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Stateless Societies: Ancient Ireland

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By *Joseph R. Peden*

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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 Mac-Neill, 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 society – statist – 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 Freemen; 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 tuatha 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 traveled 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, 1967), and *Early Irish Society* (Dublin, 1954); also D. A. Binchy, *Anglo-Saxon and Irish Kingship* (London, 1970); and Kathleen Hughes, in her introduction to *A History of Medieval Ireland* (London, 1968), by A. J. Otway-Ruthven.

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Robert Nielsen

February 17, 2013 at 5:04 pm

I found this very interesting as I'm Irish. However, ancient Ireland always seemed to me to be an example of ancient Communism as there was no private property, but rather all the land was held in common. even heard a legend that not even family was private that some children were communally raised and breast fed by all the women of the community. Not sure how true that is and I don't know that much about the Celts.

PeaceRequiresAnarchy

February 17, 2013 at 5:09 pm

I don't know the history of how ownership of land worked in ancient Ireland, but regardless I think we can look at the justice system of the society (or the limited knowledge we have of it) and learn a lot about how law and order can function fine without a state. I don't believe there have been any perfectly libertarian societies in history, so the most we can do is look at certain aspects of each society and get a sense from that of what a fully-libertarian society might look like.

Dunbar

October 27, 2013 at 3:42 am

There was no individual property ownership in Medieval Ireland. Land was controlled by the nobility as heads of collectives known as "túaths". These collectives were based on kinship and regional proximity. The vast majority of the people were peasants, or "Churls", who worked the land for the nobility. Yes, the membership of the túaths was fluid, but this system was based on fealty (oath and allegiance), to break an allegiance was not a simple matter

Production resembled primitive Communism, in most respects, and quasi-Feudalism in others. To recast Medieval Ireland as "Libertarian" is folly.

PeaceRequiresAnarchy

October 27, 2013 at 11:42 am

Dunbar, as I said back in February above, I agree Medieval Ireland was largely not libertarian. However, one aspect of the society was libertarian:

""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"."

Many people today seem to think that the services of "law and order", or "justice" if you will, cannot be provided without a state. When anarchist libertarians such as myself propose a libertarian society without a state we are often told that we are crazy and that there is no way that our proposal could work (that there is no way justice could actually be administered without a state).

Medieval Ireland is of interest to libertarians because it is an example of a society in which law and order actually was established without a state. It thus helps to disprove the false assumptions that many people today make. The fact that the rest of Medieval Ireland society may have been very unlibertarian is not relevant.

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AI

September 24, 2014 at 12:42 am

You claim Ireland was a stateless society and then you give the specifics that define a state. It had government, in fact, it had royalty. You seem to have mistaken the state as it came to exist commonly after the English Revolution for the concept of state in general. The Mongol Empire had no legislature, no baliffs, no police.... and the public enforcement of justice was based on the word of the Khan – just as it was in Ireland based on the whim of the King. None of those things you list are necessary to a state. A state requires two things and two things only. Rulers and followers. Ireland was not a stateless society. It was a nation made up of multiple states – the tuaths – the clans.

JB

March 18, 2015 at 1:05 am

PRA says no police but skips over the fact the elected clan kings assigned warriors to rotating tasks of guard duty, patrolling for criminals, thieves, and traitors, and when necessary executioners. High kings presided over clan kings when gatherings occurred, and the land in the clans domain, while belonging to individuals, was clan controlled since landowners could have their land taken away and given to others. So democratic feudalism with a touch of mandated civil service.

Pingback: [Ancient Ireland Was Not Libertarian | Robert Nielsen](#)

Jacob

September 9, 2015 at 4:28 am

“the soil of Ireland (belonging) to 184 tribes or clans. . . the clans held the land in common. . . no man held individual property save his household goods, and each held only the right of usufruct over his strip of tribal domain. . . in each district of Ireland the free population lived communistically in immense wooden buildings . . . they lived and fed in common, seated on long benches, and all the families of the district slept there upon beds of reeds. . .”.

P: Boissonade, [Life and Work in Medieval Europe. trans. by Eileen Power (London, 1927). Harper Torch book edition (New York, 1964).]

....

“Irish law recognised a number of classes, from unfree to king, which were ranked within the status tracts. Little space was given to the unfree, which reflects the lack of dependence upon slaves as opposed to other societies, such as Ancient Rome. However, the laws discuss slaves, both male and female, and the term for a female slave, Cumhall, became a broader currency term. As unfree, slaves could not be legal agents either for themselves or others.[27] In addition to the wholly unfree, a few individuals were semi-free. The senchléithe (hereditary serf) was bound to work the land of his master, whereas the fuidir had no independent status nor land of his own, but could at least leave as he might desire.[28]”

“Others might be of less than full status, based on age or origin. The status of children was based on their parents, and they could not act independently. The rights of sons increased with age, but they did not fully increase until after the death of the father. A young son just out on his own was called a fer midboth (a man of middle huts), apparently someone who occupied a hut on his father’s land. These persons were semi-independent, but did not have the full honour-price of a free man until they reached 20.[29] Even after a certain age, a “Son of a Living Father” was expected to be dutiful to his father and could only set up an independent household with his father’s permission.[30] In addition, those from outside a túath normally had a low status, as status was based not only on property but also on familial connections.[31]

“There are two main ranks of commoners, the ócaire (lit. young lord) and bóaire (cow lord), though Binchy thinks the ócaire is a recent offshoot of the latter, who had less property but was still a freeman. In addition are the bóaire febsa (a bóaire of quality who had an honour-price of 5 séts). The highest commoner was the mruigfer (land man). Either of the last, according to Binchy, may be the “normal bóaire who appears within the law texts.[32] The three ranks of commoners, at least according to the status tract, vary in the type of clientship they undertook and the property they could hold, though it is unclear how this worked in practice. Commoners apparently had to co-operate in farming as they did not have enough property to own a whole plough-share or all the rights in a mill.”

https://en.m.wikipedia.org/wiki/Early_Irish_Law

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“Compensation in the Welsh laws is reckoned primarily in cattle and in the Irish ones in cattle or bondmaids (cumal) [female slaves], with considerable use of precious metals in both. In the Germanic codes it is mainly in precious metal . . . 2 ”

Grierson [1977. The Origins of Money. London: Athlone Press. p. 20]

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“The archaeological and historical evidence indicates that early Irish society was strongly hierarchical with various social grades of kings, lords, commoners, hereditary serfs and slaves. In early medieval Ireland, power and social status was performed and expressed through architecture, dress, and costume. Some ‘royal’ raths and crannogs display the physical signs of prestige in their prominent siting, massive construction, internal size, and the scale and number of their enclosing embankments or timber palisades. In this way, they served as symbolic expressions of status and power, and imply the ability of their owners to marshal a large labour-force to construct them. In early medieval Europe, royalty could also be expressed through prominent, well-appointed ‘palaces’ such as those discovered in the contemporary Carolingians world at Aachen, Paderborn and Frankfurt (McKitterick 2008, 157-71). In Ireland, the picture is rather more complex, as the early law tracts imply that a royal residence may not have been entirely different from the house of a prosperous lord (O’Sullivan 2008, 244). However, they indicate that house size was closely related to social rank of its occupants, so that both custom and law restricted an individual from building larger than a certain size.”

Aidan O’Sullivan, Finbar McCormick, Lorcan Harney,

....

"In Gaelic Ireland each person belonged to an agnatic kin-group known as a fine (plural: finte). This was a large group of related people supposedly descended from one progenitor through male forebears. It was headed by a male chieftain, known in Old Irish as a cennfine or toisech (plural: toísig). Although these groups were primarily based on blood kinship, they also included those who were fostered into the group and those who were accepted into it for other reasons.

"Nicholls suggests that they would be better thought of as akin to the modern-day corporation[citation needed]. Within each fine, the family descended from a common great grandparent was term a derbfine (modern form dearbhfhine), lit. "close clan". The cland (modern form clann) referred to the children of the nuclear family.

"Succession to the chieftainship or kingship was through tanistry. When a man became chieftain or king, a relative was elected to be his deputy or 'tanist' (Irish: tánaiste, plural tanaistí).[7] When the chieftain or king died, his tanist would automatically succeed him.[7][8] The tanist had to share the same great-grandfather as his predecessor (i.e. was of the same derbfine) and he was elected by freemen who also shared the same great-grandfather. Tanistry meant that the kingship usually went to whichever relative was deemed to be the most fitting.[7] Sometimes there would be more than one tanist at a time and they would succeed each other in order of seniority.[7] Some Anglo-Norman lordships later adopted tanistry from the Irish.[7]

"Gaelic Ireland was divided into a hierarchy of territories ruled by a hierarchy of kings or chiefs. The smallest territory was the túath (plural: túatha), which was typically the territory of a single kin-group. It was ruled by a rí túaithe (king of a túath) or toisech túaithe (leader of a túath). Several túatha formed a mór túath (overkingdom), which was ruled by a rí mór túath or ruirí (overking). Several mór túatha formed a cóiced (province), which was ruled by a rí cóicid or rí ruirech (provincial king). In the early Middle Ages the túatha was the main political unit, but over time they were subsumed into bigger conglomerate territories and became much less important politically.[2][9]

"Gaelic society was structured hierarchically, with those further up the hierarchy generally having more privileges, wealth and power than those further down.

"The top social layer was the sóernemed, which included kings, tanists, chieftains, highly skilled poets (fili), clerics, and their immediate families. The roles of a fili included reciting traditional lore, eulogizing the king and satirizing injustices within the kingdom.[10] Before the Christianization of Ireland, this group also included the druids (drúí) and vates (fáith). The druids combined the roles of priest, judge, scholar, poet, physician, and religious teacher,[11][12] while the vates were oracles.

Below that were the dóernemed, which included professionals such as jurists (brithem), physicians, skilled craftsmen, skilled musicians, scholars, and so on. A master in a particular profession was known as an ollam (modern spelling: ollamh). The various professions—including law, poetry, medicine, history and genealogy—were associated with particular families[13] and the positions became hereditary. Since the poets, jurists and doctors depended on the patronage of the ruling families, the end of the Gaelic order brought their demise.[10]

Below that were freemen who owned land and cattle (for example the bóaire).

Below that were freemen who did not own land or cattle, or who owned very little.

Below that were the unfree, which included serfs and slaves. Slaves were typically criminals (debt slaves) or prisoners of war.[14] Slavery and serfdom was inherited, though slavery in Ireland had died out by 1200."

https://en.wikipedia.org/wiki/Gaelic_Ireland

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"Ancient Irish culture was patriarchal. The Brehon law excepted women from the ordinary course of the law so that, in general, every woman had to have a male guardian.[25] However, women had some legal capacity. By the 8th century, the preferred form of marriage was one between social equals, under which a woman was technically legally dependent on her husband and had half his honor price, but could exercise considerable authority in regard to the transfer of property. Such women were called "women of joint dominion".[26] Thus historian Patrick Weston Joyce could write that, relative to other European countries of the time, free women in Gaelic Ireland "held a good position" and their social and property rights were "in most respects, quite on a level with men".[27]

"Gaelic Irish society was also patrilineal, with land being primarily owned by men and inherited by the sons. Only when a man had no sons would his land pass to his daughters, and then only for their lifetimes.[19] Upon their deaths, the land was redistributed among their father's male relations.[19] Under Brehon law, rather than inheriting land, daughters had assigned to them a certain number of their father's cattle as their marriage-portion.[25][26] It seems that, throughout the Middle Ages, the Gaelic Irish kept many of their marriage laws and traditions sundered from those of the Church.[28] Under Gaelic law, married women could hold property independent of their husbands,[28][29] a link was maintained between married women and their own families,[28][30] couples could easily divorce or separate,[28][29] and men could have concubines (which could be lawfully bought).[28][30] These laws differed from most of contemporary Europe and from Church law."

https://en.wikipedia.org/wiki/Gaelic_Ireland

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"Ireland has no mineral wealth, and foreign luxury goods could be bought by Irish kings mainly for two export goods, cattle and people [slaves]."

Paul Houlm (in Duffy, MacShamhrain and Maynes 2005=431.)

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