

Stateless Societies: Ancient Ireland

By Joseph R. Peden

Libertarians have often dreamed of escaping the tyranny of the State; some have sought to do so by seeking refuge in distant and uninhabited lands where they could live in solitary hermitage or in small communities held together by the principle of voluntary association and mutual aid. But historians know that such experiments seldom survive in peace for long; sooner or later the State finds and confronts them with its instinctive will to violence, its mania for coercion rather than persuasion, for compulsion rather than voluntarism. Such has been the fate of the Mormons and Mennonites, the Jehovah's Witnesses and the Amish people, among others.

As exploited peoples all over the world are beginning to realize, their true enemy is always within their midst — the coercive violence of the State — and it must be fought constantly in the very heart of its dominions. Every libertarian must fight the State from where he is: in his home, his place of business, in the schools, community and the world at large. His task is to resist the State and to dismantle it by whatever means are at hand.

Historically, States do not dismantle willingly or easily. While they can disintegrate with startling speed, as in Russia in 1917 or France in 1968, almost always new States arise to take their place. The reason for this, I believe, is that men cannot bring themselves to believe in the practical feasibility of a society in which perfect liberty, security of life and property, and law and justice can be attained without the coercive violence of the State. Men have for so long been enslaved by the State that they cannot rid themselves of a Statist mentality. The myth of the State as a necessary part of social reality constitutes the greatest single obstacle to the achievement of a libertarian voluntarist society.

Yet the historian, if he but chooses to look and report his findings, knows that many societies have functioned successfully without the existence of the State, its coercive apparatus and monopoly of organized violence. It is my purpose here to present one example of such a society, one that existed for more than a thousand years of recorded history, terminated only by the massive military efforts of a more populous, wealthy and aggressive neighboring State. I will describe for you the millennial — long anarchic society of Celtic Ireland — destroyed after a six-century struggle against the English State in the wake of the military victories, confiscations and genocidal policies of successive English governments in the 17th century.

English historians have usually justified Ireland's fate by characterizing its people as uncivilized and barbaric, its society as being anarchic. Christopher Dawson is quite clear on this point: "The essence of barbaric society is that it rests upon the principle of kinship rather than on that of citizenship, or that of the absolute authority of the State". Ireland certainly relied upon kinship relationships in its social cohesion and it never by any stretch of imagination enjoyed the dubious benefit of a citizenship conferred by the absolute authority of the State.

The distinguished Anglo-Irish historian of the Norman invasion and colonization of Ireland, G. H. Orpen, said quite frankly that Celtic Irish society was "anarchic" in that it had scarcely any of the political institutions or officials customary in a "civilized society". Nationalist historians like Eoin MacNeill, who actively participated in the overthrow of English rule in the period 1916-1922, considered these opinions just another smear by the English conquerors and insisted that the ancient Irish had as much of a State as they needed.

A younger generation of Irish historians, less caught up in the great struggle for national liberation than MacNeill, have candidly admitted the embarrassing fact: Irish society was indeed anarchic. As D. A. Binchy, the leading contemporary Irish expert on ancient Irish law, has written: "there was no legislature, no bailiffs, no police, no public enforcement of justice" and "the State existed only in embryo". "There was no trace of State-administered justice".

But if Ireland was essentially an anarchistic (or libertarian) society, how was law and order maintained? How was justice secured? Was there not incessant warfare and rampant criminality?

To answer the last of these questions first -of course there were wars and crime. Has there ever been a societystatist or otherwise - without war and crime? But Irish wars were almost never on the scale known among other "civilized" European peoples. Without the coercive apparatus of the State which can through taxation and conscription mobilize large amounts of arms and manpower, the Irish were unable to sustain any large scale military force in the field for any length of time. Irish wars, until the last phase of the English conquest in the 16th and 17th centuries, were pitiful brawls and cattle raids by European standards. The contemporary Irish historian, Kathleen Hughes, has remarked that one reason why the English conquest, begun in the 12th century under Henry II and completed only under William III in the late 17th century, was so long in being achieved was the lack of a well organized State in Celtic Ireland. A people not habituated to a Statist conception of authority are incapable of considering a defeat in war as anything more than a temporary limitation upon their liberty. Submission to the enemy is viewed as no more than a necessary and temporary expedient to preserve one's life until opportunity for revolt and recovery of liberty presents itself. The English, of course, considered the Irish notorious in their faithlessness (they repeatedly repudiated oaths of submission and allegiance to their English conquerors); they were repeatedly characterized by English commentators as natural-born, incorrigible rebels, barbarians, savages who refused to submit to the kind of law and order offered by the English State. The Irish, unfettered by the slave mentality of people accustomed to the tyranny of the State, simply refused to surrender their liberty and libertarian ways.

Let us now examine more closely Irish society and Irish social institutions.

The basic polity of the ancient Irish was the *Tuath*. Membership was restricted to Free men who owned land, or were members of recognized learned professions, — poets, seers, physicians, jurists or clergymen, or who were skilled craftsmen, millers, metal workers, architects, wood carvers, shipwrights, fishermen, musicians, chariotmakers, etc. Excluded were propertyless men, slaves, foreigners, outlaws and minor artisans. Political actions were undertaken within the annual assembly of all the Free men; kings were elected or deposed, wars declared and peace treaties agreed upon, questions of common interest discussed and policies decided. The assembly was the sovereign people acting.

The members of the tuath were not necessarily bound by ties of kinship, except incidentally- It was not a tribe or clan in the sense of being based upon a common kinship — real or imaginary. Kinsmen often lived and acted within different Tuatha and individual members could and often did secede, and join

another tuath. Also two or more tuathia could and did coalesce into one body. The tuath is thus a body of persons voluntarily united for socially beneficial purposes and the sum total of the landed properties of its members constituted its territorial dimension. Historically there were from 80 to 100 or so tuatha at different periods in Irish history, and few were larger than perhaps a quarter to a third of the modern Irish county. The population is unlikely to have exceeded 25,000 souls, and was usually smaller.

The chief personage within the tuath was the king. The nature of kingship in ancient Ireland must be sought in pre-Christian times. As is commonly the case among ancient peoples, the basic social unit — here the tuath - was essentially a cultic association. The cult is the basis for social, political and military cooperation among the body of worshippers. The king is first and foremost the high priest of the cult; he likewise presides over the assembly of worshippers and acts in their behalf in secular as well as sacred functions. The Irish kings were clearly the chief priests of the tuath; their inauguration ceremonies, the sites of the assemblies, the traditions of the people confirm this fact. The conversion to Christianity modified the religious functions of the kings to fit the requirements of Christian practices, but did not entirely eliminate them.

As was common, the kingship was hereditary, like pagan priesthoods. The king was elected by the tuath from within a royal kin-group (the *derbfine*) consisting of all males in three generations descending from a common ancestor who was a king. The royal kin-group usually nominated one of its members, or if a dispute arose and could not be settled otherwise, joint kings were elected. Kings who displeased the tuath were often deposed, and those who were mutilated in any way had to abdicate - the result of a religious taboo, one of many that were attached to the office of king.

To what extent was the king the representative of a State? The Irish kings had only two functions of a State-like character: they were required to preside over the assembly of the tuath and represent it in negotiations with other tuatha; and they were expected to lead the tuath into battle when it went to war. He clearly was not a Sovereign himself and exercised no rights of administering justice over the members of the tuath. When he himself was party to a suit, he submitted his case to an independent judicial arbiter. And he did not legislate.

How then was law and order maintained?

First of all, the law itself was based upon immemorial custom passed down orally through a class of professional jurists known as the *filid*. These jurists added glosses to the basic law from time to time to make it fit the needs of the times; several schools of jurisprudence existed, and the professional jurists were consulted by parties to disputes for advice as to what the law was in particular cases, and these same men often acted as arbitrators between suitors. They remained at all times private persons, not public officials; their functioning depended upon their knowledge of the law and the integrity of their judicial reputations. They are the only “judges” Celtic Ireland knew; their jurisprudence was her only law, national in scope, and completely detached from the tuath, the kings and their respective wishes.

How was this law of the *filid* enforced? The law was enforced by the action of private individuals allied with the plaintiff and defendant through a system of sureties. Men were linked together by a number of individual relationships by which they were obligated to stand surety for one another guaranteeing that

wrongs would be righted, debts paid, judgements honored, and the law enforced.

The system of sureties was so well developed in Irish law that there was no need for a Statist system of justice. There were three different kinds of surety: in one the surety guaranteed with his own property the payment of a debt which the debtor did not or could not pay; another kind saw the surety pledge his person that the debtor would not default; if the debtor did default, the surety had to surrender himself as a hostage to the creditor; he then had to negotiate a settlement with his captor. In a third instance, a man might pledge to join the creditor in enforcing the judgement against the debtor if he failed to pay the full amount of the judgement; in this case the debtor was liable to double damages since he must pay the original creditor and also pay a compensation to the surety for compromising his honor.

Almost every conceivable legal transaction was worked out through the taking and giving of sureties. As the Irish law made no distinction between torts and criminal offences, all criminals were considered as debtors - owing restitution and compensation to their victims — who thereby became their creditors. The victim gathered his sureties and proceeded to apprehend the criminal or to publicly proclaim his suit and demand that the criminal submit to adjudication of their differences. At this point the criminal might send his sureties to negotiate a settlement on the spot or agree to submit the case to one of the *filid*.

The Irish law recognized the all too likely fact that a poor man may have difficulty in getting a rich, powerful man to submit a dispute to negotiation or arbitration by the *filid*. It therefore provided for a special kind of distraint. According to this procedure, the plaintiff was obliged to appear at the gate of the defendant's house and sit there from sunset until sunrise fasting the whole while; the defendant was likewise bound either to keep a similar fast, or submit to adjudication of the dispute. If he broke his fast, or refused to submit to adjudication for three days, he was said to have lost his honor within the community, and could not enforce any claim of his own. As the law code put it: “He who does not give a pledge to fasting is an evader of all. He who disregards all things is paid by neither God nor man”. Thus the ultimate sanction was to be considered an outlaw by the community - to lose one's own legal status. This custom, which invokes the moral feelings of the community to insure justice, was used during the Anglo-Irish war of 1916-22 when Irish prisoners in English custody used the hunger strike to win public sympathy for their cause. (Those reminded of the tactic of Gandhi in his struggle against British imperialism should not be surprised to learn that ancient Hindu law has a fasting procedure just like that in ancient Irish law).

The essentially libertarian nature of Irish society can also be seen in the fact that the native Irish never issued coinage. Historians have generally interpreted this phenomenon as another sign of the barbaric nature of the Irish society and its economic and technological backwardness. Indeed, although in contact with the Celtic states of ancient Britain and Gaul, and later with the Roman and Anglo-Saxon peoples of Britain, and with the Viking princes who established trading colonies all around the coasts of Ireland, all of whom issued silver coinage within their realms, it is strange that the Irish never followed suit. They certainly had access to both gold and silver from native sources; they travelled abroad and knew the monetary usages of their neighbors; and the metalworkers capable of creating such masterpieces as the Tara brooch or the Ardagh chalice were certainly capable of striking coins.

Why then did they not do so? Libertarians can see one possible reason immediately. Coinage is usually the product of the State

monopolists, who, through legal tender laws, compel sellers to accept' state coinage which is always overvalued in comparison to its bullion value. Only the coercive power of the State can sustain the use of a debased coinage in the free market which prefers bullion which exchanges at its free market value rather than at a state imposed exchange rate.

Thus the peculiar absence of coinage among the Irish a thousand years after its introduction in Britain is further testimony to the absence of the State in Irish society.

Under the impact of the Norman invasion of Ireland in the twelfth century, Irish institutions and customs underwent considerable strain as they tried to cope with so alien a social and political system as that represented by the statism of the English imperialists. But in the end the two systems were incompatible. Under the Tudor monarchy with its strong absolutist tendencies, a systematic, intense and ultimately successful policy of conquest and cultural genocide was directed against the native

Irish. The rebellions, conquests, and confiscations of the 17th century finished the destruction of the old anarchic society. Yet surely the spirit of liberty lived on in the hearts of the Irish peasantry to emerge again and again down to the present day whenever 'the oppression of the foreigners became too great. The shadow of the past is always very real and present in Ireland, and the memory of liberty has never faded from the minds of the people.

Note: Historians writing about stateless societies have a tendency to use "statist" terminology and conceptions in describing essentially stateless ideas and institutions. Irish historians have been particularly guilty in this respect. Least affected are the works of Myles Dillon, *The Celtic Realms* (London, 1957), and *Early Irish Society* (Dublin, 1954); also D. A. Binchy, *Anglo-Saxons and Irish Kings/biz!* (London, 1970); and Kathleen Hughes, in her introduction to *A History of Medieval Ireland* (London, 1968), by A. J. Otway-Ruthven.