Reviews of Books.

HISTORY OF ST. MARY'S CATHEDRAL, LIMERICK. By Rev. J. Dowd, revised by Rev. Canon T. F. Abbott, B.D.

We welcome the reissue of that useful hand-book on St. Mary's Cathedral, Limerick, written in 1899 by the Rev. James Dowd. It has been edited and revised by the Rev. Canon T. F. Abbott, B.D. The book is conveniently divided into chapters, giving details of the rise of Christianity in Limerick; the history of the Cathedral from its foundation to the reformation and from that event to the present day. The features of the Cathedral as it now stands with its various chapels, windows and monuments are set forth and explained. Canon Abbott has added notes on the Organ, which was first used in the church about 1626. A list of the succession of Bishops of the Diocese and the Deans of St. Mary's further enhances the value of the publication. Numerous illustrations have been added and show the alterations in the internal arrangements of the building which took place at the restoration in 1919.

It is a pity that the evidence for an earlier foundation date—than that which tradition alone gives to Donald More O'Brien in the year 1172—is not fully set out by the editor. A bare footnote to page 15 alone points to the historical evidence for an earlier foundation, circa 1130. Geoffrey Keating, the historian in "Foras Feasa ar Eirinn," vol. III, p. 304 (Irish Text Soc.), quoting from a now lost MSS, gives an account of a Synod held at Raith Bressnail in the year 1110 A.D. This Synod was presided over by Gilla Easpeg, the first known Bishop of the Limerick Diocese and at that time the Pope's Legate in Ireland. Its ordinances, among other matters, define the various dioceses in Ireland. Of Limerick he writes: "The See of Lismenech, the Moallichearna eastward, Ais ar Chohne, Lodan and Loch Gair and the Latheach Mor from Aline westward, and Ard Padraig to the south, and Bealach Feachhrad and Tulsion Lel, the Fell westward and Tailbeart and Culinche, in Thomond, and Ciosa in Siabh Uidhe an Roigh and the Dubhshamh. Whosoever shall go against these boundaries goes against the Lord and Peter Lismenech is its principa.l church."

The late T. J. Westropp considered this last sentence relating to the church to be an interpolation, and in all his papers and references to St. Mary's gives support to the traditional date of the foundation by Donald More.

Archdeacon Bogley, however, in his "Diocese of Limerick, Ancient and Medieval," page 75, supports the earlier date and suggests that "if there be any truth in the statement that it was founded on the palace of the O'Briens, it must have been Murtagh that bestowed the gift and not Donald, as commonly asserted." This Murtagh was grand-father of Donald More.

Further, the Rev. H. J. Lawlor in his introduction to "St. Bernard of Clairvaux's Life of St. Malachy of Armagh," page 46, referring to the above quotation from Keating, says: "Surely this portion of the ordinances of the Synod must have been penned by Gilbert himself. And the whole passage—by the minuteness of its description of the diocese, by the strength of the terms in which it is expressed by the reference to the Cathedral Church as already existing—suggests that the diocese was formed and organised before the Synod met. Note the present tense: The Church of Mary is "—not shall be"—its principal church."

Architectural evidence from the church as it is at present, strengthens and confirms the assertion of Gilbert and the ordinances of the Synod. What remains of the original west door and some internal features of the building, point to the Irish Romanesque style.

Donald More, perhaps, enlarged the older building and re-edified it in the Gothic Style, which at that period was appearing in Ireland. Further repairs and additions to the Cathedral by its many benefactors—such as the rebuilding of the west door—have tended to obliterate nearly all traces of the original foundation.

To all lovers of old Limerick, the present edition of the History of St. Mary's will prove a valuable and informative companion. It is printed and published by Messrs. G. McKern and Sons, Limerick, at the modest price of 2/-.

STUDIES IN EARLY CELTIC NATURE POETRY. By Kenneth Jackson. (Cambridge University Press. 12/6)

Mr. Kenneth Jackson in his book has brought together a most valuable collection of Irish and Welsh nature poems. He divides the book into two parts: the first containing translations of the poems, with detailed notes; the second, a study of their literary history, and their relation to similar works in Anglo-Saxon and Medieval Latin.

He stresses the fact that early Celtic nature poetry is the "work of literary artists, not the crude chant of primitive man," and describes it as being not "magical" or "romantic" but "imaginative."

While hermit poetry and elegies are common to Irish and Welsh poetry, Mr. Jackson draws our attention to the difference in sea poetry. The Welsh were not a sea-faring people and early Welsh literature does not show any emotion for the sea. The Irish, being adventurous sailors, regarded it with "delight mingled with terror," and he states that the finest example of sea poetry is the poem, XXXII, "A great tempest on the plain of Lér," supposed to have been composed by Rúmann mac Colmáin for the Vikings of Dublin.

From the Welsh gnomic poems, and, indeed, from the Irish descriptive ones, too, we are able to get a very comprehensive idea of the plants and animals common at the time the poems were written.

J.N.A.W.

N.S.

Die Baeurnschp Im Irleschen Recht. Berlin, 1926.


Antiquarian interest in early Irish law may be dated to 1862. In the November of that year a commission consisting of eleven persons (including Dr. J. H. Todd, Dr. Charles Grapes and Dr. George Petrie) was nominated and empowered to examine, transcribe, translate and publish the chief manuscripts of the Laws. The Commissioners were not themselves competent to undertake this work but they were fortunate in having at their service two of the greatest scholars of modern times, John O'Donovan and Eugene O'Curry. Both of these were employed to make transcripts and set about their task at once, ransacking in search of material four of the richest existing treasure-houses of Irish documents, Trinity College, the Royal Irish Academy, the British Museum and the Bodleian Library, Oxford. O'Donovan's transcripts extended to nine volumes of 2481 pages; O'Curry's to eight volumes of 2906 pages. A tentative translation of almost all the collected texts was then made by the two. O'Curry's efforts fill thirteen volumes and O'Donovan's twelve. They worked independently, each at his own sections, to such an extent that the ground covered by both is only a small fraction of the whole.

Dr. Hancock, a Professor of Law in Queen's College, Belfast, was then appointed editor, in conjunction with O'Donovan. The latter proceeded to revise and prepare for publication the Irish text and translation of the important "Law of Distress" in the Senchus Már, but had not completed the task when he died in 1861, at the comparatively early age of 65. O'Curry survived him but a year; when he, too, died at the age of 78. O'Donovan's piece was taken by the Rev. Mr. O'Mahony, Professor of Irish in Trinity College, Dublin. With his assistance Dr. Hancock piloted through the press that portion of the Senchus Már on which O'Donovan had been engaged at his lamented death. It appeared in 1865 as Volume I. of the Ancient Laws of Ireland. In Volume II. of the same edition, 1869, had not the advantage in any part of O'Donovan's revision. But the text, the translation and the notes (apart from a few pages derived from O'Curry) were his, though minor adjustments and corrections were, of course, made by the editors. Similarly in Volume III. (1872), edited by Rev. Mr. O'Mahony and Professor Richey; and Volume IV. (1879), edited by the latter and Mr. W. M. Hennessey. To this third of volumes Professor Richey prefixed interminable introductions, but as his knowledge of the Irish language and of the Irish historical and cultural background left everything to be desired, the value of his disquisitions is in inverse proportion to their length.

Volume V. (1901) was edited by a linguist, Dr. Atkinson, Professor of Sanscrit in Trinity College, Dublin. He transcribed the texts anew, but retained, without substantial change, the translations made by O'Donovan and O'Curry.

In these five volumes about two-thirds of the manuscript material of early Irish law was committed to print. Much, undoubtedly, had been done, yet a considerable number of legal tracts remained unpublished when the Commissioners wrote Flims to their work.

Meanwhile the study of the language in which the oldest portions of the text were composed had proceeded apace. O'Donovan and O'Curry belonged to the Ireland of the Gael and inherited its tradition of learning, derived from Druidic and monastic schools. Cultural continuity with the Gaelic past—transmitted by poet and bard and seanachaidhe and hedge-schoolemaster—hardly survived beyond their generation. They enjoyed, therefore, advantages which their successors, however brilliant, lacked. On the other hand, their scholarship was copious rather than exact. With the appearance of "Grammatica Celtica," by Kaspar Zeuss, in 1853, a new era opened in the study of the Celtic tongues. Professional philologists, to whom Gaelic was a foreign language, acquired a mastery of Old Irish which the untrained antiquarian, whatever his knowledge of native lore, could not hope to rival. Before the end of the 19th century the names of Windisch, Zimmer, Whitley Stokes, D'Arois de Jubaiville, Kuno Meyer, John Ryan, Strachan, Thurneysen (to mention but a few) were famous throughout Europe. When the searchlight of the new science of Celtic Philology was focussed on the older work of O'Donovan and O'Curry it was inevitable that flaws should be exposed. Harsh criticism was levelled at Richey and the later editors who had not exercised themselves to keep abreast of the times. Whitley Stokes, for instance, a mighty wielder of the pen, delivered a powerful onslaught on Volume IV. in a review significantly headed "Curiosities of Official Scholarship"; nor was his manner more moderate when he published in booklet form his strictures on Atkinson's Glossary to the five volumes.

The contents of the Laws excited less attention than might have been expected. Sir Harry Maine, in his "Lectures on the Early History of Institutions" (1875), showed a superficial acquaintance with a portion of the Senchus Már. Among recognised Celtists one only, D'Arois de Jubaiville, devoted time to legal questions and his papers, penned mostly in the eighties of the last century, were remarkable for knowledge and acumen. But they were too casual to leave more than a passing impression.
It was left for two scholars of eminence, Professor MacNeill and Professor Thurneyssen, to inaugurate a new epoch in the study of Irish law. The former, as is well known, secured the peace and quiet and leisure needed for the purpose while a political prisoner in Mountjoy. He chose for his light reading the volumes of the Law Faculty at Bonn, Professor Partsch, conceived a passionate desire to know something of the Irish legal system and asked his friend to translate the original documents for him. Thurneyssen protested that he hardly understood one paragraph of the ancient texts. Partsch told him: "My training in the Rolla Volume, I confess, was hesitant and stumbling, but little by little I became better acquainted with the terminology and commenced to realise what a wonderfully exact picture of early Irish society the Laws presented." Within a year Professor Partsch was transferred to Berlin, but Thurneyssen was then so immersed in the study that he continued it on his own account.

In "Early Irish Laws and Institutions" Professor MacNeill reproduces a series of lectures delivered by him in the University of New York six years ago. They deal with the European character of Celtic and consequently Irish civilization, the survival of pre-Celtic institutions in Ireland (among which survivals Druidism is strangely included), the beginnings of written Irish laws (where the theory of Cenn Faelad's unique importance is still maintained), the social and political framework of the Irish State, the place of kings, assemblies and clients in the Irish body politic. Two chapters at the end describe the fate of Irish law after the Norman Invasion and during the Middle Ages. The book is enriched by an introduction in which Professor MacNeill crosses swords with Christopher Dawson and others of his school who regard society east in the Latin monad as alone civilized and all law except Roman law as unasspeckable rude and barbarous.

Thurneyssen's publications on legal subjects begin with a study of the text on "unfree land-tenure" in the Senechus Mar (Zeitschrift fuer keltische Philologie, XIV, 1923). He gives a new edition of the original text, with translation, notes and explanations of extraordinary learning and value. Speaking of the edition in the Rolla Series he says: "The mistakes in the English translation of the Irish "laws" (better "law-texts") have often been treated with derision. Very unjustly; for the real surprise felt by those who are intimately acquainted with the material is that, as far back as sixty years ago, the meaning of the texts was so well understood. O'Donovan and O'Curry adopted the only method feasible in their day: they were guided by the glosses and commentaries, whose language, despite corruptions of various kinds, was more intelligible than the language of the texts. In general, therefore, their translation is satisfactory where the glosses and the commentary were reliable. Where this was not the case O'Donovan and O'Curry frequently went astray." From his masterly knowledge of the ancient laws Thurneyssen is almost invariably in a position to show where the the glossor or the commentator erred. His work, therefore, makes an immense advance on all that has gone before.

From 1923 onwards his publications have been many. In Vol. XV. of the Zeitschrift (1925) he printed a new edition of the tract on "free land-tenure" and of the tract on the place of fasting in the taking of legal pledges. He also gave a brilliant account of the manner in which all the texts on land-tenure have come down to us. In the same year he edited the hitherto unpublished text "Celic Conara Fugill, Five Ways of Judgment," or the five forms of action-at-law recognised by Irish jurists. This tract was the more valuable since it was preserved in three reductions, one contained in the oldest extant law-manuscript and the two others of later date—a circumstance which rendered it possible to deduce the general development of such texts. From the same manuscript he edited in Zeitschrift, XV, a second unpublished text, the Gubretha Cairmin. Volume XVI of the Zeitschrift (1927) affords a profoundly scholarly account of the ancient subscription to the Senechus Mar, and of the ancient texts containing sections of the texts which the editors of the laws had arbitrarily omitted, a critical commentary on Professor MacNeill's "Law of Status or Franchise," and a catalogue of the mistakes which Thurneyssen had discovered in his own work and had been able to correct.

The year 1932 saw the publication, with translation and notes, of the long tract on the process of going bail or security in Irish law. Then come (Zeitschrift, XVIII, 1933) additional notes to recently edited texts, an essay on the original extent of the Senechus Mar, further material on bail or security, in which the Old Irish Collection of Canons and the Triads published by Kuno Meyer are quoted in evidence. A year later the fragmentary tract on Dire, at one time part of the Senechus Mar, was edited from three manuscripts; to which were added fragments, edited from five MSS., on two of the lowest classes in the Irish social fabric. Volume XIX of the Zeitschrift brings supplementary observations and corrections.

From all this it is evident that the importance of Professor Thurneyssen's contribution to the study of Irish law cannot be over-estimated. In vital matters such as the interrelation between manuscripts and redactions, the distinction between earlier and later texts, the essential nature of the extant tracts, whether portion of a Code or the multiplication of lawyers, the exact meaning of a host of technical terms, he has literally brought order out of chaos. Only now can the scientific study of Irish law be said really to have begun.

During a welcome visit to Ireland, Professor Thurneyssen was good enough to direct a Seminar in the Royal Irish Academy, on the legal status of women in ancient Ireland. It was attended by a distinguished group of scholars, most of them former pupils of professors at Freiburg or Bonn. The tract studied was the "Cain Lannama," "Law of (married) Pairs." From this as starting-point the wider subject of the legal status of women in ancient Ireland was investigated. In the book, recently published, Thurneyssen edits the tract anew, with translation, critical notes and commentary. Six members of the class contribute chapters on various aspects of the larger problem. The work, in its final form, is a mass of information about women, as seen from the jurist's angle, in the Celtic Ireland of pagan and of Christian times.
Thurneyse is fast approaching his eightieth year and his failing sight is a source of growing anxiety to his numberless friends. It would be unreasonable to expect of him further strenuous labour in the field of Irish law. All the more pleasant is it to find that among his old students there is one who in scholarship, tastes and training is adequately equipped to maintain the standards fixed by the great master. Dr. Daniel Binchy, Professor of Roman Law, Jurisprudence and Legal History (including Ancient Irish Law) in University College, Dublin, is hardly less distinguished as a philologist than as a jurist. In the latest number of Eriu (Vol. XI, Pt. I) he has edited yet another text but recently come to light. This is the "Bretha Crólige," the law dealing with sickness and incapacitation due to injuries inflicted by another party. Not only does Professor Binchy translate the difficult Irish and supply learned notes but he reduces the cryptic and often confused and confusing contents of the text to orderly and intelligible form in an appended treatise of fifty-six pages. A cognate tract of value, treating of the doctor's share in compensation for bodily injury, is to be edited by him in a coming number of Eriu.

Finally it may be mentioned that O'Donovan was primarily an antiquarian; Professor Thurneyse is primarily a philologist, Professor MacNeill a historian, Professor Binchy a jurist. An ideal edition of the Laws would probably require the co-operation of experts in all four branches of learning. This, perhaps, the coming years may bring.

J.R.