

THE HUNGER-STRIKE IN ANCIENT IRELAND

(By P. J. BARRY, in America.)

Readers of *America* have followed with close interest the able discussion on the morality of the hunger-strike, and may be willing to view the "strike" from an altogether different angle. The hunger-strike may be regarded as another evidence of Ireland's continuity as a nation and of her identity with herself. A nation's past is not a dead thing. It is a force submerged, but none the less active in the present. It is as if we were to identify the man by the mannerisms of the boy we were familiar with in school. So, in the twentieth century, meeting with this phenomena in Ireland, we recall that it is a recurrence, a reversion to type; we jog our memories: that is, we reopen our histories and discover that it was a recognised legal device in Ireland before and for some centuries after the introduction of Christianity by St. Patrick.

Before coming to our subject, we must deal very briefly with the manner of recovering debt from an unwilling debtor at a time when coined money was not yet current in Ireland but when values were calculated in kind. And for our purpose it will be an aid to clearness if we remember two terms: *cumhal* and *scoit*. A *cumhal* was a female slave, variously valued, but may be set down here as equal to three *scoit*. A *scoit* was a heifer two or three years old.

For failure to pay a fine, to make compensation for an injury, or to discharge a debt, Brehon Law defined very precisely the right of the creditor to take and hold the chattels of the debtor. In English law this is technically known as distraintment or distress. The legal procedure in Brehon Law was intricate; the debtor had to proceed with some circumspection, and was advised to execute distress in company with a lawyer, because through an irregular procedure he might not only incur a fine himself, but in some cases forfeit the debt or fine he was trying to collect. The presence of the lawyer was a safeguard, for, even should the lawyer give wrong instructions, the claimant was not held responsible for the lawyer's mistake.

We need not dwell on the various steps taken in the execution of a distress, from the serving of notice till the moment when the creditor acquired complete legal title to the goods distrained. This process, however, could be availed of only by the ordinary people against each other, or against the lesser aristocracy. In regard to the higher ranks of the aristocracy, the class that was *nemed* or sacred, it was not permissible to proceed in the same way; not permissible, I have no doubt, because it was not possible to enforce distress on the property of a powerful chief. So, for that reason, a moral weapon was put in the hands of the weak to wield against the strong. Strange to say, it was what we call the "hunger-strike," what the Irish called *troscad* or fasting.

In principle, the seizure of movable property should be preceded by a notice. But when the person against whom action was to be taken for the recovery of debt belonged to the aristocracy, legal etiquette forbade the serving of notice in the ordinary way. The plaintiff must begin a fast of protest at the defendant's door.

We can now consider the various possibilities that the Brehon Code provide for. After the claimant had begun his fast: (1) the aristocratic debtor was given a day and a night during which to discharge his indebtedness, or to give, then and there, security for payment at a future date; (2) failing to do this within the prescribed time he incurred definite penalties: A. "He who refuses to cede what should be accorded to fasting, the judgment on him according to the Feini is that he pay double the thing for which he was fasted upon." (Senchus Mor. I. 117.) In the first place the debt was doubled. B. "If food be not offered to him, he is entitled to double the food and double the debt and a *cumhal* and five *scoit*." (Ibid.)

If the aristocratic debtor then does not at least offer food to the humble hunger-striker, in addition to the increase by two of the debt he has to pay for twice the amount of food the creditor would have eaten in the time; he incurs, too, a fine of a *cumhal* and a fine of five horned cattle.

C. "If food be offered to him, he gets double the debt and five horned cattle. If he respond to him by giving security all is right." (Ibid.) That is, even where food is offered, the debt is doubled and a fine of five horned cattle is incurred, but the debtor may postpone his difficulties by giving security for payment.

(3) "If what was owing to the claimant be offered to him and he refuse it, he (the claimant) shall pay a fine of five horned cattle and forfeit the right of suing again." (4) "If there was no security for the debt originally, a surety is proper tender to stop fasting. If there was no security originally the proper tender to stop fasting is a hostage. And a security in lieu of a hostage is the debt itself." (Senchus Mor. 118.) (5) "He who does not give a pledge (security for payment) to fasting is an evader of all; and he who disregards all things shall not be paid by God or man." (Ibid.)

So that he who refuses to take account of the hunger-striker at his door cannot collect his own debt, or at least the law will not help him. It absolves his debtors from their obligations, and, apart from other penalties, this was a very serious consideration.

(6) Should the hunger-striker remain obstinate and die on the doorstep, then, of course, the debtor was held responsible for the death, and had to pay an indemnity to the relatives of the deceased. This indemnity was two-fold in cases of murder. It included (1) the body price (*corp-dire*), which in the case of all was seven female slaves or their equivalent value; (2) the honor price (*enech-lann*), which varied according to the dignity of

the dead. For the High King of Ireland the honor price was fixed at twenty-eight female slaves or their equivalent. It is interesting to note, too, that the Archbishop of Armagh was valued as highly as the King of Ireland.

If we take the case, then, of an obstinate aristocratic debtor to, let us suppose, an Archbishop of Armagh, the total indemnity to be paid, in case the fast was carried to the finish, to the Archbishop's heirs would be (1) the body price, seven female slaves, (2) the honor price, twenty-eight; (3) a fine of five head of horned cattle; (4) double the amount of the original indebtedness; (5) double the amount of food the Archbishop would have consumed in the time, had he been eating; (6) finally, all the creditors of the aristocrat would be released from their obligation; in other words, he was outlawed.

From these considerations we get some idea of the protection Brehon Law afforded the weak against the strong, and it is rather a striking coincidence that Ireland is at the present time attracting world-wide attention by a procedure recognised centuries ago by the Brehon judges in Erin. In old days, however, justice was more in evidence.

MRS. ROLLESTON,

Toilet Specialist, 256 Lambton Quay, WELLINGTON.

Ladies visiting Wellington are invited to avail themselves of the opportunity of having their hair permanently waved by the "Nestle" Machine, the latest and most up-to-date product of its kind, which has the further advantage of being the only one in New Zealand. The latest New York methods of hair tinting in all shades, very successfully and artistically performed under special and careful supervision, also special method of Face Treatment as practised in Paris and New York. Violet Ray, Vibrator, or Hand Massage as desired. Electrolysis, the only permanent treatment for superfluous hair, single or multiple needle, by certificated expert.—Phone 1599.

GRAND ART UNION —OF— ORIGINAL MASTERPIECES

IN OIL AND WATER COLORS.

TWELVE (12) PICTURES by such well-known Artists as: CONSTABLE, GEO. BARRETT, GEDDES, MORRIS, JONES, COOPER, GRAY, BALLIN, DITTMAR, VANDERLINCK.

TICKETS, 2/- EACH.

A unique chance to secure these rare Pictures that will never occur again.

Proceeds in aid of Catholic Schools, Mahora North, Hastings.

Application for Tickets to be made to:—

(Rev.) GEO. MAHONY,
Box 173, Hastings, Hawke's Bay.

After the holidays, make

A New Year Resolution

to improve your prospects in life by the power that knowledge gives.

A course of study at Gilby's College will fit you to hold a better position.

Over 80 Different Courses

are available, and thorough tuition is given in all PRIMARY, SECONDARY AND COMMERCIAL subjects, by Individual Methods.

Day and Evening Classes; special correspondence lessons for country students.

Ring up, call, or write to Department "T" for prospectus.

Gilby's College Ltd.,

A. H. GILBY, F.O.I. (Eng.), Director.
WINDERS BUILDINGS, WELLINGTON.
Phone 21-818. P.O. Box 203.

—and—

CATHEDRAL SQUARE, CHRISTCHURCH.
P.O. Box 56. Phone 1333.

L. J. BERRY, F.I.A.N.Z., A.P.A., N.Z., Director.

D. Smith Registered Plumber.

C/o. E. ROBSON, opp. Municipal Bldgs., HASTINGS.
All Jobbing Work Punctually attended to. Phone 876.