

Buried Law: Myth, Artifact, Order

Eugene McNamee

Abstract: This article, prompted by finding an ancient burial um, using Lévi-Strauss and Mumford as principal guides, traces some connections between the artifactual, the ritualistic, the mythic, and the poetic to speculate on forms of literary and constitutional order in the Irish context.

Keywords: Lévi-Strauss / poetry / bricolage / ritual / myth / Heaney / Muldoon / Mumford

for the past never leaves us . . .

PROLOGUE

About twenty-five years ago, working with my father in the Hill Field on the family farm, I found a Bronze Age burial urn. Just from where can be seen in the distance the river in the cleft of the dipping land on either side, I pulled at one corner of a large blue stone and it shifted slightly sideways, the covering earth tumbling away to reveal a flat irregular flagstone covering some sort of hole. I recall the heft as I slid the stone across the broken ground and away from what now looked like a well, a roughly circular sunken chamber less than a meter in diameter, walled with built stones, an inverted miniature of the stone-walled field itself. From the middle of the well swelled a large clay mound, abruptly flat-topped, colored the same milk-chocolate brown as the earth that had fallen in around it. It dawned on me that this was some kind of upturned old pot, that someone had taken a great deal of care to hide; in the words of the song, "I dreamt of gold and jewels / and for sure it was no wonder" I reached down and scooped out some of the earth, and then tried to move the vessel by rocking the base

Law & Literature, Vol. 25, Issue 2, pp. 175–205. ISSN 1535-685x, electronic ISSN 1541-2601. © 2013 by The Cardozo School of Law of Yeshiva University. All rights reserved. Please direct all requests for permission to photocopy or reproduce article content through the University of California Press's Rights and Permissions website, at http://www.ucpressjournals.com/reprintinfo.asp. DOI: 10.1525/lal.2013.25.2.175.

Law & Literature • Volume 25, Number 2



a little. Tiny clay fragments came off in my hand and I stopped short. Perhaps the pot itself was the valuable thing, not what might be hidden within. Heart pounding, I rocked back on my heels and shouted across to my father, "Come and see this!"

. . .

Two museum people came, but only some few days later, by which time I had gone back to University. I might have stayed had I not been deflated by their coolness when I had called to report the find; "We'll come and

have a look in the next week or so." I had expected a little more urgency, a little more fuss; obviously this wasn't high on their list of priorities, which made me think that neither should it be on mine.

Over the course of a few days they excavated the site, removed the pot and its contents ("nothing but ashes," according to my mother, who carried them tea and sandwiches for the duration), and then filled everything back in, leaving no trace. They identified it as a "cist" burial chamber from the Bronze Age, containing a "vase urn," perhaps about four thousand years old, not exactly common but not that rare either—there were about a hundred such sites across Ireland. They said that there might well be other burial chambers on this hill, that this might be a cemetery, but they wouldn't excavate further. It was policy to just leave such things for future generations to stumble across; archaeologists of the future would be much more capable of deciphering the significant details of such finds, so it was best to leave things untouched for as long as possible.

Eventually they sent back a formal article on the find, including an account of what lab analysis had revealed of the pot's contents: two small flint knifes (one broken); a tiny animal bone fragment that might have been from some kind of tool; and bone fragments and ash from the cremated remains of five humans—a man of about forty, a female adolescent of about sixteen, and three children of about four, three, and two. Perhaps a family, they surmised, overtaken by catastrophe of some kind, "such as the destruction of their house by fire when they were sleeping," and then cremated together. In an informal note they added that it was a particularly fine example of this type of artifact, being large and almost entirely intact, nevertheless for want of space in the museum it would go into storage. About twenty years later, when I had more or less forgotten about it and by which time both my parents had died, I had an excited call from my sister, "Your pot's in the museum."

The Knockroe Urn rests in a quiet corner in the "Early Peoples and Prehistory" section of the recently renovated Ulster Museum in Belfast. "Knockroe" is the anglicized name of our townland, the ancient Irish unit of land division, adopted by the English as administrative fragment, named from the Irish "Cnoc Rua," which translates as "The Red Hill." The pot sits amongst a few other examples of burial urns and close to various interactive exhibits that have brief films with craftspeople demonstrating current understandings of how Bronze Age people would have fashioned and fired their pots, how they would have cast bronze for axes, and how they would have buried their dead. There is a particularly arresting exhibit that, by some trick of lights and virtual reality, allows one to peer through a kind of visor at a scene of ancient burial that transforms itself before one's eyes to a scene of modern excavation. One can only wonder at the confidence with which the ancient scene, far into prehistory, is represented.

The urn rests on its plinth, as it was found, mouth downward and narrow base aloft, presenting an entirely closed clay wall to the visitor. It has simple line scarring on the exterior, perhaps as decoration, although the scratches seem irregular and somewhat desultory. A little portion of the base has been restored to replace the fragments that I broke off. The base is so narrow relative to the rim that the pot can never have been intended to stand upright unsupported; likely it was always intended for this final end, buried mouth downward protecting the bones and ashes within, the bones and ashes surely just a cipher for the souls of the departed.

The information placards around offer few clues to the ineffable stuff of how these beings might have lived, laughed, sung, and felt. Instead, they are preoccupied with the material changes wrought by the metallurgists, the rock-torturers. In this context, the pot takes on a kind of inscrutable quality of omniscience, as if it still holds within it a world of buried meaning. It has nothing sharp or metallic to it, it was never made to cut anything, rather it seems an egg designed to hatch in another world that I accidentally made re-emerge after thousands of years into this one—a bole therefore where worlds cross, a sheltering, a cache, a reminder, an invitation, a gift that somehow seems as if it should hold some essence of this hidden spirituality. I've wandered and now I live back on the farm, and often walk on that hill in the shadow of the past, the span of my own life, my parents' lives, their parents lives, sprung together in some way with the thousands of years of lives lived here, cycles of life and death, of order and change. The presence of the dead under my feet seems to call out for some kind of reaction, and I wait for something and ask myself, is this raking over the past a mourning or melancholy or nothing at all? I wait for insight, for understanding. A friend tells me I should try to write the law of it, the law of my own tie to the ground, my natural contract.

INTRODUCTION-BEGINNING WITH WRITING

Dáibhí Ó Cróinín, in his chapter contribution to the recent magisterial nine-volume *New History of Ireland*, notes a striking fragment of writing from an Irish medieval scholar. The definitive authorship is lost, but it is speculatively attributed to Cormac mac Cuillenain, the abbot of Cashel and briefly (AD 902–908) King of Munster. In the fragment a scathing attack is launched on the contemporary Irish attitude to history:

Imprudens Scottorum gens, rerum suarum obliuiscens, acta quasi inaudita siue nullo modo facta uindicat, quoniam minus tribuere litteris aliquid operum quorum praecurat, et ob hoc genelogias Scottiae gentus litteris tribuam: primam Muminensium, secundam Laginensium, tertiam nepotum Neill, quartam Connachtorum.

The foolish Irish race, forgetful of its history, boasts of incredible or completely fabulous deeds, since it has been careless about committing to writing any of its achievements. Therefore I propose to write down the genealogies of the Irish race: firstly that of the men of Munster, secondly that of the Leinstermen, thirdly that of the Ui Neill, and fourthly that of the men of Connacht.²

Ó Cróinín cites this extract to point up the irony that the writer of the text then goes on to produce a written account that is no less boastful and fabulous than the oral histories that he lambasts. The text in question stands as part of a series of written genealogies dated by modern historians to the eighth century, and regarded as having scant basis in fact. The most famous and grand scale of such texts is the "Lebor Gabála Érenn" (the "Book of Invasions"), which traces a narrative of Irish history as defined by original colonization of the island and a subsequent series of cataclysmic invasions, each new race of conquerors entirely supplanting for good or ill the previous inhabitants (with a remnant of the magical "Tuatha Dé Danann" people, at one point, retreating underground from whence to exercise periodic interventions into the lives of the surface dwellers).³

The account picks out the protagonists of the most recent invasion and traces their descendants down to the contemporary historical figures of Ireland. Ó Cróinín remarks that the multiple contradictions to be noted between various different genealogies (which segue into grand synthetic histories) clearly indicate a lack of historical accuracy, and there is plenty

of evidence of cross-textual "borrowing" (the "Book of Invasions," for example, reproduces an account of the Old Testament genesis myth). He nonetheless cautions that we should not casually dismiss such texts, but rather read them hermeneutically; that is, guard against imposing a modern sensibility of scientific veracity onto what were written as propagandistic texts designed to promote the importance of various actors and themes. The texts would have been produced under commission from clan chieftains. It would have been unthinkable for an annalist not to promote a version of history that served the interests of their patron, and likewise unthinkable to create a history that was anything less than comprehensive in its laying out of a pattern of genealogical links from the patron back through a glorious series of antecedents to some suitably grand and absolute point of origin. Ó Cróinín sees in this fascination with origins a key pointer to the influence of the clergy, in a double sense. The missionary monks, generally understood to have arrived in Ireland in the fourth century, brought a developed Latin literary consciousness to Ireland, albeit centered on biblical texts, and in the Latin script a technique of recording that was much more designed for inflexible endurance than the native oral traditions.4

Writing in the church-Latin world-view was a device for recording truth in a god-centered world, and as such implied a scientific, truth-based approach to its subject matter, origins in the sense of a bottom-line of truth. Such truth dovetailed with a second story of originality, that of the Christian story of genesis, which provided a model for a text that recorded the ages of man from the beginning of time forward. Therefore, although the great genealogies of the Irish annalists may be fantastical as regards the true provenance of the early inhabitants of Ireland, they reveal the new social value that was placed on having such "genetic" accounts, ostensibly scientifically complete, so that Ireland might have a place in the global order of the Christian world, which was also the world of the written word.

In the same volume a later chapter on "Early Irish Law" by Thomas Charles-Edwards produces a (legal) genealogy of its own, one which displays a kind of fealty to the paradigm of scientific accuracy and writing described by Ó Cróinín, and so firmly equates the "early Irish law" of the title with the corresponding written record. The effect is the rather curious one of implicitly equating law itself with writing, even as it notes that the

bulk of the written legal record (the minor fragment being the Canon law edicts) was a rendering in written form of the secular oral legal tradition.⁷ In other words, there is no attempt to push the account of early Irish law back beyond the historical period and toward a search for origins, context, or cultural significance in prehistory. The idea that a highly developed Irish legal culture long predated the historical record is noted, yet there is no attempt to explore this idea beyond whatever of the textual material that was transplanted into the written archive, nor any significance given to the transition from an oral to a textual legal culture.

In another text on "Bechbretha" (The Law of Bees) which is an edited commentary on this the oldest surviving Irish legal manuscript, Charles-Edwards again confines himself to diligent, modest, and comprehensive commentary on the textual archive, and indeed on one level such a gesture of beginning with writing is simply common sense; how else might one proceed? On another level it plays out an obvious paradox of beginning after the beginning, of characterizing "late" as "early."

Ireland has a wealth of prehistorical artefacts demonstrating the existence of complex communities, arguably even constituting what we might now regard as societies, in the sense of various communities recognizing and identifying with each other on the basis of the same or equivalent social practices and common horizons of understanding. The passage tombs of Knowth and Newgrange were major feats of engineering, the most major such feats in the European Stone-Age of which evidence remains, requiring the transportation of huge volumes, hundreds of thousands of tons, of appropriate materials over long distances (without the benefit of such conveniences as wheeled transport) and evidently a dedication by large numbers of people to a common construction project that would take generations to complete. 9 A polished flint mace-head of stunning beauty was found at Knowth. Because of the peculiarity of the color, the macehead is now thought to have come from a site in Scotland and to have demonstrated some symbolic power of the bearer. This find demonstrates in spectacular form what has come to be regarded as an archaeological truism: that prehistoric life throughout these islands was animated by long range patterns of movement and exchange (of both object and idea). 10 No visitor to Newgrange will come away without having been made aware by their guide that the passage tomb dates from before Stonehenge, before any of the Egyptian pyramids, and that these sites demonstrate a kind of apex of civilizational accomplishment. There is absolutely no question that such complex tasks and the evidently complex patterns of both practical and symbolic relationship to the world, to each other, and to ideas of mortality and transcendence (as exhibited in the ever more comprehensively decoded ritualisms of building, burial, and inscribing practice in particular the swirling carved hierioglyphs of "prehistoric art" 11) must have been accompanied by practises recognizably "legal," in the sense of implying patterns of norms and ideas of justice. To the extent that we are willing to take on board anthropological insight that would reject (as colonialist, imperialist, or simply mistaken) evolutionary ideas of human intelligence and imaginative capacity, 12 the patterns of prehistoric social organization and culture (including of course legal "culture" and forms) must be regarded as a largely untapped source in the investigation of our own nature and capacities.

Nevertheless, the operant paradox remains that although it is easy to recognize the likely significance of greater understanding of the prehistoric world, it is difficult to gain such an understanding; prehistory is after all prehistory, and this can throw open the question of whether any attempt is likely to be counterproductive in its tendency to error. The task of this paper is neither to set out on a quest for immediate answers to current problems that ancient wisdoms might suggest, nor to attempt a comprehensive reconstruction of the past that might throw light on basic ontological, epistemological, or existential questions. Rather, this paper lingers with the preliminary methodological question—and here we return to the buried urn on a hillside—of how, given our access to only a very limited store of mute artifacts, we could ever have access to the prehistoric past in terms of its lived significance, of what it felt like.

This essay will attempt an answer to this admittedly difficult question along two routes, the first following a line of what the archaeologist Francis Pryor has termed "proto-history," that is, the traces of the unrecorded past that we may hypothesize must in some or other fashion reside within the patterns and narratives of surviving written remnants of prior oral culture, most obviously still extant in surviving myth and legend. This route—if "route" is not too leading a term in its sense of linear progress where the reality is more complex—has been signposted by the anthropologist Claude Lévi-Strauss.

The second route, that of speculatively drawing cultural meaning out of surviving artifacts, has been traced by certain "critical" historians, anthropologists, and archaeologists. Particular attention will be devoted to the pioneering work of the historian of technology Lewis Mumford, because of his conceptual distinction between weapons, tools, and utensils that opens up a particular regard in relation to pots and containers of all kinds. The legal connections in either case are at the level of the anthropological, of patterns of regularity emergent rather than imposed.

I. MYTH, ORDER, POETRY

The written record provides an easily accessible basis on which to construct a vision of the past, and there is a corollary temptation to regard the time before the written record as not only inaccessible but necessarily of a far simpler and less interesting order than what followed it. Much of anthropology has been built on related conceits about "primitive peoples" (here "anthropology" is used in both a disciplinary sense and in the more casual sense of how understandings of other peoples and times has animated much of comparative literature in history, political science, and other disciplines and forms since the time of Herodotus forward), which is to merely observe that anthropology is a kind of "Johnny-come-lately" discipline, born toward the end of the nineteenth century into the role of further legitimating the grand narrative of European social and civilizational progress, itself a justification of empire-building as a historical mission of global improvement and fraternity rather than as mere conquest and exploitation.¹³

Anthropology of a certain type has characterized the passage of culture into written form as a major marker of civilizational development, to the point where the examination of the past has been separated into history and prehistory characterized by writing and prewriting. ¹⁴ Here there is a double gesture: a reduction of the time of prewriting to a kind of scarcely relevant footnote, a long period of dormancy before things really got going, and a reduction of oral cultures (whether from the past or not) to the status of stunted or developmentally arrested versions of more technologically advanced and literate cultures, in particular "the West." Writing, the capacity to easily store information over time and easily transport it over distance, is taken as a major, perhaps *the* major, landmark in humankind's long march from the condition of being largely subject to the turning of the

world, to becoming the agent of the world's turning. This latter enlightened condition has been axiomatically regarded as a much finer way to live.

However, the period since the Second World War has been marked in anthropology (again in the narrow and broad senses) by a kind of sharp left turn toward antievolutionary thought, taking a cue in particular from the structuralism of Lévi-Strauss (who was himself heavily influenced by Saussurian structural linguistics, introduced to him by Roman Jakobson in New York during the war). Lévi-Strauss, in seeking to identify and define deep structures of meaning that undergirded all (community level) social behavior, which in his view emanated from the physiological structure of the brain itself (in a recent biography he is quoted as commenting that "anthropology does not abandon the hope of one day awakening among the natural sciences" 15), turned away from a focus on writing as a marker of a developed higher consciousness, in favor of turning to a reading of the myriad sophistications and subtleties of communicative patterns of nonwriting cultures in order to stress that the capacity of a culture to write was not a marker of higher intelligence, and to promote the idea of the equality of cultures in the sense of their capacity to generate and maintain symbolic or abstract meaning. 16 The degree to which the generation and maintenance of symbolic "meaningfulness" has come to be regarded as synonymous with "culture" is a mark of the influence of Lévi-Strauss's ideas. To the extent that culture in this sense has come to be regarded as the mark of "humanity," and to the extent that this version of "humanity" has been formulated in political and legal concepts such as "human rights," then his work must be regarded as fundamentally politico-legal, also in an institutional sense, perhaps for our age even paradigmatically so.¹⁷

Lévi-Strauss's particular fascination was with myth. For Lévi-Strauss, myth constituted a veil to what he saw as the fundamental parallel meaning structures of different cultures. His scientific methodology drew back this veil through deciphering the structural logic of such myths. For him,

The kind of logic in mythical thought is as rigorous as that of modern science, and the difference lies not in the quality of the intellectual process, but in the nature of the things to which it is applied. . . . we may be able to show that the same logical processes operate in myth as well as in science, and that man has always been thinking equally well; the improvement lies,

not in an alleged progress of man's mind, but in the discovery of new areas to which it may apply its unchanged and unchanging powers.¹⁸

As an illustration of this theme, in Structural Anthropology, Lévi-Strauss develops a reading of the Oedipal myth, not to decipher it in relation to a notion of Freudian drives but to illustrate his theory of the operant "bundles" of mythic elements (or "mythemes," in parallel to Saussure's elemental linguistic particles "phonemes") that allow for myths to be read both in terms of narrative, but also, and simultaneously, as a kind of musical score where each bundle of mythemes functions as a kind of chord, where variously notes are played sonorously and resonantly together. Myths, then, connect the world both in that various persistent themes are represented, and in that the patterns of representation are drawn from a limited template of possibility. This template has reference to, seen from one angle, a vision of human nature as science in the sense of basic structures of practical beingness, and, seen from another angle, a vision of human nature as harmonics in the sense of the being-in-tuneness of humankind with itself and its environment. More simply put, myth carries the characteristic (particularly significant to the external observer) that it is somehow dealing with core and repeated issues that come up in human communities. Thus myths provide routes and patterns of connection and comparison across cultures. Myth also carries the characteristic (particularly significant to the internal participant) of dealing with such issues in a way that allows for troublesome social issues to be held in a kind of poetic suspension, resolution through displacement of the issue onto a plane of ritualized narrative, where irresolution (in the sense that whatever narrative resolution that may be created is other-worldly, not in service to operant everyday laws of nature) is acceptable. This acts as a device to defuse potential social explosion.

The choice of the Oedipal myth as a subject of analysis is by no means casual, since, for Lévi-Strauss, the meaning of this myth is a metonymic indicator of what he reads as the most basic meaning structure of all myth, in that it develops the basic theme of autochthony (sprung from the soil) versus twin (human) parentage, the posing of the question of whether Oedipus was the son of the soil (the nation or political community) or came from mother and father, a human issue. In other words the basic meaning of the myth, the question that it poses and resolves by means of holding a contradiction together within a narrative mold, is the question of

the nature of belongingness to the territory as opposed to the belongingness to the family. Lévi-Strauss asks:

although the problem obviously cannot be solved, the Oedipus myth provides a kind of logical tool which relates the original problem—born from one or born from two?—to a derivative problem: born from different or born from same?²⁰

In turn, this can be translated to what for Lévi-Strauss is the problem of human social structure, endogamy or exogamy, sameness or difference related to the question of kinship and the cycles of birth and death. Contemporary politics, organized on an institutional level around the question of sovereignty, then becomes another variant of this kinship question; the question of sameness and difference and the obligations and entitlements that follow. Contemporary law, based on ideological and institutional commitments to property and inheritance, plays out its own operant myths that can ground notions of four thousand years of autochthony folded into a pot on a hillside, uncovered by a father and son at work. There is more to be said on this Oedipal cultural theme, but first a comment on the mechanisms of mythic adaptation.

As to how myth is created and transmitted, the analogous individual cultural figure that Lévi-Strauss analogizes to a culture's overall capacity to function as myth-maker is the bricoleur. The bricoleur denotes in French a particular kind of handyman, that might most closely be rendered in English as a bodger, that is, a handyman who comes up with a solution to a given problem that might well involve the fashioning of the tools for the job out of whatever limited range of materials happen to be to hand. The proper handyman (the handyman as engineer) is defined by his or her capacity to deal with a broad range of problems, but they are nonetheless dependent on their standard multipurpose toolkit; they are the Swiss Army knives of everyday maintenance.²³ The bodger, the bricoleur, is defined in contrast by their imaginative resource to recognize as a tool something that could easily pass for useless: the item that today serves for taking stones out of horses' hooves is a spoon that yesterday served as a gate-fastener and tomorrow might be welded to the base of a bucket.

The *bricoleur* as myth-maker fashions tools and creates solutions with them in a practical ad hoc, often temporary way, leaving need for repair and constant maintenance. It's only ever a perfect job by accident, but the job gets done, somehow or other, sometimes in stunning simplicity, sometimes in ornate Heath Robinson style. Having set out on a particular course of fashioning tools and solutions, there is a certain amount of conditioning of the terrain and the tools out of which the next problem will arise and through which it will be managed or solved. The basic problems are what remain constant. The template of issues that will concern human communities will always be limited, and the task of the anthropologist becomes the careful deciphering of what imaginative methods, be it the creation of taboos, rituals, and in particular myths that any given culture has come up with, to create a framework within which its containment of the archetypical problems can take place. Human cultures, in this view, are no longer interesting in their pattern of hierarchy in relation to each other, but rather, like humans themselves, in their variety in response to the limited condition of being human.

Relating the basic meaning structure of myth to the patterns and possibilities of mythic creation through *bricolage* renders up the conclusion that when such mythic resolution of contradiction breaks down, the solution is the creation of another version of the myth, a reworking of the pattern of holding in check. Thus for Lévi-Strauss the aim in relation to reading the true meaning of myth is not to decide which version of a given myth is more true than another but rather, taking all versions together, to allow the variants to speak to the deep truth that holds them all together. What are they all expressing, and why?

The above brief summary of certain ideas in meant to lead toward one of the noted features and remaining artifacts of Irish prehistory, the Irish myth cycles.²⁴ Although such myth cycles are perhaps anachronistic to the period of the Bronze Age (where this essay began), given that the Irish myths are usually connected to the idea of a broader pattern of Celtic mythology (of which the Irish is taken to be the most highly developed and still surviving) and thus to the Iron rather than Bronze Age, the very notion of distinct and radical splits between Bronze and Iron Age, just as between preceding and succeeding peoples (the boundary being marked by invasion and conquest), is one that has come recently under strong attack in favor of ideas of development, gradual intertwining and cultural crossfertilization.²⁵ Whether or not they may be regarded as having connections to the Bronze Age, the Irish myth cycles certainly belong to the period of

prehistory-as-writing. I introduce them in the Lévi-Straussian vein to throw up the question of a kind of diachronic poetics of the territory, that is, to suggest that the lives and sensations of our Bronze Age ancestors must have provided at least some part of the elements of the Irish myth cycles which have passed down as a constructive and regulative DNA to forms of Irish cultural expression right to this day. The idea of poets as "unacknowledged legislators" is based on the abstraction of law as rule into the idea of law as order, and the recognition of poetics as a force for the guiding and shaping of a sense of order immanent to human beingness, or perhaps as a basic expression of exactly that immanent order that makes us human.²⁶

The argument suggested immediately above is played out in a variant form by Paul Muldoon in his 1998 Clarendon Lectures, collectively published as *To Ireland, I.* Beginning his "idiosyncratic wander through the alphabet of Irish literature" with a discussion of the poems of Amergin—according to the Lebor Gabhala Erinn discussed above, the first poet of Ireland—Muldoon offers:

I'd like to suggest that the figure of Amergin is crucial to any understanding of the role of the Irish writer as it has evolved over the centuries. In the first place, he or she seems to have a quite disproportionate sense of his or her own importance, a notion to which I'm doubtless offering no contradictory evidence. The bard Amergin has a mandate, it seems...to speak on national issues, to "speak for Erin".... Another aspect...is the urge towards the cryptic, the encoded, the runic, the virtually unintelligible...²⁷

In support of his argument, Muldoon cites the following "alphabet calendar" poem attributed to Amergin, lifting his version of the poem from Robert Graves's *The White Goddess*:

I am a stag: of seven tines
I am a flood: across a plain
I am a wind: on a deep lake
I am a tear: the Sun lets fall
I am a hawk: above the cliff
I am a thorn: beneath the nail
I am a wonder: among flowers
I am a wizard: who but I
Sets the cool aflame with smoke?

I am a spear: that rears for blood

I am a salmon: in a pool

I am a lure: from Paradise

I am a hill: where poets walk

I am a boar: ruthless and red

I am a breaker: threatening doom

I am a tide: that drags to death

I am an infant: who but I

Peeps from the unhewn dolmen arch?

I am the womb: of every holt

I am the blaze: on every hill

I am the queen: of every hive

I am the shield: for every head

I am the grave: of every hope²⁸

Muldoon notes with approval Graves's "extraordinary" analysis of the poem as a "pied" or coded form of a calendar (revealed in the rhyme schemes and phonic references that point to times in the year) and, adding this to his own analysis of the assumption by Amergin of the right to "speak for Erin," uses this as a jumping-off point for his overall thesis that Irish writing has through the centuries been typified by this twin and paradoxical quality of "the public urge," the speaking to and for the nation, dressed in "the virtually unintelligible." Muldoon sets out to bring some measure of intelligibility, using as a frequent touchstone the works of Joyce (in particular his short story "The Dead"), who of course is the archetype of public pronouncement in multiply coded utterance, and roaming through the works of practically every Irish canonical writer up until the mid-twentieth century. The pattern of Muldoon's analysis (which he, of course, mimics in his own style of writing) identifies grand public intervention cloaked in riddles, in order to rework and resuspend the questions of nation and belonging. This falls four-square with the analysis by Lévi-Strauss of myth as a form of bricolage, so long as we accept the continuity between ancient myth and modern poetry. Muldoon reinforces his acceptance of this connection most economically when he calls in evidence Patrick Kavanagh's lyric poem "Epic":

I heard the Duffys shouting "Damn your soul" And old McCabe stripped to the waist, seen

Law & Literature • Volume 25, Number 2

Step the plot defying blue-cast steel—
"Here is the march along these iron stones".

That was the year of the Munich bother. Which Was the more important? I inclined
To lose my faith in Ballyrush and Gortin
Till Homer's ghost came whispering to my mind.
He said: I made the Iliad from such
A local row. Gods make their own importance.²⁹

As Muldoon comments, "the dispute is having to do with a field or parish boundary, but the 'iron' in 'these iron stones' is a near version of 'Erin,' so we're dealing with a national dispute as well. Then there's the international aspect of 'That was the year of the Munich bother." The continuity between the ancient and the modern, the local and the global, the grain of sand and the Gods, is cemented through the continuity of a poetry that aspires to the mythic, but also through the recognition of the reemergence of the fragment reworked into another whole, the "erin" in the "iron." The walls of the new are the rubble of the old.

Returning explicitly to Lévi-Strauss, as noted above, the principal for him in the "figures" of social order were structures of kinship (most notoriously including such dynamics as the "incest taboo"), and this in turn, adopting something of Muldoon's roaming methodology, can bring us in a kind of circle to a curious Irish myth version of the Oedipal story, the killing by the ancient hero Cuchulainn of his own (and only) son Connla. Cuchulainn, archetype of the Irish mythical heroes, when he had finished his warrior training with the warrior queen Scathach, was sent out to defeat her enemy Aife. He did so and on pain of death had her swear to bear him a son, and to send his son to him when he was ready to become a man. The boy was to be put under three *geasa*, that is, injunctions of honor: First, that he must make way for no man. Second, that he must tell no man his name. And third, that he must refuse no man combat.

When Connla does arrive, as a seven-year-old boy, performing magical feats such as stunning seven birds from the air with one stone from his sling and then releasing them, the Irish hero warriors challenge him to state his name and his business. Connla refuses and easily defeats each hero as they try to force him to do so. Cuchulainn, heedless of his wife's pleas that this must be his own son, takes up the challenge stating, "in the face of these feats and shining triumph... no matter who he is I must kill him for the

honour of Ulster," and he demands that the youth yield to him. In return, Connla demands first to know who Cuchualainn is, and the stalemate is set in motion, each demanding that the other yield first as a condition of their revelation of their identity. Cuchulainn is easily bested in combat by his son but, using his last resort of a magical and unstoppable spear, vanquishes the boy. As he lays dying, the boy asks to be introduced to the heroes of Ulster, and laments that had he lived, he would have slaughtered the warriors of the world for them, and they would have ruled as far as Rome itself.³⁰

The reference to Rome indicates almost certainly at least a reworking of the tale at some point with extra elements from the historic period, leading certain commentators to question whether the Irish myths are, in fact, partial reworkings of Greek and Roman tales and whether the Irish myths date from much later than is generally accepted.³¹ In Lévi-Straussian terms this argument hardly matters, since for Lévi-Strauss there is a basic pattern of mythic similarity between cultures in any case. For him, this pattern of mythic reversal, father killing son rather than son killing father in the standard Freudian Oedipal line, more usefully can be seen as a kind of "variation on a theme," in humanity's grand harmonic conversation with itself about the nature of human beingness. The reversal may or may not be a mirroring, but whether or not, it is the structure of concerns about kinship, and in particular issues of paternity linked to issues of mortality and of nationality, that is the defining and enduring element.³² In relation to the history of Ireland, there is a resonance and persistence of this theme: the continuous reoccurrence of the question of killing the son, that is, sending the youth out to die, for an idea of the honor of the nation. This idea is picked up on in, for example, Michael Longley's poem "Ceasefire," when he writes:

Put in mind of his own father and moved to tears
Achilles took him by the hand and pushed the old king
Gently away, but Priam curled up at his feet and
Wept with him until their sadness filled the building.
Taking Hector's corpse into his own hands Achilles
Made sure it was washed and, for the old king's sake,
Laid out in uniform, ready for Priam to carry
Wrapped like a present home to Troy at daybreak.
When they had eaten together, it pleased them both
To stare at each other's beauty as lovers might,
Achilles built like a god, Priam good-looking still

Law & Literature • Volume 25, Number 2

And full of conversation, who earlier had sighed: "I get down on my knees and do what must be done And kiss Achilles' hand, the killer of my son." 33

Likewise Seamus Heaney in his "The Cure at Troy: a version of Sophocle's Philoctetes" reworks a mythic response to the continuing political violence in Northern Ireland (the verse play dates from 1990), a myth that has elements of father-son, death, a magical weapon that cannot be resisted, and comes away with a resolution where, in what has become almost a political cliché, "Hope and history rhyme." Heaney, like Muldoon, finds a way to connect the found poetic fragment to the process of reworking culture in a grand sense:

[I have] a view of poetry which I think is implicit in the few poems I have written that give me any right to speak: poetry as divination, poetry as revelation of the self to the self, as restoration of the culture to itself; poems as elements of continuity, with the aura and authenticity of archaeological finds, where the buried shard has an importance that is not diminished by the importance of the buried city; poetry as a dig, a dig for finds that end up being plants.³⁵

The point being made here is that there is an artistic recognition that parallels the scientific approach of Lévi-Strauss: myth is prior to politics and must be confronted on its own ground in terms of a reworking, through techniques of *bricolage* (that is, improvising through what tools are available) to produce another version. This version can manage to hold questions of sameness and difference, belonging and unbelonging, in a different pattern of suspension. In this device of mythic address there is an implicit homage in Longley and Heaney to Yeats and to the tone set in the "Irish literary revival," the period spanning the end of the nineteenth and beginning of the twentieth century when a conscious attempt was made by writers under the guidance of Yeats to forge an idea of literary nationality out of ancient myth, of confronting myth as a basic political consideration, a consideration that at times shaded into more direct political confrontation.

The development in the work of the later poets that constitutes a critique to the Yeatsian visions of the Celtic twilight are the deliberate incorporations of exogamy: the reworking of Greek myth as a comment on the Irish mythic situation, a critical adjunct that resurrects the point in oblique fashion that the Celtic myths themselves, in revisionist readings, are regarded as already

incorporating elements of the Roman and Greek myths. The achievement of Muldoon is to situate all of this line of tradition within a much longer-term culture of Irish writing, stretching back to the blurred boundary between the oral and the textual traditions to the point where it approaches the status of the anthropologically determinative, analogous and complementary to the Lévi-Straussian analysis of myth as socially constitutive.

In summation of the Lévi-Straussian paradigm of mythic significance and the resonance that this finds with features of more contemporary elements of literary and political life in Ireland (and it must be kept in mind that it is a notable feature of Irish history that the two have never been far apart), the conclusion must be that patterns of fundamental relationship to which mythic construction provides a key are continuing features of Irish political life, and this is recognized implicitly through the continuing forms of encounter with myth that characterize Irish national (literary) consciousness. Given that such forms of encounter orient themselves to the "Celtic" myth cycles, and therefore to a period of "protohistory," of written records that themselves acknowledge much more ancient tales and stories revealing the imaginary but also certain social realities of preliterate Celtic Irish society, the question persists to some extent of the time before this time—true prehistory, if you will. The status of such a category has already been brought into question above through the acknowledgement that the more convincing contemporary analyses would reject notions of radical historical break in favor of gradual accretion, hybridisation, and amalgamation. To further press the idea we turn backward along a different path, returning once again to the point of departure, the urn buried on the hillside. If we can sense that we are creatures of myth, and if such mythic encounters still leak out of us as a culture through our pattern of encountering politics (here used broadly and bearing in mind Muldoon's observations on the public, riddling nature of Irish literature) with poetry (again used broadly), is there something akin to such an approach that is possible, relying not on poetry but on pottery?³⁶

II. RITUAL, ORDER, COMMUNITY

Ritual, art, poesy, drama, music, dance, philosophy, science, myth, religion are all as essential to man as his daily bread: man's true life consists not

alone in the work activities that directly sustain him, but in the symbolic activities which give significance both to the processes of work and their ultimate products and consummations.³⁷

In the opening "Dawn of Man" sequence to Stanley Kubrick's 2001: A Space Odyssey, an ape, under influence or inspiration from a polished black obelisk that has mysteriously appeared, picks up the thighbone of a dead animal and, realization dawning, brings it up and down with ever greater fervor and force to break the other bones that are lying around. Shots of a falling live animal intercut with shots of the ape breaking the skeleton skull on the ground, as if to indicate the birth of the idea of hunting. Eventually, the bones smashed to smithereens, the ape tosses the thigh bone high in the air, where it is momentarily frozen before the scene cuts to another object gliding in the vastness of space; by the magic of cinema the bone is transformed into a spacecraft (and the portentous tones of Richard Strauss's "Also Sprach Zarathustra" give way to the melodic cadences of Johan Strauss's Blue Danube waltz...).

This justifiably famous sequence is an illustration of certain (anthropological) ideas about the nature and genesis of humankind. In particular, it is an illustration of the idea of homo faber, or "human as tool maker." That the relationship between human and tools was a mutually constitutive one, that the drive to create tools to gain control over nature was the prompt to intellectual and physical development, which in effect was the mechanism that allowed development of humanity from animals, which put humankind on its feet, as it were, and took it to the stars. The notion of human as distinctly characterized by the drive and ability to create and use tools has dissipated somewhat since its heyday in the 1950s and '60s. This in particular results from an ever greater body of evidence demonstrating that various animals use objects as tools, and even fashion tools, without any seeming parallel development in mental capacity, not to mention the marvellous technical competence of particular birds as they build their nests, which hasn't flowered into an avian world dominance. But even as the idea was being fully formulated by anthropologists such as Kenneth Page Oakley and philosophers such as Hannah Arendt in The Human Condition, it was being contested by Lewis Mumford in a much more profound way than through simple empirical comparison of humankind with other animals in the ability to use tools.

Mumford was a historian of technology, one of the pioneers of the field. What distinguished him in his investigations was an early and seemingly instinctual grasp of an intellectual current that is much more fashionable now than during the period of his major writings, roughly from 1930 through to 1970: an antievolutionary idea of human intellectual development and in particular an opposition to a functionalist interpretation of human behavioral development.³⁸ Mumford's core objection to the homo faber thesis was that an emphasis on humankind's functional relationship to tools as a measure of his basic nature connected to an anthropologically conditioned drive to ever more efficiently wrest control of the world, was an implausibly reductive vision of the nature of humankind and, for him, a fairly obvious reverse projection of a (capitalist) moral vision of the value of work and an exploitative relationship to the environment backward into prehistory. Citing anthropologists such as Malinowski, Mead, and Lévi-Strauss with their extensive researches on ritual, myth, and totems, Mumford argued that whereas humankind made tools, this was certainly not its basic characterizing feature, since some of the other human occupations were much more core to the distinguishing nature of humankind; man as a social animal lived socially, and the principal important development and achievement of humankind was the development of symbolic communication, in particular spoken language.

Mumford (writing in 1966) argues in The Myth of the Machine:

No modern technological device surpasses in the articulation of its parts or its functional fitness the qualities of the least important language...Once language had evolved beyond a certain point it may have engrossed man as a game, even at the expense of his putting it to more practical social uses—though certainly primitive man's elaborate kinship organisations would imply a complex linguistic structure. In all likelihood, conversation became early man's principal amusement, apart from sexual intercourse. Primitive peoples excel at conversation and delight in it; and among peasant populations, as in Ireland, it still ranks high as *the* social occupation.³⁹

This reference to game-playing is an important indication of Mumford's inclination in tracing an aetiology of the development of complex forms of communication and complex language (and, as an Irish peasant, I couldn't resist the Irish peasant reference). Harking back to anthropological discussions of ritual, myth, totem, and the like, Mumford reverses the standard

order of interpretation that would see such devices as yet another functional manifestation of culture, related to practical "daily-bread" issues (including those of social maintenance) and suggests rather, referring to Johan Huizinga with this thesis of homo ludens, that ritual, in the shape of repetitive social practice, preceded the ability to formulate intellectually and speak to a reason for that practice, and issued rather from humankind's natural tendency to play, to perform, to experiment, to interact, to attempt to understand, that were in turn a function of a surfeit of intellectual potentials and capacities. 40 Functionality, or rationality directed toward functionalism, was a development that allowed humankind to selfdiscipline its way out of "the dreamtime," the experience of the supercharge of the environment coupled with the super-capacity for sensation, as a mysterious, awesome, frightening encounter.⁴¹ The early human, before complex language, was a creature haunted by all manner of dreams and visions, the product of a restless mind, and without the ability to bring these under control of logic-either personal or, more importantly, communal, being without the capacity to communicate and create common patterns of understanding.

Humankind in this reverse polarity is distinguished not by its capacity for rationalism, but by a capacity for plasticity, meaning that equally so is humankind characterized by irrationality as rationality, by the persistent tendency not to be satisfied with what is necessary or good in favor of what is interesting, novel, curious. It is in this sense that the development of language as a medium of self and environmental understanding is regarded by Mumford as incomparably a greater technical achievement than the development of modern industry, nuclear technologies, and such. Having managed to order the world through language, everything else was relatively easy. Mumford makes a related point laying out an antievolutionary argument in relation to human communicative capacity and creative ability:

If the only clue to Shakespeare's achievement as a dramatist were his cradle, an Elizabethan mug, his lower jaw, and a few rotted planks from the Globe Theatre, one could not even dimly imagine the subject matter of his plays, still less guess in one's wildest moments what a poet he was.⁴²

The paltry detritus of cultural accomplishment might equally be read as a lack of concern for permanency (which, in turn, could be read as a preference for adaptability as a measure of value) as any lack of capacity for sophistication. Mumford is determined to establish that technological development is simply that, not a marker of intelligence, and his sense of danger that awareness of a lack of technological development in a particular culture leads a careless observer to a studied ignorance of what is truly interesting. The fact that a written record provides accessibility to certain cultural material does not and certainly should not, in Mumford's argument, absolutely block the path to understanding.

Persisting in his Shakespearean illustration of his point, he continues that, were the only things to remain of Shakespeare the few items mentioned above, then, "Though we would still be far from justly appreciating Shakespeare, we should nevertheless have a better notion of his work through examining the known plays of Shaw and Yeats and reading backwards."43 This line of argument within Mumford's work is a useful complement to the arguments laid out above by Lévi-Strauss on the fundamental importance of language and symbol, and developed somewhat above by reading ancient myth in tandem with the contemporary reworkings in politically self-conscious Irish literature. It opens the door to the approach to the prehistoric world, as a world not defined by its preoccupations of everyday getting by, but potentially as a world much more rich in culture than our own precisely because of the relative lack of importance accorded to getting by and the lack of division between making a living and living life. This may read as unduly utopian (and certainly Mumford himself latterly in his life became pessimistic about environmental destruction and humankind's seeming inability to accept some kind of balance with "nature"), but through this gesture, Mumford opens a door of possibility in terms of basic orientation to what we might expect to find from the tiny fragments that remain: a world of riches. In terms of trying to walk through this door, Mumford focuses on some basic distinctions between the kind of artifacts that remain, and to this end utilizes the distinction between technology as functionalism and technics as a more rounded vision of human goal-directed activity of all kinds, be that the creation of poetry or pottery.44

In this light and, to return to the specific theme of this essay, in relation to the buried urn and the flint knives found inside it, a distinction that Mumford makes between "tools" and "utensils" is very illuminating. Within the paradigm of "human as tool maker," the supposition that brain development is linked to tool development and this in turn to a functional

consciousness, the whole being summed in the idea of "technology" (a kind of "necessity is the mother of invention" paradigm, where necessity precedes invention and where the end is to intervene to bring the world under control), is countered on a second front; that such a paradigm neglects the features of early human development that were obviously directed not to aggressive interventions to control the world, but rather to defensive moves to guard against the predations of the world. Here, he lists the features of home and hearth, eventually leading to villages and cities, and more broadly, to the entire realm of objects that can be conceived of as containers or utensils, rather than tools. He makes the point thus:

This brings me to a point that has been too little recognised by machine-minded technologists, concentrated mainly on the dynamic components of technology. The radical Neolithic inventions were in the realm of containers...the creation of moisture-proof, leak-proof, vermin-proof clay vessels to store grain, oil, wine and beer was essential to the whole Neolithic economy... 45

And so we arrive back on the hillside, the buried urn and its flint knives within amidst the ashes of a cremated group of people (a family?). The period is that of Irish Early Bronze Age (given the transfer of technologies and techniques, this maps on to the Neolithic period mentioned by Mumford in the extract above). The flint knife fragments are the "dynamic elements" of technology that he mentions, the implements for striking into the world, and the urn is in fact the implement that created the possibility of the Neolithic becoming an age of farming, of settlement, in contrast to the age of the hunter-foragers, because a farming age is also an age of storage. Without containers there was no great leap forward in human accomplishment as regards creating settled society. Mumford pushes the point further:

Many scholars who have no difficulty in recognising that tools are mechanical counterfeits of the muscles and limbs of the male body—that the hammer is a fist, the spear a lengthened arm, the pincers a human fingers—seem prudishly inhibited against the notion that a woman's body is also capable of extrapolation. They recoil from the notion that the womb is a protective container and the breast a pitcher of milk: for that reason they fail to give full significance to the appearance of a large variety of containers at precisely the moment when we know from other evidence that woman was beginning to play a more distinctive role as food-provider and effective

ruler than she had in the earlier foraging and hunting economies. The tool and the utensil, like the sexes themselves, perform complementary functions. One moves, manipulates, assaults; the other remains in place, to hold and protect and preserve.⁴⁶

Here the connection is being made explicit between the womb and the tomb, the techniques of preservation, and perhaps in the world understanding of the time, analogous in an understanding of relationship to new life. ⁴⁷ In another work Mumford, in a typical reversal of common-sense understandings, deepens this thread of connection between burial and the roots of civic life:

Early man's respect for the dead, itself an expression of fascination with powerful images of daylight fantasy and nightly dream, perhaps had an even greater role than more practical needs in causing him to seek a fixed meeting place and eventually a continuous settlement. Mid the uneasy wanderings of paleolithic man, the dead were the first to have a permanent dwelling: a cavern, a mound marked by a cairn, a collective barrow. These were the landmarks to which the living probably returned at intervals, to commune with or placate the ancestral spirits. Though food-gathering and hunting do not encourage the permanent occupation of a single site, the dead at least claim that privilege. Long ago the Jews claimed as their patrimony the land where the graves of their forefathers were situated; and that well-attested claim seems a primordial one. The city of the dead antedates the city of the living. In one sense, indeed, the city of the dead is the forerunner, almost the core, of every living city...in the earliest gathering about a grave or a painted symbol, a great stone or a sacred grove, one has the beginning of a succession of civic institutions that range from the temple to the astronomical observatory, from the theatre to the university.⁴⁸

On this reading the burial urn codes for the constitution of settled society under the sign and mark of the feminine principles of protection, cultivation, moulding, birth, rebirth (from seed), nurturing, and growth. The shards of flint represent the male principle of striking and fashioning, of wresting control, of dynamic compulsion. The fact of cremation indicates, on the level of abstraction, a relationship to the dead that indicates a belief in passage to another place, also indicated by the evident reverence in the placing of the remains in a useful (and by no means easy to replace) item and with accompanying tools. On a very practical level the act of

cremation demands a lot of work since the human body requires extremely high temperatures and therefore a lot of fuel to be rendered down to ash and bone fragments. There was evidently a community with a shared sense of the importance of death and the need to mark this with ritual.

The form of such community life is the ancient form of the village, the small community in balance with the resources available from the surrounding countryside, yet without the level of development into specialized role and task that would distinguish a town. For Mumford here lies the roots of the grand institutions of civility: patterns of ritualism that emanate from and provide a core of discipline to the almost unbounded plasticity of humankind's overactive neurology, the tendency to innovate, to dream, to create. The extrapolation of woman's particular role as protector, as mother, bearer of children is the whole sequence of concerns and devices surrounding preservation and storage, without which settlement is impossible. Humankind becomes tied to the site of death because of a pattern of belief that, to adopt an anachronistic form of terminology, constitutes the soul: man settles where the dead settle. Soul and body come together in the site of the village, and from the village develops the town. There is direct continuity between womb, tomb, and town.

CONCLUSION

This essay set out, prompted by a chance encounter on a hillside that revealed 4,000 years of habitation of a particular piece of land, to investigate a methodological point of whether some patterns of connection could be made back along this line of buried time (perhaps as a prelude to other investigations of what might be gained from the connections made and the materials yielded up by such connection).

One such line of connection was sought through the idea of the continuity of mythic tradition, and although the absolute roots of such myths as are recognizably still operative in cultural life (and the point was made that "culture" in the Irish context must be taken as a conditioning factor to politics rather than an aesthetic gloss on it) are lost, the likelihood must be that there is a mythical connection to those people who lived through what was likely a much more lively oral culture than our own. The idea that such people had an impoverished mental capacity and a life-world conditioned

around the bare functionalism of scraping an existence has been debunked (certainly not by this essay, but in works on which this essay is parasitical).

Likely their pattern of symbolic relationship to the world, rather than a pale shadow of our own, was every bit as lively, even if organized in a completely different way and much more around "storying-up" the relationship to nature. This relevance of myth and, whether implicitly or explicitly, the recognition of the Lévi-Straussian point that the perennial problems are capable of being held in productive suspension by myth as a basic grounding gesture of community, is recognizable and recognized in the pattern of engaged poetic response to contemporary political issues; we have as a culture not lost this basic insight, and it continues to animate our cultural life.

The second line of connection sought was in relation to artifacts from prehistory rather than protohistory. Even as this distinction was drawn, it was called into question with regard to the self-referential and unnecessarily simplifying gesture of regarding history and writing as synonymous. In the attempt to break through this wall of respectful silence, one might propose a different conceptual division, between history as writing and "deep history," that period before writing but still amenable to productive engagement along lines, partly opened by pioneering scholars in archaeology, anthropology, and related studies, but still largely to be discovered. Here the focus fell on simple items: an urn, some ashes, and some flint knives, and from this limited store was generated, with the guidance of Lewis Mumford, some observations about the nature of community, ritual, and ultimately (here on a par with comment on the anthropological significance of myth) on the nature of human beingness.

To try to draw significance from this limited (as was proposed right at the beginning, any conclusion comes with heavy qualification as to its provisional and partial nature) exploration as to connection, there emerges a somewhat coherent link between myth and social practice that reaches back beyond history as writing and into forms of village life. Such continuity certainly has implications for the consideration of justice, but to try to draw out specific implications for law remains a daunting task. Perhaps suffice to observe at this juncture that the paradigm of mythic response to social issues that are perceived to partake in the order of myth (grand constitutional and social questions that go to the heart of community and politics) is well established to the point that it is simply assumed as normal

in Irish culture. Adopting certain ideas of the interventionist nature of the writing process itself, the cutting style, creates a circularity here that presents its own problems of unnecessary and troubling simplification or closing down of possibility; the riposte to breakdown is conditioned as the masculinist rewriting, the taking up of the pen as a kind of sword. It is difficult to imagine what shape alternative productive reformulations might take that would somehow avoid this route. There has been some nod toward the pen as spade, in keeping with the archaeological flavor of this essay, but even this perhaps, in Mumford's terms, maintains too strong a sense of the masculine. Perhaps it is enough at this provisional point to suggest here that a possible alternative scheme of ideas from which such practice might spring, the paradigm of core anthropological (reconstructive practice based) input on the nature of human beingness with regard to the fruitful functioning of social life along lines of protection, shelter, nurture, married to local work and connected to relevant ritual, is entirely underdeveloped as a cultural (political) language, even as traces of it persist as cultural (social) practice. The burial urn as womb, tomb, poem, and pot.

B. B. Williams & J. L. Wilkinson, "Excavation of a Bronze Age Cist at Knockroe, County Tyrone," 51 Ulster Journal of Archaeology, Third Series 85-90 (1988).

Dáibhí Ó Cróinín, "Ireland 400–800," in A New History of Ireland. vol. 1, Prehistoric and Early Ireland, ed. Dáibhí Ó Cróinín (Oxford: Oxford University Press, 2008), 182.

^{3.} This "invasion thesis" has an interesting Hobbesian subtextual quality of implying the warlike nature of humankind, and the naturalness of the extirpation of one group of inhabitants to make way for the next. Although the impulse for eighth-century Irish monks in writing down such accounts, which were no doubt accounts taken from the oral secular tradition, was certainly not the philosophy of Hobbes, the Celtic clan culture of the period was itself heroic, prioritizing and valorizing feats of war. Such an "invasion thesis" was not confined to Ireland, but has been a feature also of British history: the idea of successive waves of new invaders rapidly supplanting the previous inhabitants. The more recent tendency is to regard as more plausible successive patterns of gradual intermingling of peoples, as much facilitated by trade and peaceful migrations as brought about by force of arms. See, for example, the critical account by Francis Pryor in Britain BC: Life in Britain and Ireland before the Romans (London: Harper, 2004). See also Simon James, Exploring the World of the Celts (London: Thames and Hudson, 1993).

^{4.} The native Ogham or Primitive Irish alphabet and script was rapidly supplanted by the Latin script, and seems to have been in any case largely a "monumental" script, i.e., used for marking goods and territory as belonging to a particular individual or clan, as opposed to a literary script. See Damian McManus, A Guide to Ogham (Maynooth: An Sagart Publishing, 1991).

Some analogous and illuminating discussion in relation to the medieval period occurs in Michael T. Clanchy, From Memory to Written Record: England 1066–1307 (London: Wiley-Blackwell, 2012).

- 6. Thomas Charles-Edwards, "Early Irish Law," in A New History of Ireland. vol. 1, supra note 2.
- 7. Enough of such material survived for a substantial sense of the specific provisions of the oral legal culture, the Brehon Law, to endure: see, for example, Laurence Ginnell, *The Brehon Laws: A legal handbook* (Dublin: W.H. West, 1917). The question remains of the situation and flexibility of such provisions within an oral culture as opposed to forming part of a written code.
- Thomas Charles-Edwards & Fergus Kelly, eds., Bechbretha: Early Irish Law Series, vol. 1 (Dublin: Dublin Institute for Advanced Studies, 2008).
- See Michael J. O'Kelly, Newgrange: Archeology, Art and Legend (London: Thames and Hudson, 1982). See also Pryor, Britain BC, supra note 3.
- 10. Pryor, Britain BC, supra note 3, at 219 and generally.
- See, for example, Martin Brennan, The Stones of Time: Calendars, sundials and stone chambers of ancient Ireland (Rochester VT; Inner Traditions, 1994).
- See Robert L. Carneiro, Evolutionism in Cultural Anthropology: A Critical History (Boulder CO: Westview Press, 2003).
- See Henrika Kuclik, A New History of Anthropology (Oxford: Blackwell, 2008); Peter Pels & Oscar Salemink, eds., Colonial Subjects: Essays on the Practical History of Anthropology (Ann Arbor: University of Michigan Press, 2000).
- James Thomson Shotwell, An Introduction to the History of History: Records of civilisation, sources and studies (New York: Columbia University Press, 1922).
- 15. For a recent comprehensive account of the life and ideas of Lévi-Strauss, see Patrick Wilcken, Claude Lévi-Strauss: The Poet in the Laboratory (London: Bloomsbury, 2011). See also Adam Schatz's excellent review essay of Wilcken's book, "Jottings, Scraps and Doodles," in 33.21 London Review of Books, Nov. 2011. For Lévi-Strauss in his own words, see the lengthy interviews in Didier Eribon, Claude Lévi-Strauss: De près et de loin (Paris: Editions Odile Jacob, 1988).
- 16. Such a characterization as "the equality of meaningfulness" is to an extent leading in its nod toward the forms of legality now automatically called to mind by the use of the term "equality" in any such context, and although the phrase is my own awkward neologism, it is to be noted that Lévi-Strauss's first major address of such issues is to be found in Race and History (1952), whose publication was commissioned by UNESCO, indicating an acknowledgement of the link between forms of knowledge and forms of global governance. Also in this specific vein by Lévi-Strauss, see Tristes Tropique (London: Penguin, 1992) and La Pensee Sauvage (Paris: Plon, 1962), published in English as The Savage Mind (Chicago: University of Chicago Press, 1968).
- 17. Such basic political ideas have survived the transition from "structuralism" to "post-structuralism" in academic studies, so it can reasonably be claimed that the intellectual politics that defines the relationship between post-structuralism and structuralism itself rests on a structure of political basic positions defined by the earlier paradigm, and the political "bite" of such ideas remains current. Whether epistemologically foundational or not, there is no credible intellectual current seeking a return to ideas of certain cultures as arrested forms of certain others.
- 18. Claude Lévi-Strauss, Structural Anthropology (London: Penguin, 1963), 230.
- 19. In this move Lévi-Strauss goes considerably beyond parallels to structuralist linguistics and develops much more along the lines of Chomskyan ideas of "generative grammar": that we would wait in vain for a million monkeys to produce the works of Shakespeare no matter what volume of typewriters we would supply, but contrarily we could confidently expect that howsoever strange and foreign to us should a human culture first appear, both cultures are drinking from the same none-too-deep well of imaginative and expressive possibilities, conditioned by our physiological similarities (shall we just call it our "human beingness" and have done?), and we should expect that with a little application we might find patterns of similarity between our languages; we don't impose grammar post-hoc on arbitrarily generated patterns of meaning and sound, we compose language grammatically ab initio. Relating this to physiology as he did, Lévi-Strauss would no

Law & Literature • Volume 25, Number 2

doubt have been impressed by recent advances in brain imaging that have demonstrated, for example, how the brain activity patterns of autistic people (even across languages and cultures) resemble each other and form patterns significantly different from those of nonautistic people when given the same stimuli. See P. Fletcher, F. Happé, U. Frith, S. Baker, R. Dolan, R. Frackowiak, & C. D. Frith, "Other Minds in the Brain: A functional imaging study of 'theory of mind' in story comprehension," 57.2 Cognition 109–28 (1995). See also, F. Happé & U. Frith, "The Neuropsychology of Autism," 119 Brain 1377–1400 (1996).

- 20. Lévi-Strauss, Structural Anthropology, 216.
- 21. This provides an interesting contrast to the current return to vogue of the idea of sovereignty as a theologico-political category (following Schmitt). If Agamben's manoeuvre here is to dig the ground from beneath Schmitt by locating the origins of the contemporarily resonant sovereign gesture in a figure of Roman law, homo sacer, then the implication of a Lévi-Straussian reading would be to in turn locate such a legal figure as an expression of a prior order of myth, and the myth as a technique of holding in check a basic human conundrum of familial inside-outside. The effect is to reverse the order of priority, to re-focus attention on the state as an emanation of kinship relations, rather than the family a by-product of the state. The work of Peter Fitzpatrick in The Mythology of Modern Law (London: Routledge, 1992) is particularly interesting here in developing a comprehensive critique of law and modernity that, in that modern law is characterized as functioning through open-ended operant myths of colonial righteousness, intersects and constitutes an oblique engagement with Schmitt and (avant la lettre) Agamben (and a more direct engagement with the work of Lévi-Strauss). The work of (anthropologist) Gregory Bateson and in particular the concept of schizmogenesis (the creation of division) provide valuable tools to negotiate the terrain between individual, familial, social, and state action. See Giorgio Agamben, Homo Sacer (Stanford CA: Stanford University Press, 1998); Carl Schmitt, Political Theology, trans. George Schwab (Chicago: University of Chicago Press, 1985); Gregory Bateson, Steps to an Ecology of Mind (Chicago: University of Chicago Press, 1972).
- 22. See Alain Pottage & Martha Mundy, eds., Law, Anthropology and the Constitution of the Social: Making persons and things (Cambridge: Cambridge University Press, 2004). In particular, see Chapter 9, Alain Pottage, "Our Original Inheritance."
- 23. Lévi-Strauss develops at length his discussion of the bricoleur in The Savage Mind, supra note 16.
- 24. For an introduction, see Jeffrey Gantz, Early Irish Myths and Sagas (London: Longman, 2000).
- 25. The standard dating for the Irish Bronze age is 2500-500 BCE and Iron Age from 500 BCE to CE 400. See Michael J. O'Kelly, Early Ireland: An introduction to Irish pre-history (Cambridge: Cambridge University Press, 1989). See also James, Exploring the World of the Celts, supra note 3.
- 26. This brief argument in both its general human and specific Irish contexts is at the core of W. B. Year's poetics and his cultural activity in the promotion of the ancient myths and legends of Ireland as a source for an Irish Literary Revival to reawaken the spirit of the nation. The literature here is vast, but for a recent interesting intervention, see David Dwan, The Great Community: Culture and Nationalism in Ireland (Dublin: Field Day, 2008). See also Chapter 1, "Yeats and the Conflict of Imaginations," in Richard Kearney, Transitions: Narratives in Modern Irish Culture (Dublin: Wolfhound Press, 1988).
- 27. Paul Muldoon, To Ireland, I (Oxford: Oxford University Press, 2000), at 5.
- 28. Muldoon, id. at 4.
- 29. Muldoon, id. at 67.
- Story elements taken from the Thomas Kinsella version of the ancient Irish myth cycle, The Táin (Oxford: Oxford University Press, 1969).
- 31. The fact that the written versions of these tales were noted by monks schooled through Latin and Greek renders elements of hybridization more likely than not.

- 32. Gillian Rose in Mourning Becomes the Law: Philosophy and representation (Cambridge: Cambridge University Press, 1996) attempts (I would argue) to tread an analogous route through philosophy using the markers of "the soul, the city and the sacred." The purpose is to rescue the philosophical tradition (and thus the basis of justice) from collapse into irony and melancholy in the face of death, and to recover a proper understanding of mourning.
- 33. Michael Longley, The Ghost Orchid (London: Jonathan Cape, 1995).
- 34. Seamus Heaney, The Cure at Troy: A version of Sophocles' Philocetees (London: Farrar-Straus Giroux, 1991).
- Seamus Heaney, "Feeling into Words," Lecture, Royal Society of Literature, October 1974, reproduced in Seamus Heaney, Finders Keepers: Selected Prose 1971–2001 (London: Faber, 2002), 14.
- 36. In the text above, "myth" and "poetry" have been run loosely together. For a more detailed meditation on connections and distinctions, see Fitzpatrick, Mythology of Modern Law, supra note 21.
- 37. Lewis Mumford, The Condition of Man (New York: Harcourt, 1944), Prologue.
- 38. For a productive and provocative discussion of the intellectual biography of Mumford, see Arpad Szakolszai, "Lewis Mumford," in Reflexive Historical Sociology (London: Routledge, 2000).
- 39. Lewis Mumford, The Myth of the Machine (London: Secker and Warburg, 1967), 90.
- 40. Johan Huizinga, Homo Ludens: A study of the play-element in culture (London: Routledge, 1949).
- 41. On the idea of "Dreamtime," see Hans-Peter Duerr, Dreamtime: Concerning the boundary between wilderness and civilisation (Oxford: Blackwell, 1987). See also Pryor, Britain BC, supra note 3, at 224–25, where the discussion revolves around drug use and hallucinogenic qualities of Irish prehistoric "swirl" pattern art as in evidence at Knowth and Newgrange.
- 42. Mumford, The Myth of the Machine, supra note 39, at 23.
- 43. Mumford, id. at 24. His choice of source is odd, perhaps merely accidental, in lining up Shaw and Yeats, those paragons of the Anglo-Irish literary (anti)establishment, as the prime inheritors of the Shakespearean tradition, yet if odd it is pleasantly so for the purposes of this current essay, since it links us to Ireland and the Irish.
- 44. This position echoes somewhat that developed by Heidegger in "The Question Concerning Technology." See Martin Heidegger, "The Question Concerning Technology," in *Basic Writings*, ed. and trans. David Farell Krell (London: Routledge, 1978), Ch. VII.
- 45. Mumford, The Myth of the Machine, supra note 39, at 140.
- 46. Id.
- 47. Pryor, Britain BC, supra note 3, speculates on this connection to an idea of new life, of cycles. Note also that by now Pryor is someone who is following the same line of investigation.
- 48. Lewis Mumford, Title (city: publisher, year), at 8.
- 49. It would certainly be an aim in returning to this scene of the interface between artifact and idea at some future point to engage with current archaeological and anthropological theory, an evident lack in what has been presented here. A jumping off point would be the works of Gregory Bateson, and, more latterly, Tim Ingold—in particular Tim Ingold, Being Alive: Essays on movement, knowledge and description (London: Routledge, 2011).