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# *Dark Speech: The Performance of Law in Early Ireland*

Robin Chapman Stacey

(The Middle Ages Series, Philadelphia: U of Penn Press, 2007)

ISBN-13: 978-0-8122-3989-8; ISBN-10: 0-8122-3989-X.

This book is an impressive, erudite monograph on the performative dimension of early-medieval Irish law texts. Robin Chapman Stacey builds on the work of others who have preceded her in structuring the enormous amount of legal material that is part of the medieval Irish literary heritage (see bibliography). The book is an important contribution to the fields of Medieval and Celtic Studies, as Stacey not only makes complex medieval Irish legal thought and practice accessible to a wider readership but also applies multidisciplinary research results to Irish material. An historian herself, Stacey brings in insights from anthropological, linguistic, medieval European, cultural, literary and gender studies. Further, she does

not limit her investigation to law texts, but brings, where relevant, other genres into the discussion.

In five chapters the performative dimension of the medieval Irish legal tradition is mapped. Chapter 1 shows how juridical statements were made by non-verbal legal rituals, which involved moving bodies (i.e. people, animals or objects) in time and place. For instance, when someone entered the land of another, crossing over the ancestral graves with two horses in hand and in the company of a witness, then this was part of the procedure called *tellach*, 'entry', by which the performing person registered a hereditary claim to this land (29). Chapter 2 discusses

the history of the Irish legal profession, which apparently had its origin in a performance tradition, in which law and aesthetics went hand in hand. Juridical language was verbal art: the performers had to live up to certain aesthetic standards within the genre of legal language. Legal language could consist of maxims, rhetorical verse or prose, ornamented language, ordinary language and Latin (99). Status was a recurring factor in legal performances: the type of speech appeared to be related to the identity, and thus the status, of the speaker.

How words could reflect and exert power in legal contexts is discussed in Chapter 3. Language appears to have been an important instrument in constructing and reshaping social status through code switching and the use of various speech patterns. Stacey demonstrates the overlap between legal verbal performance and other areas of verbal power such as poetry, prophecy, curse and satire. Words were believed to be powerful, not only in the so-called secular (indeed a rather impossible word in medieval studies; cp. p. 219) area, but also in the empirically unverifiable regions of religion. It surprised me that Stacey, after carefully making room for the religious dimension (55, 59, 79, 82-89), sometimes downplayed the overlap with 'magical texts' or spells and the supernatural aspects of satire (109-111, 114). This is especially the terrain where speech/language becomes dark or obscure and can be significant without being understood by all involved (98). This book shows the overlap between legal texts and spells to an even a greater extent than I realized. Some examples will suffice here.

Stacey demonstrates convincingly that legal speech resonates with authoritative language from different genres. She points out that form and syntax are important for the authority of speech: the structure of such verbal expressions is directly related to the power of speech (4-5). This is true for the

genre of spells as well. Stacey notes structural parallels between ritual binding formulas in *Berrad Airechta* and a passage on the acquisition of sheep (122-3): the former presents a repetitive rhythm by the use of the preposition *cen*, 'without' (*cen...cen...cen...: cen foer cen anad cen imdegail ... cen eluth cen esngabail cen ailsith cin fuatach*; 123); the latter by repeating *nip*, 'may she not be...' (*nip...nip...nip...: nip brisc a croiceann, nip forfind no forofinn, ma dub no lachtna; nip toich, nip gungablaic, nip congalfinnach, nip daintach, nip ancrad, nip ladrach, nip letheirlach, nip romeidleach*; Kelly, *Early Irish Farming*, 507). As Stacey concluded (123), the structure of such a rhythmic formula allows expansion and adaptation to a particular situation. Similar repetitive formulations also occur in spells. We find *nip...nip...nip...* in the so-called spell against a thorn from the Stowe Missal (*nip hon, nip anim, nip att, nip galar, nip crú cruach, nip loch liach, nip aupaith*; Stokes & Strachan, *Thesaurus Palaeohibernicus* II, 250), and in a spell in Leabhar Breac (*nip on* [MS *nifon*] *hi nduine ... nip loch, nip c[h]ru, nip att, nip aillsiu* [MS *fallsiu*]; Carey, *Léachtaí Cholm Cille* 30). Moreover, the preposition *ar* is often repeated in protective texts, such as the *loricae* (with *a* or *ab* in Latin texts). I suggest that this formulaic listing might be connected with the human need for security. It is as if every possible risk needed to be verbally expressed as an 'exorcistic' insurance against dangers and their concomitant fears (cp. also Stacey's analysis of the intensely negative phrasing of Languedoc oaths: 237). This line of reasoning seems to be also present in the detailed lists in *loricae*, which originally may have been counter-spells (Herren, *The Hisperica Famina* II, 23-31).

Daniel Binchy suggested that sanctions behind fasting against someone and the

incapacitating of tools by symbolic actions should be sought in the area of ‘primitive magic and taboo’ (*Celtica* 10: 34); Stacey rightly points out that ecclesiastical sources may have been grounded in similar fears and beliefs and suggests to explain these procedures without the notions of magic and taboo (27-28). She then makes a good case of how several linguistic and social factors build the structures of the relevant performances. I would argue, however, that our analysis should include those ‘similar fears and beliefs’ that seem to be basic to the symbolical acts, although we might discard Binchy’s controversial terminology. Especially because we, as secularized scholars, are ‘outsiders to the system’ (15) we cannot afford to leave the religious dimension aside.

The performances described and analyzed in the book employ symbols and symbolical acts. Stacey rightly remarks that symbols are rooted in “cultural perceptions of the cosmic order, and hence in a source of authority believed to originate from outside the local community itself” (32). What struck me in reading her quotations from the legal texts was the abundance in references to *fír*, which – significantly – not only means ‘truth’ but also ‘justice’. This underscores the importance of the study of medieval Irish law for the study of medieval Irish religious thought. *Fír*, as is well-known, was the backbone of the cosmological order, or perhaps even a law of the cosmos. A desideratum related to this is a systematic study of *Echtrae Fergusa maic Leiti* that builds on the results of Stacey’s book, in which stray reference to this text is made. The tale describes important (legal) rituals which are grounded in Irish mythology (cp. my *From Chaos to Enemy*, 17-91).

These additions in the area of religion do not in any way diminish the value of the work here discussed; Stacey presents an

admirable overview of the material and has given us gems of analyses of difficult texts.

Chapter 4 describes patterns in the texts in which status is related to questions concerning who is allowed to speak; who is silenced; who speaks for others; and where and when is speech allowed. Stacey beautifully describes how the textual tradition merges native and new into an amalgam, stating a certain compatibility of pre-Christian and Christian culture if ‘voiced over’ from a Christian point of view. The pre-Christian dimension in the textual heritage is not only used to depict certain classes of poets as inferior but also romanticized. More research here is obviously needed: we are far from finished in studying the image of the pre-Christian Irish past.

In Chapter 5 Stacey shows that the mass of legal material is uniform only to a certain extent. Within the uniformity of structure, language and content, she brings out the fact that this legal tradition was created by many voices, perhaps related to region and law school, and rightly pleads for a nuanced mapping of these complex aristocratic voices.

With this book, Stacey not only addresses her fellow Celticists but also wants to reach the broader readership of researchers who study the European continent in the Middle Ages. Unfortunately, and still too often, the Irish Sea seems an insurmountable gap between the study of medieval Ireland and that of the rest of medieval Europe. The central question of the last, concluding chapter is what we can learn from the Irish material for the study of medieval continental Europe. Stacey’s analysis of the ceremony of oath taking by two continental aristocratic brothers is refreshing and convincing. The near future will show how accessible this book is to scholars outside the field, but it constitutes in any case an

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admirable attempt to bridge the above-mentioned gap. The importance of this fascinating survey of verbal power in medieval Irish law for Celtic Studies is obvious.

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