to a request to speak, is heard to utter 'meum erit hoc' 'this will be mine'. The exclamation is explained, apparently by a druid:

> 'Vere prophetia est, quae respondit infans, quia haec loca illius erunt in aeternum'. Quod postea completum est: nam parochia magna est hodie sanctae Brigitae in illis regionibus.
>
> 'What the infant has replied is truly a prophecy, for this area shall be hers forever'. And this was subsequently fulfilled: for holy Brigit's paruchia is great in those regions today.

Once more a distinction is implied between 'those regions' in which her paruchia is great and the paruchia itself, which nevertheless evidently entails authority over a locality (haec loca = in mennut-sa in Bethu Brigte) which is expressed in terms of proprietorship. The version of the episode in Bethu Brigte, the text of which is mainly Old Irish interspersed with phrases and sentences and some longer passages in Latin, does not mention paruchia, though it quotes the dictum meum erit hoc. The druid is made to prophesy 'ipsius erit hic campus' 'this plain will be hers'

and another character in the tale seemingly does not welcome the prospect of Brigitam tenere plepem 'Brigit's controlling the plebs'. Plepem is translated 'land' by Donncha Ó hAodha, who remarks that it corresponds to campus and mennut above and that it 'can hardly have a specific meaning like túath here', but given the signification of plebs elsewhere, and of paruchia in the Vita Prima version, it may be permissible to equate it with túath in the sense either of the laity in general or of a particular community over whom Brigit is said to have jurisdiction.[69]

The primary meaning of paruchia in the Latin prescriptive material is the basic territorially cohesive sphere of episcopal pastoral jurisdiction, but this is not reflected in the Patrician and Brigidine texts. Overall what is most striking is the contrast between the limited dimensions of the paruchia indicated in some of the canons and the vast scale of what is claimed by Armagh and Kildare, encompassing or stretching throughout the whole country. This parallels the extended sense in which terminus is used in the Liber Angeli. The pastoral aspect is arguably implicit in a number of instances but is never spelt out and there is no overt connection with episcopal authority. The Latin prescriptions do of course acknowledge the non-episcopal head of a paruchia as well as the proprietary implications of the term and leave open the possibility that it could have application to a more

dispersed jurisdiction. In the texts just considered paruchia is repeatedly described in the language of proprietorship or lordship and there are indications that it comprised widely scattered subject churches, perhaps in some instances involving jurisdiction over defined local communities, if such a construction may be put on the Vita Prima / Bethu Brigte reference.

In his initial paper on church organization Sharpe tends to the view that the proprietary paruchia of subject churches, far from being the norm in the seventh century, was a model pioneered by Armagh and perhaps also Kildare. He maintains that familia designates a completely different and possibly unique system of 'monastic confederation' linking the Columban churches. He is notably chary of using either term in this definitive way in his most recent contribution and a change of mind is apparently to be deduced from his conviction that the extensive interests of great churches in the seventh century - he mentions Armagh, Kildare, Clonmacnoise and Iona - were of a kind. Their rivalry should not be seen as conflict between diocesan and monastic systems but as disputes 'about power and about property', specifically the control of district mother-churches in a proprietary sense which does not imply usurpation of the local bishops' pastoral jurisdiction.[70]

It has been suggested that Patrick's concession of diocessis to other holy men in the Liber Angeli implies a

recognition by Armagh in the seventh century that other churches had paruchiae and this is also acknowledged no later than the eighth century in the 'Notes supplementary to Tírechán'. Moreover the evidence relating to familia hardly bears out Sharpe's original distinction. Adomnán in his Vita Columbae eschews reference to either paruchia or familia - though monachi familiares 'familiar monks' describes the immediate community of Iona - and he neither attempts a detailed catalogue of subject or federated churches nor sheds any direct light on models of organization and jurisdiction. As pointed out in the previous chapter there are hints that, notwithstanding his emphasis on the monastic element in Columban churches, he did not contemplate the existence of two quite distinct systems.[71] The Iona annalists' predilection for the formula familia Iae 'familia of Iona' is in fact what prompts Sharpe's interpretation, but in every instance bar one between 641 and 806 the term almost certainly signifies no more than the community of Iona itself. The only case in which it could reasonably be supposed to designate the communities of other churches subject to or federated with Iona is the record of the expulsion of the familia Iae from southern Pictland in 717. A separate familia Dermaige 'familia of Durrow' is noticed in 764 and 776 and in 817 there is mention of the prinnceps Ratho Both, de familia Columbae Cille 'head of Raphoe, of the community of Colum

Cille' - also described in the vernacular as muinnter Coluim Cille in the same annal - where this latter would appear to denote a wider Columban congregation or federation.[72]

Sharpe notes in passing that the Liber Angeli prescribes that Armagh's praesul 'bishop' shall try offences contra familiam seu paruchiam eius 'against his familia or paruchia' and comments that 'the two words are not synonymous; familia refers to the ecclesiastical community, paruchia to its jurisdictional rights'.[73] The words are clearly connected, however, but this seems not to have affected his willingness elsewhere to regard paruchia and familia as markers of mutually exclusive organizational models. Familia is otherwise well attested in the Book of Armagh. Tírechán's aforementioned tirade against the plunderers of Patrick's island-wide paruchia is followed by the observation that familiam eius non dilegunt 'they do not love his familia', because the oath of Patrick's successor prevails in litigation and all the primitivae aeclessiae 'primary churches' are his. The sequence of ideas shows that the alleged legal privilege is designed to protect the interests of the familia, which are exemplified by Armagh's claimed jurisdiction over what would appear to be local mother-churches.[74] Tírechán elsewhere employs familia to designate Patrick's followers or the communities of his churches. The Additamenta attest to the use of

familia as a collective appellation for the heads of churches subject to Armagh. Patrick is said to have united familiam suam in regione Ciarrichi 'his familia in the region of the Ciarraige' under Armagh's authority in anticipation of an external threat, the five named being among those of Patrick's followers associated by Tírechán with north Roscommon churches, notably Sachellus bishop of Baslick. Mention of the discipuli et familia sancti Patricii episcopi 'disciples and familia of holy bishop Patrick' in the Vita Prima Brigitae constitutes independent verification of the applicability of the term to Patrick's disciples by the eighth century at the latest, and the same text occasionally alludes to Brigit's familia.[75]

Thus both early Patrician and Brigidine hagiography belie the notion that familia defines the Columban system as 'a type perhaps unique but certainly not comparable to a paruchia', in Sharpe's words. Tírechán writes of the familia Columbae Cille and of the familiae of Ardstraw, Ardbraccan, Clones, Clonmacnoise, Devenish and Kilskeer as holding or claiming churches founded by Patrick or his reputed adherents. Clearly all parties, including the Columban familia, viewed such churches as desirable assets, either in a proprietary sense or on account of the revenues and / or prestige which might be expected to flow from the exercise of jurisdiction which may or may not have been pastoral. Just as churches other than Armagh and Kildare

would seem to have had paruchiae in the seventh and eighth centuries, so familia had application to more than the Columban churches and the comparatively well documented cases of Armagh and Kildare show that the terms were not mutually exclusive but rather that the ecclesiastics of a paruchia of subject churches might be regarded as forming part of the familia of the presiding church. Such a linkage between the two terms in respect of a church which is neither Patrician nor Columban appears to be admitted by Sharpe in his observation that a church with Patrician associations which Tírechán complains has been usurped by the familia of Clonmacnoise 'is now held (as part of the paruchia) by Clonmacnoise'.[76]

It is not easy to gauge what precisely was entailed by the possession of such a paruchia. As has been noted more than once, Sharpe stresses the proprietary aspect and believes that the appropriation of local mother-churches by greater churches from the seventh century onwards was not motivated by an ambition to oust the local bishops as supervisors of pastoral care in the communities. This is perfectly plausible, but the possibility that these paruchiae involved some form of superior pastoral jurisdiction should not be lightly dismissed, even though this idea is not to the forefront in the hagiographical material. The connotations of the basic episcopal paruchia in the contemporary canons encourages a presumption that

this was the case, as does the emphasis on churches which may be envisaged as having or claiming local jurisdictional precedence - episcopal foundations, primary churches, free churches and churches called dominicus or domnach - both in some of the general formulations of claim noticed above and in the detailed catalogue of churches tabulated by Tirechan and in Bethu Phatraic. Valuable discussion of some of this ecclesiastical nomenclature has been published by Flanagan, Sharpe and Doherty[77] and a comprehensive analysis of specific claims in the Patrician texts in particular would surely shed further light on the matter, but as has been pointed out this is beyond the scope of the present enquiry.

One text reveals something of the implications of paruchia for the relationship between the principal church and its subjects. This is a passage of the eighth-century Additamenta which elaborates on Tírechán's allusion to a Patrician foundation at Drumlease in Co. Leitrim and adds what purports to be the testamentary disposition of a certain Fith Fio concerning the succession at Drumlease, said to have been made before his death to the manaig of Drumlease and to the nobles of the local dynasty, the Calraige. This declares

> Nadcon fil finechas for Druimm Leas act cenél Fétho Fio, ma beith nech bes maith diib, bes cráibdech, bes

chuibsech din chlaind. Mani pé duécastar dús in étar di muintir Drommo Lías no di a manchib. Mani étar dubber déorad di muintir Pátricc inte.

That there is no right of kindred in Drumlease but (that of) the kindred of Fith Fio, if there be one of the descendants who is good, who is devout, who is conscientious (? or perhaps 'able', reading coimsech?). Should there not be, let it be seen whether one may be obtained from among the community of Drumlease or its manaig. If one be not obtained, an outsider of Patrick's community is installed in it.

There is disagreement among scholars as to whether Fíth Fio is one and the same as Benignus, the Patrician disciple whom the preceding passage claims was given charge of Drumlease, or should be identified as the owner of the land on which the church was founded. The distinction between the community (muinter = familia) of Drumlease and its manaig suggests that the former is the clerical or strictly monastic elite and it is conceivable that they may have been regarded as the fine érlama 'kindred of the founder or patron saint', which would imply that this is an eclais fine griain 'church of the landowner's kin' in which the latter have prior right of succession to the ruling office. Be that as it may, the general resemblance to the schemae of Córus Béscnai is unmistakable, with the déorad

'outsider' as the option of last resort. In this instance, however, the outsider represents the interest of the muinter / familia of Patrick, the ultimate patron, so that Armagh would appear to be treated as the andóit-church, having a contingent right to appoint the ruler of Drumlease in the absence of a suitably qualified local candidate.[78]

In this connection it is noteworthy that notwithstanding the proprietary connotations borne by paruchia in many of the hagiographers' formulations, the cataloguing of churches in Patrician, Brigidine and other saints' dossiers emphasizes the act of foundation as much as ownership. An appreciation that the jurisdictional prerogatives of the parent-church in the role of ultimate érlam or andóit included a contingent right to appoint the rulers of its subject churches obviously gives the commonplace hagiographical motif of church foundation a specific legal significance. The Additamenta refer explicitly to andóit in the narrative of Iserninus or bishop Fith, who is credited with founding a number of churches in central Leinster before Patrick's advent. Subsequently he is allowed to return from exile through Patrick's intercession and slécht*id* Isserninus du Pátricc fora manchi 7 a andóit 'Iserninus submits to Patrick in respect of his community of manaig and his andóit church', which Patrick then restores to him, whereupon the foundation of Aghade, Iserninus's principal church, takes place. This is to

simplify a convoluted sequence of events which is at times somewhat confusing, but the drift of the story bears comparison with the well known account in the Additamenta of the consecutive submissions of Áed and Conchad of Sletty to Armagh, whose rulers then confirmed their local authority as subjects of Armagh.[79]

The Liber Angeli makes Patrick claim another prerogative for Armagh, namely that as 'apostolic teacher and chief leader of all the peoples of the Irish'

> peculiare censum retineo recte reddendum, et a summo mihi etiam illud est donatum vere decenter debitum super liberas provinciarum huius insolae aeclessias et universis cynubitarum similiter monasteriis sine ulla dubitatione ius decretum erit rectori Airdd Machae in perpetuum.
>
> I retain my own censum rightly to be rendered and this is given me even by the most high as a truly fitting due from all the free churches of the provinces of this island and with respect to all monasteria of cenobites likewise a right is indubitably decreed to the ruler of Armagh forever.

Bieler translated censum as 'tax', and was followed by Hughes and Davies, but this is perhaps too limiting judging by the connotations of census in the Collectio where, as

noted in part one of this chapter, it seems to mean a general liability to charges arising from a state of legal dependence upon a secular or ecclesiastical lord. The passage immediately following the above refers to the entitlement of the archiepiscopus of Armagh and his retinue to hospitality and this may be taken as an apt illustration of what subjection to census might entail. Davies characterizes the census as a 'fiscal benefit' occasioned by the ius 'right' and suggests both terms can be related to the cáin / lex of Patrick and others, 'a term meaning both "ordinance" and "tribute"'. Indeed, Bieler and earlier scholars were disposed to identify the Cáin Phátraic of the eighth- and ninth-century annals with the Liber Angeli, or at least with the peculiare censum. Davies's emphasis on the legal dimension is surely along the right lines, but she misrepresents the text to suggest that the census is claimed from 'the "free" churches and provinces of Ireland'. Were this so the case for identification with the Cáin Phátraic would be more persuasive, for the annalistic evidence - discussed further presently - indicates that the latter was intended to bear upon society in general. The passage above begins with a reaffirmation of Armagh's apostolic authority over all the Irish people, but the census has a much more restricted application, being confined in the first instance to the aeclesiae liberae, presumably the same 'free churches' that the Liber Angeli

assigns to Patrick's specialis societas 'special union', so to this extent at least the census would seem to be a function of Armagh's 'paruchial' claims. The second category, 'monasteria of cenobites', possibly betokens a wider liability, but not apparently one reaching beyond churches to society in general. This text therefore provides support for Sharpe's belief that the subject churches of a paruchia might be sub censu to the presiding church, evidence of which has not been found in the Collectio.[80]

Brief consideration may now be given to some of the Lives in the 'Salamanca' collection for which a date in the eighth or early ninth centuries can be postulated with some confidence, together with the 'Kilkenny' Vita of Carthach / Mochutu, for which an eighth-century original has been proposed.[81] These are particularly illuminating with regard to the significance of paruchia. Ruadán of Lorrha is said to have been active originally in the north et magnam parochiam ibi adquaesivit, voluitque in illis regionibus locum construere sibi 'and he acquired a large paruchia there, and wished to erect a church for himself in those regions'. His adversary Diarmait Mac Cerbaill predicts that in tota Hybernia tua parrochia prima deficiet et recedet a te 'your primary paruchia in all Ireland will be lost and will pass away from you' and tuus locus vacuus erit 'your church will be deserted'. Separate mention of a

locus in both instances is perhaps conducive to the inference that the chief connotation of paruchia here is the sphere of jurisdiction itself rather than any subject churches covered by it. The distinction seems analogous to that drawn in two grants of a civitas 'church' together with the gentem sibi adherentem 'people attached to it' or gentem que est in circuitu illius 'people who are in its compass'. A similar interpretation may be applicable to an instance of the term in the Vita prior of Fintan / Munnu of Taghmon, who resides for a time at Artramon near Wexford harbour, which belongs to the familia of Comgall of Bangor. He falls out with the princeps and tells him locus vester post nostrum recessum non in maius crescet, nec parrochiam habebit 'your church will not grow greater after our departure, nor will it have a paruchia'. Implicit is the expectation of a more favourable outcome for Taghmon on both counts, while the episode indicates explicitly that the community of a south Leinster dependency of Bangor belongs to the familia Comgalli yet has its own local paruchia. Among the many instances of familia in these vitae this is the only occasion on which it indisputably signifies more than the community of a single church and points to jurisdiction of some kind over subject churches.[82]

The 'Kilkenny' Vita of Carthach includes no less than nine examples of the term paruchia which serve to highlight the dual aspect of a territorially defined and presumably

pastoral jurisdiction and of authority over subordinate churches. The two are juxtaposed in the context of Carthach's foundation of many churches in his homeland of Ciarraige Luachra in north Kerry

> Factaque est parrochia eius magna in sua patria. Ipse enim episcopatum regionis Chiaraigi accepit.
>
> His paruchia was magnified in his native land. For he himself obtained the bishopric of the territory of the Ciarraige.

The territorial aspect is also explicit in references to parochiam suam, id est regionem Chiaraigi 'his paruchia, that is the territory of the Ciarraige'. Conflict between this pretension and Clonfert's claimed jurisdiction in the same area doubtless explains the observation that Brendan was informed by an angel of Carthach's future advent and told that regionem Chiaraigi divident homines inter vos 'the people will divide the territory of the Ciarraige between you'. The idea that subject churches are comprised in a paruchia is detectable in statements that cellas et monasteria 'churches and monasteria' established by three virgins sunt hodie in parrochia sancti Mochutu 'are today in the paruchia of holy Mochutu' and that Clúain Dallán, a cella / locus 'church' on the Blackwater in Co. Cork (perhaps Clondulane, about twelve miles west of Lismore),

in propria parrochia sancti episcopi Carthagi constat 'remain in holy bishop Carthach's own paruchia'. A distinction between the dependent churches and their spheres of jurisdiction is intimated by the comment that Carthach loca et parrochias suas viris fidelibus commendavit 'entrusted churches and their paruchiae to faithful men'. It may also be deduced that, as in the case of Bangor aforementioned, a subject church of Carthach's main foundation - Lismore in the hagiographer's view - might itself have a paruchia. One bishop Dimma established a monasterium in Uí Echach Muman in west Cork and offered himself et tota sua parrochia 'and all his paruchia' to Carthach. The lord of the Déisi of Co. Waterford granted Carthach a site which is now Ardfinnan cum maxima parrochia in circuitu 'with a most extensive surrounding paruchia', while his early mentor and namesake senex Carthagus episcopus 'old bishop Carthach' submitted to his pupil me ipsum et ecclesiam meam cum mea parrochia 'myself and my church together with my paruchia'.[83]

The claims of this text evidently extend to churches in various parts of south and west Munster which, together with local jurisdictional and apparently territorially cohesive paruchiae, are evidently subsumed in a greater dispersed paruchia of Lismore. The interest in west Munster would appear to furnish some corroboration of the reference by the Old Irish glossator of the Senchas Már - mentioned

in part two of this chapter - to Lismore's cís in west Limerick. It is noteworthy that in the Vita Carthach warns the ruler of the Ciarraige that any of his descendants who commits an offence against Carthach's posterity and debitum meum mihi non redd[id]erit 'shall not render to me my due' will forfeit the kingship. It will be recalled that the Liber Angeli describes the census as a debitum, but in this case it is clear that whatever liability may be intended - and the implication seems to be that it is a legal fine or atonement - is expected to be borne by secular society as represented by the king.[84]

In the Vita of Carthach paruchia denotes a basic sphere of jurisdiction, akin to the sense in which it is used in the canons rather than to the meaning it bears in Patrician and Brigidine hagiography, but Lismore's claims as a whole would appear to amount to an extended or supervisory jurisdiction, albeit a dispersed one. The 'Salamanca' Vita of Ailbe of Emly, for which an eighth-century date has been plausibly suggested, claims for its hero what is in effect the status of a provincial metropolitan. In the opening passage the saint is thus described:

> Albeus sanctus episcopus, sanctorum virorum Munnensium preses sive pater beatissimus et Ybernie insule alter Patricius...

> Holy bishop Ailbe, chief of the holy men of Munster or rather most blessed father and the other Patrick of the island of Ireland...

The narrative develops this comparison in a series of parallels with the Patrician legend of the seventh century, the upshot of which is that Ailbe is the superior or at least the equal of Patrick. Most notable is his sojourn in Rome, where he is consecrated bishop not by the pope but at the pope's instigation by the angel Victor, whom the Patrician dossier represents as Patrick's intermediary with God. When Ailbe encounters Patrick at Cashel

> Patricius obtulit Albeo omnes viros Munnensium, ut esset eorum pater, et regem Engussum in manum Albei.
>
> Patrick bestowed upon Ailbe all the men of Munster, as he was their father, and (gave) Óengus the king into Ailbe's power.

The message of the Vita is that Ailbe, not Patrick, has apostolic precedence in Munster and as a consequence is accorded supreme episcopal authority over the clergy and laity of the province, including its king. A felicitous analogy with the quasi-metropolitan position claimed for Emly is once more supplied by the vernacular legal material. As mentioned above in part two, the Munster tract Uraicecht Becc equates the status of a supreme king,

exemplified by the king of Munster, with that of an ollam uasaleascup 'supreme noble bishop' or ollam morchathrach 'superior of a great church settlement', for which the jurist, with less partiality than the hagiographer, nominates as alternative examples the heads of Emly or Cork.[85]

Two further aspects of jurisdiction noticed in these early Vitae merit mention. That of Fintan / Munnu describes a magnum consilium 'great assembly' convened to discuss the Easter question, which appears to have been a synod of clergy and lay magnates. The Vita of Colmán of Lynally portrays a synodus monasteriorum 'synod of monasteria' acting in a judicial role in passing a sentence of death on the thief of Colmán's vessel of chrism. In the Vita of Fínán of Kinnitty in Offaly the saint demands of Faílbe Fland the king of Munster ut censum plebis sue sibi indulgeret 'that he yield to him the census of his plebs'. The king resists and Fínán threatens that his habitation will be consumed by heavenly fire si michi censum non dimiseritis 'if you do not abandon to me the census' and when this comes to pass the king repents and dimisit censum 'he renounced the census'. It may be inferred that the plebs concerned is Fínán's native túath of Corcu Duibne in Kerry, which unlike the locality of Kinnitty would be expected to come under the king of Munster's sway. Most likely all that is intended is a simple remission of royal

tribute, but the wording of the above formulae may be considered sufficiently ambiguous as to leave open the possibility that the king conceded to Fínán the right to impose the census, whatever its implications, in his stead.[86]

To conclude this survey of the hagiographical evidence we may look briefly at a passage in Indarba Mochuda, a Middle Irish tale which strictly speaking falls outside the terms of reference of this study, as its date cannot be fixed securely other than to say that it seems to reflect a situation prior to the diocesan boundaries adopted in the twelfth century. The text states that lots were cast between the communities of Clonard, Clonmacnoise and Durrow to determine which of them should undertake the expulsion of Mochutu from Rahan and

> Dorala do muinntir Cluana meic Nois, 7 ro lasat sein fora fairchi, 7 dorala do muinntir Cille Achid Drumfhata. Ro lasatt sein iter a cceallaibh, 7 dorala do muinntir Cluana Congusa hi Cinel Ardgair. 'Ragat sa' for a haircinnech side, 'do ghabhail a lamha'.
>
> (The lot) fell on the community of Clonmacnoise, and they cast (lots) on their fairche and it fell on the community of Killeigh. They cast (lots) between their churches and it fell to the community of Cluain Congusa in Cenél nArdgail. 'I will go to expell him' said the

latter's head.

Clúain Congusa is unidentified, but the territory of Cenél nArdgail was located somewhere in the west of Co. Meath, between the Boyne and Blackwater, at least thirty to forty miles northeast of Killeigh, which in turn is about thirty miles east of Clonmacnoise. A dispersed hierarchy of authority comprising three layers - or four, if we accept Sharpe's conjecture that Clúain Congusa was mother-church to its district - is depicted. The jurisdictional implications of the fairche (< paruchia) of Clonmacnoise are unclear, but Sharpe is reluctant to accept that it had a pastoral dimension, noting that the officials mentioned by the storyteller in connection with all three grades of church have non-clerical titles. This is not an insurmountable objection for, as we have seen, there is ample evidence that the effective overseer of either a basic or a supervisory sphere of jurisdiction need not himself be in episcopal orders. Sharpe in fact allows that a church of the second tier such as Killeigh may have housed a bishop and seems to imply that a church such as Clúain Congusa would not have done so, a position which - as pointed out in chapter one - is difficult to reconcile with his belief in the survival of the epscop túaithe 'bishop of a (single) túath'. This belief is related to his general hypothesis that greater churches in impropriating

to themselves local mother-churches did not usurp the function of the local bishop, but it is perfectly possible that a hierarchy of superior and subordinate episcopal authority existed within a large and dispersed proprietary paruchia such as is projected in Indarba Mochuda. All in all the structure envisaged may be comparable to that indicated by the Vita of Carthach / Mochutu, in which Lismore's sway encompasses a number of non-contiguous paruchiae, some of which are cast as the jurisdictional spheres of bishops.[87]

III.4 ANNALS

Finally, attention must be directed to the annals, the evidence of which concerning general models of jurisdiction is limited in quantity but is nevertheless of great interest. The term paruchia occurs but once, in AU for 787, which report that Dub-dá-bairenn Úa Dubáin abbas of Clonard - entitled princeps at his death in 805 - advisitavit paruchiam crichae Muman 'visited the paruchia in the territory of Munster'. No Munster foundations are mentioned in the Lives of Finnian of Clonard, the extant texts of which are late but for which an eighth-century original has been proposed.[88] It may be deduced from this entry that Clonard had a dispersed paruchia by the later eighth century, seemingly presided over by a non-episcopal head.

The annals, like the early saints' Lives, frequently

employ familia or its vernacular equivalent muinter to designate the community associated with a particular church, but again in most cases there is no indication as to whether the personnel of subject churches might be covered by this description. An exception previously noticed is the mention in AU for 817 of a princeps of Raphoe who belonged to the familia / muinter of Colum Cille. Another possible example is found in CS for 916, which records that the Uí Néill overking Flann Sinna died hi Cind Eich muintire Cluana 'in Cenn Eich of the community of Clonmacnoise', where Cenn Eich (unidentified) appears to be a subject church belonging to the muinter of Clonmacnoise. A group of references to the muinter Phátraic 'community of Patrick' in the ninth and tenth centuries has jurisdictional implications which will engage our attention presently.

A remarkable feature of the tenth-century annals is the appearance of episcopal epithets which seem to point to territorially defined jurisdiction. The sphere indicated is sometimes comparatively limited, but always more extensive than that of a mere epscop túaithe 'bishop of a (single) túath'. AFM (s.a. 931) for 933 record the death of one epscop Tighe Mochua 7 na cCommand 'bishop of Timahoe and of the Comainn', the latter being the territory of three peoples in south Laois and north Kilkenny over which the king of Loiches held sway in the late ninth and early tenth

centuries.[89] AU for 993 have the obit of Máel-Finniain Úa hÓenaig comarba Feichini 'successor of Féichíne' (of Fore) who was also episcopus Tuath Luighne 'bishop of the Túatha Luigne'. The Luigne of Meath had established themselves as a substantial power by the end of the tenth century with the decline of their Síl nÁeda Sláine overlords and one of their kings in the early eleventh century is designated ri Galeng 7 Tuath Luighne uile 'king of Gailenga and all Túatha Luigne'. One cannot isolate the túath element in the appellation Túatha Luigne and regard Máel-Finniain as an epscop túath 'bishop of (several) túatha' in the definitive sense in which this term is employed in the prescriptive texts, but it is nevertheless clear that he is credited with a fairly extensive territorially defined sway.[90]

This may be envisaged as comparable in extent to a twelfth-century diocese, as may the domain of the episcopus Ceniuil Eogain 'bishop of Cenél nÉogain' who is mentioned by AU in 947. The church to which he was attached is not named. The same is true of the epscop Sil Aedha Slane 'bishop of Síl nÁeda Sláine' noticed by these annals in 922, but CS informs us that he was cenn 'head' of Inan, about four miles north of Clonard. The comarba 'successor' of Monasterboice who died in 966 (AU) is described in AFM (s.a. 964) as sui-epscop Maighe Bregh 'learned bishop' or perhaps 'pre-eminent bishop of the plain of Brega', so that

his sphere of authority - though not his seat - would appear to have been much the same as the bishop of Síl nÁeda Sláine. Presiding over an area of similar dimensions were two tenth-century clerics whom AI entitle epscop Tuadmuman 'bishop of north Munster'. The church of the first, who died in 927, is not revealed and is taken by Seán Mac Airt to be Killaloe, presumably on the strength of its attested connections with Dál Cais at a later stage. The second, Diarmait Mac Aicher who died in 953, is located by AFM (s.a. 951) at Inis Celtra, and has been identified by Ó Corráin as a Dál Cais dynast.[91]

Still larger claims are advanced in other instances. CS for 901 describes as ardeaspug Muman 'archbishop of Munster' an ecclesiastic whom AI identify simply as abbot of Scattery Island. Máel-Máedóc Mac Diarmata of Killeshin is designated episcopus Laigen 'bishop of Leinster' by AU for 917 and AI for 981 record the death of Anmchad epscop Laigen, whom ATig associates with Kildare. It may be recalled that Bethu Phátraic adverts to the epscopóite Laigen 'bishopric of Leinster' supposedly conferred on Fiacc of Sletty. The obit of Éogan Mac Cléirig - or Ua Cleirigh according to AFM (s.a. 967) - episcopus Connacht 'bishop of Connacht' is found in AU for 969. His seat is not revealed, but one might suspect a link with Kilmacduagh, since this was the main church of the Uí Fiachrach Aidne of south Connacht of whom the Uí Chléirig

were the ruling line in the tenth century.[92] The three remaining bearers of titles of this kind had links with Armagh. The earliest is Mochta, epscop Oa Neill 7 sacart Aird Macha 'bishop of the Uí Néill and priest of Armagh', whose death is reported in AU for 924 and who may be connected with Inis Mochta or Inishmot Co. Meath, about two miles west of Ardee.[93] The next is Tuathal Mac Óenacain, who is called bishop of Duleek and Lusk in AU for 929 and whom AI style sui-epscop Lethe Cuind 'learned bishop' or 'pre-eminent bishop of the northern half'. His particular function as an agent of Armagh is noticed presently. The final instance is the obit - in AU for 957 - of Cathusach Mac Dulgen comarba Patraic, sui-espoc Goidel 'successor of Patrick, learned / pre-eminent bishop of the Irish', who was perhaps of Cenél nÉogain.[94]

His epithet may be regarded as purely honorific, but it conceivably reflects in general terms a claim to archiepiscopal precedence for Armagh some three hundred years after its first formulation in the Liber Angeli. It is not clear what weight should be given the appellation suí-epscop here or elsewhere and accordingly my translation is consistently non-committal. It may be recalled that Flann Feblae of Armagh (+ 715) is so styled in the guarantor list of Cáin Adomnáin, but most of the titles with which the guarantors are credited therein - as distinct from the guarantors themselves - are not

contemporary.[95] The annalists apply the designation suí-epscop to nine other clerics in the period covered by this study, without indication of any specific jurisdictional sphere. There is one instance in AU, one in AI, two in CS and five in AFM. All but one - in AFM for 887 (s.a. 884) - occur in the second half of the tenth century, a consideration which tells against the possibility that those in AFM originate with the compilers of that collection. The churches in question - Clonard, Clonfert, Clonmacnoise, Cloyne, Downpatrick, Emly, Inniskeen, Kildare and Scattery Island - differ in importance, but none is insignificant.[96] It is therefore not unreasonable to entertain the hypothesis that suí-epscop denotes a bishop whose eminence derives from the exercise of more than a basic jurisdiction.

Be that as it may, the annals show that a territorial model of jurisdiction had some currency in the tenth century, whatever the practical implications of this may have been. A continuous sequence of bishops throughout the century is not demonstrable for any of the designated spheres, but in several of them - Brega, north Munster, Leinster and possibly the Uí Néill overkingdom - there is more than a single recorded instance and one might conjecture that, on the analogy of an overkingship, the pre-eminence of one bishop was sometimes widely acknowledged while on other occasions perhaps no claimant

could manage to gain general recognition. The evidence does not indicate that the seats of jurisdiction were fixed, a phenomenon which is perhaps to be accounted for by changes in the ecclesiastical - and no doubt the secular - balance of power in these regions. In Brega this is accompanied by different designations of the sphere of jurisdiction itself. Thus the early tenth-century bishop of Síl nÁeda Sláine and the mid tenth-century bishop of Mag mBreg were attached to Inan and Monasterboice, respectively, while the late tenth-century bishop of the Tuatha Luigne was based at Fore, in the heartland of the resurgent Luigne. One is tempted to compare this with the manner in which the boundaries and seats of twelfth-century diocesan bishops proved capable of shifting in response to developments in ecclesiastical and secular politics.[97]

Between the late seventh century and the mid-ninth the annals frequently report the promulgation of the cáin 'law' of various saints. The purpose and jurisdictional significance of such an endeavour have been discussed in section two of this chapter in connection with Cáin Adomnáin, the only one of these enactments associated with a particular church whose text survives. There is good reason to suppose that promulgations of other cáini were also intended to protect innocent persons as well as property in times of social dislocation and to generate income for the churches concerned from the penalties

imposed.[98] The practice of bringing the relics of saints on circuit, to which the annalists allude on a number of occasions in the eighth and early ninth centuries without specific mention of a cáin, has been associated by scholars with the enforcement of cáini and several entries in the early eighth century and again in the early ninth expressly link proclamation of Cáin Adomnáin and Cáin Phátraic with the transposition of relics.[99] However other references in the eighth, ninth and tenth centuries suggest that relics were brought from their churches when no promulgation of a cáin was contemplated[100] and the possibility that relic circuits were sometimes connected with the levy of pastoral dues is considered in the next chapter.

The writ of some cáini was invariably confined to a particular province. Those of Brendan of Clonfert, Ciarán of Clonmacnoise and Commán of Roscommon had effect in Connacht, according to a series of entries in the eighth and early ninth centuries which sometimes notice the role of the king of Connacht in conjunction with the rulers of the respective churches in enforcing the laws. The Cáin Ailbe of Emly is mentioned twice in the late eighth century and its promulgation in 793 was evidently connected with the ordinatio 'ordination' of Artrí Mac Cathail as king of Munster.[101] A somewhat wider application is indicated in other cases. The sphere within which the lex 'law' of Úa Suánaig of Rahan was enforced in 743 is not specified but

in 748 it held sway in Leth Cuinn 'the northern half', presumably meaning the Uí Néill overkingdom as well as Ulaid and Connacht. Between 810 and 813 the Lex Dar I 'law of Dar Í' - the specific purpose of which was, apparently, to proscribe the wanton killing or theft of cattle - was proclaimed in Munster, Connacht and the lands of the Uí Néill, and again in Connacht in 826. The identity of Dar Í is unknown, but in 810 he is associated with one Aduar Mac Échind in promulgating the law in Munster. This individual belonged to a branch of the Osraige, a related branch of which, the Uí Raithnéin, had interests in Leighlin and Seirkieran in the ninth century and early tenth, and since Érennach Mac Échind died as abbas of Leighlin in 774, it is reasonable to suppose that either Leighlin or Seirkieran imposed this cáin.[102]

The cáini which command most interest in the present context are those which were promoted by the Columban and Patrician communities. Cáin Adomnáin was renewed in 727 but there is no subsequent record of its formal promulgation. This seems to be connected with the political eclipse of Adomnán's kinsmen, the Cenél Conaill, who after 734 were unable to rival the Cenél nÉogain as northern claimants to the Uí Néill overkingship of Tara. In the middle and later eighth century Iona forged an alliance with the southern Uí Néill dynasty of Clann Cholmáin which dominated the kingship of Tara in this period. One result of this was the

promulgation of Lex Coluim Cille 'law of Colum Cille' in 753, 757 and 778, with the recorded involvement of the Clann Cholmáin king of Tara on the first and last of these occasions. There is no way of knowing what the Lex Coluim Cille entailed, though it has been suggested that it was intended like other cáini both to ameliorate the effects of social upheaval and to benefit the Columban community materially.[103]

A much quoted gloss on Colmán's Hymn defines Adomnán's Cáin as 'not to slay women' and Cáin Phátraic as 'not to slay clerics', while Félire Oengusso in the early ninth century credits Adomnán with sóerad mbúan mban nGoídel 'the lasting liberation of the women of the Irish'. To a degree this reflects the emphasis of the original Cáin Adomnáin, but Thurneysen's suggestion that the crucially important claim to jurisdiction over offences against churchmen was appropriated to itself by Armagh after 727 is highly plausible. The first recorded promulgation of Lex Patricii coincided with the accession of Áed Allán of Cenél nEogain to the kingship of Tara in 734. In 737, after a conference between Áed and Cathal Mac Finguine king of Munster at Terryglass, Lex Patricii tenuit Hiberniam 'the law of Patrick bound Ireland', a development which mirrors the original imposition of Cáin Adomnáin at the assembly of Birr forty years previously.[104] The Clann Cholmáin-Columban axis would appear to have precluded any repeat of this for

much of the remainder of the eighth century, although the laconic notice Lex Patricii in 767 perhaps betokens a general promulgation as it occurred during the otherwise unremarkable reign as king of Tara of Níall Frossach of Cenél nÉogain. Cáin Phátraic was twice proclaimed in Connacht in the later eighth century by the rulers of Armagh and the involvement of the provincial king is recorded in one instance. With the accession to the kingship of Tara of Áed Oirdnide of Cenél nÉogain Armagh's pre-eminence in the Uí Néill sphere was re-established and the Lex Patricii was enforced with Áed's support in 806. Between then and 842 there are several records of the imposition of Cáin Phátraic in Connacht and in Munster where king Feidlimid Mac Crimthain participated in its promulgation in 823.[105]

After the 840s no further formal proclamations of cáini on behalf of Armagh or any other church are reported, though Cáin Domnaig was re-enacted in 887, while in 907 and 921 unspecified regulations described as cáin and rechtge 'ordinance' were promoted by persons seemingly of the reforming Céli Dé persuasion whose connections are not revealed. The discontinuance of the more or less regularly renewed cáini of particular churches was attributed by Hughes - presumably following Thurneysen's suggestion - to the chaos supposedly brought about by the activities of the Vikings. This rather begs the question regarding the impact

of the Vikings, an issue which obviously cannot be considered here. One may observe, however, that the disruption was not such as to prohibit the presence of the comarba Pátraic 'successor of Patrick' at two major assemblies in the 850s, at the second of which in 859 the men of Ireland are said - however optimistically - to have been pacified, while the king of Osraige submitted to the king of Tara and rendered oghreir samtha Patraic 'the full dues of Patrick's community'. In 893 the comarba Pátraic was able to vindicate ecclesiastical immunity from violence by exacting atonement from those who had caused a disturbance at Armagh, including the execution of four of the culprits, and in 913 the same comarba journeyed to Munster to obtain the release of a captive.[106]

On four occasions in the second half of the tenth century the comarba Pátraic undertook a cúairt 'circuit' in different parts of the country. The first was a morcuairt Connacht 'great circuit of Connacht' in 960, of which no further details are given. An attempt to make a visitation of Munster in 973 was resisted by the comarba Ailbe of Emly who contested the gabail 'levy', perhaps still motivated by pretensions to metropolitan independence such as were set out in the Vita of Ailbe two centuries before, but Mathgamain king of Munster induced a n-oentu im chert Patraicc do gres 'their agreement upon the perpetual right of Patrick'. In 986 the shrine of Patrick was carried off

from Ardee by Máel-Sechnaill the king of Tara who, however, eventually submitted and conceded cuairt fer Midhe etir chill 7 tuaith 'a circuit of the men of Mide, both clergy and laity', as well as refection in each of his strongholds and seven cumals in atonement together with ogriara 'full dues'. Finally in 993 the comarba Pátraic went for cuairt in Tír nÉogain and conferred kingship on Áed Mac Domnaill before proceeding on a morchuairt thuaiscirt Erenn 'great circuit of the north of Ireland'. The essential purpose of these visitations would seem to have been to gather revenue and to this extent they are anticipated by the report that in 947 the Cenél nÉogain rendered a substantial amount of silver to Armagh. There is no suggestion that these circuits involved the promulgation of a cáin, though that of Mide in 986 was a consequence of an affront to the legal privilege of the comarba Pátraic, and it will be recalled that ordination of a king, associated with the cúairt of 993, also accompanied the proclamation of Cáin Ailbe exactly two centuries previously. In any event the levies were the corollary of an expressed or implicit acknowledgement of entitlement or precedent, the cert 'right' accepted - however reluctantly - by the comarba of Emly. It would appear that by the second half of the tenth century there was widespread - albeit at times less than enthusiastic - acquiescence in the pre-eminence of Armagh, a process which culminated in the endorsement of its

pretensions by Brian Bóruma at the beginning of the eleventh century, itself heralded by the support for Armagh's claims in Munster evinced by his brother Mathgamain in 973.[107]

It is conceivable that cáini ceased to be regularly promulgated after the first half of the ninth century not because any pretence at sustaining social order was rendered nugatory by the Viking onslaught, but because already by that stage Armagh's position was not seriously challenged. By 842, the last occasion on which the Cáin Phátraic was proclaimed, a quarter of a century had elapsed since any other church had managed to impose its cáin, during which period Armagh had done so twice in both Connacht and Munster. The proclamation of Cáin Phátraic in Munster is celebrated in a lengthy passage of Bethu Phátraic.[108] There is some evidence that Armagh's jurisdiction over the Brega region at least was placed on a more rather than less secure footing in the ninth century and the first half of the tenth. This consists of a series of references between 814 and 950 to individuals generally entitled maer muintire Pátraic 'maer of Patrick's community', most of whom were also officials of churches in or near to Brega - Duleek, Dunleer, Kilmoone, Louth, Lusk, Monasterboice and Trevet. The entries show that their sphere of authority was typically confined to the Brega region, although one - who was also deputy head of Armagh -

is called ardmaer Oa Neill in Deiscirt 'chief maer of the southern Uí Néill', suggesting a somewhat wider sway, while another is that bishop of Duleek and Lusk who, it may be recalled, is also designated sui-epscop Lethe Cuind 'learned' or 'pre-eminent bishop of the northern half'.[109]

For maer Hughes adopts the translation 'steward' and holds that the above officials were collectors of 'tribute' or 'revenue' for Armagh. That the term also has judicial connotations is indicated by a passage from a canonical legal text on judges which uses the word brithem in distinguishing between the lay judge who sits with the king or lord who employs him and the clerical judge who sits with the noble aircindech 'church head', but goes on

> Mad ardmaor lasbet iltuatha 7 ilmuire, a chata 7 a toichned 7 a sarugud fo cataid a rig oca mbi i coimriadh.
>
> If he be a chief judge in whose charge are many tuatha and many chiefs, his dignity and the compensation for refusing him refection and for violating him (shall be) in accordance with the dignity of his king with whom he shares authority.

Corroboration of the judicial dimension is furnished by the fact that one of those designated maer muintire Pátraic is also called primh breithemh Lethe Cuind 'principal judge of

the northern half'. Two others are styled cenn comuirle 7 adchomairc fer mBregh n-uile 'chief counsellor and consultant of all the men of Brega' and cenn adcomairc fer mBreg n-uile ocaibh cleirchibh 'chief consultant of all the men of Brega both laity and clergy', suggesting that they performed an appellate judicial function. A princeps of Derry who died in 921 is described as cenn adchomairc Conaill in Tuaiscirt 'chief consultant of Cenél Conaill of the north', while a king of the Déisi who was also a bishop and secnap 'deputy head' of Lismore is entitled at his death in 920 cend athchomairc Muman 'chief consultant of Munster'. It may be recalled that the terms athchomarc and comairle are employed by the Old Irish glossator of the Senchas Már with reference to the appellate function of the ten judges of the cities of refuge, in a passage discussed in part two of this chapter and which partially reflects the account of the provincia in the Collectio.[110]

There are good indications, therefore, that the office of maer muintire Pátraic had a judicial aspect, though of course there is no reason to doubt that it involved collection of revenue, perhaps in the shape of the profits of justice. Some such dual role may also have been performed by the episcopal ruler of Derry who died in 929 as maor cana Adhamhnain 'maer of Adomnán's cáin', a designation which calls to mind the rechtaire Cána Adomnán 'administrator of Cáin Adomnáin' whose entitlement to

refection is mentioned in that text. One cannot be sure that there were not regular administrators of Armagh's interests in parts of the country other than Brega or the wider southern Uí Néill domain, but if there were, it is most surprising that none should be recorded by the annalists before the second half of the eleventh century, when references to the maer Muman 'maer of Munster' and maer of Dál Cais begin.[111] The fact that the comarba Pátraic in the second half of the tenth century resorted to circuits of Munster, Connacht and the north of Ireland may be regarded as an indication that no maer had as yet been established in these regions. However, since the maer of Brega or the southern Uí Néill lands disappears from the record after 950 and since in 986 there was a visitation of Mide, which had been within the jurisdiction of at least one of the earlier tenth-century maers, it is conceivable that a general reorganization took place in the mid-tenth century.

A summary of what has emerged is called for by way of conclusion, but it is no easy task to attempt to draw together the many disparate strands of evidence and the interpretation offered here is necessarily tentative and provisional. A fundamental problem is presented by the fact that some of the key terms appear to have a range of meanings, while at the same time where different terms seem to refer to similar phenomena one cannot always be certain

that they are exact equivalents, a difficulty which especially afflicts efforts to relate the vernacular sources to the Latin.

This investigation has concerned itself with three postulated models: the minimal territorial unit, the territorially cohesive sphere of supervisory jurisdiction and authority over a geographically dispersed entity. It is most difficult to draw firm conclusions regarding the first because we are obliged to rely on the uncorroborated testimony of the prescriptive texts and, as far as it goes, of hagiography, since the annalists evince no interest in the more basic level of jurisdiction. In the canons and some of the early hagiography _paruchia_ defines the basic territorially cohesive jurisdictional sphere which is in principal episcopal, although the presiding authority may be an _abbas_ or _princeps_. _Plebs_ and the apparent vernacular equivalent _túath_ are not used with the same force of definition, for while both may at times denote the episcopal domain, both frequently seem to signify a community smaller than that under the sway of the typical bishop and both also designate in a looser sense the laity in general. _Fairche_, the vernacular reflex of _paruchia_, is poorly attested, but in Middle Irish glosses it possibly carries something of the primary meaning of the Latin and is presided over by the _andóit_, a usage which, although it has no overtly pastoral or even clerical connotations, in a

number of instances readily lends itself to identification with the hagiographical motif of a mother-church claiming local jurisdictional precedence.

Terminological ambiguity is most notably exemplified by paruchia, which is used in hagiography - particularly the Patrician and Brigidine dossiers - in a greatly extended sense of a sphere of authority encompassing the whole, or much of, the country. The implications of this are by no means certain, but it seems to entail sway over subject churches, perhaps in a proprietary sense or perhaps involving a right to levy census 'charges'. Where it has this force paruchia is not unrelated to familia, which can denote the personnel of subject churches constituting a paruchia. The formulations of the canonists do not exclude - though they do not overtly acknowledge - the extended meaning of paruchia, and the sole annalistic instance signifies a dispersed rather than territorially cohesive jurisdiction. That such a paruchia entailed supervisory pastoral authority is a plausible inference from the primary import of the term in the canons, from the fact that in the Patrician and Brigidine formulations it is sometimes portrayed as comprising peoples or a flock and from the inclusion in the paruchia of churches which would appear to have pastoral precedence at a local level. Andóit has a comparable dual connotation, for in addition to a district mother-church it can apparently signify the

mother-church of the saintly founder of scattered dependencies, and the legal principle that the andóit has a contingent right to appoint to the ruling office in its subject churches gives a specific colour to the foundation of churches, an activity repeatedly described in hagiography.

Sharpe's rejects as a misnomer the designation 'monastic paruchia' popularized by Hughes and his contention that it has no monastic sense is certainly borne out by what has emerged here. However, his redefinition of the dispersed paruchia as essentially proprietary, holding no implications for pastoral jurisdiction, may not be adequate. Whatever its precise implications, the existence of dispersed paruchiae of specific churches reputed to have a personal link to the cult of the presiding church is hardly in doubt.

More problematical is the weight to be placed on evidence relating to the other model mentioned, that of the territorially cohesive sphere of supervisory jurisdiction. As we have seen, there is a large measure of agreement between scholars representing what may be called the orthodox or conventional view and critics of that view such as Sharpe and Charles-Edwards. There is a consensus that the concepts of metropolitan provincial jurisdiction and archiepiscopal primacy expounded by the Collectio, the Liber Angeli and Cogitosus - however they are to be related

- reflect seventh-century aspirations which remained unrealized and indeed were superfluous to the subsequent development of ecclesiastical authority which was dominated by the dispersed paruchia.

The vernacular - and especially the legal - material as well as the probably eighth-century Vita of Ailbe of Emly show that the model was both more widely espoused and longer lived than has been suggested. I have questioned Charles-Edwards's suggestion that Adomnán in promulgating his cáin acted like a provincial metropolitan, both in terms of strict definition and with reference to the particular distinction he draws between this and the end reputedly pursued by Armagh. However, in a broader sense his observation is along the right lines, for cáini involved a jurisdictional interventionism which, while not notably characteristic of either metropolitan or archiepiscopal powers, undoubtedly went far beyond an assertion of authority within a church's peculiar paruchia. It was through the promulgation of its cáin rather than by appropriating all other churches to its paruchia that Armagh sought to give effect to its pretension to island-wide pre-eminence. The administrative structure implied by references to the maer muintire Pátraic in the ninth and tenth centuries and indeed the institution of the cúairt in the latter half of the tenth reveal a continuing ambition to realize a territorial model of jurisdiction in some

sense. The tenth-century incidence - albeit sporadic - of titles significant of territorially defined spheres of episcopal jurisdiction tends to the same conclusion.

This is not to suggest that there was any permanently fixed episcopal hierarchy presided over by a supreme metropolitan or archbishop. We may guess that the situation was rather fluid and that, just as the recognition established by a particular overking might be overtaken by developments in the balance of secular politics, so spheres of ecclesiastical jurisdiction would have been susceptible to change. A church which failed to maintain a position of pre-eminence within a wider region would then presumably be obliged to content itself with the exercise of authority at a more local level and perhaps within its dispersed paruchia of churches whose links with it were of a more specific or personal kind.

Finally, it need hardly be remarked that much further work needs to be done before we can feel tolerably confident about the general models of organization and jurisdiction to which the early Irish church conformed. A new start has been made by scholars in recent years, however, and it is hoped that this study will make some contribution to the endeavour.

Chapter IV

PASTORAL CARE AND DUES

The paramount theme of Sharpe's radical critique is that the hitherto universal scholarly consensus as to the peculiarly monastic character of the early Irish church is fundamentally misleading. The two preceding chapters have attempted to demonstrate in detail how misleading it is in relation to the models of rulership, organization and jurisdiction to which the sources bear witness. It is now intended to turn from the general to the particular and to investigate the evidence for pastoral care and its concomitant dues, which may be regarded as the essential element of the relationship between the individual church and society. For as long as the Irish church was seen as monastic scholarly attention was deflected from the issue, the crucial importance of which for an understanding of its true nature is emphasized by Sharpe, who notes that heretofore discussion has been largely confined to the pastoral responsibility of the church to its lay tenants or clients. Among modern scholars he singles out Corish for drawing attention to the question of ministration to the wider populace. Corish's observations on the matter are, however, understandably of a rather general character, but he suggests that canon lawyers' attempts to introduce

tithes were unrealistic and that the level of religious practice in society at large may have been minimal.[1]

The total volume of material which sheds light on the matter is comparatively small and Sharpe remarks that Ríagal Phátraic, to which his specific comments on pastoral care as distinct from jurisdictional models are largely confined, is 'directly illuminating' in a manner which is 'all too rare'.[2] This is certainly true to the extent that no other text deals exclusively with episcopal supervision of the ministry and especially with its day-to-day conduct by the clergy and there is no comparable continuous account in the Latin codifications. For the rest we must make do with scattered allusions and one or two more sustained commentaries, which have been culled chiefly from the prescriptive texts and to a lesser extent from hagiography. It has been decided not to sub-divide this chapter into sections, partly in view of the disparate character and relatively limited quantity of the evidence, but also because the objective is to address a single closely defined question: who benefitted from and paid for pastoral services?

As observed in chapters two and three, the Collectio treats extensively of spheres of jurisdiction and comments in general terms on clerical administration of property and on the acceptability or otherwise and irreversibility in principle of donations, designated oblationes, 'offerings',

dona, munera 'gifts' and elemosina, 'alms', the latter being frequently linked with penance. Clerical powers of orders are discussed in the abstract yet, apart from an insistence that bishops and priests be present in their churches, especially on Sundays, there is remarkably little consideration of the practical functions of the ministry.[3] However, payments which would appear to be connected with pastoral care are mentioned. Although admonished not to seek pretium ministrationis 'reward for ministration', the priest is to receive a proportion of the property of every deceased by way of sedatium 'mortuary tax'. His entitlement to tithes, first fruits and firstlings is expressed in Old Testament terms: Primitie omnis populi Israel sacerdotis erunt et decimae et plura de primogenitis 'the first fruits and tithes and more of the firstlings of the people of Israel will be the priest's'. He is said to consume the primitias populi Israel 'first fruits of the people of Israel' and these dues also figure in the formulation Quae sunt illa quae Dei sunt? Decimae, primitiae, oblatio, timor 'What are those things which are God's? Tithes, first fruits, offering, fear'. The princeps is elsewhere cast as the recipient of first fruits.[4]

The composition of these dues are detailed at greater length in two texts, De Decimis 'Concerning tithes' and De Decimis et Primitivis et Primogenitis 'Concerning tithes and first fruits and firstlings', which are found in

manuscripts of the 'B' recension of the Collectio but which were not printed by Wasserschleben.[5] Their contents are related to the tract Synodus Sapientium: Sic de Decimis Disputant 'A synod of the wise: thus they dispute concerning tithes', edited by Bieler as one of his 'Canones Hibernenses'. As the title of the latter implies, different opinions are acknowledged. Some hold that the tithe of cattle should be levied but once only, whereas others aver that omni anno decimas de vitalibus et mortalibus Deo demus, cum omni anno ipsius munera habemus 'we are to give to God tithes of live and inanimate possessions every year, since we have his gifts every year', this being the one hint in these texts of a reciprocal consideration in respect of which such payments might be made. The extension of the tithe to mortalia 'inanimate possessions, chattels' is reflected in a reference in De Decimis to decimae et primitiae pecorum et frugum et omnium pecuniarum 'tithes and first fruits of cattle and produce and all property'.[6] It would appear that first fruits were envisaged as a levy on the produce of the soil (bread and vegetables are mentioned), payable annually, and firstlings as a charge upon the clean animals (cattle and sheep are specified) and human offspring, in both cases restricted to males according to some formulations. There is some suggestion that the Synodus Sapientium was prepared to countenance a levy of first fruits as well as firstlings upon livestock.

One opinion cited in the Synodus Sapientium is that tithes pertain only to livestock but another, favoured also by both texts in the 'B' recension of the Collectio, is that tithes may also be taken of the produce of the soil.[7] Those with little property have a limited or negligible liability[8] and indeed the two 'B' recension texts include pauperes among the beneficiaries of the tithe, the others being the levites or sacerdotes populi 'priests of the people' who, according to De Decimis et Primitivis et Primogenitis, are charged with receiving and apportioning the proceeds and may reserve the third part to themselves, while ad ornamentum aeclessiae primam partem eligant 'they may select the first part for the equipment of the church'. This is the only possible intimation in the Latin prescriptions that these payments might be connected with the religious functions of the church.

The shorter collections of canons include references to the indispensability of baptism and the circumstances in which it is appropriate and valid and lay the primary responsibility for providing this service on the clericus, especially - as noted in the preceding chapter - on the clericus de una plebe 'cleric of the same community'. A passage which may or may not belong to the original Penitential of Finnian prohibits monachi from baptizing or receiving alms and implies that a properly qualified cleric would be entitled to seek alms in return for his services.[9]

Only the undefiled may receive communion and in some instances sinners are excluded for a period of years, but the 'Second Synod of Patrick' insists on communion at Easter if one is to be considered fidelis 'faithful', whereas the Bigotian Penitential ordains excommunication of those who have not received the sacrament for three Sundays.[10]

One of the 'Canones Hibernenses' dealing with penitential commutations refers to public confession coram sacerdote et plebe 'in the presence of priest and community', but the penitentials concentrate on particular offences and appropriate penances and give no indication as to whether confession was regularly availed of by the body of the laity, as distinct form those electing to formally submit to a regime of strict continence in matrimony. There are numerous allusions to elemosina 'alms' rendered as part of a penance and the Penitential of Finnian ordains that a laicus ex malis actibus suis conversus 'layman converted from his evil deeds' shall do penance and desist from violence and from relations with his wife and after three years

> det pecuniam pro redemptione anime sue et fructum penitentie in manu sacerdotis et cenam faciat servis Dei...

'he shall give money for the redemption of his soul and

the fruit of his penance into the hand of the priest and make a feast for the servants of God...'

The second element of what appears to be a fee for confessorial services, the feast for the servants of God, finds a parallel in the Penitential of Columbanus, which requires that the laicus who has been a persistent thief give pauperibus de suo labore helemosina et sacerdoti paenitentiam iudicanti epula 'out of his labour alms to the poor and a meal to the priest adjudging his penance'. A prohibition on accepting the gifts of the iniquitous is the only other aspect of ecclesiastical income mentioned in this material.[11]

The rather meagre body of information furnished by the Latin documents is supplemented by the vernacular legal tracts, in which the conceptual context is one of contract and reciprocity. Córus Béscnai adverts to the disordering of the world by epidemic, warfare and the dissolution of contracts and in respect of the former proposes that .x.mada 7 primite 7 almsana argairet recuaird duinebaid 'tithes and first fruits and alms prevent a sudden onset of plague', while the enforcement of treaty by king and túath and the upholding of unprofitable as well as profitable contracts are the other remedies advocated. This is repeated word for word in the so-called genuine introduction to the Senchas Már, while Di Astud Chirt 7

Dligid recommends almsana o cach di cach torad 'alms of every produce from all' as an antidote to famine, pestilence and slaughter, where almsana is perhaps shorthand for ecclesiastical dues in general, bearing in mind that the relief of paupers is one of the purposes to which the Latin prescriptions require that tithes be assigned. The same tract attributes failure of corn and milk and mast to taithmeach nudburta, saerad fuidre, fuaslugad dechmad, fuaslucad do mogaib 'reversion of donations, freeing semi-freemen, release from tithes and release of slaves'.[12]

So, just as observance of treaty and contract and proper order in general was thought of as a bulwark against man-made social catastrophe, so rendering dues to the church was envisaged as a quasi-contractual guarantee of divine benevolence manifested in the cosmic order. In Córus Béscnai these payments also form part of a less ethereal concept of reciprocity encapsulated by the adage Ata dliged tuaithe i neclais 7 dliged necalsa i tuaith 'the community has an entitlement in the church and the church in the community'. In return for

> Baithes 7 comna 7 umaind anma 7 oifrend o cach eclais do cach iarna creitme coir, co naisneis breithre De do cach indatuaise 7 nodacomallathar

Baptism and communion and praying for the dead and mass

from each church for all according to what is proper to their religion, with preaching of the word of God to all who may listen to it and fulfil it,

the church was entitled to a nubairt, a ndechmad, a primite 7 a primgeine 7 a nudacht, a nimna 'their donation, their tithe, their first fruits and their firstlings and their audacht, their imnae'. The distinction between the last two items is by no means clear and the problem is discussed below in chapter six, but it would be fair to say that both are once-off payments connected with death, burial and testamentary disposition and that in Córus Béscnai one meaning plainly borne by imnae is that of a charge in consideration of burial which is typically equal to one's honour-price. The tract has no more to say of audacht.[13]

In Córus Béscnai the account of imnae is preceded by an exposition of what comprises tithes, first fruits and firstlings. Firstlings are defined as the first-born males of the clean animals and the first offspring of every human couple and every first male child of a lawful first wife, thus confirming the Latin prescriptions, notably in regard to the inclusion of humans among the firstlings. First fruits include not only the first yield of the soil but also cach cetlaeg 7 cach cetuan 'every first calf and every first lamb' of the year, which again concurs with one line of interpretation adopted in the Latin texts. Finally the

tithe is said to consist of

> Cach .x.mad tuistiu iar suidiu, co cocrand itir cach da .vii.a, coitechta a fintiu dia forrngaire eclais, 7 cach .x.mad cland do clandaib talmanda 7 cethraib in cach bliadain 7 cach .vii.mad la don bliadain do fognam do Dia fri cach tacarta bes docho araile iar naidilgne uird.
>
> Every tenth child thereafter, with lot-casting between every two sevens, with the proper share of his kin-land if the church ordains, and every tenth plant of the plants of the earth and offshoot of the animals every year, and every seventh day of the year in service to God, in respect of any requirement which is more pressing than another according to the order of necessity.

In view of the apparent sense of the latter explanatory clause - my translation of which is but tentative - I take it that the last element refers not to observance of the sabbath but to days of labour service at the discretion of the church, which is the interpretation adopted by a later glossator. This as well as the human tithe are additions to the Latin regulations, the significance of which is addressed presently.[14]

Idbart 'grant', the first item in the above list of

payments, signifies more or less discretionary donation, the amount of which Córus Béscnai seeks to limit to a proportion of acquired assets entailing no diminution of the grantor's share of kin-land. Idbart and the Latin equivalent oblatio with their associated verbal forms are among terms used by hagiographers to describe benefactions by laymen and which may reflect the technical formulae of written charters. Endowments are invariably linked with miraculous and other boons granted by the saint including - especially in Patrician and Brigidine material - the conversion and baptism of the donors.[15]

The irreversibility in principle of idbart is repeatedly emphasized in the tracts, echoing the Collectio, and a recurring phrase is idbart ar anmain 'grant for the sake of the soul', an indication that such donations were intended to elicit particular religious favours. Di Astud Chirt 7 Dligid numbers among possessions resting on a shaky foundation Tir aduberar do eaclais ar anmain, nad oide folta ata coire fri hubairt 'Land which is granted for the sake of a soul to a church which does not fulfil the obligations that are proper to a grant' and the Old Irish glossator explains that what is called for in return is gabail necndairce 7 bathais 7 comne 'chanting of the requiem and baptism and communion'. This suggests that idbart, like alms, might on occasion signify in a loose sense dues in general, in return for which a range of

pastoral services ought to be available. Gabáil écndairce often occurs in later glosses on idbart ar anmain and the expression is also found in the canonical text of Antéchtae which defines a cor deoga 'godly contract' as imna, udacht or one made ar gabail ecnarce 'for chanting of the requiem'. It evidently denotes a service in anticipation of which a 'grant for the sake of the soul' is proffered the church and is perhaps to be related to the imman anmae 'praying for the dead' which is one of the religious services mentioned in Córus Béscnai. It may be observed that although the Latin sources do not overtly link the laity's oblationes with intercession for the donor's soul, the Collectio borrows from Leviticus 27:2-8 a table of payments denominated in sicli 'shekels' and headed De estimatione animae redemptae 'Concerning the estimation of a redeemed soul' and affirms in the same book - De cura pro mortuis 'Concerning care for the dead' - that christianorum elemosinis 'alms of Christians' are among the means by which a soul may be saved.[16]

Clearly idbart conforms to the principle of reciprocity, a point emphasized by the heptad which holds that a degraded church forfeits udburta in domain 'grants of the world (i.e. the laity)'. Bretha Nemed Toísech has an exhaustive list of eventualities which could degrade a church, including failure to provide baptism, communion, mass, prayer for the dead and preaching, which are

precisely the pastoral services listed in Córus Béscnai, and declares that such a church is one ó tintót audbarta do fini 'from which grants revert to the kin'. The principle of reciprocity also requires propriety on the part of the laity, for Bretha Nemed Toísech borrows from the Collectio the prohibition on acceptance of dánu na cloén 'gifts of the iniquitous'. Almsana, aperta...tuillem mbathas no meinistrech 'alms, grants...the earnings of baptism or of a reliquary' are among the ruidlesa 'absolute forfeitures' listed in Berrad Airechta, which explains that grants are irreversibly alienated so long as the church is er nDia 'in accordance with God', but not if it is ar demon no doman 'in accordance with the devil or the world'. Similarly tuillem bathais 7 comnae 'the earnings of baptism and communion' are properly due do fiur graidh, acht ni ruca dia chaillig no dia mac berar do iar techt graidh 'to a cleric, but he may not give it to his nun (i.e. concubine) or to his son born to him after entering orders'.[17] The significance of the 'earnings of a reliquary' is considered below.

While there are indications that idbarta, like almsana, might cover all payments made by the laity, it seems that in the present instance the 'earnings of baptism and communion' designate specifically fees paid to a cleric for these services on the analogy of the confessor's fee in the penitentials. An assumption that the clergy might take a

fee for their services may underlie the story in Bethu Brigte of how seven cows were conveyed to Bishop Mel in consideration of his spending seven days at Easter preaching and celebrating mass for Brigit and her community. Mel is also said to have been assigned a cow for blessing the veil on Brigit's head. A like inference may be drawn from an anecdote in the Middle Irish Life of Ciarán of Clonmacnoise in which Cóemgen of Glendalough is said to have administered communion to Ciarán, who presented Cóemgen with his bell i comurtha a n-oentad 7 i screpul a chomnae 'as a sign of their unity and as his communion fee'. A particular offering in respect of baptism denominated biathad grinde 'refection on the occasion of baptism' is noticed in Córus Béscnai in a passage on the fled deoda 'godly feast', which includes a variety of contributions by the laity related to regular and special church festivals and the maintenance of hermits, guests and the poor. A number of these contributions involve bíathad 'feeding' and the concept of the fled deoda calls to mind the meal which the penitentials expect the penitent to supply for his confessor.[18]

Much of the language of Córus Béscnai and of the other vernacular prescriptions cited indicates explicitly or implies that the contract governing pastoral services and dues is one between the church and the whole of society. The same assumption underlies a passage of Di Astud Chirt 7

Dligid which affirms that every fine 'kindred' has a conn 'head' who is its spokesman, a flaith 'lord' who protects it and eaclais fosuigaidter 'a church which sustains it', to which a later glossator adds .i. in eclais nosfosaigenn iat im bathes 7 im comna 'i.e. the church which sustains them as regards baptism and communion'.[19] Some of the allusions to pastoral care in the Latin material likewise seem to assume general application, though others hint at a distinction between those who elect to abide by a strict code of proper behaviour and the rest. Both the laconic injunctions concerning tithes, first fruits and firstlings in the published version of the Collectio and the discursive accounts in the two 'B' recension texts are notably coy about who should pay these dues, but a universal liability may be inferred from references in the former to payment by populus Israel 'the people of Israel' and in De Decimis et Primitivis et Primogenitis to the sacerdotes populi 'priests of the people' as recipients.

There can be little doubt that discretionary donations, occasional almsgiving, burial charges and bequests would have been forthcoming from members of the wider laity, but there is evidence of a more restricted liability for the characteristically regular dues. A striking example is the Synodus Sapientium, whose account of tithes, first fruits and firstlings includes the remark

Hae res initio estatis reddi debent, et semel in anno ad sacerdotes Hierusalem offerebantur. In novo autem unus quisque ad monasterium cui monachus fuerit.

These things ought to be presented at the beginning of summer, and they were offered once in the year to the priests at Jerusalem. In the new dispensation, however, each person to the monasterium of which he is a monachus.

Obviously the monachus who is subject to a levy of tithes, first fruits and firstlings - including human offspring - cannot be a conventional monk bound by vows of poverty and chastity. Rather he must belong to that category of close dependents of the church described either as monachi / manaig or as lawful laity dwelling under a penitential regime, numerous references to which in the prescriptive and hagiographical material have been noticed above in chapter two.[20]

A similarly restricted liability for such dues as well as a correspondingly limited application of pastoral care is apparently contemplated in Ríagal Phátraic, although scholarly opinion as to its import is divided. Hughes and Ó Corráin cite it as evidence of the ministry to manaig and of their counter-obligations in respect of this, while Corish, followed by Sharpe, stress the light it sheds on relations between churches and the wider lay community.[21]

The latter assessment finds support especially in the opening sections of the tract, which exhort the men of Ireland to have a 'chief bishop of every túath' to ordain, supervise and intercede for the clergy, consecrate churches, act as confessor do flaithib 7 do airchindc[h]ib 'to lords and church rulers' and to sanctify, bless and confirm the families of the men of Ireland. The tract warns - in terms reminiscent of legal maxims previously noticed - of the prevalence of sinfulness and disease should these functions not be performed and emphasizes the indispensability of baptism, communion, confirmation and a confessor to the spiritual well-being of clanna 'families', cenél 'kindred' and duine 'the individual'. There is a seeming allusion to reversion of the laity's donations, for where a cleric defiles his orders co caillich 'with a nun' - echoing Berrad Airechta, above -

> is díles a tecmail lais do cech t[h]orba 7 is díles don túaith a tecmail leo do fuillmiud .i. marbdile 7 indile .i. beodile
>
> what falls to him of every profit is forfeit and what falls to them of increment (i.e. inanimate property) and of cattle (i.e. live property) is forfeit to the laity.

The precise meaning is somewhat obscure but the general sense appears not unrelated to the reversion of endowments

in the case of a disqualified church or cleric provided for elsewhere.[22]

Notwithstanding the evident drift of these exhortations, the tract twice unambiguously invokes anmanda fer nÉrenn as guarantors of the availability of pastoral services not for themselves but for manaig. The same perspective is manifest in the most concise formulation of the linkage between pastoral provision and dues to be found in the text:

> Ocus nach eclas oc ná bé túara manach do baithis 7 comna 7 gabáil écnairce, ní dlig dechmad ná boin cennaithe ná trian n-imnai.
>
> And any church in which there is not sustenance of manaig as regards baptism and communion and chanting of the requiem is not entitled to the tithe or the cow of final payment or the third of imnae.

The last two items are death dues and will be disregarded here as they are discussed below in chapter six. The essential point is the expectation that dues including tithes be rendered in return for performing religious services for manaig specifically.[23]

The church's mission to manaig rather than to the general populace is likewise the chief pre-occupation of the remainder of the tract. Baptism, communion and chanting of the requiem are repeatedly mentioned, with mass on

Sundays and feast-days, celebration of the canonical hours, preaching, confession and unction also noticed. The beneficiaries are manaig or, in one passage, cech duine isa eclais thechta hí 'everyone whose appropriate church it is', on whose behalf the bishop is empowered to levy the airchinnech 'church head' in order to make good his failure to provide them with these services, a ruling which might be thought to reflect a more general availability. However, it seems probable that the people concerned are not to be distinguished from the manaig who figure in the two other passages broadly resembling this and for whom the airchinnech is obliged to make provision for pastoral care, expressly in one case and implicitly in another, in which latter the church of the manaig is described as their eclais saindíles 'own special church', an expression which mirrors eclais thechta.[24]

Material comprising four paragraphs towards the end of J.G. O'Keeffe's edition offers a unique insight into the mechanics of the ministry. The first declares:

> Nach eclais hi mbí fer gráid di minecailsib na túaithe, cenmotát móreclaisi, dligid túarustul a gráid .i. tech 7 airlisi 7 dérgud 7 deigceltaib 7 acnámad rodfera cen turbaid cen díchell do neoch bes hi cumung na eclaisi .i. miach cona indiud 7 bó blicht in cech raithe 7 biad sollaman.

> Any church, of the small churches of the túath as well as the great churches, in which there is an ordained man, owes (or 'he is due') the stipend of his order, i.e. a house and an enclosure and a bed and clothing and food which may suffice him, without exemption, without neglect of anything that is in the power of the church, i.e. a sack (of corn) with its condiment and a milch cow every quarter and food of the festivals.

A different view of the syntax of the opening phrases has been adopted by Sharpe, who translates 'an ordained man from the small churches of the lay community apart from the great churches'. This tends to bolster his belief that Ríagal Phátraic is a witness to an episcopally supervised ministry to the wider laity conducted by small churches which are different in kind from 'great churches', habitually regarded as 'monastic'. But cenmothá can mean simply 'in addition to', and while túath in contradistinction to eclais undoubtedly signifies the laity contrasted with the church, in this as in other instances in the tract it seems rather to denote the basic jurisdictional unit in which, as we have seen, the authority of the rí túaithe 'king of a túath' might be paralleled by that of the epscop túaithe 'bishop of a túath'. Moreover, the clause di minecailsib na túaithe cenmotát móreclaisi appears to me more likely to qualify

eclais than fer gráid, the seeming point of the whole statement being that a cleric with pastoral care of a small church in any given jurisdiction should be just as confident of remuneration as his counterpart in a more substantial establishment.[25]

Any thought that this cleric was expected to derive his income from a ministry to the general public is countered by the terms of the statement which immediately follows:

> Aitire dogó fria láim de manchaib cech eclaisi bes fora chubus fri túarustul cóir etar lóg mbaithis 7 téchta comna 7 gabáil écnairce na n-uile manach etar bíu 7 marbu, 7 oiffrend cecha domnaig 7 cecha prímṡollaman 7 cecha prímḟéile 7 ceileabrad cecha trátha 7 trí cóecaid cech trátha do chétal, mani thairmesca forcetul no anmchairdes .i. ongad 7 baithis.

He selects a surety on their behalf from the manaig of each church which is his responsibility, with respect to a proper stipend, comprising price of baptism and the due of communion and (of?) chanting the requiem of all the manaig, with respect to the living and the dead, and mass every Sunday and every chief solemnity and every chief festival and celebration of each canonical hour and singing the three fifties every canonical hour, unless instruction or spiritual direction, i.e. baptism and unction, prevent him.

This is in fact the fullest account of pastoral services to be found in the tract and the next paragraph allows

Má beth tra do húaite ind aéssa gráid lasna túatha [is cóir?] cia beit trí hecailsi nó a cethair for cubus cech fir gráid acht rosó comand 7 baithius do anmain cháich 7 oiffrend hi sollamnaib 7 féilib fora n-altóir.

If indeed it be on account of the scarcity of ordained men in the communities [it is lawful?] that there be three churches or four in the cure of each ordained man, provided he can offer communion and baptism for the souls of all and mass on solemn days and feast-days on their altars.

Finally there is another summary of dues:

It é a frithfolaidi-seom dond fir gráid .i. lá air n-indraic cech blíadnai cona síl 7 a ithir, 7 lethgabol étaig do brutt nó da léinid nó do inur. Pruind chethruir ar Notlaic 7 Cháisc 7 Chingcís.

These are their counter-obligations to the ordained man, i.e. a worthy day's ploughing each year with its seed and land and a half measure of clothing, as a mantle or a shirt or a tunic. A meal for four at Christmas and Easter and Pentecost.

These paragraphs constitute a cohesive account of the

priest's pastoral obligations in the church or churches assigned to him, and of the reciprocal dues of a flock evidently composed primarily of manach-dependents bound, among other things, to perform labour services for his sustenance.[26]

The refection with which the cleric is to be supplied on church festivals calls to mind the fled deoda 'godly feast' of Córus Béscnai as well as the meal for one's confessor prescribed by the penitentials and the idea that in addition to annual payment of tithes and the like the clergy might be entitled to a túarastal or fee for their labours is also consistent with what has already been discerned in other sources. Indeed, notwithstanding the fact that the Latin canonists sanction render of tithes to the sacerdotes 'priests' and their retention of portion thereof for themselves, one might infer from Ríagal Phátraic that the ministering fer gráid 'cleric' relied entirely for his sustenance on specific fees together with customary service and refection directly supplied by his flock. He is not represented as himself levying or even sharing in the tithe which, although it is portrayed as a concomitant of pastoral provision for manaig, would appear from the context in which it is mentioned to be payable to the church to which they are attached rather than to the ministering cleric and - though this is not expressly stated - may well constitute part of the ríar 'due' to

which the airchinnech is not entitled if he fails to arrange for pastoral care of his manaig.[27]

Be that as it may, there is a manifest contrast in Ríagal Phátraic between practical specifications for religious services and dues touching the manaig and the rather more generalized exhortations regarding the benefits of pastoral care for society as a whole. The inescapable logic of what the text actually says prompts Sharpe in his most recent comments on the matter to conclude: 'Since the Rule is aimed at all lords and all erenaghs, it cannot be argued that bishops were concerned only with pastoral care for a church's economic dependents, and the word [viz. manach] has extended its semantic range to something like parishioner'. He acknowledges that monachus / manach elsewhere denotes 'a lay person economically tied to a particular church' while remarking that the 'conventional translation "tenant of church lands" raises various problems, both in respect of land tenure and settlement'.[28]

There is abundant evidence - some of it touched on heretofore and considered in detail in the next chapter - that these terms are used of a class whose relationship with the church is portrayed in terms of legal and socio-economic dependence and over whom the abbas / ap or princeps / airchinnech typically exercises authority. There seems no reason to believe that the manach of Ríagal Phátraic, who is the subject of the airchinnech, is of a

different order. If he were merely an ordinary layman, a quasi-parishioner, linked to the church by his enjoyment of pastoral care and his payment of reciprocal dues, one might expect him to be described in the second part of the tract dealing with the mechanics of the pastoral mission simply as duine or nech 'person, individual'. These are invariably used in the opening passages chiefly characterized by general admonition and there are three subsequent instances of duine, interspersed with manach in a manner which, as has been contended in the case of one example, would seem to betoken an effective identification of the terms. But manach is the diacritical usage in the second portion of the tract and unless it has a significance more specific than duine or nech it seems impossible to motivate its introduction. Even if one denies that manach has any wider connotations of legal or socio-economic dependence upon the church, one must surely allow that on the evidence of this text it signifies a category distinct from the generality of the laity in regard to the operation of the pastoral mission. The overall viewpoint of the text would appear to be that while pastoral care may extend in principle to the whole of society, its consistent application in practice bears only on those close adherents of the church who can be relied upon to furnish material support for a regular ministry.

The restricted availability of regular pastoral care and

limited liability for corresponding dues which is postulated on the basis of the testimony of Ríagal Phátraic and the Synodus Sapientium finds corroboration in several other sources, the evidence of which in isolation might not appear as persuasive. A case in point is a passage in the fragmentary legal text Cáin Fuithirbe of c. AD 680 as glossed in Old Irish. It runs:

> MARUS DO .i. do neoch do-idnaig Día dó. ARDRIG .i. don eclais .i. ar is do Día a ndo-berr di suidiu. CAIN CUMTACH .i. ar is di Día con-rótaigh in eclais. A LES DE .i. dind í do-gniat na manaich gaire ndi-si. DLUTHAR .i. forsin eclais. BATHAIS AON DI ARDLATHA LES .i. indgne flaidh nime. AIRITIU .i. tabret comne. COMEIRGE .i. aleid gaibail egnarca a anma.
>
> ...i.e. of that which God grants to him. HIGH KING i.e. to the church, i.e. for what is given to that is for God. A FAIR ADORNING i.e. for it is for God that he has adorned the church. ITS ADVANTAGE AS A RESULT OF IT i.e. as a result of the fact that the monastic tenants give pious service to it [viz. the church]. WHICH IS PRESSED i.e. onto the church. BAPTISM IS ONE FOR THE ADVANTAGE OF THE HIGH KINGDOM [viz. HEAVEN] i.e. ...the kingdom of heaven. RECEIVING i.e. let them give communion. RISING UP i.e. he is entitled to the chanting of the requiem for his soul.

Caution is required because the words and phrases glossed do not seem to form a continuous text, but the sequence of ideas shows that the topic is endowment of the church and the services supplied in return, specifically baptism, communion and chanting the requiem, which figure repeatedly in Ríagal Phátraic and which are cast as a binding obligation by the expression DLUTHAR .i. forsin eclais. The ultimate spiritual benefit arising from these pastoral services is ARDLATHA LES or heaven. The corresponding benefit to the church - which I take to be what is intended by A LES DE - is interpreted by the Old Irish glossator as the goire 'pious service' performed by manaig. Goire designates the services of manach-dependents of the church in a number of canonical legal tracts. Of course, it is possible that the gloss misrepresents the original in the present instance, but it would nevertheless be good evidence for an eighth- or ninth-century assumption that the principal liability for the reciprocal dues of the pastoral mission was borne by manaig. It may be remarked that the reference to the adorning of the church is conceivably to be related to the provision in De Decimis et Primitivis et Primogenitis, noticed above, for the allocation of a third of tithes ad ornamentum aeclessiae 'for the equipment of the church'.[29]

A procedure for taking tithes is described in two of the three extant texts recounting the practices of Máel

Ruain of Tallaght and his disciples and associates of the later eighth and earlier ninth centuries, and which are thought to be derived from a common original of the 830s. The reading of the version in the 'Rule of the Céli Dé' - which is linguistically close to the original but usually abbreviates its contents with a view to giving them the appearance of a set of general monastic rules - is as follows:

> Is amlaid dino gabthair dechmada .i. cech anmanna techtas duine do lecud tar bernai 7 cech dechmad mil dib do Dia acht doimh nama, fobith gabar dia saethar cech dechmad carr.
>
> Tithes are collected in this way. Every animal that a man owns is let out through a gap, and every tenth beast of them [is given] to God, except only oxen, because every tenth cart-load of their labour is taken.

The latter element is explained as a tithe of corn payable don eaglais dar choir e no dona bochtaib 'to the church to which it was due or to the poor' in the seventeenth-century redaction known as the 'Teaching of Máel Ruain', which although linguistically modernized is doubtless closer to the original in presenting the whole as a memoir of practices often described in the past tense. This codicil is in keeping with the requirement that a portion of the

proceeds of the tithe be devoted to the care of the poor, as decreed in the 'B' recension texts of the Collectio noticed above.[30]

Both versions of the account of tithes in the Tallaght documents speak of payment by a duine 'person', but it should not be assumed that this refers to laymen in general rather than to the category elsewhere identified as manaig or as lawful layfolk under ecclesiastical direction. For one thing the term manach does not seem to have occurred in the ninth-century original, as it is confined to what appear to be additions in the seventeenth-century redaction, apart from one instance in the recension known as the 'Monastery of Tallaght' in a passage which again is probably not derived from the original.[31] Perhaps the word was deliberately avoided in a text reflecting the point of view of the Céli Dé rigorists precisely because of its ambivalent connotations.

Furthermore, the Tallaght documents exhibit a marked wariness about endowment by tuatai / aés túaithe 'laity, lay folk' and about material support by the senchella 'old churches', to which some of the ascetics were attached and which were regarded as degenerate by devotees of a stricter observance. Scruples were sometimes tempered by the need to have provision for the poor and by the consoling thought that the rigorists had a better right to bodily sustenance than had the lax. However, at one point it is said to have

been the practice never to accept muini doberthar o thuatib 'wealth which is given by lay folk' even for redistribution to the needy, because many laymen considered it sufficient to endow their confessors and then do as they pleased, so

> Is ferr a nemgabail iarum acht ontí bass formbthi no ondí addaim anmcartine.
>
> It is better then not to accept anything, save from one that is holy, or from one that submits to spiritual direction.

With this may be compared a warning in the ninth-century Ríagal Mochutu that an anmcharae 'confessor' should not accept almsanna 'alms' from sinners who fail to do his bidding and should show no favour to those giving edbarta 'donations'. Significantly, this section of the Rule is headed Do fedmannaib anmcarat gebes mancho so 'Here concerning the functions of a confessor who may receive manaig', suggesting that the latter were expected to be the prime beneficiaries of confessorial services. The Tallaght documents often cite the reluctance of the generality to perform their prescribed penances as grounds for confining spiritual direction to the aés foirbthe 'holy' or 'perfect folk', and laity seeking such direction are admonished to adhere to a penitential rule of abstinence and continence which identifies them with the ecclesiastical dependents

depicted in other sources.[32]

This category figures among beneficiaries of a regular pastoral ministry said to have been conducted by Máel Ruain or perhaps more likely his disciple Máel Díthruib - the narrative is not specific:

> Is mor leisim in mile cemenn nó eo amplius do aithidhigh in deissi i domnuch; is [read issed ed.] foracbadh in mile cemind fri torrome fir galair, fri tabhairt comne do 7 do ocaib 7 tuathibh biti fo anmchairtes dotiagat do airsemh offrind 7 do etsecht procepti 7 do raetaibh tricibh cene.
>
> He thinks highly of (going) the thousand paces or more to visit the tenantry on Sunday; the thousand paces have been ordained for ministering to a sick man, for dispensing communion to him and to virgins (? reading ogaib) and laity who are under spiritual direction, who come to attend mass and to hear preaching and for other urgent matters besides.

The 'thousand paces' call to mind one of the notional measurements of the suburbana of a levitical city found in Numbers 35:1-4 and elsewhere in the Old Testament, and adopted by Irish canonists in Latin and the vernacular with reference to ecclesiastical precincts. While déis can designate the prerogatives or sovereignty of a lord in a

general sense or even, seemingly, his domain, it appears more likely that in the present instance it denotes persons. Such a usage, with its overtones of secular dependence, subjection and clientship, is striking in a text which apparently shuns the term manach, especially given that it evidently includes the ubiquitous category of laity under spiritual direction. The implication appears to be that weekly pastoral services were primarily availed of by the most proximate dependents of the church, while the more distant faithful are elsewhere instructed merely to attend their confessor regularly once a year.[33]

It seems a reasonable inference from the above considerations that liability for the tithe to which the Tallaght memoir alludes was borne by this category rather than by the generality, who were clearly regarded as insusceptible to regulation in matters of morality and penance and were therefore unlikely to view regular dues, as distinct from occasional discretionary donations, as a compelling obligation. Another mention of lawful laity under confessorial supervision may testify further to payment of tithes by this group, but the reading of the text presents a difficulty. It runs:

Roboi araile laoch hi Mudornaib cum uxore sua fo anmchairdes Eochach Ui Thuathail hillanamnas dligid 7 cum decimis $\overline{\text{iis}}$ post inimici eius iugulaverunt eum.

E.J. Gwynn originally proposed emending the crux to decem filiis and translating:

> There was a certain layman and his wife in Mugdoirn living under the spiritual guidance of Eochu Ua Tuathail in lawful wedlock and with ten sons. Afterwards his enemies murdered him.

The emendation was doubtless inspired by the following injunction that the slain man's uncompleted penance be performed on his behalf by one of his sons, to whose existence the narrative makes no prior reference. However, Gwynn subsequently changed his mind and suggested reading cum exisset - on the basis that a copyist may have misinterpreted an abbreviation for exisset as decimis and that the bar over iis is a mark of deletion - and translating 'when he had left his home'. Neither case is entirely persuasive and both have the effect of dispensing with the actual reading of the text, which I should be inclined to leave as it is and regard as a reference to liability for tithes, though I can offer no alternative explanation of $\overline{\text{iis}}$. Be that as it may, the notion that a designated son might perpetuate the role of a penitent layman is in itself reminiscent of the surrender of a tithe or firstling of human offspring.[34]

It is noteworthy that the only type of ecclesiastical income which is well documented in hagiography is in the

form of the more or less discretionary donations by the wider laity discussed heretofore. The almost complete indifference of the hagiographical dossiers to the pastoral mission and any regular dues connected with it has been noticed by Sharpe.[35] It may be doubted, however, that this can be adequately accounted for by the prominence of monastic themes in Adomnán's Vita Columbae and in later saints' Lives, since the propagandist intent of these extends to the relationship between church and society, as encoded in the encounters of the saints with lay magnates and commoners. As has been shown in the two preceding chapters, bishops appear in many Lives and the Patrician and Brigidine dossiers as well as others shed light on spheres of jurisdiction, but not, for the most part, on pastoral care. A rare insight is provided by the 'Salamanca' Vita of Colmán of Lynally, for which Sharpe suggests an eighth-century or earlier date. Colmán's assistance is sought by a man whose wife is barren:

> Cui dixit Colmanus: 'Coniunx tua pariet filium, et vocabis nomen Keranum, et meus erit monachus, et longevus et iustus.' Et respondit ei vir: 'Tibi offero eum antequam nascatur.' Natus est ergo Keranus et fuit laicus fidelis et iustus et vir bonus, veniebatque diebus sollempnibus ad sanctum Colmanum ut sacramentum acciperet de manu eius.

> To whom Colmán said: 'Your wife will bear a son, and you will call him Ciarán, and he will be my monachus, and will be long lived and upright.' And the man answered him: 'I present him to you before he is born.' So then Ciarán was born and he was a faithful and upright layman and a good man, and he was wont to come to Colmán on solemn days to receive the sacrament from his hand.

This is an illustration of the interchangeability of the designations 'lawful layman' and monachus to describe close adherents of the church who are distinguished by their having recourse to the church's ministry on a regular basis. The text goes on to contrast Ciarán and faithful laici like him with laici armati 'armed laymen', who are mali 'evil' and inimici 'hostile' and who plot to kill Ciarán. They may well be identified as díbergaig 'brigands', a social category discussed by Sharpe and McCone, and the contrast calls to mind that in the Tallaght memoir between the láech dwelling under a confessor's direction and the inimici who kill him, as well as the fact that the Penitential of Finnian decrees that a laicus who is converted from evil-doing and submits to a confessor's behests is expected, among other things, to desist from bearing arms.[36]

Among the few hagiographical allusions to pastoral care or dues is that in the Vita of Brendan of Clonfert, which

tells of a man who had two wives 'in accordance with the law of that time' yet observed the commandments in other respects and rendered dona et decimas 'gifts and tithes', while the Vita of Gerald of Mayo speaks of tithes of agricultural produce and of fisheries paid by the devout. Neither text is contemporary evidence for the period under consideration and that of Gerald would seem to reflect an Anglo-Norman milieu.[37] A passage in the Middle Irish Life of Ciarán of Clonmacnoise condemns

> ...drochdhainib bite i comfhocraib don eclais, 7 fogabut torba na hecalsa, eter comuinn 7 baithius 7 bhiadh 7 forcetul, 7 arai ni anat-sum oc ingreim na hecalsa, cu tic mortlaid 7 galar anaithnidh chucu conadh andsin...seiced doibh tuidhecht fo diten na hecailsi...
>
> wicked folk who dwell near the church and who get the benefit of the church as regards communion and baptism and food and teaching, and yet they cease not persecuting the church until pestilence and unknown disease assails them, so that it is then...that they resort to the protection of the church.

It is arguable that these were recalcitrant manaig and since they are said to be nourished by the church in a literal as well as a pastoral sense, perhaps they should be identified with the manach núna or manach of famine who

appears in later legal commentaries and who had recourse to the church in time of social catastrophe.[38] The import of a statement in the Middle Irish Life of Mochutu is unambiguous:

> 'Ni maith innsin' ol Fínán 'cen derca 7 edhbarta na manach talmanda do ghabail occan ecclais, 7 coibhsiona 7 ernaighthe doibh dia chinn...'
>
> 'It is not well' said Fínán 'for the church to refuse the alms and donations of the earthly manaig, and confession and prayer for them in return'.[39]

It may be concluded that a variety of sources indicate that pastoral care and dues had application in the first instance to the population immediately subject to the church, which is either designated monachi / manaig or cast as lawful laity under a confessor's rule. Yet other texts, most notably Córus Béscnai, ostensibly contemplate general access to the ministry and, accordingly, a general liability for dues. While scholars have sometimes maintained that the prescriptions of Córus Béscnai must have applied in reality only to manaig, Ó Corráin has also contended that it supplements the Latin canonists in that 'it states categorically that all the payments of the Pentateuch apply to all the people'. The text cited in support of this reads

Coir ecalsa o tuaith: .x.mada 7 primite 7 primgene dliged ecalsa dia memraib.

The right of the church from the túath: tithes and first fruits and firstlings are the entitlement of the church from its members.[40]

However, a number of examples from the legal corpus show that memra in an ecclesiastical context signifies the direct dependents of the church or manaig, who are compared and contrasted with the members of a kin-group and with the dependents of a secular lord. Indeed there is at least one and possibly two instances of memra bearing this connotation elsewhere in Córus Béscnai itself.[41] It would seem that the far-reaching claim to the right of the church from the túath is in fact qualified by the explanatory clause, perhaps in acknowledgement that the peculiar subjects of the church bore chief liability for tithes, first fruits and firstlings.

In addition to this general caveat, two specific dues sanctioned by Córus Béscnai may argue a restricted application. The Pentateuch envisaged that firstlings of men would be redeemed by a payment to the priests. It is difficult to credit that the actual surrender of human offspring as firstling and tithe - which is undoubtedly contemplated in Córus Béscnai - could have applied prescriptively to any but those under effective

ecclesiastical control, though of course the saints' Lives repeatedly depict pious lay folk granting their offspring on an individual voluntary basis. One recension of Ríagal Phátraic favours assigning 'the tithe of one's body to God for the purpose of study', and while the object of the exhortation is not specified, this resembles a commentary on Córus Béscnai which affirms that sons surrendered as firstling or tithe should be educated by the church before taking up manach-service. Human firstlings are prescribed in the Latin canons, including the Synodus Sapientium which is expressly addressed to monachi, and in the Tallaght documents the son who perpetuates his father's penitential observance may be viewed in a similar light. The male human firstling in Córus Béscnai is said to be the offspring of a proper cétmuinter 'first wife' under a confessor's direction, a formula which is itself indicative of a less than universal liability for this levy.[42]

The second particular stipulation by Córus Béscnai, the extension of which to the public as a whole is hard to credit, is that of days set aside for the service of God, which is mentioned under the heading of tithes. As observed, the glossator of the passage concerned assumed that labour service was intended and, moreover, that it was the obligation of manaig specifically.[43] The significance of labour service for the socio-economic position of manaig is discussed in the next chapter. Such service, like that

which Ríagal Phátraic enjoins on manaig in order to sustain their pastor, would appear to distinguish those rendering it as servitors of the church analogous to the dependents of a secular lord.

In view of the manifest contrast between the all-embracing and restricted models of pastoral care and dues, an aspect of the regulations in the Pentateuch governing tithes, first fruits and firstlings merits attention. Ó Corráin maintains that in its relationship to the clerical elite the wider ecclesiastical community, including manaig, was consciously likened by Irish canonists to the non-priestly Levites in their function as assistants to the priests of the Temple. He points out that the canons do not quote a ruling - which is variously formulated at Numbers 3:12, 40-5 and 8:16-19 - that the first-born of the Levites might be taken by the priests in place of the first-born of the children of Israel, and the Levites' cattle for the cattle of the Israelites in general, a qualification which, as he remarks, 'might be somewhat limiting if one wished to apply the tithe to the whole population'.[44] In view of intimations that the normal application of regular pastoral dues in Ireland was comparably limited in practice, the failure of Irish legislators to cite such apparently plausible biblical precedents may argue a continuing aspiration to wider enforcement. The essential ambiguity of the Irish testimony can hardly be denied and is best

exemplified by Ríagal Phátraic, where the advocacy of an episcopally supervised pastoral mission to preserve good order in society as a whole contrasts with the treatment of the specifics of that mission and its reciprocal dues with relation to manaig alone.

A resolution of this ambiguity is presumably to be sought in a distinction between theoretical considerations and practical imperatives, an approach which is, indeed, seemingly favoured by Ó Corráin in earlier comments on Ríagal Phátraic and Córus Béscnai.[45] In conception both pastoral provision and the dues claimed by the church in return were intended to bear on society at large, but the extent to which this was realized seems likely to have depended on the actual influence the church could exert in any given circumstances. Clearly, occasional discretionary donations, which figure so prominently in hagiographical propaganda, would have been made by many ordinary lay persons, and the same is doubtless true of burial charges - though whether it was normal for the laity in general to be buried in churchyards may be open to question[46] - and bequests.

However, a wider enforcement of more regular charges appears to have been a function of the relationship between the church and secular magnates. At any rate, that is the import of a statement in Córus Béscnai to the effect that

Dlegait flaithe fonuaslaicter a ngella. Geallait .x.mada 7 primite 7 almsana fora fine 7 fora naicgillne; cach marflaith fora tuatha.

Lords are entitled to the redemption of their pledges. They pledge tithes and first fruits and alms on behalf of their kindred and base clients; each overlord on behalf of his túatha.

The same tract affirms that contributions to the fled deoda 'godly feast' aforementioned should be levied by lords fora deis 'upon their vassalry'. Incidentally, the first of these passages furnishes an example of almsana presented in the same light as other reciprocal dues, bearing out an inference previously drawn about its connotations in Di Astud Chirt 7 Dligid. The implication that a lord was relied upon to collect ecclesiastical dues from his subjects may also be latent in another passage of the latter tract - partially quoted already - which asks

Cisne .iii. haimsera inad apail a torad ar cach flaith, combe dithle ith 7 blicht 7 meas? Taithmeach nudburta, saerad fuidre, fuaslugad .x.mad, fuaslucad do mogaib.

What are the three occasions when failure of produce afflicts each lord, so that there is destruction of corn and milk and mast? Reversion of donations, freeing semi-freemen, release from tithes, release for slaves.

In the same vein a commentary on Uraicecht Becc refers to the lord who brings tithes and first fruits and alms to the church.[47]

In this connection particular importance may attach to the statement in Berrad Airechta - noticed in passing heretofore - to the effect that tuillem mbathas no meinistrech 'earnings of baptism or of a reliquary' are among alienations which are absolutely forfeit. The tract expounds the various types of alienation listed, but in this case makes no further reference to tuillem meinistrech, treating instead of tuillem bathais 7 comnae 'earnings of baptism and communion', as noted above. However, a Heptad gives a comparable list of alienations which cannot be recovered by distraint and includes among them tuillem meinistri which is glossed

> .i. log ar comairce don minn .i. imtuillit na minna bitt for aister .i. do .x.maduib 7 primittib 7 almsanaib.
>
> i.e. payment for protection to the halidom (relic?), i.e. the halidoms (relics?) earn (it) when in transit, i.e. of tithes and first fruits and alms.

The expression tuillem menistrech also occurs without elaboration in a gloss on Cóic Conara Fugill.[48] It may be observed that the translation 'reliquary' for meinister is perhaps too limiting, as it is a borrowing of ministerium,

which denotes a container in which sacred vessels and insignia used in divine service, and sometimes relics, were transported, but in any event it would appear that the carrying about of venerated objects was expected to elicit payment of dues. Promulgation of the *cáini* of various churches in the eighth and ninth centuries is on occasion associated with the transposition of relics, and Hughes has shown that a number of eighth-century relic circuits coincide with annalistic records of epidemics and famine. We have seen that several vernacular legal maxims recommend payment of tithes and the like as a protection against epidemic, failure of produce and famine. The references to *tuillem meinistrech* may supply a link between these and the annalistic evidence. In view of the critical importance of royal sanction for the promulgation of *cáini*, demonstrated in the preceding chapter, together with the postulated reliance of the church on secular magnates for the wider enforcement of pastoral dues, it may not be too fanciful to suppose that churches attempted to procure the support or acquiescence of lords for a general levy of dues on the colourable pretext of appeasing the deity in order to avert social calamities.[49]

The conclusions drawn from this study of the relatively limited body of material touching on pastoral care and dues require only the briefest summary. While in theory bearing on the populace at large, a regular ministry and

concomitant payments seem likely to have applied consistently only to those over whom the church exercised direct authority, the 'lawful laity' or manaig. In his most recent contribution on the subject Sharpe in fact concedes that the laity may not have attended church on a regular basis or received communion. The evidence suggests that efforts to give wider effect to the pastoral mission and enforce general liability for tithes and the like were probably no more than sporadic. The corollary, hinted at in the Tallaght documents and elsewhere, is that much of society was often regarded as almost beyond redemption and certainly not a part of the truly Christian elite.[50]

Chapter V

LEGAL STATUS AND SOCIO-ECONOMIC FUNCTION OF *MANAIG*

The evidence relating to pastoral care and dues suggests that the church's direct dependents were of critical importance for its material sustenance, and their standing requires further investigation. There has long been a scholarly consensus that *monachi* / *manaig* bore a certain resemblance to the *céili* 'clients, tenants or vassals' of a secular lord.[1] Hughes sought to define this with greater precision, while pointing to evidence of sub-categorization and to the notion that such *manaig* had a corporate identity, and the idea that there may have been different classes of ecclesiastical dependents has found especial favour among subsequent commentators.[2] In his brief but important discussion of the subject Charles-Edwards conjectures that *manaig* may have included 'quite disparate social groups' and that the concept of kinship is of relevance to their situation, but his chief contention is that they formed a genuinely unified class which resembled the *mug* 'slave' in legal capacity and the *céile* in other respects. From the prescriptions of *Córus Béscnai* regarding tithes, first fruits and firstlings, the application of which to *manaig* is assumed, he deduces that the essential similarity between *manach* and *céile* lies in their regular

food renders, though rates of payment as well as other particulars of their respective socio-economic conditions differed.[3] It is proposed to examine these hypotheses in detail, looking first at broad conceptual parallels with the legal standing of manaig, and then addressing the specifics of their socio-economic role. The problem of whether manaig enjoyed a capacity to inherit, as well as their situation in relation to burial charges and bequests, are considered separately in chapter six.

V.1 THE LEGAL STATUS OF MANAIG

Charles-Edwards's attribution to manaig of a slave-like incapacity to enter contracts or undertake suretyship, combined with a client-like aspect in regard to 'more general relationships', rests on his interpretation of ten lists in the laws which liken various types of dependents. The general strategy of seeking analogies with the condition of manaig in the evidence relating to the categories with which they are compared is one which is adopted in this study. The lists collected by Charles-Edwards are certainly a most pertinent starting point for such an investigation, although neither the basis upon which he categorizes them nor the conclusion he draws seem convincing.

Certainly four of the five lists dealing with contractual capacity place the manach alongside the mug

'slave' and none mentions the céile 'client'.[4] However, among the three lists which refer to the power to act as naidm 'enforcing surety', the manach is associated with the mug in one - a list which is also among the five which treat of contracting capacity - but with the céile in two.[5] Charles-Edwards acknowledges one of the latter as an exception to his postulated negative correlation between lists concerned with legal competence and those in which the manach is compared with the céile, but he discounts the other, seemingly on the basis that its perspective is 'the capacity of the superior in regard to his dependent rather than the other way round'. He may have had in mind the fact that in the matter of naidm-suretyship the essential issue is not absolute status but the unsuitability of any dependent, be he a client of 'free' status or a slave, to act as an enforcing surety with respect to his lord, whereas a lord automatically assumed this role in relation to the undertakings of his dependents of whatever status.[6] It would appear that as regards naidm-suretyship, the incapacity of the manach vis-à-vis his superior is not a peculiarly slave-like feature.

Manach and mug are also juxtaposed in a list of absconders whom it is deemed an offence to harbour, but as this is not directly relevant to legal capacity as such one might expect it to be classed under the heading 'more general relationships'. In this category Charles-Edwards

places his two remaining lists, alluding to the cáini 'regulations' governing the links - in one passage termed lánamnasae 'partnerships' - between various pairs of dependent and superior. An anomaly here is that although manach and céile occur in both lists, one also includes the relationship between a lord and his cumal 'female slave'.[7] Furthermore, that these should be cast as 'general relationships' seems as idiosyncratic as the omission from this category of the list of absconders, for cáin-regulated partnerships had specific legal implications, notably for contractual competence. Thus a passage on contract which appears to belong to the tract Di Astud Chor indicates that within fixed time limits superiors might annul the contracts of their dependents - including, significantly, that of a céile, for which a minimal probationary period of one day is ordained - and this has been interpreted as arising from the definition of such relationships as lánamnasae.[8] The suggestion that the contracts of a client of 'free' status, no less than those of more debased dependents, were subject to his lord's approval receives further attention anon.

The proposition that the distinction between mug and céile correlates with one between lists dealing with legal capacity and those which treat of 'more general relationships' does not seem to bear detailed scrutiny and overall is difficult to square with the legalistic

perspective of almost all the lists. Moreover, Charles-Edwards perhaps places a disproportionate emphasis on the mug / céile dichotomy at the expense of proper consideration of the implied analogies between manaig and other dependents and non-competents who figure in the lists. To be sure, the conditions of criminals, fugitives, the déorad 'outsider', prisoners and the mentally retarded or unstable - almost invariably identified with the mug in their absolute incapacity - may be thought to bear only the most superficial resemblance to that of manaig, but more apposite analogies are conceivably presented by pupils and fosterlings, who are found only in the céile lists.[9] There is abundant evidence that semi-freemen, women and sons offer illuminating parallels with the situation of ecclesiastical subjects.

Charles-Edwards's intimation that the fuidir 'semi-freeman', the son and the daughter are members of a 'group of close legal dependants', who are likened to the manach in the same contexts as is the mug, is not entirely accurate. The son in fact features in all ten lists. The daughter appears once with the mug among absconders who should not be harboured and twice with the céile in the cáin lists. The adult woman or wife, to whom he does not allude, figures together with the mug on five occasions and with the céile on three. The fuidir occurs in two passages on contract, alongside the mug in one instance and in

another in which neither mug nor céile are mentioned. He also features in two texts on cáin, one of which is an addition to Charles-Edwards's ten lists. Two further additional passages mention neither mug nor céile but group the fuidir or bothach - a similar type of semi-freeman - with the doérmanach 'base or unfree manach' among those whose naidm 'enforcing surety' is ineffectual and who are deemed unsuitable to act as ráth 'paying surety'.[10] In the first case the point again is that dependents of whatever absolute status were debarred from undertaking naidm-suretyship, while ráth-suretyship was thought inappropriate to those whose small means or high status was likely to preclude the pursuit of claims against them. Under the first heading are included certain less substantial classes of free commoners - the fer midboth and mruigfer - who were in no sense slave-like.[11] Clearly semi-freemen, sons and women, like manaig themselves, manifest some parallels with both slaves and clients of free commoner status and an outline of their respective positions holds significant implications for the situation of manaig.

The fuidir has been described as a semi-freeman or semi-servile tenant-at-will of a lord's superfluous land and the term undoubtedly designates a class somewhere beneath the céile but above the senchléithe, a serf bound to the soil in total subjection to his lord, to which level the fuidir declined after several generations.[12] Fuidri do not appear

later. At the purely legal and conceptual level it seems that the dóerfuidir bordered on complete servility while the more prosperous fuidir plainly had much in common with the base client of 'free' status of which, indeed, he may be envisaged as a degraded variety. The range of meanings attaching to the term fuidir presumably explains his being simultaneously compared with slave and client. By the same token the fact that manaig are likened to fuidri as well as clients and slaves on the face of it gives credence to the suggestion that they comprised a variety of social categories and casts further doubt on the unqualified attribution of slave-like legal incapacity to all manaig.

The conceptual and legal analogies with manach-status presented by sons and females differ from those already discussed insofar as they were characteristically dependents not of a lord but of a kindred or of particular members thereof. In three of Charles-Edwards's lists of dependents the metaphor of cenn 'head' and memra 'members' expresses the relationship of various superiors to their subordinates as regards contract and enforcing suretyship and is elaborated in Cáin Aicillne with specific reference to the fine 'kin'. Individual memra are there said to belong to the corp 'body' of the kin, the most venerable and prudent member being the cenn who is exhorted to diligence on behalf of the whole body in dissolving disadvantageous or illicit undertakings by its members.

Other texts cast the head as spokesman and legal agent of the *fine* and stress that his position is contingent on his protecting the members' interests.[15] Individual kinsmen who preserve without diminution their shares of the *fintiu* can also block the contracts of their fellows whose liabilities they may be obliged to share and the *fine* as a whole has a veto on members' transactions should these prejudice the kin or its property. Thus although there was a presumption of contractual competence on the part of the adult male kinsman of 'free' status, his ability to act in any given circumstance was hedged about by obligations to the group's interests.[16]

In the case of sons and females, on the other hand, there was a presumption, to which the lists testify, that they were contractually incompetent in principle unless authorized by a superior, usually a specific kinsman such as the father or husband. The difference between them and adult male kinsmen is put in perspective, however, by the aforementioned constraints on the latter's freedom of action as well as by intimations that that the incapacity of women and sons was not always total. The digression on the *fine* in *Cáin Aicillne* accounts as *airfócraig* 'proclaimed incompetents' the *fuidir* and *bothach* - here seemingly attached to a kin group rather than to an individual lord - the fosterling, the pupil and *gach mac beoathur nad bi saor a chor, nach ben forsa mbe cenn*

comuirle 'every son of a living father whose contract is not free, any woman over whom there may be a head of counsel'. This is followed by an allusion to the metaphor of head and members and an express provision - echoed or implied in four of Charles-Edwards's lists - that the contracts of all such dependents could be validated by their superiors and, indeed, the passage just quoted implies that some sons' contracts were free as a rule and that some women were not subject to a 'head of counsel'.[17]

The contractual incapacity of women advocated in the lists of incompetents is reflected elsewhere, notably in a tract which refers to a woman's typical subordination to male authority, be it that of her father, husband, sons or more distant relatives. However, Cáin Lánamna shows that married women might enjoy greater legal autonomy, especially if they were substantial contributors to the common pool of property, when they might themselves effect a sochor 'beneficial contract', and it seems that most principal wives were enabled to suspend their husbands' disadvantageous contracts as well as retaining a limited right to alienate a proportion of their own property apart from the common pool. The validity of a cor mna secha ceile 'wife's contract independently of her husband', if unchallenged by him within fifteen days, is affirmed in a previously noticed text which fixes probationary periods

for the contracts of various dependents. It would appear that the underlying principle of female incapacity is to be understood in conjunction with a body of exceptions acknowledging the contractual competence of women of status and substance.[18]

The legal incompetence of sons - or indeed daughters - who were minors is not disputed, but while the principle extends to any mac béoathar 'son of a living father' in some of the lists and elsewhere[19], the definition of airfócraig 'proclaimed incompetents' quoted above implies exceptions and other texts credit adult sons with a more or less limited capacity consonant with the level of socio-economic autonomy attained. Críth Gablach treats of the fer midboth 'man of middle huts' - normally a youth though he could be more advanced in years - who has yet to inherit but has his own house on his father's land and enjoys limited legal standing including contractual capacity, as is implicit in his right to receive a capital advance or fief from a lord. His situation seems not unlike that of the mac béoathar who, according to some texts, can lease land when there is insufficient scope on his father's estate, can purchase stock and domestic equipment and pay bride-price and fosterage-fee and who has a right to block any undertaking by his father likely to deprive him of his means of subsistence. While these are exceptions to an implicit rule of incapacity it is clear that such sons are

masters of their own family economic units and so resemble fully fledged kin members.[20]

The resemblance seems even closer in the case of a son given his inheritance in his father's lifetime. A category of mac béoathar described in Berrad Airechta as mac ailte / mac sáerleicthe 'fostered / emancipated son' is released after fosterage to pursue farming or a profession and may conclude contracts which do not impinge on his orbae 'inheritance / estate'. The aforementioned text on probationary periods allows that the contract of a mac sóerléicthe might take effect if unchallenged after three days. His position appears effectively indistinguishable from that of the adult male kinsman constrained only by his duty to preserve the integrity of the fintiu 'kin land or rights'. Berrad Airechta also includes among the sons of a living father the mac te 'warm son' - the mac gor 'dutiful son' of other texts - who maintains his father, to whom he is entirely subject as regards contracts. There is evidence that goire 'maintenance' denotes submission to paternal authority in a broad sense as well as provision for the elderly and that the latter task devolved upon all offspring as a concomitant of their entitlement to inherit. Córus Béscnai provides that a mac gor can dissolve his father's deleterious undertakings and even suspend those deemed beneficial and that the father has no more than the same rights vis-à-vis his son, whereas the mac ingor

'undutiful son' is legally incapacitated and can be deprived of his orbae 'inheritance, estate' which may then be assigned to anyone willing to perform goire for the father. There is obviously little to choose between the mac gor thus portrayed and the mac soerleicthe of other tracts.[21]

This digression on the status of women and sons raises a number of points about the position of manaig. Since the slave-like legal incapacity predicated of women and sons as of semi-freemen in the lists of dependents must in fact be qualified by a series of exceptions in each of these categories, it is a plausible deduction that something similar may be true of manaig. The fact that both women and sons appear to comprise various sub-groups lends colour to the supposition that manaig too were of more than one class, as is suggested by their being compared simultaneously to the mug, the fuidir and the céile. The analogy with sons and women also highlights kin membership as a conceptual model in some sense for manach-status. These inferences find support in the text on probationary periods after which the contracts of dependents come into effect if unchallenged - on the principle, expressed elsewhere in the laws, that silence betokens approval. The application of this principle to the contracts of a céile, a wife and an emancipated son has been noted heretofore, but the text also endorses the validity of

cor manaigh riagaltai sec apaid iar .v.thi...cor apad sec manachu iar n.x.maid.

the contract of a regular manach independently of his abbot after five days, the contract of an abbot independently of his manaig after ten days.[22]

Evidently at least some individual manaig are accorded a qualified contractual capacity and manaig as a body are invested with the power to block presumably disadvantageous undertakings by their ap, a measure which of course calls to mind rules governing the relations of husbands and wives, fathers and sons and, indeed, those between kinsmen and the head or body of their kin.

Notwithstanding the later connotations of ríagalta, it seems unlikely - pace Lisa Bitel - that in the present instance it signifies a conventional monk in orders as distinct from a manach of the more worldly sort. The essential ambiguity of the appellation manach has been noted in previous chapters, but one may venture to suggest that the personal poverty inculcated by the penitentials and monastic rules and which is also something of a hagiographical commonplace[23] is in principle characteristic of the adherents of a strict monastic observance, though it is conjectured below that, at least as a hagiographical motif, it may have a further figurative significance. In any event such poverty is entirely

inconsistent with the contingent contractual capacity expressly attributed to the manach ríagalta in the present case, and a sufficient explanation of the usage may be that it bespeaks a perception that ecclesiastical dependents in general are under rule, as is possibly indicated by the title of Ríagal Phátraic which sets out some of their obligations and entitlements. Later glossators show no inkling that a contrast between monks and worldly dependents is implied in the original. Manach ríagalta is glossed .i. saormanac 'i.e. noble / free manach' and the daormanach is numbered among the base or unfree whose contracts are deemed by the canonical text to be open to challenge for up to a month. The distinction is reminiscent of that between soércheile 'noble / free client' and doércheile 'base / unfree client' - or perhaps between the doérfuidir and the more prosperous fuidir - in the secular world and suggests that a greater freedom to contract independently was reserved to the more substantial of two grades of ecclesiastical dependent.[24]

The repeated juxtaposition of soermanach and doermanach in later gloss and commentary is not reflected in the canonical tracts which offer no unequivocal testimony that a systematic grading of manaig was contemplated, though it has been conjectured that this may have been a feature of the lost Cáin Manach.[25] However, in one of Charles-Edwards's lists, drawn from Córus Béscnai, contractual

incapacity is attributed to the doermanach specifically and this designation is also used in two of the lists which may be added to Charles-Edwards's collection and which prohibit certain categories from undertaking suretyship. It is possible that in these instances the epithet is not applied definitively but merely describes the dependent status of manaig in general. The formula sacart no dechain cen erchoiliud doermancha 'priest or deacon without vow of doermanach-hood' in the Old Irish Penitential is obviously descriptive rather than categorizing as it renders sine monachi voto presbiter aut diaconus 'priest or deacon without a monk's vow' in the Penitential of Cummean.[26] Moreover no corresponding attestation of soermanach in the Old Irish material has come to light. Nevertheless, the cumulative effect of the analogies with sons, women and fuidri, the positive attribution of a qualified contractual capacity to the manach riagalta and the occurrence of doermanach in some contexts where legal - including contractual - incapacity is at issue, is favourable to the hypothesis that the sub-classification of manaig attested in later gloss and commentary may have been contemplated at an earlier stage. We shall consider presently what evidence there may be for such differentiation on the basis of socio-economic functions, but attention is directed first to references which corroborate and expand what has been inferred regarding the individual and collective legal

competence of manaig.

Two canons of the Collectio correspond closely to Charles-Edwards's lists of dependents. They compare the monachus with the servus 'slave, serf', filius 'son' filia / femina 'daughter / female', peregrinus 'foreigner' and brutus 'senseless person', all of whom are denied power to go surety or swear an oath without superior authority, identified in the case of the monachus as that of his abbas. A general proscription of bequests by a monachus matches the contractual incapacity affirmed in principle by the Old Irish texts, but si vero abbas permiserit pauca commendat 'however if the abbot shall have permitted he (can) bequeath a little' and further

> si quis fuerit sub censu regali aut abbate et commendaverit aliquid, si audierit et tacuerit dominus duo diebus, non potest retrahere, sin vero, irritum erit.
>
> if anyone shall have been under royal census or (under) an abbot and have bequeathed anything, if (his) lord shall have heard and been silent for two days he cannot retract, but if not, it shall be invalid.

A husband's silence for two days is likewise said to be sufficient to validate his wife's bequest.[27]

As observed in chapter three, the Collectio regularly

portrays subjection to ecclesiastical authority as analogous to the condition of one sub censu regis 'under the census of a king', while an ecclesiastical census is expressly countenanced in the Liber Angeli. The word has connotations of tribute or rent and also of charges, prerogatives and legal authority. The church's prerogatives are unambiguously designated census in one instance in the Collectio, a chapter heading which affirms quod regis et episcopi aequalis sit census 'that the census of king and bishop are alike'. The text proceeds to prescribe what is due by way of atonement for misappropriation of ea quae sunt regis aut episcopi 'those things that belong to the king or the bishop'. In the canon quoted above the ablative abbate appears to be governed by sub rather than sub censu, which would require genitive abbatis, but the consequences of subjection to secular magnate or abbot are undoubtedly equated and involve not just a simple tributary obligation but a curtailment of the subject's freedom to alienate property without sanction. The passage is strikingly reminiscent of the vernacular text on probationary periods and the two-day period of grace prescribed for both ecclesiastical and secular dependents - compared with the vernacular text's stipulation of a single day in the case of the céile and five days in the case of the manach - suggests that the latter may be identified as céili rather than more debased secular dependents. Attribution to

monachi of a qualified individual contracting capacity is plainly indicated.[28]

As far as the collective competence of ecclesiastical dependents is concerned, disposal of assets by a princeps ...sine consilio subjectorum 'church ruler without consultation with his subjects' is prohibited, where subjecti would seem to be synonymous with monachi. In an anecdote concerning some monachi who contested a bequest of land by their princeps, an episcopal arbitrator is said to have upheld the validity of the undertaking, but the canonists' assumption plainly was that monachi acting in conjunction could at least suspend their superior's transaction and have the matter reviewed independently. The joint interest of the manaig in ecclesiastical lands is also evidently attested by a vernacular legal maxim which describes as futile and eminently reversible initiatives tri do reic sech manchu, sech fine, sech cetflaith 'selling land in disregard of manaig, of kindred, of primary lord'. The significance of this for the socio-economic position of manaig is touched on below.[29]

Bitel maintains that familia betokens application of the image of kinship to the strictly monastic elite and holds that the 'clients, tenants and servants' denominated manaig in legal material did not share 'the spiritual kinship of the monks' but that their relations with the 'monastic familia' were essentially contractual. The use of familia

as a generic designation of the community of a church or group of churches has been noticed in chapter three, and in one instance the vernacular equivalent muinter is clearly distinguished from the manaig and may be visualized as signifying the ecclesiastical elite comprising clergy as well as strict monastic types. A similar distinction is apparent in at least one reference to familia in the Collectio but in annalistic allusions to the fighting forces of various churches in the eighth and ninth centuries familia and muinter would seem to denote the wider ecclesiastical community including manaig, as Bitel concedes in the case of the vernacular usage. Furthermore, the collective identity of manaig undoubtedly bears comparison with that of a kin-group in passages of Córus Béscnai and the Additamenta examined in chapter three, in which they are accorded a contingent interest in the succession to the office of church ruler and in the first of which mainche occurs as a collective appellation for the body of the manaig seemingly on the analogy of fine 'kin'. The Collectio credits the subjecti with a say in the appointment of their superior. Such provisions should be viewed in the light of the probability that kinsmen selected their head.[30]

It has been noted that the metaphor of head and members, apparently inspired by kinship, is applied to manaig in three of Charles-Edwards's lists. Bechbretha adverts to

this in equating the the entitlements of church and kin to a share of finds made on unappropriated land by their respective membur. This usage as well as goire, with its connotations of filial duty, are found in Córus Béscnai, seemingly with reference to the service of manaig in a church of good standing, which should have cach memur ina mamaib coirib co ngaire, cach gaire ina cirt 'every member at his proper duties with maintenance, every maintenance as is fitting'. Manach-service is also identified with goire in an allusion in the tract on díre to cach manach ardafogna mamaib gaire 'every manach who serves it (viz. the church) with duties of maintenance' and in Di Dligiud Raith 7 Somaíne la Flaith, which juxtaposes

> cach bean nadbi druth genmnaide, cach macc bess gor di athair, cach manach bes gor dia eclais.
>
> every woman / wife who is not more wanton than chaste, every son who is dutiful to his father, every manach who is dutiful to his church.

The same association is found in an Old Irish gloss on the fragmentary text of Cáin Ḟuithirbe and seemingly in the text of Bretha Nemed Toísech.[31]

Charles-Edwards's belief that kinship afforded the jurists an apposite model for at least some aspects of the condition of manaig is surely justified. It is exemplified

by the application to them of the image of head and members, the description of their services as goire, and also by the fact that it would seem to furnish quite a precise paradigm of their collective legal competence. This bears out Hughes's conclusion that manaig and their head 'form a kind of corporation' with mutual obligations and entitlements, even allowing that, as Charles-Edwards observes, her account of the vernacular sources is largely reliant on later gloss and commentary. The legal capacity of the individual manach is regularly likened to that of dependent kin members such as the wife and son because, it may be supposed, some enjoyed a qualified legal capacity not substantially different from that of the adult male kin member, whereas others were subject to greater restrictions. Unequivocal testimony that manaig comprised more than one social category - as apparently accepted by Hughes and tentatively conjectured by Charles-Edwards - is wanting in the canonical tracts but is abundant in the later glosses and commentaries. An accumulation of circumstantial evidence which suggests that this was the case offers the most obvious explanation of the ostensibly conflicting precepts regarding legal capacity in the early material.[32]

Before turning to consideration of the socio-economic conditions of manaig, some comment is required on the question of honour-price. This is the quintessential marker

of the individual's status in Irish law, as it determines the díre-compensation due for offences against him, as well as the extent of his legal worth in matters such as contract, suretyship, oath-swearing and giving evidence.[33] No explicit mention of a specific honour-price in connection with manaig has been discovered, but some light is shed on the matter by a passage in the Senchas Már tract on díre which deals with the apportioning of this compensation in the case of dependents. Following stipulations regarding minors and the sharing of díre due in respect of a fosterling between his fosterer and his father, it is observed

> Ata cosmailius dona canaib-so fri cain flatha 7 a celi, 7 fri cain neclaise 7 a manac, air is ogdire direnar cele cetgiallna dia flaith; is lethdire direnar celi forgiallna; triandire ic cuitred corach. Landire hi fuidre, landire i cele fuiseten. Is ogu cain eclaise andas ani-siu, air is ogdire direnar di suidiu cach manach ardafogna mamaib gaire.

There is a resemblance between these regulations and the regulation of a lord and his client and the regulation of a church and its manach, for (? or 'and'?) it is with respect to full díre that a primary base client is compensated to his lord; it is with respect to half díre that a secondary base client is compensated; with

respect to a third of díre in the case of a tertiary base client. Full díre in respect of fuidri, full díre in respect of an 'acknowledged client'. The regulation of the church is more complete than this, for it is with respect to full díre that every manach who serves it with duties of maintenance is compensated to it.[34]

This can hardly mean that the primary base client as well as semi-freemen in general forfeited to their lord all díre due to them, since this would leave the normal céile as bereft of independent legal personality as the virtually servile dóerfuidir. As has been pointed out the tract on the fuidir clearly states that the fuidir of substance owes but a third of his díre to his lord and although indications to the same effect are less conclusive in the case of the base client, his standing cannot have been effectively lower than that of the fuidir. A more likely explanation of the prescription is that it concerns not the proportions of díre appropriated by the lord but the proportions taken into account in assessing his entitlement. Thus the lord is to receive a share of the full díre due for offences against his primary base clients, his 'acknowledged clients' and his semi-free dependents, and a share of a diminishing fraction of what is due for offences against his secondary and tertiary base clients, whose links with him are less exclusive. The

church, however, is to be compensated in respect of all its dependents on the basis of their full díre, presumably on the assumption that the allegiance of manaig is indivisible in principle, a point discussed in the second section of this chapter. This interpretation has determined that the independent datives ógdíriu, lethdíriu and triandíriu in the text be rendered 'with respect to full díre', etc., rather than 'with full díre'.[35]

The upshot of this is that the text should not be taken to intimate that all manaig forfeited to the church the entire díre due for offences against them. Moreover, it would seem that díre-compensation presupposes the existence of honour-price, and the close linkage of the two is illustrated by the fact that the term díre itself sometimes refers to honour-price.[36] There is no indication as to whether the honour-price of a manach would be calculated as a fraction of that of the head of the church, on the analogy of the dóerfuidir, or having regard to his property, as in the cases of the fuidir of substance and of the céile. Perhaps the lost Cáin Manach would have elucidated the matter, but in the absence of direct evidence it seems permissible to surmise that while manaig of little or no property may have been in a situation corresponding to that of the dóerfuidir, the qualified individual legal capacity apparently enjoyed by property-holding manaig is consistent with the notion that their

honour-prices, like those of the more substantial dependents of a lord, would have been related to their assets.

V.2 THE SOCIO-ECONOMIC FUNCTION OF *MANAIG*

It must be acknowledged at the outset that due to the character of the sources the picture of the socio-economic position of ecclesiastical dependents presented is a rather incomplete one, and on a number of points interpretation is attended by considerable uncertainty. The light which the law tracts cast on the matter is typically incidental to their preoccupation with strictly legal issues of status, capacity, entitlement and procedure. This bias is exhibited by the lists of dependents, including those that treat of partnerships governed by *cáin*, which Charles-Edwards sees as testimony to a resemblance between *manach* and *céile* as regards 'general relationships'. The palpable consequences of these *cáini* in the texts concerned are primarily legal: entitlement to *díre* in the example just quoted in the preceding section and in two others the stipulation that what either partner may have consumed of the other's assets shall entail restitution but no additional penalty. It can be inferred that the *manaig* mentioned in the latter two lists enjoy a measure of proprietorship like that of the *céili*, *fuidri*, sons, women, pupils and fosterlings who accompany them, but no decisive conclusion can be drawn

about the comparative socio-economic standing of manaig, since one of these lists portrays the relationship of a lord and his cumal 'female slave' as also subject to this regulation.[37]

Allusions to the socio-economic condition of manaig in the legal corpus are generally oblique in character and comparatively scarce. They may be supplemented by the witness of hagiography which again, however, is of limited value, consisting as it does of stereotyped narrative motifs of the labours of the saints' communities, the relevance of which to the everyday circumstances of ecclesiastical dependents is debatable, together with passages which perhaps adapt the formulae of actual charters in recounting grants of human servitors as well as property to the church, but in terms which are usually vague about what their services involved.

Charles-Edwards holds that the regular dues paid by manaig correspond to the food renders of secular clients. He affirms that manaig paid at a lower rate because, unlike dóercheili 'base clients', they could not aspire to outright ownership of their stock on the death of their lord, since their lord was an undying institution. He holds that manaig can have performed few labour services as they normally farmed lands at a distance from the 'demesnes or home farms' of their churches, from which latter he believes that the subsistence needs of the nucleated

settlements were supplied through direct exploitation by what he calls monks, though he is also minded to question whether ther was any clear-cut distinction between 'monk' and 'monastic tenant'. He maintains that that manaig were but tenants of church land, whereas clients as kinsmen farmed their allotted shares of the fintiu 'kin land', and he seemingly implies - though without developing the point - that the role of manach was transmissible to offspring, at least in the case of a kindred 'subjected to the church qua continuing kindred'. This undoubtedly constitutes a lucid and valuable attempt to account in brief for the incidents of ecclesiastical dependents' tenure and the aspects to which he draws attention - food rent, labour service, stock, land and inheritance - are the essential criteria by which their socio-economic position must be judged. With the exception of inheritance which is considered separately in the next chapter, they provide the framework for the discussion which follows. Account is also taken of the views of Doherty and Bitel who, largely relying on the evidence of the saints' Lives and following up a point made by Hughes but only noticed in passing by Charles-Edwards, essay a sub-classification of manaig on the specific analogy of the distinction between the secular dóerchéile 'base client' and sóerchéile 'noble or free client'.[38]

The food renders of manaig in the form of tithes, first

fruits and firstlings have been adequately described in the preceding chapter. Leaving aside for the present the question of the reciprocal considerations in respect of which they were expected to be forthcoming, they would appear in themselves to be good grounds for comparison with the obligations of clientship, but perhaps not exclusively so. The fuidir of substance also supplied food rent to his lord from whom he received an advance or fief of stock or land, for the tract on fuidri declares him to be capable of feeding his lord. This contrasts with the reliance of the debased fuidir of virtually servile status on the flaith arid-mbiatha 'lord who feeds him', for like the Anglo-Saxon hlāfaeta 'loaf eater' he seems to have been a labourer dependent on his lord for sustenance. The phrase meth cacha fuidre 'default of each semi-freeman' in the same tract employs the technical term - literally 'decay, failure' - elsewhere used of the client's non-performance of due services.[39] Cís, which can designate charges in a broad sense, occurs in Di Astud Chirt 7 Dligid with reference to the rents of fuidri and base clients alike, in the expressions fuidre bithcomaideadan cis 'semi-freemen acknowledging rent in perpetuity' and forcomal chis flatha i cain aicillne 'seizure in respect of a base client's rent according to the law of base clientship' (possibly a reference to the Senchas Már tract so entitled). Thus mention by a heptad of bo ciss flatha no eclasa 'a cow

assigned to a lord's or a church's charge / rent / tribute' could betoken an analogy between the entitlement of a church from its subjects and the render of either a client or a fuidir, though of course a less specific notion of charges may have been intended.[40]

However, apart from requiring that the more substantial semi-freeman furnish his lord with unspecified refection, the tract on the fuidir does not spell out what rents were expected. Scholars have tended to accept the later commentator's assertion that fuidri were tenants-at-will, bound to perform whatever their lord might demand or else terminate the connection. The gíallnae éislinne 'uncertain service', which distinguishes fuidri from both clients and senchléithe 'serfs' in a somewhat enigmatic passage of Críth Gablach, has been taken to allude to this aspect of their condition. Presumably the debased dóerfuidir irrevocably bound to his lord was in a different situation and the reference above to perpetual acknowledgement of cís may suggest that the allegiance of some rent paying semi-freemen was also of a more lasting nature. If, however, the typical fuidir was indeed liable for uncertain services, he would thus be clearly distinguishable from the client and manach, with their precisely tabulated renders.[41]

A broad parallel between ecclesiastical dependents and rent payers, especially base clients, is conveyed by the

opening paragraph of Bretha Comaithchesa, a pseudo-etymologizing exposition of comaithches - which means 'neighbourly relations, joint farming', literally 'joint rent payment' - including the comment

> is comaithces arinni is cuma nodogaib aire fri aithech 7 aircindech fri bachlach.
>
> it is joint farming because a noble receives them (fines for trespass) like a rent payer and a church ruler like a bachlach.

Bachlach in some contexts denotes a secular bondman or churl but here and in another canonical legal text it plainly signifies an ecclesiastical counterpart to the secular aithech, as the derivation from bachall 'crozier, staff' would suggest. Aithech is not strictly classificatory but loosely descriptive of a rent paying commoner as opposed to a noble, being formed from aithe, verbal noun of ad-fen 'repays', and so might be expected to cover the more substantial fuidir as well as the céile. However, Cóic Conara Fuigill differentiates between aithig, fuidri, bothaig 'semi-freemen' and senchléithe 'serfs' and in Críth Gablach aithech always refers to a commoner of 'free' status. In this light the parallel between aithech and bachlach and the professed right of both to share fines for trespass with their respective lords certainly tells

against Doherty's opinion that the bachlach is an ecclesiastical variety of senchléithe. In fact the context of the usage indicates that bachlach designates a rent paying dependent of the church who is readily comparable to the base client.[42]

Ó Corráin conjectures that the aithech baitside 'rent payer of baptism' who figures among the commoners in Críth Gablach may in reality be a grade of ecclesiastical dependent, since the exemplary personal probity including periodic sexual continence which characterizes him is reminiscent of what is elsewhere recommended for the subjects of the church. An alternative designation is aithech arathreba a deich 'rent payer who farms with his tens', for his stock ideally consists of ten cows, ten sheep and ten pigs, and as a fief of base clientship he receives ten cows. The chief element in the food render of other commoners in clientship is a specified animal, be it a wether, a calf or a milch cow. That of the aithech baitside is described as forggu díne, which Binchy emended to dínet and translated 'the best lamb', remarking that this 'suits the context admirably'. However, it would seem to represent a significantly smaller levy relative to his fief or advance of stock than that paid by either of the grades below him in the schema of Críth Gablach. A translation 'pick of the (young of the ?) herd(s)' is also possible, and liability for a calf, perhaps accompanied by

a lamb and a piglet, seems more appropriate to the number of his stock. Such a ratio of render to stock suggests payment of a firstling or tithe. The aithech baitse also appears in Míadslechta, but among the property-less who lack independent legal status. He is said to be a fer na saera dan na trebad 'a man whom neither profession nor husbandry ennobles / enfranchises', who has no part in gnimiu laich 'functions of a warrior / layman' and who is unfit to act as ráth 'paying surety' or aitire 'personal surety' fri flaith na eclais 'in respect of lord or church'. These formulae also conceivably refer to an ecclesiastical subject.[43]

A further possible hint that ecclesiastical dependents were regarded as resembling base clients in a general sense may be noticed briefly. This is found in an adage in Bretha Nemed Toísech which affirms ni flaith nad aicillither, ni heclais nad adhruidter 'he is no lord who is not served in base clientship, it is no church to which there is no adherence'. While the exhortation is rhetorical in character, the analogy between adhesion to the church and the allegiance of base clients is striking.[44]

The proposition that manaig were subject to a lower rate of render than were céili requires closer examination. This would certainly be true if the comparison were with the renders of the sóercheile 'noble or free client', which were levied in an annual ratio of one in three relative to

the capital advanced to him, a rate indisputably far in excess of that paid by base clients or manaig, notwithstanding Bitel's misapprehension that 'the rents of a free client were lower than those of base clients'. The heavy rent of the soérchéile and other features of his socio-economic circumstances touched on hereafter, together with hints of a political dimension to his allegiance, renders it unlikely that the distinction between him and the base client is of more than terminological significance for any differentiation between categories of manaig. In any event the comparison intended by Charles-Edwards is undoubtedly one between manaig and base clients, to whom alone pertains the prescription regarding title to fiefs of stock on the lord's death, to which he draws attention.[45]

A base client's annual rent was determined by the size of his advance of stock, which in turn depended on his rank, but typically it consisted of a specified animal with its fosair / timthach 'accompaniment', chiefly meat, dairy produce and the fruits of tillage. A common yardstick by which the various commodities might be precisely measured is not available, but even assuming the value of the fosair to be greater than that of the beast it accompanied, as Marilyn Gerriets suggests, the client's obligations are not self-evidently more onerous than those of the ecclesiastical dependent. Judging by the stipulations of the Latin and vernacular texts discussed in the preceding

chapter, manaig were liable not just for tithes of cattle and crops but for firstlings of stock and first fruits of tillage (and perhaps also of stock). Furthermore, the terms of these provisions and of the account of tithing in the Tallaght documents do not seem to warrant Charles-Edwards's limitation of the tithe of beasts to the young of each species. Thus a manach with fifteen cows would pay annually a cow and a calf or two - depending on whether first fruits as well as firstlings of stock were taken - together with tithes and first fruits of his tillage, and not just the the two calves envisaged by Charles-Edwards. This closely resembles the render of a base client who, on a capital of twenty cows yielded annually one milch cow and its fosair, comprising three calves, a pig, meat, dairy produce and the fruit of tillage. Indeed a manach with twenty cows might expect to pay two cows and two or four calves plus the appropriate levies on his other produce and accordingly would appear to have borne a comparable or even a somewhat heavier liability. The apparently early legal dictum trumu dliged neclasa fora manchaib na dliged flatha fora ceilib 'the church's entitlement is more burdensome upon its manaig than is a lord's upon his clients' conceivably reflects their relative positions in regard to food renders, though since it is quoted in a later digest with reference to the longer probationary period during which the contracts of manaig might be impugned, such an

inference may not be justified.[46]

On the subject of personal services, Hughes, Ó Corráin, Doherty and Bitel would seem to agree that direct labour was undertaken by manaig, but Charles-Edwards holds that this was of negligible importance compared with their food renders and that 'monks resident in the monastery' were the labour force on the church's putative demesne. Manaig were unlikely to fill this role because, in his belief, they typically occupied lands at too great a distance from the church. There appears to be a fundamental misconception here, which is perhaps conditioned by his awareness that grant formulae which he cites from the Patrician documents relate to properties far removed from Armagh, as well as by the ubiquitous hagiographical motif of monastic labour, of which more anon. Closer scrutiny of these grants in the Patrician dossier shows that the vast majority can be linked with churches in the localities concerned - such as Drumlease Co. Leitrim, Inishkea Co. Mayo, Racoon Co. Donegal and Trim Co. Meath - which were claimed to be Armagh's subsidiaries. If 'one must assume local rechtairi "stewards" based in churches subject to the leading church of a paruchia and charged with rent collection', as Charles-Edwards proposes, it is equally plausible that these local churches benefitted from direct labour by the manaig occupying the lands associated with them. Ríagal Phátraic in no way suggests that the manaig of local

churches who are enjoined to perform a day's ploughing annually for the sustenance of their pastor are of a different order from those required to pay tithes. By the same token Córus Béscnai prescribes days of fognam 'service' - and the later glossator assumes that direct labour is intended - under the heading of tithes, again with no hint of a distinction between those deemed liable. Whatever revenue may have accrued to Armagh from applying its census, promulgating its cáin, venturing on cúairt 'circuit' and establishing a local administrative machinery presided over by a maer 'steward, judge' - all discussed above in chapter three - it is hardly likely that manaig attached to the churches of its widely scattered paruchia paid their food renders directly to Armagh, though some such assumption apparently underlies Charles-Edwards's remarks. There seems no reason to doubt that food renders and labour service alike would have been due from manaig to the local church to which they were attached.[47]

The semantic development of manchaine - which originally seems to have alluded to the services of manaig - to denote the personal service of clients is a telling indicator that such service was of the essence of manach-status. In the case of the soércheile 'free or noble client', the primary obligation of manchaine may have been attendance on the lord as part of his retinue, though glossators refer to labour service which, in view of the

exalted socio-legal standing of the *sóercheíle*, would doubtless have been performed by his own more menial dependents. The *manchaine* of the base client would seem to have involved direct labour. A provision of *Córus Béscnai* quoted in chapter two defines *manchaine* as legal and military support and attendance as well, apparently, as labour service, which are the entitlement alike of a lord, an *ap* 'abbot' and a kindred from their respective dependents or members.[48]

Vernacular hagiography contains numerous anecdotes of lay persons offering their *manchaine* or *fognam* 'service' to the saints in a spirit of repentance or thanksgiving for favours done, and corresponding episodes in the Latin Lives refer to those who become *monachi* or undertake *servitium* 'service'. Such persons are perhaps to be associated with the *áes aithrige* 'penitent folk', the similarity of whose position to that of *manaig* has been highlighted above in chapters two and four. Another appellation is *athláech* 'ex-layman, ex-warrior', who in *Míadslechta* is accorded quasi-clerical status. The annals from the late seventh century frequently report the ecclesiastical retirement of lay magnates and many of those who are portrayed in hagiography undertaking *manchaine* or the *servitium* of *monachi* belong to the same class. Notwithstanding the hagiographical rhetoric of absolute submission, it is unlikely that the personal service of such individuals generally involved manual

labour and it may be conjectured that the church gained prestige and perhaps legal weight from its association with persons of standing, much as the secular lord would seem to have done from the support of his free clients. However, it is likely that the personal service of less notable persons would have been of a menial character.[49]

Evidently the main economic service required of the base client was assistance in tilling the lord's fields, including participation in the meithel 'reaping band'. In the nature of things one would not expect this or the other services comprising the client's manchaine to be precisely quantified since since they were presumably determined in practice by the variable needs of the lord in spring, harvest-time and the like. Indeed this aspect of the base client's obligations may have been as uncertain as those of the rent paying semi-freeman, whose labour services like his food renders are not specified in the tract on the fuidir. In the case of ecclesiastical dependents it is noteworthy that, as pointed out in chapter four, while Ríagal Phátraic and Córus Béscnai mention fixed numbers of days of labour, the latter stipulates

> cach .vii.mad la don bliadain do fognam do Dia fri cach tacarta bes docho araile iar naidilgne uird

> every seventh day of the year in service to God, in respect of any requirement which is more pressing than

another according to the order of necessity,

a formula which appears to allow some discretion to church authorities in assigning tasks to their subjects. A later glossator explains that the greater burden fell i nerruch 7 i fogmar 'in spring and at harvest' when the demands of tillage would be heaviest, and envisages that more days of labour would be expected of dóermanaig than of sóermanaig. Otherwise details of the labour services of manaig have not come to light in the legal material examined. Notice in one passage of a fidhba 7 a feac 7 a sluasat 'his billhook and his spade and his shovel' among the accoutrements of a manach can be taken as intimating no more than that he was engaged in agriculture.[50]

Penitentials and monastic rules occasionally allude to labour as a penitential exercise or as part of an orthodox monastic discipline but cast little light on its economic aspect. However Ríagal Mochutu prescribes lubar dond aes anecnaid 'work for the unlearned' and affirms that uilliu fít na n-opréoire, cip magen i mbet 'the workmen's ration is larger, wherever they may be', possibly implying the existence of a distinct labouring class, while the Penitential of Cummean refers to the penance of inferiori gradu...monachus..si operarius est 'a monachus of inferior status...if he is a worker'.[51]

There is an abundance of hagiographical allusion to the

manual labour of ecclesiastical communities which though rather stereotyped is not without interest. A conventional monastic milieu is clearly intended in the early Vita of Molua, which states that the day was divided in three, one part for prayer, one for reading and the third ad operationem 'for work'. In the equally early Vita of Colmán of Lynally it is deemed inappropriate that a member of the community whose future eminence is presaged should have to endure gravi labore et parsimonia 'heavy labour and frugality'. Adomnán and the Middle Irish Life of Colum Cille mention construction work and wood-cutting for this purpose by the monachi of Durrow and the manaig of Derry. In the late Vita of Gerald of Mayo food is provided pro fratribus laborantibus 'for the labouring brothers' who are apparently engaged in building, while the work of the fratres in the early Vita of Cainnech includes carting of timber. In the Middle Irish Life of Finnian the manuigh carry wood back to the church.[52]

Agricultural labour figures prominently. Berach of Kilbarry when at Glendalough concerned himself with culture et aliis laboribus ipsius monasterii 'husbandry and other labours of that monasterium', while Coemgen of Glendalough is depicted toiling in agro cum fratribus 'with the brothers on the farm'. There are hints that such work was pursued in relative proximity to the church settlement. Adomnan reports Columba's being greeted at Clonmacnoise by

those working in the agellulis monasterio vicinis 'small fields near the monasterium', outside its vallum 'rampart', and there are references to Mac Nisse of Connor labouring with his monachi outside the monasterium, while Mochoemoc cum fratribus suis laborabat in agro prope monasterium 'used to work with his brothers on the estate near the monasterium'.[53]

There is a particular emphasis on tillage. Moling is depicted digging on the farm with his fratres and Molua engages in seeding. The Middle Irish Life of Colum Cille seems to regard airemain 'ploughmen' in Iona as manuigh and a slightly obscure passage in the Tallaght documents suggests that feil na nairemon 'feast of the ploughmen' was instituted by Colum Cille in connection with the work of the braithre 'brothers' in spring and early summer when tending and watering the crops. A reference in the Vita of Ciarán to his labouring in agro 'on the estate' corresponds to fechtus dobhi Ciaran ag cur sil an Isill 'once Ciarán was sowing seed at Isel' (near Clonmacnoise) in the Irish Life. Allusions to harvesting are quite common. Adomnan describes the fratres as messores 'reapers' engaged in messionis opera 'harvesting work' and there is frequent mention in other Lives of the messis 'harvest' and the seges 'cornfield, crop'. In the Vita of Coemgen it is said that the authorities at Kilnamanagh collegerunt plures in segitibus suis messores 'assembled many reapers in their

cornfields', for whom refection had to be provided. A reference in the Vita of Ciarán to a time when fratres sancti Kiarani in messe laborarent 'the brothers of holy Ciarán were working on the harvest' is rendered by the Irish Life as braitri 'brothers' - or manuigh - ic buain i Cluain 'reaping in Clonmacnoise'. Bethu Phátraic describes muinter Pátraic oc búain orba 'the community of Patrick harvesting an estate' near Armagh. Another anecdote in Ciarán's Life portrays him oc tinol meithli buana 'assembling a reaping band', while in Colum Cille's Middle Irish Life food is prepared do mheithil 'for a band of harvesters'.[54]

It is reasonable to suppose that collaborative exploitation of what may be fairly described as a kind of demesne close to the church settlement is envisaged in many of these hagiographical motifs, and the importance of arable farming is further emphasized by numerous allusions to corn and milling.[55] Certain of the above passages, especially some of those which refer to the assembling of harvesters, are so worded as to suggest the involvement of labourers from outside the conventional monastic milieu and who are on occasion conceivably identifiable with the rent paying dependents discussed hitherto. Thus Ciarán's summoning of a meithel búana 'reaping band' is evaded by an óclaéch 'youth' who is struck dead, as a result of which his relatives undertake to reap for Ciarán and promise him

ar mainchine 7 ar bhfoghnamh 'our manach-service and our labour' in return for reviving the youth, who then also proffers a mhainchine. On the other hand the language of many of the citations, notably those in which the saint himself is depicted as participating in the labour, is consistent with the interpretation that the work was carried out by what Charles-Edwards calls 'monks resident in the monastery' to supply directly the subsistence needs of the community, in accordance with the principle expressed in the Vita of Brendan, monachus enim labore manuum suarum alitur et vestitur 'a monk is indeed nourished and clothed by the labour of his hands'.[56]

However, it is not clear what weight should be placed on the hagiographical convention of labour in an orthodox monastic context. To be sure, labour in the early stages of insular monasticism - to which Adomnán's record of Colum Cille's Iona can be considered some guide - seems likely to have been performed by what we should call monks sensu strictiore. The same is doubtless true of later communities in which a strict discipline prevailed, to which much of the penitentials and monastic rules of the seventh to ninth centuries are professedly addressed and to whose existence the Tallaght memoir attests. A community of that kind is presumably what the Old Irish Penitential denominates an eclais oentath 'communal church', in which sainchrund 'private property' is prohibited. Bretha Nemed Toísech

numbers sainchron among factors precipitating the degradation of a church, but this is not to be understood as a prescription for universal monastic poverty but rather perhaps as a counsel of perfection, for the church depicted in the tract also embraces the manach béothlusach 'livestock-possessing manach'. Indeed, the Tallaght documents themselves convey the impression that rigorous observants of an ascetic monasticism often constituted but another segment of the privileged caste of clergy, administrative officials, intelligentsia and craftsmen who were sustained by the more humble mass of ecclesiastical subjects from whom tithes were forthcoming and whose saothar 'labour' is in one instance treated as part of a penitential regime.[57]

Bitel denies that the hagiographical convention of monastic labour is a true reflection of the prevailing reality, but in other respects her interpretation is questionable, impelled as it is by her underlying conviction that a clear distinction between orthodox monks - to whom, she believes, monachus and manach in the Lives invariably refer - and the manach of the laws obtained generally. She is driven to accuse the hagiographers of a 'determination to confuse spiritual ideal and economic reality...in their depiction of monastic labor', for although they 'knew that the labor of clients brought the brothers their bread and meat, they chose to fill the vitae

with pictures of monks scratching at the earth with their hoes'. She twice cites passages from the Vita of Carthach / Mochutu - for which an eighth-century original has been proposed - as evidence of transformation from a stage when monachi sui sarculis et pedibus omni anno arabant et in humeris suis onera portabant 'his monachi used to till every year with (their) hoes and feet and bore loads on their shoulders', to one in which lay endowment 'saved the brothers from sweating in the fields, for they could now afford clients, equipment and food supplies' and might own horses and cattle. An examination of these motifs - which have a parallel in the early Vita of Fintan of Clonenagh - finds no mention of the acquisition of 'clients', and the essential point would appear to be the extreme ascetics' aversion to proprietorship, which is overcome in Carthach's case to the extent that in consequence of obtaining oxen, monachi...de cultura terre suis sarculis excussi sunt 'the monachi were excused from tilling the land with their hoes' and the saint permisit monachis suis...boves et equos habere 'allowed his monachi to have cows and horses'. It is not intimated that the monachi ceased to labour, but rather that they applied more sophisticated technology to tillage and extended their activities to include pastoral farming. Far from bearing out the distinction between monks and 'clients' upon which Bitel insists, the episode tends to suggest that the confusion imputed to the hagiographers

cannot be discounted as some perversity on their part, but is simply a manifestation of the fundamental ambiguity attaching to the term monachus - no less than to its vernacular equivalent - since the text may be understood as alluding to the economic functions of ecclesiastical dependents so designated.[58]

In a passing comment which bespeaks misgivings about the whole thrust of her analysis, Bitel avers that 'the line between...monk and manach was less clear than the hagiographers would have us believe'. However, Charles-Edwards's observation that the distinction is that of 'modern scholars' and 'may perhaps obscure the issue to some extent' is more apposite, though he reverts to it in differentiating between the food renders of manaig and the direct labour of 'monks'. Attempts to interpret hagiographical motifs of labour in the light of such a distinction ignore the possibility that these allegories may have a bearing on differences of a primarily socio-economic kind between manaig who paid food renders and those whose chief or sole contribution was direct labour. In seeking to define these one may take as a plausible premise Charles-Edwards's postulate of a linkage between dispersed settlement and free status on the one hand, and between nucleated settlement and servile or virtually servile status on the other. An apparent corollary is that rent paying ecclesiastical dependents, like secular

clients, would not have resided in a nucleated settlement but on their individual farmsteads which, however, may be supposed to have been sufficiently close to the church to permit their occasional assembling for labour and other duties and to allow a regular pastoral ministry to operate. That the cattle of the church were generally kept in relative proximity to it is perhaps inferable from one formulation of the notional extent of the precincts of a civitas refugii 'city of refuge' in the Collectio:

> Omnis civitas sacerdotibus data cum suburbanis suis xv milia longitudinis et latitudinis x milia alendis pecoribus sacerdotum fuit.
>
> Each city has been given to the priests with its precincts fifteen thousand (paces) in length and ten thousand (paces) in breadth for sustaining the priests' cattle.[59]

Motifs in the saints' Lives cited above are conducive to the interpretation that there also existed a category of dependents who, by contrast with manaig who supplied food renders, had little or no agricultural capital in their individual charges and whose economic function consisted essentially of direct labour on land immediately adjacent to the nucleated church settlement in which they resided. The extent to which they also conformed to the observances

of an orthodox monasticism, as suggested by the Lives, may be thought to have varied in practice. The most debased cultivators on ecclesiastical estates are sometimes described in hagiographical material - notably in the Patrician dossier - in terms of servility. Land is granted cum servis in eo sibi famulantibus 'with the serfs serving them there' or with its sencleithi 'serfs bound to the soil'. An ostensibly monastic community is explicitly likened to serfs in an episode in the early Vita of Fintan of Clonenagh, in which Fintan is said to have gone forth

> ut fratres in agro visitaret. Tunc fratres, videntes eum, occurrerunt ei, et suis manibus hinc inde tenentes illum, postulaverunt refectionem, sicut mos est servis laborantibus videntibus dominos suos aliquid refectionis ab eis ludo querere.
>
> to visit the brothers on the estate. Then the brothers, seeing him, ran to meet him, and grasping him then with their hands requested refreshment, just as it is the custom for labouring serfs, seeing their lords, to make as if to seek some refreshment from them.

The socio-economic condition of the labourers portrayed in the Lives would appear to be altogether more servile than that of the manach who paid food renders like the secular base client and fuidir of substance. The prophetic

utterance concerning Patrick in Córus Béscnai - saerfaid mugo, moaichfid docenel tria grada ecalsa 7 tre fognam naithirge do Dia 'he will free / dignify slaves, he will exalt base kindreds through the grades of the church and through service of penitence to God' - may imply that even the lowest stratum of ecclesiastical dependent was considered of more account than a slave, but one wonders if this amounted to more than rhetoric and if the elevation promised was understood in a spiritual rather than socio-economic sense.[60]

It is tempting to suppose that the postulated distinction between manaig who supplied food renders and also performed some labour services and those whose sole contribution was direct labour approximates to that between sóermanaig and dóermanaig in later legal glosses and commentaries. However, a simple equation of these categories is countered by the terms of a gloss on Córus Béscnai - cited heretofore - which compares the amounts of labour service required of sóermanaig and dóermanaig. Of the two estimates quoted, the most demanding fixes the liability of the dóermanach at an annual total of about eighty-six days, including one day in three in spring and at harvest, compared with fifty days due annually from the sóermanach. Clearly the difference between the grades of manaig depicted here is nothing like as great as that between chiefly rent paying and exclusively labouring

classes, and it may be conjectured that it resembles rather that between the base client and the fuidir of substance who, it has been suggested, could be regarded as a degraded variety of base client. On the other hand glosses on Córus Béscnai and on Córus Fine, as well as Mac Firbhisigh's legal glossary, give as examples of dóermanaig the manach nuna 7 gola 7 gabla 7 gill do bas 7 crui 'manach of famine and pit and gallows and of a pledge to death and of violent death'. These designations refer to the church's adoption as manaig of persons rescued from starvation or ransomed from what appear to be various forms of judicial execution.[61] Redemption from both eventualities is instanced in hagiography, and those so redeemed may be presumed to have entered the ecclesiastical community at the lowest level, although in a few cases the Lives claim that they attained more eminent positions.[62]

Significantly, the tract on fuidri classifies as dóerfuidri 'base or unfree fuidri' fuidir goible, fuidir chrui, fuidir gola 'fuidir of the gallows, fuidir of violent death, fuidir of the pit', and there are references in later glosses to fuidir gill do bas 'fuidir of a pledge to death' and fuidir nuna 'fuidir of famine'. However, it appears that not all dóerfuidri owed their positions to salvation from imminent death and the same is doubtless true of dóermanaig. What distinguished dóerfuidri, as noted in section one, above, was their complete and irrevocable

legal and socio-economic dependence on their lords and the fact that their service apparently took the form of labour rather than rent, from which it may be inferred that their own agricultural capital, if any, consisted of no more than the means of subsistence and that they most likely lived in nucleated settlements on or adjacent to their lord's demesne. On the basis of the admittedly less than conclusive evidence which has come to light it seems a reasonable supposition that just as manaig who provided food renders bear comparison with the secular base client and fuidir of substance, there is a broad resemblance between manaig whose only form of service was labour and the more debased fuidri or even the senchléithe 'serfs'.[63]

It is tolerably clear that the food renders and labour services of manaig constitute common ground between them and the dependents of a secular lord, ranging from base clients to serfs. The image of kin membership is, by comparison, inconspicuous, though it may be recalled that in Córus Béscnai the various types of manchaine 'personal service' listed (including labour service) are said to be due to one's lord, one's ap 'abbot' or one's kindred. Less clear, however, is the position in regard to reciprocal considerations in respect of which such payments and services were forthcoming. Among the secular counterparts of manaig, the doérfuidir and the serf apparently laboured in return for no more than sustenance by their lord, as is

intimated in the case of the former by the reference to the flaith arid-mbiatha 'lord who feeds him', noticed earlier in this section. It seems more likely - though one cannot be entirely sure - that the lord furnished him with the means of subsistence in the form of a plot of land, stock and seed, than that this denotes communal refection provided directly for these servitors. Members of the ecclesiastical community whose economic contribution consisted solely of direct labour must have been in a similar situation. There are numerous allusions in the saints' Lives to communal nourishment of what are ostensibly conventional monastic personnel. It is a moot point whether the motif can be regarded as also applying allegorically to all ecclesiastical dependents who are defined in economic terms as purely labourers, but obviously such persons must have relied on the church for sustenance. A passage in the Middle Irish Life of Ciarán of Clonmacnoise quoted in the previous chapter does indicate that what may have been manaig núna 'manaig of famine' were provided with biadh 'food' by the church. While there is nothing to show whether the lowest ranks of the church's subjects actually received communal refection or were provided with the means of subsistence, it appears safe to assume that, as at a comparable level in secular society, labour was exchanged for sustenance.[64]

At a more exalted level rents and labour services were

forthcoming from base clients and from semi-freemen of substance in return for agricultural capital in the form of stock or land advanced to them by their lords, and in the case of the former the ratio of render to fief is precisely tabulated. The position of analogous categories of ecclesiastical subjects is less clear, however. Payment of tithes, first fruits and firstlings by manaig is in principle the concomitant of pastoral provision, as outlined in the previous chapter, and is never represented as a return on agricultural resources allocated to them. Nevertheless Charles-Edwards's assumption that manaig who made such payments had charge of land and stock belonging to the church is one shared by a number of scholars.[65]

Evidence for this is not abundant, but two passages in the Collectio can be cited in its favour. One affirms that among donations to the church

> substantia mobilis, boves et oves et reliqua, potest dari etiam laicis, scilicet christianis aut monachis.
>
> moveable resources, cows and sheep and the rest, by all means may be given to laymen, Christians, of course, or monachi.

The second maintains that houses or lands assigned to clericis vel monachis...excolendas vel pro tempore tenendas...ad ecclesiam revertentur 'clerics or monachi to

be cultivated or held for a time, shall revert to the church.' The latter tends to bear out Charles-Edwards's view that manaig unlike base clients could never hope to own outright something placed in their charge by way of fief or capital advance. The allusion to the manach béothlusach 'livestock-possessing manach' in Bretha Nemed Toísech has already been mentioned, but it is not apparent whether this signifies an advance of stock from the church or the property of the manach. A gloss on the phrase ag doradtar do Dia 'an ox given to God' in a Heptad anticipates its being in the custody of a manach, while the Irish Life of Mochua of Balla recounts the engagement of bishops to consecrate the saint's church and do roind in feruinn dia manchaib 'to apportion the land to his manaig'.[66]

Two texts would appear to suggest that assets bestowed upon its dependents by the church entailed payments in reciprocation. A Heptad treats of seven rudarta 'prescriptive rights' including

> Ni dorata flaith no eclais dia memraib techtaib, is di ruidilsi moigaigtar [or variant do ruidilsibh i noighitir or m(a) oighitir] a folad friu.
>
> That which a lord or church may have given to their proper members constitutes a complete immunity if (or 'is among the complete immunities in respect of which')

their obligations to them (viz. to lord or church) are fulfilled.

The seeming import is that dependents of lord and church alike should have secure tenure of anything allotted to them by way of fief or capital advance, so long as they reciprocate with rents and services. A poem appended to the tract Indarba Mochuda declares that

> Gach manach dobera / A edhbairt don ecclais,
> Do denamh a saethair / Do mhoradh a cille;
> Rob leis fein a dini / Oc treabhadh a tire,
> Cu rachtea ar crine / A righe ar muigh nimhe.

Doherty (acknowledging the assistance of Próinséas Ní Chatháin) offers an improvement on Charles Plummer's translation, thus: 'Every tenant who may bring / his offering to the church / to perform his toil / to magnify his church / may he himself have her cattle / in cultivating her land / till old age be reached / [and then] her kingdom on the plain of heaven.' If - as Plummer also assumed - a in both instances refers to the church, the implication is that the manach acquired land and cattle in consideration of his edhbairt, which presumably signifies dues in general and not just discretionary donations.[67]

It is not entirely clear whether Charles-Edwards regards land or livestock or both as the consideration for which

manaig paid dues, but the material just cited conveys the impression that both might be provided by the church. Insofar as manaig were tenants of church lands they may be thought to differ from the typical base client who occupied his inherited share of his kindred's land. Free commoners whom the law tracts identify as recipients of land rather than livestock from their lord were typically sons of a living father or those like the ócaire whose property was less than that of the normal strong farmer.[68] However, the fuidir griain 'fuidir of land', whose fief or capital consisted of land, is accorded prominence among rent paying semi-freemen in the tract on fuidri. There are hints that in the matter of land tenure ecclesiastical dependents resembled fuidri. An early legal poem alludes euphemistically to fuidir-tenure of land as orba for sét nimfaebair 'an estate on a double-edged path', which is glossed in Old Irish

> .i. is fairith a breth 7 a tabairt amal tir fochruice no airbiata .i. orbai gaibter o flaith no o eclais...
>
> i.e. it is easy to take it and to give it like land for rent or food render i.e. estates received from a lord or a church.

The reference is evidently to the precariousness of fuidir-tenure, and the very notion of rented land calls to the

glossator's mind an analogy with ecclesiastical tenants. A passage in Dliged Raith Fine affirms

> Somuine tiri fo miadh a loige do buaib; ma tir fuidra no tir naptha is a [omission?, ed.] fodocren co cenn mbliadnai, is si a somuine donn flaith no donn ecclais, huere as mbithcoemthecht.
>
> Return on land according to the measure of its worth in cattle; if it be land of a fuidir or land of a proscribed person, it is...which purchases it for a year, this is its return to the lord or to the church, for it is a fixed accompaniment.

The precise meaning of the passage - which is perhaps lacunate - is obscure, but it concerns annual - and seemingly fixed - rent for a fief of land and again the assumption is that such a fief would be held by either a fuidir or an ecclesiastical subject.[69]

Mention of fixed rent tells against the notion that the services of all fuidri were uncertain, but the precarious nature of their tenure seems to be borne out by the Old Irish gloss. A rent paying semi-freeman could terminate at will the connection with his lord simply by returning the fief and, in the case of the fuidir griain 'fuidir of land' at any rate, two thirds of its product. The relative facility with which this could be accomplished contrasts

with the stiffer penalties which discouraged imscarad 'separation' of a base client from his lord except with the latter's consent or where there was demonstrable injustice.[70] The apparent implication of the Old Irish gloss that an estate received from the church might be returned with impunity, like that of a fuidir, is rather surprising. Perhaps the sense is merely that the economic penalties which hindered imscarad by a base client from his lord were equally inapplicable to manaig and fuidri. Be that as it may, there is unambiguous evidence that unilateral abandonment of his church by a manach was deprecated, and should he do so he could be treated like an absconding slave or surety, a fugitive wife or offspring or an outlaw, for ni conaraig Dia i tosuch nad etarscaru duine 'what God has conjoined in the beginning let not man separate'. There were circumstances in which he might legitimately repudiate his ties. Ríagal Phátraic ordains that a church which neglects pastoral care shall forfeit the dues of its manaig. Córus Béscnai refers to abandonment of one's own church and a later commentator details reasonable grounds for so doing, such as the pursuit of learning or pilgrimage, the meath 'decay, default' of the church, cin 'legal liability' (presumably burdening the church), famine and, apparently, landlessness. The inclusion of material shortcomings suggests the church was expected to be in a position to furnish its dependents with

the means of subsistence, which might include land.[71]

On the other hand manaig could be expelled from their church for derelictions of duty. A Heptad treats of various forms of tellach 'entry', a formal procedure to establish title to land corresponding in some respects to athgabál 'distraint of chattels', and which involved driving livestock onto the land in question so as to oblige the occupant to submit to arbitration or relinquish his claim. Examples mentioned include entry into the holding of a person who does not acknowledge anyone's due, a kindred's entry to appropriate abandoned land, tellach by a brother against his fellow in a case of shared land and tellach apu fora mancu um urglanu cille 'entry by an abbot against his manaig in order to clear the church'. A later glossator expands on this with a colourful account of resistant manaig being dragged by the fringes of hair about their tonsures, an image which calls to mind purification of the church's inner sanctum through ejection of unworthy manaig and those guilty of abuse, as hinted at in the Collectio and in the phrase quoted in O'Davoren's glossary urglan eclaisi o laochaib 7 laiches 7 coitreab caillech 'clearing a church of laymen and laywomen(?) and of the cohabitation of nuns'. However, the particular connotations of legal process borne by tellach in this context justifies the conjecture that in the canonical text it refers not so much to a religious purification of the church building as to a

clearance of the church settlement - with cell used in its widest sense - through formal repossession of the holdings of manaig who had neglected their obligations. Airglan(ad) can mean specifically a clearance of land to make way for new occupants. Indeed it is noteworthy that the initial observation of the glossator refers to entry into their ferann 'land' in order to bring the manaig to dliged 'law, right, due' (here perhaps denoting due process).[72]

Granted the possibility of dissolution where either church or manach was in default, it seems that the partnership was characterized in principle by secure tenure and permanence. A passage of considerable interest in Di Dligiud Raith 7 Somaíne la Flaith endorses in general terms the security of a worthy kin member and continues

> Tren cach ngaeth, maith cach bean nadbi druth genmnaide, cach macc bess gor di athair, cach manach bes gor dia eclais; ni 'ndarbanar uaide, cia dosnecmai forcosnam, ar ni tuidmenat cuir nemed...
>
> Strong is every wise man, good is every woman who is not more wanton than chaste, every son who is dutiful to his father, every manach who is dutiful to his church; he may not be driven from it, though contention afflict it, for contracts do not bind a nemed...

Although the final clauses relate specifically to the

position of the manach gor, it is a fair inference that the secure tenure of which he is assured is implicitly modelled on that enjoyed by dutiful kin dependents (women and sons) and by the gáeth, who in this context must be a sensible adult male kin member.[73]

The relevance of the allusion to contention and of the statement that 'contracts do not bind a nemed' is not immediately obvious. The basic meaning of nemed is 'sacredness, privilege' and here it must refer to a privileged institution (viz. the church) or person (viz. a churchman) against which a contract was not enforceable in the normal way. The Old Irish glossator addresses the clause ni tuidmenat cuir nemid (sic) and explains

> .i. in fir-glan-manaig, nidat innarbithe on eclais cia beth forcosnam 7 ciamrasat [or ci marasat, ed.] in tuathmanach coraib, 7 naiscid cach ae for alaile tuidecht do urglan chilli, du a mbed manich; it e cuir insin na tuidmenad nemid .i. firmanach noeba bite occin ecclais.
>
> i.e. the true pure manaig, they may not be expelled from the church although there be contention and although the lay manaig remained (?) in accordance with contracts, and each of them binds the other to submit (? literally 'come') to clearance of the church, where there are manaig; those are the contracts which do not bind the

privileged, i.e. the true holy manaig who belong to the church.

Despite the obscurity of this in some respects, it is plain that the contention envisaged is between the túathmanach 'lay manach', whose position is apparently underpinned by contract, and the fírmanach 'true manach', who is described as 'pure' and 'holy' and may be presumed to be a monk sensu strictiore. This would seem to be a rare acknowledgement of a clear distinction between these types. An Irish Life of Ciaran of Seirkieran mentions a manach tuata who fears death by the sword. There is a reference in the Old Irish Penitential to the penance of a fírmanach for gluttony, and in the preface of Félire Oengusso a fírmanach is admonished to work like a mog 'slave'. These citations appear to be consistent with the distinction suggested. An interesting corollary of the interpretation adopted by the Old Irish glossator is that the 'contractual manach' did not share in the church's nemed status, whereas the conventional monk did. This possibly accords with the suggestion - made in section one of this chapter - that the more substantial manach, who enjoyed a limited capability to conclude contracts on his own account, may have been assigned an individual honour-price related to his assets.[74]

Be that as it may, it is possible to read nemed in the canonical text as denoting not privileged ecclesiastics, as

the Old Irish glossator has it, but the church as an institution. The adage ni tuidmenat cuir nemed may signify that the church is not to be held to contracts with a third party that entail the expulsion of dutiful manaig without distinction. The forchosnam 'contention' leading to such an eventuality may be supposed to be, for example, contention for the abbacy or ruling office, as a later glossator evidently assumes. Eclais 'church' in the canonical text stands in the same relation to the manach gor 'dutiful manach' as the father expressly does to the dutiful son, and as the father or the husband and the fine 'kin' implicitly do to the worthy woman and the adult male kinsman respectively. It may be permissible to deduce, therefore, that the intention was simply to prohibit expulsion or dispossession of all such lawful 'members' at the behest of their 'heads'. An analogy is perhaps to be found in the Collectio, which enjoins

> Si qua contumacia inter principem et monachos ejus per discordiam aliquam orta sit, non rejiciat pastor gregem suam in dispersionem, nec oves pastorem fugiant, sed invicem pacificentur.

> If in whatever manner contumacy may arise between the church ruler and his monachi through any discord, the pastor ought not to drive away his flock, neither should the sheep flee the pastor, but they should be mutually

appeased.[75]

A further intimation that the position of a manach is inherently durable is found in Antéchtae, which declares

> Dearbthar tuinde do cetchor nadbi herisi; gach cetcor, gach cetudbuirt, gach cetmuintearus, gach cetmainche, gach cetgiallna techta...sruithiu gach cetcor iarcor.
>
> Secure possession is assured in respect of a first contract which is not voided; every first contact, every first grant, every principal marriage, every primary manach-service, every proper primary base clientship...every first contract is more venerable than a subsequent contract.

In the light of previous observations this presumably guarantees both sides' interests in the objects of these respective contracts for as long as they endure. The 'Second Synod of Patrick' affirms

> De primis vel secundis votis: eadem ratione observanda sunt prima vota et prima coniugia, et secundis prima non sunt inrita, nisi fuerint adulterata.
>
> Of first and second vows: First vows and first marriages are to be observed in the same way, and the first are not made void for the second, unless they have been corrupted.

The parallel with the provision of Antéchtae is noticed by a later commentator and while Bieler holds that vota refers to vows of betrothal, it could equally well denote vows of obedience by manaig to their church head.[76] The obligations of a manach would appear to have been more exclusive in principle than any of the relationships with which they are likened in Antéchtae. The vernacular laws readily admit acceptance of a supplementary fief of base clientship from another lord and the taking of a secondary wife - and there seems no reason to doubt that one could endow more than one church - provided that the principal contracting partner neither objected nor lost any entitlements as a result. While the appositon of cétmainche and cétgíallna is suggestive, it seems that one could not be properly a manach of more than one church at a time. The recension of Ríagal Phátraic appended to the 'Rule of the Céli Dé' expressly condemns anyone for reicc a chuirp a n-ilar mainche do thuillem donahib eclaisib 'hiring his body to the churches for reward in multiple manach-service'. The precedence of cétmainche may allude to the persistence of residual entitlements on the part of one's original church despite legitimate transfer of one's allegiance to another, a matter discussed in the next chapter.[77]

In conclusion then, it is clear that the dependents of a secular lord, whether senchléithe 'serf', fuidir 'semi-freeman' or céile 'client', provide apposite models for the

food renders and labour services of manaig. In particular the postulated distinction between manaig who supplied food renders and performed some labour services and exclusively labouring classes of ecclesiastical dependents would seem to correspond to the gradation of manaig based on the differing estimates of their legal capacity considered in the opening section of the chapter. The importance of kinship as a conceptual model with a real bearing on their legal position is not reflected in the evidence relating to renders and labour, apart from the suggestion in Córus Béscnai that manchaine 'personal service' might be owed by kin members as well as by the dependents of secular and ecclesiastical lords. There are indications that livestock and land might be supplied by the church to its manaig, along with hints that the services of ecclesiastical dependents were regarded in a general sense as obligations in consideration of such capital advances. However, there is no specific connection drawn between the stipulated dues of manaig, discussed in the previous chapter, and any agricultural capital placed in their charge, as there is in the case of both base clients and fuidri of substance. Moreover, although the point has not been spelt out hitherto, analogies with kinsmen and kin dependents are obviously considered pertinent to the tenurial security of manaig, especially in regard to land, as is illustrated by passages quoted from Di Dligiud Raith 7 Somaíne la Flaith,

the Heptad on tellach and Antéchtae, together with maxims cited in the opening section which show that the collective legal competence of manaig encompassed a joint interest in ecclesiastical land. In view of the peculiar exclusiveness of the ecclesiastical subject's ties and of the rule that land entrusted to him should revert to the church, it may be significant that the term orbae - used in an Old Irish gloss previously quoted, with seeming reference to land allocated to a fuidir or an ecclesiastical dependent - has the dual connotation of estate and inheritance. It may be that while economic resources, especially land, assigned to manaig who supplied food renders corresponded in some measure to the fiefs of base clients or semi-freemen, they could also have been envisaged as a kind of joint asset in which each manach was deemed to have a life interest not unlike that of a kin member in his allotted portion of the fintiu 'kin land, assets or rights'. A possible corollary of this is that manaig were capable of bequeathing and inheriting, an issue addressed in the following chapter.

Chapter VI

INHERITING CAPACITY AND DEATH DUES OF MANAIG

It has been conjectured that agricultural capital entrusted by the church to its members may have borne some resemblance to the fintiu 'land / assets / rights of a kindred'. Specifically, the idea that land thus assigned must be restored to the church may warrant comparison with the contingent reversionary interest of the whole fine 'kindred' in its members' díbad 'inheritable property'. A kinsman was answerable to the body of his kindred for the stewardship of his allotted share of the fintiu, but it would appear that the right to inherit this lay in the first instance with his sons, or if he had none, with his daughters. Only if he had no issue was his díbad redistributed among the other members of his gelfine 'kin group of five person-types' or, in the event of its extinction, among wider circles of kinsmen.[1] The corollary of the parallel suggested is that manaig might transmit to their offspring property the ultimate title to which was vested in the church. It is proposed to devote the first section of this chapter to teasing out the implications of the evidence relating to the inheriting capacity and liability for death dues of manaig. It will be argued that clientship as well as kinship helps to elucidate this

aspect of their condition. The second section is concerned with the concept of the tertia Deo 'third to God' and its possible application to ecclesiastical dependents.

VI.1 DEATH DUES, INHERITANCE: MANAIG, KINSMEN AND CLIENTS

The proposal that manaig might inherit a life interest in assets which were nevertheless regarded as the property of the church may also be pertinent to circumstances to which Charles-Edwards draws attention, in which a whole kindred or branch thereof resolved to become manaig, the members being bound by a rule of monogamy and periodic abstinence rather than one of celibacy because they were 'subjected to the church qua continuing kindred'. It is a commonplace of hagiography that an individual submits himself with his kin or progeny to the saint, often with an express statement to the effect that the property of the kin group is made over to the church. Two early examples will serve to illustrate the fairly standard formulae of the genre. In his 'Salamanca' Vita Cainnech is made aware supernaturally of the death of unus de monachis meis, nomine Senach Ron, qui michi corpus et animam suam et stirpem suosque agros obtulit 'one of my monachi, called Senach Rón, who has offered me his body and soul and his offspring and their lands'. In the 'Kilkenny' Vita of Carthach / Mochutu a youth revived from the dead by the saint went on to beget a family and ipse se cum prole sua

et hereditate obtulit Deo et sancto Carthago in eternum. In servicio iam monasterii Rathen semen illius manet 'offered himself and his progeny and inheritance to God and holy Carthach forever. His seed abides at present in the service of the monasterium of Rahan'. Charles-Edwards maintains that such kin groups occupied their lands thereafter only as tenants. However, notwithstanding transfer of ultimate title, perhaps one should envisage that the property was retained by the kindred in trust, as it were, and was transmissible from one generation to the next. While the hagiographical motifs do not make this explicit, they do highlight retention of the kin group's identity within the wider ecclesiastical community, something which is not readily explicable unless one assumes a system of inheritance of resources and functions.[2]

This concept is undoubtedly inappropriate to some of those designated monachi or manaig. It cannot have played any part in the lives of true monks strictly bound to a rule of poverty and chastity, or in those of purely labouring manaig who, it has been suggested, may not always have been clearly distinguished from such monks but whose legal and socio-economic standing can be compared with that of the doerfuidir who, as pointed out in the previous chapter, had little or no property and was incapable of benefitting from - or, doubtless, transmitting - díbad 'inheritable property'.[3]

A canon of the Collectio, citing the Romani, seemingly pays lip service to the ideal of personal poverty while at the same time affirming that where in practice a monachus had charge of property it should revert to his abbas as head of his church:

> Nihil monachus in morte sua commendare potest, sed relinquat omnia abbati. Cum enim in vita sua nihil proprium habet, quanto magis in morte?
>
> A monachus can bequeath nothing at his death, but he shall leave all to his abbot. For inasmuch as he has nothing of his own during his life, how much more so in death?

Another passage, quoting Sinodus Hibernensis, frankly acknowledges the property-holding ecclesiastical subject and also gives expression to the principle of reversion which, however, is complicated in this instance by divided allegiance:

> Si quis commendaverit animam suam et corpus et omnia quae habet Deo et principi, id est abbati suo, et si postea exierit ad alterum abbatem, et commendaverit illi animam suam et omnia quae possidet, cujus erunt haec omnia? Prioris utique abbatis omnia sua si tamen votum ejus vivente non tacuit, novissimo vero abbati relinquetur et corpus ejus, et vestimentum et equus et

vacca, vel si tanti honoris fuerit, duo equi cum curru et ornamentum sui lectuli et vas de quo biberat...

If anyone shall have commended his soul and body and all that he has to God and the church head, that is to his abbot, and if thereafter he shall have departed to another abbot, and shall have commended to him his soul and all that he possesses, to whom shall all these belong? All his (goods) certainly belong to the first abbot, if he (viz. the first abbot) has not tacitly approved his (second) vow during his lifetime; to the most recent abbot, however, shall be left his body and clothing and horse and cow, or if he shall have been of sufficient account, two horses with a wagon (? or 'chariot'?) and the furnishings of his bed and the vessel from which he drank...

A second version suggests that this scale of pretium sepulcri 'burial price' was payable etsi monachus fuerit; si vero peregrinus, vestes tantum dimittet 'although he was a monachus; if, however, a pilgrim, he leaves only garments'. The contrast is evidently one between the poor pilgrim monk and the monachus possessed of assets which might be considerable and from which a substantial burial charge was due, after which the balance - and omnia sua may imply an assumption that this would comprise the larger proportion of his property - reverted to his original

ecclesiastical lord. This reflects something of the vernacular legal commentator's view - noticed in the previous chapter - that there might be either spiritual or material grounds for legitimate departure from one's original church and also spells out the material implications of the precedence which Antéchtae accords the ties of cétmainche 'primary manach-service' unless they be superseded with the tacit assent of one's first superior.[4]

Later legal glosses stipulate as payment for burying a manach who had left his original church unge diupaidh urri 7 etach reilge 7 secht bairghin 7 fledh chroilighe 'an ounce for digging a grave and burial attire and seven loaves and a funeral feast', while the aforementioned commentary on removal from one church to another ordains that a third of the ceannaighe 'final payment, effects (?)' - of which more anon - be retained by the church in which one dies and that two thirds be passed to one's eclais bunaid 'own church'.[5] Several elements of these burial levies are found in a remarkable list of undetermined date included in the vernacular legal corpus and which appears to take the form of a gloss expounding the formula iargrinde gach manaig iar negaib 7 a dicelt 'the effects (literally 'after-bundle') of each manach after death and his covering'. These are specified as

a brat tri leth nuinge 7 lene lethe nuigge 7 a caindten

foirpe 7 a cerchaill cluimhe 7 a geimhin claisi 7 a cris cuipre 7 a dá ass 7 a dí eochra 7 a di lamhann 7 a fidhba 7 a feac 7 a sluasat 7 a comain 7 a mías 7 a ardán 7 a colpdach firind ingrisi 7 iuman scripuil 7 a saill méth do sainmesaib 7 a .c.bairgein lethmech, da dubhlestar .x. do cormam i ndé .vii.muine nó dia cris corma.

his mantle worth three half ounces and tunic worth half an ounce and his perfect caindten (?) and his pillow of down and his hide (mat?) of assembly (? or 'choir'?) and his...belt and his two shoes and his two leggings and his two gloves and his billhook and his spade and his shovel and his container (?) and his dish and his drinking vessel and his...yearling bullock and his pack animal worth a scruple and his fat salted meat (? or 'bacon fat'?) of specific value and his first loaf of each (?) half sack of grain, twelve black vessels of ale at the end of a week or on the day of (?)...ale.[6]

In the absence of any context one might surmise that this is a schematic depiction of the entire chattels of a manach who, judging by the foodstuffs mentioned, was engaged in arable farming and meat production, though failure to allude to milch cows or dairy products is a little surprising. Alternatively, the list could represent a death due or burial charge, in view of the exact

specifications of quantity or value for some items. The reference to meat shows that his stock consisted of more than a single bullock and a pack animal. There is a striking correspondence between some of the categories of goods - clothing, bedding, a bovine animal, a horse(?), a drinking vessel and loaves of bread - and those in passages previously quoted from the Collectio and from the legal glosses. The allusion to ale is perhaps connected with the fled chrólige 'funeral feast' of the glosses.

As the Collectio indicates, the apparel of the deceased was the minimum charge for burial and was payable even by the otherwise seemingly property-less peregrinus 'pilgrim'. A commentary on a citation from the Old Irish tract Anfuigell alludes to etach in mairb 'clothing of the dead' and has a version of the glossator's formula already noticed:

> int etach budein ar treisi 7 in bo cennadaig ar coicthi 7 int śechtbairgin ar sechtmain 7 in fleg crolighi ar mis.
>
> the clothing itself after three days and the cow of last payment after five days and the seven loaves after a week and the funeral feast after a month.

Here bó cennaithe would seem to take the place of the 'ounce for digging a grave' in the parallel passages and so

appears to represent part of a burial charge, although in other legal glosses and commentaries and elsewhere the term cennaithe possibly refers loosely to the effects of the dead, to a bequest or even to ecclesiastical dues in general.[7]

Ríagal Phátraic classes bó cennaithe alongside tithes and the trian n-imnai 'third pertaining to bequest(?)' - of which more below - as a levy payable by manaig but forfeited by a church that neglects pastoral services to them. A variant, the colpa [properly colp(th)ach] ceannaithe 'yearling calf of last payment' figures in Mac Firbhisigh's legal glossary but the pseudo-etymologies proposed - .i. ceann snaithe saogail, no ceannaige .i. aimsire .i. aimsir is ann iocus an colpa ceannaithe da ngoirtear colpa ceannadairte 'i.e. the end of the thread of life, or final period i.e. the time when one pays the yearling calf of last payment which is called the final yearling heifer (?)' - reveal only that it was regarded as a render connected with death. Perhaps it is to be associated with the colpthach in the lengthy account of the chattels of a manach quoted above. Bó cennaithe is translated 'heriot cow' by the editors of all three versions of the Ríagal Phátraic text. The heriot was an incident of feudal tenure which when levied upon the heir of a military vassal took the form of martial equipment, that is to say a horse or weapons or both, while the heir

of a villein or peasant owed a head of cattle and a craftsman's heir rendered objects connected with his craft. It would appear that lay tenants or serfs on Cistercian estates in twelfth-century Europe paid heriots, so it is perhaps not inconceivable that the bó cennaithe and other charges mentioned were linked in some way with inherited tenure on the part of manaig, though there is no evidence of any such exaction from the heir of a secular client. Marbríara 'death duties' were indeed payable by base clients, but on the death of the lord, in which circumstances the lord's heir was apparently required to grant a new fief or capital advance if he wished to retain the client's services - a matter considered further below - but for obvious reasons this eventuality could not arise in the case of ecclesiastical dependents.[8]

In any event provisions quoted from the Collectio and from some of the legal glosses are quite unambiguous in casting these fixed dues as a burial price payable specifically by a monachus or manach buried in a church other than his original church, which kept the remainder of his property. It would appear that apportioning the effects of an ecclesiastical subject when his allegiance was in some measure divided does not in itself contravene the principle of reversion noted at the outset. Yet the Collectio also expressly modifies this principle in affirming - as noticed in the previous chapter - that

monachi might bequeath pauca 'a little' with the assent of their abbas and that a dominus 'lord' who remained silent for two days would be deemed to consent to a bequest by his monachus, an indulgence which echoes the qualified contractual capacity ascribed to a monachus in the vernacular text on probationary periods. This could be seen as implicit acknowledgement of a device by which ecclesiastical dependents were enabled to transmit property to heirs. A more probable explanation is that it concerns regulation of bequests to a third party, on the analogy of the rule limiting a secular kinsman's freedom to endow a church, for example, since ni udbair nech seilb...acht mad a comcetfaig a fine 'no one may grant (landed?) property unless it be with the consent of his kin'. Here the kin head would act as guardian of the group's interests and the canon in the Collectio may be regarded as crediting the abbas or dominus with a similar authority in respect of his monachus.[9]

Nevertheless, even a restricted capability to bequeath in this way to a third party bespeaks assets potentially at the personal disposal of the monachus. Pursuing the kinship analogy further, the abbas or dominus can be envisaged as empowered to intervene to protect the interests not only of the entire ecclesiastical community viewed as a wider kin group, but also those of the offspring of the monachus, whose particular claim as primary heir may be implicit.

Positive proof of the reality of this claim is admittedly hard to come by, but there is material which, like the limited bequeathing capacity attested by the Collectio, is at least conducive to the inference that the offspring of ecclesiastical subjects could expect to inherit their property.

A case in point is an excerpt from Di Astud Chirt 7 Dligid with accompanying Old Irish and later glosses. The canonical text condemns three deirgmireanda 'misappropriations' by the church, being

> trenlige for dibud sealba nabe creic na hubairt, laighe for indmus manaig adcuirithear [variant adbonnor] o eclais in beathaig, gabail oc marbcrud dona daimtear dliged ar uair tarrachtain.
>
> forcibly detaining a legacy of (landed?) property that is neither purchase nor grant, detaining the goods of a manach who removes (or 'is expelled'?) from (or 'is proclaimed by') the church of life, seizing the property of the dead to which entitlement is not conceded at the point of acquisition.[10]

Only the second of these eventualities unquestionably involves the manach and the alternative verbal form ad-bonnar suggests the formal proclamation of an absconder, but that the property of any such defaulting manach might

not be attached with impunity is hard to credit. Perhaps the later commentator is right to surmise a case of transfer from one church to another, where the misappropriation would then be on the part of the second church at the expense of the first. But this commentator seems to exhibit confusion in offering the same explanation in more detail with respect to the third misappropriation, which he interprets as retention of the whole díbad 'inheritable property' of another church's manach by the church in which he has died, which rightly should have only etach reilge 7 secht bairgen 7 fled crolige 'burial attire and seven loaves and a funeral feast'. Moreover, he also expounds the first misappropriation as an illicit confiscation of ferund dibaid in manaidh 'inheritable land of the manach'. On the other hand the assumption that more than just the second clause of the original refers to the legacy of a manach goes back at least to the Old Irish glossator, who remarks concerning the third misappropriation

> Gabail oc marbcru .i. nech bes manach do eclais, orbi marb occi, ni lecce a indbas dia comarbaibh; no fear oenhueri occi .i. hugi seto 7 ni leici a indmus nuaidib, olsodhain is dagmir (sic, presumably for dergmír) di.

seizing property of the dead, i.e. one who is a manach of a church, it holds the estate(s?) of the deceased, it

does not release his goods to his heirs; or it has a passing visitor, i.e. the entirety of chattels, and it does not release his goods, wherefore it is a misappropriation.

The second of these formulae, like the later commentator's explanation, plainly hints at the prior claim of the original church to the bulk of the effects of the 'visitor' (literally 'man of one hour'), but the first evidently bears witness to the interest of the kindred heirs of a manach - and not just that of his original church - in his estate.[11]

Another pointer to the existence of such an interest is provided by a passage on tithes in Córus Béscnai, together with associated Old Irish and later glosses. The tract prescribes a levy of cach .x.mad tuistiu iar suidiu, co cocrand itir cach da .vii.a, coitechta a fintiu dia forrngaire eclais 'every tenth child thereafter, with lot-casting between every two sevens, with the proper share of his kin land if the church ordains'. The inference that the human tithe sanctioned here and contemplated elsewhere related primarily to the immediate dependents of the church, or at any rate entailed performance of manach-service by the offspring thus surrendered, is consistent with the Old Irish glossator's exposition:

Cocrann iter cach [dá] sechta .i. ...focerdar cocrann

eturru dus cia de asa toeth an manche...Co techta a finteth .i. co raib trian a ferainn lais fri fognam a ecolsa...

Lot-casting between every two sevens i.e....a lot is cast between them to determine the one upon whom should fall manach-service...With the proper share of his kin land, i.e. so that he should have a third of his land for the service of his church.

The significance of the reference to 'a third of his land' is uncertain. Anticipating for a moment the discussion of the tertia Deo 'third to God' and bearing in mind the canonists' opinion that first-born sons in general should receive a double portion of their father's inheritable property, it might be conjectured that the son assigned to mainche received a third of the father's legacy, while the remaining sons had to content themselves with equal shares of the residue. Alternatively, it could be deduced that the selected son was expected to devote a third of his landed inheritance to supplying the needs of his church.[12]

At any rate the latter interpretation accords better with the later commentator, who does not suggest that the son rendered as tithe or firstling received a disproportionate amount of his father's dibuigh 'inheritable property', but that he shared it equally with the other lawful sons

7 a bet fora ferunn fein amuich 7 fognum saermanuig uada don eacluis, 7 denad in eacluis leginn do, uair mo do dibad deoda berus ina do dibad indeoda.

and he dwells out on his own land and performs the service of a sóermanach for the church, and the church gives him instruction, for he receives more of a godly inheritance than of a worldly inheritance.

A late gloss on Córus Fine and Mac Firbhisigh's legal glossary also define sóermanach as the tenth son or firstling. The remark about léigenn calls to mind a comment in the recension of Ríagal Phátraic appended to the 'Rule of the Céli Dé', in which the surrender of dechmad a chuirp do Dia fri leigind 'the tithe of his body to God for instruction' is advocated. While the object of this exhortation is not specified, it ostensibly bespeaks a clerical or conventional monastic education. Yet judging by the text of Córus Béscnai and the accompanying gloss and commentary quoted above, exploitation of his own inherited land in the service of the church would appear to have been the distinguishing characteristic of the individual whom the later commentator casts as a sóermanach. This is consistent with indications that sóermanach in other glosses denotes the most prosperous and legally competent class of ecclesiastical subject, as maintained in the preceding chapter.[13]

The position of sons not specifically assigned to the role of (sóer)mainche in accordance with the procedure outlined is not spelt out. Clearly they enjoyed some right to inherit, which may have been no less than that of the designated son, and it is hardly credible that they were simply lay kinsmen and not themselves in some sense under the sway of the church. However they are to be classified, the nomination of particular sons for the role of (sóer)manach - irrespective of how the inheritable property itself was distributed - seems to mark a distinction between the adherents of the church and secular kinsmen for whom, notwithstanding the preferential treatment of first-born sons espoused by the canonists, partible inheritance of the deceased's property and station appears to have been the norm.[14]

The possibility that base clientship as well as kinship may shed light on the system of inheritance among the church's members is suggested by a passage of Antéchtae, quoted in the preceding chapter, which lists durable primary contracts, these being

> gach cetcor, gach cetudbuirt, gach cetmuintearus, gach cetmainche, gach cetgiallna techta, cor dofet araile areirig osar sindsear, sruithiu gach cetcor iarcor.

> every first contract, every first grant, every principal marriage, every primary manach-service, every proper

primary base clientship, a contract which precedes another, which arises from our antecedents, every first contract is more venerable than a subsequent contract.

I assume that the 'contract which precedes another, which arises from our antecedents' is not another category but, like the statement which follows, a general comment applying to all the foregoing types of contract. If so, then in addition to advocating the primacy of first contracts as discussed heretofore, the drift of the text is that each of these contracts was deemed to be conditioned in some sense by precedents established by earlier generations. The aspect of most pertinence to the matter at issue is the parallel envisaged between mainche and base clientship.[15]

Two related features of the base client's condition have not received due recognition. These are that his function was in fact inheritable and that his parcel of kin land or assets was not immune to encroachment by his lord. These propositions are either denied or not considered by a number of scholars, although the inheritability of base clientship has recently been explicitly acknowledged in passing by both Charles-Edwards and Robin Stacey, and the latter also alludes to the lord's appropriation of part of the client's land in the event of default.[16] It seems justifiable to digress at some length here to outline

evidence which illustrates these points, as it would appear to have a bearing on the position of ecclesiastical dependents.

The fact that the fief or capital advance held by a base client of seven years' standing becomes his absolute property on the death of his lord might be thought to tell against any notion of inheritability. However, in addition to the death dues payable to the lord's heir, the latter's capacity to block any attempt by another lord to win for himself the base client's services implies that a prior entitlement to these lay with the original lord's heir, should he wish to perpetuate the relationship by granting a new fief or advance. Cáin Aicillne, which attests to the forfeiture of the original fief on the lord's death, also adverts to what eventuated on the client's demise, when

> Dligid in flaith ceilsine dia comorbuib in ceili ar de mis fri manchuine, fri fuirire[d]...

In translating this crucial text Thurneysen originally took it to mean that the lord would be afforded personal service and food render by the client's heirs only 'während eines Monats', but he later corrected his translation of ar dé mís to 'auf den Tag, da ein Monat abläuft'. Thus the heirs were liable for a resumption of client services after a month's grace.[17] A comparable formulation of the heirs' obligations is found in Cetharślicht Athgabála, which

refers to distraint for corus bid flatha o comorbaib 'a lord's proper food rent from heirs'. Di Astud Chirt 7 Dligid describes as an illicit appropriation on the lord's part laneiric in ceile 7 ogh nairbid o comarbaib 'the client's full body fine and full food rent from (his) heirs', which on the face of it would seem to contradict the above. However, later glosses and commentary explain that a lord was entitled only to a reduced proportion (1/7) of the éraic 'wergild' payable for the slaying of his client - instead of the normal 1/3 - if a substitute for the dead client were forthcoming after a month, and the terms used also bear the interpretation that although responsibility for providing a substitute lay in principle with the client's heirs as a group, in practice only one of their number would take up the duties of 'clientship'.[18]

So, while any outstanding dues which the lord had neglected to pursue in the client's lifetime could not be levied on his heirs since marbaid cach marb a cinta 'every deceased amortises his liabilities', it appears that the bonds of clientship themselves were liable to be perpetuated from one generation to the next on the part of both lord and client. The threat posed by such bonds to the integrity of the client's parcel of kin land or assets is implied by the lengthy digression in Cáin Aicillne on the capacity of kinsmen to impugn their fellows' contracts - including, pace Gerriets, that of clientship, designated

céilsine and gíallnae - on the grounds that an individual's default created liabilities for his kin. This right to impugn was denied anyone who nodosannu finnteaduib, fordotuigithur docoruib, indecuirithur ainfine 'separates it (viz. the kin) from kin land / assets, burdens it with disadvantageous contracts, imposes on it an alien kindred', and late glosses on the second and third clauses allude to a contract fri flaith neachtrunn 'with an alien lord'.[19] Accepting a fief of base clientship from an alien lord glosses the maxim ni techta a finntiu...fordotuigaidter anfine 7 micoraib 'it is not proper to burden one's kin land / assets with an alien kindred and illicit contracts' in Di Astud Chirt 7 Dligid, as it does a statement in Córus Fine about inheritable property dissipated through dochoruibh 'deleterious contracts'. Antéchtae casts giallna do flaith 'base client service to a lord' as a burden upon one's orba 'inheritance, estate'. Intimations that clientship was a dangerous entanglement from the point of view of the kin, exposing it to the risk of losing its assets to an alien kin group, put in perspective the preference for flaith / céile relations between those already linked by kinship, as articulated in Cáin Aicillne and, if the glosses can be relied upon, in a rather cryptic phrase in Córus Fine.[20]

There are also indications that the inheritability of clientship was directly connected with the prospect of

encroachment by the lord on the client's share of fintiu 'kin land / assets'. Din Techtugud alludes to tir daranda flath iar necuib in cheile, a claetar poll, i curtar lia 'land which a lord has delimitated after the client's death, in which a hole is dug, in which a stone is set'. That this involved the lord's appropriating portion of his deceased client's land is implicit and is clearly spelt out by Old Irish and later glossators of the text.[21] Variations on the formula occur in Do Thúaslucud Rudrad. One accounts among three binding transfers of sealba - in this case evidently landed property specifically - a torann do flaith iar nelud fine 'its being shared by a lord after a kindred's default', while the other enumerates six fala 'legal enclosures' which secure alienation of landed property, including fal tire toranne do flaith iar nelud 'enclosure of land shared by a lord after default'. In the latter instance the jurist may have had in mind merely repudiation of his obligations by a living céile, an explanation adopted by later glossators.[22] In the preceding case it could be inferred that failure to replace a deceased or fugitive client was thought to constitute default by his kindred. This raises the possibility that the lord was entitled to appropriate part of his client's fintiu not as an automatic consequence of the latter's death but only if no replacement céile were forthcoming. Support for this interpretation is afforded by a commentary

on a fragmentary excerpt from Córus Fine which refers to the flaith who is entitled to be provided with a céile and which holds that the lord only benefits from comroinn dibaid 'apportionment of legacy' if no substitute for the dead céile is made available after a month. On the other hand there is no mention of this condition in allusions to the lord's sharing his dead base client's legacy in several glosses and commentaries and, seemingly, in the canonical text of Dliged Raith Fine.[23]

A further dimension of the process is possibly alluded to in a Heptad listing positive prescriptions transferring proprietary right, among them tir atdaimtar la flaith fora torcair a taeb 'land conceded to a lord which falls to his portion (?)'. A late glossator assumes that this bespeaks acquisition of part of his client's land, though whether on the latter's death or default is not stated. Use of the verb ad-daim 'acknowledges' here may be of particular significance, since the terms déitiu, aititiu and comditiu in canonical tracts, Old Irish glosses and later commentaries denote acknowledgement by three consecutive generations which creates a prescriptive right, sometimes with more or less explicit reference to clientship and interests in land. Di Astud Chirt 7 Dligid numbers among three irreversible prescriptions chis comdidean fria triar 'rent / tribute acknowledged by three persons', presumably an indication that perpetual entitlement is recognized when

rent has been paid by three generations. Cís here could of course betoken royal tribute or relate to the fuidir 'semi-freeman' who acknowledged liability for rent in perpetuity, but in at least one example the term designates the render of a base client. The three generation rule should perhaps be viewed in the light of Charles-Edwards's suggestion that the 'five houses' which comprise the vassalage of a lord of the lowest grade can be interpreted as the five person-types in a gelfine kin group of three generations.[24]

It may be concluded, then, that clientship was inheritable, though whether by all the heirs of the client or by a designated individual is unclear, so that one cannot be confident that this aspect of the client's condition furnishes a precise analogy with the selection of a particular son for (sóer)manach-service. It would appear that the perceived threat posed by clientship ties to the integrity of the kin's property included the prospect of the lord taking a share of his dead client's legacy, though this is sometimes interpreted as arising only where no replacement client is provided. These considerations, together with the posited prescriptive force of ties acknowledged by three consecutive generations, may permit the additional conjecture that progressive encroachment by successive lords on the assets of a kin group would in all likelihood ultimately reduce some or all of that fine to the status of semi-free fuidri dependent to an even greater

degree on their lord. If this hypothesis be valid, base clientship may be regarded as the initial stage in a process of potential socio-economic degradation which is an accepted feature of the condition of fuidri, who could expect to decline to the level of serfs after several generations. It should be observed that the postulated interest of the lord in his base client's inheritable property, whether contingent or not, could explain why the text on probationary periods discussed in the previous chapter holds that the client's contract is subject to his lord's veto. It may elucidate the ban on selling land in disregard of one's cétflaith 'primary lord' and may lend credence to the suggestion that the prohibition on alienation of property by those sub censu regis 'subject to the charges of a king' enunciated in the Collectio applies as much to the base client as to dependents of a lower order.[25]

There are general intimations that the perils confronting a kindred and its property when a member thereof undertook base clientship were in some measure paralleled by those attendant on the adoption of manach-status. Thus a Heptad at the beginning of Di Astud Chirt 7 Dligid numbers aitaidiu fo taeb ecalsa, coingilt fri flaith 'acknowledgement in respect of a church, contracting client service with a lord' among transactions which sunder the fine 'kin' through disposal of setaib 7...sealbaib

'chattels and landed properties', and the glossator presents this as a consequence of subjection to flatha echtrand no eclaisi echtrand 'an alien lord or an alien church'. Córus Fine appears to indicate an analogy between the diminution of landed assets and chattels occasioned by obligations to a lord and by manchuine 'manach-service' and the glossator again specifies a flaith echtrann and an eclais echtrann. By the same token Berrad Airechta excepts cuir aslenat orba .i. mainche no giallna 'contracts which cling to an inheritance i.e. manach-service or base clientship' from those contracts which it is permissible for an emancipated son of a living father to make.[26]

The idea that the church's interest in the assets of its dependents is in some sense a function of recognition of its lordship by consecutive generations - which is perhaps implicit in the phrase aititiu fo thaeb ecalsa - seems to underlie a statement in Bretha Nemed Toísech to the effect that

> Imm-ráidter téora ecalsai and:
> eclais chuir, eclais chomditen,
> eclais con-ranna díbad;
> dligid dílsi tóraind
> dían do thuídin torlu.

Three (kinds of) church are considered to exist: a church of contract, a church of acknowledgement, a

church which takes a share in an inheritance; it is entitled to absolute ownership of the share, swiftly in consequence of proof and surety.

Mac Firbhisigh's legal glossary defines the first of these churches as one which makes the initial contract with a manach andoid 'original (?) manach', the second as one acknowledged by two generations of manaigh and the third as one which comroinnios diobhadh an mhanaigh re ré trir .i. atair, mac 7 ua 'shares in the legacy of the manach in the lifetime of three persons i.e. father, son and grandson'. It seems to be envisaged that the church would receive a portion of the legacy of each generation of manaig, whereas the canonical text could be read as intimating that it only shared the díbad of the third generation. Despite this apparent discrepancy the procedure obviously resembles that supposed to obtain in the case of the secular base client, as emphasized by the usages comditiu, con-ranna and tórann. It has been suggested that a lower status than that of the secular céile may be attributable to the manach on the basis of these passages, because he reaches the stage of comditiu in the second rather than the third generation. One wonders, however, whether the connotations of comditiu unaccompanied by déitiu and aititiu are in truth so definitive, or whether it might not designate acknowledgement in a looser sense, just as aititiu

sometimes appears to do. There is also at least one instance of déitiu and aititiu denoting the second and third elements of a similar sequence the first stage of which is described as tárrachtain 'obtaining, grasping'.[27]

An ecclesiastical prescriptive right figures in a passage of Old Irish text interspersed with later glosses, which details secure legal foundations for ownership of land and alludes to the principle of déitiu, aititiu, comditiu. One case is that of land subjected fo tri triathaib 'under three kings / lords' in succession, while ala niath fo trebaib tailcen tarrastar 'another (class of) land remains under ecclesiastical households / kindreds(?)', which is taken by the glossator to mean submission fri re coícat....i. fri re trir do cleircib 'for a period of fifty (years)...i.e. for a period of three generations to clerics'. The period of fifty years, here equated with occupation by three generations, refers to an interpretation of the jubilee year in the Collectio, according to which irreversible usucaption is established by uncontested possession for fifty years.[28] Here prescriptive right is not expressly associated with the tenures of manaig, but some such linkage is evidently in question in an early text affirming that

> Niba cor, niba creic, nibi cunnradh reic thire sech flaith, sech eclais, sech ilgobhlaidh fine, ara cinta

condlat. Ar conaracht selbha slechtaib aithre sceo senaithre, ata coraib comlasat comdliged mainche, morfaesom flaithemnuis. Co ria nech ni nabi ai, ar is cumrachta fotha fri flaith, fri heclais?

It is no contract, it is no sale, it is no covenant to sell land in disregard of lord, of church, of the many branches of kin, which share liabilities. For / moreover property has been bound by branches of father's kin and grandfather's kin, which secured it by contracts with respect to the joint obligation of manaig / manach-service, (or?) the great protection / privilege of lordship. How shall anyone sell what is not his, when fundamental proprietary right is (? can be?) bound to lord, (or?) to church?[29]

The drift of this statement seems to be that ecclesiastical as well as secular lords acquired some proprietary interest in land which had been devoted to their service by two preceding generations of their respective dependents, who were thereby debarred from unilaterally alienating such land.

Further evidence relating to the church's interest in the effects of its deceased manaig is furnished by a versified maxim at the beginning of Do Thúaslucud Rudrad, together with an associated Old Irish gloss. The tract describes tenure of selba, seoit 'landed property,

chattels' as insecure unless based on one of three fundamental proofs:

Acht ina tri rosuidigthe,
deimnigthe cach deirbdilse:
cluas la Féine tidnachar,
laid la filid fursundud,
liter la caid comarba
im ordd manach marbdilse.

Except the three which have been established, / (by which is?) confirmed each certain property: / it is transmitted aurally among the Féni (= general public?), / (by?) a poetic exposition on the part of a poet / (by?) written testimony on the part of a holy church ruler / concerning the ordering of the property of manaig at death.

It is conceivable that liter denotes some of the general rules governing distribution of the assets of manaig such as have been deduced already, or even a specific tract like the lost Cáin Manach, named in a list which includes other tracts which are either extant or noticed elsewhere, and glossed eolas dibaid manaig 'knowledge concerning the legacy of a manach'. Alternatively, liter could be a reference to a particular transaction or covenant - such as an audacht 'testamentary disposition' - for the church

recommended written proof, of which the terms scriptio or scríbend are often used. Sequence being one of the connotations of ordd, there may be an allusion here to the notion that ecclesiastical claims upon dependents' property were enhanced with the passage of several generations.[30]

This last supposition is consistent with the observations of the Old Irish glossator who, however, modifies the ostensible claim of the tract that written evidence concerning title to the estates of deceased manaig constituted the essential basis of ecclesiastical proprietorship, and submits that there were in fact three admissable proofs of ownership in the case of church land, namely scribinn 7 imord manuch 7 marbdilsi. He makes no further comment on scríbend but defines marbdílse as either something granted fri hudacht 'by testament' or possession in perpetuity, while imord (one word) manach is thus expounded:

> cach manach tar eis alaile on eclais isin tir cena; dosli dilsi do eclais a aicsi lee samlaid manup dergmir.
>
> every manach after another from the church into the land heretofore; its supervision (? or 'witnessing', literally 'seeing') thus by it (viz. the church) entails forfeiture to the church, unless it be a misappropriation.

Whatever may have been the intended distinction between scríbend and marbdílse, it is tolerably clear that in addition to documentary proof of a formal contract, witness evidence of consecutive occupation by manaig was regarded by the Old Irish glossator as sufficient demonstration of ecclesiastical title to land. The qualificatory clause manup dergmír may echo a phrase cited heretofore from a reference in Di Astud Chirt 7 Dligid to an excessive claim by a church upon the property of a deceased manach. The glossator's explanation of the poorly attested usage immord is in itself credible and of relatively early date, but there are good grounds for not emending the text of the original from im ordd to immord. To do so would involve either imposing on the tract the idea of three possible proofs of ecclesiastical title espoused by the glossator - thus doing violence to the manifest sense of the versified maxim which contemplates three proofs in all, one lay, one poetic and one ecclesiastical - or else retaining im and reading im immord, which would breach the otherwise regular pattern of heptasyllabic lines. It may be best, therefore, to leave the wording of the tract as it stands especially since, as suggested, the term ordd itself perhaps hints at the concept of consecutive occupation described by the glossator. The latter's exposition together with his view that documentation was not the only acceptable evidence of ecclesiastical ownership prompt the deduction that in this

instance the Old Irish glossator plausibly expands rather than misrepresents the original text.[31]

The more or less tentative conclusions which can be drawn from the above evidence may be summarized briefly. If occupation by successive generations of manaig could be construed as proof of ecclesiastical title to land, it would seem to follow that in such cases the church did not become the absolute proprietor at the point at which service was taken up by the first generation manach. The corollary is that for a number of generations at least manaig might retain individual proprietorship or a life interest transmissible to kindred heirs, and limited but undeniable evidence for the existence of such heirs has been adduced. Indeed it is possible that even when the church had established ultimate ownership this did not extinguish the right or expectation of manaig to inherit, albeit only as tenants or trustees. On the other hand it may be supposed that the various liabilities borne by manaig, including perhaps burial charges - though it is unclear whether these were payable if one were buried in one's own church - and the church's apparent right to appropriate absolutely a share of their inheritable property, would have tended to diminish gradually the assets at the disposal of any given kin group of manaig, with much the same socio-economically degrading effect as has been postulated in the case of the secular base client.

One might conjecture further that the firstling or tenth son was specially selected in some sense for the performance of (sóer)mainche in the context of the operation of a process of this kind, thus ensuring that at least one member of the kin in each generation would supply the service and enjoy the legal standing of a manach of substance.

VI.2 THE TERTIA DEO

Further light may be cast on the position of manaig in regard to inheritance and death dues by references to the tertia Deo, the principle that the church was entitled to a fixed proportion - usually a third or a half - of all bequests, the origins of which have been traced by Eberhard Bruck to the Graeco-Syrian Christian orient.[32] In the Collectio the precept is commonly expressed in terms of a tripartite division of inheritable property, as in the dicta hereditas autem dividitur inter regem et ecclesiam et heredes 'now an inheritance is distributed between king and church and heirs', which is ascribed to Sinodus Hibernensis, and

> Origines in libris de heredibus ait: Pater moriens det tertiam partem filiis et tertiam Caesari et tertiam ecclesiae.

Origines in (his) books concerning heirs says: Let the

dying father give a third portion to (his) sons and a third to Caesar and a third to the church.

In one instance, however,

> Sinodus definivit: Cum quis moritur, omnia quae habet commendet Deo, et partem Caesari tribuat, et Deus per manus hominum tribuet filiis ejus aut propinquis.
>
> A synod has determined: When someone dies, let him commit all that he has to God, and let him allot a portion to Caesar, and God by the hands of men will allot to his sons or kinsmen.

This formulation is regarded by Bruck as reflecting the western Roman church's view that a testator should have complete discretion to bestow all his property on the church, which would then take the roles of both primary beneficiary and executor.[33]

A more restrictive approach to bequests than either of these is adopted in Córus Béscnai, which rules that in addition to a standard imnae payment for burial equivalent to one's honour-price, one might bequeath only a proportion of tarcud 'product / acquired wealth' - ranging from one third to two thirds depending on the degree to which one's share of kin assets was considered to have contributed to the product or acquisition - the absolute value of which must not exceed seven cumals, the amount of the éraic or

fixed penalty for homicide. It has been noted in the first section of this chapter that Córus Béscnai prohibits a grant of property without the consent of the kindred and one may compare another tract's ruling that ni cuirethar nech ni secha fine 'no one bequeaths something in disregard of his kin', but that a woman without liability or offspring might grant the church torad a da llam...acht torad duirinn caich 'the produce of her two hands...except the produce of the hands of all', where the proviso presumably alludes to her kindred's residual interest even in her personal product.[34] As Bruck observes, bequests of moveable assets may be made by men as well as women according to some later commentaries, but these present a wide range of estimates of what might be bestowed: moveables in full health and at death, moveables at the point of death or moveables and fixed assets when in full health, moveables in full health or a third of honour-price drawn from moveables at death, full honour-price drawn from moveables in full health or a third of honour-price at death. Detectable here are partial echoes both of the tertia Deo and of the principle that all the property of the deceased potentially should be available for endowment of the church. Bruck concludes that the Collectio differs from vernacular material in general in specifying inheritable landed property and expressly providing that the secular magnate as well as the church might take a

share thereof.[35]

However, this is belied by a passage in Bretha Nemed Toísech which asks

> Co suidigter selba? Ní hansae: a téoir, i trenaib tíagait. Trian fri flaith fedar, trian fri fini, trian fri heclais fora costaider ecalso ainm.
>
> How are landed properties arranged? It is not difficult: three: they go in thirds. A third is brought to the lord, a third to the kin, a third to the church on which the name of church is established.

The concept of a three-way apportionment is also well attested in legal glosses, including Old Irish glosses on the Senchas Már, and the general notion of a triple obligation underlies a comment in Di Astud Chirt 7 Dligid on the relationship of a fine 'kin' to conn ardolabraidtar, eaclais fosuigaidter, flaith fordotuigaidtear 'the kin head who pleads on its behalf, the church which sustains it, the lord who protects it'.[36] However, there are indications that sharing land or inheritable assets between kin, lord and church may have been not so much a normative prescription for everyone as a formula encompassing all possible permutations.

The three-way distribution of property, if applied to the populace in general, would of course fly in the face of

the oft repeated injunction that the integrity of the kin's assets be preserved, but it has already emerged that in some circumstances these were susceptible to expropriation by a secular lord in the case of his base clients and, it seems, by a church in respect of its peculiar adherents. Even if the tertia Deo were applicable to all, the tertia Caesari / trian fri flaith cannot have been, since not everyone was a dependent of a secular lord. The canon of the Collectio cited above with an attribution to Origines acknowledges exceptions to a tripartite division, for

> Si non habuerit ecclesiam, det pauperibus; si non habuerit Caesarem, dividat inter filios et ecclesiam, si non habuerit Caesarem nec ecclesiam, dividat inter filios et pauperes.
>
> If he shall have had no church, let him give to the poor; if he shall have had no Caesar, let him distribute between sons and the church, if he shall have had neither Caesar nor church, let him distribute between sons and the poor.

He who has no church is nevertheless exhorted to the Christian virtue of giving to the destitute, and so it may be deducible that in the canonist's opinion only an inheritance bound in a particular sense to the church - in other words that of an ecclesiastical dependent - yet at

the same time linked in some way to a secular lord would be liable to tripartition. This inference is consistent with the wording of a canon ascribed simply to Sinodus which declares

> Omnis hereditas sub censu regis et ecclesiae alligata in tres partes dividatur. Prima pars heredibus sine sorte detur, secunda regibus...tertia vero Deo.
>
> Let every inheritance under a king's charges and bound to a church be distributed in three portions. Let the first part be given to the heirs without lot-casting, the second to kings, the third, indeed, to God.[37]

The implications of being sub censu to a king or secular lord, and the analogies between this state and that of subjection to a church - which are normally represented as mutually exclusive alternatives - have been discussed heretofore. An inheritance bound to both would appear to constitute an unusual circumstance which conceivably arose where an estate was attached to a church which itself fell sub censu regis, or where an estate was granted to a church but with some charges reserved to a king or lord.[38] An excerpt from Din Techtugud and an Old Irish gloss thereon seem to intimate that this situation was not normal. The text describes cuir treineacha 'threefold contracts' as the most difficult element in the judgement of contracts, for

one party might prohibit what another decreed. The glossator comments .i. tri cuir fair .i. fri flaith no fri heclais 7 trian fine 'i.e. three contracts (bound) upon him i.e. with a lord or with a church and the kin's third'. The sense would appear to require 'and' for 'or', and of course a scribal slip, reading ⁊ (= nó) for 7 is quite possible, though it may be that the existing reading itself reflects a perception that simultaneous obligations to lord and church were quite exceptional. Old Irish glosses on Di Astud Chirt 7 Dligid allude to fer dia cosna a flaith 7 a fine 7 a eclais a comarbus .i. ranntait a tri 'a man whose lord and kin and church contend for his inheritance i.e. they divide it in three', the apparent implication being that this was abnormal. In a similar vein Cetharslicht Athgabála envisages the possibility of

> cetheora selba bit for cach adgair 7 adgairter: selb fini athardai 7 selb flatha 7 selb ecalsa 7 selb maithrai no selb altrama
>
> four claims which bear on anyone who sues and is sued (viz. a legally competent adult): claim of agnatic kin and lord's claim and church's claim and claim of maternal or foster kin,

but anticipates circumstances i mbet a di no a tri no nach ae aenar nacha techta 'in which there may be two or three

or one of them alone which may have a claim upon him'.[39]

The above material prompts the conjecture that a tripartite apportionment was not normative, but that what may have been regarded as a tertia Deo or tertia Caesari might be separately levied by church and secular lord on their respective dependents. Early vernacular prescriptions regarding a lord's appropriating portion of his deceased base client's inheritable property fail to quantify what the client forfeited. However, trian dibaid 'a third of legacy' occurs in a gloss on a reference to a lord's sharing in landed property iar nelud fine 'after default by the kin' and forfeiture of trian dibaid is also mentioned by the commentator on Córus Fine in the context of contractual obligations to a lord.[40] There is another consideration which may be regarded as circumstantial evidence that base clients surrendered to their lords a third of inheritable assets, but the argument is tenuous and is advanced with the utmost hesitation.

One may recall to begin with the distinction between two chief categories of fuidir 'semi-freeman'. The more debased type was irrevocably bound to his lord who discharged all liabilities and correspondingly received all díre 'atonement related to honour-price' due in respect of his dependent and was also the beneficiary of any díbad which might fall to him. By comparison the more prosperous fuidir could sustain liabilities and receive díre, acht trian do

flaith 'save a third to (his) lord'. Díbad is not mentioned in his case, but it is reasonable to suppose that it was allocated in the same proportions as díre, so that the fuidir of substance may be assumed to have obtained two thirds of any díbad while his lord took one third. It is noteworthy that an early tract provides that the éraic 'fixed wergild' and díbad of various classes of wives should be allotted in the same proportions to their sons or husbands and to their own kin. Cáin Aicillne and Críth Gablach suggest that a lord was entitled to a third of penalties due for offences against his base client. Again there is no reference to díbad, but assuming the postulated relationship between its apportionment and that of punitive or compensatory levies can be extended to cover the base client, one may conjecture that one third of any díbad accruing to the latter would be forfeited.[41]

As with the base client, early texts quoted previously which refer to the interest of the church in the effects of its deceased manaig do not specify a levy of one third, although in one instance a later gloss alludes to trian dibaid. The commentator on Córus Fine remarks on the relative merits of obligations to eclais budein 'one's own church' and an eclais echtrann 'alien church'. Since one might oneself aspire to attaining the abdaine 'abbacy' in one's own church, ge bera nech trian a dibaid, is doigh beraidh trian dibaid nech 'although another may take a

third of one's legacy, it is (as?) likely that one may take a third of the legacy of the other'. The preference for one's own kin's church is also voiced in the Collectio, which rules that heiresses might bequeath only moveables, but si ecclesiam paternam habuerint, dabunt ei partem de hereditate sua 'if they have a paternal church, they shall give it portion of their inheritance'. Mac Firbhisigh's glosses on the reference in Bretha Nemed Toísech to the church which takes a share of inheritance quantifies the share in each of the first two generations of manaig as leithrian 'half third', with the seeming implication that a full third was levied only in the third generation. There may also be some connection between the tertia Deo and the statement by the Old Irish glossator of Córus Béscnai that the son specially assigned to manach-service should have trian a ferainn 'a third of his land' for the service of the church.[42]

A variation on the levy of inheritable property in general as tertia Deo is countenanced in a passage of the Collectio which affirms that a married woman could bequeath nothing but the price of her burial (a mantle and a cow are mentioned). However,

> Si autem monachi vota (sic) cuidam ecclesiae se conjunxerit ex consensu viri, tertiam partem substantiae suae ecclesiastico jure tradet...cetera omnia ad filios

et ad conjugem pertinebunt.

If, however, she shall have attached herself by vow of a monachus to some church with her husband's consent, she shall transmit a third part of her wealth to ecclesiastical jurisdiction...all the rest shall belong to the sons and the husband.

Substantia is presumably to be distinguished from hereditas in the sense of a landed inheritance and can perhaps be identified with the mobilis substantia 'moveable assets' noticed elsewhere in the Collectio and with the moveables mentioned in legal glosses on bequests to the church cited previously. Another plausible comparison is with the share of tárcud 'product / acquisition', ranging from one to two thirds, which Córus Béscnai deems a permissible grant to the church over and above the standard burial payment. In any event the prescription quoted shows that at least in the case of a married woman adopting the status of monachus with her husband's consent, there was an expectation that she should endow the church with a third of her property while the remainder would be retained by her husband and sons.[43]

A passage in Bechbretha would appear to be influenced by some notion of the tertia Deo. It affirms that a find of bees on unappropriated land belongs to the finder

acht cuit n-ági fine 7 cuit n-ecailse frisa mbí audacht; noch is sí a cuit-side: trian as cach triun arnacon derbarthar eclais na fine di neoch do-ruillet a membur.

except for the share of the chief of the kindred and the share of the church to which a bequest is made over; and this is their share: one third from each third lest the church or the kindred be defrauded of anything to which their members may be entitled.

The editors connect this with the provision in Córus Béscnai for the kin's residual claim on a third of any member's tárcud 'product / acquisition', even when inherited assets contribute nothing to the increase. They seem to regard the cuit n-ecailse frisa mbí audacht as a parallel but separate levy by a church upon its particular members or manaig, whose attachment to it has been effected by an audacht, 'a solemn declaration...by a man in authority which prescribes the conduct of affairs after his death or retirement', and which they plausibly conjecture was an instrument by which the head of a kindred might, with their consent, subject the kindred to a church as manaig. However, it must be admitted that 7 'and' of the text could suggest that a levy by both church and fine in respect of the same finder is contemplated, but if the levy consists in both cases of a third of the find - from which the heads of church and kin respectively are entitled to a

third (i.e. one ninth of the find to each head) - this would appear to make nonsense of the basic principle that the finder may keep his find less a deduction, for he would in fact be left with only a third. Thus it seems best to accept the editors' assumption that separate levies upon their members by kin and church are in question. No attestation of a comparable charge by a lord on the finds of his clients has been found in the canonical tracts and the editors dismiss the Old Irish glossator's allusion to three-way apportionment between lord, kin and church as either misrepresentation or a mark of change in the law. Later commentators on Bechbretha discourse at length on the shares of their finds owed by dóermanaig 'base or unfree manaig' and sóermanaig 'noble or free manaig', and by dóerchéili and sóerchéili (the latter owing nothing). Notwithstanding the absence of positive evidence it is perhaps conceivable that base clients had some such liability, on the analogy of the share of their compensatory payments and legacies taken by their lords.[44]

The editors of Bechbretha connect the general notion of a liability for a third arising from the audacht binding manaig to their church with the trian n-imnai which is mentioned alongside tithes and the bó cennaithe 'cow of final payment' among the dues of manaig forfeited by a church which fails to provide pastoral services, according to a prescription of Ríagal Phátraic discussed heretofore.

Córus Béscnai employs imnae in the specific sense of a burial charge equal to one's honour-price, but also - together with the verbal form imm-ánai - with broader connotations of bequest or discretionary endowment, in which meaning the verb occurs in the Additamenta of the Book of Armagh.[45] A legal maxim places imnae in apposition to audacht and the Latin testamentum in proclaiming

> ...is sruithem fír fri himna éca agar. Confirmatam est testamendtum in morte. Tunc testamendtum firmum est quando homo a seculo migraverit. Is sruithiu 7 is uaisliu cach rád udacht fri bás.
>
> ...an oath sworn at the moment of death is of most worth. A testament at death stands confirmed. Accordingly a testament is effectual when a man shall have departed the world. A declaration (made) at death is the worthiest and noblest of all statements.

As Alan Ward points out, the parallel with audacht here is provided by fír 'oath' and not imnae, which latter forms part of an idiom corresponding to fri bás 'at (or 'with respect to'?) death', but it is not apparent that this example or the nice semantic distinction drawn by Ward between the closely related words imnae and timnae - injunction, decree, mandatory will - on the one hand and audacht - declaration, will, dying statement - on the

other, based on their proposed Indo-European origins, sheds much useful light on any functional distinction between the terms in Irish legal material generally.[46]

Charles Plummer's acceptance of the later glossators' differentiation between imna .i. i nertslainte 'imnae i.e. in full health' and udacht .i. fri bás 'audacht i.e. at or in anticipation of death' has not usually found favour.[47] While imnae in the narrower sense of a burial charge might be made during life, the evidence relating to such a charge discussed in the first section of this chapter shows that it could equally well be levied at or after death. Where imnae / timnae has a looser signification - as in Córus Béscnai and the Additamenta aforementioned and in the expression timnae fri héc 'timnae in anticipation of death' in other legal texts - the supposition that it is effectively synonymous with audacht has much to recommend it. In this light if imnai in Ríagal Phátraic be taken as an attributive rather than partitive genitive and the idiom trian n-imnai be translated 'third pertaining to bequest' or 'to testamentary disposition', it may be regarded as an allusion to the notion of a tertia Deo paid by manaig.[48]

In the version of Ríagal Phátraic represented by the recension appended to the 'Rule of the Céli Dé' and by the fragment in the Book of Lismore, trian n-imnai is replaced by trian annoiti. The term andóit used of a 'mother-church' with jurisdictional authority over subsidiaries has been

discussed above in chapter three, and in a commentary on Córus Béscnai trian do annoit 'a third to the andóit' alludes to this church's entitlement to a third of the ceannaighe 'end payment, effects(?)' of a manach who dies there having moved from his original church, which retains two thirds.[49] Antéchtae ordains that fodailtear trian flatha iter flathaib gach la cein annoit iter annoitaib 'a lord's third is apportioned between lords just as (?) andóit is apportioned between andóit-churches'. A later glossator infers a sharing of the lord's third between lords of primary and subsidiary base clientship and a sharing of dibaidh 'legacy, inheritable property' between the andóit-church and the eclais indeirghe 'abandoned church'. One might insert trian n- before andóit[e] in the original, although in another passage of the same tract shortly to be discussed andóit without qualification denotes an ecclesiastical charge. In any event the context plainly demands that a reference to the tertia Deo corresponding to the tertia Caesari be understood. The plural andóitib suggests a signification of churches in general, or at any rate the churches to which a manach had been attached and which at different times constituted his 'mother-church'.[50]

A church whose shortcomings - including neglect of religious services - deprives it of status is said in a later commentary to be obliged to surrender d'andoit 'to

the mother-church' a third of díre-compensation due to it. In similar circumstances Bretha Nemed Toísech decrees forfeiture of in tres rann 'the third share' or trian tírech 'landed third'. It has been supposed that this represents an elaboration of the general principle of ecclesiastical entitlement to a third of landed property, for which the testimony of this tract has already been quoted. Since in Ríagal Phátraic forfeiture of dues is a consequence of neglecting pastoral care of manaig, the variant trian n-andóite could perhaps betoken a resultant confiscation by the 'mother-church' of the tertia Deo together with the other renders of the manaig. On the other hand the aforementioned implication in Antéchtae that andóit could signify one's 'mother-church' subjectively and does not necessarily bear connotations of jurisdictional hierarchy allows that trian n-andóite in the variants of Ríagal Phátraic - like trian n-imnai - may designate simply the tertia Deo owed to one's own church.[51]

Andóit without qualification describes an ecclesiastical levy in a sequence of maxims in Antéchtae in which it is juxtaposed with imnae. These declare

> Laidig ail for naesaib. Laigid imna for giallna. L.[aigid] giallna for tochra. L.[aigid] tochra for iarraig. L.[aigid] iarraid for fiachaib. L.[aigid] feith for fintiud. Laigid finntiug for imna. Ar ni bi annoit 7

imna umale for aentseilb, na seoit giartha na giallna do flaith for aenorba ni fastaithear.

A legal fundamental precedes new laws. Imnae precedes base client service. Base client service precedes bride price. Bride price precedes fosterage fee. Fosterage fee precedes debts. Debts precede kin land / assets. Kin land / assets precede imnae. For / moreover andóit and imnae together may not burden the one (landed ?) property, nor may a fosterer's gift and base client service to a lord be bound upon the one inheritance / estate.[52]

The apparent point of this is that the more fundamental of two competing obligations takes precedence and that no property or estate should be burdened by more than one of the liabilities mentioned. The concern with the integrity of the kindred's property is echoed by a later commentator on another early tract who cites laigid fintiu for imna in illustration of the restrictions on one's freedom to endow a church created by pre-existing liabilities. One may compare a passage in Córus Béscnai which deprecates any novel cis 'charge' left on an orba 'inheritance / estate' or a fine 'kin' when making over imna no seota gerta no gaire no saine cron sainseirce no imcutail lanamna 'imnae or a fosterer's gift or price of maintenance or particular property of (i.e. 'to') a special favourite or bride

price'. This is in line with the insistence by the same tract that ecclesiastical endowments designated imnai must be made solely from the donor's tárcud 'product or acquisition', but the principle seems to be modified insofar as imnae in the more restricted sense of a burial price consonant with his status could be paid even by someone whose inheritance had not been augmented or had been slightly diminished. Andóit in the above excerpt from Antéchtae evidently means an ecclesiastical charge on property which is undeniably distinct from imnae, notwithstanding the proposed interchangeability of these terms in the variant recensions of Ríagal Phátraic. The suggested significance of andóit in the latter and of [trian n-]andóit[e] in the other passage in Antéchtae discussed heretofore would tend to the conclusion that in the present instance too it alludes to the tertia Deo, and this is one of two alternative explanations offered by a later glossator, .i. in trianlogh eineach no in trian dibaid 'i.e. the third of honour-price or the third of legacy'. Perhaps the dictum 'for / moreover andóit and imnae together may not burden the one (landed?) property' explains the preceding statement that fintiu precedes imnae, in the sense that if liable for an andóit, one's share of kin land or assets ought to be exempt from any additional levy of imnae as burial price. Such an interpretation would be consistent with a ruling of the

Collectio that

> Testamentum infirmi est ut...partem de mobili substantia ...ecclesiae tribuat in pretium sepulcri. Hereditas autem dividitur inter regem et ecclesiam et heredes.
>
> The testament of an infirm person is that he may render part of his moveable assets to the church as a burial price. However he apportions (his) inheritance between king and church and heirs.

It would also bear out the evidence adduced in the first section of this chapter for payment of the burial price of monachi / manaig from their moveables rather than from fixed assets or land to which the terms selb and fintiu typically refer.[53]

Of course the canonical text of Antéchtae makes no mention of manaig, and the precedence of imnae over gíallnae 'base client service', together with the references to bride price, fosterage fee and debts, imply rather that the competing obligations of lay kinsmen are in question. Imnae as burial price was payable by all who sought interment in consecrated ground, but as has been contended, there is some evidence that the tertia Deo may have been levied primarily on the church's immediate dependents. This is also evidently the assumption of a later commentator on the text presently under

consideration. Imnae therein is identified with lanlogh eineach a neartslainte 'full honour-price in full health', in accordance with the stipulated charge for burial in Córus Béscnai, and it is averred that a church that neglected to claim this from its manach before his death must be content with trian loigi eineach fri bas 'a third of honour price at death'. Where the manach ignores such a claim duly made, the church is entitled to both charges. The commentator thus identifies andóit in the canonical text implicitly with the aforementioned idiom audacht fri bás 'a testament / declaration at, or in anticipation of, death', and explicitly with the tertia Deo interpreted as a third of honour-price, as it is in other legal glosses and commentaries. Indeed another gloss on the passage in question explains that what is due from the fintiu 'kin land / assets' is trianlogh eineach fri bas and, as has been noted already, this glossator also cites trianlogh eineach as one of two alternative explanations of andóit. The glossator apparently assumed a connection such as has been postulated between the statements that fintiu takes precedence of imnae and that andóit and imnae should not both bear on the same property and, no doubt prompted by mention of imnae in both dicta, envisaged a parallel between fintiu in the first and andóit in the second.[54]

The levy of a third of honour-price so often mentioned in later glosses and commentaries - and regarded by Bruck

as particularly characteristic of ecclesiastical subjects among others - may be but one of a variety of estimates of what the teria Deo entailed, possibly including the provision in Córus Bescnai for a discretionary bequest of between one and two thirds of product or acquisition and the rule in the Collectio that a wife who is permitted to adopt the status of monachus may convey to the church tertiam partem substantiae suae 'a third part of her (moveable ?) wealth'. In the latter case it may be that unless she were a banchomarbae 'heiress' the assets at such a wife's disposal would most likely have taken the form of moveable goods. One might conjecture that even in the period prior to that of the commentators a comparably reduced liability would have been borne by at least some manaig, given that they comprised a range of ecclesiastical dependents including those who had no inheritable landed property on which the more onerous tertia Deo could be levied. In this light it is conceivable that the trian n-imnai of one version of Ríagal Phátraic, while corresponding to trian n-andóite in the other, is not synonymous with it but in fact denotes a lesser liability, imnae perhaps being implicitly equated with honour-price. Be that as it may, it must be doubted that that the later glosses and commentary on Antéchtae reflect the attitude of the original tract with complete accuracy, since the latter's use of fintiu and selb points to solicitude

regarding ecclesiastical appropriation of landed property specifically. Moreover, the commentator's claim that a levy of both andóit and imnae upon the estate of a manach is only ruled out if the church has neglected to demand the latter in time is so drastic a qualification of the manifest drift of the original text as to bespeak a conflicting or later legal tradition.[55]

Such conclusions as may be drawn about the tertia Deo in early medieval Ireland are necessarily rather tentative in view of the character of the evidence which bears on the subject. That the concept had currency among Latin canonists and contemporary as well as later vernacular jurists is undeniable, but there is no consensus as to what precisely was entailed, whether a levy of all inheritable property - including land - or of moveable chattels. Moreover while some formulations of the tertia Deo are ostensibly directed at the popoulace in general, there are others - especially those of later legal commentators but also including passages in the Collectio and the reference in Ríagal Phátraic to the trian n-imnai / trian n-andóite - which encourage the belief that liability may have been borne primarily by the direct dependents of the church. It must be conceded that evidence for this is comparatively slight, yet it is tempting to envisage a parallel with what was discerned in chapter four concerning regular payments like tithes, where intimations of universal application in

principle are found alongside persuasive testimony to a more limited enforcement. In that case a distinction between theoretical considerations and practical realities has been proposed, and the case for such a distinction in regard to the tertia Deo seems, if anything, more compelling. Giving effect to this levy beyond the confines of the church's immediate lordship would obviously have required the acquiescence or collaboration of secular potentates. While it has been suggested that this could have been forthcoming on occasion in respect of the wider enforcement of charges which were viewed as pastoral dues and the concomitant of divine benevolence, a systematic levy of the tertia Deo on the estates of the population in general - with the inexorable expropriation of all secular resources that this would involve - appears inconceivable.

The point of departure for this chapter was the observation that reversion to the church of the property of its manaig parallels the notion of ultimate reversion to a kindred of its members' property and thus need not have precluded a system of individual inheritance among ecclesiastical dependents. Perhaps the principle of reversion implies only that the church insisted on a role as executor. There is positive evidence that manaig / monachi might have kindred heirs and might be empowered to make bequests, perhaps even to third parties, quite apart from the seeming implication that this was the case which

is latent in the concept of gradual forfeiture of title to the church. The hypothesis that the tertia Deo and tertia Caesari are more likely to have been separate levies by church and secular lord on their respective dependents is not supported by an abundance of direct evidence, but it can be said to be consistent with a central contention of the first part of this chapter. This is that a lord was entitled to a portion of his deceased base client's inheritable property, either automatically or when no successor to the client was forthcoming, and that this is accompanied by the partial and cumulative - rather than total and instantaneous - acquisition by the church of absolute title to the property of deceased manaig. Again there is no unanimity about the details of the process, but there is a hint that the role of (soer)manach of greatest substance and legal capacity was inherited by a designated son or sons and in this respect also - though the position is by no means clear - ecclesiastical subjects may have resembled base clients rather than kinsmen, irrespective of how the inheritable property itself was apportioned.

The situation of the church with regard to its adherents' inheritable property therefore would seem to be somewhat paradoxical, for it appears to bear comparison at once with that of a kin group or its head and with that of a secular flaith 'lord'. Clientship itself evidently involves a similar ambiguity, however, for it is clear that

entry into this state was thought to compromise the sovereignty of the kin and the integrity of its assets, and the lord's assumption of some of the prerogatives of kindred is exemplified not only by his capacity to appropriate inheritable property but also by his right to a share of his clients' compensation payments. It has been suggested that this process was likely to culminate after some generations in the degradation of the dependent to the point where he retained little or no independent legal personality or socio-economic autonomy. The church would seem to have acted like a lord in encroaching on the interests and rights of its members' kin groups, whose role it may have come to supersede entirely, as the lord would appear to have done in relation to his most debased dependents. In conclusion, therefore, it may be fair to observe that the subject of inheritance constitutes a further dimension of the complex inter-relationship between the two essential strands in the ideology of the ecclesiastical dependent which were teased out in the preceding chapter, namely subjection to a lord and membership of a kin group.

Chapter VII

CONCLUSION

It is desirable to present a summary of the main conclusions of this study, which broadly speaking falls into two parts. The first, which includes the review of previous scholars' work in chapter one, as well as chapters two and three, concerns the general models of organization which characterized the Irish church between the seventh century and the tenth, both as regards ruling authority and jurisdiction. The second part, spanning chapters four to six, shifts the focus from the general to the particular and considers two crucial - and it is contended, related - aspects of the organization of the individual church, namely the provision of pastoral care and the position of the manaig. I shall take each chapter in turn and then make some general observations.

Discussion of the secondary literature in I.1 provides a context for the definition of objectives and methods in I.2 and the remarks on the primary sources in I.3, neither of which latter would seem to require any particular comment here, although obviously the extent to which the objectives set out in I.2 have been attained is the underlying theme of the present chapter. However, the appraisal of previous scholarly contributions merits some recapitulation, as it

serves to introduce a number of the issues dealt with in the remainder of the thesis, but especially in chapters two and three. The principal conclusion is that the challenge to the received wisdom presented by Sharpe is of the utmost importance and sets the whole debate on a new footing.

The essential element of the interpretation which has for so long held the field was first enunciated by Todd and elaborated by Bury. This is the idea that in the sixth century monasticism and rule by presbyter-abbots displaced an episcopally-governed system instituted in the time of Patrick, whom Bury credited personally with systematically organizing a network of territorial dioceses to which the term paruchia originally referred, though it subsequently came to designate 'the district of a presbyter'. With the exception of Zimmer, scholars unhesitatingly accepted the chronology favoured by Todd and Bury, subject to a variety of qualifications, and it acquired the character of an established orthodoxy through its endorsement by Kenney. His affirmation that the paruchia Patricii developed in the seventh century in response to the power of the existing 'monastic' federations, and his definition of paruchia as consisting of widely scattered subject churches - the personnel of which was, in his view, the familia - proved more influential than his belief that the túath formed a unit of territorial ecclesiastical jurisdiction. Binchy adhered to the consensus regarding transformation from a

diocesan episcopal to a dispersed monastic system and was disposed to regard the paruchia as consisting of subject churches or 'daughter-monasteries'. However, he also drew a comparison between Armagh's terminus and the territory of a 'rí túaithe or tribal king', and described its paruchia as the 'area' over which the abbot of Armagh exercised 'indirect suzerainty similar to that enjoyed by a ruiri or superior king.' This analogy was quoted by Hughes, who likewise manifested a degree of ambivalence in generally using 'monastic paruchia' to describe a scattering of subject churches, whose unrestricted potential for expansion she contrasted with the limited early territorial paruchia which, she maintained, was coterminous with the plebs or túath. She accepted and refined the conventional view of change from episcopal to abbatial rule but offered an elaboration of the chronology, holding both that episcopal administration survived in some measure alongside the 'monastic paruchiae' into the seventh century, and that the cause of episcopal government may have been promoted by the seventh-century Romani and even by the compilers of the Collectio in the first half of the eighth. However, she was in no doubt as to the ultimate triumph of monasticism, which from the eighth century became increasingly subject to secularization, as exemplified by the use of monachus / manach in the meaning 'monastic tenant / client'.[1]

Hughes's refinement of the traditional interpretation

provides a conceptual framework which has been accepted by most scholars over the past twenty-five years. Sharpe, however, presents a fundamental critique, based on the premise - articulated by Kenney and stemming in some measure from Zimmer - that an abundance of sources reflecting the nature of the Irish ecclesiastical system becomes available only in the seventh century. He calls in question the whole evidential basis of the reputed transformation from an early diocesan structure to one of abbatial government. He holds that the terminology which has led to the pre-Norman Irish church being seen as quintessentially monastic is misleading, and instead lays great stress on the importance of pastoral care, and therefore of clerical and indeed episcopal orders at all periods. In proposing the outline of an alternative model he affirms that the bishop retained pastoral jurisdiction after the seventh century and resided, along with a monastic community sensu strictiore, in a church settlement the lands and revenues of which were controlled by the comarbae 'heir' of the founder in his capacity as princeps / airchinnech 'supreme head', a function which might be combined with those of abbot in the conventional sense and / or bishop, or be performed by a separate official. He denies that paruchia has any particularly 'monastic' sense, and in his first paper on church organization maintains that the essential element is 'the proprietary control of a

mother-church over its dependencies' and the financial returns from the ministry provided in these. He suggests tentatively that the pastoral clergy in the small churches of a locality under the bishop's jurisdiction were linked in some way with larger churches. He avers that such a paruchia, far from being the norm in the seventh century, was a structure pioneered by Armagh and Kildare and later adopted by others. He implicitly modifies this assessment in his most recent contribution, in which he eschews the term paruchia but allows that from the seventh century a number of 'greater churches' competed for control of small local churches in a proprietary sense, but did not seek to usurp episcopal jurisdiction over pastoral care, which continued to operate at the most basic level within the túath or plebs. The concept of a metropolitan or archiepiscopal hierarchy which he believes was espoused by the Romani was never realized and was forced to give way to the laisser faire approach which he attributes to the Hibernenses. On a particular aspect of the church's ostensibly 'monastic' vocabulary he concludes that in Ríagal Phátraic the word manach 'has extended its semantic range to something like "parishioner"'.[2]

Attention has been drawn in chapter one to certain apparent contradictions in Sharpe's exposition of his integrated model of organization, especially as regards the point in time at which it can be said to prevail, and his

views in some respects bespeak a degree of reversion to elements of Hughes's model, notwithstanding his professed scepticism about it. All in all, however, his critique of the traditional orthodoxy is of the most profound significance, notwithstanding the failure of several scholars who have written subsequently to address it adequately. His novel perspective on the relationship between episcopal, abbatial and 'coarbial' power within a single, eclectic and flexible system of ruling authority, his various suggestions regarding jurisdictional structures and his emphasis on the need to understand how pastoral care was delivered provide a starting point for the detailed investigations pursued in chapters two, three and four of this thesis.

The profile of ecclesiastical rulership which emerges in chapter two is defined chiefly by the testimony of the Collectio, discussion of which takes up the bulk of II.1. The bishop's functions are those sacramental and pastoral duties characteristic of his order, and prominence is accorded his power of jurisdiction in the strict sense of a judicial role. His legal status is equated with that of a king and enhances that of the church to which he is attached, and he also administers temporalities and may have authority over monachi. The abbas is portrayed in Book XXXIX De monachis as an abbot of monks sensu strictiore, but elsewhere in the Collectio the emphasis is on relations

between abbas and monachi in matters of legal capacity and property, where monachi are visualized not as monks but as property holding tenants or servitors who are socio-legal dependents of the abbas. The third image of authority promoted in the Collectio is that of the princeps 'leader, head', whose general attributes resemble those of a secular ruler. He is undoubtedly regarded as the head of the church and has some directing role in regard to the pastoral ministry, but he is not credited with power of orders or judicial capacity - though a high legal status is implied - or with specific pastoral duties and it is expressly provided that if he is not himself a cleric he may engage others to perform clerical functions. His obligation to properly administer ecclesiastical temporalities, including pastoral dues, is accorded prominence, as is his position as lord of the church's subjects or monachi in worldly matters such as legal capacity, testaments and burial dues. In this respect there is an overlap with the role predicated of the abbas, while his administration of temporalities and his overall direction of the church including its pastoral ministry constitutes common ground with the bishop. The dual connotations of abbas and monachus indicate that the compilers of the Collectio did not feel the monk and the ecclesiastical tenant or servitor to be theoretically discrete, but the relationship of princeps and subjecti / subditi bespeaks some desire for an

alternative to the 'monastic' model of power over persons. In addition, the introduction of the notion of the princeps would appear to have allowed the compilers to account for the fact that church rulers who were themselves not clerics might have responsibility for the pastoral ministry including income deriving therefrom, a role which was in principle not within the competence of a monastic abbot. The princeps epitomizes temporal administration and represents an acknowledgement by the canonists that this function was performed by seventh- and eighth-century church heads who might be either bishops or conventional abbots or both or neither. Hughes's assessment of the components of the Collectio distinguishes between episcopal government advocated by the Romani and the Hibernenses's espousal of abbatial rule, but in fact it is only in regard to the princeps and temporalities - in some respects arguably the most peculiar features of the Irish system - that citations from the latter predominate. Overall the evidence does not support the thesis that two rival models are attested by the Collectio, but rather bears out Sharpe's notion of the incorporation of episcopal, abbatial and 'coarbial' authority within a single flexible system.[3]

The remaining Latin prescriptions neither contradict what has been deduced from the Collectio nor add much of substance, apart from some unequivocal intimations that the status of an eminent princeps was on a par with that of a

bishop. Much the same is true of the vernacular prescriptions examined in II.2. The bishop embodies the highest ecclesiastical status, equated with that of a king, and there is one reference to his acting as judge, but Ríagal Phátraic alone addresses his sacramental and other pastoral duties. Airchinnech is the title corresponding to princeps, and he is typically portrayed as the administrator and effective lord of the church and its dependents. Another designation of this figure is comarbae 'successor', and it is affirmed that the non-clerical comarbae enjoys the same standing as the highest clerical grade attached to his church. The non-clerical superior of a church of the greatest eminence has the status of a superior bishop. Ap, like the abbas of the Collectio, is ambiguous, for it sometimes denotes the effective lord of the church and its manaig, while in other instances the ap fills what appears to be the role of a monastic abbot, supervising penitent ecclesiastics. The vernacular material serves to draw attention to a category of ecclesiastical dependents described as lawful laity under the strict regime of a confessor, who would seem to be close to, if not identical with, manaig of the worldly sort.[4]

Early hagiography gives no fresh insight into the functions of ecclesiastical rulers, but overall it can be said to bear out the evidence of the prescriptive texts as regards the prevalence of a single eclectic system

accommodating different permutations of combination or separation of episcopal, abbatial and 'coarbial' offices. Mixed terminology characterizes the Patrician and Brigidine dossiers and while the ninth- or early tenth-century Bethu Phátraic places somewhat greater emphasis on a general notion of ecclesiastical rulership and does not expressly credit Patrick with episcopal rank, this does not imply any decline in the importance of the episcopal role but may reflect the fact that in the ninth and tenth centuries about half the recorded heads of Armagh were not themselves bishops. Adomnán gives pride of place to the monastic element in the Columban churches but the evidence does not suggest that bishops belonged to an entirely different system or played no part in Columban churches, but rather that the ruling office was generally separate from the episcopal therein. Other early saints' Lives and the annalistic records of the relevant churches also convey an impression of eclecticism and flexibility within one system. A statistical analysis of the annalistic evidence indicates that many bishops before AD 750 were effective lords of their churches and that between 750 and 1000 about half the recorded bishops also occupied the office of rule. Both before and after the mid-eighth century non-episcopal heads were more common, and from the ninth century there was an increasing preference on the part of the annalists for titles other than abbas / ap. This certainly betokens a

more overt evocation of the concept of ecclesiastical lordship. However, the idea that it reflects growing secularization rests on the mistaken assumption that those designated abbas / ap were necessarily monastic abbots, fails to give due weight to to the occurrence of titles like princeps, airchinnech, heres and comarbae before the ninth century and to the express acknowledgement of the church head who was neither bishop nor monastic abbot in the prescriptive material, and ignores the fact that 25% of those accorded such titles in the ninth and tenth centuries are also explicitly described as bishops or eminent scholars or are given epithets like anchorite which indicate outstanding devoutness.[5] There can be no doubt that the evidence of legal prescriptions, hagiography and annals as a whole is better accounted for by Sharpe's hypothesis than by the traditional model of the displacement of episcopacy by abbacy which then fell victim to secularization.

Three postulated jurisdictional models are investigated in chapter three: the basic territorially cohesive unit, the territorially defined sphere of supervisory jurisdiction, and authority over a geographically dispersed entity. The Latin and vernacular prescriptive texts studied in III.1 and III.2 are particularly illuminating regarding the first two. In the Latin material paruchia refers to a territorial sphere of episcopal pastoral authority but is

also on occasion spoken of as a desirable property or resource which could be misappropriated. It may be presided over by a princeps or even an abbas, and some formulations leave open the possibility that the term could have application to a dispersed jurisdiction. Plebs does not normally define the typical bishop's sphere with the same precision, but often seems to denote a more limited area associated with a cleric or bishop of lesser standing, or loosely signifies the lay community. The vernacular equivalent of paruchia is not well attested and is not found in the Old Irish material, in which túath has the same range of meaning as plebs, being used of the laity in general and also of a jurisdictional sphere which is sometimes associated with a bishop and sometimes with a cleric. There are other indications that the typical bishop's sway may have extended to more than a single túath, and there is some corroboration of the existence of a bishop who lacked full episcopal rank and is perhaps to be thought of as a chorepiscopus. Latin and vernacular prescriptions alike testify to the concept of a metropolitan or provincial level of superior jurisdiction which in both is connected with an appellate judicial function, and the vernacular laws make it clear that a non-episcopal head of a major church might preside at this level. The contingent interest of an andóit 'mother-church' in providing a successor to rule a subject church, to which

Córus Béscnai attests, is a dimension of jurisdiction which may be relevant to either a basic territorially defined sphere or a dispersed one, or perhaps to both. The evidence relating to Cáin Adomnáin provides a specific illustration of jurisdictional interventionism with revenue gathering implications on an island-wide scale which cannot be adequately described in terms of metropolitan authority and does not even entail the exercise of episcopal powers per se. Otherwise the Latin material does not bear out the suggestion census may designate charges due to a leading church from its subsidiaries, although there is vernacular legal testimony to the levy of an ecclesiastical cís.[6]

Among the early hagiography studied in III.3, the Liber Angeli and Cogitosus in the seventh century and the Vita of Ailbe of Emly in the eighth give clear expression to the concept of an archiepiscopal or metropolitan superior jurisdiction. This is not true of other Patrician and Brigidine texts, though in the former the related notion of apostolic precedence is acknowledged. The terminus claimed for Armagh in the Liber Angeli would seem to resemble an ecclesiastical province rather than a diocese in dimensions, and is mentioned in Bethu Phatraic. Paruchia in the Patrician and Brigidine dossiers would appear to connote a sphere of jurisdiction - the pastoral element of which is occasionally implicit but never spelt out - or the flock within it, but sometimes evidently alludes to

authority over widely dispersed subject churches. The paruchia in these sources is on a vast scale compared with that of the canons, encompassing the whole or much of the island, a feature which parallels the extended meaning given in the Liber Angeli to terminus / termonn of the prescriptive texts. While proprietary connotations are uppermost and there is no overt connection with episcopal authority, that this extended concept of paruchia involved superior pastoral jurisdiction is not to be ruled out, in view of the basic significance of the term in the canons and the fact that Armagh's paruchia included churches which apparently had local jurisdictional precedence. Sharpe's original belief that familia denotes an entirely different organizational model exemplified by the Columban churches is not borne out by the evidence which suggests rather that it signifies any ecclesiastical community and may be used of the personnel of a paruchia of subject churches. The 'Drumlease document' in the Book of Armagh confirms what is to be deduced from Córus Béscnai regarding the contingent interest of a 'mother-church' in providing the ruler of a subject church and applies the principle specifically to a dispersed paruchia. The Liber Angeli suggests that a census of some kind might be borne by the subject churches of such a paruchia. Of the other early Lives considered, the Vita of Carthach / Mochutu is most valuable in suggesting that paruchia could designate authority over subject churches as

well as a more or less defined sphere of jurisdiction resembling in its dimensions that of the canonists and sometimes expressly cast as the domain of a bishop. It is intimated that the sway of a great church like Lismore might encompass a number of such non-contiguous paruchiae.[7] On a general point it may be observed that the testimony of prescriptive texts and hagiography alike confirms Sharpe's view that paruchia has no particularly monastic sense.

The annals, the evidence of which is considered in III.4, reveal nothing of the basic territorially defined sphere of jurisdiction, and the sole reference to a paruchia in the late eighth century bespeaks a geographically dispersed authority. A series of entries in the tenth-century annals notice bishops with titles indicative of a territorially defined sway, in all cases greater than a single túath and in some instances evidently to be identified with a claimed provincial metropolitan jurisdiction. There is no suggestion of a permanently fixed episcopal hierarchy, but it would seem that within the spheres designated the pre-eminence of one bishop was on occasion widely acknowledged, while at other times no claimant was able to secure such recognition. The promulgations of the cáini of various churches in the eighth century and in the first half of the ninth, while not notably characteristic of metropolitan or archiepiscopal powers, represent attempts to extend

authority beyond the paruchia of subject churches, as is demonstrated by the involvement of secular potentates in these endeavours. It is contended that it was through the promulgation of its cáin rather by appropriating all other churches to its paruchia that Armagh sought to give effect to its pretension to island-wide pre-eminence. Ninth- and tenth-century references to Armagh's maer in Brega, whose title seems to betoken a judicial function as well as a revenue gathering one, appear to imply an established administrative machinery in this part of the country at least and a continuing ambition to realize a territorial model of jurisdiction in some sense. A similar inference may be drawn from records of the cúairt 'circuit' undertaken by Armagh's head in the second half of the tenth century.[8]

The relationship between the different jurisdictional models to which the sources attest is an area in which there is scope for a great deal more work. The provisional conclusion advanced somewhat tentatively on the basis of the present study is that a prominent church might be the jurisdictional focus of its particular locality and at the same time could preside over a paruchia of more or less widely scattered dependent churches. When circumstances were propitious it might also attempt to give effect to a claimed pre-eminence in a territorially defined sphere of superior jurisdiction which may be envisaged as

metropolitan or archiepiscopal.

The evidence relating to the pastoral mission, discussed in chapter four, is limited, but is indeed of critical importance for an appreciation of the wider question of organization. It is remarkable that the Collectio has virtually nothing to say of pastoral provision, although the published edition together with unpublished passages of the 'B' recension shed valuable light on the composition of regular pastoral dues in the form of tithes, first fruits and firstlings, and discretionary donations as well as alms - often connected with penance - are also mentioned. Other Latin prescriptive texts comment on baptism, communion and confession, and there are possible hints that recourse was had to the latter primarily by those electing to submit to a regulated penitential regime. A fee for confessorial services and alms as part of penance are countenanced. The vernacular laws envisage payment of dues as an insurance against divine retribution in the shape of epidemic and famine, but Córus Béscnai also casts dues as the concomitant of the provision of religious services, and details of what is to be paid are consistent with the Latin prescriptions. Even ostensibly discretionary donations are subject to the principle of reciprocity, being rendered in consideration of pastoral services in general, seemingly, and in particular in return for intercession for the dead. Such endowments are forfeited by the degenerate church or

cleric.[9]

Some sources indicate or imply universal availability of services and a general liability for dues. However the Synodus sapientium, Ríagal Phátraic, Cáin Fuithirbe read in conjunction with the Old Irish glosses pertaining to it, and the Tallaght documents are all conducive to the impression that the application of regular pastoral services and dues was restricted to the church's immediate dependents or manaig. The handful of hagiographical allusions to the subject include a number - among them perhaps the earliest, in the probably eighth-century Vita of Colmán of Lynally - which tend to the same conclusion.[10]

The manifest contrast between intimations of universal and more limited application is encapsulated in the testimony of Ríagal Phátraic, in which exhortations regarding the benefits of the pastoral ministry to society in general are accompanied by detailed provisions relating specifically to manaig. The explanation proposed involves a distinction between theory and practice. Córus Béscnai, ostensibly an important witness to a contract concerning pastoral services and dues which involves the church and society as a whole, itself contains hints that the immediate dependents of the church bore primary liability for regular payments. It appears that the church was reliant upon the support of secular lords to give wider

effect to such levies, and it seems likely that this would only have been forthcoming sporadically. It is suggested that records of the transposition of relics in the eighth-century annals, which often coincide with reported outbreaks of epidemic and famine, may have been occasions on which the church won the acquiescence of secular potentates in the general levying of dues.[11]

The conclusion that pastoral care and liability for regular dues was more usually limited to the church's peculiar dependents brings attention to bear on the manaig, the elucidation of whose position is the subject of the two remaining chapters. Their legal standing and capacity and their socio-economic functions are dealt with in chapter five, the starting point for which is Charles-Edwards's belief that they were legally incapacitated like slaves but resembled secular base clients in their economic role. This analysis is rejected as an over-simplification. In V.1 it is shown that the legal capacity of manaig had something in common with that of both the slave and the client and that equally instructive parallels are provided by fuidri 'semi-freemen', women and sons. Legal and especially contractual incapacity in principle is predicated of these three categories, but qualified in each instance by a number of exceptions which reveal that fuidri, women and sons who attained a degree of socio-economic autonomy were accorded a commensurate individual legal competence. Latin and

vernacular prescriptions suggest that manaig likewise comprised more than one class and that while the more debased elements were denied independent legal capacity, others enjoyed a qualified individual competence. Moreover, it would appear that manaig collectively were endowed with a legal personality similar to that of a kindred, permitting them, for example, to block undertakings by their head which might be deleterious to the interests of the community as a whole, such as alienation of church lands. In keeping with these features of their condition, it is proposed that the manach may have been credited with an individual honour-price, the essential marker of status in early Irish society, though the evidence on this point is less than conclusive.[12]

Food render, labour service, stock and land are the features of the socio-economic condition of manaig discussed in V.2, with the question of their capacity to inherit reserved for separate consideration in chapter six. The fixed food renders detailed in chapter four in the guise of pastoral dues in themselves constitute grounds for comparison with base clients in particular, for while the position is not altogether clear, there are indications that the renders of the fuidir of substance were not fixed but rather were at the lord's discretion. However, the evidence does not appear to support Charles-Edwards's view that manaig were subject to a less onerous liability than

base clients. Neither does there seem to be any reason to believe that that the direct labour of manaig - unlike that of base clients - was of negligible importance. That it was indeed of the essence of manach-service is plainly indicated by the fact that manchaine, the term for such service, also came to be used of the personal service of clients, the main economic component of which was, apparently, labour in tilling the lord's fields. The prescriptive material reveals little of the labour performed by manaig, but monastic labour is frequently depicted in the saints' Lives. Tillage figures prominently in these narratives which reflect cultivation of what may be regarded as demesne lands in relative proximity to the church settlement. Those engaged in this are sometimes described in terms which convey the impression that they are not orthodox monastic personnel and may be identifiable with the category of rent paying manaig. More commonly, however, the labourers are portrayed as monks sensu strictiore, but it is suggested that this hagiographical convention may also allude figuratively to the most debased category of ecclesiastical dependents who had no agricultural capital of their own and whose labour was their only contribution to the church's economy. They are occasionally explicitly compared with serfs in hagiography. The postulated distinction between manaig who paid food renders and performed some labour services and purely

labouring manaig may correspond broadly to that between manaig who are accorded a degree of independent legal competence and those who have none.[13]

As regards the reciprocal considerations in return for which renders and services were provided, the likelihood is that, as in secular society, the most debased dependents of the church exchanged their labour simply for sustenance. At a higher level the secular base client and fuidir of substance supplied food render and labour service in return for a fief or capital advance of stock or land. The dues of manaig, by contrast, are represented as the concomitant of pastoral care and never as the return on a fief or advance of capital. However, there is limited but unambiguous testimony that the church furnished monachi / manaig with capital in the form of both land and stock, and in the case of the former a passage in the Collectio accords with Charles-Edwards's view that manaig, unlike base clients, could never obtain outright title to such capital, which must ultimately revert to the church. There are some hints that what the church provided entailed reciprocal services. The fief or advance of the base client typically consisted of stock, so that insofar as he appears to have been also a recipient of land the manach on the face of it resembles rather the fuidir 'semi-freeman'. This analogy is spelt out in a number of passages, but the precariousness of fuidir-tenure and the relative ease - in theory at least

- with which lord or fuidir could terminate the arrangement is not really reflected in the condition of the ecclesiastical dependent. While the manach might depart his church for a variety of legitimate reasons and might be expelled for dereliction of duty, the relationship seems to have been characterized in principle by secure tenure and permanence. It may be concluded, therefore, that food render and labour service are aspects of the socio-economic condition of manaig which lend themselves to comparison with those of the dependents of a secular lord, from serf to base client. While there is a general likeness to base clients and fuidri in regard to capital furnished by the church to its manaig, the reluctance to spell out a linkage between this and the dues for which they were liable may be significant. In view of the conceptual analogy between manaig and a kin group, the fact that their collective legal competence encompassed an interest in church lands, and the principle that lands assigned to ecclesiastical dependents must revert to the church, it is conceivable that the economic resources with which they were supplied were also regarded as a kind of joint asset in which each manach was deemed to have a life interest not unlike that of a kin member in his allotted portion of the fintiu 'kin land / assets'.[14]

The inheriting capacity of property holding manaig and their liability for death dues are considered in chapter

six. For these aspects of their condition we are almost exclusively reliant on Latin and vernacular prescriptions. In VI.1 it is contended that the idea that property held by monachi / manaig was subject to a rule of ultimate reversion to the church, and the possible corollary that the life interest of individual dependents might be passed to kindred heirs, may be relevant not just to capital advanced by the church to its members but to the case of a kin group which submitted itself and its property, especially land, to the church. There is evidence that in at least some such cases the church did not obtain outright title at the point of submission, but acquired it only with the passage of several generations acknowledging obligations of manach-service. The persistence of a right or expectation of inheritance among such dependents is to be inferred, and indeed it is possible that even when the church's absolute ownership was established this did not extinguish their expectation to inherit, albeit only as tenants or trustees. Limited but unambiguous testimony is cited to the effect that, notwithstanding the underlying principle of reversion, ecclesiastical subjects might bequeath with the consent of their head, and might have kindred heirs, from among whom it appears that a particular individual was selected in the guise of a human tithe or firstling to perpetuate the service of his father. The inheritability of ties of base clientship, not widely

recognized hitherto, as well as the notion that perpetuation of such ties over several generations establishes a presumption of permanence, evidently provides an analogy with the position of manaig, although it is unclear whether the duties of clientship were in practice inherited by all the client's heirs or by a designated individual. Another feature of base clientship which has not been adequately acknowledged to date is that the lord was entitled to a share of his client's legacy, though again there is some uncertainty as to whether this was an automatic entitlement or occurred only when the kindred of the dead client failed to provide a substitute. The threat posed by clientship ties to the integrity of a kindred's assets is likened in general terms to that arising from the adoption of manach-status, and there is evidence that the church could take a share of its dependents' inheritable property in a similar manner. It is proposed that base clientship can be regarded as the first stage in a process of potential socio-economic degradation, which with the passage of a number of generations was liable to reduce the kin group in clientship to the status of semi-free fuidri, whose expectation of decline to the level of serfs after some generations is not in doubt. The situation of ecclesiastical dependents would seem to bear comparison with this. The various liabilities borne by manaig, including substantial burial charges - though it is unclear

if these were payable only in a case of burial in a church other than one's own - and the church's right to appropriate a share of their inheritable property, would have tended to diminish the assets at the disposal of any given kin group of manaig, with much the same degrading effect as has been postulated for base clients. Perhaps the son specially selected in some sense for the performance of manach-service was intended to ensure that at least one member of the kindred would continue to perform the service and enjoy the status of a manach of substance. The ambiguity apparent in the church's resembling both a kin group or its head and a secular lord in relation to its adherents' inheritable property is paralleled in some measure by the relationship of lord and base client itself. Both church and lord evidently appropriated to themselves by degrees the interests and rights of their members' or dependents' kin groups, whose role they appear to have superseded entirely in the case of the most debased categories.[15]

It is difficult to reach any but the most tentative conclusions regarding the tertia Deo 'third to God', discussed in VI.2. The general idea that the church was entitled to a fixed proportion of legacies, which seems to have originated in the eastern church, was certainly current among eighth-century Latin canonists as well as contemporary and later vernacular jurists. There is no

consensus as to whether it should bear on all inheritable property including land or be confined to moveable assets. A tripartition of the inheritable property of the populace as a whole between church, lord and kindred is ostensibly contemplated in some early Latin and vernacular texts, but others intimate that this may not have been the norm. Certain formulations - especially those of later legal commentators but also including references in the Collectio and in Ríagal Phátraic - give grounds for belief that the tertia Deo may have been borne primarily by the direct dependents of the church. While the evidence is undoubtedly neither abundant nor conclusive, it is surmised that such a restriction may parallel what has been deduced concerning pastoral care and dues in chapter four, where prescription of a universal application in theory is accompanied by persuasive indications of a more limited enforcement. It is conjectured further that a separate levy of a tertia by church and secular lord on their respective dependents might be related to the apparent entitlement to a share of the legacies of manaig and clients discussed in VI.1, but evidence which can be adduced in support of this linkage is minimal.[16]

In the light of this summary of the detailed conclusions reached, some general comments are in order. The approach which has been adopted in this study stems from an observation on the current state of knowledge made in the

introduction. This is that scholarly agreement about the overall character and development of church organization in early medieval Ireland - the foundations of which are undermined by Sharpe's critique - combined with a great diversity of views about details, suggest that the broad consensus which has long prevailed is superficial and impressionistic and not based on a comprehensive, systematic analysis. It would seem that the whole subject requires a fresh appraisal and that much work remains to be done, involving 'close studies of particular aspects of the Irish ecclesiastical scene' such as Herbert advocates, one approach to which is exemplified by her study of the Columban churches based principally on annalistic, genealogical and hagiographical sources. Detailed examination of the distribution and typology of ecclesiastical sites in particular areas, combining hagiographical evidence and the results of archaeological field surveys - such as is essayed by Hurley - may also yield valuable insights. However, as Sharpe rightly remarks, one cannot adopt such strategies 'without invoking a model to supply the wider framework', and as shown in the introduction, the work of both of the scholars mentioned bespeaks acceptance of the traditional model, as does that of several others who have written since the publication of Sharpe's initial paper on the subject. It is the view of the present writer that in the light of Sharpe's critique

the traditional model is no longer tenable, and this thesis is an initial attempt, inevitably far from complete or conclusive in many respects, to delineate an alternative, involving a detailed investigation of the light which the prescriptive texts in particular shed on crucial aspects of organization.[17]

The central tenet of the received wisdom, namely that that the early medieval Irish church was essentially and peculiarly 'monastic', is not sustainable, and seems to derive from too literal an interpretation of the terminology of the sources. Rather, it would appear to have been characterized by an eclectic accommodation of diverse elements, in which the idea of episcopal authority and a conscious effort to account for the church's temporal lordship played major parts alongside monastic ideology. The practice of monasticism in the strict sense has not been dealt with in this study for reasons outlined in the introduction, and its very survival beyond the eighth century is questioned by Sharpe.[18] Be that as it may, it undoubtedly provided a theoretical model for the church's relationship with its dependents, and perhaps to an extent for that between a 'mother-church' and the subject churches of a dispersed paruchia, consisting of what might be termed 'daughter-churches'. However, the evidence adduced in chapters three to six indicates that ecclesiastical temporal lordship and - certainly in the case of manaig,

and also possibly in relation to authority over a dispersed paruchia of subject churches - pastoral jurisdiction are concepts which better illuminate the real character of the two relationships. These relationships may be said to lie at the heart of the model of organization which emerges from this study, and they appear to exhibit a further conceptual parallelism. The distinction between a dispersed paruchia of subject churches and the archiepiscopal or metropolitan model of superior jurisdiction would seem to be mirrored at the level of the individual church by that between regular jurisdiction over manaig and the aspiration to extend this to the general public of a defined locality.

TRINITY COLLEGE
10 MAR 1995
LIBRARY DUBLIN