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IRISH MONASTICISM AND THE CONCEPT OF INHERITANCE

- An Examination of its Legal Aspects -

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The Irish monastic system, which by the time of the Church Synods of Rathbreasail, 1111, and Kells, 1152, had undergone a thorough reformation, had since the sixth century accommodated itself to the Irish social system and developed an individual church order. When viewing how Christianity was received in Ireland we find that the monastic system was not simply one stream within the church system but had adopted in suitable form and concept the systems and customs of secular society. It systematized the social position of clerics and the social and economic rights and obligations of the monastic communities. It adapted the legal system within society and clearly illustrated the depth of social acceptance.

In this article I will examine the organized character and administration of the monastic community from church and secular laws and the Lives of the Saints. I will consider how the monastic community molded itself into Irish society through an examination of the concept of inheritance in both the church and in society.

1. The Formation of the Monastic System

From around 735, when the *Annals of Ulster (AU)*¹ were first compiled, we find of the 28 religious names recorded prior to the plague of 549, 25 are bishops, one is an abbot, and two are unknown. Of the 33 names recorded in the years 549-600, 13 are bishops, 17 are abbots and 3 are unknown. There are 97 names recorded in the years 601-644, of whom 24 are bishops, 48 are abbots and 25 are unknown. This well illustrates the degree to which the church had become

1. *Annals of Ulster*, Part I, ed. S. Mac Airt and G. Mac Nicaill, Dublin, 1983.

involved in society and the prominence the monastic community had achieved since the sixth century.

Further, *the Catalogus Sanctorum Hiberniae* of the ninth and tenth centuries which identifies the 'saints' of the church and monastic founders since Patrick's mission allows us to follow the three stages in church development up to the late middle of the seventh century and to recognize the organizational changes within the church in that period. ² Stage One (440-543) counts 350 bishops as saints in the period of Patrician evangelization. Their episcopal jurisdiction is followed for four generations and all are Romans, Franks or Britons. Furthermore their areas of jurisdiction are based on the traditional Irish *tuath*, or territory, of each tribe. In Stage Two (543-599), under the abbot (priest) the individual laws and independent jurisdiction belonging to the monastic communities have achieved preponderance over the episcopal churches and are related to the names of the representative founders of monastic federations. During this period the traditional basis of the Irish monastic system was formulated, through the acceleration of social penetration adjusted to the tribal, social and cultural situation. Finally, in Stage Three (599-665) there are some one hundred abbot-bishop communities, demonstrating the welding together of the great monastic *paruchia*, or territories of jurisdiction.

Supporting this trend are a series of Lives of the Irish Saints from the seventh to twelfth centuries wherein are recorded the claims of each monastic community based on the sanctity and activity of the founder. All claims to ecclesiastical jurisdiction are based on the spiritual and material legacy of the founders that had extended nationwide by the middle of the sixth century. Their purpose was to establish their successors' authority in the identity and social basis of each community. In these Lives the condition of church and

2. A.W.Haddan & W.Stubbs (eds.), *Councils and Ecclesiastical Documents, relating to Great Britain and Ireland*, 3 vols., Oxford, 1873, vol. II, pp. 292-294.

society are reflected and both church and secular legal provisions accompany the founding and solidification of the great monasteries since Stage Three above.

These representative writings since the middle of the seventh century encapsulate the change-over from the episcopal to the monastic system since the sixth century. However, the historical sources for this period are two contemporary writings, which only reveal the outlines of the times. One source is *Synodus I S. Patricii (Pa.I)*³ which contains the first extant laws governing an episcopal church. The other source is *Penitentialis Vinniani*⁴ of Finnian=Vinnian (d.549) the founder of the monastery of Clonard (c.520), who promoted the foundation of monasteries in the sixth century.

Pa.I begins: 'INCIPIIT SINODUS EPISCOPORUM ID EST PATRICII AUXILII ISERNINI...' and contains the statutes (33 articles) of the synod of Patrick and his companions, the bishops Auxilius (d.459 AU) and Iserninus (d.468 AU), and are directed firstly at priests and deacons and then all religious. However, there are differing opinions from the contents as to the estimated date of writing. L. Bieler advocates the authenticity of Patrick's authorship.⁵ Against this, Kathleen Hughes argues that it acknowledges the strong dissension between the church and secular society on the one hand and also recognizes the development of the church under episcopal jurisdiction and hence belongs rather to the sixth century than to the original evangelization period.⁶ Further, D.A. Binchy states that it contains an acquaintanceship with secular law in its rules and regulations, emphasizes Patrick's apostleship, and endorses unity with Rome following the Easter Controversy, and

3. L. Bieler (ed.), *The Irish Penitentials*, Dublin, 1890, pp.54-59.

4. *Ibid.*, pp.74-95.

5. *Ibid.*, p.2.

6. K. Hughes, *The Church in Early Irish Society [CEIS]*, London, 1966, pp.44-53.

thus should be adjudged to belong to the late sixth or early seventh century. ⁷ This writer supports these latter views in that it corresponds to the movement to establish monastic foundations and that the document is an effort to enhance episcopal jurisdiction as it originally was.

The distinctive features of these Statutes are firstly, the definite and clear position of episcopal dioceses (*paruchia*) within the church and their concomitant jurisdiction (*Pa.I.30*). Next comes the prohibition on pagan usage and secular involvement (*Pa.I. 8,13,14,16,20,21,22*). Of particular interest are the regulations governing the building of churches and on outside clergy and religious. 'If a priest has built a church, he shall not offer the holy sacrifice in it before he has his bishop come to consecrate it ; for so it is proper.' (*Pa.I. 23*). 'If a new-comer joins a community, he shall not baptize, or offer the holy sacrifice, or consecrate, or build a church, until he receives permission from the bishop. One who looks to laymen for permission shall be a stranger.' (*Pa.I.24*). '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 ; if he does not abide by this, he shall be excommunicated,' (*Pa.I. 27*). ' A cleric who comes from the Britons without a letter, even though he lives in a community, is not allowed to minister.' (*Pa.I. 33*). 'Similarly, if one of our deacons goes away to another parish without consulting his abbot, and without a letter, he should not even be given food ; and he shall be punished with penance by the priest whom he has disobeyed. Also a monk who goes wandering without consulting his abbot is to be punished. ' (*Pa.I. 34*).

Here, a diocese indicates the territory of a blood-related family community found in the tribal structure of a *tuath* (area) where there were several churches under the jurisdiction of a bishop (*Pa.I, 25*). As regards religious going outside their area, in addition to the rules above, there were regulations

7. D.A.Binchy, 'St Patrick's "First Synod"', *Studia Hibernica*, 8(1968), pp.49-59.

forbidding religious men and women travelling together or staying at any lodgings together (*Pa.1, 9*). A religious woman who has broken her vows and married, will, after doing penance, be banished from her community. From these examples it is clear that monastic communities governed by the rules of an abbot coexisted with spheres of episcopal jurisdiction.

There are regulations from these Statutes maintaining their efficacy in the *Collectio Canonum Hibernensis (Coll.Hib.)*,⁸ compiled in the eighth century. However, viewed from their linkage to the monastic foundation movement, two options may be considered in regard to establishing a new monastic community. Firstly, a new monastery can be built within a diocese on receiving the bishop's permission (*Pa.1,24=Coll.Hib.XLIII.4*), or else a community may be opened in a place without a church outside episcopal jurisdiction or in a place not yet evangelized. This latter provision may account for the large number of monastic communities, with different regulations and varying forms, that sprang up through the presence of a *pilgrim* acting out of religious ideals and under abbatial jurisdiction.

On the other hand, as shown in the earliest and most positive example of the monastic character, the *Penitential of Vinnian*, dealing legislatively with the basic rules regarding the sacrament of confession as atonement and forgiveness of sin, the subjects are both religious and lay. To fulfill this aim the abbot and his disciples in each community have the duty to evangelize and to minister to all in the independent monastic church. Again, Columbanus (543-615) left the monastery of Bangor, founded (c.555/559) by Comgal (517-603) and went to continental Europe in 591. There he founded monasteries and composed his *Penitential* on the model of Vinnian.⁹ He gave the monastic community the guiding principles of perfection leading to salvation and made it the indispensable abode of training to achieve this perfection. He realized that

8. Ed.H.Wasserschleben, Leipzig, 1885.

9. G.S.M.Walker (ed.), *Sancti Columbani Opera*, Dublin, 1970, pp.168-181.

diocesan religious and monastic religious differ in both works of faith and in vocation and presaged the independent position of abbots vis-a-vis local episcopal jurisdiction. ¹⁰

The system of great monasteries founded in Ireland during the seventh and eighth centuries in particular show a clearly different character from that of the Roman episcopal system. While, in the early church episcopal jurisdiction was limited to the tribal territory for its diocesan base, the authority of the abbot of a great monastery extended to a monastic paruchia through the union with and donations of an episcopal church or other monastic communities, which were bound by ties of solidarity to the mother abbey. Moreover, the monastic community does not embrace only the monastic life by striving for perfection under the abbot's guidance. At the same time, the church hierarchy has the duty to provide the sacraments and pastoral care under the bishop appointed by the abbot and bound to the abbot's community under a double bond of monastery and church. Furthermore, the laity within this jurisdiction are included by a mutual contract with the abbot, thus forming a monastic territory.

An abbot enjoying this jurisdiction is recorded in a threefold fashion : as *abb, abbas* or head of a spiritual family community; as *coarb, comarba, erenagh* or successor to the community authority and legacy; or as *princeps*, the chief of the territory of a monastery. Together with the multiplicity of positions and offices this realistically portrays the stratification of a monastic community.

On this point, the labours and authority of abbot and bishop are different, although there are many instances of one person holding both offices.

The *Annals of Ulster*, for example, record only the abbot as the holder of jurisdiction at Armagh between 749 and 793. However, it does record the deaths of the abbot, Airechtach, and the bishop, Affiath, on the same night in 793. Thereafter, the names of both office holders are distinguished. As J. Ryan shows from the *Record of Abbots* at Armagh it may be stated that the same person

10. *Ibid.*, p.23.

filled the roles of both abbot and bishop until the middle of the eighth century. ¹¹

Bede(673-735) states that Aidan(600-651),a monk at the abbey of Iona founded by Collumcill=Columba(521-597),assumed jurisdiction in Northumbria in 634 as first bishop of the monastic community at Lindesfarne. From that time onwards Lindesfarne became the residence of a bishop. At the same time the bishop himself was a monk and, under the abbot nominated by the bishop,lived a life under monastic rules with other priests,deacons,and clerics together with the monks.¹² We may infer that Aidan was also abbot,although in the eighth-century church in Britain,the bishop's authority to nominate abbots was paramount, differing from the Irish monastic system.

2. Claims to Succession to the Legacy of the Founder-Saints

As related above the great monasteries,combining both monastic and ecclesiastical functions,continued to expand through linkage between mother monastery and interconnected communities,as the Irish church structure up to the middle of the seventh century clearly reveals.This can be discerned in the Lives of the Saints, hagiographical works written in the latter half of the seventh century. The major Lives deal with Brigid,foundress of the Kildare community, Patrick and the primacy of jurisdiction in Armagh, Columcille of Iona, or in the works on Patrick gathered in the *Book of Armagh*, ¹³ written in the eighth and ninth centuries.

The first in this series of the Lives of Irish Saints was *Sanctae Brigidae Virginis*, ¹⁴ written by Cogitosus between 630 and 650,having as background

11. J.Ryan, *Irish Monasticism*,London,1931,pp.171-172.

12. B.Colgrave(ed.), *Two Lives of S.Cuthbert*, Cambridge,1940, pp.206-208.

13. L.Bieler(ed.), *The Patrician Texts in the Book of Armagh*,Dublin,1979.

14. J.P.Migne(ed.), *Patrologia Latina*[P.L.],VXXII,cols.775-90. F.Colgan(ed.), *Triadis Thaumaturgae* [*Tri.Thaum*], Louvain,1647,pp.518-524.

the community of Kildare. This Life records that the basilica-styled cathedral was built on the original monastic site due to the increase of the faithful and describes its interior and its use by both male and female religious, regular clergy and general faithful. The Life reveals a community governed by a bishop-abbot and an abbess (*abbatissa*), who was heir to Brigid's legacy and, with the local people residing there, had already achieved the status of a great monastery-church. ¹⁵

Kildare first appears historically in the *Annals of Ulster* in 639, where it is recorded that the abbot and bishop of Cell Dara, Aed Dub, had died. Cogitosus had mentioned him as 'the bishop of the people of Kildare and Leinster' but he was also 'the son of the King of Leinster'. ¹⁶ Cogitosus further writes that 'the great treasures of the royal kings' were preserved in Kildare, ¹⁷ which may be interpreted as the gifts of the kings of Leinster and the donations of the local people. ¹⁸ Cogitosus' intention, like that of other Lives, was to establish the primary jurisdiction of the Kildare monastic church in both church and society. He emphasized that the bishop of Kildare was 'the archbishop of all the bishops of Ireland', that the abbess was 'the head of all the abbesses of all Ireland' and that the jurisdiction based on Brigid's authority extended 'from sea to sea' over all of Ireland. ¹⁹

Opposing this claim to Kildare jurisdiction was Armagh, which maintained the primacy for that church on Patrick's authority. *Liber Angeli* in the Book of Armagh (late seventh century-early eighth century) acknowledged that Brigid's paruchia extended to most of Leinster but proclaimed that the east and north

15. *P.L.*, VXXII, cols. 789c-790a. *Tri. Thaum.*, pp. 523-524.

16. *Tri. Thaum.*, p. 520.

17. *P.L.*, VXXII, col. 790b.

18. Hughes, *CEIS*, pp. 84-85; *Early Christian Ireland: Introduction to the Sources*, Cambridge, 1977, pp. 228-229.

19. *P.L.*, VXXII, cols. 777-778.

belonged under Patrick's authority, thereby curbing Kildare's influence.²⁰

Claiming the primacy for Armagh on Patrick, 'the apostle and bishop of Ireland', and demonstrating his legacy and scope of evangelization are, first, the *Vita S. Patricii*, written 680-700 by Muirchú, who referred to Cogitosus as his 'spiritual father'.²¹ Muirchú had been entrusted with the task by bishop-abbot Áedh of Sletty, Co. Leix in 689-700.²² According to the account in *Additamenta* in the *Book of Armagh*, Bishop Áedh had acknowledged the jurisdiction of Armagh in the time of Ségéne, bishop-abbot in 662-688 and the Life may have been undertaken by Muirchú to mark the occasion.²³ On the other hand, Bishop Tírechán composed the *Collectanea*,²⁴ which may be called 'the Acts of the Apostle', based on the spoken account and writings of his predecessor, Bishop Ultán Moccu Conchubari (d. 657/663) of the diocese of Ardraccan, Co. Meath, which already fell within the jurisdiction of Armagh, and on information gleaned from other parts of Ireland.²⁵

From both the background and contents the objective was to establish clearly the primacy of Armagh. Muirchú bases this primacy on the fact 'Patrick was given authority from God through an angel'.²⁶ Tírechán traces the formal visitations of churches by Patrick's successors, the holders of jurisdiction in Armagh, thus claiming to follow in Patrick's footsteps in the original missionary age. His is also a valuable account of contemporary church trends. Tírechán focuses on Connacht, west of the Shannon, his own and Bishop Ultán's native area, and openly affirms the territorial claims of the church in

20. Bieler, *Patrician Texts*, 'Liber Angeli' (pp.184-191) p.191.

21. *Ibid.*, pp.61-121.

22. *Ibid.*, p.62 <Prologus> (1).

23. *Ibid.*, p.178 [IX.1] 16.

24. *Ibid.*, pp.122-165. The title *Collectanea* was given by Bieler, *ibid.*, p.38.

25. *Ibid.*, p.124 [III.1].

26. *Ibid.*, p.116, II 4.

Armagh. He declares 'I see deserters and arch-robbers and war-lords of Ireland hate Patrick's territorial supremacy, because they have taken away from him what was his and are afraid; for if an heir of Patrick were to investigate his supremacy he could vindicate for him almost the whole island as his domain, because....all the primitive churches of Ireland are his.'²⁷

Tírechán's targets are the monastic church at Clonmacnoise,²⁸ holder of vast lands in the plain along the middle of the River Shannon, and the expanding Columcille confederation, ²⁹ based in Iona, and having centres in Derry and Durrow. Tírechán advances the authority of Patrick over all church territory by demonstrating this as Patrick's spiritual and material legacy: 'i.God gave him the whole island with its people through an angel of the Lord, ii.and he taught them the law of the Lord, iii.and baptized them with God's baptism, iiii.and made known to them the cross of Christ, and preached His resurrection;'.³⁰

Further, The Liber Angeli carries an account of a conversation between the Saint and an angel which agrees with the Armagh claim to primacy based on the concept of succession to Patrick's legacy. The church territory of Armagh adjacent to the ancient seat of royal power at Emain Macca (Ardd Mache) was donated to Patrick by a local landowner, according to a tradition from Muirchú's time.³¹ Thus, before Patrick's death, 'a vast *termonn* is being established by the Lord for the city of Armagh' which he has loved more than all the lands of the Irish.³² Also, 'the Lord has given all the tribes of the Irish as a *paruchia*' to Patrick and his successors, holders of

27. *Ibid.*, p.138, 18.

28. *Ibid.*, p.142, 25(2).

29. *Ibid.*, p.140, 22(4).

30. *Ibid.*, p.138, 18(3).

31. *Ibid.*, pp.108-110.

32. *Ibid.*, p.184, (7).

jurisdiction at Armagh. ³³ However, Patrick said : 'I ought, perfectly and justly, to share with the perfect religious of Ireland the abundance indisputably given me by God', hoping they would offer to Patrick the fruits from church lands. ³⁴ As Patrick is apostle and leader of all the people of Ireland churches and monasteries in every part should pay a portion of tax (peculiar censum) to the holder of jurisdiction at Armagh. ³⁵ Finally, they are obliged to offer courteous hospitality day and night on the occasion of formal visitation and this to include the fifty companions who accompany him.³⁶

Here the contour of the contemporary Irish monastic system is outlined. The Armagh church, like other monastic churches, is made up of clergy, male and female religious, and laity, and takes on the form of a great monastic community governed by an abbot and a bishop, each with his own distinctive function. Further, the mother, or central, monastery based on the legacy of the founding saint expands its area of jurisdiction and requires of subordinate communities the payment of taxes based on church assets and lands and the offering of hospitality. Armagh, however, not wishing to align itself with other great monasteries, insisted on general primacy in all church jurisdiction, thanks to its apostolic authority from Patrick's inheritance. In fact, as Tirechan admits, there were monastic churches that did not accept this authority, or rather contested it. For this reason there was a church organization with a primatial authority conforming to the Roman system, but with its fundamental roots based on the monastic system which had developed to correspond to the Irish social structure and traditional successorship.

Here, let us consider the legal points of contact between the monastic system

33. *Ibid.*, p.184, (8).

34. *Ibid.*, pp.184-186, (10)-(12).

35. *Ibid.*, p.186, (13).

36. *Ibid.*, p.186, (14).

and society, with the aid of early Irish secular law³⁷, to discover the overall level of acceptance of the church in society.

3. Social Acceptance of the Monastic System

(1) Legal Status of Abbots and Bishops

The outstanding characteristic of early Irish law was the detailed regulations on compensation and indemnity that covered all classes in society as a basic principle. The laws laid down the precise indemnification to be paid by aggressor to victim in compensation (*Lóg n-enech*=honour price, 'the price of his face', 'the value of the face') for crimes such as murder, insult, injury, refusal of hospitality, encroachment on one's territory, etc, according to each one's social status³⁸ This was reflected in the Irish church penitentials which judged not only the amount of reparation and forgiveness required for each sin but also took into consideration the status of each penitent within the church.

In the Irish blood-related family tribal system it is estimated that in the period from the fifth to the twelfth century there were about 150 kings with an average membership of some 3,000 people in each túath.³⁹ Social status was classified into whether one had privileges (*nemed*) or not, and was free (*sóer*) or unfree (*dóer*). Secular law specified that senior clergy (bishops, priests) and the learned classes in a monastic church had a status equal to that of the leader of the privileged class in any tribe, in other

37. *Ancient Laws of Ireland [AL]*, vols.i-v, Dublin,1865-1901. D.A.Binchy(ed.), *Corpus Juris Hibernici [CIH]*, vols.i-vi, with *Introductory Matter*, Dublin, 1979; *Críth Gablach [CG]*, Dublin,1941. Binchy(ed.), *Studies in Early Irish Law*, Dublin,1936. F.Kelly, *A Guide to Early Irish Law*, Dublin,1988.

38. *CIH* 779.5-7=*CG* 121-4 ; *CIH* 1123.22-4=*Eiru* XIII(1942) pp.30,33-6.

39. Kelly, *op.cit.*,pp.3-4. F.J.Byrne, *Irish Kings and High-Kings*, London,1973, p.7 ; 'Tribes and Tribalism in Early Ireland', *Ériu* XXII(1971) p.160,n.4.

words, to the king. Compensation also differs according to the three rankings of kings. However, an abbot, whether of episcopal ranking or not, as the heir to the founder holds clerical rank within the territory of his paruchia. ⁴⁰

The levels of compensation were as follows: 7 cumals to a priest (presbitero) who enjoyed the same status as a local king (*rí túaithe*) ⁴¹; 8 cumals to a bishop (episcop) or a scholar (*súí litre*=monastery school master), equal to that of a territorial king who ruled 3-4 *túatha* (*rí túath/rúfri*) ⁴²; while an archbishop (*ollam uasalepscoip*) had the same level as that of a provincial king (*rí cóicid; rí ruirech*= 'King of great Kings') and was given an honour-price of 14 cumals. ⁴³

A king, according to tribal ranking, could demand taxes and hospitality ⁴⁴ or soldiers in time of warfare ⁴⁵ and had the right to summon a *feis* (festival) or *óenach* (assembly) for political, social or trading purposes. ⁴⁶ An abbot of a great monastery had the right to claim taxes and hospitality from all the churches in his confederation and from this it can be assumed that his position was equal to that of a king, as his honour price was also equal.

40. *CIH* 647.36-648.2; 2269.40-2270.3.

41. *CIH* 568.10-12=*CG* 450-451. The term 'cual' originally meant female slaves (*ancillae*). However, secular law occasionally used it as a unit of 'value, price, payment', this value being the price of land either in gold and silver or in animals. For example, one cual would equal 24 head of cattle in rich land and 8 head of cattle in poor land. In land value one cual would equal 13.85 hectares. See Kelly, *op.cit.*, pp.99, 112 n.90, 113.

42. *CIH* 568.17-8=*CG* 459-460.

43. *CIH* 1617.33=*AL* v 110.16; *CIH* 2307.34=*Ériu* XX(1966) p.28; *CIH* 568.26=*CG* 475.

44. *CIH* 219.5=*AL* iv 50.22-3.

45. *CIH* 569.7-9=*CG* 509-514.

46. D.A.Binchy, 'The Fair of Taltiu and the Feast of Tara', *Ériu* XVIII(1958) p.124; *CG*, p.102.

From these regulations on status it can be deduced that the monastic system was inseparable from the Irish social system based on tribal identity. One law-text states: No túath can be regarded as a proper tuath unless it has an ecclesiastical scholar, a churchman, a poet and a king.⁴⁷ However, the Patrician claim to primacy equal to that of King of Ireland (*rí Érenn*), as advanced in the Lives of the saint and in traditional literature, finds no parallel in secular law.⁴⁸ From this fact we may gather that there was no central authority able to politically command the high kingship. Hence, the major reason for the development of a monastic system holding independent jurisdiction rather than a centrally placed episcopal system lies in the social system itself.

(2) The Economic Basis of the Monastic Community

Of importance here is the way in which the social position of the monastic church and its concomitant authority are based on the economic basis of land assets. This is firstly to be seen in the grant of land to found the monastery and the right to succession thereof and then in the institutionalized authority and responsibility of the monastic church towards the laity living within that territory.

(a) Donation of Land and the Right to Succession

The holdings of each tribe were organized on the family lands (*fintiu*=kin-land) of the male blood-related freemen. Each head of this family land received the territory as a client (*céile*) of the lord (*flaith*) and was obliged to pay an annual tax and render suitable services.⁴⁹ Each head in turn allotted land to all the independent family

47. *CIH* 1123.32=*Eriu* XIII(1942) p.31. Kelly, *op.cit.*, p.4.

48. Binchy, *Eriu* XVIII, pp.1, 121, 128-138.

49. *CIH* 778.34=*CG* 105.

members who held the right to legal succession but this right to ownership belonged basically to the entire family. Thus, the sale or donation of the allotted family land could not be done privately without the consent of all the family. ⁵⁰ However, it was possible to acquire new land and other assets individually from the profit gained from personal effort, for instance, through farming or professional work. As regards this land too, whether acquired by purchase or donation or inheritance, it must be divided at a specific ratio between the receiver and the entire family unit. ⁵¹

Measures as regards the retention and expansion of family land are especially recognized in the system of land inheritance. In principle, the right to succession is vested in the male offspring of the land holder. However, the fulfilment of the duty to care for aged persons is a condition of inheritance. ⁵² When there are no sons a daughter had the right to inherit but this right lasted for only one generation and, on her death, reverted to the family. In the case where the husband comes from outside the family territory the right to succession is granted to their sons or those of her sister's sons. If there are no children it reverts finally to the family community. ⁵³

We may assume that church land too, paralleling the provisions of secular law, enjoyed the same legal treatment regarding the acquisition and retention of land and property through donation or inheritance. However, as seen from the above land system, there was no legal provision for the donation or right

50. *CIH* 247.24-5=AL v 510.7-9.

51. *CIH* 533.17-20=AL iii 48.15-9. If family land and assets, the receiver could retain one third for himself ; if professionally gained, he could retain two thirds ; and if land outside the family holdings, he could retain three quarters.

52. *CIH* 1296.32-6.

53. *CIH* 431.30-1=AL iv 284.19-21.

to succession of family land to the church without the assent of the family unit. Patrick did not write specifically about the conditions for building churches but did record that while he categorically refused any gifts (*Confessio=Conf.49,50*), ⁵⁴ 'I spent money on your behalf so that they would accept me' (*Conf.51*); 'From time to time I gave presents to the kings, quite apart from the payments I made to their sons who travel with me' (*Conf.52*); 'I have paid to those who administered justice in all the districts, whom I was in the habit of visiting...I must have dispensed to them the price of fifteen men at the least' (*Conf.53*). This would suggest that in the missionary era a church would be built in a royal territory and was under the direct protection of the king. For example, Armagh was close to Emain Macha, the old capital of the province of Ulster (Ulad). A ninth century tradition places churches dedicated to Patrick's companion: to Auxilius, Dún Ailline (Killashee, Co. Kildare), the royal fort of north Leinster; to Secundinus, Dunshaughlin, close to Tara, the centre of the Ulster ruling family, the Ui Neill; to Iserninus, Kilcullen near Dún Ailline. ⁵⁵

As seen in the statutes of the *First Synod of Patrick*, when a priest or outside person sought to build a church (monastery) the permission of the ordinary was required. Banishment was the penalty for anyone who sought permission from a lay person to build a church (*Pa. I, 23, 24*). As background to these statutes we can recognize the waves of monastic foundations during the sixth century and efforts to remove secular influence on them. They clearly lay out the church design towards the monastic system by calling for a strengthening of episcopal authority over church and monastery and restoring the status of the episcopal church to what it was in the initial missionary era.

54. Patricius, *Confessio*, ed. Haddan & Stubbs, *Councils*, II, pp. 296-319 ; ed. A. B.

E. Hood, *St. Patrick, His Writings and Muirchú's Life*, London, 1978, pp. 41-54.

55. Hughes, *CEIS*, p. 68.

If we turn our attention to the social dimension legislated in secular law we can say that the monastic church, during the course of establishment in the sixth century, was acting independently of the episcopal church and had received the legal consent of the family community in the matter of donations of secular family land. In these circumstances of succession to family land it is reasonable to think that many monasteries were established by one who held the right to family inheritance. Although there were many foundations on islands in lakes or at sea and in mountains and valleys far from human habitation, in these cases too, regarding newly acquired land, the founders retained the link with their own family community and kept the right to succession within that family. In this sense, the ideal of penitential exile removed from all the bonds of the world was, as Columbanus experienced it, first realized in a place far from his home country.⁵⁶

In the *Additamenta* in the *Book of Armagh*, under the formula of a donation to Patrick and his successors, the situation where a church was built on family inherited land is clearly recorded. The householder Fedelmid converted with his household and offered to Patrick and Patrick's disciple Lomman the inherited land of his father, Cenel Loiguirí, together with his ownership of it and all his wealth and all his offspring. Thereafter, eight of his descendants succeeded as bishops and abbots of that church.⁵⁷ Other examples include the priest-scribe Binen macc Lugu, who founded a church on land inherited of his mother's side and donated it to Patrick.⁵⁸ A bishop Colman offered a church built in his territory to Patrick.⁵⁹

The common factor here is the premise that all the family had consented to

56. K. Hughes, 'The Changing Theory and Practice of Irish Pilgrimage', *Journal of Ecclesiastical History*, vol. II (1960) pp. 143-151.

57. Bieler, *Patrician Texts*, pp. 168, 170.

58. *Ibid.*, p. 172.

59. *Ibid.*, p. 170.

receive baptism and that the family and all the property on the family inherited land are donated. Also to be taken into account is the fact that the king's rights (Regnum) over the land along with the donated church is transferred to the abbot. ⁶⁰ That is to say, the church community does not have the burden of taxes, military service, hospitality, etc., of onetime dependents of the king, but that these duties to the king now pass to the abbot. Accordingly, by donating family land to the monastic church, new mutual rights and obligations are entered into between the monastery and the family territory. In all secular and clerical documents this new relationship is clearly legislated.

(b) Rights and Duties of Monastic Church and Laity

We can see a mutual relationship in the social contract in the secular law term 'donation'. Even if the legal formalities involved in a contract, such as guarantor and surety, are not complied with a donation was regarded as one evidence of property transfer ⁶¹ and the norm was a donation to the church for the salvation of souls. ⁶² In other words, the church was charged with the duty to save the souls of all the family members who had donated the land, which was the economic basis of the church.

The law refers to the lay people who came with the family land and worked for the economic good of the monastery as *manaig=sóer manach* and clearly lists their mutual rights and duties. The *manaig* was to pay one tenth of his earnings in taxes and offer first fruits to the abbot ⁶³ and had the obligation to entrust his eldest son (and eleventh son) to the monastery school for his

59. *Ibid.*, p.170.

60. *Ibid.*, p.174.

61. *CIH* 24.11-25.5=*AL* v 212.1-5.

62. 'Heptad' 25=*CIH* 459.23-460.2=*Ériu* XVII(1955) p.66.

63. *AL* iii 39; *Canones Hibernenses*, III, ed. Bieler, *Penitentials*, pp.166-8,

education.⁶⁴ For burial at death he was required to pay the equivalent of his honour price as a bequest from his legacy. For example, a petty farmer (oaire) was obliged to pay 3 *sét* (a *sét* was the unit of indemnity on ranks lower than kings; one set equalled one half of a milch cow). A king's indemnity was 7 cumals.⁶⁵ This law was not applied to the lay landowner and applied only to the monastic church. The monastic church was responsible not only for lending land to the manaig and guaranteeing him a livelihood but also had the duties of the church of 'preaching, Mass, confession, burial and education'.⁶⁶

Legal church documents correspond to secular law in this instance. Among these documents the mid eighth-century *Riagail Patraic (RP)*,⁶⁷ found under the year 734 in the *Annals of Ulster*, minutely legislated the mutual duties of the monastery and lay believers. Special emphasis was laid on the duty of bishops and priests to work for the salvation of the souls of the Irish people. The first duty is to confer 'the sacraments of baptism, communion and the singing of the intercession for manach tenants both living and dead.' (RP 5,7,8,9,12). Other duties include 'offering on its altar on solemnities and chief feasts and Sundays' and instructing the laity to acknowledge the Creator, obey the commandments of the faith and join the communion of saints in heaven (RP 9). Any church which did not fulfil these duties could not be called a church of the true God and forfeited any rights to receive tithes, cattle taxes or the one third of bequest (RP 8). These demonstrate that the duties regulating church and laity were of a mutual contractual character.

In this context is found the appearance of the '*erenagh*' or lay abbot elected successively from among the manaig, the family community that had donated land to the monastery and thereby strengthened lay overlordship. These

64. AL iii 38-40.

65. CIH 532.1-11=AL iii 42.14-24.

66. AL iii 31-39.

67. Ed. J.G.O'Keefe, *Ériu* V-1 (1904) pp.216-224.

links between the monastic church and the laity underlined the trend towards an interconnected economic and social territory and reaffirmed the object of the church was the salvation of souls.

However, at the same time, to further illuminate this objective was the dual duty and right of the church to offer prayers to the saints for burial and salvation and to receive a donation for burial from a legacy.

This donation for burial was legislated for in the seventh-century *Synodus Hibernensis* as one horse and one cow, a robe to clothe the body, and a decorated bed, or if the rank were high, then the donation called for a two-wheeled chariot, a decorated bed, and the cup the dead person used.⁶⁸ However, as time passed this came to include donating land. In the twelfth-century *Registry of Clonmacnoise*⁶⁹ there are records of land donated by royal families for the burial of their descendants. In 547 Nois Muccaid, king of Connacht, donated the amount of arable land that could be ploughed in 48 days at Clona (Cluaina) to the founder Ciaran (hence the name Cluanmacnoise⁷⁰).⁷¹ After Ciaran's death, the first to select this burial ground were the Clonna Neill and their kin, and each donation was measured in the number of days of arable land, with 48 days being the largest. Compensation for intercessionary prayers for the dead was included.

In the eighth-century *Old-Irish Table of Commutation* prayers for reparation for sins are indicated thus:⁴ in order to rescue a soul from the pain of hell a hundred Masses, a hundred and fifty psalms, a hundred *Beati*, a hundred genuflexions with each *Beati*, a hundred Credos, a hundred Paters, a hundred

68. *Coll. Hib.*, XVIII, 6.

69. Ed. J. O'Donovan, *Journal of the Royal Society of Antiquaries of Ireland*, vol. 1, Dublin, 1856-7, pp. 444-460.

70. *Annals of Inisfallen*, ed. Sean Mac Airt, Dublin, 1951, p. 70.

71. O'Donovan, *op. cit.*, p. 449.

soul-hymns', etc. ⁷² Here also we can surmise on the connection between burial and prayer and the donation from a legacy.

As related above secular law required 'one portion of a legacy' to conform to one's honour price, but in other places a 'donation to the church for the salvation of souls' is stipulated as a 'transfer of legacy'. In this way the bequest for burial served as a coherent division of the inheritance of the family community and indicated that the church itself was one of the parties to an inheritance. By providing a place for burial the church maintained a continuing relationship with the family community and secured a stable basis for its economic good, as secular law underlined.

Thus it can be stated that the holy and secular concept of inheritance succession that the monastic system created out of the spiritual and material legacy of the 'saint' gave a huge impetus to the indigenization of the great monastic communities.

4. The Burial Ground of the Saint and Salvation

The development of the devotion to the saint's burial ground as the place of salvation can be traced through the Lives of the saints or the Martyrology or the Litany of the saints. The *Life of Findian of Clonard* in the *Book of Lismore* describes the nature of this devotion: 'And even as the angel promised to Paul that no one who should go into the clay of Rome should after Doom become an inhabitant of hell, even so the angel promised to Findian that no one over whom the mould of Ard Relic should go would be an inhabitant of hell after the Judgement'. ⁷³

In the Irish language the place of burial or tomb is referred to as 'róm / rúam', or Rome, the burial place of the apostles and saints, but it is

72. Transl. D.A. Binchy, in *Penitentials*, ed. Bieler, p. 279, 14.

73. W. Stokes, *Lives of the Saints from the Book of Lismore*, Oxford, 1890, p. 229, (2759-61).

also applied to the monastic church as the burial place of the saint.⁷⁴ This holy ground is the site of the death and resurrection of the saint, the place that reflects of heaven through the sanctity of the founding saint. Such a devotion to the saint's salvific intercession gave rise to pilgrimages to the saint's grave and the desire to be buried in the same soil enjoyed wide appeal.

Columbanus said of Rome: 'Rome is the head of the Churches of the world, saving the special privilege of the place of the Lord's Resurrection', 'the apostles Peter and Paul, whose relics have made you blessed'⁷⁵ recognizing the ideal of the saint's burial and salvation. The foundation of Kevin (Coemgen, d. 618/622) at Glendalough was described as 'Ireland's greatest Rome'⁷⁶ and enjoyed patronage and honours as the resting place of the kings of Leinster. It promised that with the intercession of the saint 'He granted heaven to the soul of every fair body, that should be (buried) under the pure soil of Coemgen'.⁷⁷

Clonmacnoise enjoyed powerful secular patronage as the burial place of the kings of Connacht and Meath. Here too was a deep-rooted devotion to salvation: 'Ciaran had such power, being a holy bishop, through the will of God, that what soules harboured in the bodies buried under that dust may never be adjudged to damnation'.⁷⁸ The beginning of the poem *The Graves of the Kings at Clonmacnoise*⁷⁹ recounts first the genealogy of the kings of Tara buried there, revealing the tradition of this devotion.

74. K. Hughes, 'The Celtic Church and the Papacy', in *The English Church and the Papacy in the Middle Ages*, ed. C. H. Laurence, London, 1963, pp. 22-3.

75. Walker, *Opera*, p. 48.

76. Plummer (ed. & transl.), *Bethada Naem nErenn, Lives of Irish Saints*, 2 vols., Oxford, 1922, vol. II, p. 156.

77. *Ibid.*, p. 138.

78. O'Donovan, *op.cit.*, p. 448.

79. Ed. R. I. Best, *Ériu* II (1905) pp. 116-8.

On the other hand it cannot be denied that the attachment to grave and salvation related to the founding saint brought benefit and great jurisdictional authority to the monastic church and opened the road to secular wealth and power.

The chief objective of the twelfth-century reformation and the institution of episcopal authority was to curb the secularization of the monastic church by reordering church sovereignty by requiring the presence of an archbishop and bishop at the consecration of all Papal appointments. The authority vested in an abbot of a monastic community was restored to the bishop. At the same time the very existence of the monastic system, which had planted deep roots under the concept of heirs to the legacy of the saints and the laws of legal succession in secular law, had been overturned from top to bottom.

We can forward two major issues. The first one is the continued existence of *coarbship* of one family in the abbatial office. The second is the relationship between succession to a legacy and marriage law regarding monastic land. Both of these issues are problems that fundamentally stimulated the secularization of the church. At the same time they help illuminate the social character of the monastic system and a serious inquiry holds great importance.

* I read this paper at the Annual Meeting of the Historical Society of Sophia University in Tokyo, November 1990. I also dealt with other parts of this subject in my book written in Japanese, 『アイルランドの宗教と文化 -キリスト教受容の歴史-』 (*The Religion and Culture of Early Ireland - A History of Adaptation of Christianity -*), Tokyo, 1991.