

# Celtic Justice

by Michael Hill

*“For any displeasure, that they apprehend to be done unto them by their neighbours, they take up a plain field against him, and (without respect to God, King, or commonweal) bang it out bravely, he and all his kin, against him and all his.”*

—King James VI of Scotland, *Basilikon Doron*



Igor Koppelitsky

In the summer of 1997, Ulster Unionist Kenneth Magennis called Sinn Fein leader Martin McGuinness the “Godfather of Godfathers” of the Irish Republican Army. He went on to castigate the IRA for refusing to disarm its members as a prelude to yet another Anglo-Irish “peace conference.” The thoroughly anglicized Mr. Magennis apparently fails to grasp that the Celtic Irish (and Scots and Welsh) historically have preferred to trust arms over words when it comes to dealing with the British (or English) government, and such trust has not been misplaced.

Justice administered by private associations, whether a medieval Scottish clan or the Irish Republican Army, is a long-standing tradition in the Celtic world. The monopolization of the means of force by government has been seen as a prelude to the extinction of tradition and freedom; thus, any attempt by a central authority (such as England) to impose a system of justice from the top down usually brought on violent action from below. Like the Anglo-Saxons, as David Hume told us, the

Celts realized that the true foundation of independence was that every man be armed.

Throughout history the Celtic people have not trusted public justice as dispensed by the *Sassanach*. The laws that evolved in the Celtic fringe of the British Isles (Ireland, Scotland, and Wales) are probably the oldest in Europe and were untouched by Roman influence, except in parts of Wales and lowland Scotland. They were the laws of a pastoral folk to whom the rush of urban life was completely unfamiliar. Under the surface of this simple way of life, however, lay a complicated system of jurisprudence rooted in kinship and local sovereignty.

At the heart of the Celtic system of private justice lies the feud or hereditary vendetta (*fich bunaid*). According to E. E. Evans-Pritchard, the feud was a legal sanction that provided a community the means of enforcing justice, and by such means it was able to minimize the violence that might follow the commission of a violent crime. The principles that lay behind the feud defined who had the right to exact vengeance on whom and by what means it might be inflicted. These established procedures for pacifying the aggrieved party were intended to ensure that peace, not war, would be the outcome. In the Celtic world, however, this was not always the case; often the injury

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done to the corporate body of the clan was so egregious that its members never ceased to “have war in their hearts.”

Governments before the modern era did not see it as the business of the state to intervene in matters of justice that were local in nature. In fact, there was a widespread belief that the state’s right to enforce its writ was restricted by private rights and ancient traditions. Even when governments did attempt to enforce justice within the localities, as James VI of Scotland did in the late 16th and early 17th centuries, it was to preserve social peace rather than to undermine local traditions by means of state aggrandizement. Throughout the ages, the local Celtic nobility jealously guarded its prerogatives against any attempt at state-building that would result in a system of publicly administered justice.

The administration of justice in Ireland historically was based on the *fine* (joint family), the island’s pivotal social unit. The *fine*, for instance, was responsible for the misdeeds of its members and assumed the duty of blood-vengeance if any member was insulted, injured, or murdered. In order to keep bloodshed to a minimum, however, the *cenn-fine* (chief) would often agree to accept an *eraic*—a payment of blood money—from the offending *fine*. In Wales, the *cenedd* (or kindred, an organization similar to the Irish *fine*) operated along much the same lines. As with the Irish, the Welsh developed a system of blood-money compensation to prevent the *galanas* (blood feud) from resulting in a constant state of private warfare. Giraldus Cambrensis (Gerald of Wales) observed on his travels through Wales in the 12th century that the Welsh were ever ready “to avenge not only new and recent injuries but also ancient and bygone ones as though but recently received.”

In all these Celtic countries, a clan’s honor and the life of the offender were safeguarded by a fine of an amount fixed precisely according to the rank and worth of the aggrieved party. A man’s status was expressed in material terms by his *enechlann* or “honor-price.” The *eraic* was determined by this “honor-price” and a man could not sue or be sued for more than his *enechlann* and could not make a legal contract that exceeded that amount or swear an oath in a case in which damages were greater than his “honor-price.”

Since the Celtic chiefs counted their power in terms of the number of warriors they could field, they sought to keep internecine strife to a minimum. The practice of paying blood money tended to mollify the violence of a warrior society, but there was one crime for which there was no remedy of legal vengeance or compensatory damages—*fingal*, the killing of one’s own kin. This usually occurred when a competitor for the chiefship killed a rival kinsman, a situation that frequently led to all-out warfare within a *fine*. Such violations, however, were the exception rather than the rule. All in all, the Celtic world was an orderly and civilized place when compared to other areas of medieval Europe.

For an illustration of the often humane nature of internecine conflict among the Celts, we need look no further than the epic Red Branch cycle tale, the *Tain Bo Cualinge*, in which Cuchulain, the youthful champion of Ulster, makes a magnificent Homeric stand on a ford, allowing his compatriots to escape from the invading host. One after another, the great warriors of the enemy army go out against Cuchulain. The action culminates with a three-day bout of single combat with his old comrade Ferdiadh (similar to that between Hector and Achilles), in which the two contestants meet nightly at the ford

to exchange soothing balms. When Cuchulain finally triumphs, he lays Ferdiadh’s body gently on the northern side of the river so that his vanquished foe will be the victor in death. By such tales were the heroic qualities of courage, loyalty, and honor passed from one generation to the next.

By the 11th century, the aristocratic Red Branch warlords of the legendary “heroic age” were gone, replaced by the popular folk heroes of the Fenian cycle. Ireland and much of Highland and Hebridean Scotland were ruled, according to the *Annals of Clonmacnois*, “more like a free state than a kingdom.” Indeed, the Irish Gaelic term for “free state”—*saor-thuath*—literally means a non-tributary community, thus implying local autonomy. The idea of the chief maintaining intimate contact with his people as he ruled them presents a picture of a small, independent pastoral community. Indeed, for several centuries the basic political and social organization had been the *tuath* (petty kingdom) in Ireland, the *clainn* in Scotland, and the *cantrefi* (hundreds) in Wales, all units of rather small size.

While the medieval chief’s primary duty was still that of a warrior, he was different from the great heroes of the Red Branch cycle. The Cuchulains of the Celtic realm were supreme individuals, living and fighting recklessly for the sake of personal honor and glory. The great warrior’s motto was: “I care not if I live but a day, so only that my deeds live after me.” In contrast, the later Celtic chief, who was the model for the Fenian cycle, was *primus inter pares* within a “band of brothers.” To him, virtue was not only strength of hand, but cleanness of heart and truthfulness of speech as well. He was to be the father of his people and a comrade-in-arms to his fighting men. He willingly shared the joys, sorrows, and hardships of military life with his subordinates, and by his actions he was expected to exemplify all that was right and just.

To understand how the Celtic idea of private justice has evolved up to the current century, it is instructive to look at the mythical origins of the Fiana Erienn during the early Middle Ages. The romantic exploits of these roving bands of warriors are captured best in the Psalter of Cashel (c. A.D. 900), in which the blood feud (*fich bunaid*) came to epitomize the idea of private justice within well-established communities. This particular Fenian saga pits the clan of Fionn against that of Morna in the days before there was an acknowledged *Ard-ri* (high king) in Ireland. Whereas the Red Branch cycle incorporated a single age and was written for an aristocratic caste of warrior-kings, the Fenian cycle portrays an organic, agricultural community and attempts to instill in its audience a sense of local patriotism. Such patriotism would serve the Celtic peoples well in the coming struggle with both the Normans and the English.

By the 17th century, the Fenian cycle had reached its maturity, and Celtic Ireland and Scotland, struggling to expel the English invader who employed the Caesarean strategy of “divide and conquer,” drew from it an inspired fighting spirit that mirrored that of Fionn, Oisín, and other intrepid Fenian heroes: generous and brave, yet subtle and treacherous. Unfortunately, the Celtic clans (both Irish and Scottish) from 1500 to 1750 often found themselves facing off against one another (instead of being united against the Sassanach invader). While at war simultaneously with the English and their own fellow Celts, the clans employed among themselves standards of private justice usually absent from the interclan conflicts that occurred in “times of peace” (i.e., the absence of an outside invader).

The practice of house-burning is perhaps the best example of

how a Celtic clan's perception of justice vis-à-vis another clan changed in time of war. In peacetime, the commonly held principles of the blood feud prevented the burning of a rival clan's houses, especially with the inhabitants still inside. However, in time of open warfare, house-burning was a frequent means of settling scores. Alasdair MacColla, the champion of the Clan Donald during the Royalist-Covenanter war in Scotland in the 1640's, was known by the rival Clan Campbell as *fear thollaidh nan tighean*—the destroyer of houses. His Royalist campaigns against the hated Campbells of Argyll in 1644-45 exhibited a fierceness unknown under the restrictions of the common blood feud. To use the words of Confederate General Nathan Bedford Forrest, it was "war to the knife, and the knife to the hilt." MacColla's men boasted that they had done their work so well that no chimney stood within a 20-mile radius of the Campbell capital of Inveraray.

The historic localism of Celtic Ireland, Scotland, and Wales impeded the development of the sort of public justice that characterizes the modern state. Despite occasional impulses toward political nationalism—Brian Boru (Ireland), Wallace and Bruce (Scotland), and Owen Glendower (Wales)—the Celts were unable (and ultimately, unwilling) to surrender local prerogatives to the cause of nation-building. Rather, they proceeded along lines similar to federalism. Eventually, however, the unified English state, starting under the Tudors, brought all three Celtic "nations" into a forced union, and by the present century Scotland and Wales had long lost their independence. Only Ireland posed a problem to British consolidation. Resistance was led first by the Irish Republican Brotherhood and then by the Irish Republican Army (IRA), the latter forged by the indefatigable Michael Collins. Both organizations understood the cardinal rule of public justice, British style: the conqueror kills and then outlaws any attempts at revenge.

The IRA's campaign to rid Ireland of British rule had its immediate antecedent in the failed Easter Rising of 1916, in which the modern martyrs to the cause of Irish freedom were created. By 1919-20, Collins (spared execution in 1916 because of his relative obscurity) had forged the IRA into a formidable weapon with which he waged a relentless guerrilla war against overwhelming odds. His first order of business was to put together an intelligence network in Dublin to gather information on British police agents who were terrorizing Irish Republicans. Once Collins learned of their habits and movements, he had his "Squad" carry out reprisals. The assassination campaign of 1919 deprived British intelligence of its eyes and ears, thus leading the London government to initiate a full-scale military campaign all over the island in 1920.

The 1920-21 "Black and Tan" war saw the IRA match the British military tit for tat at terrorism. Collins had organized the IRA into Flying Columns, whose goals were to stage ambushes and raids, eliminate spies, harass loyalists, and cause general mayhem in the areas largely under British control. Without doubt, the most successful of the IRA Flying Columns was that of West Cork, under command of the legendary Tom Barry. Barry, ever short of guns and ammunition and never having more than 310 riflemen, fought some 12,500 British troops to a standstill by the time a cease-fire was agreed to in mid-1921. His success hinged largely on his ability to administer private justice within his jurisdiction. When the British adopted a policy in early 1921 of burning the houses of suspected IRA sym-

pathizers, Barry repaid them double for their efforts. When the Black and Tans and the hated Auxiliaries began executing captives suspected of supporting the IRA, Barry resorted to kidnapping and killing British officials, both military and civilian. His determination to match and exceed the Brits at their own game soon put a stop to depredations against the Irish civilian population and forced London to consider peace negotiations. In his memoirs, *Guerrilla Days in Ireland*, Barry wrote:

This policy had prevented British authority from functioning in Ireland, laid its administration in ruins, driven out or under cover the British minions, necessitated a large and costly army of occupation, humiliated British military power, caused the name of Britain to stink in the nostrils of all decent peoples, and inflicted sufficient casualties on their soldiers.

The IRA was forced to exert private justice against the British occupation forces for two simple reasons: first, London did not recognize the legitimacy of the Irish Republican government under Eamon de Valera; and second, de Valera's "government" did not sanction the guerrilla campaigns carried out by Collins, Barry, and their cohorts. Even if the British had recognized the de Valera government, it is unlikely that the IRA would have submitted to their president's desire to fight a conventional war, devoid of assassinations, kidnappings, arson, and the terror campaign against citizens loyal to the British. To the Irish, the idea and practice of private justice was simply too ingrained in their historical and literary traditions to be abandoned for the niceties of formal military conflict. Unfortunately, habits formed in the Black and Tan war and reinforced by centuries of tradition continued in the subsequent Irish civil war between the Free State army under Michael Collins and the Republican forces loyal to de Valera. The brutality of both sides marked a clear break with the Irish practice of generosity toward an enemy of one's own blood, as illustrated by the Fenian duel between Fionn and Ferdiadh, and it took the ultimate tragedy—the cold-blooded murder of Collins in 1922—to end this fit of madness.

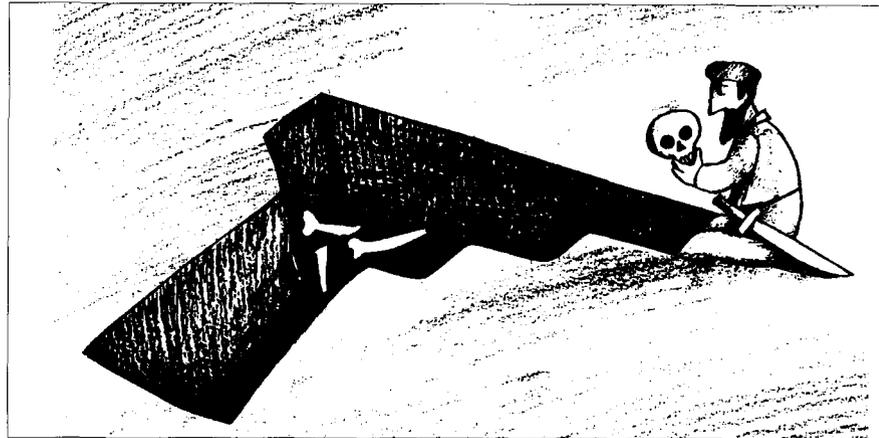
Today's IRA prefers to play by the same rules. It is ruthless to both its avowed enemies and to those fellow Irishmen who are seen as impediments to its ultimate objectives. For their part, the British have made it clear since the "Troubles" flared up again in 1969 that they have no intention of abandoning the Protestant majority in Ulster to the vagaries of Irish Republican politics. Thus, any attempts at peace are likely to be frustrated by the IRA's reluctance to abandon the only policy that has brought it any success in the past: armed resistance. As one who has traveled in Ulster, I can attest that the resultant carnage is not a pretty sight. Though I am encouraged by the recent peaceful movements toward greater independence in Scotland and Wales through separate parliaments, I doubt that such a solution could be applied to Ulster. The current standoff seems inexplicable to most Americans, who are used to solving their political differences with the ballot and not the bullet. Indeed, the Ulster troubles are a throwback to an earlier day, though not that far distant, when men relied on what Donald Davidson called "their own strong arm." But Ulster could be a harbinger of things to come. As Western civilization crumbles around us, one can only wonder when that day will come again and how modern Americans will handle the messy business of administering their own justice. <img alt="decorative flourish" data-bbox="858 888 880 900"/>

# Ruritanian Revenge and Reality

by Barry Baldwin

*Land of Albania! Let me bend mine eyes  
On thee, thou rugged nurse of savage men!*

—Byron, *Childe Harold's Pilgrimage*



**A**LBANIAN ANARCHY! BALKAN BLOODBATH! Typical banners to newspaper stories of the riots and virtual civil war that gripped “Europe’s most bizarre country” during 1997, culminating in the forced resignation of Sali Berisha, the first noncommunist president, and the return of seven-foot, gun-toting King Leka I Zogu who threatens to take by bullets the monarchy denied to him by votes. No need for bewilderment. This, after all, is the country in which the villagers of Vilan recently met in solemn conclave to decide if the unusual pregnancy of a mule meant that the devil was in its stomach signaling the Apocalypse.

The *gjakmarrja* (“taking of blood”) is a centuries-old institution that explains most of the country’s history, recent and remote. In his *Eskili, Ky Humbes I Madh* (*Aeschylus, The Great Loser*—yet to be translated into English), Albania’s best-known author, Ismail Kadare, explains the *Oresteia*’s cycle of family murder and revenge in terms of his own nation’s blood feuds. True, he ignores some differences of principle and detail. In Greece, a death could be avenged by the clan rather than a relative. Compensation might be in goods or labor, or the killer(s) merely cursed and exiled. Albanian rules exclude women, hence no counterparts to Clytemnestra and Electra.

Geography is here a factor. The blood feuds of Albania center on the Northern Highlands—the *Rrafsh* or plateau—rather than the regions contiguous with Greece, which is one reason for continuing North-South mutual incomprehension and conflict. Still, ancient Epirus (Albania) was identified with bloody vendettas. According to Plutarch’s *Life of Pyrrhus* (of “pyrrhic victory” fame), “the chieftains and clans of Epirus were perpetually at war because plots and jealousies are natural to them.” His countrymen nicknamed Pyrrhus “The Eagle”;

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Albanians call their country *Shqipëria*—Land of the Eagles. Certainly, by juxtaposing Albanian blood-feud regulations with Aeschylean verses, Kadare makes a cogent correlation.

This is an ancient tragicomedy. Albanians did not have a country until modern times, being successively ruled by Greeks, Romans, Byzantines, and Turks. For centuries, justice meant the fight for freedom from occupation—the home of the brave is the land of the free. The national hero Skanderbeg campaigned for Christian Byzantium against the Turks. In different circumstances, he would have been on the other side—he had converted to Islam before returning to Christianity. Dreams of independence were bound up with language and religion. It is no coincidence that the oldest Albanian texts were written by priests and nationalists to aid Roman Catholic clergy and to pursue the right to be educated in their own tongue, an issue that boiled over in late Ottoman times and remains the dominant one for Albanian minorities in Kosovo and Macedonia. The new country was made fissiparous by its geography, history, language, and religions. Like many another nation, it has a North-South divide based on a river (the Shkumbi), different dialects of the same language (Cheg in the North, Tosk in the South—communist harmonization was less than 100 percent effective), and religion—the North is predominantly Christian, the South Islamic. Hence Northern support for Berisha and violent opposition from the South where communism was also strongest—Enver Hoxha himself was a Tosk. Like Skanderbeg and Zog, Hoxha was basically a bandit chief who forcibly united the land (first liquidating the rival noncommunist and pro-monarchy resistance groups from World War II) and played on national pride in independence and the fear of losing it to either America or Russia. Which explains the endless purges of “traitors” and “polyagents,” most famously the mysterious death (murder? suicide?) of Mehmet Shehu in 1981 (Albania is the only country in which every security min-