

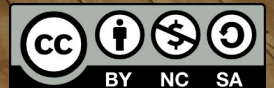
The use of poetic forms in early Irish legal writing

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Some general background

- Early Irish law: legal system in 7th - 17th centuries CE
- Mostly written in the vernacular (Old, Middle, and early Modern Irish)
- preserved in later manuscripts (12th-17th centuries)
- Layers:
 - Canonical texts / tracts (7th-8th centuries)
 - Paratexts: glosses and commentaries (after 9th century)
 - Derivative texts: glossaries, digests, moot pleadings, etc.
- Scholastic treatises rather than royal promulgations
- standard reference: Corpus Iuris Hibernici (Binchy 1978), 6 vols, 2343 pages = CIH

Styles in legal texts

1) Plain exposition prose

- **A bíathad a óenur, ass 7 grus nó arbur, ní dlig imb. Snáidid a chomgrád tara thúaithe co-tabarr díabul mbiid dó...**
- His food-entitlement is for one man, milk and cheese or corn; he is not entitled to butter. He protects his equal-grade across his kingdom and double share of food is given to him ...
- (*Críth Gablach*, Binchy 1941: 2, normalised from CIH 777.34-36)

Styles in legal texts

2) 'Textbook' style prose (Charles-Edwards 1980: 146-156)

- **Cid i n-arragar breithemnus bērla fēni .nī. i fīr 7 dliged 7 aicned.**
- What is it in which the judgment of the laymen's lawsuit was bound? Not difficult, in 'truth' and 'entitlement' and 'natural law'.
- (*Uraicecht Becc*, normalised from CIH 1590.1)

Styles in legal texts

3) Narrative prose

- **Dogeni fergus ogcoru tarsa nericso 7 luid doa tir 7 bir[t] a cumail lais i foghnum. In tan ronainic fergus a methus luid docum mara sechis 7 a ara muena a ainm.**
- In consideration of this mulct Fergus concluded full peace and went to his own land, bringing with him his bondmaid into servitude. When he had reached his domain he went on to the sea accompanied by his charioteer, whose name was Muena.
- ('The saga of Fergus mac Léti', Binchy 1952: 37, 41, CIH 882.25-27)

Styles in legal texts

4) Gnostic prose

- **A maic ara-fesser blaí dílse. Blaí moga mugsaine. Blaí ech óenach. Blaí ord indeoin. Blaí con congal...**
- O son you should know the immunities of propriety. Servitude is immunity of a servant. A gathering is immunity of horses. An anvil is immunity of sledge hammers. A dog-fight is immunity of a dog ...
- (*Bretha Étgid*, normalised from CIH 263.34-268.12)

Styles in legal texts

5) Dialogue

- ***‘Rucus tathcreic cundartha iar n-adaig.’ – ‘Ba gō,’ ar Cond, ‘nod·birt.’ – ‘Deithbir dam sa,’ ol Caratnia, ‘ar ba argat do·celt a ainme.’***
- ‘I adjudge the rescission of a contract overnight.’ – ‘You have adjudged wrongly.’ said Conn. – ‘It is proper to me,’ said Caratnia, ‘for it was silver that concealed its defect.’
- (*Gúbretha Caratniad, CIH 2192.11-12*)

Styles in legal texts

6) Non-rhyming poems with fixed stress pattern and linking alliteration

Cladair fert, fuirmigther lia, Ligairne laigen, úas dindaib.

Do·renar .x. sétaib, segair comláithre, coa trí tar muir...

‘Let a grave be dug, let a stone be placed, of Ligairne of the Laigin, above prominent peaks.

Ten *séts* are compensated, [recompense of] accomplice is sought, as far as their three [waves?] across the sea...’

- (*Ántéchtæ*, normalised from CIH 1244.18-20)

Styles in legal texts

7) Non-rhyming syllabic poems

**Bertai Senchae cétbrethach
bantellach ar fertellach
combtar ferba fulachta
fora grúaidib iar cilbrethaib.**

‘Senchae the first-judging one adjudged it,
female entry by means of male entry,
and blisters have been sustained
on his cheeks after false judgments.’

(*Din Techtugud*, normalised from CIH 209.12-13)

Styles in legal texts

8) *Roscada* with extensive alliteration but no fixed pattern

**A Moruind a maine i mochta
mitid mes fír for fodhuil dire,
direch cach dicedla dana;
i suidighti slechtuiph suadh
la righ Gabalmuighe cin gaoe.**

‘O wealthy mighty Morand,
give a true judgement of the distribution of honour-price.
Every chanter of poetic art is due honour-price;
he is to be placed amongst the divisions of sages
by the king of Gabalmag without falsehood.’

(*Bretha Nemed Toísech*, CIH 2219.4-5, *Breatnach* 1987: 34-5)

Styles in legal texts

9) Rhyming syllabic poems

**Óenann fri derosc láime
dona·bí íarair.
as·beir fri derosc coise
tréimse for blíadain.**

One year [is the period] for the verdict on a hand
for which there is no [previous] claim.
For the verdict on a foot
[a period of] a year and a quarter is pronounced.

**Bid blíadain co fo trí
fri trénderosc cinn
conid·n-oiscfe di sunn
tráctfaid béirai binn**

For the firm verdict on a head
[the period] is three years.
He who shall alter it from this
shall wreck (?) the bright law.

(*Bretha Déin Chécht* §37, normalised from CIH 2315.39-2316.2, trans. Binchy 1966: 46-7)

Styles in legal texts

- ‘Textbook style’ prose: *Heptads, Cóc Conara Fuigill*
- gnomic prose: *Bretha Étgid*
- non-rhyming syllabic poems: *Di Astud Chor*
- mixture of textbook style and oral formulas: *Berrad Airechta*
- non-rhyming heptasyllabic verse: *Din Techtugud*
- roscada: *Bretha Nemed Toísech*
- Plain expositional prose: infrequent in canonical texts

Styles in legal texts

- *fénechas*: native Irish law (opposed to *recht litirde* ‘scriptural law’, *cána* ‘royal promulgations’, etc.)
- medieval Irish jurists were often also poetic scholars (*filid*)
- *senchas*: ‘tradition’ or ‘history’
 - *Senchas Már* ‘Great Tradition’
 - Prologues, e.g. to *Bretha Étgid*: King Cormac Mac Airt’s teaching to his son

Rhyming syllabic verse

- Attested as early as the late 6th century (Colmán mac Léiníni, d. 606), but less favoured by earlier poets
- ‘new forms’ (*núachrutha*)
- Many different meters: *rannaigecht*, *debide*, *sétnad*, *rinnard*, etc.
- medium of *senchas*:
 - historical narratives (*laídshenchas*)
 - topographic lore (*dindshenchas*)
 - martyrology (e.g. Féilire Óengusso),
 - biblical narratives (e.g. Saltair na Rann),
 - glossary (metrical glossaries)
 - **law texts**

Data

- 137 found in CIH
 - (https://github.com/Dimurjan/RhymSyllVerses_CIH/blob/main/Verse_text.s.md)
- Longer compositions:
 - 8 quatrains: commentary to *Coibnes Uisci Thairidne*
 - 5 quatrains: commentary to *Cóic Conara Fuigill*
 - 4 in a commentary to *Cáin Aicillne* on ‘live separations’ (beoscartha)
 - 4 in a commentary to *Cethairslicht Athgabálae* on the words *buo* and *ferb*

Early modern compositions

- 10 quatrains on the seven grades of the poetic profession in *debide*
- Two poems by Gilla na Naomh Mac Dhuinn Sléibhe Maic Aodhagáin (d. 1309)
 - On distraint, unedited.
 - 25 quatrains on various topics ('An Address to a Student of Law').

Old Irish rhyming syllabic verses

- ‘The use of rhyming syllabic verse in legal texts is quite limited in the OIr. period (for later instances see Chapter 3.3); I have noted only the verse in 777.3-4 at the end of Cáin Fhuithirbe (see Breatnach, 1986, 50-1) and the four verses at the end of SM3, 34, Bretha Déin Chécht (2315.37-2316.2).’ (L. Breatnach 2005: 370)
- Plus:
 - verses embedded in Críth Gablach (568.19-20)
 - and Bretha Nemed Dédenach (1112.13-17; 1112.18-23)
 - poems composed in the Old Irish period but probably added to law texts later.

Where are they located?

- 22 from a text derived from *Uraicecht Becc* and *Mittelirische Verslehren* ii.
- *deismirecht* for ‘an example of’

deismirecht for dein mi[ds]ing:
Anmchad osraighi amra
cainfollo flaithri[ge]
dregan bruthmar bruiti alca [leg. alta]
mac concearca in cathmile.

An example of *dían midseng*:
Anmchad the Wonderful of Osraige,
Gentleness of distributing nobility
A fiery dragon of wild boiling (?)
The son of Cú Cerca the thousand-
battles.

CIH 552.32-34 (example of *dían midsheng* = MV ii §4)

Where are they located?

- Copies of *Uraicecht Becc*
- *Ni-bí briugu nad-bí cétach* ‘he who is not hundredfold is not a hospitaller’
 - 7 desmirecht so ar foillsiugud cach cetra da fuil .c.agun briugaid .c.ac
 - And this is an example to illustrate each animal that a hundredfold hospitaller owns:

Ba muca heich cairig gobair
Coin cait cerca geth seoit sobail
Beich becga foglenad cach mbeathla
It e .x. cetra fer in domain

Cows, pigs, horses, sheep and goats
Dogs, cats, hens, geese, prosperous possessions
Tiny bees which adhere to every beehive
These are the ten animals of the men of the world.

(CIH 1608.16-18)

Where are they located?

- 19 verses quoted in the glossary *Dúil Dromma Cetta*

- attributed to Mór Muman, Fer Muman, Rechtgal úa Síadhail (late 8th c.), Máel Brigte [mac Tornáin d. 927?], Torpaid [mac Taicthech, d.913?], Cormac and *in Éicsine* ‘the student of poetic art’.

- *ut dixit* or *ut dicitur*

- Muldach .i. seiscenn, ut dx. ua siagail ag tothlugud cairr

‘Múalach, i.e. a swamp, as [Rechtgal] úa Síadail said when he was demanding for a cart:’

Slicht a da gae tre gach mullach

cullach flescach férach

amal cairr a mberar lamhach

tre condold fand ferach

(CIH 617.31-33)

The track of his two spears through each swamp -
A swamp with packs of wolves, and abounding in
shoots and grass;

Like a cart in which hurling of missiles is borne
Through stubble which is pliant and grassy.

(trans. Ó hAodha 1999: 197)

Where are they located?

- other glossary materials (22 verses)
- Some derive from non-legal texts:
 - metrical place-name lore (Dindshenchas)
 - ‘Broccán’s hymn’
 - *Do Flathiusaib hÉirenn*
- Most, however, have a legal nature:

Slabra is ainm do bécethraib
7 d’echsrianaib amraib
Coibche is ainm do étaigaibh
7 d’aiscedhaibh amlaid

Tochra is ainm do techcrichib
7 do mucaibh míne
Tinnsra is ainm d’ór 7
d’airget 7 d’uma cach tíre

Stock/dowry is a name for cattle
and for wonderful horse birdles.
Bride-price is a name for clothes
and for gifts similarly.

Bride-purchase is a name for house and estates
and for palatable pigs.
Marriage-contribution is a name for gold and
silver and copper of each land.

CIH 1564.14-16

Where are they located?

- syllabic rhyming verses embedded in other law tracts:
 - 10 < Cetharslicht Athgabálae
 - 4 < the Pseudo-historical prologue of Senchas Már
 - 3 < Bretha Nemed Dédenach, Cóic Conara Fuigill and Córus Bésgnai each
 - 2 < Cáin Fhuithirbe, Bretha Étgid, and Bretha Nemed Toísech each
 - 1 < Bretha Déin Chécht, Cáin Aicillne, Cáin Sóerraith, Críth Gablach, Coibnes Uisci Thairdne, Tósach Bésgnai, the Introduction to Senchas Már, and Mellbretha each.
 - late medieval legal 'digests' B1, C22 and D9
 - 13 in miscellaneous texts.

Explicating legal contents

- summarising part of the procedure of distraint:

Triar ac tocsal, toir(i)m ngleithe

Three persons at the 'driving away', noise of grazing (?),

Fer tairgille, fiad(a) feichem

A man of fore-pledge, in the presence of the claimant;

Breithemh, fiadha, feidm co se

A judge, a witness, working until now,

Tall naidm 7 aitare

There is [also] the binding surety and the surety in-between.

CIH 1958.15-16 (Digest D9)

Explicating legal contents

- Coibnes Uisci Thairdne ‘Kinship of Watercourse’:

Luan do thobar, toramh ngrind

in mairt ina diaidh don lind

cedain dardain, dail in raith

a tabairt dana saeraib

Monday to the source, a pleasant service (?)

The following Tuesday to the pond.

Wednesday and Thursday, a lucky tryst (?)

Are to be given to the wrights.

CIH 457.34-458.14, trans. Binchy 1955: 74-5

Explicating legal contents

- a commentary on the category of wounds:

Cnocbeim is fuiliugud feig
is a ferthain ar aonbeim
ioc isin cnocbeim a bus
an fuil and gin othrus

A 'lump-strike' and an obvious bleeding
it is shed in one blow;
payment for the lump-strike in this case,
the blood, on the other hand, is without sick-maintenance

CIH 1044.14-15

Exemplifying words

- tres linguae sacrae:

Anmanda cid co heargnaid
Isna ceithre primberlaib
Cae ona heabraib re headh
Coth a greg, quid a laidean
Is fir do gach fir, ni cealg
7 is cidh a gaeidhealg

CIH 2256.10-12

Names of 'what', distinctively,
In the four prestigious languages:
'cae' from Hebrew, whilst
'coth' in Greek, 'quid' in Latin,
It is true for every man, no concealment
And it is 'cid' in Irish.

Exemplifying grammatical concepts

- cennfóchrus ‘change of initials’: *senchas* > *fenchas*

Fenchas in focul fein...7 a cendfóchrus in focail dorigned and .i. ef tallad as ria n-es, deismirecht air-side, a mail adubairt in file:

‘Fenchas the word itself... change of initials was done on the word, i.e. f substitutes s; an example for it, as the poet recited:’

Fegsat filid fail i fos
fenchas co feig la fergus
ma iar mal cach maine imach
doroisce daine dubtach

Poets of Ireland have considered here
‘fenchas’ clearly by Fergus;
if it be according to the lord of every treasure
forth,
Dubthach surpasses people.

CIH 345.10-15

Verses in narrative contexts

- rhymeless, heptasyllabic verse in the tract *Cethairslicht Athgabálae*
- circumstantial lyric poems
 - sung by Cú Chulainn after slaying his own son:

Trom naire

Heavy the burden

Tucus lim tar magh nene

I have borne across Mag Ene!

Airm móra mo meic im laim

The great weapons of my son in one hand,

Iss a faidb 'sa laim eile

And in the other his spoils.

CIH 2128.1-2, ed. O'Keefe 1904

Verses in narrative contexts

- a summary of narrative
- ‘the saga of Fergus mac Léti’:

is de-som rocet:

Fergus mac leidi in ri

luid i fertus rudraigi

huath donarfas fa gann ngle

ba he fochond a ainme.

Of this was sung:

King Fergus, son of Léte

Went on the sandbank of Rudraige;

A horror which appeared to him - fierce was the conflict -

Was the cause of his disfigurement.

CIH 883.20-22, ed. Binchy 1952: 39, 44

Verses in narrative contexts

- enumeration of characters
- on the quarrel between two sons of Partholón in the ‘national history’:

Fer 7 fergnia na fir
is ed innisit na sin
am 7 iam derctas sloig
da primingin parthaloin

Fer and Fergnia the men
It is what the ancients told
Am and Iam who destroyed a host
They are the two chief daughters of Partholón

CIH 380.8-13, ed. Smith 1942: 543

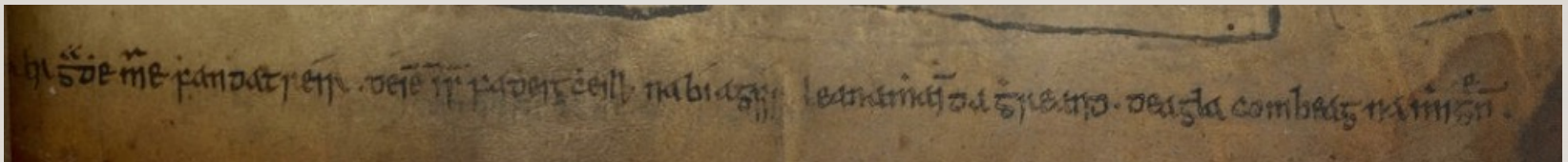
Marginal poems

- British Library Egerton 88.
 - written by Domhnall Ó Dubhdábhoireann and his disciples in the law school of Duniry, Co. Galway in the late 16th century

Ar gradhe Mure fhan dat réir.
déine imeacht fa deigchéill.
na bí ag sírleanamhain da ghreand.
d'eagla co mbeag na mhígrénn.

For the love of Mary stay from your desire,
make a going to the good sense.
Don't adhere constantly to his pleasure,
for fear that it would become a false-pleasure.

Eg.88 f.26r marg.inf. (Courtesy of ISOS and BL)



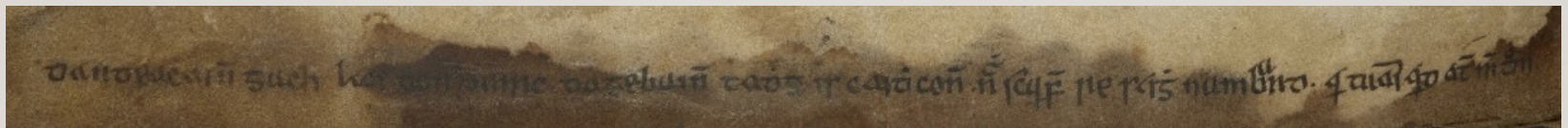
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Dá ndeachainn gach lá do'n Páirc.
do gébainn Tadhg is cáidh-Conn;
nach scarfadh re saigh na mbrand.
ar Tuaim ard atá mo trom

If I would go every day to Park [the law school],
I would find Tadhg and the noble Conn,
who would not stop from running after the women
at prominent Tuam which is my sorrow

Eg.88 f.61v marg.inf. (Courtesy of ISOS and BL)



Merci!

- All data are available on:
- https://github.com/Dimurjan/RhymSyllVerses_CIH/blob/main/Verse_texts.md
- Fangzhe.qiu@ucd.ie