

Crime and Punishment in Early Irish Law

Patricia Riley

Contents

Introduction	2
1 An Irish Backdrop	4
2 The Church and Irish law	7
3 Hanging or Crucifixion	12
Conclusion	18
Bibliography	20

Introduction

In the seventh and eighth centuries Ireland was in a period of flux as Christianity started to become more part of the native culture, growing in numbers and influence. It brought with it many Roman ideas which had previously seemed to have little influence in Ireland, including some of the bases of Roman law. Irish law, in contrast with other contemporary law systems, focused more on compensation than capital punishment.¹ That does not mean that capital punishment was never used. Which poses the question for which crimes would a person be sentenced to death in Early Irish society in comparison to the usual forms of compensation? It also seems that some forms of punishment may have been introduced later with the rise of power of the Christian church, specifically hanging. Is it possible to tell from the information we have if hanging entered the laws due to the influence of the Church and biblical law, or if it existed as a punishment before the rise of the Church's influence?

However, before one can begin to answer these questions, it is important to have a basic knowledge of the build up of Irish society and where they set the most importance. So in the first section we will touch briefly on these items before we move on to look at the possible places of evidence of influence of the Church on secular Irish law, and vice versa. Finally we will study the Annals of Ulster and some literature texts for a survey of hanging in Irish sources and literature, and whether

¹Fergus Kelly. *A Guide to Early Irish Law*. Dublin: Dublin Institute for Advanced Studies, 1988.

hanging meant to hang from the gallows as we understand it today or to be crucified, if that can be determined with the evidence at hand.

Chapter 1

An Irish Backdrop

The base group of Irish society was the *túath* or tribe. The head of the *túath* was the king, although “the king of a *túath* was no mighty ruler wielding absolute dominion over his subjects.”¹ The king was more an ambassador to other tribes, a giver and receiver of gifts from other kings and to his people. However, it was not usual for the average member of a tribe to visit other tribes. The only times when a freeman would leave his tribe, would be either an *óenach* (a fair or assembly) outside his tribe, a pilgrimage, or when engaged in military service.² The travelers of Ireland were the poets, the saints and the lawyers.³

In Irish law, rank was an important factor in how issues were dealt with; unlike with Roman law, all were not equal before the laws. Tied tightly to that was the *lóg n-enech* (honor-price) of a person. How much you may be compensated when injured was greatly different if you were a

¹Neil McLeod. “The Concept of Law in Ancient Irish Jurisprudence.” In: *The Irish Jurist* 16 (1982), pp. 356–367, p. 356.

²Kelly, *A Guide to Early Irish Law*, p. 4.

³Kelly, *A Guide to Early Irish Law*, p. 5.

king or a *fer midboth* (a youth living on his father's land).⁴ This was an important part of Irish law, and so much of the laws deal with rank and compensation. Three extant law-texts that handle this topic most specifically are *Críth Gablach*, *Uraicecht Becc*, and *Míadsleхта*.⁵ These texts describe in incredible detail the various types of rank, the most important and most practical⁶ differences were whether someone was *nemed* (privileged) or not, and whether one was *sóer*, free, or *dóer*, unfree.

The standing definition of Irish society was given by D. A. Binchy in 1953 as 'tribal, rural, hierarchical, and familiar (using this word in its oldest sense, to mean a society in which the family, not the individual, is the unit) - a complete contrast to the unitary, urbanized, egalitarian and individualist society of our time'.⁷ A succinct definition of Ireland that already gives insight in to its laws, which made the *derbfine* or kin-group responsible for the payment of compensation fees caused by one of its members.⁸

Despite the fact that Ireland was separated in to many small tribes and kingdoms, there does seem to be an overall agreement of the many fragments of law texts that exist.⁹ This can probably be attributed to the ability of the select learned class to travel through Ireland, in a way that the average freeman could not. Very different from our current laws, Irish law was a system built on a civil code instead of a criminal code. It was through compensation based on a strong adherence to rank in society, and the use of contracts that it had its influences on a highly hierarchical society.

⁴Kelly, *A Guide to Early Irish Law*, p. 8.

⁵Kelly, *A Guide to Early Irish Law*, p. 9.

⁶Kelly, *A Guide to Early Irish Law*, p. 9.

⁷M. Dillon. *Early Irish society*. Vol. 8. Irish life and culture. Cork: Colm O Lochlainn for the Cultural Relations Committee of Ireland, 1954, p. 54.

⁸Kelly, *A Guide to Early Irish Law*, p. 13.

⁹Kelly, *A Guide to Early Irish Law*, p. 2.

Since the laws did not cover criminal code or court procedure,¹⁰ the list of what was covered by the laws can be put as follows; “status and rank, professional groups, categories of persons, personal injuries, theft and other offenses, land-law, contract law, pledges, sureties, loans and deposits, distraint and legal entry, and legal procedure”.¹¹

¹⁰Dáibhí Ó Cróinín. *Early Medieval Ireland 400-1200*. Edinburgh Gate, England: Longman Group Limited, 1995, p. 113.

¹¹Ó Cróinín, *Early Medieval Ireland 400-1200*, pp. 115-116.

Chapter 2

The Church and Irish law

The influences of the Church on Irish law is hard to pin down. The largest problem comes from the issue of dating Irish texts, which has now come under some debate as new studies have shown what was originally thought to be from an oral background were in actuality written from their conception.¹ As previously the use of *rosc* has become significantly less reliable for dating texts.² Which throws the dating of such texts as *Bretha Nemed* in to confusion, as that is a fantastic source of legal texts and the influence of the Church thereupon.³ How much influence the Church had on Irish law, and vice versa, has been the topic of several papers. Since the Irish texts that we still have access to were writings gathered together by monks in some of the later periods, it also becomes difficult to extract who influenced whom. It also varies from text to text and region to region. This is most clearly described by Fergus Kelly:

¹Robin Stacey. *The road to judgment: from custom to court in medieval Ireland and Wales*. Philadelphia: University of Pennsylvania Press, 1994, pp. 112-113.

²Stacey, *The road to judgment: from custom to court in medieval Ireland and Wales*, p. 113.

³Liam Breatnach. "Canon law and secular law in early Ireland: the significance of *Bretha Nemed*." In: *Peritia: Journal of the Medieval Academy of Ireland* 3 (1984). Ed. by Donnchadh Ó Corráin et al., pp. 439–459.

There is also much variation in the degree of Christian influence in the law-texts: for instance, *Cáin Lánamna* gives detailed descriptions of the procedure for divorce without any word of condemnation, whereas the author of Heptad 51 quotes from St. Mark 10: 9 ‘what God has joined, let not man put asunder’. The author of *Bretha Crólige* frankly admits that there is dispute in Irish law as to whether it is proper to have many sexual unions or a single one. He justifies the practice of polygyny from the Old Testament, point out that the chosen people of God lived in plurality of unions.⁴

The influence of the Church is already to be seen in such early writings as *Cáin Fhuithirbe*, which has been dated to a few years of 680 AD.⁵ There is evidence there of significant influence from the church, already seen from the “various references to God (CIH 775.13, 776.39), Christ (775.32), the church (775.15, 776.20), and the seven grades of the church (776.18)”.⁶ Christianity runs through Irish laws in a variety of manners and it seems as though “[t]he general effect of Christianity upon Irish law was to modify it without dislocating it”.⁷ There were certainly areas of friction between the secular jurists of Ireland and the canonists of the Church. Such as the issue of inheritance, where the Church laid forth that a man, upon his death, should split his patrimony in three, one third to his sons, one third to his lord, and one third to the Church. Or more extreme, leave all that he has left to the Church, a part to his lord, and let God care for his kin, which the secular jurists did not allow in to their laws.⁸ Another case of a clear resistance to the influence

⁴Kelly, *A Guide to Early Irish Law*, p. 2.

⁵Liam Breatnach. “The Ecclesiastical Element in the Old-Irish legal tract *Cáin Fhuithirbe*.” In: *Peritia: Journal of the Medieval Academy of Ireland* 5 (1986). Ed. by Donnchadh Ó Corráin, pp. 36–52, p. 36.

⁶Breatnach, “The Ecclesiastical Element in the Old-Irish legal tract *Cáin Fhuithirbe*,” p. 49.

⁷Kathleen Hughes. *The Church in Early Irish Society*. London: Methuen & Co Ltd, 1966, p. 153.

⁸Gearóid Mac Niocaill. “Christian influences in early Irish law.” In: *Irland und die Christenheit: Die Kirche im Frühmittelalter : Ireland and Christendom: The Early Church*. Ed. by Próinséas Ní Chatháin and Michael Richter.

is the marriage between cousins, which was forbidden under Roman laws, but was quite common under Irish secular laws, as to keep the land inherited by a female offspring in the family group.⁹

However we also see the Church adapting some of the laws of secular Ireland. One such example is the adaptation of *maigen dígona*, which is the area around the house of a freeholder, the size of which varied due to rank.¹⁰ The Church used this to extend their protection of the lands around them, as “[a]ny offense committed against even a third person within this area constituted a breach of ‘house-peace’, a violation of the householder’s protection, and for this the freeholder was entitled to compensation.”¹¹

In either case, there was a clear blending of influences. That also seems to be how the Irish viewed this merging of Church and state, as shown by the pseudo-historical beginning of *Senchas Már* and its link to a statement on legal principles from *Córus Béscnai*:¹²

Roraide Dubthach mac ua Lugair in fili brethem [i. bretha] fer nErend a rach aicnic
7 a racht faide. Arosfallnastar faidsine a rach aicnid i mbrethemnus indse hErend 7
ina filedaib. Doroitcehnatar didhu faide leo: donicfa berla ban biaid .i. racht litre.
Ata mara a recht aicnid rosiachtatar nad rocht racht litre. Doairfen didiu Dubthach do
Patraic. Ni na tudcaid fri breithir nDe a racht litre 7 fri cuibse na creisen conairged a
n-ord mbretheman la heclais 7 filida. Robo coir racht aicnid uile acht cretem 7 a coir

Stuttgart: Klett-Cotta, 1984, pp. 151–156, p. 154.

⁹Donnchadh Ó Corráin. “Irish law and canon law.” In: *Irland und die Christenheit: Die Kirche im Frühmittelalter : Ireland and Christendom: The Early Church*. Ed. by Próinséas Ní Chatháin and Michael Richter. Stuttgart: Klett-Cotta, 1984, pp. 157–166.

¹⁰Mac Niocaill, “Christian influences in early Irish law,” p. 155.

¹¹Mac Niocaill, “Christian influences in early Irish law,” p. 155.

¹²Donnchadh Ó Corráin, Liam Breatnach, and Aidan Breen. “The Laws of the Irish.” In: *Peritia: Journal of the Medieval Academy of Ireland* 3 (1984). Ed. by Donnchadh Ó Corráin et al., pp. 382–438, p. 385.

7 comuaim n-ecalsa fri tuaith 7 dliged cechtar da lina ua 'raile 7 in araile ar ata dliged
tuaithe i n-eclais 7 dliged n-ecalsa i tuaith.

Dubthach moccu Lugair the poet declared the judgments of the men of Ireland [which had been given] in accordance with the law of nature and the law of the seers (*fáide*); for inspiration in the law of nature had ruled the jurisprudence (*breithemnas*) of the men of Ireland and their poets; and seers of theirs had prophesied: the white language of the *beati* will come to us, i.e. the law of the letter. There are many things covered in the law of nature which the law of the letter did not reach. Dubthach expounded these to Patrick. What did not conflict with the word of God in the law of the letter and (=or) with the conscience of the faithful has been fastened in the canon of the judges by the church (clerics) and the *filid*. The whole of the law of nature was right save for the faith and its entitlement and the harmony of church and *túath* and the entitlement of each from the other and [the due of each] to the other, for the *túath* has an entitlement in the church and the church in the *túath*.¹³

In this passage we can see at least one major desire, that the natural laws, those that were already being used in Ireland, were to be blended with canon laws, but otherwise upheld where they did not conflict. However, as we saw previously, where there may have been conflict, it was not always the Church who won the argument. Further there are the superficial changes on how one would swear an oath, to the more interesting echoes of the Bible throughout many of the texts. It becomes clear that sometimes secular laws would be defended by passages from the Bible, even if only poorly.¹⁴ Irish scholars would draw on the Bible to tie their history to that of the Church,

¹³Ó Corráin, Breatnach, and Breen, "The Laws of the Irish," pp. 385-386.

¹⁴Mac Niocaill, "Christian influences in early Irish law," p. 154.

such as with the importance of the law of nature, as mentioned above.¹⁵ This extended beyond this to the use of the idea of levitical cities, or cities of refuge, and the major church sites of Ireland were listed and treated as such, tying also in to the already existing idea of *maigen dígona*. Here is an early example for the city of Armagh from the *Liber Angeli*:

Scit ergo Dominus Deus tuum praesentem locum quem praesto uidemus in alto positum cum parua celula angustum, ab aliquibus quoque regionis habitatoribus coartatum, et suburbana eius non sufficiunt cunctis ad refugium. Idcirco, constituitur terminus a Domino uastissimus urbi Alti Mache, quam dilexisti prae omnibus Hibernensium telluribus.

The Lord your God knows that your present place which we see before us, placed high on the hill, is narrow and has (only) a small church and is also hemmed in by some inhabitants of the region, and the surrounding territory is not sufficient to give shelter to all. therefore a vast *termonn* [precinct] is being established by the Lord for the city of Armagh, which you have loved more than all the lands of the Irish.¹⁶

This came to be known in Irish as *cathair attaig*, and the term as well as the idea of a city of refuge only seem to be found in later texts, not in older Irish legal texts.¹⁷ Which again makes it difficult to narrow down precisely when this concept came from the Church. So it becomes difficult to see to what depth the Church influenced the secular laws of Ireland and vice versa, besides superficial loanwords.

¹⁵Donnchadh Ó Corráin. "Irish vernacular law and the Old Testament." In: *Irland und die Christenheit: Bibelstudien und Mission : Ireland and Christendom: the Bible and the missions*. Ed. by Próinséas Ní Chatháin and Michael Richter. Stuttgart: Klett-Cotta, 1987, pp. 284–307, p. 292.

¹⁶Ó Corráin, "Irish vernacular law and the Old Testament," p. 297.

¹⁷Ó Corráin, "Irish vernacular law and the Old Testament," p. 300.

Chapter 3

Hanging or Crucifixion

Capital punishment, then, was not often used within the Irish law system. A murderer (or their *derbfine*) would more often have to pay two fines, the fixed *éraic* ‘body fine’ in early Irish, known as *cró* in later Irish, which was 7 *cumals* for any freeman, regardless his or her rank. The other fine was the one based on the *lóg n-enech* or honor-price of the victim’s *derbfine*.¹ So it is that the death penalty does not appear often within Irish texts. However, when it does appear, it does seem to be in the form of hanging, as shall be discussed below.

It is difficult to pin down when someone would commit a crime horrible enough to justify death in Irish societies. As Kelly writes: “In the secular law-texts, on the other hand, the death penalty seems to be employed only as an alternative to payment or enslavement.”² This suggests that there was no specific tie between the crime committed and the physical punishment carried out, as we have in our current law system. Instead, while there

Hanging was only one form of punishment that was used by the Irish. While Fergus Kelly

¹Kelly, *A Guide to Early Irish Law*, p. 126.

²Kelly, *A Guide to Early Irish Law*, p. 217.

states that “the commonest form of execution seems to have been hanging (*crochad*) from a gibbet (*gabul*)”,³ it is a question of whether such sources as the Annals of Ulster support his statement. To look at the texts, we must first know a little bit about the word for this punishment. The word for hanging in Irish first started as the word for crucify, *crochaid*, which is from the Latin *crux* or cross. In fact, the Dictionary of the Irish language lists the following meanings for *crochaid*; crucifies, hangs.⁴ This certainly seems to suggest that the Church perhaps introduced this form of capital punishment, or at least, the Latin from which the word is derived. Another question remains, how prevalent was hanging in Irish society? From the Annals of Ulster, we only get a few references to people being hanged or crucified. Here is one such reference from 746CE:

U746.11 Sarughadh **Domnaigh Phatraicc**; .ui. cimmidi cruciati.⁵

U746.11 Violation of sanctuary at Domnach Pátraic, six captives being hanged.⁶

The only references in the Annals afterwards is much later such as in 1175CE when “Magnus h-Ua Mael Sheachnaill do chrochadh la Gallaibh.”⁷ However, that example lies outside of the scope of Irish law, and so does not count amongst our evidence that hanging was a common punishment in the Annals. Another instance of this punishment, also from the 12th century, seems to be referring more to crucifixion than to hanging by the neck. Again we see

³Kelly, *A Guide to Early Irish Law*, p. 217.

⁴Ernest Quin. *Dictionary of the Irish Language: based mainly on old and middle Irish materials compact edition*. Dublin: Royal Irish Academy, 1983.

⁵Donnchadh Ó Corráin and Mavis Cournane. “The Annals of Ulster.” In: *CELT: The corpus of electronic texts* (2008). URL: <http://www.ucc.ie/celt/published/G100001A/index.html>.

⁶Pádraig Bambury and Stephen Beechinor. “The Annals of Ulster.” In: *CELT: The corpus of electronic texts* (2000). URL: <http://www.ucc.ie/celt/published/T100001A/index.html>.

⁷Ó Corráin and Cournane, “The Annals of Ulster,” trans: Magnus Ua Mael-Seachnaill was hanged by the Foreigners.

U1197.2 Mac Gilla Eidich do Chiannachtaibh do shlat altara tempoill moir Dhaire Coluim Cille & do breith ceithri corn is fherr do boi i n-Erind eisti, .i., m Mac Riabhach & m Mac Solus & m Corn h-Ui Mael Doraidh & im Cam Coraind & im Corn h-Ui Dochartaich. Ro bris imorro & tall a n-innmusa & a lasa dibh. Frith imorro isin tres loa iarna n-gait na seoit & nt ro gat. Ocus ro crochadh (.i., ic Crois na Riag) i n-einech Coluim Cille, 'sa h-altoir ro saraighedh ann.⁸

U1197.2 Mac Gilla-Eidich of the Ciannachta robbed the great altar of the great church of Daire of Columcille and took the four [*five*] best goblets that were in Ireland therefrom, including the gray son and the son of light and the goblet of Ua Maeldoraidh and the twisted goblet and the goblet of Ua Dochartaich. Moreover, he broke off and took away from them their jewels and their setting. But, on the third day after their being stolen, the treasures and he who stole them were found out. And he was hanged (namely, at the Cross of the Executions) in reparation to Colum-cille, whose altar was profaned there.⁹

That he was hanged on the cross is certainly suggestive of crucifixion instead of hanging by the neck. That, however, seems to be the end of any recordings of hangings within the annals of Ulster. We can see some references to hanging or crucifixion in some of the literature, such as *Togail Bruidne Da Derga* (the destruction of Dá Derga's Hostel), below.

7 fogellsat in ri[g] imbi, co n-epert-side: Oircead cach a mac, 7 ainciter mo daltai-seo. Cet, cet! or cach, dogentar airiut. Nat em, ol sesseom. N haurcur segail damsá in

⁸Ó Corráin and Cournane, "The Annals of Ulster."

⁹Bambury and Beechinor, "The Annals of Ulster."

breth ron-ucus. N crochfaiater in fir, acht eirget senri lesom cor-rlat a ndbeirg for firu Alpan.¹⁰

They consulted the king concerning the matter, and he said “let each (father) slay his son, but let my fosterlings be spared.”

“Leave, leave!” says every one, “it shall be done for thee.”

“Nay indeed,” quoth he; “no cast of life by me is the doom I have delivered. The men shall not be hung; but let veterans go with them that they may wreak their rapine on the men of Alba.”¹¹

In this passage from *Togail Bruidne Da Derga* we see that, because these men have been thieving and raping, their right punishment would have been to be hanged, but the king sends them away. However, there are more uses of *crochaid* in *Aislinge Meic Conglinne* (the vision of Mac Conglinne), though for a slightly different reason.

‘Acht gillim fiad nDúilemain 7 Barri,’ ol Manchín, ‘níba h’ aír bess duit. Tucc[th]ar lib siút co croch[th]ar i n-enech Barri 7 na h-eclaisi 7 i m’ enech-sa forsín fhaithche.’ ‘A c[h]lérig,’ ar Mac Con Glinne, ‘ní-dam c[h]rocht[h]ar, acht berar breth f[h]írián indraicc form is f[h]err oltá mo chrochad.’ Atn-agar ann sin hi cend brethi do breith for Mac Con Glinne. Atn-aig Manchín oc taccra fris. Atn-agar cach fer iar n-urd do muintir Chorcc[aig]e co Mac Con Glinne. Cia boí d’ imbud ecnai 7 eólais 7 aircetail leó, ní [fh]ríth loc laburtha i ndligud dó triasa crochthá.

¹⁰Whitley Stokes. *Togail Bruinde Dderga : The destruction of Dderga’s Hostel*. Paris: Librairie E. Bouillon, 1902, pp. 21-22.

¹¹Stokes, *Togail Bruinde Dderga : The destruction of Dderga’s Hostel*, p. 22.

Berair iar sin cen dlíged co Ráthín Mac nAeda i ndescert-leth Cho[r]ccaige, .i. fai[th]chi.¹²

“But I vow before the Creator and St. Barre,” said Manchín, “thou shalt not revile again. Take him away with you, that he may be crucified on the green, for the honour of St. Barre and of the Church, and for my own honour.”

“O cleric,” said MacConglinne, “let me not be crucified, but let a righteous, just judgment be given on me, which is better than to crucify me.”

Then they proceeded to give judgment on MacConglinne. Manchín began to plead against him, and every man of the monks of Cork proceeded, according to rank, against MacConglinne. But, though a deal of wisdom and knowledge and learning had they, lawfully he was not convicted on a point of speech for which he could be crucified.

Then was he taken without law to Ráthín Mac n-Aeda, a green in the southern quarter of Cork.¹³

On the question of whether *crochaid* meant hanging, or more something akin to crucifixion, there is a more interesting passage in *Aislinge Meic Conglinne*.

Monuar! Isin uair-sin berair Mac Con Glinne fo Chaill na Sindach 7 do-berair biail ’n-a láim, 7 lucht coiméta immaille friss. Benais féin a chésaid-c[h]rand 7 no-s imarchair fri [a] ais co faithc[h]i Chorccaige. Sáidis féin in crand; 7 lingis ind amser dar crích n-espartan, 7 ní boí comairle aile leó acht a chrochad in tan-sin.¹⁴

¹²Kenneth H. Jackson, ed. *Aislinge Meic Con Glinne*. Dublin: Dublin Institute for Advanced Studies, 1990, p. 8.

¹³Kuno Meyer. *Aislinge Meic Conglinne (the vision of MacConglinne)*. Medieval Irish Series. Cambridge, Ontario:

In parentheses Publications, 2000, pp. 8-9.

¹⁴Jackson, *Aislinge Meic Con Glinne*, p. 11.

Ochone! in that hour MacConglinne was taken to the Foxes' Wood, and an axe was put in his hand, his guard being about him. He himself cut his passion-tree, and bore it on his back to the green of Cork. He himself fixed the tree. And the time had outrun the close of vespers, and the one resolve they had was to crucify him there and then.¹⁵

It seems more clearly illustrated here, that at least within this text, *crochaid* takes on the meaning of crucify. That is clearly how Kuno Meyer¹⁶ has interpreted it in his translation, although there is an alternate, newer translation from Lahney Preston-Matto¹⁷ who does translate it as hanged instead of crucified. So, it seems that it is difficult to say what exactly was meant when the word *crochaid* was used. In both the Annals of Ulster and the literature, the word is slightly more ambiguous than would be expected. However, given the evidence here, the meaning of crucifixion seems far more appropriate. This suggests that *crochaid* only came to mean hanging much later in Irish history than had previously been suspected. Such evidence could lead one to believe, then, that *crochaid* came early with the influence of the Church.

¹⁵Meyer, *Aislinge Meic Conglinne (the vision of MacConglinne)*, p. 11.

¹⁶Meyer, *Aislinge Meic Conglinne (the vision of MacConglinne)*.

¹⁷Lahney Preston-Matto. *Aislinge Meic Conglinne: The Vision of Mac Conglinne*. Medieval Studies. Syracuse:

Syracuse University Press, 2010.

Conclusion

So we return to our questions; for which crimes would a person be sentenced to death in Early Irish society in comparison to the usual forms of compensation? Is it possible to tell from the information we have if hanging entered the laws due to the influence of the Church and biblical law, or if it existed as a punishment before the rise of the Church's influence? Unfortunately, it is still not possible to give clear and concise answers to any of these questions. It does not seem, from the records and literature we have, that corporal punishment was the norm. As to what crimes could lead one to being hanged in Ireland in the seventh and eighth centuries, it seems to have mostly been used in regards to theft. While *Aislinge Meic Conglinne* is a story of man who is threatened with being hanged for inappropriate satire, it never happens.

As to the connection between the Church and its influences on Irish law, one could cautiously say that hanging entered Irish laws from the Church's influence. The use of *crochaid* and the context it is used in seems more reminiscent of crucifixion than it does of hanging as we are accustomed. What evidence we have also suggests that when it was used, it was used by the clergy, as Fergus Kelly states after a translated passage from a legal fragment on theft, "[t]his appears to mean that the only form of the death penalty which can be inflicted on the authority of the Church is hanging".¹⁸ The Annals of Ulster support this, showing that those who were hanged

¹⁸Kelly, *A Guide to Early Irish Law*, p. 217.

as a punishment, not simply by foreigners, were hanged for theft from the Church.

The question of whether the Church influenced the laws of Ireland can be answered as yes. Though to what depths and how much the Church was then influenced by the Irish secular laws would require even more in depth study of what sources we have. As more is translated of the very difficult law texts, and more is discovered, the full extent of influences may yet be revealed.

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