



# Open Research Online

---

The Open University's repository of research publications and other research outputs

## Colmcille and the Battle of the Book: Technology, Law and Access to Knowledge in 6th Century Ireland

Conference or Workshop Item

How to cite:

Corrigan, Ray (2007). Colmcille and the Battle of the Book: Technology, Law and Access to Knowledge in 6th Century Ireland. In: GikII 2 Workshop on the intersections between law, technology and popular culture at University College London, September 19th, 2007, 19 Sep 2007, London, UK.

For guidance on citations see [FAQs](#).

© [not recorded]

Version: [not recorded]

Link(s) to article on publisher's website:  
<http://www.law.ed.ac.uk/ahrc/gikii/>

---

Copyright and Moral Rights for the articles on this site are retained by the individual authors and/or other copyright owners. For more information on Open Research Online's data [policy](#) on reuse of materials please consult the policies page.

---

[oro.open.ac.uk](http://oro.open.ac.uk)

## Colmcille and the Battle of the Book: Technology, Law and Access to Knowledge in 6th Century Ireland

Abstract:

Many hundreds of years before the GPL was even a twinkle in Richard Stallman's eye, an Irish monk proved to be an unlikely champion of the geeky A2K notion of access to knowledge. The short version of the story of Colmcille and the battle of the book goes something like this - One monk copied another monk's manuscript. The second monk objected and they settled things the way they did in those days, with 3000 people getting killed in the resulting battle. The interesting thing from the A2K perspective is that there was an attempt, prior to the battle, to settle the dispute in the Irish High Court at the time; and remarkably, the arguments invoked in that hearing could have come straight out of one of the modern digital copyright disputes. Have attitudes to law and technology really changed a whole lot in 1400 years?

In Ireland in the mid-6th-century AD, power depended on connections and access to and control of information. It seems that there's not much new under the sun.

The warrior monk, Colmcille,<sup>1</sup> a powerful giant of a man, surveyed with grim satisfaction the devastating aftermath of battle, in the shadow of one of the Emerald Isle's most distinctive mountains, the flat topped Ben Bulbin.<sup>2</sup> He had been vindicated, his honour and that of the church restored. Three thousand of the enemy forces lay dead around him and their king had fled the battlefield in disgrace, with his priests and druids. (Not one to burn any bridges of a supernatural kind, King Diarmaid maintained cordial relations with both Christianity and paganism but it hadn't helped him that day).

The big man counted amongst the victors' walking wounded, having received a gash in his side that would leave a scar for the rest of his life. His forces, according to legend, had suffered only one fatality<sup>3</sup> who had strayed over a magical protective line laid down by the Archangel Michael, the supernatural ally called into the fray by Colmcille.

The short story of Colmcille and the Battle of the Book<sup>4</sup> at Cooldrumman<sup>5</sup> goes something like this –

Colmcille<sup>6</sup> copied another monk's manuscript. The other monk, Finnian, objected and they settled things the way they did in those days. Full stop, as they say.

Nowadays people can get heavily fined or even jailed for copyright infringement<sup>7</sup> but it is not generally a capital offence. So how could a holy man, of all people, derive such a sense of righteousness and glory from the carnage of war, especially one apparently triggered by something as innocuous as the copying of a single manuscript?

It was a dark and stormy night<sup>8</sup> on Thursday, the 7th of December, 521AD. Bruite, an old man lying on his deathbed surrounded by his closest confidants, declared that a great churchman would be born on that wild night and breathed his last. Many miles away, Colmcille was born into the royal family of Tír Connell (modern day County Donegal)<sup>9</sup> in the northern part of Ireland.<sup>10</sup> Great-great grandson of the legendary

Niall of the Nine Hostages,<sup>11</sup> he was preordained for great things. An angel allegedly appeared to his mother, Eithne,<sup>12</sup> when she was pregnant, to tell her the baby would grow into a hugely important church leader.<sup>13</sup> The long dead St. Patrick, St. Brigid and the lesser known St. Mochta all predicted his birth.

The local, highly regarded, priest, Cruithnechan, christened him Colum,<sup>14</sup> meaning “dove” and also took the child under his wing to nurture and educate.

It was the custom at the time for the sons and daughters of great tribal chiefs to be fostered by or apprenticed to great bards,<sup>15</sup> warriors or churchmen. It was also a question of law, a law that gives a rough indication of how closely the church and the community were intertwined. Brehon<sup>16</sup> law dictated that the Christian church was entitled to lay claim to the first fruit of the harvest and the first born of every family “to render service,” which ostensibly meant becoming a nun or a monk.

So the church relied on the people but the people also relied heavily on the church or paganism which was other dominant religion in Ireland at the time. The Celts were a fiery, passionate, fiercely loyal and deeply religious race, who placed a lot of faith in the protection, miracles, prophesies and curses of their churchmen (or druids). There wasn't much in the way of separation of church and state in those days.

The political landscape was in pretty much constant turmoil, with about 150 tuath (or warring tribes) vying for power, territory and revenge for some earlier wrongdoing perpetrated by their neighbouring foes. In the thick of these skirmishes, the factions did coalesce, occasionally, into loose transient alliances under the toughest leaders and there was a fierce rivalry for overall dominance of the land between the northern and southern branches of the strongest clan, the O'Neills. Colmcille's kinsfolk were the northern O'Neills.<sup>17</sup>

A larger than life, intellectually gifted, charismatic, fiery young redhead, Colmcille thoroughly immersed himself in the teachings of the church, ably cultivated<sup>18</sup> by his mentor, Cruithnechan, and another monk, Finnian, whose school he later attended at Molville in County Down. This was the same Finnian he was to fall out with, leading to such tragic consequences in later life.<sup>19</sup> Very early on in their relationship as student and teacher Colmcille and Finnian recognised each others' gifts and the level of mutual respect between the two was always very high. Much of the literature says Finnian delighted in the genius of his student. This respect, indeed, eventually led to the reconciliation of the two men in the wake of the battle and before Colmcille departed for Iona two years later.<sup>20</sup>

Colmcille's sporting prowess and big, generous, open (if quick-tempered) nature earned him a lot of friends when he was growing up. He apparently had a booming, melodious voice and a very sharp sense of humour, which we can only guess led him into many mischievous escapades, perhaps unbecoming of one committed to church service? Or perhaps not. Being a devoted member of a church that was so integral to community life meant also being actively engaged in local society. He ran, chased, rode, hurled,<sup>21</sup> hunted, fished, sailed, and fought with great skill, energy and often savagery, as was fitting and expected of royalty.<sup>22</sup> He also delighted in Celtic culture and the natural environment and had a magical touch with plants and animals of all kinds.

He already had a growing reputation as a young boy by the time he left his local community and headed for Finnian's school at Moville. Some rumours suggested he had once raised his foster father, Cruithnechan, from the dead after the old man had fallen over and banged his head. Whilst it is possible the old priest did indeed have such an accident, rumours of his death were greatly exaggerated and Colmcille most likely did nothing more than apply some basic first aid and care. Amongst his many talents the boy was credited with being a gifted healer, a skill he nurtured, developed and applied throughout his life.

On his way to Moville he made friends with the people whose communities he passed through and often exchanged medical services and advice for food and shelter. On reaching Moville he was warmly greeted by Finnian, who had been led to have high expectations of the boy by his old friend Cruithnechan. The two shared a deep love of books and Finnian quickly came to regard the young Colmcille as his liveliest, most dedicated and most promising student. It was at Moville that Colmcille allegedly performed his first miracle,<sup>23</sup> changing water into wine one day when Finnian discovered that there was no wine available for the celebration of the mass. It was also at Moville, following an incident where he had badly beaten an older and bigger boy who had been taunting him, that Colmcille came to realise how debilitating his uncontrolled anger could be. Afterwards he worked with Finnian, apparently very successfully, so Finnian thought, to master his temper.

A prolific scribe, Colmcille was made a deacon<sup>24</sup> before the age of twenty. He then spent some time with a Christian bard called Gemman. Over the next couple of years, he received an unparalleled education in Celtic folklore, politics and human nature, though the young deacon was already a shrewd student of all of these. Gemman taught him that learned men often lost touch with ordinary people because of their disconnected academic way of communicating. He needed to stay immersed in communities, their folklore and their lives. The idealistic, ambitious student, full of his own destiny and keen to spread his influence far and wide, learned the psychology of trading and negotiating and the mechanics of power dynamics and integrated these lessons into his own ongoing observations of the world around him. He already knew of the power of the bards to make or break public figures. The importance of perceived status to the influence of each tribal chief cannot be overstated. And it was the bards that created and spread tales, myths and legends about the strength and great deeds of kings. If anything the bards and poets had even more influence than modern media magnates and Colmcille was determined that he should thoroughly understand and develop those powers of influence himself.

During his time with Gemman an incident occurred which led to his fame spreading farther and wider. When the two men were out and about one day, they suddenly heard the screams of a young girl and saw her running in their direction being pursued by an armed thug, who was yelling angrily. She reached Gemman and Colmcille who threw their cloaks around her to protect her. Her persecutor, however, ran right up to them and thrust his spear through the cloaks and the young lady's heart, killing her instantly. He then proceeded to walk calmly away. Gemman, distraught, cried out "What are we to do about such a terrible crime?" Colmcille, enraged at the death of an innocent, however, cursed her murderer, saying that he would go to hell at the

same time as the young girl's soul reached the pearly gates of heaven. Instantly, the man dropped dead on the spot and the demons descended to collect his damned soul.

Unlikely though it is that the story played out in exactly that way, it's important to remember the absolute faith Colmcille's people had in the power of curses and prophecies. So it is not surprising that this was the story that got circulated, fuelled, no doubt, by a propaganda-literate ambitious young monk. As to how the murderer actually died, there's a fair chance it was at the hands of the furious Celtic warrior in Colmcille, the one who was never reluctant to dish out summary vengeance with the appropriate curse thrown in for good measure. It's hard to believe that a young man who had reputedly beaten opponents to within an inch of their lives when his temper took hold, would have been able to control the sheer physical rage that would have gripped him upon witnessing such a vicious murder.

The scene and its aftermath tell us a fair bit about the man. His legendary self discipline was overridden frequently by his fiery temper, especially in the early years. He also had a cruel streak and he remained a fighter as well as a churchman throughout his days. He loved people and felt deeply any injustices suffered by ordinary people. He was not averse, however, to turning those injustices to his own advantage and did so skilfully on many occasions.<sup>25</sup>

Colmcille later studied for the priesthood at Clonnard in County Meath, recognised as the leading centre of Christian learning outside of Rome, with 3000 students<sup>26</sup> from all over Europe

At the age of 25, a newly ordained priest, he began travelling round the country on a missionary quest, eventually setting up 36 monasteries<sup>27</sup> in the space of 15 years. Colmcille was a shrewd politician, a hard nosed negotiator and a gifted administrator, without being blindly devoted to arbitrary rules.

Trailing around the country reconnoitring the latest prevailing political landscape and badgering local kings for land to build the monasteries involved significant personal risks to him and his followers. Not all of these kings were Christians, neither were they prepared to hand over hard earned territory willingly to some missionary who just happened to ask for it, especially one widely known to be a prominent member of an increasingly ambitious northern O'Neill clan. That, along with his ever growing power and reputation within a growing church, itself engaged in a struggle for dominance over hearts, minds and souls with paganism, was more than enough to get somebody killed.

Colmcille threw himself into these labours with a zeal few ordinary mortals could match and amongst the tasks he attacked most passionately was the transcribing of biblical manuscripts. A devoted scribe himself, he recognised the shortage of books as one of the critical paths restricting the growth of the scholarship of the church, as well as of his own band of followers. Wherever and whenever he could get access to the materials he would copy and encourage his monks to copy, study and disperse the copies of books to spread the teachings of the church. He was one of the earliest in the tradition of Irish monks committed to such a philosophy, credited with saving the church's literary treasures during Europe's Dark Ages,<sup>28</sup> when book burning was a common practice amongst religious zealots.

It was probably during this time that Finnian of Moville brought home a copy of the “Vulgate,” after a visit to Rome. The Vulgate was the definitive Latin translation of the bible done by St. Jerome about 100 years earlier. This was the first copy of the book to reach Ireland and generated some considerable excitement throughout the land. Not surprisingly the news of the Vulgate reached Colmcille who decided to visit his old teacher in the mid 550s AD<sup>29</sup> in order to see it. Finnian, delighted to see him, willingly showed him the book, though he was generally very protective of it.<sup>30</sup> Given that by then he had probably had many visitors intent on getting a glimpse of this treasure it would have been natural for Finnian to be careful about the degree of access he allowed to the manuscript.

Whatever the circumstances of Colmcille’s initial encounter with the book and any conditions Finnian might have placed on his handling of it,<sup>31</sup> it’s fairly clear that Colmcille decided to make a copy surreptitiously by night. Finnian apparently discovered what he was up to when one of his novice monks noticed a mysterious light emanating from the church where the Vulgate was kept one night and peeped through an opening in the door. He was astonished to see the big man furiously copying with one hand, whilst a magical light flowing from the tips of the fingers of his other hand illuminated his labours.<sup>32</sup> Finnian felt angry that someone he trusted so implicitly could have done such a thing behind his back and asked that Colmcille give him the copy he had made when it was finished. Colmcille was not impressed at his mentor’s attitude. He was also enraged that an old man should presume to act as such a reluctant gatekeeper to a book, the sharing of which was crucially important to the future of the church in Ireland. Finnian suggested they resolve the issue by referring it for arbitration to the Diarmaid, the High King of Ireland and his court at Tara. Colmcille readily agreed, feeling he couldn’t lose both because he was in the right (acting for the greater good of the church) and because he felt the king was an ally, who had supported his foundation of a monastery at Kells and who also happened to be related to him.<sup>33</sup>

And so the drama moved to Tara.

Finnian claimed ownership of the copy of the book based on what he believed to be legal precedent and on the moral grounds that a visitor and a friend, to whom he had extended an open welcome and hospitality, had betrayed him by secretly copying his property. He was also concerned that, if the book was to be copied and widely distributed, this had to be done carefully and through appropriate channels and procedures. He was concerned to maintain the integrity of the manuscript and ensure there were no errors introduced through hasty copying processes, the like of which Colmcille had secretly engaged in. Colmcille, by that time, had something of a manuscript production line operating at his monastery at Durrow, a group of monks transcribing manuscripts in order that these might be made widely available. It’s interesting to speculate on what Finnian’s views would have been about this activity and the quality of the work thus produced. Perhaps he felt any copying of his precious copy of the Vulgate should be done at Durrow? On the other hand, if his perception was that even a small fraction of the work there was sub standard, he would have felt completely justified in demanding that any copying of the manuscript could only be done under his personal supervision.

Colmcille, by now used to being revered in public circles, must have been disturbed to have his pristine reputation attacked in public at Tara. After a hearing which reportedly went on all through the night and where many questioned Colmcille's integrity,<sup>34</sup> it became clear that there was and undercurrent to the proceedings that went way beyond a dispute over a book. Part of it was to do with the perception amongst some that the monk had got too big for his boots and needed to be taken down a peg or two. This jealousy would have been politically motivated and could have counted on factions within the Christian church, the pagans and the political establishment who saw him as a powerful agent of change in society. Superimpose on this the increasing tensions between the church and paganism, the church's increasing intolerance of Diarmaid's accommodation of the pagans (who they perceived as a major obstacle in the path to true salvation) and the political battle lines between the most powerful tribes in the land, and this arbitration hearing takes on a much wider significance. It is astonishing that such a normally astute political operator as Colmcille could have walked so openly and blindly into this mess but we can only speculate that perhaps he had an over-developed sense of belief and confidence in his own destiny. In any case, as the dawn broke Colmcille made his closing address to the court:

"My friend's claim seeks to apply a worn out law to a new reality. Books are different to other chattels (possessions) and the law should recognise this. Learned men like us, who have received a new heritage of knowledge through books, have an obligation to spread that knowledge, by copying and distributing those books far and wide. I haven't used up Finnian's book by copying it. He still has the original and that original is none the worse for my having copied it. Nor has it decreased in value because I made a transcript of it. The knowledge in books should be available to anybody who wants to read them and has the skills or is worthy to do so; and it is wrong to hide such knowledge away or to attempt to extinguish the divine things that books contain. It is wrong to attempt to prevent me or anyone else from copying it or reading it or making multiple copies to disperse throughout the land. In conclusion I submit that it was permissible for me to copy the book because, although I benefited from the hard work involved in the transcription, I gained no worldly profit from the process, I acted for the good of society in general and neither Finnian nor his book were harmed."<sup>35</sup>

When he had finished, King Diarmaid, on the advice of his Supreme Court counsellor Bec MacDe,<sup>36</sup> ruled:

"I don't know where you get your fancy new ideas about people's property. Wise men have always described the copy of a book as a child-book. This implies that someone who owns the parent-book also owns the child-book. To every cow its calf, to every book its child-book. The child-book belongs to Finnian."<sup>37</sup>

Now nobody rose to the prominence of a high king's counsellor without significant political skills and MacDe would have had his own agenda in considering how to advise Diarmaid. As a druid this included the welfare of the pagan religion and concerns at the success of missionaries like Colmcille in spreading the Christian faith. He was well acquainted with the big monk and can scarcely have believed his good fortune in having this opportunity to taint the reputation of the high profile evangelist. In addition he was simultaneously able to inhibit the distribution of copies of a book

which he understood to be the purist form of the Christian doctrine available in the country.

The ruling arguably triggered a series of events that led to the slaughter of the three thousand at Cooldrummon. Its echoes and that of Colmcille's advocacy have reverberated through the fourteen centuries since then, most notably in the words of Thomas Babington Macaulay<sup>38</sup> in House of Commons debates on extending the term of copyright and Thomas Jefferson regarding a patent dispute in 1813.<sup>39</sup> "Property" remains the dominant metaphor in modern day legal disputes over digital technologies.

These decisions, whether they involve 6<sup>th</sup> century manuscripts, modern day identity cards or electronic music gadgets, are rarely as simple as a first look might make them appear. The technologies and their surrounding political, social, economic contexts constitute complex systems and will display all the characteristics of such systems, including chaos<sup>40</sup> and emergence.<sup>41</sup>

It is also invariably the case with complex systems that any effect tends to have multiple causes and it is a non trivial task to track the cause-effect lineage.

Getting back to the court of king Diarmaid, in the immediate aftermath of the ruling, Colmcille was a man in shock. So convinced was he of the righteousness of his cause that he had never even considered he might lose the case. Furious that his integrity had not only been publicly questioned but now, in the decision, found wanting and also that these important scriptures were to be locked away from a church in desperate need of them, he would have been further infuriated by mutterings and applause round the hall, praising Diarmaid's wisdom and condemning Colmcille. In an uncontrolled rage, he cursed Diarmaid, turned his back on the king and left.

At the time, it was the custom every three years or so for Diarmaid to host a festival of games, ritual and lawmaking at Tara, which also celebrated the king himself. The year of the arbitration hearing turned out to be the last year it was a heavily pagan festival, as Diarmaid's precipitated defeat at Cooldrummon proved to be the beginning of his demise and also of the waning of the influence of the druids with the high kings of Ireland.

Diarmaid, as part of a dispute with another tribe, was holding Curnan, the son the king of Connaught,<sup>42</sup> hostage. Diarmaid prided himself with treating his hostages with great hospitality but he, like Colmcille, also had a dangerous temper. During the festivities, Curnan was permitted to take part in the games but sadly a fight broke out during a hurling match<sup>43</sup> that led to Curnan killing another boy, when he struck him with his hurley stick. The dead boy was the son of Diarmaid's chief steward, who would have been distraught. Curnan, terrified that Diarmaid might execute him at the grieving steward's request, fled to Colmcille and sought his protection. The big man willingly granted him sanctuary. Diarmaid had other ideas. He had gambled on Colmcille accepting his decision over the book and believed that it would be taken with the good grace and generosity for which the big monk had become renowned. So he was surprised, outraged and terrified in the immediate aftermath that he should have been cursed by a power (the magical monk) over which he had no control. He also knew that Colmcille had powerful allies who were already looking for an excuse



to test their strength against him. So despite the custom that compensation rather than execution was the penalty for murder and the absolute inviolate nature of the sanctuary of the church, when he heard that Colmcille had sheltered the boy, he ordered them hunted down. Curnan was duly caught and summarily executed by Diarmaid's men. Colmcille was aware that this was not the first time that Diarmaid had violated the sanctuary of the church and at this point the vengeful warrior in him took hold. He made his way to his family, the Northern O'Neills, who were already considering that they had the strength to challenge the high king. They just needed an excuse. By the time he got home he had probably rationalised his rage and considered that his cause – the defence and greater glory of the church as well as revenge for the injustice he had suffered – justified the battle he intended to catalyse.<sup>44</sup> He also roused the Connaught men whose prince had been so brutally slain and these armies together met Diarmaid's forces at Cooldrummon.

Let's just pause here and review the reasons for the battle. We started off with the simple tale that 3000 were killed over a book. Whereas that was certainly one of the key triggers, there were a variety of underlying causes for the battle:

- Colmcille's anger at Diarmaid's decision on the book;
- Colmcille's devotion to spread of learning and the growth of the church through the copying and making available of the holy scriptures as widely as possible was undermined at a stroke
- Colmcille's anger at violation of his and the church's sanctuary for Curnan (remember church sanctuary was absolutely sacred and it was not the first time Diarmaid had crossed the line on it);
- Increasing tensions between Diarmaid and northern O'Neills, Colmcille's clan;
- The battle for religious dominance between Christianity and paganism – Colmcille and the majority of his brotherhood were insulted at the open and possibly increasing support Diarmaid continued to display towards his druids and they found the pageantry and hedonism of the pagan festival offensive to the church and to their God.
- Colmcille's pride and reputation had taken a serious battering something he felt deeply. (It's possible this was the beginning of a midlife crisis which eventually contributed to his decision to emigrate to Iona). Used to being revered, Diarmaid's court had treated him as selfish and small minded.
- MacDe's Machiavellian political machinations on behalf of the druids.

Colmcille, though sorry so many men had to die for it, still felt after the battle that his cause had been just. We can only wonder, as he tended to the wounded and dying on the battlefield, though, whether he also felt guilt, at that stage, at being responsible for sending 3000 to early graves. At the time death in battle was considered honourable but Colmcille's conscience certainly gnawed at him later with the possibility that he has despatched many unprepared souls to the fires of hell. His conscience was apparently put to rest on that subject after the dream of a fellow monk in which an angel assured him that the 3000 had made it to heaven.

Whatever his state of mind after battle, his fellow leading churchmen felt his actions were unconscionable and convened a church synod at Teltown to discuss what to do about him. Before Colmcille arrived to defend himself the council declared his

behaviour unworthy of a man of God and apparently excommunicated him. The big man then arrived to justify his conduct and did so vigorously. Could these men not see that Diarmaid was influenced by pagans and their devils in coming to his unjust decision? Could they not see that he had only been acting in the interests of the church? The decision to excommunicate him was eventually overturned with the help of St Brendan, who declared that when Colmcille arrived he seen angels by his side and that if the council only knew what he (Brendan) knew about the big monk's importance to the future expansion of the church, they would be begging him to continue his missionary work.<sup>45</sup> The council did demand a penance – exile from Ireland and the winning of 3000 converted souls for the church.<sup>46</sup>

Colmcille went to Iona two years later but it's unlikely it was because of the demands of the church synod.<sup>47</sup> It's not clear that he was penitent even in the wake of the synod, which he felt should have been more understanding. It does appear, however, that he may have encountered something of a midlife crisis at this stage and wandered aimlessly for a couple of years. Here he was at 40 years old, sanctioned by the church that he had devoted his life to, beginning to be torn about whether he had been right about the battle, still possibly concerned that some of the dead may have gone to hell and not sure what to do about the future. Filled with his own legend from the time he was born he had now suddenly come off the tracks and his confidence began to wane.

Although he had known their troubles, he then became acutely aware that a branch his family in Scotland were in crisis. Successful settlers they had been suffering heavy defeats at the hands of the pagan picts and were on the verge of being completely annihilated. The big monk now found himself a new mission – to become the saving grace of his family, the church in Scotland and the thousands of unenlightened souls amongst the Picts' tribes. So in 563, two years after the battle of the book, he set sail for Iona in Scotland,<sup>48</sup> with twelve followers in tow, 42 years old and heading arguably for his greatest successes and the true fulfilment of his destiny. That next chapter of his life is a story for another day.

There are a number of things we can take from the story in the context of the deployment and regulation of communications technologies:

- The issues in the closing arguments in the case at Tara remain current fourteen hundred years later. Disputes over the nature of property in ideas and prevailing communications technologies echo though the ages
- It's only really the context that changes
- Decisions about access to knowledge in a huge variety of contexts are rarely as simple as a first glance might make them appear
- In considering what factors actually influence these decisions we need to be aware of
  - Social and cultural factors
  - Political environment including the agenda of the most powerful actors
  - The physical environment
  - Commercial forces in the modern context
  - The architecture of the technology – e.g. the Internet makes copying and distribution easy compared to the tortuous process of transcribing that Colmcille and his peers had to go through. So the architecture can be a constraint or an enabler.

---

<sup>1</sup> Pronounced Col-um-kill and sometimes spelt “Columcille” and also widely known as St Columba, he was a 6<sup>th</sup> century monk variously known as a legend, Ireland’s greatest son, founder of Scotland and the Scottish church, a miracle worker and the holiest of holy saints.

<sup>2</sup> In County Sligo in the West of Ireland.

<sup>3</sup> It is highly unlikely that the outcome of the battle was 3000 to 1 dead but this is the legend. We can’t really be sure how many died on either side.

<sup>4</sup> Colmcille was brought to the attention of the popularly labelled ‘copyfighting’ community on the Internet by Seán McGrath,

[http://seanmcgrath.blogspot.com/2003\\_03\\_23\\_seanmcgrath\\_archive.html#200053874](http://seanmcgrath.blogspot.com/2003_03_23_seanmcgrath_archive.html#200053874),

who wrote of a small story in Mary Mulville’s *Ingenious Ireland: A County-By-County Exploration of the Mysteries and Marvels of the Ingenious Irish*, Simon & Schuster UK, 2003, referring to the monk’s part in the Battle of the Book at Cooldrumman. To get at the detailed story, however, you can’t beat a few days digging in a good library and the 189 tomes on the saint in Oxford’s Bodleian library, or as my colleague, John Naughton would call them, vegetable dye squirted on wood pulp, supplied plenty of rich raw material.

<sup>5</sup> Also in the literature called Culdreimhne, Culdreimhe, Cul Dreimhne, Cul Dreimne, Cul Drevny, Cul Dremne, Culdreibhne

<sup>6</sup> Google (<http://www.google.co.uk>) produces more than 90 000 links to web pages on Colmcille, at the time of writing (76 000 if you use the Columcille spelling). Using his given name, Columba, that goes up to over 2 600 000. He even now has an entry in the popular online encyclopaedia, Wikipedia, <http://en.wikipedia.org/wiki/Columba>.

<sup>7</sup> Colmcille did not infringe anyone’s copyright in copying Finian’s book. The legal construct of copyright didn’t exist yet. The first copyright act was arguably the UK’s Statute of Anne in 1710 but copyright had existed as a monopoly and state (or crown) censorship device in that country and others for more than 150 years before that. The Statute of Anne descended directly from earlier laws such as the crown-granted printing privileges of 1557, the Star Chamber Decrees of 1586 and 1637 and the Licensing Act of 1662

<sup>8</sup> I’ve always wanted to start a story with those words.

<sup>9</sup> Bear with me whilst I do a brief run through the family connections. It can be somewhat tedious but is bordering on the compulsory for the Donegal Irish to know who is related to whom. I have early memories of summer holidays in my mother’s home village of Milford in County Donegal (not too far from where Colmcille was born), and being castigated for not knowing some distant relative who called into my grandparents’ house and who I’d never previously met. A Patsy or Mary or Barbara or Donal, of the Kellys or O’Donnells or O’Neills or McCaffertys. My mother, embarrassed at having been caught out for not drilling me thoroughly in the entire family lineage when I denied knowing this stranger, would respond with an “Of course you know Jimmy. He’s a second cousin of Uncle Joe, you remember Uncle Joe and Auntie Eileen who lived next door to...” somebody else I’d never heard of.

<sup>10</sup> Though Donegal is situated in the North western corner of Ireland and geographically contains the northernmost territory of the country, it is still part of the Republic of Ireland, rather than Northern Ireland which constitutes 6 northern counties that are politically part of the United Kingdom. Up until 1998, when they were amended through a referendum as part of the peace process, articles 2 and 3 of the Irish Constitution laid claim politically to the territory of Northern Ireland. The current text is available online at <http://www.taoiseach.gov.ie/upload/static/256.pdf>

<sup>11</sup> As well as establishing a major dynasty in Ireland, one branch or another of which would rule for centuries, Niall had a great deal of success raiding the British mainland in the 5<sup>th</sup> century and proved to be the scourge of Romans, Picts and Saxons. Colmcille’s father, Fedhlimidh was the son of Fergus, who was the son of Conaill Gulban, Niall’s eight son.

<sup>12</sup> Eithne was descended from the King of Leinster, one of the four main provinces of Ireland, so Colmcille had royalty on both sides of the family, and theoretically might one day have become High King of Ireland, if he had chosen the life of the military.

<sup>13</sup> This story is told in numerous accounts of Colmcille’s life, most neatly in FA Forbes, *The life of St Columba (Lives of Saints for Children)*, (James Brodie and Company). There is a vast amount of myth and legend surrounding our knowledge of the saint’s life, as there is very little surviving *direct* evidence or records of his activities. The definitive account repeatedly referred to by scholars is

Adomnán's biography, translated by various scholars, the versions I referred to being St. Adomnán, Alan Orr Anderson (Editor), Marjorie Ogilvie Anderson (Editor), *Adomnan's Life of Columba* (*Oxford Medieval Texts*), (Clarendon Press, 1991) and Adomnán of Iona, Richard Sharpe (Translator) *Life of St Columba* (*Penguin Classics*), (Penguin Books Ltd, 1995). Adomnán, born 27 years after the death of his hero, nevertheless came to Colmcille's monastery at Iona at a young age, so probably knew some of the Saint's contemporaries. Mediaeval biographers tended to idolatrise their subjects and it is no accident that a lot of the miracles associated with Colmcille are similar to those connected with Jesus Christ in the bible. (Adomnán would be more accurately described as a hagiographer, rather than a biographer and many of the stories are hagiolatry and folklore rather than historical accounts). He is alleged in various accounts, for example, to have raised people from the dead (including his foster father, Cruithnechan), turned water into wine and multiplied loaves and fishes. And when he was a baby Cruithnechan came home from church one night to find his house bathed in bright light, the source of which he found was a spectacular fireball hovering over Colmcille's cot. The more parallels the biographer could draw between Colmcille's life and that of the founder of the church, the more important they could make him out to be. Having said all that, however, it must be noted that the provenance of Adomnán's text is impressive. A manuscript at the Stadtbibliothek at Schaffhausen in Switzerland was transcribed by Dorbenne from Adomnán's original. Dorbenne succeeded Adomnán as Abbot of Iona 9 years after the latter's death. Dorbenne himself died within 5 months of ascending to that office. An earlier abbot, Cummene, who actually knew Colmcille, had also written a life of the saint and it is thought that Dorbenne added extracts from Cummene's Life of Columba in his transcription.

<sup>14</sup> Given the sparsity of primary sources on the saint, even his original name is the subject of some speculation. Lucy Menzies, *Saint Columba of Iona* (J.F.M. Books, 1992, originally published in 1920), Katharine Burton, *Saint Columba* and Rev N.D. Emerson, *Saint Columba and his mission*, say they also gave him a secular name, "Crimthann" (apparently meaning "wolf", though the Latin for wolf is lupin or lupinus and the Irish equivalent is faolchú), so that he'd have a suitable label if he grew up to be a warrior. Some accounts, such as *Martyrology of Oengus* compiled in the 9th century, suggest Crimthann was his given name and he chose Colum later as his monastic name. Colum or Columba was a common name in those days, so to distinguish him from ordinary Colums he became known in later days as Colum-cille (the "dove of the church"). Menzies and others, however, suggest Colmcille was a nickname he got as a child because he spent so much time in the church. Colmcille is the version I use mostly in the main text.

<sup>15</sup> Celtic poets or storytellers, considered members of high society.

<sup>16</sup> Brehons were the judges at the time.

<sup>17</sup> Ian Bradley, *Columba: Pilgrim and Penitent*, (Wild Goose Publications, 1996)

<sup>18</sup> The people surrounding the young royal personage nurtured the boy's considerable talents and also encouraged him and others to believe in and live up to his own legend.

<sup>19</sup> There are some questions as to whether Colmcille's dispute over copying the manuscript was with St Finnian at Molville or St Finnian at Clonard, though it seems most likely it was the former.

<sup>20</sup> Dr Hugh Jackson Lawlor, *The Cathach of Columba* (Proceedings of the Royal Irish Academy XXXIII, 1916), noted that Colmcille had a remarkable power to heal broken friendships and that it was just as well, given his quick temper and huge capacity for upsetting people. The "cathach" or battler is believed by some to be part of the very book which led to the battle of Cul Dreimhne. The remains of the cathach reside in the Royal Irish Academy and have been dated by Carl Nordenfalk at 625. This is 28 years after the saint's death but given the potential margin of error associated with such dating, it is not entirely inconceivable that it might have been written by Colmcille.

<sup>21</sup> Hurling is an ancient Gaelic game, still played widely today not only in Ireland but all over the world amongst the Irish Diaspora. 15 players on each team carry wooden hurley sticks, roughly the length of a golf club but with a wider shaft, which they use to collect, carry and strike the sliotar (a small tough leathery ball, similar to a cricket or baseball ball). The object of the game is to score more points than the opposing team by putting the sliotar in their net (which earns three points) or over the opponents' bar, between the tall goalposts (which gives you one point). It is one of the fastest and most skilful field sports in the world, when played properly.

<sup>22</sup> There are some stories to suggest he delighted in a good scrap, though occasionally lost control of his temper to a degree which led him to seriously injure his opponent and on one occasion to bite his mother's hand. M.V. Woodgate, *St. Columba*, (St Paul Publications, 1969). It is possible he took part directly in some of the serious battles between tribes when he was a young lad, as it was the duty of a prince and a churchman to "smite any foe" that threatened but there are no records of this.

<sup>23</sup> Adomnan claims that Colmcille performed this as his first miracle. Again it is no accident that this is the same first miracle said to have been performed by Jesus, at the wedding feast at Cana.

<sup>24</sup> An assistant priest <http://en.wikipedia.org/wiki/Deacon>

<sup>25</sup> Adomnán went to great pains to paint Colmcille as a simple and innocent man but he was neither of these. His expertise in the politics, culture and the public relations of the day make that abundantly clear.

<sup>26</sup> There's that number 3000 again.

<sup>27</sup> Iona, *The Story of Saint Columba (Columcille)*, (M.H. Hill & Son Ltd., Dublin, 1928), p19 and Lucy Menzies, *Saint Columba of Iona* (J.F.M. Books, 1992, originally published in 1920). This included one at Kells on land donated by the High King, Diarmaid, who would later rule against him in the dispute over the book; and one at Durrow, which, next to Iona, was to become his most famous. In fact the monks at Durrow always considered their monastery to hold a higher standing in the church than Iona. Manus O'Donnell, *Betha Colaim Chille* (1532) (A. O'Kelleher, G. Schoepperle published an edited translation in Chicago in 1918, which the Dublin Institute for Advanced Studies published a version of in 1994) claims he set up as many as 300 churches during this time, though this account of the saint's life needs to be enjoyed purely as a fireside folk tale rather a factual account. Nearly every page tells of some spectacular triumph for Colmcille and anyone that provides him with any difficulties is painted in the darkest light.

<sup>28</sup> [http://en.wikipedia.org/wiki/Dark\\_Ages](http://en.wikipedia.org/wiki/Dark_Ages)

<sup>29</sup> It was probably in 557 but the precise date is unknown

<sup>30</sup> This meeting and circumstances surrounding Colmcille's subsequent copying of the manuscript are shrouded in myth and legend. Adomnán pays very little attention to the whole episode of the battle of the book, saying only that Colmcille got sanctioned by the church elders for some "trivial and pardonable offence" (presumably causing the battle) but later got pardoned when these same elders were shown the error of their ways. There is some dispute too as to whether Finnian had a complete copy of the Vulgate, or just the Psalter or Book of Psalms. The Cathach of Columba now resides in the Royal Irish Academy in Dublin and is thought by some to be the copy of the Psalter Colmcille made of Finnian's manuscript but tests have dated this script to the 7<sup>th</sup> century. "This Cathach was thought to have been carried into battle as a good luck charm by the O'Donnells, descendants of Colmcille's family.

<sup>31</sup> Colmcille may have asked straight out if he could copy it and got either a rejection or an "all in good time" response from Finnian; he may have known that his old mentor would reject such a request out of hand and not asked for permission at all; or he may just have decided that he should copy first and apologise afterwards, relying on the depth of their friendship for a guarantee of Finnian's post copying forgiveness.

<sup>32</sup> Manus O'Donnell (1532) op. cit., just one of his many accounts of the miraculous prowess of his subject

<sup>33</sup> He understood very well the influence of nepotism.

<sup>34</sup> Colum, op. cit.

<sup>35</sup> Mine is something of a clumsy translation of the original argument recorded in Manus O'Donnell, *Betha Colaim Chille* (1532) and it relies heavily on versions in Manus O'Donnell, *Betha Colaim Chille* (1532) Edited and translated by A. O'Kelleher and G. Schoepperle as *Betha Colaim Chille/ Life of Columcille* (University of Illinois Press, 1918), p178-179, Lucy Menzies, *Saint Columba of Iona* (J.F.M. Books, 1992, originally published in 1920), p.25 and Padraic Colum, *The Legend of Saint Columba* (Sheed and Ward, London, 1936), p76-81, but it's meaning remains fairly clear. Colmcille was an accomplished and impressive public speaker, much more so than my efforts at getting his meaning across would make it appear.

O'Donnell's account:

Do inneis Finden a sceila art us don righ, ass ed adubhairt ris: "Do srib C.C. mo leabhur gan fhis damh fen," ar se, "aderim corub lim fen mac mo leabhur."

"Aderim-se," ar C.C., "nach mesde lebhur Findein ar srib me ass, nach coir na neiche diadha do bi sa lebhur ud do muchadh no a bacudh dim fein no do duine eli a sribhadh no a leghadh no a siludh fan a cinedachaib; fos aderim ma do bi tarba dam-sa ina sribhadh, corb ail lium a chur a tarba do no poiplechaibh, gan dighbail Fhindein no a lebhair do techt ass, cor cedaigthe dam a scribudh."

Is ansin ruc Diarmaid an breth oirrdearc .i. "le gach boin a boinin" .i. laugh "le gach lebhur a leabran."

---

A. O' Kelleher and G. Schoepperle translation:

Finnen first told the king his story and he said "Colmcille hath copied my book without my knowing," saith he "and I contend that the son of the book belongs to me."

"I contend," saith Colmcille, "that the book of Finnen is none the worse for my copying it, and it is not right that the divine words in that book should perish, or that I or any other should be hindered from writing them or reading them or spreading them among the tribes. And further I declare that it was right for me to copy it, seeing it was profit to me from doing in this wise, and seeing it was my desire to give the profit thereof to all peoples, with no harm therefore to Finnen or his book."

Then it was that Diarmaid gave the famous judgement: "To every cow her young cow, that is, her calf, and to every book its transcript. And therefore to Finnen belongeth the book thou hast written, O Colmcille."

<sup>36</sup> A pagan druid and none too fond of Colmcille, though legend has it that the saint converted him to Christianity on the day MacDe died. Colum, op.cit., p31-35.

<sup>37</sup> Ibid.

<sup>38</sup> In a speech to the House on 5<sup>th</sup> February 1841, Maculay said:

"The advantages arising from a system of copyright are obvious. It is desirable that we should have a supply of good books; we cannot have such a supply unless men of letters are liberally remunerated; and the least objectionable way of remunerating them is by means of copyright. You cannot depend for literary instruction and amusement on the leisure of men occupied in the pursuits of active life. Such men may occasionally produce compositions of great merit. But you must not look to such men for works which require deep meditation and long research. Works of that kind you can expect only from persons who make literature the business of their lives. Of these persons few will be found among the rich and the noble. The rich and the noble are not impelled to intellectual exertion by necessity. They may be impelled to intellectual exertion by the desire of distinguishing themselves, or by the desire of benefiting the community. But it is generally within these walls that they seek to signalise themselves and to serve their fellow-creatures. Both their ambition and their public spirit, in a country like this, naturally take a political turn. It is then on men whose profession is literature, and whose private means are not ample, that you must rely for a supply of valuable books. Such men must be remunerated for their literary labour. And there are only two ways in which they can be remunerated. One of those ways is patronage; the other is copyright.

[...]

I can conceive no system more fatal to the integrity and independence of literary men than one under which they should be taught to look for their daily bread to the favour of ministers and nobles. I can conceive no system more certain to turn those minds which are formed by nature to be the blessings and ornaments of our species into public scandals and pests.

We have, then, only one resource left. We must betake ourselves to copyright, be the inconveniences of copyright what they may. Those inconveniences, in truth, are neither few nor small. Copyright is monopoly, and produces all the effects which the general voice of mankind attributes to monopoly. My honourable and learned friend talks very contemptuously of those who are led away by the theory that monopoly makes things dear. That monopoly makes things dear is certainly a theory, as all the great truths which have been established by the experience of all ages and nations, and which are taken for granted in all reasonings, may be said to be theories. It is a theory in the same sense in which it is a theory that day and night follow each other, that lead is heavier than water, that bread nourishes, that arsenic poisons, that alcohol intoxicates. If, as my honourable and learned friend seems to think, the whole world is in the wrong on this point, if the real effect of monopoly is to make articles good and cheap, why does he stop short in his career of change? Why does he limit the operation of so salutary a principle to sixty years? Why does he consent to anything short of a perpetuity? He told us that in consenting to anything short of a perpetuity he was making a compromise between extreme right and expediency. But if his opinion about monopoly be correct, extreme right and expediency would coincide. Or rather, why should we not restore the monopoly of the East India trade to the East India Company? Why should we not revive all those old monopolies which, in Elizabeth's reign, galled our fathers so severely that, maddened by intolerable wrong, they opposed to their sovereign a resistance before which her haughty spirit quailed for the first and for the last time? Was it the cheapness and excellence of commodities that then so violently stirred the indignation of the English people?

---

I believe, Sir, that I may with safety take it for granted that the effect of monopoly generally is to make articles scarce, to make them dear, and to make them bad. And I may with equal safety challenge my honourable friend to find out any distinction between copyright and other privileges of the same kind; any reason why a monopoly of books should produce an effect directly the reverse of that which was produced by the East India Company's monopoly of tea, or by Lord Essex's monopoly of sweet wines. Thus, then, stands the case. It is good that authors should be remunerated; and the least exceptionable way of remunerating them is by a monopoly. Yet monopoly is an evil. For the sake of the good we must submit to the evil; but the evil ought not to last a day longer than is necessary for the purpose of securing the good.”

<sup>39</sup> Jefferson said in a letter to Isaac McPherson Monticello, August 13, 1813: “It would be curious then, if an idea, the fugitive fermentation of an individual brain, could, of natural right, be claimed in exclusive and stable property. If nature has made any one thing less susceptible than all others of exclusive property, it is the action of the thinking power called an idea, which an individual may exclusively possess as long as he keeps it to himself; but the moment it is divulged, it forces itself into the possession of every one, and the receiver cannot dispossess himself of it. Its peculiar character, too, is that no one possesses the less, because every other possesses the whole of it. He who receives an idea from me, receives instruction himself without lessening mine; as he who lights his taper at mine, receives light without darkening me. That ideas should freely spread from one to another over the globe, for the moral and mutual instruction of man, and improvement of his condition, seems to have been peculiarly and benevolently designed by nature, when she made them, like fire, expansible over all space, without lessening their density in any point, and like the air in which we breathe, move, and have our physical being, incapable of confinement or exclusive appropriation. Inventions then cannot, in nature, be a subject of property.”

<sup>40</sup> For an excellent general introduction to chaos theory see James Gleick, *Chaos: Making a New Science* (Minerva, 1996)

<sup>41</sup> For a terrifically readable account of the phenomenon of emergence see Steven Johnson, *Emergence: The Connected Lives of Ants, Brains, Cities and Software*, (Penguin Books Ltd., 2002)

<sup>42</sup> King Aedh

<sup>43</sup> One of the dangers of hurling is that when tempers get frayed the protagonists have the wooden hurley sticks to deploy as weapons in the melee.

<sup>44</sup> He had also, if legend is to be believed, spent several years getting there and narrowly evading his pursuers.

<sup>45</sup> St Brendan’s advocacy would have been colourful in the custom of the time.

<sup>46</sup> There is a dispute about whether the council or a later confessor, St Molaise, imposed the exile. Some accounts say it was Molaise that convened the synod and some even say that the Archangel Michael made the exile a condition of helping out in the battle of Cooldrummon. Manus O’Donnell who clearly intensely disliked Molaise and held him responsible for Colmcille’s exile, goes to great lengths to paint Molaise in a bad light, with stories of one-upmanship between him and Colmcille in which the latter always prevailed. So O’Donnell says Molaise was only acting vindictively in banishing Colmcille from the land he loved.

<sup>47</sup> Many commentators see the battle of the book and the subsequent synod at Teltown as complete red herrings in understanding the decision Colmcille took to go to Iona.

<sup>48</sup> Though he didn’t know when he set out that his base was going to be Iona.