

Wandering Cows and Obscure Words: a Rimeless Poem from Legal Manuscripts and Beyond¹

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Abstract

An Old Irish rimeless poem recording a verdict by the legendary judge Fachtna is represented in various textual traditions. It is cited in glosses to early Irish law, in commentary to *Amra Coluim Chille* and in two lemmata in *Sanas Cormaic*. This paper provides a critical edition of the poem, and analyses it in conjunction with the accompanying narrative prose and verses, in order to illustrate the complex relationship between the various textual traditions. The discussion may further our understanding of the intellectual background of the medieval literati and the growth of medieval Irish law tracts.

Introduction

The earliest stratum of vernacular Irish law preserved in late medieval manuscripts, usually termed the ‘canonical’ part, can mostly be dated to the golden age of legal compilation in Ireland, namely the 7th and the 8th century (Breatnach 1984; Kelly 1988; O’Neill 2011; Breatnach 2011). This forms a substantial corpus of the earliest vernacular writings in Ireland, and its linguistic and historical value cannot be overstated. However, the merits of the attached glosses and commentaries accumulated thereafter have not been sufficiently appreciated until quite recently (Crigger 1993; Breatnach 1996; Simms 1998; Russell 1999; Simms 2007; Russell 2008a). Admittedly, when seen only as aids to understanding the canonical texts, these glosses and commentaries are not always reliable, as the gap of centuries has often hindered the commentators’ grasp of the original, and they lacked the vital tool of historical linguistics. Nonetheless, they can be a hoard of undisturbed treasure if we look beyond the search for a pristine, ‘unsoiled’ canon. Commentaries and glosses can tell us much about the evolution of certain institutions (Binchy 1943,

1 An earlier version of this paper was presented at the XII International Symposium of *Societas Celtologica Nordica* 2012, held in Helsinki. I wish to express my gratitude to the organisers of the conference and those who made invaluable comments there. My research is funded by the College of Arts, Celtic Studies and Social Sciences of University College Cork. My special thanks are due to the reviewers who have helped greatly improve the paper, the editors of SCF for their dedicated work, and last but not the least to my supervisor Dr. John Carey for his patient and critical reading through numerous drafts of this paper. Needless to say, all remaining errors and inadequacies are mine alone.

29-30); and through the commentators' choice and arrangement of the canonical texts we can observe their scholarly interests and techniques. As participators in the ubiquitous study of *grammatica*, legal commentators connected the study of law to other disciplines. They 'did not necessarily enter into legal arguments, but played a role in the transmission of legal ideas and strategies within the learned professions' (Patterson 1989, 59). Moreover, in order to illustrate, support or supplement the canonical texts, the commentators have gathered materials from various external sources, and have woven a hermeneutical labyrinth around the core texts. Some of these materials are not immediately, or even remotely, relevant to the topics of early Irish law, but they allow a glance into the intellectual backgrounds of the jurists and the process of legal writing, and provide new clues to the connections between law, literature and *grammatica* in medieval Ireland.

In this paper I will edit a short, rimeless poem found in law tracts and some other texts, and discuss the significance of its preservation in and adaptation to various textual environments.

The poem, ascribed to a legendary judge Fachtna,² is part of the Old Irish glossing of *Senchas Már* (hereafter OGSM, see Breatnach 2005, 338-345); more specifically, of the glossing of the first section of *Di Chethairšlicht Athgabálae* (*On the Four Ways of Distraint*), the second tract in *Senchas Már* (Breatnach 2005, 286–287). The canonical text itself narrates a judgment on distraint that occurred between the Ulaid and the Féni, containing the famous saga of Fergus mac Léti and the leprechauns (Binchy 1952; McLeod 2011). The glossed canonical headwords *téora ferba fira* start the tract. These refer to the cattle that were taken away by Asal, a surrogate³ of the King of Tara, from the Ulaid. But the story told in the poem recounts a totally different incident.

Manuscripts

The glosses to *téora ferba fira* that contain the poem and its associated prose are found in the following manuscripts:

- 2 About Fachtna little is known. The law corpus mentions him several times with the patronym *mac Sencha meic Cáelchlain*, and there may have been a lost tract called *Tulbretha Fachtnai* 'the Hasty Judgments of F.' (Breatnach 2005, 314). Since Sencha mac Cáelchlain ('Tradition son of Slender-Unjust', see Smith 1994, 130, 139) himself is a fictitious figure, Fachtna is not historical either, and cannot be equated with the Ulster king Fachtna Fáthach, although the latter's epithet *Fáthach* 'wise, full of prophetic wisdom' suggests a connection with the poet-judge caste. For Fachtna Fáthach see Dobs 1922; Macalister 1942, 5:298; O'Brien 1962, 275–276.
- 3 *aíthech fortha*, literally 'substitute churl', who acted as the king's representative in various legal procedures (Kelly 1988, 25).

H= TCD MS H 3.18, now 1337, p. 362b, *CIH* 881.4-17. This is part of the fullest copy of the OGSM. It explains the headwords *téora ferba fira*, cites the poem and further glosses the poem with a prose account.

B₁= TCD MS H 3.17, now 1336, col. 24, *CIH* 1663.20-1664.3. This quotes the headwords in large script, and supplies glosses which obviously derive from OGSM but have been considerably expanded during the Middle Irish period (e.g. *ar tri buaib finna* with the loss of corresponding dat. pl. ending of the numeral and adjective) and somewhat garbled by the scribe (e.g. *ar fit fíur* for OGSM *ar biith fír*). It contains the first two lines of the poem. The scribe also added some fragmentary glosses in the upper margin of the page (cf. *CIH* 1663, f-f.).

B₂= TCD MS H 3.17, now 1336, col. 25, *CIH* 1664.4-1665.9. This follows B₁ in the next column, and the two show much overlapping in content. B₂, however, is a superior copy since it not only includes most of the OGSM passage but also more closely conforms to the Old Irish archetype. Yet it furnishes many additional materials, mostly metrical and etymological, to the OGSM.

A= *Amra Coluim Chille* (hereafter ACC) §52, in Oxford, Bodleian Library, MS Rawlinson B 502, f. 57^b 1, edited in Stokes 1899, 250–252. The poem is quoted as part of an explication of the three homonyms of *ferb* in the line *Faig feirb fithir*. The poem, however, is not found in the other copies of ACC (LU ll. 785-793; Atkinson 1896, 77b; Bernard and Atkinson 1898, vol. 1, 173).

The text in question also occurs in the glossary *Sanas Cormaic*, in entries *fír* (S₁) and *láith* (S₂). It is preserved in these copies of *Sanas Cormaic*: the Yellow Book of Lecan, *Leabhar Breac*, the Book of Uí Maine and Oxford, Bodleian Library, MS Laud 610.⁴ *Sanas Cormaic* cites the poem in a totally different context, but there are interesting correspondences between H and Corm Y.⁵

The connections between these diverse textual traditions have been pointed out by Máire Herbert (1989), Paul Russell (1999, 93–95), John Carey (1999), Bart Jaski (2003) and Liam Breatnach (2005, 314–315). Part of the poem and narrative has received in depth treatment by Calvert Watkins from the perspective of comparative linguistics (2009), and Binchy has translated the first two lines of the verse (1962, 51). I believe, however, that further insights can still be gained through a more detailed study of this key text.

4 See Meyer 1912, 47–48, 68; Stokes 1862, 20, 26; Meyer 1919, 309, 314; Stokes 1891, 156, 158. Also see Russell 1988, 2; I have consulted the online database (<http://www.asnc.cam.ac.uk/irishglossaries/>) for the transcriptions (last retrieved: 11/10/2013).

5 I follow the sigla used by Paul Russell in Russell 1988, 2: Y=the Yellow Book of Lecan, B= *Leabhar Breac*, M= the Book of Uí Maine, La= MS Laud 610.

The text

For ease of presentation, I first give the text of the poem and relevant prose from all the manuscripts, divided into three groups: 1) H, A, B₁ and B₂, 2) copies of S₁ and 3) copies of S₂ on account of their textual affinity. Translation of the prose is given under each line. In so doing I neglect the minor variations of spelling but mark out significant variant readings in square brackets and suggested emendations in footnotes. An edition and translation of the poem will follow the presentation.

This is not to suggest that glosses apart from the poem are unimportant or irrelevant. On the contrary, we shall see how they help us to delineate a picture of the journey of a wandering text.

H, A, B₁ and B₂:

H **Teoru fearba fira .i. teoru bai blichta, air bith fir mblicht .i. bo,**
 A **Teora ferbba fira .i. teora bae blechta, ar ita fir bliucht bo.**
 B₁ **[T]eora ferbu fira⁶ .i. teora ba bliuchta ar fit fiur .i. in bliucht**
 B₂ **Teora ferba fira .i. teora bai blechta, [a]rata fir .i. bliucht bo**

Translation: Three milk⁷ cows, i.e. three milch cows, for *fir* is cow's milk.

H **bith dano fir .i. finn; teora bai fira .i. iii.a bai finda,**
 A **Biid dano fir finn, ut dicitur teora ferbba fira .i. teora bae finna,**
 B₁ **no teora ba nar fir**
 B₂ **bi[d] dano fir .i. finn, ut dixitur t[eora] f[erba] f[ira] .i. teora bai finna,**

Translation: *fir* moreover is white; [A, B₂: so it is said] three milch cows, i.e. three white cows, [B₁: or three cows... milk (?)]

H **amail isbeir Fachtna Fírbrethach:**
 A **amal asid-bert Fachtna Fírbrethach in roscad so, dicens:**
 B₁ **amuil asbert Fachtnu Fírbrethuch:**
 B₂ **amail asbert Fachtnu Fírbrethuch in roscad:**

Translation: As Fachtna of the True Judgments uttered [A: this *rosc*, saying], [B₂: the *rosc*]⁸:

H **Fordaimidair/ tri dirna di argut arru/ ar teoru fira ferbai/**
 A **fortoimdiur/ tri dirnai⁹ arru/ ar teora fira ferbba/**
 B₁ **Fortmiduif/ teora dirnu do airgiut/ ar teora fira ferba .i. ar tri buaib**

6 Binchy inserts here the glosses written in the upper margin of the page.

7 For this translation see Watkins 2009 and the textual notes below.

8 The infixed pronoun in *asid-bert*, as prolepsis echoing *roscad* (both acc.sg. neutral), is undoubtedly old. I adopt it as the best reading.

9 I do not include Stokes's addition of [*di argut*] here, the reason of which will be explained below.

finna.
B₂ **Fordomdiur/ tri dirnai arra/ ar teora fira ferba/**

Translation: (The translation will be offered below)

H **fon aen n-eiric n-ecosc/ etar laith Lughbai/ lii sula sochar**
A **fon oen n-eraic¹⁰ n-ecosc/ eter laith¹¹ Lugbai/ lii sula sochor.**
B₁
B₂ **fon aen n-erc n-ecosc/ etar laith Lugba/ li sula sochur.**

Translation: (The translation will be offered below)

H **.i. domidar Fachtna tri dirnai di argut ar .iii. a bu finna oderg fo cosmailius n(er)
a .iii.a n-erc muchna¹²**
A **.i. domidir Fachtna tri dirnu di argut ar teora bu finna odergga fo chosmailius
na teo[ra] n-ercc n-luchna Echbeoil**
B₁
B₂ **.i. domidhiur Fachtnu tri dirna do argat ara teora bu finna auderga fo cosmuailes
na teora n-ercc n-luchna Eachach Echbeul,**

Translation: i.e. Fachtna decreed three *dirnai* of silver for Echu Echbél (Horse-Lip)'s three white red-eared cows like the three (white red-eared) cows of Iuchna.

Copies of S₁:

Corm Y **Fir .i. find,**
Corm B **Fir (.i.) find,**
Corm M **Fir .i. find,**

Translation: *fir* i.e. white

Corm Y **ut est Fachtna mac Sencha:**
Corm B **ut Fachtna mac Sencha dixit:**
Corm M **ut Fachtna mac Senchadh dixit:**

Translation:[Corm Y: that is F. mac Sencha]/ [Corm B, M: as F. mac S. said]:

Corm Y **Fortomidiur/ tri dirna do argat arrae/ ar teorae ferbai fira/**
Corm B **.i. fordomdiur/ tri dirnu di argut airiu/ ar teora fera (no fira) férba/**
Corm M **Fortomdiur/ tri dirnu di arcut arru/ ar teora fira ferrba/**

Translation: (The translation will be offered below)

Corm Y **fon oen n-erc n-ecusc/ iter laithi Lugba/ li sulai sochar.**

10 Stokes emends it to *n-erc* in light of Corm Y

11 Stokes adds [*ib*] here, I believe, incorrectly. See the discussion below.

12 Confusion of minims, read n-luchna.

Corm B **fon aen [n]erc n-éosc/ iter lathi Lúgba/ lí súla sochar.**
 Corm M **/ li sula sochor.**

Translation: (The translation will be offered below)

Corm Y **Ba hed didiu ecosc na n-erc nIuchnae Echdi Echbeoil a hAlpin dodoacht Cur[o]i for Ultaib .i. bae findae aúdergae.**
 Corm B **Ba head didiu ecosc na n-erc nIuchna Echdach Echbel no (n)Echbeoil a hAlpa toacht cuiru .i. bai fira .i. finda ho derga ind.**
 Corm M **Ba ed didiu ecosc nanderc nEchidi Echbeoil aalpaie toacht Curui .i. bai finna auderga 7rl.**

Translation: That was then the form of Iuchna's cows of Echde Echbél from Alba that Cú Roí drove away [Corm Y: on the Ulaid], i.e. white red-eared cows.

Following this there is an extra passage in H and Corm Y, evidently from a common exemplar:

H **Teora bai in sin dotegdis for ingelt a hAirdigthe¹³ Echbeoil a hAlba a crich dail riatai co mbidis hi Saibniu Ulu¹⁴. Tosuch¹⁵ cuirui mac daire ar ultaib 7rl.-**
 Corm Y **Doticdis didiu na bai sin Echdi Echbeil for ingelt a hAird Echdai Echbeil a hAlbai a crich Dal Riattoi co mbitis i Seimniu Ulad. Toroxal iarom Cur[o]i ar Ultaib, 7 rl.**

Translation: Those three cows [Corm Y: of Echde Echbél then] came to graze from Aird Echdi Echbéuil¹⁶, from Alba, into the territory of Dál Riata until they were in Seimne of Ulster. [H: Cú Roí mac Dáire claimed them from the Ulaid]/ [Corm Y: Cú Roí mac Dáire drove them off on (i.e. at the cost of) the Ulaid etc.]

Copies of S₂:

Corm Y **Láith, .i. déde fordangair .i. láith gaile 7 láith med, ut prediximus,**
 Corm B **Láith, .i. déde fordingair .i. láith gaile 7 láith .i. med ut prediximus,**
 Corm M **Laith .i. dede fordingair. laith .i. laith gaile .i. med ut prediximus,**
 Corm La **Laith .i. déde fordangair .i. laith 7 láith gaile .i. med ut prediximus**

13 Read a hAird Echdi, Thurneysen 1913, 191.

14 Read i Seimniu Ulad, Thurneysen 1913, 191.

15 Perhaps read pres. 3sg. to-saig or pret. 3sg. to-siacht, a more archaic form of do-saig<*to-saig- (s.v. DIL do-saig), which also appears in Críth Gablach I. 143-4: 'nó nech tosaig a chenn fair' (Binchy 1941, 6). Here, given the legal context of the story, it probably has the legal sense 'to sue, to claim', i.e. Cú Roí asserted his entitlement from the Ulaid.

16 According to Thurneysen 1913, 193, this place was in Cenn Tíre, modern Kintyre in the extreme west of Scotland. In the introductory narrative of Immacallam na Da Thuarad, Echu Echbél's dwelling is however said to be in the vicinity of, not in, Kintyre, see LL 1.24220. Interestingly the peninsula of Kintyre in Ptolemy's Geography (2.2) was inhabited by a people called the Epidii, which seems to be a Brittonic rendering of Echde, 'horse-like', and related to the epithet Echbél 'Horse-Lip'. The form Epidii might be the result of the transmission of the name through British (Toner 2000, 74). It is therefore possible that the personage Echde Echbél has been created from the placename. For similar inventions from placenames see Baumgarten 2004.

Translation: *Láith*, i.e. two things that it signifies, i.e. *láith* ‘warrior’ and *láith* ‘a weighing balance’, as we have said before:

Corm Y **eter láithe Lugbai/ lí súla sochar**
Corm B **eter laithe Lúgba**
Corm M **etir laithi lugbai**
Corm La **etir laithi Lugbai**

Translation: (The translation will be offered below)

Corm Y **.i. a med Lugbae cerd dorumidir Fachtna a n-argat ar na bú 7 rl.**
Corm B **.i. amed Lugba cerda doruimidar Fachtna anargat ar na bú 7 araile.**
Corm M **.i. ammeid lugbai cerda. dorrumidir fachtnæ a narget ar na bu 7rl.**
Corm La **.i. a med Lugbai cherrda dorrumidir Fachtna a narget ar na bu 7 rl.**

Translation: i.e. by means of the balance of Lugbae the craftman, Fachtna adjudged their silver for the cows etc.

Corm Y **Intan tra is forsail foridmbí, is and sluindid hoc.**
Corm B **Intan tra is forshail bis and no fair is and sluinnes hoc, intan tra is forail foridmbí issand sluinnith hoc.**
Corm M **Intan tra as forsail forid imbi. is and sluindit li.**
Corm La **Intan tra as forsail forid mbi is and sluinit hoc.**

Translation: [Corm B: When, however, there is a mark of long quantity which is under or above it, it is then it signifies this.] When, however, there is a mark of long quantity over it, it is then it signifies this.

Although these versions represent different textual traditions, they contain the common core of a *roscaid*, which is normalised and translated below:

1 Forda-midiur
2 trí dírneu arrae
3 ar téora ferba fíra
4 fon n-oen n-erc n-écosc
5 eter láith Lugbai
6 lí súla sochar

Translation: I adjudge on them, three *dírneu* (as) compensation for three milch cows, of the same appearance as the dappled cows, between Lugbae’s scales (?), [it is] a profitable contract [which is] a delight of eye.¹⁷

Textual notes

Despite the text’s brevity we can still surely say that the *roscaid* belongs to the Old Irish period. Not only must it predate the compilation of OGSM and *Sanas Cormaic*; but linguistically it also shows Old Irish features: preservation of the 1sg.

¹⁷ Etymologically ‘the brightness of the sun’ (T. F. O’Rahilly 1946, 58, n.4; Meyer and Nutt 1895, 5). The phrase is also found in Corthals 1997, 78.

deponent inflection of *for-midethar*; correct use of Class B 3pl./3f. infix pronoun *-da*; and the *áu* in *áuderga* all point to an early, but not necessarily very early, date.

This rimeless gnomic poem displays a delicate design both of stress-count and cadence. Lines are divided according to natural semantic gap and linking alliteration. If we follow A and B₂, assuming that *di argut* in the second line was a later interpolation, from line 2 on, there are three stresses in each line¹⁸ but the positions of these stresses are not fixed, and the cadence is always disyllabic with stress on the first syllable after the caesura. Lines 2, 4, 5, 6 have five syllables while line 3 has seven. Except for line 2, all other lines show internal alliteration across the caesura; and all lines have linking alliteration with the next, that is, their last word alliterating with the initial word of the next line, regardless of whether the initial word is stressed. No end-rime is discernible.

Metrically (except for the cadence) it is similar to the lament for Art Mess-Delmann ascribed to Briccine mac Brígni in the Leinster genealogical corpus (O'Brien 1962, 20; Meyer 1913, II. 6; here I follow the edition in Watkins 1963, 236–237), dated by James Carney to the late 6th or early 7th century (Carney 1971, 57, 68–69; Carney 1983, 177). The exact date is debatable but the poem does show some early Old Irish features, such as hiatus in *soër* (<*so-wer-) and the pre-MacNeill's Law *Domnan* (Oliver 1992):¹⁹

Mál ad-rúalaid iathu marb
mac soër Sétnai
selaig srathu Fomoire
for doine domnaib
di óchtur Alinne
oirt triunu talman
trebunn trén túathmar
Mess-Delmann Domnan

18 For the fifth line I tentatively apply Carney's special arrangement of stressing the unaccented first syllable (before another unstressed syllable?) of the line to this case, e.g. in *Sét no Tíag* §3: *ar cech caingin*, he supplied a stress to *ar* to make this line meet the general pattern 'xx'xx, see Carney 1971, 25; then we can stress *eter* as well. But as Corthals points out in 1990, 116, that strict application of this arrangement to other lines may not yield a regular pattern, and we had better not ascribe a constitutive role to the rhythm in cadence poems.

19 Carney's argument that the cadence here reflects a pre-syncope state (1971, passim) cannot be used as a secure dating criterion, as the practice is inconsistent: as he noticed, in the same group of verses, words with pre-syncope four syllables are treated as trisyllables in the cadence, i.e. they are not exempt from syncope as the original trisyllables are (1971, 72).

1 Whereas DIL gives a headword *for-toimdethar*, which suggests two preverbs **for-to-*, the examples are all from this passage; and in some manuscripts we find forms with *-mid-*, the vowel of which should be lost in syncope if it did have two preverbs. Also, sources waver between *-to-* and *-do-*. Thus I prefer Liam Breatnach's suggestion that this is actually a 1sg. pres. ind. of *for-midethar* with a Class B 3pl./3f. infix pronoun, also occurring in *Bretha Nemed* §1 (Breatnach 1987, 25, n.10).

2 DIL suggests that *dirna* is *iā*-stem feminine, but the examples show both *unga oc dirnai* (*iā*- dat. sg.) and *lóg ndirnai* (*io-* gen. sg?). Here we have in A and B₂ *dirnai* which looks like a *iā*-stem acc. pl.. But consider the following: (1) the numeral is masc. *tri* rather than *téora*, which should be the original reading given that *téora* is correctly used in the rest of the passage; (2) B₁ (though preceded by *teora*) and A in the later gloss, Corm B and Corm M present *dirnu* which could possibly be *io*-stem acc. pl *dirniu*; and (3) *dirna* (earlier *dinrae*²⁰) derives from Lat. *denārius*, or through medieval Latin *dinarius* (Gwynn 1931, 3–6; Kelly 1997, 586–587). These instances indicate that *dirna* is actually an *io*-stem masculine word.

Only Corm Y preserves the correct form of *arrae*, verbal noun of *ar-ren* (Binchy 1962, 50–51). The other MSS seem to take it as a later form of *for*, i.e. *arru*<*forru* 'upon them'.

Stokes adds *di argut* after *dirnai* in his edition of ACC, following H, B₁ and S₁; but this is against the closely related B₂ and mars the regularity of the metre. *di argut* is furnished by the ensuing gloss in H, A and B₂. Given that it is repeated in both the poem and the gloss in H, the phrase *di argut* probably originated as a gloss to *trí dirniu arrae*, and later was incorporated into the line itself. It is more likely that the reading of A is that of the common exemplar, and Stokes's addition is to be rejected.

3 For a proposed etymology of *fír* see Watkins 2009 following the argument he raised in Watkins 1987. Watkins suggests that in both Old Irish and Vedic Sanskrit there has been a semantic shift of the Indo-European root **weh₁r-*, originally meaning 'water, liquid', to 'milk'. The shift is represented by the poetic, metaphoric figuration of the aurora as the milk of reddish cows, which is widely attested in Vedic Sanskrit literature. Parallel Old Irish stories exist, in Watkins's opinion, in the beginning section of *Di Chethair'slicht Athgabálae*, and partly in the Life of St. Brigit. All the essential elements of the Sanskrit image of the Dawn-Cows: mythical breed of red cows, milking at dawn, and the free running of their prodigious milk are found in the *Di Chethair'slicht Athgabálae* passage (Watkins

20 CIH 1571.18, fragment from *Bretha Creidini*, see Breatnach 2005, 69, 303–304.

2009, 229-230).²¹ The word *fír* here is recognised by OGSM primarily as meaning ‘milk (-yielding)’, but apparently in the Old Irish period it had already become an obsolete word used only in set phrases: the glossator of OGSM offers a second meaning of *fír* as ‘white’, and this is the only meaning received by *Sanas Cormaic*, compiled in the late Old Irish period; and there is no other attestation of *fír* as ‘milk’ to my knowledge. However, as Lindemann points out (1990), Watkins’s reconstruction of **weh₁r-ó-* is linguistically problematic; and *fíra* need not be the gen. sg. of a u-stem hypostasis of adjectival **weh₁r-ó-*, as Watkins argues (Watkins 2009, 230), but could be the f. acc. pl. of the an *o/ā* stem **wīro/ā-* agreeing with the f. acc. pl. *ferba*. Lindemann also considers Watkins’s theory ‘circular’ and suggests that the underlying etymology for *fíra* is **swēro/ā-* ‘heavy’ instead, which has been re-analysed and lost the *s-* due to elision with the previous **bous* in the fixed phrase.

4 See DIL s.v. *oen* (f): ‘often “the same” (=Lat. *idem*) in this sense declined in glosses’, which can be separated from the following noun. Here *oen* in acc. sg. causes nasalization. The gen. pl. *n-erc* has been proposed for the sake of the cadence.

It is quite certain that the reading in B₂ ‘*n-erc*’, corroborated by the reading in Corm Y, is the correct one. ‘*fon n-oen n-erc n-ecosc*’ means ‘of one appearance of the cows, i.e. they are of the same form as Iuchna’s cows’ and matches perfectly well with the prose story.

5 As for *láith*, Stokes adds [*ib*] (dat. pl. ending, but **láithib* is never attested), but this is not grammatically correct, as *eter* is used with the accusative, nor does it stand more satisfactorily than *láith* with respect to the metre. H, A and B₂ all have *laith*, whereas Corm Y and Corm B have *laithi* in S₁, and all copies of S₂ have *láithe* or *láithi*. The regularity of syllabic feature suggests *láith* (acc. sg.?) in the exemplar. The word *láith* for ‘scale(s)’ is a hapax, the meaning of which is vouched for only by glosses; and we are even less certain about its stem and gender. The problem here remains open whether it could be used in the singular with *eter* to designate ‘between two parts which constitute a single object’.

For interpretations by Kuno Meyer, Jürgen Uhlich et al., and other occurrences of the name Lugbae see Carey 2010, 161–162. Carey himself inclines to the etymology *luch+be* ‘wolf-slayer’, but could it be possibly ‘Lug-striking’, i.e. alluding to the god Lug as a craftsman and smith (Gray 1982, 38)?

²¹ For a translation of this section of *Di Chethairšlicht Athgabálae* see McLeod 2011.

The Story

The poem is cited in the gloss obviously because it contains the same phrase *téora ferba fíra* as in the canonical law text, but otherwise it has little link with the latter. It is not indicated for what reason Fachtna chanted his judgment. The prose glosses, nonetheless, unanimously agree that the silver served as compensation for Echde (or Echu) Echbél's three white red-eared cows which were of the same breed as the legendary cows of Iuchna (Stokes 1894, 308–309). *Erc* often designates a specific kind of a spotted or red-eared cow,²² especially those of Iuchna's or those similar to them.²³ The three cows of Echde, as further mentioned in the glosses, figure in the saga of Cú Roí, where they used to graze on the Ulaid's land and escaped after being impounded by the angry Ulstermen. The Ulstermen pursued them as far as Echde's stronghold in Alba, and with the help of Cú Roí they killed Echde and carried off his daughter and the cows. Cú Roí was promised the cows and the maiden Bláithíne but the Ulstermen failed to keep their word, so Cú Roí carried them away by force (Thurneysen 1913). The saga has not continued with the cows' whereabouts but they probably remained in Cú Roí's possession. It is still unclear in what circumstance the compensation was made. Given that Fachtna is mentioned in the list of 'Mustering of the Ulaid' in *Táin Bó Cúailnge* (C. O'Rahilly 1976, 105), and in the legal texts is regarded as conversing with Sogen son of Conall Cernach,²⁴ he was a contemporary of Echde. It seems therefore quite possible that the poem indeed deals with Echde's three cows, but whether the original background story concerned Cú Roí's expedition is unknown.

On the other hand, we can perceive that the account of Cú Roí's saga was further appended here in order to build a connection between the obscure poem and the episode in the distraint tract. Besides the common feature of the cows concerned, there are two respects in which the saga of Cú Roí resembles the narrative prefacing the distraint tract: firstly, both have three cows taken off to satisfy a claim both narratives; secondly, both mention the milk of the cows flowing on the ground resulting from the improper care of them, i.e. having not milked them or having left their calves behind.²⁵ It is therefore understandable that even though the poem may not be concerned with Cú Roí, these similarities may have induced the jurist to refer to his saga in the gloss.

22 *Erc* comes from the Indo-European root **perk-* originally meaning 'speckled, spotted' (cf. Welsh *erch*, Vedic Sanskrit *pr̥śni-*), a background which also explain its use as a term for 'trout' (Pokorny 1959, 820–821).

23 See *DIL* s.v. *erc*: *earca iuchna .i. cenél bho .i. ba fionna ódeargha .i. cluaisdearg* from O'Clery's Glossary, and also Bergin 1946; Kelly 2000, 33–34; Bray 2005.

24 *CIH* 590.10-591.7, Breatnach 2005, 314.

25 Thurneysen 1913, 192: *Silsit na baí iarum iarna n-immáin cena mlegun; CIH 352.27-28: asluiset huadaib, facubsat a laegu, laith find for tellraig.*

Textual transmissions

These texts may, I believe, give us a clue, or at least an example, of how OGSM was made and its subsequent growth in different textual environments.

From what we have seen so far, OGSM provides a textual core for A, B₁ and B₂. Yet taken as a whole, the part of OGSM, as represented by the continuous copy of H, is significantly different from A, B₁ and B₂ which added substantial materials from the Middle Irish period on and show what Breatnach terms ‘cumulative glossing’ (Breatnach 2005, 345).

The development will be traced step by step below. The OGSM in H expounds the canonical text of *Di Chethairšlicht Athgabálae* and closely follows its sequence. It is worth putting forth the glosses in *CIH* 881.11-17, immediately following those cited and translated above:

Laith .i. med screiplaig. Lugbai .i. ainm cerdae; bith trath ferb bo, amail asindubartmar; ut dixit coirbri mac eithne isin air dorigne do bres mac eladan meic delbaith; is(s)in air: Cin cholt for crip cirninui 7rl. Bidh dā ferb .i. bolg docuireadar for gruaid neich iarna air no neich nobered gubreith no na aerad eiechta .i. bolg derg 7 bolg glas 7 bolg corcrae, it he a nanmanna on 7 ainim 7 esbuiuth, amail isberar gel fir ferba 7rl-. Bith dō fearb .i. briathar; amail isberar: rofes is fas fenechus i condelg ferb nde.

Láith ‘scale’, i.e. a weighing balance of scruples. *Lugbae*, i.e. name of a craftsman. Then *ferb* is ‘cow’, as we have said, as Coirpre son of Etan has said in the satire he made for Bres son of Elatha son of Delbaeth; in the satire: ‘without food speedily on a platter,’ etc. Moreover *ferb* is a bubble-blister which is put on the cheek of anyone after he was satirised, or of anyone who would deliver a false judgment or who would satirise unjustly, i.e. a red blister and a blue blister and a purple blister, these are their names: ‘flaw’ and ‘blemish’ and ‘defect’, as is said: ‘Bright and true blisters (?)’ etc.²⁶ Moreover *ferb* is ‘word’, as it is said: ‘It is known that native law is vain in comparison with the words of God.’

The short passage makes use of many sources from other law tracts or from outside the legal corpus. Firstly, the story of the satire made by Coirpre son of Etan is also found in *Cath Maige Tuired* (Gray 1982, 34), but here it does not quote the line where the headword appears: ‘*cin gert ferbu foro-nassad aithrinde*’ (Hull 1930, 67). The only copy of the older version of *Cath Maige Tuired* in BL MS Harleian 5280 does not contain the full quatrain either. The whole satire is nonetheless quoted in ACC, not in the present context, but in a gloss to *riss* in ‘*Difhulaing riss re aisned*’ (Stokes 1899, 158–159). It also appears in its entirety in TCD MS H 3.17, col. 840-1 (not included in *CIH*), among a miscellany of legal narratives (Abbott and Gwynn 1921, 136–137). Satire is one of the central topics in

²⁶ Compare the fuller citation in B₁, see note 30 below.

several law tracts regulating the poetic grades, and this anecdote concerning Coirpre is assigned by Liam Breatnach, based on the evidence from the arrangement of entries in O'Davoren's Glossary, to the lost initial section of *Bretha Nemed Dédenach* (Breatnach 2005, 187). Its fragments are also included under the entries *cernéne* and *ris* in *Sanas Cormaic* (Meyer 1912, 25, 98).

Likewise, the description of three blisters recurs in a commentary to *Bretha Nemed Toisech*, *CIH* 2113.27-28 (*it he a nanmanna on 7 ainim 7 esbuih*) (Meyer 1910, 300; Dillon 1932, 53), in a narrative provided as the background story to the canonical text in *CIH* 2218.4-23. This description further shows up in the story under the entry *Gaire* in *Sanas Cormaic*, where Néide's satire has caused three blisters, 'i.e. blemish, defect and deficiency, i.e. red and blue and white', on Caíar's cheek (Meyer 1912, 59). The story of Néide is reflected, again, in two law tracts that deal with poets and their art: *Uraicecht na Ríar* (*CIH* 2340.24-31; Breatnach 1987, 114) and *Bretha Nemed Dédenach* (*CIH* 1587.18-22; Breatnach 2005, 186-187).

The last meaning of *ferb*, '*fearb .i. briathar*', is illustrated by a legal maxim: *rofes is fás fénechas i condelg ferb nDé* 'it is known that native law is vain in comparison with the words of God'. This again comes from *Bretha Nemed Toisech* (*CIH* 2226.6, cf. Breatnach 2005, 344).

The intertextuality between OGSM and *Bretha Nemed* not only corroborates Breatnach's argument that OGSM was produced in Munster, but also strongly suggests that the glossators responsible for OGSM were from the poetico-legal school which also compiled *Uraicecht na Ríar* and *Bretha Nemed* (Binchy 1955; Kelly 1988, 242-246). And indeed, at least for some of the *Senchas Már* tracts, the style is not too different from that of the poetico-legal tracts: in *Di Chethairšlicht Athgabálae* and *Din Techtugud*, rimeless verse and rhetorical prose are widely used,²⁷ consisting of many obscure words such as *ferb* or *láith*, for which the glossators felt obliged to employ examples from *Bretha Nemed* to explain.

B₁ and B₂ are later collections of glosses and commentaries which contain an amount of OGSM materials. It is curious that B₁ breaks off by the end of the column and B₂ follows immediately in the manuscript, although they are written by the same scribe. On the whole, B₁ still retains the textual sequence of OGSM, but it supplies many innovative glosses not found in other copies of the tracts.²⁸ It provides firstly the explanations to the words that occur in the canonical tract, and then appends a grammatical commentary on the etymologies and meanings of *ferb*. However, the glossator did not cope with the transition very well. He abruptly turns from the identity of Asal to grammatical analysis. When the scribe added a gloss on the upper margin, he quoted from both the OGSM and the Middle Irish glosses to

27 For a list of *Senchas Már* tracts containing *roscada* see Breatnach 2011, 224.

28 For instance, the glosses on *DOSNACHT* (*CIH* 1663.24-28).

the tract similar to those in *CIH* 353.1-2, but his quotation is so confused that it is almost unintelligible.²⁹ H could not be the exemplar of B₁, since the latter preserves a complete sentence which is abbreviated in H.³⁰ Although the threefold analysis of *ferb* has been adopted in OGSM, B₁ explicitly introduces the grammatical terms for analysis; and this grammatical consciousness is shared by A and B₂.

If B₁ represents a recension of the OGSM characterised by its addition of grammatical, rather than legal, commentary after OGSM materials, B₂ may be regarded as another recension, which rearranged the OGSM materials according to the needs of grammatical theoretical discourse, rather than adhering to the order of the canonical legal text. Col. 25 of the manuscript starts with B₂, and to the left margin there is a note: *leabur .ii. hic* ‘this is another book’, indicating that B₂ was copied from a different source than B₁. Indeed, the whole structure of B₂ is starkly different from B₁ and the rest of this copy of *Senchas Már*: it is better seen as an independent grammatical treatise and no more as a legal ancillary document. B₂ plunges straight into the threefold denotations of *ferb*, and instead of the ‘name, example and analysis’ paradigm in B₁, it uses ‘name, analysis and definition’.³¹ It then explains the ‘cow’ sense of *ferb*, quoting *téora ferba fíra* merely as one example amid many. Three synonyms for ‘cow’ are given afterwards, with six syllabic quatrains cited to exemplify them. The first is extracted from Cináed úa hArtacáin’s long poem commemorating the deaths of Irish heroes, composed in the tenth century (Stokes 1902, §14); the second from a poem praising Ireland, ascribed to Flann Fína (identified in later annals and genealogies as the seventh-century Northumbrian king Aldfrith son of Oswald) (Walsh 1916, 69; Ireland 1991); but I am not certain about the rest. The text then turns to the senses of ‘blister’ (*bolg*) and ‘word’ (*briathar*) respectively. For the former it cites extensively from another *Senchas Már* tract, *Din Techtugud*.³² It contains the names of the three blisters as well. The latter is brief but contains the quotation *rofess is fáis fênechas i condeilig ferb nDé* to exemplify the sense of ‘word’.

The textual priority should be quite clear already. Materials from OGSM are recycled and relocated as convenient. The overall concern of B₂ seems to be

29 *CIH* 1663.20-21: *med sgrpla lugba* from *Laith .i. med screiplaig. Lugbai .i. ainm cerdae*; and *.i. fona ferba rodalom eochaid riana mbuais, 7 ni risdi in .iii.i.acha*, compare *CIH* 353.1-2: *.i. teorú ferba rodalom eochu rena mbuas, 7 ni ris dó inic meonacha*.

30 *CIH* 1663.38-39: *amuil asberur: gelfir nad ngoirfet for dib ngruadhuib granbolga* ‘bright men (?) who will not inflict grain-sized blisters on two cheeks’; *CIH* 881.16: *amuil isberar gel fir ferba 7rl-*, perhaps translates *bolga* into *ferba*?

31 *CIH* 1663.29: *a tri nanmun 7 a tri ndeismerecht 7 a tri ninnaitmigh .i. a nercuile* ‘their three names and their three examples and their three analyses, namely their definitions’; *CIH* 1664.5: *tri hanmunna 7 .iii. hinnaithmigh 7 tri hercoille* ‘three names and three analyses and three definitions’.

32 e.g. *CIH* 1664.33-39= *CIH* 209.12-13 (*Din Techtugud*); *CIH* 1665.4-5 *iar clainbrethuib; cil .i. claen*= *CIH* 209.16 *iar cilbrethaib, .i. ar claenbrethaib*.

more with the lexical and metrical values of the text. And not surprisingly, as this concern is shared by the commentators of ACC, which was read primarily for its metrical and lexical merits as one of the earliest and best pieces of Irish poetry, the recension represented by B₂ is copied with only minor adaptations into A. The changes are mainly in the order of presentation. Since A is explaining the line *Fáig feirb fithir* ‘The teacher said the word’ (Stokes 1899, 248–252), the sense ‘word’ was fronted, and repetitive information was trimmed (e.g. *téora ferbu fúlachta* cited twice in B₂ in order to accommodate the names of the blisters) to form a more compact version.

However, given that this part of the H 3.17 manuscript was produced much later than Rawlinson B 502 (Abbott and Gwynn 1921, 355), we can regard A as having been copied from an early exemplar of B₂. It is also noteworthy that in the *Lebor na hUidre* copy of the *Amra*, the gloss to *Faig feirb fithir* contains the quotation *rofess is fás fēnechas i condeilig ferb nDé*, and citations from both *Di Chethairšlicht Athgabálae* and *Din Techtugud*³³, despite the lack of Fachtna’s judgment. The formation of this recension, given Cináed úa hArtacáin’s poem as *terminus a quo*³⁴ and the making of the second part of Rawlinson B 502 as *terminus ad quem* (Ó Cuív 2001, 174–175), can be pinned down to between c. 975 to 1150.

As Paul Russell points out, a group of entries in *Sanas Cormaic* closely follow the OGSM in wording and sequence, and therefore the *Sanas Cormaic* compiler must have borrowed from OGSM which constitutes an ancillary document to the law text (Russell 1999). The passage uniquely shared by H and Corm Y 585 *fir* further suggests that, since the passage has furnished the long version Corm Y with repetitive information, most probably the OGSM exemplar used by the earliest compiler of *Sanas Cormaic* was not quite the same as the one represented by H, while Corm Y has made use independently of a later version similar to H. The relevant portion of *Sanas Cormaic* was however subjected to significant changes in the process of rendering the *glossae collectae* of OGSM into alphabetical order and detached from their legal contexts.

Conclusion

This long line of textual transmission prompts us to ask: who made the Irish legal glosses? Doubtlessly they were individuals learned in both the schools of *Senchas Már* and *Bretha Nemed*; they seem to have had a profound knowledge of native sagas, and to have been well trained in the fields of poetry and Latin grammar. Especially, they were thinking within the framework of a text-based culture.

33 LU II. 790-1: *turbait fora gruadaib iar cilbrethaib* = CIH 209.12-13 (*Din Techtugud*) and II. 792-3: *théora ferba fira dosnacht .i. ros immaig Assal ar Mog Nuadat* = CIH 352.26-7 (*Di Chethairšlicht Athgabálae*)

34 The Annals of Ulster places his obit in 975 (Mac Airt and Mac Niocail 1983, 411).

The part of OGSM in H has shown us the breadth and depth of lexical and metrical studies among jurists, though the main orientation of OGSM remains legal; and in the later glosses to *Senchas Már*, the predilection towards poetry and grammar is even more salient. Examples include frequent conscious use of grammatical terms in the Middle Irish sections of the glosses (*for-dingair*, *ainm* and *indaithmech*), knowledge of Latin, etymological analysis, and ‘classroom’ phrases: *ut dicitur*=Ir. *mar ader*, *ut prediximus*=Ir. *amail asindubartmar (romainn)*, etc.

Lawyers in early medieval Ireland certainly underwent substantial studies in poetry, law and (pseudo-) history, as illustrated by the law tracts and other evidence (Breatnach 1990; Sims-Williams and Poppe 2005, 292–294; Hayden 2011, 3–4). They were also immersed in the Latin culture represented by the church: excellent scholarship has been done on the mixture of vernacular and Latin sources in the law tracts, to which this survey of a short passage could contribute little new thought (Breatnach 1984; Ó Corráin, Breatnach, and Breen 1984; Bracken 1995). Law texts, in addition, were mainly transmitted in writing by the church (Mac Niocaill 1973, 29).

The Latinate *grammatica*³⁵ was an important part of ecclesiastical education before the church reform of the 12th century. Columbanus received his grammatical education in his native Leinster (Charles-Edwards 1998, 66), and the Irish learned class accessed their textual heritage by means of learning grammars of their vernacular written under the guidance of Latin grammarians, such as *Auraicept na nÉces* which dates to the seventh century (Ahlqvist 1982; Simms 2007, 122). However, general interest in theorising the long-standing native poetic tradition in the light of Latinate *grammatica* principles does not seem to have begun until the Middle Irish period (Ó hAodha 1991), perhaps for advocating the value of bardic poetry as a reaction to the privilege of scholarly *filid* and their learned *senchas* (Simms 1990; Sims-Williams and Poppe 2005). Bardic poems, composed in line with the new standards and by poets trained in the curricula as described by the metrical/ grammatical tracts, began to be widely cited or created to explain linguistic and grammatical points. This trend is manifest in the recension in B₂ and A. The emphasis on poetry was further carried on after the learned class moved from monasteries into secular schools and poetic-legal families as a corollary of the church reform (Charles-Edwards 1980, 146; Simms 2007).

While the sources of early Irish law texts have been relatively well investigated, a less clear picture has been drawn about the formation of the commentary to *Amra*

35 For examples of using Latinate grammatical concepts and terminologies in the vernacular law tracts, see Charles-Edwards 1980; Ahlqvist 1983, 11–14; Ahlqvist 1989; *grammatica* was also a subject for *filid*, see Burnyeat 2007, 189–190. Charles-Edwards 1998 is highly insightful on the three stages of Latinate education of the ecclesiastical scholars.

Coluim Chille as a whole.³⁶ The commentary contains materials that show a range of interests extending well beyond hagiography. It has collected an amazing stock of early saga poems, many of which are unknown or only fragmentarily preserved elsewhere. Besides our terse verdict from Fachtna, we find, for example, the full satire composed by Coirpre mac Etna (§8), the famous piece of satire dedicated to a lady who accidentally made a noise (§7, *atá ben is' tír/ nach abar a ainm...*),³⁷ an alliterative *roscad* from the saga of Labraid Loingsech (§20), three gems from the earliest attestation of the Finn Cycle: §4, Gráinne's song: *Fil duine/ fris mad buide lemm diuderc...*; §63, Finn's poem: *Scél lem duib/ Dordaid dam...*; and §73, Diarmait's eulogy: *Is maith do chuit, a Gráinne,/ is ferr duit inda ríge...*, etc.. Mention ought also to be made of the detailed discussion on poetic techniques under §2.³⁸

It seems to me that, at least in the Rawlinson B 502 copy, the commentator was primarily interested in the poetic and lexical value of the *Amra*, and took it as a fine specimen of obscure and heightened parlance. In commenting on its language and meaning, however, the commentator mobilised all his knowledge of saga literature, native law and hagiography as well. He must have had at least a legal manuscript at hand when writing the commentary, so as to copy *en bloc* from the legal glosses. The result is a document which is eruditely rooted in traditional knowledge as well as highly creative and up-to-date with the trend of its time. Such a profile, I believe, holds true for most of the medieval Irish documents and their authors/ compilers.

This case study has shown us the pliability with which the scholiasts treated extant glosses to serve different ends. One would further wonder, from the distinct orientations of such texts as the recensions of OGSM, the commentary to ACC, *Sanas Cormaic* etc., whether the learned men in early medieval Ireland, though receiving a broad education covering most of the knowledge available from both vernacular and Latinate traditions, would have had 'chosen a subject' at a more advanced stage, and later became professionals in one or more, but seldom all branches of learning: *brithem, fili, ecnae* and others, with or without being a monk or a cleric.³⁹

On these subjects this paper can only offer a preliminary observation. A full evaluation of the evidence, *inter alia* a thorough study of OGSM and the commentary to ACC, is a prerequisite to gaining more insight into the formation

36 The most important works include Ó Cuív 1965; Herbert 1989; Davies 1996; Bisagni 2009 and Bronner 2010.

37 Also quoted in *Fodlai Aire*, a tract on the classification of satire (McLaughlin 2008, 54–55).

38 The techniques are discussed extensively in *Auraceipt na nÉces*, see e.g. Calder 1917, 30, 187 etc.

39 The principle of hereditary profession must have played a role in the choice (Charles-Edwards 1998, 70–75).

and development of the accretive textual traditions so pervasive and influential in medieval Ireland, and of the identity and intellectual background of the literati who created such traditions.

Abbreviations

- ACC= *Amra Coluim Chille* with accompanying commentary and glosses. For the published copies in various manuscripts see the bibliography below.
- BL MS= Manuscript kept in British Library, London.
- CIH= Binchy, D. A. (ed.), 1978. *Corpus Iuris Hibernici* I–VI, Dublin: Dublin Institute for Advanced Studies.
- DIL= Quin, E. G. et al. (eds.) 1913–76 & (Compact Edition) 1983. *Dictionary of the Irish Language and Contributions to a Dictionary of the Irish Language*, Dublin: Royal Irish Academy.
- GOI= Thurneysen, Rudolf. 1946. *A Grammar of Old Irish*, Dublin: Dublin Institute for Advanced Studies.
- LL= Best, R. I., O. J. Bergin, M. A. O'Brien and A. O'Sullivan, (eds.), 1954–83. *The Book of Leinster* I–VI, Dublin: Dublin Institute for Advanced Studies.
- LU= Bergin, Osborn, and R. I. Best, (eds.), 1992. *Lebor na hUidre=Book of the Dun Cow*. Dublin: Dublin Institute for Advanced Studies.
- OGSM= the Old Irish glossing of *Senchas Már*.
- TCD MS= Manuscript kept in Trinity College, Dublin.

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