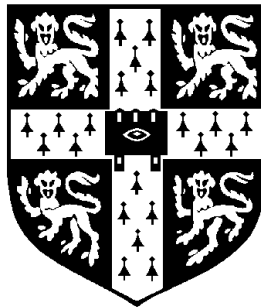


E. C. QUIGGIN MEMORIAL LECTURES 13

LIAM BREATNACH

**The Early Irish Law Text *Senchas Már*  
and the Question of its Date**



DEPARTMENT OF ANGLO-SAXON, NORSE AND CELTIC

UNIVERSITY OF CAMBRIDGE

Edmund Crosby Quiggin (1875-1920) was the first teacher of Celtic in the University of Cambridge, as well as being a Germanist. His extraordinarily comprehensive vision of Celtic studies offered an integrated approach to the subject: his combination of philological, literary, and historical approaches paralleled those which his older contemporary, H. M. Chadwick, had already demonstrated in his studies of Anglo-Saxon England and which the Department of Anglo-Saxon, Norse and Celtic continues to seek to emulate. The Department has wished to commemorate Dr Quiggin's contribution by establishing in his name, and with the support of his family, an annual lecture and a series of pamphlets. The focus initially was on the sources for Mediaeval Gaelic History. Since 2006 the Quiggin Memorial Lecture is on any aspect of Celtic and/or Germanic textual culture taught in the Department.

The Early Irish Law Text *Senchas Már* and the Question of its Date

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First published 2011 by the Department of Anglo-Saxon, Norse and Celtic,  
University of Cambridge, 9 West Road, Cambridge, CB3 9DP.

ISBN 978-0-9562353-9-8

ISSN 1353-5722

**Set in Times New Roman by Dr Máire Ní Mhaonaigh and Mrs Jayne Riley,  
University of Cambridge.**

Printed by the Reprographics Centre, University of Cambridge.

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## ABBREVIATIONS

*CIH* = D.A. Binchy, *Corpus iuris Hibernici: ad fidem codicum manuscryptorum recognovit*, 6 vols (Dublin 1978).

*Companion* = Breatnach (2005).

*DIL* = *Dictionary of the Irish Language and Contributions to a Dictionary based mainly on Old and Middle Irish Materials* (Dublin 1913–75).

*GOI* = Rudolf Thurneysen, *A Grammar of Old Irish* (Dublin 1946).

*O'Dav.* = Stokes (1904).

*OGSM* = The Old Irish Glossing of *Senchas Már* (*CIH* 874.35–924.31, etc.) see *Companion*, Chapter 7.2.

*SNG* = Kim McCone et al. (eds) *Stair na Gaeilge in ómós do Phádraig Ó Fiannachta* (Maynooth 1994).

## THE EARLY IRISH LAW TEXT *SENCHAS MÁR* AND THE QUESTION OF ITS DATE

After a brief overview of *Senchas Már*, including an annotated edition and translation of its introductory tract, this paper will present evidence which indicates that it emanated from an ecclesiastical milieu, discuss the question of dating, and conclude with arguments for its having being composed in Armagh in the seventh century.<sup>1</sup>

The importance of *Senchas Már* (*SM*) is evident from a number of considerations, such as the wide-ranging scope of the text, and its position as an authoritative source in other mediaeval Irish legal writings.<sup>2</sup> The scope of the text is readily appreciated from the list of the component tracts of *SM*, each devoted to a particular legal topic,<sup>3</sup> and in what follows reference will be made to the tracts as numbered below.<sup>4</sup>

1. Introduction
2. *Cethairslicht Athgabálae* ‘The Four Divisions of Distrain’
- 2a. *Di Choimét Dligthech* ‘On Lawful Impounding’
3. *Di Gnúmaib Gíall* ‘On the Functions of Hostages’
4. *Cáin Íarraith* ‘The Regulation of Fosterage-Fee’
5. *Cáin Sóerrraith* ‘The Regulation of Noble Fief’
6. *Cáin Aicillne* ‘The Regulation of Base Clientship’
7. *Cáin Lánamna* ‘The Regulation of Couples’
8. *Córus Bésgnai* ‘The Ordering of Discipline’
9. *Sechtae* ‘Heptads’.
10. *Bretha Comaithchesa* ‘Judgements of Neighbourhood’
11. *Din Techtugud* ‘On Taking Possession’
12. *Tosach Bésgnai* ‘The Beginnings of Discipline’

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<sup>1</sup>Apart from those cases where passages are normalised (and indicated as such), in the citations from *CIH* below punctuation and macrons over long vowels are supplied, and proper names are capitalised. Missing lenition is supplied in square brackets, as are occasionally other letters, and abbreviations are expanded. Otherwise unspecified page and line references are to *CIH*.

<sup>2</sup>For details see Breatnach (2010, 107–9, and 2010b, 218–19).

<sup>3</sup>Some topics, for example marriage in tracts 7 and 40, have more than one tract devoted to them.

<sup>4</sup>There are translations into German of some of the component tracts of *SM*, namely 5 (Thurneysen, 1925), 6 (Thurneysen, 1923), 7 (Thurneysen, 1936), 16 (Thurneysen, 1931, 63–7) 19 (Thurneysen, 1931, 4–26) and 20 (Thurneysen, 1931, 27–36), and of some others into English, namely 21 (Charles-Edwards and Kelly, 1983), 22 (Binchy, 1955), 24 (Hull, 1956), 33 (Binchy, 1938) and 34 (Binchy, 1966). Unless otherwise indicated, I follow these translations here, and supply references to the paragraph numbers of the relevant editions. In addition, a new edition and translation of tract 1 is provided below. All other translations are my own.

13. *Recholl Breth* ‘The Shroud (?) of Judgements’
14. *Di Astud Chirt 7 Dligid* ‘On the Establishing of Right and Entitlement’
15. *Di Thúaslucud Rudrad* ‘On the Dissolution of Prescriptions’
16. *Fuidir* tract
17. *Di Fódlaib Cenéoil Túaithe* ‘On the Kin-Divisions of the Laity’
18. *Di Dligiud Raith 7 Somaíne la Flaith* ‘On the Due of Fief and Lord’s Revenue’
19. *Díre* tract (‘compensation’)
20. *Bandíre* tract (‘women’s compensation’)
21. *Bechbretha* ‘Bee-Judgements’
22. *Coibnes Uisci Thairidne* ‘Kinship of Conducted Water’
23. *Bretha im Fúillemu Gell* ‘Judgements concerning Pledge-Interests’
24. *Bretha im Gatta* ‘Judgements concerning Thefts’
25. Court tract
26. Status tract
27. *Bretha for Techt Medbae* ‘Judgements on the Property of Medb’
28. *Bretha for Macslehtaib* ‘Judgements on Categories of Sons’
29. *Bretha for Catslehtaib* ‘Judgements on Categories of Cats’
30. *Bretha for Conslehtaib* ‘Judgements on Categories of Dogs’
31. *Bretha Cairdi* ‘Treaty Judgements’
32. *Slicht Othrusa* ‘The Course of Sick-Maintenance’
33. *Bretha Crólige* ‘Judgements on Blood-Lyings’
34. *Bretha Déin Chécht* ‘The Judgements of Dían Cécht’
35. Injury tract
36. *Bretha Creidini* ‘The Judgements of Creidine’
37. *Lestrai* ‘Vessels’
38. *Muirbretha* ‘Sea-Judgements’
39. *Bésgnae Ráithe* ‘The Discipline of Suretyship’
40. Tract on marriage and divorce
41. *Fidbretha* ‘Tree-Judgements’
42. *Di Brethaib Gaire* ‘Concerning Judgements on Maintenance’
43. *Dúilchinni* ‘Remunerations for Manufactured Articles’
44. *Bretha Sén Formae* ‘Judgements on Nets for Bird-Snaring’
45. *Córus Aithni* ‘The Ordering of Depositing’
46. *Díguin* tract (‘violation of protection’)
47. *Turbaid* tract (‘postponement of legal action’)<sup>5</sup>

The titles of most of the tracts are mediaeval, and some, such as those mentioned in tract 1 (§6), or those titles which form the opening words of a tract, are as old as *SM* itself; a small number of titles, however, are modern. The text was arranged in three parts, referred to as the *trian toísech*, *trian*

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<sup>5</sup>A number of tracts survive only in incomplete copies. For further details on the individual tracts see *Companion*, 286–309. For the reconstruction of the contents of *Senchas Már* see Breatnach (1996), revised in *Companion*, 268–314, and McLeod (2005), and for some general comments on the extent of the individual tracts and their state of preservation see Breatnach (2010, 107–9).

*medónach* and *trian déidenach* ‘first third’ (tracts 1–8), ‘middle third’ (tracts 9–24), and ‘final third’ (tracts 25–47).<sup>6</sup> *Senchas Már* generated a number of secondary texts, two of which are as early as the Old Irish period,<sup>7</sup> namely, the Old Irish glossing of *Senchas Már* (*OGSM*),<sup>8</sup> and the Old Irish commentary on tract 10, *Bretha Comaithchesa*.<sup>9</sup>

As good a way as any to begin to appreciate the nature of this text and the legal system it describes is to read the *Introduction* to *SM* itself, tract number 1. Two continuous copies of this tract survive, at *CIH* 344.24–352.24 and 1896.23–1897.15. In addition, fragments with OIr glosses are found at 877.9–881.3, as part of *OGSM*, and longer extracts with glosses and commentary at 1657.10–1663.19, as part of a (mostly) MidIr glossing and commentary on *Senchas Már*.<sup>10</sup> The edition presented here takes due account of that in Thurneysen (1927, 174–87), while differing in some points of interpretation; the text, moreover, is normalised, and the numbering of paragraphs differs from Thurneysen’s.<sup>11</sup>

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<sup>6</sup>For further details see *Companion*, 270–1 and Breatnach (2010, 109).

<sup>7</sup>The conventional dating of Old Irish (OIr) is c. 600–900, and that of Middle Irish (MidIr) c. 900–1200 AD.

<sup>8</sup>See *Companion*, 338–46.

<sup>9</sup>See *Companion*, 346–8.

<sup>10</sup>See *Companion*, 71–2, 97.

<sup>11</sup>The text of the copy at *CIH* 344.24–352.24, together with variant readings, can be found in the Appendix. I leave out of account here the copious glosses and commentaries attached to the various copies of this tract.

## TEXT

§1. *Senchas fer nÉrenn, cid conid-roíter? Comchuimne dá sen, tindnacul clúaise di araili, díchetal filed, tórmach ó recht litre, nertad fri recht n-aicnid. Ar it é trénailig in sin frisa n-astaiter bretha in betho.*

§2. *Is and ro airled rí 7 aithech, rígain 7 amrígain, sóer 7 dóer, sothcedach 7 dothcedach, sonae 7 donae.*

§3. *Is and ro airled díre cáich fó míad. Ar ro buí in bith i cutrummu conid tánic Senchas Már.*

§4. *Is i Senchas Már ro airled comdíre do rí 7 epscop 7 águ rechto litre 7 suid filed di-chain di chennaib, for-osnai imbas, 7 briuguid di-renar cétaib, oca mbí caire ansic cona thochus téchtu.*

§5. *Is i Senchas Már con-amas arná ructhae maith do ulc 7 olc do maith.*

§6. *Is i Senchas Már ro airletha na cethéora cáinai: Cáin Íarraith, Cáin Sóerraith, Cáin Aicillne, Cáin Lánamnaso Téchtai. Astud cáich hi coruib bél, ar ro buí in bith i mbailiuth mani astaitis cuir bél.*



## TRANSLATION

§1. The tradition of the men of Ireland, what has preserved it? Joint recollection of two elders, transmission from one ear to another, chanting of poets, augmentation from the law of Scripture, reliance on the law of nature. For those are the firm foundations on which the judgements of the world are fixed.

§2. It is there that [the distinction between] king and churl, queen and non-queen, noble and base, prosperous and indigent, fortunate and unfortunate has been determined.

§3. It is there that compensation to everyone according to their rank has been determined. For the world had been in [a state of] equality until *Senchas Már* came to it.

§4. It is in *Senchas Már* that the same compensation has been determined for a king and a bishop and a pillar of the law of Scripture and a master poet who chants extempore, whom inspiration illuminates, and a hospitaller who is paid compensation on the basis of [possessions amassed in] hundreds, who has a cauldron which is never dry, together with his appropriate possessions.

§5. It is in *Senchas Már* that it has been prescribed that good should not be adjudged to a bad person and bad to a good person.

§6. It is in *Senchas Már* that the four regulations have been determined: The Regulation of Fosterage-Fee, The Regulation of Noble Fief, The Regulation of Base Clientship, The Regulation of Lawful Union. Holding everyone to contracts, for the world would be in chaos if contracts were not held to.

§7. *Ataat téora aimsera imbi bailethach in bith: réchuaird duinebath, túarathliae cotho, fúaslucud cor mbél.*

§8. *Ataat a trí noda ícat: dechmada 7 prímiti 7 almsona ara-gairet réchuaird duinebath; tráethad cairde la rí 7 túaith ara-gair túarathliae cotho; astud cáich inna sóchur 7 inna dochur ara-gair bailiuth in betho.*

§9. *Acht na cóic curu ata taithmechtai la Féniu, cía ro nasatar: cor mogo secha fláith, cor manaig secha apaid, cor maic béoathar cen athair n-oco, cor drúith nó mire, cor mná secha céile.*

§10. *Olchenae ad-suiter cuir bél la Féniu, amail ad-rodad Adam inna derbdíupairt: at-bath in bith uile ar óenuball.*

§11. *Ataat cethéora sabaid túaithe noda desruithetar i mbeaib: rí gúbrethach, epscop tuisledach, fili díupartach, aire esindric. Nád óget a mámu ní dlegar doib díre.*

§7. There are three occasions when the world becomes chaotic: an epidemic of plagues, a deluge of warfare, dissolution of contracts.

§8. There are three things which remedy them: tithes and first-fruits and alms which prevent an epidemic of plagues; the imposition of treaties by king and people which prevents a deluge of warfare; holding everyone to their advantageous contract and their disadvantageous contract which prevents the chaos of the world.

§9. Except for the five [kinds of] contracts which are dissoluble in Irish law, though they be bound: the contract of a slave independently of his lord, the contract of a church vassal independently of his abbot, the contract of the son of a living father without father by him, the contract of a madman or a madwoman, the contract of a woman independently of her husband.

§10. Otherwise, contracts are held fast in Irish law, as Adam had been held to his obvious unequal bargain: the whole world perished for a single apple.

§11. There are four eminences of a kingdom who debase themselves through petty things: a falsely-judging king, a stumbling bishop, a fraudulent poet, an unworthy noble. Those who do not fulfil their obligations are not entitled to honour-price.

## NOTES

**§1 tindnacul:** I restore the OIr form; all the MSS show the MidIr development of *tindn-* to *tidn-* (*SNG* 234 §3.14).

**trénailig:** Lit. ‘strong rocks’. All four copies have *trēnailche*, vel sim., showing the MidIr replacement of the nom. pl. of consonantal stems by the acc. pl. In defence of taking the replacement as scribal and restoring the OIr nom. plural one can cite the variant readings *ailig anscaithi*, *CIH* 596.29, *ailce annscaichti*, 751.4, and *ailchi annscaithi*, 1376.2, ‘immoveable stones’, in a passage from *Berrad Airechta* (Thurneysen, 1928, 21 §62; Stacey 1986, 221; cf. also Breatnach, 2006, 75–6), where replacement affects two variants but not the third.

**§2 rígain** <sup>7</sup> **amrígain:** I restore the OIr forms; all the MSS have the MidIr forms with non-palatalised finals (*SNG* 247 §5.10), except for *amrigan*, *CIH* 1896.27, where the final syllable is written with a suspension-stroke, and could just as well be expanded as *-ain*.

**§4 águ:** The OIr form with non-palatalised *-g-* is attested in one MS, while the other shows MidIr palatalised *-g-*. The ‘pillar of the law of Scripture’ is a term for the highest grade of Latin and Scriptural scholar, equivalent terms being *druimchlí*, *fer léigind*, *rosuí*, and *suí litre*; cf. Breatnach (1987, 84) and Charles-Edwards (2000, 128–9).

**suíd:** The two MSS in which this word is found have, peculiarly, the genitive where a dative is required (and is restored).

**di-chain:** I follow the reading in *OGSM* (*CIH* 878.37), which has the finite form corresponding to the verbal noun found in the fairly well attested phrase *díchetal do chennaib*, for which see Carey (1997). As *for-cain* ‘teaches’ is entirely inappropriate here, the reading *forcan* in the other two copies must be an error going back to their ultimate source, and is probably due to the influence of the following verb, *for-osnai*.

**for-osnai imbas:** I base the restored text on the reading of three of the copies, and take it that that in *OGSM*, *fort-n-osnae a n-imus* ‘the inspiration illuminates him’, 878.19, represents a re-wording of the original text rather than an exact citation. Certainly such a reading, with its infixed pronoun, could not be restored as the second of two relative clauses qualifying *suíd* *filed*.

**briuguid:** For the *briugu* ‘hospitaller’, who achieves status through using his accumulated wealth to provide hospitality to all, see Kelly (1988, 36–8).

**§5 con-amus:** The reading *ro hairled*, *CIH* 1896.33 is taken over from §§2–4, as is the sg. *ro hairled*, 1896.34, for the pl. in §6.

**§7 réchuaird:** Also in §8; see the Appendix for variant readings. It is attested only in this passage (which derives from tract 8, *Córus Bésgnai*). Thurneysen (1927, 180) translated ‘der andauernde Umlauf von Menschen-Sterben (Pesten)’, with the note ‘*Rē-chuairt*, sicher als Kompositum zu fassen, muss wohl einen Umlauf bedeuten, der eine ganze Zeit (*rē*) andauert’. Subsequently (1933, 127), he changed his mind, and took the view that the readings with non-lenited *-c-* were probably superior, and that the first element was the same as that found in *ar rec* (*areg*) ‘immediately’ (cf. *DIL* s.v. *rec(c)*). Thurneysen’s first interpretation, however, is preferable semantically. Furthermore a long vowel in the first syllable seems guaranteed by the spellings *réchuaird*, *CIH* 1471.19, and *réchuairt*, 2046.29.

**túarathliae:** While the second element of this compound is doubtless *liae* ‘flood’, the first is unclear; cf. Thurneysen (1927, 180). Apart from this passage (which derives from tract 8, *Córus Bésgnai*) it is attested only in the MidIr tale *Erchoitmed Inge Gulidi*, in the phrase *Tuarath lia in ar n-áthandaib*, Meyer (1894, 66.16), which can be translated ‘There is a deluge in our drying-kilns’. The translation given in Meyer (1894, 68.26), and followed in

*DIL* s.v. *túaradlia*, ‘There is great dryness in our kilns’, misses the point of the phrase, which is found in a list of excuses for not being able to provide hospitality. As dryness is a desirable quality in a drying-kiln (see Kelly, 1997, 241, on the necessity, due to the damp climate, of drying grain in a drying-kiln), this meaning would be precluded for *túarathlia*, even if we had no other examples of the word.

**§8 ara-gairet ... ara-gair ... ara-gair:** I restore a series of three cleft sentences here, although relative forms are attested in only one MS, and these only for the first two occurrences. The variants point to the *nominativus pendens* construction. It may be noted also that the sole continuous copy of tract 8, *Córus Bésgnai*, from which this passage derives, has *ar-* rather than *ara-* (*CIH* 522.33–5) in all three cases, as do the citation in *CIH* 1471.19 (*O’Dav.* 136) for the first, and those in 994.7, 1356.37 and 1372.8 for the last.

**bailiuth:** I read the singular, against the variant reading with a plural; plural forms are also found in tract 8 of *SM* and in the citations referred to in the note on *ara-gairet* above.

**§9 Acht na cóic curu:** All three copies have *acht*, while one has *curu* and the other two have *cuir*. Thurneysen (1927, 177, 183–4) read *inge* in place of *acht* on the basis of the gloss *inge ar acht*, *CIH* 351.30, as well as the following accusative. As, however, *acht* with the accusative is well attested in OIr, the emendation is probably unnecessary; see de Vries (2010, 137–42).

**secha:** The sequence *secha ... secha ... cena ... secha*, as reflected in *CIH* 1897.9–10 would seem to be original, as the alternative in 351.25–6, *cena ... cen ... cen ... secha*, can be explained as attraction of the first two prepositions to the third. The extract in 1660.27, which has only the second and third of these (with *cin apaid ... cin athuir*), goes with the latter.

**§10 ad-rodad:** For another example of the passive perf. of *ad-suidi* cf. Thurneysen (1933, 127).

**inna derbdúpairt:** I restore the possessive pronoun as in *ina dergdúbairt*, 1897.11, and follow Thurneysen in reading the first element of the compound as *derb-*, rather than *derg-* as proposed in *DIL* s.v. *dúpart* (cf. McLeod, 1992, 223). The intensive prefix *derg-* is otherwise unattested with *dúpart* and is doubtless a replacement of *derb*, as found in the variant reading; for further examples of *derbdúpart* see McLeod (1992, 253 s.v.).

**§11 cethéora:** All three copies have the Roman numeral .iiii.

**desruithetar:** The variant readings here (see Appendix) and *dessruithidar*, *CIH* 234.4, in the sole continuous copy of tract 14, *Di Astud Chirt 7 Dligid*, from which this passage derives, as well as *desraidhther*, 1225.7, and *esraidhther*, 1011.4, in citations therefrom, all point to a form with strong deponent flexion for this apparently nonce derivative from *desruith* ‘mean, ignoble’ etc., although one might have expected the productive formation in *-igidir* (*GOI* §524). *DIL* gives *desruith* as a headword, but, as I intend to show elsewhere, the *s* is not lenited.

**i mbecaib:** The three copies here, as well as that of the source, *CIH* 234.4 (and the citations therefrom in 1011.4 and 1225.7), all agree in reading the dat. pl. This means that Thurneysen’s interpretation (1927, 181), ‘die sich zu “Kleinen” entwürdigten (degradieren)’ (followed in *DIL*, B col. 46.76, with ‘who are degraded to small people’), with *bec* as a masc. substantive, and confusion of dative and accusative characteristic of MidIr (cf. Thurneysen’s comments 1927, 184–5) is highly unlikely. The problem can be resolved by taking *bec* rather as a neuter substantive ‘a petty (despicable) thing’ preceded by the preposition *i* with the dative to denote manner (*DIL*, I col. 4.29). My translation of the source passage in tract 14 (Breatnach, 2010, 113) should be emended accordingly.

**Nád óget:** Thurneysen (1927, 177, 181) reads a singular verb with *nád óighe*, 1897.15, and

punctuates and translates as: *aire esindric nad oigi a mamu. Ní dlegar doib díre* ‘ein unehrbarer *aire* (Freier), der seine Obliegenheiten nicht erfüllt. Denen schuldet man keine Buße’. However, not only does reading a plural verb with *CIH* 352.12 and taking *Nád óget* as beginning a new sentence make better sense, but it is supported by the text of the source passage in tract 14 (edited and translated in Breatnach, 2010, 113), which begins the corresponding sentence with *ar* (*CIH* 234.7). Note, however, that the citations of this passage from tract 14 in *CIH* 1011.4–8 and 1225.7–11 are closer to §6 of tract 1.

Although quite short, this tract touches on a number of important issues in early Irish law and the society it reflects. While the tract belongs to the primary text of *SM*,<sup>12</sup> it is in part made up of identifiable citations from two other component tracts of *SM*, and given the incomplete state of preservation of our text, there may be further such citations which, however, we are not in a position to confirm. The end of §6 and all of §§7–8 are (slightly adapted) citations from tract 8 (*CIH* 520.1 and 522.28–35), while all of §11 is a partly abbreviated citation from tract 14 (*CIH* 234.4–8). Section 6 adverts to the fact that *SM* is made up of component tracts. It is also indirectly signalling that *SM* is not itself a *cáin* (pl. *cánai*), although it contains some tracts on relationships which, insofar as they involve the subordination of one of the parties, have a major characteristic in common with *cánai*.<sup>13</sup>

In other words *Senchas Már* is a legal handbook, a text about the law, which sets out to state what the law relating to an extraordinary wide variety of matters is. This brings us to one of the many distinctions which need to be made regarding the legal writings of mediaeval Ireland, namely that between texts of legislation and legal manuals. As Charles-Edwards (1999, 9) says of legal texts in Irish:

‘On the one hand, there were those which recorded the decisions of an assembly; they were called *cánai*, *rechtgai*, or *rechta* ... On the other hand, there were texts which embodied expertise; instead of decrees promulgated by an assembly and binding upon ordinary people by virtue of the authority of that assembly, these other texts had an authority simply by being good accounts of Irish law. They have usually been seen as having been composed by lawyers to instruct other lawyers — as legal manuals rather than as being primary law directed at a general population’.

The majority of the surviving texts belong to the latter category. On the other

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<sup>12</sup>There are no grounds for supposing that it might have been added later, and it was certainly with it by the time of composition of *OGSM*, where it is glossed.

<sup>13</sup>For this connotation of *cáin*, see Stacey (1994, 103–6). The meaning of the term is discussed in the following paragraph.

hand, there is a substantial amount of annalistic evidence for the promulgation of *cánai*, as well as the survival of two apparently complete such texts, *Cáin Adomnáin* ‘The Law of Adomnán’ and *Cáin Domnaig* ‘The Law of Sunday’, as well as fragments of others.<sup>14</sup> In *Companion*, 193–202, I attempted both to determine how one might recognise fragments belonging to *cánai*, and to point up some characteristic features of these texts as a whole. Apart from specific identifications of the source, or cases where a citation is introduced by a phrase such as *amail as-beir i cáin* ‘as it states in *cáin*’, the two diagnostic features I proposed for identifying fragments of *cánai* are the phenomenon of self-reference (*Companion*, 194–5) and the use of the expression *for-tá / forá-thá* ‘further’ (*Companion*, 195–201). Taking the complete texts and the fragments together, it emerges that a particularly distinctive feature of these texts of legislation is a concern with various aspects of enforcement (such as the provision of evidence, punishment for harbouring wrongdoers, etc.). This very concern serves to underline the distinction between these texts, which represent formally promulgated legislation, and legal handbooks or manuals of instruction, where the issue of how the law might be enforced was not so immediate or pressing.

Of particular significance is the question and answer formula on the nature of Irish law with which the tract opens. In it Irish law is said to be an admixture of traditional practices and the precepts of Christianity. What is there presented as a statement receives narrative expression in tract 8, in the well-known account of Patrick’s revision of Irish law,<sup>15</sup> the end of which may be quoted here:

(1) *Ro ráidi Dubthach maccu Lugair in fili bretha fer nÉrenn i recht aicnid ⁊ i recht fáide ... Dos-arfén didiu Dubthach do Phátraic. Ní nád tudchaid fri bréithir nDé i recht litre ⁊ fri cuibsiu na créisen con-airged i n-ord mbritheman la heclais ⁊ fileda.*

‘Dubthach moccu Lugair the poet stated the judgements of the men of Ireland [delivered] according to the law of nature and the law of the prophets ... Dubthach, then, expounded them to Patrick. What did not conflict with the word of God in the law of the letter and with the conscience of the faithful has been fastened into the canon of the judges by the church and the poets’.<sup>16</sup>

The underlying concept receives yet another form of expression in the early

<sup>14</sup>See Charles-Edwards (1999, 43–62) and *Companion*, 191–212, 218–27, 227–33).

<sup>15</sup>At *CIH* 527.14–529.3. Cf. Ó Corráin, Breatnach and Breen (1984, 385–6) and Breatnach (2010b, 227–8, 230).

<sup>16</sup>Text normalised from *CIH* 528.17–529.3.

law text *Cáin Fúithirbe*, where in the fragmentarily surviving introduction it is stated *ro dílsiged la dub in díchubus* ‘that which is contrary to conscience has been made forfeit by ink’.<sup>17</sup>

The importance of status is brought out in §§2–4 and the possibility of the loss thereof in §11.<sup>18</sup> A concern with distinctions of status is, of course, evident throughout *SM*, e.g. in tracts 4 (*CIH* 1760.12–1761.1), 8 (*CIH* 532.8–12) and 33 (Binchy, 1938, 6–7 §§1–4), but there was also a tract (numbered 26) devoted specifically to this topic. While it survives only in extracts, it is still possible to get a good idea of its contents not only from the set of glossed fragments at *CIH* 1543.3–1546.10, but also from its having been used in commentaries on *Uraicecht Becc* and related texts.<sup>19</sup> In its choice of king, bishop, Latin scholar, master poet and hospitaller, the text captures the principal qualifications by which status may be gained, namely, nobility, rulership, skill and wealth. At the same time the *Introduction* concludes with and highlights the important principle that status is something that must be maintained, and, whatever the criteria by which it is achieved, that it can be lost through dishonourable behaviour. Furthermore *SM* agrees with other early law texts in the high status it accords to the learned classes, both secular and ecclesiastical.<sup>20</sup> The statement in §4 regarding these four classes of person also alludes to the solution adopted to ‘the problem of incommensurable status’. This is the subject of an important discussion in Charles-Edwards (2000, 124–9), in the course of which (124–6) he notes that:

‘In any inegalitarian society there is a need to have a comprehensive hierarchy of status, namely a system by which one person’s status can be related to anyone else’s. If rank is an essential part of any person’s social identity, no one can be left outside the system ... But if there is division of labour and therefore diversity of social function, the different functions performed by people are likely to be incommensurable. An excellent doctor deserves higher status than an incompetent one, but there is no equally indisputable and transparent way to relate the excellence of the doctor to that of the farmer or the warrior.

Two strategies have been employed to escape from this quandary: on the one hand one may have a single criterion of status (for example, purity, as in the Indian caste system, or wealth) ... The other strategy is to have several measuring rods – separate hierarchies of status for each

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<sup>17</sup>Text normalised from *CIH* 1554.9; see Breatnach (1986, 43–4, 48).

<sup>18</sup>For the significance of status see Kelly (1988, 7–12).

<sup>19</sup>See *Companion*, 297–300.

<sup>20</sup>For similar collocations of king, bishop and sage elsewhere in *SM* see Breatnach (2010, 110–11). For other texts see Breatnach (1987, 176–84) and Kelly (1988, 46).



function – and then make more or less arbitrary decisions as to the relationship between one hierarchy and another. The early Irish lawyers followed this path ... some decision has to be taken as to the relative status of those in the different hierarchies ... The solution perhaps stemmed from a parallel drawn between the persons at the top of the respective hierarchies: the king of an ordinary minor kingdom, his counterpart in the Church, namely the ordinary local bishop, and the *ollam* “top person” among the poets’.

In its brief treatment of contracts in §§8–10 our tract also manages to make the point that setting out the law is not always a straightforward matter, as most rules will have their exceptions.<sup>21</sup> Great stress is laid on the importance of holding to contractual arrangements.<sup>22</sup> This is a major concern of *Córus Bésgnai*, tract number 8, which follows on immediately from the four tracts named in §6, and from which the *Introduction* borrows.<sup>23</sup> Furthermore, it may be noted that in tract 8 the discussion of contracts appears in the context of a treatment of the relationship of the church with the laity, and especially of bequests and donations made to the church.<sup>24</sup> This indicates an underlying interest on the part of the church in good title, which is not so immediately obvious in the context of the *Introduction*. On the other hand, there are two further items there which are obviously ecclesiastical in inspiration, namely the efficacy claimed for the giving of tithes, first-fruits and alms in §8 and the well-known invocation of a biblical precedent in §10.<sup>25</sup>

Nevertheless, *Senchas Már* cannot be described as a canon law text. That its main concern is with secular law will be immediately obvious from the titles of the component tracts listed at the beginning of this paper. At the same time, however, as in the *Introduction*, the influence of Christianity is tangible throughout the text, and the interests of an established church are well represented. Two other tracts where these features are particularly to the fore are tract 8, *Córus Bésgnai*, as mentioned just above, and tract 24, *Bretha im Gatta*.<sup>26</sup> The opening sentences of the latter tract are particularly striking:

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<sup>21</sup>The classic text on legal exceptions is *Gúbretha Caratniad* (not part of *SM*), for which see *Companion*, 262.

<sup>22</sup>For a comprehensive discussion of contracts in early Irish law see McLeod (1992).

<sup>23</sup>See above, p. 10. I am at present preparing an edition of this tract.

<sup>24</sup>Cf. Ó Corráin, Breatnach and Breen (1984, 406–12).

<sup>25</sup>For the latter see Kelly (1988, 159), Charles-Edwards (1999, 38–41). For this and other examples of ‘the use of secular and religious narratives ... in order to illustrate legal principles’ in *SM* see Breatnach (2010b, 225–31).

<sup>26</sup>For *Bretha im Gatta* see *Companion*, 297.

(2) *Atāt trī peccthi ata moom do-fich Dīa for cach tūaith 7 for cach duuine do-ngniat do grēs: brath 7 gat 7 coibnius do orgain. Ar it comcinaid la Dīa fer gatas 7 fer mairnnes 7 fer gonas, ar is tairmtecht timna in Dūileman cach āe.*

‘There are three sins which God avenges most upon each people and upon each person that commit them persistently: betrayal and theft and slaying of kindred. For the man who steals and the man who betrays and the man who slays are equally culpable before God, for each one of them is a transgression of the Creator’s commandments.’<sup>27</sup>

A continuous text of this tract survives only for the opening section, and the treatment of theft in what follows is heavily dependent on the Old Testament; see Ó Corráin, Breatnach and Breen (1984, 413–15) and Charles-Edwards (1998, 224–8).

The tracts we have looked at thus far are not to be seen as an afterthought, as adding a Christian veneer to a text that was originally different in nature, as the themes apparent in them permeate the text as a whole, although not in quite such an obvious fashion. We can begin with some instances of the kind of general references to God and the church which are scattered throughout *SM*.

(3) *Int ī fo-luing na huile nī dīrenar ō Dīa nā duine.*

‘He who holds out against everything is paid no compensation by God or man’, *CIH* 366.1 (*SM* 2).

*cach derbaidh cach turbaid co ndethbire iar nDīa 7 duine*

‘every hindrance, every grounds for deferral with just cause according to God and man’, 421.1 (*SM* 2).

*nemedh Dē nā duine*

‘neither an ecclesiastical nor a lay dignitary’, 55.1 (*SM* 9).<sup>28</sup>

*Int ī creanas cen tēol gen tāigi co nglaine cuibse dīleas do suide ō Dīa 7 duine; diam slān a cubus bid slān a anum.*

‘He who purchases without stealth without theft, with cleanness of conscience, it (viz. his purchase) is his absolutely in the sight of God and Man; if his conscience be sound his soul will be sound’, 214.1 (*SM* 12).

*Bé sues srotha cotha for cúlu co tāilgi rē fēithine amail do-n-āilge in Dūilem in muir mór con-clethi [fri tír].*

<sup>27</sup>*CIH* 477.31. I take *do grēs* as qualifying *do-ngniat* rather than *do-fich*, as Hull (1956, 216) does, translating ‘which God always avenges’.

<sup>28</sup>Lit. ‘a dignitary neither of God nor of man’.

‘A woman who turns back the streams of war so that she settles a period of calm, as the Creator settles the great sea which is tossed against the land’ *O’Dav.* 536 (*CIH* 1486.4) (*SM* 19).<sup>29</sup>

*Nī gaibter athgabāil nemed grādh flatha nā eclasa 7rl-*.

‘Distrainment of dignitaries of the lordly grades or of the church is not undertaken, etc.’, 1459.14 (*SM* 2a).

*Fo-suidether a flaith 7 a eclas fadesin cehtar dā līna.*

‘Each of them (viz. husband and wife) provides hospitality for their own lord and their own church’, 512.15 (*SM* 7, §20).

*bō cīss flatha nō eclasa*

‘a cow intended as rent for lord or church’, 38.21 (*SM* 9).<sup>30</sup>

Other more specific instances include the statement in tract 2 concerning four kinds of law:

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<sup>29</sup>In spite of all the evidence for *do-áilgi* as the 3sg. present form of the verb, it is registered in *DIL* under the headword *do-álaig*, which is in fact the 3sg. preterite; see also Binchy (1952, 43 n6). Thurneysen’s translation (1933b, 347), ‘Eine Frau, die die Ströme des Kriegs rückwärts wendet, so daß sie sie zur Ruhe besänftigt, wie der Schöpfer das große Meer besänftigt, das (gegen das Land?) antobt’, involves reading *re* as the MidIr form of the preposition *fri*; taking it as the noun *ré* ‘period’, however, will require no emendation. The third last word appears as *conclethi* in Stokes (1904, 283 §536) and as *concleth* in *CIH* 1486.4. The MS has a suspension-stroke over the *h*, and I would expand as *conclethar* and take it for an original *con-chlechar*, passive sg. present of *con-clich*, and so translate.

The last two words are supplied by Stokes from the copy in Trinity College Dublin MS H 2. 15B, which here, as so often elsewhere, has a superior reading (cf. *Companion*, 100–102). This is from the opening of tract 19 for which only extracts survive (see *Companion*, 295). The glossed extract in *OGSM* reads: *sues srotha .i. suides cotha 7 essīdha .i. banrīgan*, *CIH* 922.12, ‘who turns back streams, i.e. who settles wars and hostilities, i.e. a queen’. That the fuller citation in *O’Dav.* belongs with this extract (see *Companion*, 150 n205) is clear from the fact that it occurs there in the middle of a block of citations from the second third of *SM*, as does the citation of the first part of the sentence in *O’Dav.* 1416 (*CIH* 1523.20). The latter is glossed *.i. banflaith .i. ben impōus imadh coca for cūla, amal Meidb Crūachna* ‘a woman ruler, i.e. a woman who turns back abundance of warfare, like Medb of Crúachain’ (the copy in H 2. 15B has *banfēnid* ‘female warrior’ in place of *banflaith*). The expression *ben sues sruta cocta for cūla* recurs in tract 33 (*Bretha Crólige*), with a very different explanation, namely, *ut est bancomarba Cille Dara ... .i. impōdus imad peccad na cocad for cūla trēna hirnaigthi* ‘such as the abbess of Kildare ... one who turns back the manifold sins of wars through her prayers’, Binchy (1938, 26–7, §32).

<sup>30</sup>In a heptad concerning cattle which cannot be distrained; see Kelly (1997, 524), whose translation I follow.

*Occus arinnī it .iiii. reachta ro mesruigiustar briteamnucht .i. reacht aicnid 7 reacht fāide 7 recht petuirlice 7 reacht nūafīadnuisi.*

‘And because it is four kinds of law which jurisprudence has estimated: the law of nature and the law of the prophets and the law of the Old Testament and the law of the New Testament’, *CIH* 1714.17’.<sup>31</sup>

Similarly, the application of the text of Mark 10.9, *Nī con-āraig Dīa i tosuch, nād etarscaru[d] duine*, ‘What God has first joined together let not man put asunder’ 47.18 (*SM* 9),<sup>32</sup> not just to husband and wife, but to other pairs, such as father and son or church and church vassal, whose relationship was regarded as analogical in early Irish law.<sup>33</sup>

The following pieces reflect an established church with a hierarchy and temporalities, which is in no manner new or marginal, and has been in existence for long enough for abuses and corruption to have arisen, as reflected in the first two citations. In particular we may note the interest in the relationship of *eclais 7 manaig* ‘church and church vassals’. The term *manach*, borrowed from Latin *monachus*, has a wider meaning than ‘monk’ in Old Irish and usually means an individual whose relationship with a church is very close to that of a client to a lay lord.<sup>34</sup> Interestingly, the standard term in *SM* for the service due from a lay client to a lay lord is *manchaine*, in origin simply an abstract formation to *manach*. It occurs a number of times in tract 6, *Cáin Aicillne*,<sup>35</sup> which is devoted to base clientship and which one might otherwise imagine to be entirely secular in inspiration.

(4) *Tāit .uiii. cella la Fēine nā dlegad dīre nā dīcubus: ceall ō n-eitcither cach richt, ceall dīa ndēntar ūaim tādhut, ceall dīa ndēntar loch peca, ceall a mbī airchindech laīch cin cairiuga do abuid, ceall ō tēit cloc 7 salm cin dlige cin fuidell, ceall a mbīd aircindech do-airngair a bithdenma et etarscara fri cach clāen nābi fīr noch tindta fri peacad aitherrach, ceall ocnā frithairither trātha, ceall bīs fās.*

<sup>31</sup>A similar list is found in the Hiberno-Latin text known as the Reference Bible (MacGinty, 2000, 25.10–15), where the four kinds of law distinguished are *lex litterae*, *lex naturae*, *lex prophetiae* and *lex euangelii*; cf. also McNamara (1987, 89).

<sup>32</sup>The heptad which ends with this sentence is edited and translated in Charles-Edwards and Kelly (1983, 144).

<sup>33</sup>Tract 7, which is mainly concerned with marriage, opens with a discussion of eight such pairs, for which see Thurneysen (1936, 2–16).

<sup>34</sup>A useful definition of *manaig* is given by Charles-Edwards (2002, 274) as “‘monks’” in the sense of those subject to the authority of the abbot’.

<sup>35</sup>E.g. *CIH* 484.14 and 486.32. Examples in other tracts are at *CIH* 1770.23 (tract 5), 435.12 (tract 18) and 2299.32 (tract 33).

‘There are seven churches in Irish law which are not entitled to penalty or penance-fine: a church from which every person is rejected, a church which is made into a den of thieves, a church which is made into a place of sin, a church in which there is a lay superior without being reproved by an abbot, a church from which bell and psalm have departed, without entitlement without judgement (read *fuigell*), a church in which there is a superior who promises his perpetual purity and parting from every iniquity, and it is not true, rather he reverts to sin again, a church where the canonical hours are not observed, a church which is void’, *CIH* 1.1 (*SM* 9).

*Tāit .uii. n-anfolad fo-fūasluicet udburta in domain: a fodearca co fuil, a tabart a coibce ban, loch pecaid do dēnam dī, a tabart do brug rīg, a cor fri aicille, a tabart i ndūais filed, a hēiric a cintaib, a reic fri echtarfine.*

‘There are seven disqualifications which annul all bequests: reddening it (viz. the church) with blood, giving it as bride-prices, making it into a place of sin, giving it to the demesne of a king (explained in the gloss as ‘giving some of its land to the king to hold an assembly on it’), putting it to base clientship, giving it as a reward for a poet, giving it as compensation for crimes, selling it to a strange kin’, *CIH* 4.2 (*SM* 9).

*Lethfuillem gill cuich cach epscuip do cuuch cach cruimtir. Trianfuile gill epscuip do chuch cach decoin. For comdīre ro suidiged fuillem gill cuich cach comgrāid ō suidiu di grādaib ecalsa olcena.*

‘Half the pledge-interest due for the goblet of every bishop for the goblet of every priest. A third of the pledge-interest of every bishop for the goblet of every deacon. At the same [level of] compensation has been fixed the pledge-interest due for the goblet of every corresponding grade of the church grades from that on’, 473.26 (*SM* 23).

*Dā secht cumal crōlighe cach rīg 7 cach epscuip cona comgrādaibh.*

‘Twice seven *cumals* are [the penalty for] the blood-lying of every king and every bishop and their equals in rank’, 2286.31 (*SM* 33, §2).

*Grānde crutnechtu do ollum rī 7 escop 7 do ollum filed.*

‘A grain of wheat for a supreme king, a bishop, and a master poet’, 2305.6 (*SM* 34, §2).

*flaith fria aicgillne, eclais fria manchu*

‘a lord together with his base clients, a church together with its church vassals’, 500.29–503.10 (*SM* 7, §2).<sup>36</sup>

*manach fora abaid*

‘a church vassal against his abbot’, 220.2 (*SM* 13).<sup>37</sup>

<sup>36</sup>Cf. in a similar list in *SM* 14, *flaith 7 a cēile, eaclais 7 a manaig* ‘a lord and his base clients, a church and its church vassals’, 240.33.

<sup>37</sup>That is, he cannot act as an enforcing surety against the abbot.

*cach manach bes gor dia eclais*

‘every church vassal who is dutiful to his church’, 433.26 (*SM* 18).

*Atā coscomailius dona cānaib-so fri cāin flatha 7 a cēli, 7 fri cāin n-eclaise 7 a manac. Air is ōgdīre di-renar cēle cētġiallna dia flaith, is lethdīre di-renar cēli fongġiallna ... Is ōgu cāin eclaise andās anī-siu, air is ōgdīre di-renar di suidiu cach manach arda-fogna māmaib gaire.*

‘There is a resemblance of these regulations to the regulation of a lord and his clients, and to the regulation of a church and its church vassals. For it is with full compensation that his lord is compensated for a [slain] client of primary submission, with half compensation that he is compensated for a client of secondary submission ... Fuller than this is the regulation of a church, for it is with full compensation that it is compensated for every church vassal who serves it according to the obligations of dutifulness’, 440.16 (*SM* 19).<sup>38</sup>

A particular interest in donations to the church is evident throughout our text, as the following citations show.

(5) *nī do-rata i ndūais file nō do-berr ar anmuin*

‘anything which has been given as a reward for a poet, or which is given for [one’s] soul’, *CIH* 39.30 (*SM* 9).

*ag do-radtar do Dīa*

‘a bullock which is given to God’, 41.3 (*SM* 9).

*tīr at-oibenar do eclais ar anmuin*

‘land which is granted to a church for [one’s] soul’, 54.14 (*SM* 9).

*isī in leac aile a hubairt ar anmain*

‘the other bedrock is bequeathing it for [one’s] soul’, 245.19 (*SM* 15).

*cuit n-ecalso frisa mbī audacht*

‘the share of the church to which he makes a bequest’ 455.2 (*SM* 21, §49).

*Inge secht n-ūasalchuru nādat asu do thaithbiuch neoch mā ro-lāthar: tabert rīg, tabairt epscoip, apert ar a[n]muin ...*

‘Except seven high contracts which it is not possible to rescind if they have been made: what is given by(?) a king; what is given by(?) a bishop; an offering for one’s soul’, 459.23 (*SM* 22).<sup>39</sup>

*tīr do-berar do eaclais ar anmain nād fācaib easlān a craidhe*

‘land which is given to a church for [one’s] soul, which leaves no ailment in the heart’, 224.19 (*SM* 14).

<sup>38</sup>For the *cēile cētġiallnae*, etc. see Kelly (1988, 32).

<sup>39</sup>The translation is from Binchy (1955, 67, §7).

*tír ad-uberar do eaclais ar anmain nād oīde folta ata cōire fri hubairt*  
 ‘land which is granted for [one’s] soul to a church which does not fulfil  
 the obligations which are proper to a bequest’, 224.36 (*SM* 14).

*eibirt nemda fora n-īada comscrībeann dēoda*

‘a heavenly bequest which divine writing closes up’ 231.8 (*SM* 14).

*Cach ben nād fāccaib cin nād ciniud nā sōethar i tūaith, is messe torad*  
*a dā llām do chor fri eclais, acht torad duirinn cāich.*

‘Every woman who does not leave any liability for an offence, nor any  
 children [to be reared], nor any burden on her people is entitled to donate  
 the produce of her hands to the church, but not the produce of the fist of  
 anyone else’, 442.21 (*SM* 20).<sup>40</sup>

## DATING

In attempting to arrive at some idea of the date of composition of *SM* we must begin with an examination of the linguistic evidence. Although the manuscripts of *SM* are quite late, dating from the fourteenth to the sixteenth centuries,<sup>41</sup> they preserve the basic OIr character of the text, as will be clear from the collection of diagnostic early features presented below.<sup>42</sup>

### The Noun:

The neuter gender is well preserved, as shown by the many instances of nasalisation after the nom. sg., as, for example:

(6) *fōcra n-aptha* ‘announcement of harbouring [an outlaw]’, *CIH* 401.16 (*SM* 2),<sup>43</sup> *trian n-aithgena ar mīfācbāil* ‘a third of [the cost of] restitution for wrongfully abandoning [cattle]’, 863.12, (*SM* 2a),<sup>44</sup> *Ar-saig fīachu gach n-indliged* ‘Every illegality gives a claim to penalties’, *CIH* 1455.33 (*SM* 2a),<sup>45</sup> *forus n-acra forus ndītin forus mbritheamhun*

<sup>40</sup>Note the variant *acht torad duirnd cāich*, *CIH* 1916.17. As Thurneysen (1931, 33) notes, this means that a woman can only donate to the church what she herself has produced, but not that which has been contributed to by another person, namely a man, given the use of *dorn* ‘fist’ rather than *lām* ‘hand’.

<sup>41</sup>Cf. *Companion*, 3–9. Even earlier is the twelfth-century MS Rawlinson B502 (*Companion*, 7–8), which contains citations from *SM* in glosses on its copy of *Gúbretha Caratniad*, for which see Breatnach (2010b, 218–19).

<sup>42</sup>The relevant forms are highlighted in bold.

<sup>43</sup>Similarly 894.22.

<sup>44</sup>Similarly 850.21 and 1738.39, both also with nasalisation.

<sup>45</sup>Note, however, the variant *ar-suig fīachu cach inndligi*, *CIH* 1723.14, where the nasalisation has been omitted.

‘the pound of [a person who brings] an action, the pound of safekeeping, the pound of a judge’, 1726.4 (*SM* 2a),<sup>46</sup> *lethdīre n-airib* ‘half [the normal] compensation for them’ 1741.31 (*SM* 2a), *airlim n-ēicne* ‘forcible leaping-trespass’ 71.2 (*SM* 10), and *taithmeach n-udburta* ‘undoing a bequest [to the church]’, 231.16 (*SM* 14).<sup>47</sup>

In addition to nasalisation there is the neuter article in:

(7) *Cair, caitē a n-ime n-indraic?* ‘Query, what is the nature of standard fencing?’, *CIH* 73.7 (*SM* 10), and in addition to both of these there is the nom./acc. sg. neut. form of *aile* (*GOI* §486) in *a leth n-aill* ‘the other half’, 508.16 (*SM* 7, §12),<sup>48</sup> *a trian n-aill* ‘the other third’, 450.22 (*SM* 21, §37), and *a lethorad n-aill* ‘the other half of the produce’ 453.31 (*SM* 21, §45).

As regards the use of cases, there are two features in our text which point to the earlier OIr period, namely the predicative genitive and the independent dative. Examples of the former are:

(8) *mād na mnā a ndo-rata* ‘if what she have given is the woman’s’, *CIH* 518.25 (*SM* 7, §34), as *athar āendān in coibche-sin* ‘that bride-price is the father’s alone’, 222.8 (*SM* 13), and *a lleth n-aill is na flatha* ‘the other half is the lord’s’, 427.33 (*SM* 16, §6).

Examples of the latter are:<sup>49</sup>

(9) *7 briugaid do-renar cētaib*, ‘and for a hospitaller who is paid compensation on the basis of [possessions amassed in] hundreds’, *CIH* 1896.32 (*SM* 1, §4),<sup>50</sup> *do-ranidar sētaib oige* ‘they are paid compensation in accordance with the amount due to a virgin’ (lit. ‘with the chattels of virginity’), 230.14 (*SM* 14), *cach manach arda-fogna māmaib gaire* ‘every church vassal who serves it (viz. the church) according to the obligations of dutifulness’ 440.25 (*SM* 19),<sup>51</sup> and *di-renar dib trenib*

<sup>46</sup>Similarly 1959.22, also with nasalisation.

<sup>47</sup>As it stands the MS reflects a gen. sg., but one should probably emend the phrase to *taithmech n-audbart* ‘undoing bequests’.

<sup>48</sup>Also *a leth n-aill*, 516.9 (*SM* 7, §29), *a leath n-aill*, 520.32 (*SM* 8), *a lleth n-aill*, 427.33 (*SM* 16).

<sup>49</sup>All in prose; the use of the independent dative lasts longer in verse. Cf. *GOI* §251.3.

<sup>50</sup>See the normalised text above p. 4.

<sup>51</sup>The passage in which this occurs is cited in full under item 4 above.



*fuillema gill aiccde airgit la athgin* ‘it is compensated for by [payment of] two thirds of the pledge-interest on a silver object, together with restitution’, 468.24 (*SM* 23).

### The Adjective:

The superlative as a separate category is well attested in *SM*. It is found as predicate of the copula, as in:

(10) *acht tēora fuidre ada duīrem dīb* ‘except for the three basest semi-freemen of them’, *CIH* 428.10 (*SM* 16, §7), and (used adverbially) *Atāt trī peccthi ata moom do-fich Dīa* ‘There are three sins which God avenges most’, 477.31 (*SM* 24).<sup>52</sup>

The use of a superlative with interrogative *cīa* is rare, and is doubtless old. *DIL* cites (C col. 166.60–3) two examples from *Bretha Nemed Dédenach* (at *CIH* 1119.18 and 1123.26), and the last of the examples cited here. It is, however, not infrequent in *SM*, the examples I have noted being:

(11) *Cīa annsom trebdīre la Fēniu?* ‘What is the most difficult [aspect] of compensation for theft from a dwelling-place in Irish law?’, *CIH* 472.6 (*SM* 23), *Cīa dech raith? Sōerath* ‘What is the best [kind] of fief? A fief of free clientship’, 436.8 (*SM* 18), *Cīa dīlsium? ... Cīa hindīlsium?* ‘What is most irrecoverable ... What is least irrecoverable?’, 1770.6 (*SM* 4), *Cīa luigem i fuillemaib gell la Fēniu? ... Cīa luigem i ndīrib gell la Fēniu?* ‘What is least among interest payments on pledges in Irish law ... What is least among compensations for pledges in Irish law?’, 462.19–30 (*SM* 23),<sup>53</sup> *Cīa luigium hi macdīrib? ... Cīa sruithium in macdīrib?* ‘Who is the lowliest in regard to compensations paid for children? ... Who is the most esteemed in regard to compensations paid for children?’ 439.28–33 (*SM* 19), and *Cīa measom do cāin tsaorraith?* ‘What is the worst [aspect] of the regulation of noble fief?’, 1770.16 (*SM* 5).

### The Pronoun:

The use of the infix pronoun in *SM* conforms with the norms of OIr. Examples of Class A pronouns are:

<sup>52</sup>The passage in which this occurs is cited in full under item 2 above.

<sup>53</sup>The second of these is cited as *cīa luighim i ndīre gell* in *CIH* 1471.40 (*O’Dav.* 147).

(12) (with the verb *do-meil*) *cīa do-s-roimli āes 7 fognam* ‘even if age and toil may have worn them out’ *CIH* 496.1 (*SM* 6), and (with *beirid*) *cosnum a breithe ō ros-n-uca* ‘arguing his judgement after he has delivered it’, 36.6 (*SM* 9); note the nasalisation in the case of the latter.

Examples of the use of Class C pronouns in relative clauses are numerous, as in:

(13) *cach manach arda-fogna māmaib gaire* ‘every church vassal who serves it (viz. the church) according to the obligations of dutifulness’, *CIH* 440.25 (*SM* 19),<sup>54</sup> (with *as-ren*) *cipē asdo-comren* ‘whoever has paid them over’, 29.9 (*SM* 9), *cidbē asdo-comra* ‘whoever may have paid them over’, 17.5 (*SM* 9),<sup>55</sup> (with *benaid*) *la fīr ōtā suidiu nād romarb in bech rod mbī* ‘with an oath from him that he did not kill the bee which stung him’, 449.12 (*SM* 21, §29), *nech conda-ruice ar gnāe* ‘anyone who may have brought them together for amusement’, 519.24 (*SM* 7, §36),<sup>56</sup> (with *do-aithboing*) *conda tathbongat a meic* ‘so that his enforcing sureties dissolve them’, 512.31 (*SM* 7, §22),<sup>57</sup> *cīa do-rata ben bīs for foxal ara fine nī dia chēle foda-cosle* ‘if a woman who is abducted from her kindred have given anything to her companion who abducts her’, 518.23 (*SM* 7, §34), (with *fo-tlen* and *gataid*) *Bech bīte i llugbart nō i lius, cipē foda-rothla nō roda gatta* ‘Bees which are in a garden or in a courtyard: whovever carries them off or whoever steals them’, 455.31 (*SM* 21, §50), (with *imm-cing*) *a n-ēlōd nach a n-imchim cipē imda-roich* ‘neither absconding from them nor evading them, whoever may evade them’, 1044.36 (*SM* 9),<sup>58</sup> *co n-aisnēis brēithre Dē do cāch inda-tūaise 7 noda comallathar* ‘together with the expounding of the word of God to all who listen to it and fulfil it’, 529.22 (*SM* 8),<sup>59</sup> and (with *téit*) *cipē doda-coī* ‘whoever may undertake (lit. go to) them’, 27.32 (*SM* 9).<sup>60</sup>

<sup>54</sup>Also cited above under item 9 above.

<sup>55</sup>Note the variant readings *cipē asdo-comra*, 540.36, *cidbē as-comra*, 1048.30, and *cebē is-comrad*, 1891.27; in the latter two the infixed pronoun has been dropped.

<sup>56</sup>Cf. Bergin (1946).

<sup>57</sup>Cf. *condo tathbongat a maic*, 903.29. From the time of the earliest surviving commentary on our text, *OGSM*, there has been uncertainty as to whether we have here the word *macc* ‘son’ or *macc* ‘surety’; see Eska (2009, 199 n). I follow the interpretation in McLeod (1992, 75).

<sup>58</sup>Note the variant readings *cidbē ’mdo-roith*, 15.26, *cipē imde-roich*, 539.8, *cipē imda-roich*, 1044.36, *cidhbē imada-roich*, 1293.15, and *cebē ando-roich*, 1890.34.

<sup>59</sup>Cited in *CIH* 1294.17 as *co n-aisnēis brēithre Dē do cāch inda-tūaisi 7 noda comallnathar*.

<sup>60</sup>Similarly *cepē doda-cōe*, 1049.34.

In *co lānlōg einech bes sruithem fōrdo-bē* ‘together with the full honour-price of the highest-ranking person who is over her’, 519.4 (*SM* 7, §35), the pronoun (leg. *fōrda-bé*) could be either Class B or C. Note also the OIr use of the 3sg. neuter infixed pronoun with *at-baill* ‘dies’ (*GOI* §423), attested in *Cis n-ē tēora haimsera inad apail a torad ar cach flaith* ‘What are the three occasions when his fruits perish from every lord’, 231.15 (*SM* 14).

Instances of the suffixed pronoun are:

(14) *Toingthi in rīg āenur hīc 7 fūaslucud n-aitire*, ‘The king on his own swears that hostage-sureties will be paid for and released’, *CIH* 791.35 (*SM* 31),<sup>61</sup> and *beirthe* ‘he receives it’, 2306.8 (*SM* 34 §3).<sup>62</sup>

### The Verb:

The existence of the deponent as a separate category at the time of composition of *SM*, although in some cases there is confusion with the passive in the course of transmission, is securely attested by forms such as the following:

(15) *teagdais i n-āgathar in fuilech formag cnete* ‘a dwelling in which the wounded man fears an increase of his hurt’, *CIH* 2292.1 (*SM* 33, §23), *gō cach dūpairt nā airigter bāith* ‘every over-payment which unwise persons do not perceive is wrong’, 521.14 (*SM* 8),<sup>63</sup> *Dochar ara-findathar gaith do-gniat* ‘A disadvantageous contract which the wise persons who make [it] know about beforehand’, 520.31 (*SM* 8),<sup>64</sup> *slān ara-finnathar gaith* ‘that which wise persons know about beforehand is immune from action’, 521.13 (*SM* 8), *co n-aisnēis brēithre Dē do cāch inda-tūaise 7 noda comallathar* ‘together with the expounding of the word of God to all who listen to it and fulfil it’, 529.22 (*SM* 8),<sup>65</sup> *co tairisedar i lānlōg einach na flatha* ‘until it stops at the full honour-price of the lord’, 498.3 (*SM* 6),<sup>66</sup> *Mād in cēle tathcuiridter fair ar dīmund lais* ‘If it be the client who returns [the fief] to him out of contempt’, 499.20

<sup>61</sup>Cf. Breatnach (2010, 117). The pronoun is proleptic here.

<sup>62</sup>Note further that the use of suffixed pronouns is well attested in the secondary *OGSM*, for which see *Companion*, 341–2.

<sup>63</sup>The form in question should be normalised to *airigetar*, but the MS spelling clearly reflects an OIr deponent form.

<sup>64</sup>The MS here and in the next example shows the common later confusion of singular and plural in passive and deponent verbal forms; leg. *ara-finnatar* in both cases.

<sup>65</sup>Also cited under item 13 above.

<sup>66</sup>This and the following three forms can be normalised to *tairisedar*, *tathchuirethar*, *do-cuirethar* and *do-thluichethar*, respectively. In all cases the MS spelling indisputably reflects an OIr deponent form.

(*SM* 6), *cach cētlāeg* ⁊ *cach cētūan do-cuirichther isin blīadnai* ‘every first calf and every first lamb which are brought forth in the year’, 531.17 (*SM* 8), *Imscarad do-tluigigter flaith fri aigillni* ‘A mutual separation which a lord desires from base clients’, 496.9 (*SM* 6), *Ōthā suidiu is la rīg fallnathar tūa[i]th* ‘The rest (lit. ‘from that on’) goes to the king who rules the kingdom’, 1276.29 (*SM* 42),<sup>67</sup> *A[r] ro fallnastar fāidsine a racht aicnid i mbreithemnus indse hĒrend* ⁊ *ina filedaib* ‘For prophecy according to the law of nature had held sway in the judgement of the island of Ireland and in its poets’, 528.18 (*SM* 8), ⁊ *nī ro fāchaigastar dligid nō urdliged nō airlecu* ‘and whatever entitlement or prior claim or lending has made liable to a penalty’, 502.9 (*SM* 7, §1), *im boin fo-suidethar carrudh* ‘with regard to a cow which supports champions’, 372.1 (*SM* 2),<sup>68</sup> *fo-suidithar bōairig anaile; nī fothaidter iarum co iar ndē treise* ‘a *bóaire* provides hospitality for another *bóaire*; he does not provide it [any more] after three days’, 512.14 (*SM* 7, §20),<sup>69</sup> *Fo-suididter in ben lethdām in fir amail bes mīad chēle na mnā ... fo-suidithter ... fo-suidithear ... fo-suidithter ... fo-suidithar ... fo-suidithter* ‘The woman provides hospitality for half the number of guests the man provides for, in accordance with the rank of the woman’s husband ...’, 513.33–514.8 (*SM* 7, §24),<sup>70</sup> *a marathar dē ... muna marathar* ‘what is extant of it ... if it is not extant’, 516.28–9 (*SM* 7, §30),<sup>71</sup> *co finnathar maigin in suidegetar* ‘and who finds the place where they settle’, 453.5 (*SM* 21, §43).<sup>72</sup>

Characteristic of OIr are the perfective forms of the present indicative, as, for example, those of *beirid* and *saidid* in:

(16) *Nī tēchta fair nī bes mō ar nī rucai* ‘Anything more is not proper [as a burden] on him, for he cannot bear it’, *CIH* 484.33 (*SM* 6), and *is trian*

<sup>67</sup>For the passage in which this occurs see Breatnach (2010, 119).

<sup>68</sup>See Kelly (1997, 524). Note the variants *im boin fo-suidethar carru*, 888.31 (similarly 892.10), *imin boin fo-suigiter carra*, 400.3, and *buin fo-suither caurru*, 1683.38.

<sup>69</sup>Note the superior variant for the second form, *nī fothadar iarom*, 903.28.

<sup>70</sup>Note the variation in spelling of the six successive occurrences (to which can be added the variant reading of the first, *fo-suiduighthur*, 1809.25) of the verbal form which can be normalised to *fo-suidethar*. All of these spellings at least reflect the original deponent flexion.

<sup>71</sup>Present subjunctive; similarly *munu marathar*, 1810.26. The verb in question, *maraid*, is one of a number which have deponent flexion only in certain tense and mood categories; cf. *GOI* §514.

<sup>72</sup>Reading *i suidigetar*, with Charles-Edwards and Kelly (1983, 78, §43).

*lōige eneach di-heset lasin chēili* ‘it is a third of the honour-price which stays with the client’, 501.16 (*SM* 6).

Instances of the *s*-subjunctive are frequent, such as those of:

(17) *ad-eirrig* in *mā ’d-eirr ind aithgin iar tres cinuid* ‘if he repeats it, there is restitution after the third offence’, *CIH* 1769.1 (*SM* 4), of *as-boind* in *mā ’s-bō flaith fōeigium* ‘if the lord gives notice of an objection’, 493.32 (*SM* 6), of *as-toing* in *ci as-tō* ‘if he refuses’, 514.15 (*SM* 7, §25), of *do-formaig* in *seisidh saire dāa fuidhir donnāch bé asa tōrmustar saire dhō ceana* ‘a sixth of the exemption period to his semi-freeman if he (the latter) does not have anything else on the basis of which an exemption period might be increased’, 1369.4 (*SM* 2a),<sup>73</sup> of *do-ic* in *cāa da-n-ī tarum aithrechus iar dain* ‘though afterwards regret may come to him after a time’, 522.18 (*SM* 8), of *fo-oirg* in *mā fo-n-orr anetail* ‘if a sinful person assails him’, 529.25 (*SM* 8),<sup>74</sup> and of *ro-fitir* in *dāa fīastar cāch a saīthiud* ‘if everyone is aware of his obvious over-payment’, 522.17 (*SM* 8).

Note also the perfective (augmented) subjunctive forms of:

(18) *do-aithboing* in *fo-ēige cenni ro taitim* ‘he objects, although he cannot dissolve it’, *CIH* 536.2 (*SM* 8), of *naiscid* in *cāa ro nasatar* ‘though they be bound’, 351.24 (*SM* 1, §9), of *con-boing* (with *ad-* rather than *ro*; *GOI* §532) in *mād imuich con-apastar cnām in rīg* ‘if it be away from home that the king’s bone has been broken’, 2311.8 (*SM* 34, §22), and of *saidid* (*GOI* §534) in *co ndeset cirt coir* ‘so that they may sit correctly and rightly’, 524.12 (*SM* 8).

Other early inflexional patterns are found in the subjunctives of:

(19) *crenaid* and *renaid* in *cenni cria neach acht nī ria* ‘even if a person does not purchase, that at least he does not sell’, *CIH* 535.16 (*SM* 8), of *ernaid* (perfective) in *maniro era flaith sēotu turcluīde* ‘if the lord has not granted chattels of prostration’, 486.9 (*SM* 6),<sup>75</sup> of *imm-fen* (with perfective *com-*; *GOI* §533) in *gaibet aire co n-ime[h]ua* ‘let them

<sup>73</sup>That is, if the *fuidir* has no qualifications of his own which might make the period of exemption greater than a sixth of that of the person whose dependant he is.

<sup>74</sup>Leg. *fa-n-orr*.

<sup>75</sup>For the *séoit taurchluīdeo*, a payment made by the lord to the client, see Kelly (1988, 29).

distrain him until he have fenced’, 75.25 (*SM* 10), and of *do-esta* in *creic neich do-da-esaib do toiscidib* ‘purchasing whatever essentials may be lacking to them’, 506.17 (*SM* 7, §5).<sup>76</sup> For these see *GOI* §§597 and 787.

Note also the position of perfective *ro* in the subjunctive forms of:

(20) *ad-daim* in *mā ’d-rodma fine* ‘if the kin have consented’, *CIH* 494.17 (*SM* 6), of *do-meil* in *nī to-roimle cehtar do līna diaraile* ‘whatever either of the two parties may have consumed of [what belongs to] the other’, 510.30 (*SM* 7, §16), of *do-ogell* in *acht mād nī do-rūaicle fadesin* ‘unless it be what he has purchased himself’, 534.20 (*SM* 8), and of *fris-gní* in *mā fris-rognaitheir somaīne* ‘if returns are rendered’, 496.1 (*SM* 6).

Among examples of strong verbs in the preterite and perfect we can note the active forms of:

(21) *as-ren* (with perfective *com-*; *GOI* §533) in *Noch is ed slān as-comrair dī rāith for rāith la taisic a rāithe* ‘And the indemnification which he made (to the paying-surety) was two forts for a fort together with the restitution of his fort’ *CIH* 63.26 (*SM* 9), of *benaid* in *la fīr otā suidiu nād romarb in bech rod mbī* ‘with an oath from him that he did not kill the bee which stung him’, 449.12 (*SM* 21, §29),<sup>77</sup> and of *di-tuit* in *co ndīc[h]ir do Éogan mac Durtacht* ‘so that it fell forfeit to Éogan son of Durthacht’, 63.9 (*SM* 9).<sup>78</sup>

Examples of early formations in the passive are those of:

(22) *ernaid* in *co somaīne 7 aithgin feib ro ratha*, ‘with revenue and restoration as they had been granted’ *CIH* 498.29 (*SM* 6), of *fichid* in *Fo bīth na roe fechtae iter dīs i Maig Inis* ‘because of the duel which was fought between two men in Mag nInis’, 406.27 (*SM* 2),<sup>79</sup> and of *imm-*

<sup>76</sup>Sic leg.; for the verbal form in question (3sg. pres. subj. of *do-esta*, with 3pl. Class C infixed pronoun) the MS has *dodaesaib* (with subscript second *a*), over which is written *nō desaib*, as a correction; see Thurneysen (1936, 19 note *o*). The reading *dodaisib* in *CIH* 506.17 is inaccurate.

<sup>77</sup>Also cited under item 13 above.

<sup>78</sup>The variant *co ndocerr do Éogan mac Durtachta*, 1854.18, is clearly inferior.

<sup>79</sup>The place in question corresponds roughly to the Barony of Lecale in Co. Down; cf. Charles-Edwards (2000, 260). That it is not a compound (as printed in *CIH*) is indicated by the forms with nasalisation, *co toracht Mag nInis*, Stokes (1887, 452.6), and *Magh nInis*, O’Donovan (1856, vol. 1, 36 line 2), as well as by the semi-Latinised form in Muirchú’s

*goin in ar is im fír ban cīato imargāet rōe* ‘for it was to establish the truth in a case regarding women that a duel was first fought’, 379.12 (*SM* 2).<sup>80</sup>

### Relative Clauses:

Characteristic of OIr are certain relative forms of verbs, namely the ending *-e / -ae* in simple verbs, and the disyllabic forms of the preverbs *ar-* and *imm-* in compound verbs, both of which features are well attested in our text. Some instances of the ending *-e / -ae* are:

(23) in the 3pl. pres. indicative, *noch at fír ailde inī berda* ‘and it is the men who rear what they (the women) bear’, *CIH* 1894.6 (*SM* 9),<sup>81</sup> *fāenleidaig fine bīte for urfōcra* ‘absconders from the kin who are formally proclaimed’, 522.1 (*SM* 8), *Bech bīte i llugbart nō i lius* ‘Bees which are in a garden or in a courtyard’, 455.31 (*SM* 21, §50), *Tāit secht rātha la Fēniu deiligthar ina mbēscna amail dlegda slān 7 uide 7 iārdaig[e]* ‘There are seven paying-sureties in Irish law which are distinguished in their conduct according to how they are entitled to indemnification and time limits (for payment) and supplementary payment’, 61.8 (*SM* 9),<sup>82</sup> and *be[i]ch tethechta gaibte crann hūasalnemid* ‘tracked bees which settle in the tree of a noble dignitary’, 450.13 (*SM* 21, §36), in the 3pl. *s*-preterite, *for Conall Cāech cāechsīte be[i]ch*, ‘on Congal the One-eyed, whom bees blinded in one eye’, 449.25 (*SM* 21, §31),<sup>83</sup> as well as the relative form of 3sg. pres. *tēit in cach ben tēite for otrus* ‘every woman who goes on sick-maintenance’, 2296.2 (*SM* 33, §36), and *bean tēite di t[h]a[i]rr* ‘a woman who dies in childbirth’, 242.15 (*SM* 14).

Examples of the disyllabic preverbs are:

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Life of Patrick, where it is mentioned four times, namely: *in campum Inis*, 80.17, *de campo Iniss*, 84.4, *ad mare dexterum campi Inis*, 106.3, and *in campo Inis*, 112.5–6 (references are to the page and line numbers of the edition in Bieler, 1979).

<sup>80</sup>Note the variants *ceta imargēt rāe*, 1903.5, and *cīado imargat rōe*, 1686.28.

<sup>81</sup>Note the variant readings *noch- it fír aillde nī berda*, 20.27, *noch is fír ailde mberdae*, 546.1, *noch at fír aillte ani bertai*, 1054.1. The second form can be normalised to *berdae* or *bertae*.

<sup>82</sup>For the heptad which begins with this sentence see Thurneysen (1928, 51). The form in question can be normalised to *dlegdae* or *dlegtae*.

<sup>83</sup>In two of the citations of this passage the name appears as *Conall Caoch* (*CIH* 1140.21 and 1924.30), and in the third as *Congal Caoch* (*CIH* 2205.33). See Charles-Edwards and Kelly (1983, 123) for the confusion of the two names.

(24) *ben ara-tūaisi a sleith ... ben ara-fuīm imurfis do chind a cēile, ben ara-dāla fer cuice i muine nō lige* ‘a woman who remains silent about her rape (by stealth), ... a woman who agrees to transgression in despite of her spouse, a woman who makes a tryst with a man in a thicket or a bed’, *CIH* 42.14–28 (*SM* 9),<sup>84</sup> *is mīach dī cach mīs ara-bī co ceand mblīadna* ‘it is a bushel (of wheat) for her every month which remains over until the end of the year’, 515.14 (*SM* 7, §28),<sup>85</sup> *Flaith ara-mbāatha is sī nod beir 7 īccas a chinaid* ‘The lord whom he provides refection for, it is he who takes it (viz. compensation for an offence committed against his dependant), and who pays for an offence committed by him’, 426.5 (*SM* 16, §1),<sup>86</sup> *cen on cen ainim ara-cuilliu ēric do flaith* ‘without blemish without defect, which [thereby] excludes [payment of] a penalty to a lord’, 482.37 (*SM* 6), *nach fer eclusa ara-cuile cāin otrusa la Fēniu* ‘any churchman whom the rule of nursing in Irish law debars’ 2291.12 (*SM* 33, §20), *acht nī ara-cuirethar deichbire dē* ‘except for to whatever extent a just cause prolongs it’, 1465.21 (*SM* 2a),<sup>87</sup> *acht nī fetatar cīabad airet ara-curthe* ‘except that they did not know for how long it might be extended’, 406.32 (*SM* 2), *im ocht mbullu ara-fognat muillond* ‘with regard to the eight components which serve a mill’, 374.19 (*SM* 2),<sup>88</sup> *cach bean ara-nascar la Fēniu* ‘every woman who is betrothed in Irish law’, 48.21 (*SM* 9); [A]tāit airlimenda *ima-dīchet smachta* ‘There are leaping-trespases which stave off penalties’, 71.1 (*SM* 10),<sup>89</sup> *Tāit secht turbaide ima-dīchitis cach rē la Fēniu* ‘There are seven grounds for deferral which used to stave off every duel in Irish law’, 52.6 (*SM* 9),<sup>90</sup> and *acht nī ima-thōrmaig cubus 7 aicned*, ‘except for anything which [the demands of] conscience and natural law add’, 377.9 (*SM* 2).<sup>91</sup>

<sup>84</sup>Taking *imurfis* to be for *immarmus*. For *sleith* see Kelly (1988, 134–5).

<sup>85</sup>Similarly 1809.31.

<sup>86</sup>Similarly 248.26 (with *ari-mbāatha*) and 2008.22.

<sup>87</sup>Lit. ‘whatever a just cause prolongs of it’.

<sup>88</sup>See Mac Eoin (1981, 14–15). Note the variant readings *im ocht bulla ara-fognat muilend*, 1901.28, and *ocht mbullu ar-fognuit muilenn*, 1684.33.

<sup>89</sup>Note the variant reading *Atat airlemanna imandīched smacht*, *CIH* 1492.40 (*O’Dav.* 714), with superfluous nasalisation.

<sup>90</sup>Note the variants *imma-dīctis cach rāe*, 189.36, and *ima-dīchdis cach rē*, 1850.20; the syncope in these is doubtless secondary.

<sup>91</sup>Note the variant *ima-tōrma*, 1902.19, with the pres. subj. The variants *imatōrmaig*, 1146.15, 1931.11, *uma-tōrmaig*, 1313.12, are ambiguous, as the final syllable is written with a suspension-stroke. The same phrase recurs later on in the same tract as *acht nī ima-tōrmaig cubus 7 aicne*, 396.5; note the variant *ima-tōrmaig*, 1378.21, with a suspension-stroke for the final syllable.



Instances of nasalising relative clauses where the antecedent is the object of the verb of the relative clause are plentiful, as for example:

(25) *ad-ren* trī sēoto amail bid a ceathrae fodesin **ad-n-agad** ind ‘he pays a fine of three *séts*, just as if it were his own cattle that he had driven into it (viz. the pasture)’, *CIH* 236.21 (*SM* 14), *nī nād n-ataim flaith* ‘that which a lord does not concede’, 494.17 (*SM* 6), *Arm fir a rē do-slī lōg n-einech cach nītho do-n-ecmaing dō* ‘the weapon of a man in a battlefield incurs [payment of] honour-price for every battle which he misses’, 34.21 (*SM* 9),<sup>92</sup> *Atāt trī peccthi ata moom do-fich Dīa for cach tūaith 7 for cach duine do-ngniat do grēs* ‘There are three sins which God avenges most upon each people and upon each person that commit [them] persistently’, 477.31 (*SM* 24),<sup>93</sup> *mac fo-n-āguib a aithir cin orba* ‘a son whom his father leaves without an inheritance’, 1817.25 (*SM* 8), *Ros-uc Brīg Briugad buī hi Feisin 7 Sencha mac Ailella maic Culclaīn fo-ngelltais Ula[i]d*, ‘Brīg Briugad who was in Feisen, and Senchae son of Ailill son of Culclaīn, to whose judgement the Ulaid used to appeal, passed judgement on it’, 380.14 (*SM* 2),<sup>94</sup> *ēiric tar cend cētmuindtire fo-n-ocair a cēthmuinntir* ‘payment of a penalty on behalf of a spouse whom her spouse proclaims’, 17.19 (*SM* 9),<sup>95</sup> *rāth ar cētmuintir fo-n-ocair a cētmuinter* ‘paying-surety for a spouse whom her spouse proclaims’ 1049.35 (*SM* 9),<sup>96</sup> *gell tar ceand mic bēoathar fo-n-ocair athair* ‘a pledge on behalf of the son of a living father whom [his] father proclaims’, 18.13 (*SM* 9),<sup>97</sup> *rāith ar mac bēoathar fo-n-occuir a athuir* ‘paying-surety for the son of a living father whom [his] father proclaims’, 28.10 (*SM* 9),<sup>98</sup> and *sēt fo-n-ūasluice nemid* ‘a chattel [the giving of] which a dignitary annuls’, 25.15 (*SM* 9).<sup>99</sup>

Instances in temporal clauses (*GOI* §497), clauses of manner (*GOI* §498) and explicative clauses<sup>100</sup> are:

<sup>92</sup>Similarly 1052.18. This is from a heptad on the interest due on pledges; *do-n-ecmaing dō* means lit. ‘every battle which takes place for him’.

<sup>93</sup>The passage in which this occurs is cited in full under item 2 above.

<sup>94</sup>The variant in 1903.20–1 has *fo-ngelltais Ulaidh*.

<sup>95</sup>Similarly 541.3 and 1048.33, but *fo-n-fógair*, 1892.2.

<sup>96</sup>Note the variant *rāith tar cend cētmuintire fo-n-ocuir a cētmuinter*, 28.12.

<sup>97</sup>Similarly 542.12, 1049.23 and 1997.38, but *fo-n-fogair*, 1892.18.

<sup>98</sup>Similarly 1049.35.

<sup>99</sup>Similarly 1049.32, 1318.26 and 2007.23.

<sup>100</sup>See *GOI* §503. Greene (1969, 90–1) distinguishes between an earlier stage with nasalising relative clauses and a later one with conjunctions (*ara n-*, etc.) introducing explicative clauses.

(26) *comol comuir in tan nād n-air la athair* ‘a joint ploughing agreement when he is not ploughing with [his] father’, *CIH* 45.37 (*SM* 9),<sup>101</sup> *in tan do-n-athbongaiter cuir dar enech fer* ‘when contracts are dissolved in spite of the honour of men’ 424.23 (*SM* 15),<sup>102</sup> *in tan do-n-egat na hinnsa-so* ‘when these dilemmas arise (lit. ‘come’),’ 1882.36 (*SM* 9),<sup>103</sup> and *in tan do-n-icfat na himaclaide-seo* ‘when these mutual inculpatations will come’, 240.36 (*SM* 14); clause of manner, *feib ro-n-erthar*, ‘as it has been granted’, 494.20 (*SM* 6); explicative clauses, (with *do-ic*) *ar is di bannoīllcib tongatar la Fēniu to-n-āncatar aimsera tēchta* ‘for it is one of the oaths which are sworn by women in Irish law that [their] proper periods have come to them’, 2296.30 (*SM* 33, §38), and (with *do-aithboing*) *nī mesi fadesin do-n-aithim curu a bēl* ‘he himself is not capable of dissolving his contracts’, 522.19 (*SM* 8).

All of the above features, found throughout *SM*, clearly point to a date of composition in the OIr period, a dating which is further underpinned by the indisputably OIr character of two important texts ancillary to, and necessarily later in date than *SM*, namely the Old Irish Glossing of *Senchas Már* (*OGSM*) and the Old Irish Commentary on *Bretha Comaithchesa* (see above p. 3). The question to be investigated here is whether we can find any criteria for further defining the dating of *SM*.

There is at least one linguistic feature in our text which, I believe, points to a date in the earlier OIr period, namely the use of connective *-ch* after *ba*, *ro*, and *to*. This is discussed by Binchy (1960), who states (p. 82) that his ‘examples are drawn exclusively from the archaic stratum of the Laws with the addition of two from the *Amra Coluim Chille* (one of which is doubtful)’. The fact that, apart from one instance in *Amra Choluimb Chille*, all the examples whose source can be identified are from component tracts of *Senchas Már* is all too easily lost sight of if our text is not treated as a unitary whole. I cite here the examples discussed by Binchy with *ba*, *ro* and *to*, giving the text from *CIH* and following Binchy’s translations.<sup>104</sup>

<sup>101</sup>The translation is as in McLeod (1992, 70).

<sup>102</sup>The translation is as in McLeod (1992, 38). The variant *do-n-athmongar*, 246.32, has sg. for pl., but in all the other variants of this passage we find a form even further removed from the OIr original, viz. *tathbongar*, in *CIH* 1009.15, 2056.11 and 2239.32.

<sup>103</sup>Note the variant *do-ecat*, 4.17, where the nasalisation has been dropped.

<sup>104</sup>Except for the examples from tract 21, where the translations are taken from the edition by Charles-Edwards and Kelly (1983). Binchy (1960, 86–9) also discusses the use of *nochis* and *sechis* in the law texts, but as these are in use throughout the OIr period, they will not be taken into account here. Furthermore, I leave out of discussion the examples of *noch* with verbs other than the copula, discussed by Binchy, 1960, 89–91, 94, as the case for *noch* here being a conjunct particle has not been proven; see also Charles-Edwards and

Binchy (1960, 86) gives five examples with *ba*, the 3sg. pret. of the copula. The first four definitely belong to *Senchas Már*:

(27) *bac tair crīch comacomol*, *CIH* 206.11 (*SM* 11), ‘and it was a joining across boundaries’,<sup>105</sup> *bach for fine a forcomal*, 208.14 (*SM* 11), ‘and it was a forcible seizure against [her] kin’,<sup>106</sup> *bach bē dēgabail cindis*, 209.29 (*SM* 11) ‘and she was a woman who was descended from two [separate] races’,<sup>107</sup> and *Ar isī cētna breth in sō cetara cēd im chinta bech for Conall Cāech cāechsīte bech; bach rī Temrach comi dubart assa flaith*, 449.25 (*SM* 21, §§31–2), ‘For this is the first judgment which was passed with regard to the offences of bees on Congal the One-eyed, whom bees blinded in one eye. And he was king of Tara until [this] put him from his kingship’.<sup>108</sup>

The fifth example is in a citation in O’Davoren’s Glossary:

(28) *bach breth ol brighter*, *CIH* 1477.33 (*O’Dav.* 304(2)), ‘and it was a right forceful (?) judgement’.

Although the source of this has not been identified, it also could well belong to one of the fragmentarily preserved tracts of *Senchas Már*.<sup>109</sup>

Binchy (1960, 83) gives three examples with *ro*. The first two are in compound verbs which have *ro* as the preverb:

(29) *Fer ōa n-ēlat be[i]ch, roch-lamethar forgull in-otat in saithe hi tīr a chēle*, *CIH* 453.15 (*SM* 21, §44), ‘The man from whom bees escape and who ventures testimony that the swarm enters the land of his neighbour’, and *fer foda-coisle di magin in suidigethar fo tēol 7 tāide roch-fintar fair*, 456.27 (*SM* 21, §54), ‘the man who removes them from the place where they settle by surreptitious removal and secret theft and who is discovered’.

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Kelly (1983, 132–3, 153).

<sup>105</sup>Note the variants *Bach tar crīcha comacomal*, 908.7, and *bach tar crīcha*, 1477.33 (*O’Dav.* 304).

<sup>106</sup>Note the variant *Bach for fine a forcomol*, 909.2.

<sup>107</sup>Note the variant *bach mbē degabail .c.*, 909.18.

<sup>108</sup>Note the variants with *bach rī Temrac*, 1924.30, and *bac rī Temrac*, 2205.33. For the form of the personal name see footnote 83 above.

<sup>109</sup>While it occurs in a block of citations (*O’Dav.* 303–8) from *SM*, it is the second of two citations in §304. In *Companion*, 106, §4.4.1, I have noted that in the case of the thirty entries where the source of both citations can be identified, nineteen take them from the same source and eleven take them from different sources.

The third is an instance of *ro* as the particle (or augment) to form the perfect from the preterite:

(30) *i neoch mā fo-crethther a fócraic tēcta; ro[ch] suidiged a fochraic-side for sēoit deich screbul*, 460.33 (*SM* 22, §10), ‘if it (*sc.* the mill-race) be paid for with its proper fee, and the fee for this has been fixed at a *sét* worth ten scruples’.

While the *-ch* is not actually found in the MS, its restoration is justified by the gloss *secim nō indsaigim ro suidigedh a deicreic lōighi-side for sēd .x. screbal*, *CIH* 461.4, translated in Binchy (1955, 71 §10 gl. 3) as “I say” or “I advance”, the “good purchase of value” of this has been fixed at a *sét* worth ten scruples’. Such a gloss must owe its existence to the presence of a form *roch suidiged* in an earlier copy; while the latter was altered in the course of transmission the former continued to be copied.<sup>110</sup>

Binchy (1960, 83–5) gives six examples with *to*:

(31) *athgabāil fir tairirid cen airis fēcheman, toich-fonglen noīll āenfir*, *CIH* 392.32 (*SM* 2), ‘distrain on a man who is on a journey without foreknowledge of the plaintiff and whom the oath of one [other] man supports’,<sup>111</sup> *Dotoircechnatar didhu fāide leo do-n-icfa bērla bān biaid*, 528.19 (*SM* 8), ‘and prophets among them had foretold that the pure language of the Beati would come’,<sup>112</sup> *Tā mōrseisir i tūaith ar-cuille coīr urnadma toith tindtāt a mnā ūadaib a lānamnus*, 4.33 (*SM* 9), ‘There are seven men in a kingdom whom lawful betrothal debars and their wives return [home] from them’,<sup>113</sup> *aire do-arrngair a bithbachuill, toich tindtāt co uca aitherruch*, 15.6 (*SM* 9), ‘a noble who promises his perpetual pilgrim’s staff (i.e. promises to spend the remainder of his life in pilgrimage) and returns again to desire’,<sup>114</sup> *it fir indo-loingad, toich do-boing a tobach 7 a teallach*, 207.1 (*SM* 11), ‘It is men who make entry on them (certain kinds of land), and their occupation enforces [claims

<sup>110</sup>For a comparable instance in tract 23 of *SM* see *Companion*, 296; in this case, however, one copy (*CIH* 467.22) has the gloss alone, whereas the other (*CIH* 1927.22) has both the relevant passage of the main text as well as the gloss.

<sup>111</sup>Note the variants *toichfonglen*, 891.30 (*OGSM*), and *toich forglen*, 1696.29.

<sup>112</sup>Note the variant *toich doaircechnatar*, 1492.35 (*O’Dav.* 711).

<sup>113</sup>Note the variant with *arus-cuille coir n-urnadma toich tinntat*, 1883.16.

<sup>114</sup>Note the variants *toith tinntadh*, 1229.27, *toich tindtai*, 538.3, and *toith tindtai*, 1890.5.

against the proprietor]’, and *to-c-saig fíacha dermara*, 2313.13 (*SM* 34), ‘and he enforces immense penalties’.<sup>115</sup>

Binchy (1960, 84) would emend the first five of these to *to-ch-glen*, *to-ch-airrchechnatar*, *to-ch-intat*, *to-ch-intai* and *to-ch-boing*, respectively, and took the last (*to-c-saig*) as the only instance where no emendation is required. These emendations would appear to be pretty severe, but are less so if the first example is taken differently, namely as containing the verb *do-foglen*, rather than *do-glen*. The two examples cited in *DIL* s.v. *dofoglen* are *in tan do-foglen* ‘since it adheres’, Power (1913, 23.12), from the ‘Caldron of Poesy’,<sup>116</sup> and *ben do-foglen cís* ‘a woman to whom an impost adheres’, *CIH* 1547.36, from tract 28 of *SM*. I propose that the first of the above examples belongs with this verb, especially as the variant reading *toichfoglen* in *OGSM* would seem to be very early. As for the second example, where the variant readings are *dotoircechnatar* and *toich doairrchechnatar*, the emendation is not so severe if we take the *t* in *dot-* in the first of these as arising from confusion of *c(h)* with *t(h)*,<sup>117</sup> the second of the variants can be related to this by taking it as showing the incorporation of the standard etymological gloss into the main text. This pair of readings will thus provide us with a concrete example of *toch-* being sometimes replaced by *toich do-*, a development which one would have to assume for the three following examples.

The only other certain instance noted by Binchy is with *ro*, and is found in *Amra Choluimb Chille* (Stokes, 1899, 256 §60; Best and Bergin, 1929, 29.829) in a passage which Binchy (1960, 83) cites and translates as:

(32) *Légais rúne ro-ch úaid eter scola(ib) screptra* ‘He learned (lit. “read”) the mysteries and has lent out [copies of] the Scriptures among the schools’.

All the other examples with *ro* are from *Senchas Már*, as are all those with *to*. Four of the five instances with *ba* are from *SM*, and the fifth may well be from the same source. The example from *Amra Choluimb Chille* is, of course, in a form of verse, but while the first three examples of *bach* cited above, and the last one of *toch-* are from verse (*roscad*) passages, all the rest are found in prose. Inasmuch as it cannot be classified as an archaic stylistic feature

<sup>115</sup>Later Binchy (1966, 41 §31, with note on p. 61) took the form as imperative, translating ‘and levy immense fines’.

<sup>116</sup>My emendation to *in tan dano fo-glen* (Breatnach, 1981, 64 §3) and the note thereon (p. 81) were completely mistaken.

<sup>117</sup>Thus postulating a sequence along the lines of *tochairrchechnatar* to *tot(h)airrchechnatar* to *dotoircechnatar*.

confined to verse, the use of connective *-ch* in *Senchas Már* provides a firm linguistic criterion for dating our text to the early part of the OIr period.

In *Companion*, 310–13, I discussed a number of stylistic features which appear to be characteristic of *SM*. While some of these had been seen as evidence for common authorship of certain consecutive tracts, I argued that others found throughout *SM* indicated that we have to do with an integrated coherent text, rather than a loose assemblage of individual tracts or groups of tracts. Thus, whereas Charles-Edwards and Kelly (1983, 28) see the use of enclitic *-ch* in tract 21, *Bechbretha*, as evidence for dating that tract to ‘the seventh century, probably towards the middle of the century’, I would see it rather as another characteristic feature of *SM*, and accordingly as a dating criterion for the text as a whole, rather than for the individual tracts which happen to contain it.

A reasonably firm non-linguistic dating criterion is provided by the reference to Congal Cáech in tract 21, *Bechbretha*, in the passage cited above in item 27. In the course of a thorough discussion of this, Charles-Edwards and Kelly (1983, 126) state that ‘there is no direct corroboration of [this] statement that Congal Cáech was king of Tara, but it remains plausible’. If we accept that Congal’s tenure of the kingship of Tara was lost (or deleted) quite early from other records,<sup>118</sup> then the reference to Congal, who died in the battle of Mag Rath in 637, is less likely to have been made in an eighth-century text than in a seventh-century one.

## PLACE OF WRITING

That *Senchas Már* was produced in an ecclesiastical milieu can hardly be doubted from the evidence presented above. In what follows I will argue that the place of writing was specifically Armagh. A particularly striking feature of *SM* are the recurrent references to the legend of the Patrician revision of Irish law. As noted above (pp. 11-12), the legend is most fully recounted in tract 8, and it is alluded to in tracts 14, 24, 30, 39, and possibly tract 26.<sup>119</sup> The first of the four allusions in tract 14 may be cited here:

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<sup>118</sup>Cf. Charles-Edwards and Kelly (1983, 127, 131) on his absence from the list in *Baile Chuind*.

<sup>119</sup>It is thus mentioned in the first, middle and final thirds of the text. For details see *Companion*, 313; tract 24 of course belongs to the middle, not the final third, as erroneously stated there. For some comments on the significance of this see also Stacey (2007, 55–6 and 196–7).

(33) *Ar-rogart Pátraic inna hindsae-so arnácon rabat la firu Érenn i flaith ind ríg Lógairi maic Néill do cach flaith 7 do cach eclais.*

‘Patrick forbade these abuses, so that they may not be practised by the men of Ireland, in the reign of the king Lógair son of Níall, to every lord and to every ecclesiastic’.<sup>120</sup>

While in five cases only Patrick is mentioned,<sup>121</sup> this and two others have both Lógair and Patrick, as in the full account in tract 8. They are:

(34) *It é ind sin fíra ro suidigestar Pátraic do gleud fer nÉrenn i flaith ind ríg Lógairi maic Néill i nós fer nÉirenn.*

‘Those are the ordeals which Patrick set down, to settle disputes of the men of Ireland, in the reign of the king Lógair son of Níall, in the regulation of the men of Ireland’.<sup>122</sup>

(35) *Con-amus la Pátraic i flaith in ríg Lāegairi bēscna aitiri cāich fō mīad.*

‘The regulation of the hostage-suretyship of everyone in accordance with his rank has been determined by Patrick in the reign of the king Lógair’, *CIH* 2103.33 (*SM* 39).<sup>123</sup>

Now, the legend of Patrick’s conversion of Lógair is found in Muirchú’s *Life of Patrick*, which contains a long-drawn-out account of Patrick’s encounter with Lógair at the end of which Lógair sees no alternative but to convert to Christianity.<sup>124</sup> What is not found in Muirchú’s *Life*, or in the other Patrician documents edited in Bieler (1979) is any mention of Patrick’s revision of the law, presented most fully, as we have seen, in tract 8 of *SM*. The account in *SM*, for its part, does not go into any great detail regarding the encounter with Lógair, stating only:

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<sup>120</sup>Normalised from: *Arrogart padraic inna hindsa-so arnacon rabad la firu eirind i flaith in rig laegaire mac neill do cach flaith 7 do cach eaclais*, *CIH* 226.31–2. There is another copy in *CIH* 1061.34, and an extract is cited in *CIH* 1471.2 (*O’Dav.* 128); a significant variant reading in these is *atrogairt*, *adrogart*, for *ar-rogart*.

<sup>121</sup>Namely, *CIH* 244.13 (*SM* 14), 240.21 (*SM* 14), 1977.35 (*SM* 24; see *Companion*, 313), 1481.22 (*SM* 30; see *Companion*, 302) and 797.33 (possibly *SM* 26; see *Companion*, 313).

<sup>122</sup>Normalised from *At e ind sin fíra ro suidister Padraic do gleod fer nErind i flaith in rig Laegaire maic Neill i nos fer nEirind*, 238.18–19 (*SM* 14).

<sup>123</sup>See *Companion*, 306.

<sup>124</sup>Bieler (1979, 83–99).

(36) *Fris-bruig didiu Lāegaire fri Pātraic dāig in druad Matha mac Ūmōir. Do-rarngart-side, in draī, do Lāegaire gētad Pādraig biu 7 marbu aire.*

‘Lóegaire, however, opposed Patrick because of the wizard Mathu macc Ūmóir. The latter, the wizard, had prophesied to Lóegaire that Patrick would steal the living and the dead from him’, *CIH* 527.27.

This appears to agree with the account in Tírechán’s *Collectanea*, insofar as the latter has Lóegaire remain a pagan, although it has no mention of the wizard.<sup>125</sup> The three references to decisions made by Patrick *i flaith ind ríg Lógairi* (items 33–5 above) might cause one to ask whether the opposition is being represented as permanent, or whether we have to do with an account closer to that in Muirchú’s *Life* which represents Lóegaire as finally capitulating only after long opposition.<sup>126</sup> But Tírechán similarly speaks of *nouissima illius mirabilia in quinto regni anno Loiguirī M(aicc) Neill finita atque feliciter facta* ‘the latest of his wondrous deeds, accomplished and happily performed in the fifth year of the reign of Loíguire son of Níall’,<sup>127</sup> claims that *Duobus autem uel quinque annis regnavit Loiguire post mortem Patricii* ‘Loíguire, however, (still) reigned for two or five years after Patrick’s death’,<sup>128</sup> and, significantly, in §15 of the text represents Patrick and Lóegaire jointly passing judgement on a case of inheritance.<sup>129</sup>

There is, however, one significant point of overlap between the account in *SM* and that in Muirchú’s *Life*, namely the prominence given to Dubthach maccu Lugair. The relevant passage in the latter is:

(37) *Adueniente ergo eo in caenacolum Temoriae nemo de omnibus ad aduentum eius surrexit praeter unum tantum, id est Dubthoch maccu Lugir, poetam optimum, apud quem tunc temporis ibi erat quidam adoliscens poeta nomine Feec, qui postea mirabilis episcopus fuit, cuius reliquiae adorantur hi Sleibti.*

‘As he entered the banquet hall of Tara, none of them all rose in order to welcome him, except one man only, Dubthach maccu Lugir, an excellent poet. With him was then in that place a young poet named Fíacc, who

<sup>125</sup>Bieler (1979, 132–3, §12).

<sup>126</sup>The account in the so-called ‘pseudo-historical prologue’ in *OGSM*, although ultimately based on that in tract 8, is much closer to the account in Muirchú’s *Life*; cf. McCone (1986, 25), Carey (1994) and *Companion*, 346.

<sup>127</sup>Bieler (1979, 126.1).

<sup>128</sup>Bieler (1979, 126.4).

<sup>129</sup>Bieler (1979, 134).



afterwards became a renowned bishop, whose relics are worshipped in Sléibte', Bieler (1979, 92.7–12).

The first part of this finds a close parallel in tract 8 of *SM*:

**(38)** *Do-airfet Dubtach mac ua Lugair in file racht n-aicnig. Is ē Dubthach ceta tarat airmitan fēid do Pātraic; is ē ceta n-ēracht riam i Temair.*

'Dubthach moccu Lugair the poet set forth the law of nature. It is Dubthach who first showed reverence to Patrick. It is he who first rose up before him in Tara', *CIH* 527.20.<sup>130</sup>

In all these sources, of course, Patrick represents Armagh and Lóegaire represents the kingship of Tara. Furthermore a concern with a legal system for all of Ireland, and that alone, rather than for either a particular region of Ireland, or for Ireland together with Gaelic Scotland is implied by the references throughout *SM* to 'the island of Ireland' or simply 'this island', as for example in:<sup>131</sup>

**(39)** *Di-renar do cāch a lānamnus a bēscnu inse Ērenn, cīapa līn cīapa n-ūaite.*

'Every one is paid *dīre* for his union according to the custom of the island of Ireland, whether it be manifold or single', Binchy (1938, 44–5 §57).<sup>132</sup>

**(40)** *conid Conull cīado escomrair slān rāithe isin indse-so*

'so that is it is Conall who first indemnified a paying-surety in this island', *CIH* 63.10 (*SM* 9).

There can be no doubt that we have to do with an underlying vision of a single realm of Ireland, in which ecclesiastical primacy is conceded to Armagh.<sup>133</sup> Binchy (1962, 170–1) argued that

<sup>130</sup>Dubthach's legal role is mentioned again in this tract at *CIH* 528.17 and 529.1.

<sup>131</sup>As noted in Breatnach (2010b, 217–18), where five further examples are given. Four of these, namely *CIH* 1897.27 (*SM* 2), 1525.27 = *O'Dav.* 1472 (*SM* 30), 1510.20 = *O'Dav.* 1115 (*SM* 39), and 1510.23 = *O'Dav.* 1116 (*SM* 39), are references to simply 'this island'.

<sup>132</sup>*CIH* 2301.35 (*SM* 33).

<sup>133</sup>Cf. Breatnach (2010, 127).

‘the extension of the cult of Patrick to much wider areas, and eventually to the whole country, is closely bound up with the Easter controversy which convulsed the Irish Church all through the seventh century ... the victory of the “Roman” party in the ecclesiastical dispute strengthened the prestige of the Armagh community ... the stage was now set for the development of the Patrick legend into a “national epic” and for the claim of Patrick’s successor, based on this legend, to an authority over all other churches which, *mutatis mutandis*, closely resembled that claimed by the king of Tara over the other provinces. Here, unless I am mistaken, we have the real background to the “Patrician documents” in the Book of Armagh’.<sup>134</sup>

This being the case, one may conclude that *Senchas Már* is also a product of Armagh, as much an Armagh document as, for example, Muirchú’s Life, the *Liber Angeli*, or Tírechán’s *Collectanea*. A further argument in support of this conclusion is, I believe, to be found in a striking verbal parallel between *SM* and two Latin Armagh documents, namely the use of the OIr and Latin equivalents of ‘this island’ to mean ‘Ireland’, without however any explicit indication that Ireland is the referent. As mentioned just above, *Senchas Már* contains five instances of *isin insi-so*, or the like.<sup>135</sup> There are seven instances in Muirchú’s Life, namely:<sup>136</sup> *De primo eius itenere in hac insola* ‘Of his first journey in this island’, 64.16, *De oblatione +primo pasca+ in hac insola facta* ‘How Easter was celebrated in this island for the first time’, 64.22, *in hanc barbarorum insulam aduectus est* ‘he was brought to this barbarian island’, 66.24, *ad hanc insolam sub brumali rigore* ‘to this island in the cold north’, 72.14, *origo stirpis regiae huius pene insolae* ‘the starting-point of the royal lineage of almost all this island’, 74.16,<sup>137</sup> *in nostra Aegipto huius insolae* ‘in the Egypt of this our island’, 82.13, and *nihil gustans nihilque bibens de fructu insolae huius* ‘neither eating nor drinking anything that grows in this island’, 104.23. In the *Liber Angeli* there are two instances, namely:<sup>138</sup> *in hac insola*, 184.35, and *huius insolae*, 186.11.

The only other examples I know of in Irish-language sources outside *SM* are three instances in *OGSM*, namely: *ō congbad in insi-seo co creteamh anall* ‘from the time when they settled this island until the coming of the

<sup>134</sup>Cf. Sharpe (1982, 57–8).

<sup>135</sup>See item 40 and footnote 131.

<sup>136</sup>References are to the page and line numbers of the edition in Bieler (1979).

<sup>137</sup>My translation follows that in Charles-Edwards (2000, 472) except for the last three words, which are rendered there as ‘of almost the entire island’.

<sup>138</sup>References are to the edition in Bieler (1979).

faith', *CIH* 875.41,<sup>139</sup> *la trī cenēla bātar is innsi-so*, 'by the three free kindreds who were in this island', 883.32,<sup>140</sup> and *do grēs isinn innsi-seo co brāth* 'normally in this island forever', 883.38. The second of these is in a sentence which is a slight re-wording of the sentence of the main text at *CIH* 1897.27 mentioned in footnote 131 above, and the third appears in the same section of the text as the first, so that there can be little doubt that this usage has been taken over into *OGSM* from the text on which it is a commentary.

I know of only one other example in an Irish Latin source, namely, the *Collectio Canonum Hibernensis*, where we find *Patricius: Si quae questiones in hac insula oriantur, ad sedem apostolicam referantur*, Wasserscheleben (1885, 61), 'If any disputed issues arise in this island, let them be referred to the Apostolic See'.<sup>141</sup> As for the subject matter, it is quite similar to a passage in the *Liber Angeli*,<sup>142</sup> and for the purposes of the present argument, the attribution to Patricius is surely significant.<sup>143</sup>

The closest parallel I have found to this usage is in Welsh sources, both in Latin and Middle Welsh, where *haec insula* and *yr ynys hon* 'this island' are used to mean 'Britain'. Thus, in Latin Redaction A of the Laws we read: *Pretium captivi de ultramarinis partibus libram et dimidiam valet. Si autem ex hac insula sit, libra est precium eius*, Emanuel (1967, 140.34), and Redactions B, D and E (Emanuel 1967, 220.1, 340.13 and 464.3) have almost exactly the same sentence.<sup>144</sup> Here the expression stands in contrast with one meaning 'abroad'. Elsewhere, however, it is used absolutely, namely in *Llyfr Colan*:

*Kyn no duyn coron Llundeyn a'r deyrnwyalen o Ssasson, Dyfn[w]al Moel Mut a oed urennyn yn yr ynys hon... ac a wnaeth en gyntaf keureythyeu da en er enys honn ... ac a uessurus er enys honn ... en hyt er enys honn ... en lled er enys hon.*

<sup>139</sup>Apart from taking the verbal form as active, I follow the translation in Carey (1994, 18 §7). The problem with *congbad* is that it is apparently a prototonic form, and a similar form is found in the variant *o ccunghbadh in innsi-so*, *CIH* 1656.18. The three other variants, however, have *-gab-*, namely, *o congabud in insi-so*, 342.10, *ō congabad in innsí-só*, 1310.26, and *ó congabsat in nínnsi-so*, 1148.26, and in the last two the final syllable of the verbal form is written with a suspension-stroke. As all variants have the accusative the verb must be active; I therefore read (and translate) *con-gabsat*.

<sup>140</sup>Cf. Charles-Edwards and Kelly (1983, 133–4).

<sup>141</sup>Book XX, cap. 5b.

<sup>142</sup>Bieler (1979, 188.35–190.3).

<sup>143</sup>Whether or not Patrick actually made such a statement is irrelevant; what matters is that it most probably derives from an Armagh document.

<sup>144</sup>The corresponding sentence in *Llyfr Blegywryd* is *Punt a hanher yw gwerth kaeth tra mor; ac os o'r ynys hon yd henuyd, punt yw y werth*, Williams and Powell (1961, 59.2), translated in Richards (1954, 65) as 'One pound and a half is the worth of a slave from beyond the sea; if he be a native of this island, a pound is his worth'.

‘Before the crown and sceptre of London had been taken by the English, Dyfnwal Moel Mut was king in this island ... and made for the first time good laws in this island ... and measured this island ... in the length of this island ... in the breadth of this island’ Jenkins (1963, 38–9 §§638–41).

Outside the law texts I have noted its occurrence in *Armes Prydein*, viz. *Arymes yr ynys hon namyn hyn ny byd* ‘there will be no Prophecy but this for this Island’, Williams and Bromwich (1972, 14–15 line 194), and in the text *Enweu Ynys Brydein* ‘The Names of the Island of Britain’,<sup>145</sup> viz. *yr Ynys Honn*, Bromwich (2006, 246 §§1, 3, 7).<sup>146</sup> In §6 of the latter text we also find the definition *Teir Ynys Prydein: Lloegyr a Chymry a’r Alban* ‘Three Realms of Britain: England, Wales, and Scotland’, and in a note (p. 254) the editor refers to Jones (1958) who first showed that *ynys* could also have the meaning ‘territory, realm’.

Whatever about the later development in meaning,<sup>147</sup> the term *yr ynys hon* in Welsh surely originally represented a claim to jurisdiction over the whole of the island of Britain. It is my contention that similarly *ind inis-so / haec insula* in *SM*, Muirchú’s Life and the *Liber Angeli* is a specific verbal reflection of a claim on the part of Armagh that it was entitled to ecclesiastical supremacy over the whole of Ireland, which did not, however, extend to the rest of the Gaelic world.

In all likelihood, then, *Senchas Már* originated in Armagh. At the same time, the legend of the Patrician revision of the law began to circulate fairly soon, to judge by *OGSM*, which was clearly put together in Munster in the eighth century,<sup>148</sup> and which contains an elaborated version of the legend.<sup>149</sup> It also features, with the same principal characters, Patrick, Lóegaire and Dubthach, in *Bretha Nemed Dédenach*,<sup>150</sup> while the later introductions to *Mellbretha* and *Cáin Fúithirbe* have Patrick giving his approval to laws in which a different set of characters are said to be involved.<sup>151</sup>

Most importantly it appears at the end of the fragmentarily preserved text *Cáin Fúithirbe*, where on the evidence of the extracts together with the

<sup>145</sup>Edited with translation and notes as Appendix 1 in Bromwich (2006, 246–55).

<sup>146</sup>Note that here the editor treats the expression as a proper name, and supplies capitals.

<sup>147</sup>It is doubtless due at least in part to changed political realities, as Bromwich and Evans (1992, 94–5) suggest.

<sup>148</sup>See *Companion* 344–5.

<sup>149</sup>Cf. footnote 126 above.

<sup>150</sup>*CIH* 1111.12.

<sup>151</sup>*Companion*, 357, 359–61. Some further cases are noted in Carey (1994, 2).

OIr glosses thereon,<sup>152</sup> the text contained an account of Patrick's conflict with the druids and his conversion of Lóegaire, which in its broad outlines is in agreement with that in Muirchú's Life, and can be dated to within a few years of 680 AD.<sup>153</sup> There is however nothing in the surviving fragments of *Cáin Fúithirbe* to indicate that the original text contained an account of Patrick's revision of the law, or any mention of Dubthach. McCone (1986, 25–6) notes the connection between Dubthach moccu Lugair and Sléibte,<sup>154</sup> the well-known account of Áed of Sléibte's submission to Armagh,<sup>155</sup> and the fact that Áed was Muirchú's patron, and goes on to suggest that it was Muirchú who first brought Dubthach into contact with Patrick, concluding that '*Córus Béscnai* and the pseudo-historical prologue including Dubthach's poem can hardly have been written much before the beginning of the eighth century'. However, although Dubthach is not mentioned in Tírechán's *Collectanea*, his pupil is, near the end of the text where it is stated of Patrick: *Ordinauit Feccum Album iSleibti* 'He consecrated Fiacc the Fair in Sléibte'.<sup>156</sup>

The dates for Muirchú's Life proposed in Bieler (1979, 1–2), who notes that it was written 'at the command of bishop Áed of Sléibte ... to whom it is dedicated' are sometime between Áed's submission in 661 or after and his death in 700.<sup>157</sup> With regard to Tírechán, while there is evidence for some connection with Sléibte, as seen just above, there is no specific mention of Áed. The reference to *post mortalitates nouissimas* 'since the recent plague', Bieler (1979, 142.7), provides a criterion of sorts, but the problem is whether the plagues of 664–8, or others, such as 680 or 700, are meant.<sup>158</sup> As Sharpe (1984, 61–3) emphasises, the *Liber Angeli* was used by Tírechán, whom he regards as writing about 670, and thus predates the *Collectanea*. While I argue for an Armagh provenance for *Senchas Már*, and have noted correspondences between it and the Latin Armagh documents, it is clear that it does not agree in all the relevant details with either one of Muirchú's Life, Tírechán's *Collectanea*, or the *Liber Angeli*, against the other two. The one certain criterion, however, which emerges is the prominence given to Dubthach moccu Lugair in *SM*. Given that there must be a connection here with Áed of

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<sup>152</sup>*CIH* 776.39–777.5; edited with translation and discussion in Breatnach (1986, 49–51).

<sup>153</sup>For the dating (between 678 and 683) see Binchy (1958, 51–4) and *Companion*, 216–18.

<sup>154</sup>Bieler (1979, 176).

<sup>155</sup>Bieler (1979, 178). See also Charles-Edwards and Kelly (1983, 159–60), McCone (1984, 46–7) and Breatnach (1997, 52).

<sup>156</sup>Bieler (1979, 162.30). Cf. the passage cited from Muirchú's Life in item 37 above, where both Dubthach and Fiacc are mentioned.

<sup>157</sup>Áed submitted to Ségéne, who was bishop from 661 to 688.

<sup>158</sup>Cf. Bieler (1979, 42).

Sléibte's submission to Armagh, our text can be dated to 661 or after, and going by the mention of Congal Cáech, not too long after that date. Another possible, but highly uncertain criterion is the reference to *réchuaird duinebath* in the *Introduction*.<sup>159</sup> Even if it is taken to refer to specific plagues, rather than plagues in general, we are left with the same problem as with the reference in *Tírechán*.

Thurneysen (1927, 186–7) regarded *SM* as belonging to the same period of activity in Irish law that produced the *Collectio Canonum Hibernensis*, namely the first half of the eighth century.<sup>160</sup> Later (1934, 88) he made a distinction between the compilation of *SM* and the individual tracts and dated the latter, on the basis of unspecified linguistic archaisms to the seventh century, while allowing that some of them might be even earlier. I, however, hold (cf. p. 34 above) that postulating the separate existence of the component tracts of *SM* for some undetermined period is not only something for which there is not a shred of evidence, but also a distraction from the fact that *SM* as we know was conceived of and transmitted as a unitary whole, and must therefore be approached as such.

The evidence I have put forward here, both linguistic and non-linguistic, supports taking *SM* with other vernacular law texts which belong to an early period of activity, namely, *Cáin Fuithirbe*, datable to c. 680 (see above), and *Cáin Adomnáin*, promulgated in 697.<sup>161</sup> On balance, then, I would date *Senchas Már* to roughly between 660 and 680, which places it in a period characterised by the aggrandisement of Armagh.<sup>162</sup> To imagine that *SM* is later in date than *Cáin Fuithirbe* would force us into the absurd position of imagining that Armagh had been inactive in the field of law in a period leading up to the writing of an important law text in Munster in which was incorporated a major item of Armagh propaganda of the seventh century.<sup>163</sup>

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<sup>159</sup>See above pp. 6-7, §§7–8.

<sup>160</sup>See also Charles-Edwards (2005, 342–50).

<sup>161</sup>See *Companion*, chapters 5.24 and 5.19, respectively.

<sup>162</sup>As de Paor (1971) puts it.

<sup>163</sup>My thanks are due to Dr Máire Ní Mhaonaigh for inviting me to give the E.C. Quiggin Memorial Lecture on Thursday 2 December 2010. I am grateful to her and to Dr Elizabeth Boyle and Dr Paul Russell of the Department of Anglo-Saxon, Norse and Celtic for helpful comments on earlier drafts. All responsibility for errors and shortcomings, however, lies with me.

## APPENDIX

Text of *SM 1. Introduction* from *CIH* 344.24–352.12, with variant readings (see pp. 4, 6 above for the other copies). The text is printed in small capitals, and the variants in ordinary type. I have noted two minor errors in the copy in *CIH*: for *RUCHTA*, *CIH* 350.6, the MS has *RUCTHA*, and for *DOCHAR*, 351.19, the MS has *DOCHUR*.

[S]EANCHUS FEAR NEIREAND CID CONIDRUITEAR (conidroiter, 1896.23, conidruitur, 1657.10) COMCUIMHNE DA TSEAN (sen, 877.29, 1896.23, sean, 1657.10) TIDNACUL (tidnacul, 877.36, *similarly* 1896.24, 1657.28) CLUAISE DIARAILE DICETAL FILE TORMACH O RECHT LITRE NERTAD FRI RECHT AICNID (naicnidh, 1896.25, naicnid, 1658.13) AR IT E TRENAILCE (trenailche, 878.15, 1896.25, trenailchi, 1658.21) IN SEIN FRIS ASTAITHER (frisa nastaiter, 1896.25, frisi nfastuigthur, 1658.21) BRETHA IN BETHU

IS AND RO HAIRLED RIG 7 AITHECH RIGAN 7 AMRIGAN SAOR 7 DAOR SOTHCEDACH 7 DOTHCEDACH (soitcedach ... 7 doitceduch, 878.27–8, soitcedhach 7 doitcedhach, 1896.28, soitceduch ... doitcedhac, 1658.31–3) SONA 7 DONAI

IS AND RO AIRLED DIRE CAICH FO MIAD AR RO BUI IN BITH I CUTRUMA CONID (go, 1896.30) TAINIC SENCHAS MAR

IS A SENCAS MAR RO AIRLED COMDIRE DO RIG 7 EPSCOP 7 AIGE (aghu, 1896.31) RECHTA LITRE 7 SUAD FILED FORCAN (forcan, 1896.31, dicain, 878.37) DI CENDAIB FOROSNA IMBAS (fortnosnae a nimus [*sic MS*; *CIH reads imus*], 878.19, *forosna imfos*, 1896.32, *forosnu iumuis*, 1659.15) 7 DO BRIUGAD (7 *briugaid*, 1896.32, & *briughuidh*, 1659.16) DIRENAR CETAIB OCA (laisi, 1896.32) MBI CAIRE ANSIC CONA THOCHUS TECHTA.

IS A SENCHAS MAR CONAMUS (ro *hairled*, 1896.33) ARNA RUCTHA (ruca, 1896.33) MAITH DO ULCC 7 OLC DI (do, 1896.34, 880.32) MAITH.

IS A SEANCHAS MAR RO AIRLETHA (ro *hairled*, 1896.34) NA CETHEORA CANA CAIN IARRAID CAIN SAERRAITH CAIN AICILLNE CAIN LANAMNUSSA TECHTA ASDUD CAICH HI CORUIB BEL AR RO BUI IN BIOTH IMBAILIUTH (*mbuiled*, 1897.1) MANI ASTAITIS CUIRE (*cuir*, 1897.1) BEL

ATAIT TEORA AIMSERA IMBI BAILETHACH (*builedach*, 1897.2) IN BITH RECHUAIRT (*recuaird*, 1897.2, *recuairt*, 1659.39) DUINEBAD. TUARATHLIA (*toralia*, 1897.3, *tuaradhlia*, 1660.1) COCTHA FUASLUCAD COR MBEL.

AATAT A TRI NODA ICAT DECHMADA 7 PRIMITI 7 ALMSANA ARAGAIRET (*argairet*, 880.40, *argairet*, 1897.4) RECUAIRT (*recuairt*, 880.41, *rechuaird*, 1897.5) DUINEBAD. TRAETHAD CAIRDE LA RIG 7 TUAITH ARAGAIR (*argair*, 1897.5) TUARATHLIA (*tuaralia*, 880.41, *toralia*, 1897.6) COCTHA ASTAD CAICH

IN SOCHAR (ina sochur, 1897.6) 7 INA DOCHUR ARGAIR (argair, 1897.6)  
BAILIUTH (bailidha, 1897.7) IN BETHA.

ACHT NA CUIC CURU (cuir, 1897.8, 1660.9) ATA TAITHMECHTA LA *FENIU*  
CIA RO NASATAR (ro nasaiter, 1897.8) CORMOGA CENA (secha, 1897.9) FLAITH.  
COR MANAIG CEN (secha, 1897.9) APUID. COR MEIC BEOATHAR CEN ATHAIR  
NOCA COR DRUITH NO MIRE. COR MNA SECHA CEILI

OLCENA ATSUITER CUIR BEL (bel la *Feniu*, 1897.11). AMAIL ADRODAD  
(atroadh, 1897.11) ADUM I NDERBIDIUBAIRT (ina dergdiubairt, 1897.11)  
ATBATH IN BITH UILE AR AENUBALL

ATAT .III. SABAID TUAITHE NODA DESRUITHETHAR (nodo desruidhter,  
1897.13) I MBECAIB (i mbecaib, 880.41, 1897.13). RIG GUBRETHACH EPSCOP  
TUISLECH (tuisledhach, 1897.14, tuisleduch, 1662.5). FILE DIUBARTACH. AIRE  
EISINDRAIC NAD OIGET (oighe, 1897.15) A MAMU NI DLEGAITHER (dlegar,  
1897.15) DOIB DIRE



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