

Thoughts on the *uotum mali*



John Carey

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ABSTRACT

In Old Irish, the word *díberg* designated not only the activity of brigandage, and by extension an individual who performed such activity; but also a vow to kill undertaken by a brigand, and symbolic headgear representing this vow. It is proposed that the word *mind*, attested in the senses ‘diadem’ and ‘relic’, was originally also used of headgear of this kind. The discussion concludes with further observations on practices associated with oaths in pre-Christian Ireland, and on the changes undergone by these practices in the early Christian period.

THE TRACT HEADED *De disputatione Hibernensis sinodi et Grigori Nasaseni; sermo de innumerabilibus peccatis incipit*, conventionally designated ‘Irish Canons I’, includes the following ruling (citing the edition and translation by Ludwig Bieler):

Haec est poenitentia magi uel uotiui mali si<ue> crudelis, †iddem ergach, † uel praeconis uel cohabitatoris uel heretici uel adulteri, id est .vii. anni in pane et aqua.

‘This is the penance of a wizard, or of one who has vowed himself to evil, or a malefactor or of a hawker, or of a cohabiter, or of a heretic, or of an adulterer: seven years on bread and water.’¹

In a note, Bieler observed that Whitley Stokes had proposed that the crux be interpreted as a corruption of *id est díbergach*, glossing the ‘one who has vowed himself to evil’ with an Old Irish word for ‘brigand’; but he gave it as his own view that ‘a scribal misreading such as assumed by Stokes is very difficult to explain’.² Subsequent scholarship has however followed Stokes rather than Bieler on this point. Paris, Bibliothèque nationale de France (BnF) MS lat. 12021, the unique witness, is a Breton manuscript of the early tenth century; Bieler himself acknowledged that its text ‘is in a very bad condition’,³ and two further Old Irish phrases are also garbled.⁴ The correctness of Stokes’s emendation is confirmed by the presence of the statement in the ‘Old-Irish Table of Penitential Commutations’ that *diberggae 7 druithdechta 7 cantechda* (‘brigandage, druidism, and satirising’) are among the grievous sins for which no commutation is possible;⁵ and in the legal tract *Bretha Crólige* the triad

¹Ludwig Bieler (ed. and trans.), *The Irish Penitentials*, *Scriptores Latini Hiberniae* 5 (Dublin, 1963), 160–1, §4.

²Ibid., 251; cf. *Thes* ii, 38.

³Bieler, *Irish Penitentials*, 14, 26.

⁴*Coaid siir throscho* for *coaid siirthroscho*, *fordoborfiit* for *fordobor 7 ith* (*Thes* ii, 38).

⁵D. A. Binchy (ed. and trans.), ‘The Old-Irish table of penitential commutations’, *Ériu* 19 (1962), 47–72, at 58–9, §5.

drúí, díbergach, cáinte ('a druid, a reaver, a satirist') clearly corresponds to the *magus, uotiuus mali* and *praeco* of 'Irish Canons I'.⁶ Closely similar is a passage in the Middle Irish *Betha Colmáin maic Lúacháin*, where an irredeemable sinner is characterised as *drú[i] nō díbergach nō mac mallachta* ('a druid or a marauder or a son of malediction').⁷

In a source that appears to belong to the seventh century, then, a *díbergach* or brigand is characterised as a *uotiuus mali*.⁸ Commenting on Bieler's translation of 'Irish Canons I', the late Richard Sharpe stated that the rendering of *mali* as 'malefactor' is 'certainly wrong; *uotum mali* is a definite phrase [...], the *uotiuus mali* one who has taken the vow of evil'.⁹ In support of this view he cited passages in the *uitae* of Irish saints for which he believed that 'a date earlier than A.D. 800 can be argued':¹⁰ of these, the Life of Saint Cainnech speaks of 'twelve *laici* promising an evil vow, that is, *díbergaig*' (*.xii. laici uotum malum promittentes, silicet dibergich*);¹¹ while a young man in the Life of Ailbe 'vowed a most evil vow, that is, *díberg*' (*uotum pessimum uouit, silicet dibherc*).¹² From the context it is apparent that the substance of this vow is a commitment to taking human life: only after he has killed is the votary freed from the obligation undertaken.

Besides meaning 'brigandage', then – and, by a semantic extension found with several Irish nouns designating functions or activities, 'one who practices brigandage, a brigand'¹³ – *díberg* was a term for the *uotum mali*, the vow to

⁶D. A. Binchy (ed. and trans.), 'Bretha Crólige', *Ériu* 12 (1938), 1–77, at 40–1, §51. The testimony of the vernacular texts is valuable in interpreting the sense in which 'Irish Canons I' uses the Latin word *praeco*, the more usual meaning of which is 'herald, crier'.

⁷Kuno Meyer (ed. and trans.), *Betha Colmáin maic Lúacháin: Life of Colmán son of Lúachan*, Todd Lecture Series 17 (Dublin, 1911), 106–7, §106. I have slightly adjusted Meyer's text and translation: he read *drú[th]*, which he translated as 'jester', but in a footnote acknowledged the possibility that the real reading might be *drúí*.

⁸Bieler, *Irish Penitentials*, 9: 'None of the six texts [...] with the possible exception of *De arreis* (Text II), would seem to be later than the middle of the seventh century.'

⁹Richard Sharpe, 'Hiberno-Latin *laicus*, Irish *láech* and the devil's men', *Ériu* 30 (1979), 75–92, at 82 n. 36.

¹⁰*Ibid.*, p. 79 and n. 21. Sharpe presented this argument in *Medieval Irish Saints' Lives: An Introduction to Vitae Sanctorum Hiberniae* (Oxford, 1991), especially Chapters 7–9. While Sharpe's views on the dating of these *uitae* have been accepted by eminent scholars – e.g. Máire Herbert, 'Latin and vernacular hagiography of Ireland from the origins to the sixteenth century', in Guy Philippart (ed.), *Hagiographies 3* (Turnhout, 2001), 327–60, at 336–9 – some doubts have also been expressed. Thus I noted what seemed to me to be problems with Sharpe's position in my review of *Medieval Irish Saints' Lives* in *Speculum* 68 (1993), 260–2; for other critical discussions, see for instance Caoimhín Breatnach, 'The significance of the orthography of Irish proper names in the Codex Salmanticensis', *Ériu* 55 (2005), 85–101; Pádraig Ó Riain, 'The O'Donohue Lives of the Salamanca Codex: the earliest collection of Irish saints' lives?', in Sarah Sheehan, Joanne Findon and Westley Follett (eds), *Gablánach in Scélaigeacht: Celtic Studies in Honour of Ann Dooley* (Dublin, 2013), 38–52.

¹¹W. W. Heist (ed.), *Vitae sanctorum Hiberniae: ex codice olim Salmanticensi, nunc Bruxelensi*, Subsidia Hagiographica 28 (Brussels, 1965), 194. In the article cited in n. 9 above, Sharpe presents evidence that in Hiberno-Latin the word *laicus*, besides meaning 'layman', could mean 'warrior', 'pagan' and 'brigand'.

¹²*Ibid.*, 126. In the same passage the vow is referred to as a *diabolicum... uotum*.

¹³For discussion of this usage see Liam Breatnach, 'On Old Irish collective and abstract nouns, the meaning of *cétmuinter*, and marriage in early Ireland', *Ériu* 66 (2016), 1–29, at 1–6.

perform evil; and the derivative form *díbergach* could refer not only to one who engaged in brigandage, but more specifically to one who had taken such a vow.

In further sources the *uotum mali* is said to have been represented, and to some extent indeed embodied, in signs or tokens worn by the votaries. Again, it is Sharpe who has assembled the relevant dossier.

The earliest attestation is in the *uita* of Patrick by Muirchú, from the late seventh century, where it is said of Macuil, the leader of a band of marauders, that he put on *signa [...] nequissima* preparatory to embarking on murderous raids; the word *signa* is glossed *diberca* in the copy of Muirchú's *uita* in the ninth-century Book of Armagh.¹⁴

The text designated *Vita prima Sanctae Brigidae* by the Bollandists, which has been variously dated to the seventh and the eighth centuries,¹⁵ mentions such 'signs' in two episodes; in both cases they are called *stigmata*. In the first of these, a warrior named Conall came to Brigit with his followers, 'under evil signs' (*sub stigmatibus malignis*): he told her that 'we wish to go into distant regions, so that we may unfasten these our bonds (*ista uincula nostra*). For (their) unfastening is to kill and destroy enemies.' Brigit prayed that they would lay down these *signa diaboli*, and having witnessed her miraculous powers they eventually did so.¹⁶ In the second episode, it is 'certain idle and vain men, having devilish signs on their heads' (*quidam uiri otiosi et uani, habentes stigmata diabolica in capitibus suis*), who came to Brigit while bound on a murderous errand. Rather cryptically, they told her: 'We are not able to put off our signs, unless someone takes them upon himself (?), lest they fall to the earth' (*Non possumus dimittere stigmata nostra, nisi aliquis sufferat ea ne cadant in terram*). Brigit took them from the warriors, and 'was greatly wondering at the forms of the signs' (*multum mirabatur signorum formas*).¹⁷ As Sharpe comments: 'The vow must have been to kill someone, specified or unspecified. The *signa diabolica* were worn to indicate that one was bound by this vow and might not be removed until it was fulfilled.'¹⁸

That the 'signs' were worn on the head is also attested in the *Vita prior Sancti Lugidi*, another of the *uitae* dated by Sharpe to the eighth century.¹⁹ Here the warriors in a marauding 'troop of the Devil' (*scola diaboli*) are described as 'having signs on (their) heads' (*uexilla in capitibus habentes*).²⁰ This usage may

¹⁴Ludwig Bieler (ed. and trans.), *The Patrician Texts in the Book of Armagh*, Scriptores Latini Hiberniae 10 (Dublin, 1979), 102–3.

¹⁵Detailed arguments for differing datings are for instance set forth by Richard Sharpe, 'Vita S. Brigidae: the oldest texts', *Peritia* 1 (1982), 81–106; and by Kim McCone, 'Brigit in the seventh century: a saint with three lives?', *Peritia* 1 (1982), 107–45. Thomas Charles-Edwards has now given his support to a seventh-century date: 'Early Irish law, St Patrick and the date of the *Senchas Már*', *Ériu* 71 (2021), 19–59, at 32–3.

¹⁶John Colgan, *Triadis thaumaturgae seu divorum Patricii, Columbae et Brigidae trium veteris et maioris Scotiae, seu Hiberniae sanctorum insulae communium patronorum acta* (Leuven, 1647), 534–5.

¹⁷*Ibid.*, 535.

¹⁸Sharpe, 'Hiberno-Latin *laicus*', 84.

¹⁹See n. 10 above.

²⁰Heist, *Vitae*, 140–1.

indeed be already implicit in Muirchú's account of Macuil, in which the brigand with his *signa nequissima* confronts the contrasting figure of Patrick 'shining with [...] as it were, the wondrous diadem (*deademate*) of heavenly glory';²¹ and in fact in the version of the same episode in the later *Vita tertia Sancti Patricii* it is said that Macuil and his followers placed 'devilish signs upon their heads, that is, *díberg*' (*signa diabolica super capita sua, id est díberch*).²²

Díberg, then, can signify not only the actions of a brigand (and by extension the brigand himself), as well as a brigand's vow to kill; but also a token of some kind, worn on the head, that serves as the sign and physical representation of that vow. I propose that early Irish had a further word for such a token: the noun *mind*. In *DIL* two primary senses are offered for *mind*: '(a) a distinguishing badge or emblem of honour or rank, esp. one worn on the head, a crown, diadem, etc.'; and '(b) a halidom or venerated object, esp. something connected with a saint [...]. Such halidoms were frequently used for taking oaths on and making compacts'.²³ Two such divergent meanings – an ornament, specifically for the head; and a guarantee for oaths – can I think best be explained on the hypothesis that *mind* originally designated a special headgear on which vows were sworn – precisely such an object as we have seen called *díberg* in other sources.²⁴

I am not the first to suggest this interpretation: in an extended discussion of traditional usages whereby an initiate's 'change of fate and state [...] appears [...] to have been embodied in the band or crown about his head', Richard Broxton Onians adduced Irish *mind* as an instance.²⁵ Onians noted the particular importance of the idea of binding in association with headgear of this kind,²⁶ recalling the use of the word *uincula* to designate the 'evil signs' in *Vita prima sanctae Brigitae*.

²¹ Bieler, *Patrician Texts*, 102–3.

²² Ludwig Bieler, *Four Latin Lives of St. Patrick: Colgan's Vita Secunda, Quarta, Tertia, and Quinta*, *Scriptores Latini Hiberniae* 8 (Dublin, 1971), 170.

²³ The further senses '(c) transf. of persons, commonly used of heroes, kings, saints', '(d) an oath, vow' are evidently derivative, based on senses (a) and (b) respectively. *DIL*, s.v. *I mind (minn)*: for this entry, I cite the 1939 fascicle arranged by Maud Joynt, to which *eDIL* at the time of writing has added nothing bearing upon the present discussion.

²⁴ In the Würzburg glosses on Paul's epistles, *mind* glosses *stigmata*, the word applied to the *signa diaboli* in the *Vita prima* (*Thes* i, 630, Wb 20d6). Besides the early references to *mind* as 'diadem' in specifically Irish sources, cf. the use of *minn*, plural *minnou* in the sense 'wreath' (*sertum*) in the ninth-century (?) Old Welsh glosses on Martianus Capella, where the Old Welsh word is generally supposed to be a loan from Old Irish: Whitley Stokes, 'The Old Welsh glosses on Martianus Capella with some notes on the Juvencus-glosses', *Beiträge zur vergleichenden Sprachforschung* 7 (1873), 385–416, at 392; cf. Alexander Falileyev, *Etymological Glossary of Old Welsh*, *Buchreihe der Zeitschrift für Celtische Philologie* 18 (Tübingen, 2000), 113–14. On the question of the date of these glosses see Kenneth Jackson, *Language and History in Early Britain* (Edinburgh, 1953), 53.

²⁵ R. B. Onians, *The Origins of European Thought about the Body, the Mind, the Soul, the World, Time, and Fate: New Interpretations of Greek, Roman, and Kindred Evidence, also of Some Basic Jewish and Christian Beliefs*, second ed. (Cambridge, 1951), 457 and n. 3.

²⁶ *Ibid.*, 426–66; thus, speaking of the crown as a symbol of kingship, Onians argued that 'it was originally its embodiment, a band, the concrete form under which men believed that different kinds of fate were bound about them by the higher powers or might magically be bound about them by men themselves' (p. 458).

Most of the associations of *mind* in the literature are with sanctity and royal power: early instances are the phrases *mind súithe* ‘crown of knowledge’ in *Audacht Morainn*,²⁷ and *mind mainbthech* ‘rich diadem’ (applied to Labraid Loingsech) in the dynastic poetry of the Laigin.²⁸ Druids are however described as wearing *minna* in the tale *Táin Bó Fraích*.²⁹ Even more striking for our purposes is one of the poems celebrating the early kings of the Laigin, in which it is said of Echu mac Énnai Chennselaig that he led *fianna fo mindaib*.³⁰ Kuno Meyer translated this as ‘war-bands under crowns’ (‘Kriegerscharen unter Kronen’), and conjectured that the phrase was an allusion to Echu’s winning of the kingship. Even as an ‘Anspielung’, however, it is hard to see how these words would have conveyed such a meaning; nor need *fo* in this case be taken to mean ‘under’ in a concrete, spatial sense.³¹ *DIL* s.v. *I mind (minn)* (a), noting that *fominnaibh* is glossed with *arraib* ‘payments’ in the copy of the poem in the sixteenth-century addition to the Book of Leinster, suggests that this might refer to ‘soldiers’ pay (? *sureties, oaths, cf. d*); but this too seems rather forced. Finally, Enrico Campanile has translated the phrase as ‘oath-bound war-bands’ (‘vereidigte Kriegerscharen’),³² understanding this as a reference to ‘the custom [...] of preserving the relics of the saints in costly reliquaries, and swearing upon them’ (‘die Sitte [...] die Reliquien der Heiligen in kostbaren Reliquiaren aufzubewahren und auf sie zu schwören’); he goes on to state that the cult of relics is such an ancient part of Christianity that this reference does not rule out an early date for the poem.³³

I think that Campanile’s rendering ‘oath-bound’ is to be preferred: thus the phrase *fo minnaib* is used in the sense ‘under oath’ in the legal literature.³⁴ But it does not follow that these oaths were sworn upon ecclesiastical relics; even if some early Irish warriors did make such vows (although I am not aware of any other evidence of their having done so), this would have been wholly out of character for the war-bands known as *fianna*, described for instance by Sharpe as ‘bands of roving warriors without the ties of settled community and hateful to the Church. There is nothing to distinguish them from the *latrunculi*

²⁷Fergus Kelly (ed. and trans.), *Audacht Morainn* (Dublin, 1976), 8–9, §24; and cf. Kelly’s note, p. 36.

²⁸M. A. O’Brien, *Corpus Genealogiarum Hiberniae* (Dublin, 1962), 3. *DIL* notes a few instances of soldiers wearing *minna*, but these occur in very late sources.

²⁹Wolfgang Meid (ed.), *Táin Bó Fraích*, Mediaeval and Modern Irish Series 22 (Dublin, 1967), 2, ll. 35–6. In the tale *Cath Cinn Abrad* there is mention of a *mind* belonging to a *druí*; but in all other sources (and indeed earlier in the same tale) this figure is said to be a *drúth* or jester: Máirín O’Daly (ed. and trans.), *Cath Maige Mucrama: The Battle of Mag Mucrama*, ITS 50 (Dublin, 1975), 92; cf. pp. 12, 152.

³⁰Johan Corthals, ‘The rhymeless “Leinster Poems”: diplomatic texts’, *Celtica* 24 (2003), 79–100, at 97–8.

³¹Kuno Meyer, *Über die älteste irische Dichtung: II. Rhythmische alliterierende reimlose Strophen* (Berlin, 1913), 22.

³²Enrico Campanile, *Die älteste Hofdichtung von Leinster: Alliterierende reimlose Strophen*, Veröffentlichungen der Keltischen Kommission Nr. 8 (Vienna, 1988), 34.

³³*Ibid.*, 8 n. 3.

³⁴E.g. *CIH* i 132.13; iv 1384.1: two versions of a tract on false testimony.

or *laici* already discussed, except that we do not hear of *fianna* wearing *signa diabolica* or the like.³⁵ The passage under discussion, from a poem of probably seventh-century date, appears in fact to link *fianna* with just such signs.

This impression is supported by some passages in later sources which, while they do not involve the association with something worn on the head which we have seen to attach to the words *díberg* and *mind* elsewhere, do demonstrate that oaths sworn upon *minna* were not necessarily expressions of Christian piety. Thus a *rosc* in the Middle Irish tale *Aided Díarmata meic Fergus Cerrbéoil*, evoking violence and disaster, includes the phrase *éclaind fo mindaib* ‘warriors [literally “kinless men”] under oaths’.³⁶ Again, one entry in ‘O’Davoren’s Glossary’ gives *fo minna[ib]* as an equivalent for *fo deib*, indicating that (in the glossator’s mind, at least) *minna* could designate oaths in the name of pagan deities;³⁷ while in another entry, *minn* is equated with *ailt* ‘blade’, on the grounds that oaths could be sworn on the blades of knives.³⁸ Whatever its historicity or otherwise, this latter concept is further reflected in the tales *Cath Maige Tuired* and *Serglige Con Culainn*, both of which state that, through the agency of demons, weapons served as sureties (*commairgi*) for the pagan Irish.³⁹ Warriors are also portrayed in the sagas as swearing by their weapons and other equipment.⁴⁰

There is a curious split between the associations that *mind* came to have – royal authority (‘diadem’) and ecclesiastical sanction (‘relic’) – and what that word seems originally to have designated – the sign of a vow, which came to be condemned for its links with bloodshed and evil spirits. What might have caused such a semantic fracture? I propose that the process of Christianisation was responsible. The swearing of an oath within a setting of pagan ritual, an institution which had in pre-Christian times been central to society as a whole, survived only among those who rejected the new religion, and who were themselves rejected by that religion’s adherents. The word *mind* retained its connotations of sovereignty and holiness, but – apart from such occasional

³⁵ Sharpe, ‘Hiberno-Latin *laicus*’, 86. Kim McCone similarly states that ‘[t]he picture to emerge so far from admittedly prejudiced sources is of an inherently violent and antisocial institution dangerous to the settled community, both lay and ecclesiastical, and typically professed by members of a *fian*’: ‘Werewolves, cyclopes, *díberga*, and *fianna*: juvenile delinquency in early Ireland’, *CMCS* 12 (Winter 1986), 1–22, at 6.

³⁶ Standish H. O’Grady (ed. and trans.), *Silva Gadelica (I.–XXXI.): A Collection of Tales in Irish*, 2 vols (London, 1892), i, 80, ll. 3–4. I am grateful to the anonymous reader of this article for calling this reference to my attention.

³⁷ *CIH* iv 1492.12.

³⁸ *CIH* iv 1472.26–7.

³⁹ Elizabeth A. Gray (ed. and trans.), *Cath Maige Tuired: The Second Battle of Mag Tuired*, ITS 52 (Naas, 1982), 68–9, §162; Myles Dillon (ed.), *Serglige Con Culainn*, Mediaeval and Modern Irish Series 14 (Dublin, 1953), ll. 15–17.

⁴⁰ Ruairí Ó hUiginn, in the article cited in n. 50 below, gives examples from *Táin Bó Fraích* (e.g. Meid, *Táin Bó Fraích*, 7, ll. 168–9); *Aided Guill meic Carbada* (Whitley Stokes (ed. and trans.), ‘The Violent Deaths of Goll and Garb’, *RC* 14 (1893), 396–449, at 404, §10); and Cecile O’Rahilly (ed.), *The Stowe Version of Táin Bó Cuailnge* (Dublin, 1978), ll. 2731–2 (and cf. ll. 2701, 2705, 2709, 2712). His reference to *Caithréim Cellacháin Caisil* should in fact be to Patrick M. MacSweeney (ed. and trans.), *Caithréim Conghail Cláiringhnigh: Martial Career of Conghal Cláiringhmeach*, ITS 5 (London, 1904), 26, ll. 7–8.

references as have been noted in the preceding paragraph – lost its connection with the cultic practices to which it had formerly been bound.

An intriguing analogy is afforded by the uses of the number twenty-seven, expressed as ‘three nines’, in medieval Irish literature: on the one hand, it marks the time required for the performance of certain rituals; on the other, it figures as the number of groups of men, for the most part wanderers, exiles, outlaws, or members of a *fian*.⁴¹ The combined associations with supernatural practice and outsider status seem directly comparable with the evidence that has been discussed above. And again, our earliest reference associates three nines not with outlaws but with kings: Muirchú describes Lóegaire, king of Tara, going to challenge Saint Patrick ‘having yoked thrice nine chariots according to the tradition of the gods’ (*iunctis [...] ter nouem curribus secundum deorum traditionem*).⁴² The basis in the old religion is here made explicit; but these are the chosen warriors of the high king, not raiders and brigands. That a mainstay of the pagan social order should come to seem sinister and disreputable under Christianity is, of course, in no way surprising.⁴³

In connection specifically with the swearing of oaths, this transition may be reflected in the text *Synodus episcoporum*, sometimes referred to as ‘The First Synod of Patrick’. This brief tract has been variously dated, but is generally regarded as being very early: writing in 2000, Thomas Charles-Edwards did not see a basis for choosing between the later fifth century or the first half of the sixth, holding that the work was in any case ‘precious evidence for the Irish Church in the form in which the missionary efforts of Patrick and others had left it’.⁴⁴ A particularly striking indication of its antiquity is afforded by a handful of references to pagans living side by side with the Christians for whom the document legislates;⁴⁵ and there are also hints of pagan practices and beliefs that threaten to contaminate the lives of the faithful. One such hint is found in the following passage:

Christianus qui occiderit aut fornicationem fecerit aut more gentilium ad aruspice iurauerit, per singula cremina annum penitentiae agat; impleto cum testibus ueniat anno penitentiae et postea resoluetur a sacerdote.

‘A Christian who has killed or committed fornication or, in the manner of pagans, has sworn before a soothsayer shall spend a year

⁴¹I have provided an extended, if far from exhaustive, list of examples in John Carey, ‘Drie maal negen’ (trans. into Dutch by Desirée Govers), *Kelten* 50 (2011), 11–12.

⁴²Bieler, *Patrician Texts*, 87 (my translation).

⁴³The indications that what came to be called the *uotum mali* was not at first necessarily antisocial or condemned tell against Colmán Etchingham’s view, carefully argued within its own terms, that ‘[t]he ritualistic aspects of the warriors’ identity and behaviour – the distinctive headdress, the lupine symbolism, the pledge to kill and the triumphal incantation – all seem adequately explicable simply as the hallmarks of loutish gang-identity, for which [...] analogues in modern society are readily found’. Colmán Etchingham, *Church Organisation in Ireland AD 650 to 1000* (Naas, 1999), 301.

⁴⁴Thomas Charles-Edwards, *Early Christian Ireland* (Cambridge, 2000), 245–7.

⁴⁵Canons 8, 13, 20, in M. J. Faris (ed.), *The Bishops’ Synod* (‘The First Synod of St. Patrick’): *A Symposium with Text Translation and Commentary*, ARCA 1 (Liverpool, 1976), 1–4.

of penance for each offence. When the year of penance has been completed he shall come with witnesses and then he will be set free by the bishop.’⁴⁶

In his own treatment of this passage, Bieler translated *aruspex*, a word for an omen-reader or soothsayer, as ‘druid’.⁴⁷ Such a rendering is plausible: the interpretation of omens is represented as an important function of druids by both ancient and medieval sources.⁴⁸ Indeed, considering that *Synodus episcoporum* could be as much as two centuries older than our other earliest witnesses, it might well be the case that the standard Hiberno-Latin usage of *magus* as an equivalent for Irish *druí* had not yet been adopted at the time when it was composed. And even if the *aruspex* was assigned to some other category, so that he would not have been called a *druí* in the vernacular usage of the time, he would have been an analogous figure: a non-Christian supernatural practitioner, dealings with whom by Christians were strictly discouraged as they represented a ‘pagan custom’ (*mos gentilium*). In connection with all of these considerations, it may be noted that comparable functions were attributed to the druids of Gaul: Strabo states that they were ‘reckoned to be most just; and for this reason were trusted with both private and public judgements’; and Caesar similarly says that they ‘decide almost all disputes, public and private; and if a crime is confessed, or a killing perpetrated, or there is a dispute about inheritance or boundaries, it is they who give judgement and who decree rewards and penalties’.⁴⁹

To return to *Synodus episcoporum*: its testimony to the continuing authority of such persons in early Christian Ireland is interesting, and significant. The text reflects a stage in the spread of the new religion at which some pagan practices still retained sufficient prestige that even Christians might be tempted to engage in them. For just this reason, however, such practices were stringently forbidden. A natural subsequent stage in the process would have been what we find in sources of the seventh century and later, when the vow is associated exclusively with violence (which is not, of course, to say that vows to kill had not existed earlier as well), and the votaries are persons at odds with Christian society.

One final suggestion can be made. The considerations discussed above could provide a context for the expressions *tongu do día toinges mo thúath* ‘I swear by the god by whom my people swear’, *tongu a toinges mo thúath* ‘I swear what my people swear’, etc., found in Irish sagas with a setting in the pagan period. In an important essay, Ruairí Ó hUiginn has taken the view that such formulae ‘can be regarded as the creation of archaizing christian

⁴⁶Ibid., 3–4 (Canon 14).

⁴⁷Bieler, *Irish Penitentials*, 56–7.

⁴⁸E.g. Cicero, *De diuinatione* i.90 (citing C. F. W. Müller (ed.), *M. Tullius Cicero: De diuinatione* (Leipzig, 1915)); Cecile O’Rahilly (ed. and trans.), *Táin Bó Cúailnge: Recension I* (Dublin, 1976), II. 22–3.

⁴⁹Strabo, *Geography* IV.iv.4: δικαιοτάτοι δὲ νομίζονται καὶ διὰ τοῦτο πιστεύονται τὰς τε ἰδιωτικὰς κρίσεις καὶ τὰς κοινὰς (citing A. Meineke (ed.), *Strabonis Geographica*, 3 vols (Leipzig, 1866–77)); Caesar, *De bello Gallico* VI.xiii.5: *fere de omnibus controuersiis publicis priuatisque constituunt, et si quod est admissum facinus, si caedes facta, si de hereditate, de finibus controuersia est, idem decernunt, praemia poenasque constituunt* (citing T. Rice Holmes (ed.), *C. Iuli Caesaris Commentarii rerum in Gallia gestarum VII* (Oxford, 1914)).

literati”; but his observation that invoking God ‘would be a perfectly normal thing for a christian to do’ does not seem to me to dispose of the matter conclusively.⁵⁰ His demonstration that some later texts, with an evidently archaising motivation, have ‘gods’ instead of ‘god’ in such expressions is, to be sure, interesting and significant. But this cannot logically be adduced as a reason for attributing the same motivation to texts that were written earlier and that do not use this wording; and Ó hUiginn does not furnish any instances of closely comparable phrasing with a Christian reference, or being attributed to Christians.⁵¹ Calvert Watkins, by contrast, called attention to ‘semantically and syntactically parallel oaths in two other Indo-European traditions’ (Slavic and Greek), concluding that ‘[t]he resemblances are such that we must assume an Indo-European way of saying this that was not very different’.⁵²

That the saga oath, whether or not it is said to be associated with a deity, is identified with the *túath*, the people to whom the speaker belongs, is also suggestive. One of the senses of *túath* is ‘laity’; and *túath* and *eclais* ‘church’ are often used as terms designating mutually exclusive categories.⁵³ An oath to the god by whom the *túath* swears would accordingly, if the word is here used in this sense, be by its very nature non-ecclesiastical; and we have seen other evidence that such oaths were in the early period not only separate from, but opposed to, the clerical establishment. This hypothetical scenario of pagan vows being rooted in a sense of community recalls Caesar’s statement, in the context of the juridical function of the druids of Gaul, that ‘if any individual or group does not abide by their decisions, they ban them from the sacrifices. This is regarded by them as the most grievous punishment’.⁵⁴

All of the pieces of evidence discussed above are, no doubt, susceptible of alternative explanations. They can however easily be fitted into a single picture, the picture tentatively advocated in this essay. If I am correct, we can not only glimpse a druidic institution in Ireland comparable to what is attested of

⁵⁰Ruairí Ó hUiginn, ‘*Tongu do dia toinges mo thuath* and related expressions’, in Donnchadh Ó Corráin, Liam Breatnach, and Kim R. McCone (eds), *Sages, Saints and Storytellers: Celtic Studies in Honour of Professor James Carney* (Maynooth, 1989), 332–41, at 339–40.

⁵¹The one early source that Ó hUiginn does cite in this connection is the legal text *Berrad Airechta*, dated to ‘around 700’ by Robin Chapman Stacey, *Dark Speech: The Performance of Law in Early Ireland* (Philadelphia, 2007), 178. Here there is a string of statements beginning *Toing do dia* where the context makes it clear that the God of Christianity is meant; at one point, indeed, the deity invoked is called *dia neime* ‘God of heaven’: *CIH* ii 597.6–25.

⁵²Calvert Watkins, ‘New parameters in historical linguistics, philology, and culture history’, *Language* 65.4 (1989), 783–99, at 792. John T. Koch has presented further arguments for a Common Celtic background for the Irish oath formula, citing comparanda in Gaulish and Middle Welsh: ‘Further to *tongu do dia toinges mo thúath* etc.’, *EC* 29 (1992), 249–61. This position has been challenged by Stefan Schumacher, ‘Old Irish **tucaid*, *tocad* and Middle Welsh *tynghaf*, *tyngghet* re-examined’, *Ériu* 46 (1995), 49–57; but Koch’s case retains great interest.

⁵³There is a good collection in *DIL/eDIL* s.v. *1 túath* III: ‘The state as opposed to the church; the laity; lay property, secular buildings’. In the law tract *Córus Bésgnai*, the expression *comúaimm n-ealso fri túaith*, literally ‘knitting together of *e.* and *t.*’ is used of the harmonising of ecclesiastical and native law: Liam Breatnach (ed. and trans.), *Córus Bésgnai: An Old Irish Law Tract on the Church and Society*, Early Irish Law Series 7 (Dublin, 2017), 34, §37.

⁵⁴*De bello Gallico* VI.xiii.6: *Si quis aut priuatus aut populus eorum decreto non stetit, sacrificiis interdicunt. Haec poena apud eos est grauissima* (citing the edition of T. Rice Holmes; see note 49 above).

the druids of the Continent, but we can witness its transformation in face of the forces of Christianisation: tenaciously retaining a place in the lives of the population, despite the church's opposition, in the first generations of the new order; but increasingly pushed to, or beyond, the margins of society, and eventually associated only with the violent acts of those who rejected the church's authority.⁵⁵

JOHN CAREY

University College Cork

⁵⁵I am grateful to the anonymous reader for perceptive and penetrating criticism, which has resulted in this essay's substantial improvement. I bear sole responsibility for its remaining errors and inadequacies.