

## Privacy in Early Ireland

*An Overview and Analysis of Occurrences of Privacy in the Táin Bó Cúailnge and Early Irish laws*



*Táin Bó Cúailnge mosaic: Dublin, Ireland*

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## Abstract

Privacy as a concept and a right has become an increasingly important topic of discussion and debate in the last few years, but privacy as a historical concept also merits discussion. This thesis positions itself in the field of the study of privacy in history, and offers new perspectives to this field as privacy in early (7<sup>th</sup> and 8<sup>th</sup> century) Ireland has not been studied thoroughly before. The thesis shows that privacy as a concept was present in both early Irish laws and narratives from the Irish epic *Táin Bó Cúailnge* in many different ways. The instances of privacy that occur in the laws and in the narratives of the *Táin Bó Cúailnge* are noted and analysed according to different definitions of privacy, mostly having to do with privacy of information, privacy of action, and with access and control (over privacy). After this, a comparison is drawn up between the instances as found in the laws and in the narratives in order to view similarities. In doing so, this thesis sets out to show the importance of privacy in both these sources, and to show that, while privacy is often researched in a modern context, it has been around for many centuries, and that researching privacy in a historical context can provide valuable and unique insights into the concept of privacy as a whole while also giving a fuller and more complete picture of its history. This thesis is aimed mostly at those with an existing interest in medieval Ireland and in privacy studies, although efforts have been made to make it understandable and interesting for all.

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# Introduction

## General introduction

This thesis will be concerned with the exploration of the concept of privacy in Ireland in the early Middle Ages. Currently (2021), privacy is a topic that has often been up for discussion, with recent laws passing in the Netherlands which limit the data that is allowed to be gathered about individuals, often concerning data collected by firms about their (possible) employees.<sup>1</sup> The importance of privacy can also be seen in the emergence of alternative search engines such as DuckDuckGo, which does not collect data of users for personalized advertisements, contrary to Google.<sup>2</sup> Another example is the collecting of personal data without consent of millions of Facebook users by the firm Cambridge Analytica, which used this data for political advertising.<sup>3</sup> Because of these recent issues with privacy, privacy as a subject has gained more relevance in recent years, especially because western society as a whole is a relatively private one, where selfhood and individuality are important factors to most. This was not always the case, but that does not mean that privacy is a modern concept, as it is a context-dependent phenomenon, and is thus by definition understood differently in different time periods.<sup>4</sup>

This thesis will look into the concept of privacy in early Ireland<sup>5</sup> and answer the question: What is the importance of privacy to characters in the Old Irish *Táin Bó Cúailnge* and its *remscéla* and what can this tell us about privacy in Ireland in that time? The time period discussed here concerns the early to mid-Middle Ages. The

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<sup>1</sup> <https://autoriteitpersoonsgegevens.nl/nl/over-privacy/wetten/algemene-verordening-gegevensbescherming-avg>, accessed 7-4-2021.

<sup>2</sup> Hollingsworth, Sam. "DuckDuckGo doesn't follow its users around with ads since it won't store their search history, won't track their IP address, and essentially has no personal data to sell, regardless of whether the user is in private browsing mode." <https://www.searchenginejournal.com/google-vs-duckduckgo/301997/#close> accessed 27-4-2021. DuckDuckGo's homepage also clarifies that privacy is their main concern: <https://duckduckgo.com/>. More information can be found at <https://spreadprivacy.com/why-use-duckduckgo-instead-of-google/>, accessed 27-4-2021.

<sup>3</sup> Chan, Rosalie. "The Cambridge Analytica whistleblower explains how the firm used Facebook data to sway elections", Business Insider. <https://www.businessinsider.nl/cambridge-analytica-whistleblower-christopher-wylie-facebook-data-2019-10?international=true&r=US>. Accessed 27-4-2021.

<sup>4</sup> Keulen and Kroeze 2018: 52, additionally also mentioned in Holvast 2009: 15.

<sup>5</sup> A distinction must be made between two terms which will be mentioned in this thesis: Early Irish and Early Ireland. Early Ireland refers to the period of time which will be researched here, e.g. the early to mid Middle Ages, whereas Early Irish refers to the languages in which the sources were written. This can refer to either Old Irish or Middle Irish, since some additions to narratives have been made in Middle Irish, and it is not always possible to tell which part is an addition and which part is not. Old Irish was the Celtic language of Ireland from ca. 600 to 900 AD, and Middle Irish is said to have surfaced around 900, lasting until ca. 1200. Old Irish is the parent language of modern Irish (Gaelic) and Scots-Gaelic. See Thurneysen, Rudolf, *A Grammar of Old Irish* (Dublin 1946), and Tymoczko 1999: 151.

sources that will be used to research this subject are early Irish laws, and several fictional narratives related to the *Táin Bó Cúailnge*, as well as the *Táin Bó Cúailnge* itself. Most law texts from early Ireland originate in the 7<sup>th</sup> or 8<sup>th</sup> centuries, surviving in manuscripts of the 14<sup>th</sup>-16<sup>th</sup> centuries, often incomplete or corrupted.<sup>6</sup> The corpus of material that survives is only a portion of the material that law schools produced, as can be seen by the many references in surviving manuscripts to works that are lost.<sup>7</sup> The Old Irish original narratives usually date from between the 8<sup>th</sup> and 12<sup>th</sup> century, but some of them are set earlier, such as the *Táin Bó Cúailnge*. The *Táin Bó Cúailnge* is fictionally set in the first century within Irish narratological time, meaning that the Irish tradition placed it at that time. It is debatable when it is actually supposed to have happened, although it is likely that people used their present period and projected this onto the past as opposed to striving to show the past as it actually would have been. It survives in manuscripts of the 12<sup>th</sup> century or later, although “the language of the earliest form of the story is dated to the eight century, but some of the verse passages may be two centuries older”<sup>8</sup>. This means that the law texts and the *Táin Bó Cúailnge* date from roughly the same time period.

This thesis will compare findings of privacy in the *Táin Bó Cúailnge* (from now on: *Táin*) with privacy as it is found in the laws of the period. The reason that the *Táin* is chosen for this thesis, is because it is the most well-known Irish tale, and is the tale that to many people will represent early Ireland. It is in fact an Old Irish epic tale. The *Táin* is part of the Ulster Cycle, which is a group of narratives “dealing with the exploits of King Conchobor and the champions of the Red Branch, chief of whom is Cúchulainn, the Hound of Ulster”.<sup>9</sup> The subject of the story of the *Táin* is a cattle-raid. Cattle-raiding was considered “one of a king’s most important and prestigious activities”<sup>10</sup>, even though it was technically not allowed.<sup>11</sup>

The *Táin* is believed to have its roots in orality, as was the case for many Irish narratives since Irish society had been an oral one long before script was introduced. The *Táin* was one such story that was eventually written down, with the addition of Christian elements, by monastic scribes.<sup>12</sup> The *Táin* has survived in three recensions, of which Recension I is the oldest manuscript version. This recension is found in the *Lebor na hUidre* (“Book of the Dun Cow”), which was compiled in the 12<sup>th</sup> century, the manuscript entitled *Yellow Book of Lecan*, dating from the 14<sup>th</sup> century, Egerton 1782, dating from the early 16<sup>th</sup> century, and O’Curry MS. 1, dating from the late 16<sup>th</sup> century.<sup>13</sup> Added to this, there are some parts of the *Táin* that originate from another

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<sup>6</sup> Kelly 1988: 1.

<sup>7</sup> Patterson 1994: 6.

<sup>8</sup> Kinsella 1970: introduction ix.

<sup>9</sup> Kinsella 1970: introduction ix.

<sup>10</sup> Kelly 1988: 26n55.

<sup>11</sup> Kelly 1988: 26.

<sup>12</sup> Kinsella 1970: introduction ix.

<sup>13</sup> O’Rahilly 1976: introduction vii.



12<sup>th</sup> century manuscript, namely the Book of Leinster.<sup>14</sup> While Recension I is older, the *Táin* as found in the Book of Leinster has a narrative that is more polished and consistent.<sup>15</sup> In modern times, the *Táin* has been translated into English in numerous occasions, in both (semi-)literal translations and in loose adaptations which have taken more creative liberty with the narrative.<sup>16</sup>

The version of the *Táin* that will be used for reference in this thesis is the English translation by Thomas Kinsella. His translation is based on the versions of the *Táin* as found in the *Lebor na hUidre* and the *Yellow Book of Lecan*. The reason for choosing this translation is that Kinsella has combined the tale of the actual cattle raid with some other narratives that are closely connected to the main story, whereas the *Táin* itself lacks these narratives. These narratives are pre-stories or pre-narratives (Irish: *remscéla*), and they are important for the understanding of the *Táin* even though they are not officially part of it. They give the motive for the cattle-raid and explain backstories and connections. Kinsella has chosen to include these *remscéla* in his *Táin* in order to present the full story of the cattle-raid.

Privacy and discussions about privacy are very old, having its roots in ancient Greek philosophical discussions, most importantly in “Aristotle's distinction between the public sphere of political activity and the private sphere associated with family and domestic life.”<sup>17</sup> In 1891, American lawyers Samuel Warren and Louis Brandeis described the right to privacy in a famous article as the right to be let alone. In 1967 Professor of Public Law and Government Alan F. Westin publicized *Privacy and Freedom*, where he “defined privacy in terms of self determination: privacy is the claim of individuals, groups, or institutions to determine for themselves when, how, and to what extent information about them is communicated to others.”<sup>18</sup> In most publications from that time, the three words used in relation to privacy were freedom, control, and self-determination. Privacy was described in a very similar matter as in the 1891 definition.<sup>19</sup> Many publications on privacy since the 1960s incorporate Westin’s definition. 1891 and 1967 can thus perhaps be seen as attempting to define privacy for the first and second time, although they certainly are not the starting point of the concept of privacy itself.

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<sup>14</sup> Kinsella 1970: 261.

<sup>15</sup> Kinsella 1970: introduction x.

<sup>16</sup> An interesting example is the *Celtic Warrior: the Legend of Cú Chulainn* comic-book, which is clearly based on the *Táin* in that it tells of Cú Chulainn’s upbringing and the ensuing cattle raid. Major differences between this comic and the original tale are Maeve (Medb) being depicted as an enchantress and Cú Chulainn getting a weapon imbued with the spirits of dead warriors. The comic is very interesting for anyone interested in the Irish epic. Source: Will Sliney, *Celtic Warrior: the Legend of Cú Chulainn* (Dublin 2013).

<sup>17</sup> Stanford Encyclopedia of Philosophy Archive, accessed at <https://plato.stanford.edu/archives/spr2015/entries/privacy/>. This article was written in 2002, and revised in 2013.

<sup>18</sup> Holvast 2008: abstract.

<sup>19</sup> Holvast 2008: 16.

Privacy can be divided up into categories. I propose to divide it into privacy of communication and (personal) information, privacy of actions, and access and control. These are very different aspects of privacy and must therefore be considered as separate. For the definition of privacy regarding communication or data, I will use the definition by Alan Westin as stated above, repeated here for clarity: “the claim of individuals, groups, or institutions to determine for themselves when, how, and to what extent information about them is communicated to others.”<sup>20</sup> Regarding privacy of action, it is a bit more difficult to establish a working definition for this more practical kind of privacy. In this thesis, privacy of action will mean that someone chooses their own actions, influencing their own privacy in this way. A lesser sense of privacy of action will therefore mean that someone is forced to take certain actions, leading to either a greater or smaller level of privacy through no choice of their own. Their freedom of action is limited. I have also chosen the following definition to complement this: “Privacy is a state in which one is not observed or disturbed by other people”.<sup>21</sup> Additionally, in this thesis the aspects of access and control will be investigated. Access here means that “privacy is a function of the extent to which people can access you either physically, or can access information about you”.<sup>22</sup> However, there are authors who argue that viewing privacy as ‘just’ an issue of access might be a bit too simplistic, and that privacy is also a matter of control, meaning that “the person who enjoys privacy is able to grant or deny access to others”.<sup>23</sup> If these two views of access and control are combined, that would give us this: “privacy is about the control one has over access to oneself”.<sup>24</sup> This definition is further explained by stating that “access to ourselves or our information is not undesirable per se; what matters is that we have control over this access”.<sup>25</sup> This would make privacy an interpersonal phenomenon, which is not covered by the definition of access alone. This definition of access and control as one unit is particularly helpful. It is this definition that will be used next to those of information and action, in order to define privacy as precisely as possible, and to provide a clearer and more complete picture of instances of privacy discussed in this thesis. For this thesis, privacy is thus divided up into: privacy of information and action, the right not to be observed or disturbed, and access and control.

Other concepts that this thesis will take into consideration are those of satire and gossip. These concepts are closely related to privacy, as can still be seen in modern times. Gossip about people can affect their privacy,<sup>26</sup> and satire can still be seen in for example satirical cartoons and stand-up comedy. Both these terms were

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<sup>20</sup> Westin 1967: 7.

<sup>21</sup> Definition by Oxford Languages, found online.

<sup>22</sup> Sax 2018: 144.

<sup>23</sup> Sax 2018: 144.

<sup>24</sup> Sax 2018: 145.

<sup>25</sup> Sax 2018: 145.

<sup>26</sup> For example in the sense that they withdraw from society due to gossip, or in the sense that all their personal information is outed, like in the case of celebrities.

also linked with privacy and private life in Ireland in the early Middle Ages. A lot has been written about satire especially, and it is clear that satire could have a big influence on a person's private life. Privacy in early Ireland is not a subject on which much has been written, and privacy in the *Táin Bó Cúailnge* and its *remscéla* as discussed in this thesis is a new area of research all together, as no previous publications have been written on this. This thesis will therefore contribute a different area of research on privacy and its history, both in fictional and non-fictional sources, to the research and understanding of privacy in general. The thesis will thus give a more complete picture of the history of privacy, more specifically privacy as seen in the early Middle Ages in Ireland. This can help to further solidify existing definitions of privacy or to adjust such definitions where needed, depending on the findings.

The following is the general lay-out of the thesis. Chapter 1 will give an overview of Irish society in the early Middle Ages, in order to provide a backdrop for the laws and narratives that will be discussed. Chapter 2 will focus on privacy in non-fictional evidence, meaning law texts and archaeology, as archaeology can be used to confirm findings from texts. Chapter 3 will start looking at the narratives of the *Táin Bó Cúailnge* and what privacy looks like in these narratives. Chapter 4 will, where possible, pair the findings in the laws with the findings in the narratives in order to determine the extent to which privacy is similar in both the laws and the narratives. This chapter will also contain a further analysis. This will provide an answer to the research question of this thesis. The conclusion will follow after this. After the bibliography, Appendix A (summaries of the *remscéla*) and B (tables of categories of privacy) can be found.

## Research Question

What is the importance of privacy to characters in the Old Irish *Táin Bó Cúailnge* and its *remscéla* and what can this tell us about privacy in Ireland in that time?

Questions that will be discussed and answered in this thesis in order to answer the research questions are the following:

- What can the law texts tell us about privacy in early Ireland, especially in comparison to the narratives?
- What could be expected to be public information in Early Irish society, as opposed to private information?
  - o What words or terms were used to indicate privacy when referring to keeping personal information to oneself?
- Which aspects of privacy can be seen in the laws?
  - o To what extent does archaeological evidence support the presence of privacy in the laws, for example in divisions of rooms?

- How is privacy shown in the different narratives of Kinsella's *The Táin*, meaning in the *remscéla* and the *Táin Bó Cúailnge* itself?
  - o Are instances of personal privacy represented, i.e. keeping personal information to oneself?
  - o Are instances of physical privacy represented, i.e. not being observed or disturbed without prior permission?

The question regarding public information, specifically what was public and what was not, must be explained further, which will be done in chapter 1.

## Methodology

This thesis will answer the research question and sub questions by first looking closely at the laws of the period to determine the presence of privacy in the laws. Laws are thought to present an idealized scheme for how a society should work. They present what is deemed acceptable, beneficial, needed, or the complete opposite of all of this. Therefore, while they might not always be an accurate representation of what a society was actually like, they do provide an understanding of what this society deemed important. The laws thus give insight into the values and morals of societies. In the case of early Ireland, references to laws are sometimes found in annals, saint's lives or narratives,<sup>27</sup> but most surviving laws are found in actual medieval law texts, such as *Cáin Lánamna* which focuses specifically on married law, *Bretha Crólige*, *Críth Gablach*, and more.<sup>28</sup> Most of these texts give a general overview of Irish society, containing laws related to sickness, crimes, status, farming, marriage, relationship between lord and client, religion, and so on.

An important methodological point concerns the dating of texts used as sources for this thesis. As mentioned above, the dating of the texts ranges from the 7<sup>th</sup> or 8<sup>th</sup> centuries when it comes to the law texts of the *Senchas Már* to as late as the 12<sup>th</sup> century for parts of the *Táin* and its *remscéla*. However, "the political institutions of pre-Viking Ireland are now regarded as highly continuous throughout the pre-Norman period"<sup>29</sup>, meaning that the political institutions thus remained more or less the same before the Normans arrived in the late 12<sup>th</sup> century. This means that, despite the disparity of dates, there is a sense of continuity in early Ireland, and society was uniform to the point where many laws, habits, issues, and general aspects of life were roughly the same in the beginning of the period (7<sup>th</sup>-8<sup>th</sup> centuries) as at the end (12<sup>th</sup> century). For this thesis specifically, this means that, while the law-texts originally do not necessarily all come from the same period of time, the laws in them can be taken to be representative for the entire period of the 8<sup>th</sup> century under review here. It also means that the *Táin* can be compared to 8<sup>th</sup> century texts even

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<sup>27</sup> Kelly 1988: 2.

<sup>28</sup> Kelly 1988: 1, 2.

<sup>29</sup> Patterson 1994: 21.

though parts of it have an earlier or later date.<sup>30</sup> In this aspect, Ireland likely differed from other countries that were otherwise similar to it, and some references in law-texts thus may seem strange, but are nevertheless true to pre-Norman Ireland.

In order to properly research the presence of privacy in the laws, satire and gossip will also be taken into consideration. Gossip is here taken to mean “conversation or reports about other people’s private lives that might be unkind, disapproving, or not true”.<sup>31</sup> In this definition, private life is taken to mean that part of someone’s life about which they generally do not share information to others. In this thesis, the hypothesis regarding satire and gossip is that both of these were linked to privacy and could affect someone’s privacy and heavily impact one’s social standing in early Ireland. Satire could for instance be used while mocking someone’s non-visible, and therefore private ‘blemishes’, which was punishable by law. By looking at privacy in the laws, the importance that was given to privacy in multiple aspects of daily life in early Ireland will become clearer. For this, Fergus Kelly’s *A Guide to Early Irish Law* is an important source. The next step is to take a better look at the narratives of the *Táin Bó Cúailnge*, as edited and translated by Kinsella. Both of these sources will be combed through completely, with an additional source, *The Ulster Cycle: The Wooing of Emer and other stories* by Patrick Brown (2002/2008), being used for the *remscél* of Emer’s wooing that Kinsella has not recorded fully. Instances related to privacy will be noted, and analysed and compared.

An important concept of privacy that will be used in this thesis is that of access and control: one’s own control over the access others had to them and their information, and control over their own personal information in general, with information being another important concept. Several chapters in the *Handbook of Privacy Studies* are used to look at privacy more closely.<sup>32</sup> Other concepts coming from this book are those of the three dimensions of privacy, those being the local, informational, and decisional dimension, as coined by Roessler. These will be introduced in chapter 4.

The instances of privacy as seen in the narratives and laws will be analysed and compared where possible. In addition to comparison and analysis of the sources, Appendix B was created, which houses different categories of privacy. Table A1 and A2 are concerned with privacy of information and action, the right not to be observed or disturbed, and access and control. Table B contains an earlier division, that being: positive privacy, negative privacy, the right not to be disturbed, the right not be observed, the right to withhold personal information, other. Positive and negative privacy will be referred to throughout the thesis. Positive privacy means that privacy is maintained by the retention of information, or by someone sharing their own information willingly. Negative privacy means that information about someone is being shared, usually by others, against their will or without their

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<sup>30</sup> Kinsella 1970: introduction ix.

<sup>31</sup> <https://dictionary.cambridge.org/dictionary/english/gossip>, accessed 20-7-2021.

<sup>32</sup> This book was pointed out to me by my supervisor Dr. Martine Veldhuizen.

knowledge. These categories were devised by my supervisor Dr. Aaron Griffith and myself. Table B was an earlier creation, with tables A1 and A2 being a more improved and far-reaching version. Appendix B serves to provide the reader with a clear overview of all the instances of privacy and the categories they belong to.

All of this taken together will provide some answers on how privacy was viewed in fictional narratives in these times. The next step is to then compare these findings with what is known about privacy in non-fictional early Ireland, e.g. to the findings in the laws. To what extent do the findings prove similar? After all, literature often provides an indication as to what was important to the people living in that time, but should not be taken as fully representing a certain society. This step will be done by noting which instances of privacy as seen in the narratives are reflected in the laws, and comparing those to their counterpart. The approach taken for this thesis is thus mostly a comparative approach between the two domains of law and literature, with an emphasis on the findings in the narratives, based on qualitative analysis of the data.

## Chapter 1: Early Medieval Ireland

In order to understand a society, it is generally beneficial to look both at internal and external sources, meaning both native and foreign. However, when it comes to early Ireland, there really are no foreign sources about it before the late 12<sup>th</sup> century. This means that almost all the information that is available about early Ireland comes from Irish sources. Luckily Ireland knew a rich and varied literary scene and many different kinds of text can be consulted, in Old Irish or Latin: “Law-texts, wisdom-texts, sagas, histories, praise-poetry, annals, genealogies, saints’ lives, religious poetry, penitentials and monastic rules all add in different ways to our understanding of early Irish society.”<sup>33</sup> These texts, which give insight into early Irish society were usually edited after having been written, with glosses and comments and sometimes new sections being added as much as several centuries after the writing of the texts.<sup>34</sup> These manuscripts and their texts have been extensively investigated by scholars in order to gain a grounded picture of Early Irish society. The following two sections will thus be a short overview of Irish society and events that shaped it in order to provide a background for the rest of the thesis, but the overview is by no means extensive. The books cited in this chapter can aid the interesting reader in gaining a fuller understanding of early Irish life, laws, and society.

### Key events and characteristics of Ireland between 4th and 11th centuries

The following will be a brief summary of the events that took place during the early Middle Ages that helped shape Ireland, and of general characteristics of Ireland in this period.

In the fourth century, Christianity came to Ireland, often considered to have been brought by Saint Patrick ca. 435.<sup>35</sup> However, while his mission is considered the most successful, it was not the first, and he was not truly the one to bring Christianity to Ireland. By the time he arrived in Ireland, a part had already been converted. Early missionary work (probably started in the late 4<sup>th</sup> century) was concentrated in the southeast of Ireland, and Patrick’s mission was to convert the still pagan northern half. The period between the 4<sup>th</sup> and 6<sup>th</sup> century was one of social upheaval, because of the emerging of conquering groups, the conversion to Christianity and the indirect effect of the collapse of Roman power in Britain.<sup>36</sup> The

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<sup>33</sup> Kelly 1988: 1.

<sup>34</sup> Patterson 1994: 3.

<sup>35</sup> Haywood 2014: 96. Patrick had once been captured by the Irish and kept as a slave, but had escaped to later return as a missionary.

<sup>36</sup> Patterson 1994: 37. The Romans were not in Ireland, but the effect of the collapse of Roman power was likely seen in Ireland as well, though indirectly. Presumably this could have influenced trade and general relations with Britain, at least for some time.

4<sup>th</sup> and 5<sup>th</sup> centuries were also centuries in which Irish raiders travelled to different parts of Britain, not only to raid, but also to settle there.<sup>37</sup> In the 5<sup>th</sup> century, the Irish dynasty Dál Riata took Argyll, in the northwest of England. By the sixth century, Christianity was properly established in Ireland and paganism was in decline. Monasteries were established in Britain by Irish monks, such as St. Columba's monastery on Iona, which was one of the most influential churches of the British Isles, and "the major centre for the conversion of the northern Picts and the Northumbrians in the late 6<sup>th</sup> to early 7<sup>th</sup> centuries".<sup>38</sup> Many early missionary churches were founded close to pagan sites that were associated with kingship, probably to help smooth the conversion to Christianity. Also by the sixth century, Ireland had a "basic political structure of seven over-kingdoms and a multitude of sub-kingdoms and minor dynasties [...], which lasted until the Viking Age".<sup>39</sup> Thus it was not a united country but a country divided into sections. Some of these kingdoms were ruled by single dynasties, others by several. It is believed that early medieval Ireland had no true urban settlements, but that major monastic centres basically functioned as a town. Monasteries owned much of the land, which led to them being administrative centres, and they were wealthy centres of consumption which attracted merchants, craftsmen and pilgrims.

In the 7<sup>th</sup> century, Ireland developed a monastic civilization while the cultural life of much of Europe was slowing down in the 'Dark Ages'. Already beginning in the 6<sup>th</sup> century, Irish monks started producing a wide range of texts in Latin, possibly also in Gaelic, although there is no direct evidence for vernacular Irish texts in this time. These texts included biblical texts, hagiographies, laws, grammar, annals, and more. The writing was excellent and the texts rivalled any other produced in that time.<sup>40</sup> The monks made sure that their works were accessible for beginners, so that the standard of education for new monks remained high. The Irish monks subsequently earned a reputation everywhere for this high standard of education and learning.<sup>41</sup> The most important works of art for this period of time known as the Golden Age were the illuminated manuscripts, made by the monks themselves.<sup>42</sup> This distinctly Irish monastic culture came to an end due to the Viking invasions of Ireland, starting in the late 8<sup>th</sup> century.

For over 30 years they raided monasteries and other places that were close to the coast. Since there was little co-operation between the kingdoms that divided Ireland, it was relatively easy for the Vikings to continue their raiding. Sometime in the 830s, the Vikings came inland and started building fortified camps from which they could raid. Some of these later grew into towns: this is how Dublin came to be. By the end of the 10<sup>th</sup> century there were no more attempts to expel the Vikings, as

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<sup>37</sup> Haywood 2014: map on page 89.

<sup>38</sup> Haywood 2014: 92.

<sup>39</sup> Haywood 2014: 96.

<sup>40</sup> Haywood 2014: 98.

<sup>41</sup> Haywood 2014: 98.

<sup>42</sup> Haywood 2014: 98.



they offered commercial benefits and by this time many of them had accepted Christianity. The Irish Viking Age is traditionally considered to have ended in 1014 with the victory of Brian Boru at Clontarf.<sup>43</sup>

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<sup>43</sup> Haywood 2014: 102.

## Irish society as seen in the laws

### The law texts

As mentioned in the introduction, the law texts of Ireland are generally dated to the 7<sup>th</sup> or 8<sup>th</sup> century. This, however, requires some explanation. Most of the Irish law texts were written down in the 7<sup>th</sup> and 8<sup>th</sup> centuries, largely thanks to Christianity and its emphasis on the importance of writing,<sup>44</sup> but Irish law itself had been transmitted orally for a long time, eventually being gathered in at least two larger collections. These were the *Senchas Már* (SM), which survives in fragments, and the *Bretha Nemed* (BN) collections. The SM was probably associated with the dynasty of Uí Néill, while the BN was associated with Munster. However, there is a large variety in law texts and the dates attributed to them, especially because the laws are older than their date of writing, making it difficult to date the actual laws. Then there is the fact that texts were usually edited and copied after having been written, which could still happen hundreds of years after the date of writing. Many glosses and commentaries have been added between the 9<sup>th</sup> and 16<sup>th</sup> century.<sup>45</sup> It is for this same reason that a distinction is often made between the actual primary texts, and the glosses and commentaries. Most law texts that have survived are on specific subjects and do not give an overview of Irish society as a whole. Much research in the last decades has been dedicated to filling in the gaps, using what survived to sketch an image of what did not survive or was not written down.<sup>46</sup> Luckily, the surviving texts of the SM for example are “rich in material on social institutions”<sup>47</sup>: most of its tracts, which are law texts on specific subjects, are concerned with social institution and organisation. It is for this reason that Irish law texts are important for creating an image of Early Ireland, as they (fragmentary as they may be) provide much information on social aspects of life in early Ireland, which in turn does supply a lot of information on society as a whole. BN is focused on laws regarding privileged persons (*nemed*), and therefore forms a good addition to the laws in SM, adding to a fuller image of the different layers of society.

### Reliability of the law texts

Laws can be seen as an idealization of a society, which raises the question to what extent rules as described in the law were actually upheld and followed. Many Irish manuscripts contain several different kinds of texts, and even within texts there is not always one genre. An example of this is the existence of legal-poetic materials or annals that sometimes break into verse.<sup>48</sup> Due to the lack of genre-division, it has been argued that the law texts might not accurately reflect Irish society at any time, since the borders between genres are sometimes muddled. There has been much

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<sup>44</sup> Charles-Edwards 2005: 350.

<sup>45</sup> Charles-Edwards 2005: 331, 332.

<sup>46</sup> Charles-Edwards 2005 : 337.

<sup>47</sup> Charles-Edwards 2005 : 341.

<sup>48</sup> Patterson 1994: 4.

speculation about the credibility of certain sources, such as the *Crith Gablach*. This text contains, according to Binchy: “detailed provisions for nobles and even kings as base clients”<sup>49</sup>, but he also stated that “... the property qualifications listed in CG for each grade (extending even to the size of an outhouse) are far too minute to have had any practical significance...”<sup>50</sup>, by which he meant that, while property was important in determining someone’s status, the qualifications for each different rank were, in his mind, too detailed to have been of practical use. I believe that he thought it unlikely that the houses followed the exact proportions as prescribed in the law texts, even though (archaeological) evidence has shown that this was the case in numerous occasions.<sup>51</sup> He thus believed that *Crith Gablach* likely “bears only a very limited relation to the realities of legal life in ancient Ireland”.<sup>52</sup> However, later in life, he softened his criticism of the laws.<sup>53</sup> His first dismissal of certain aspects of the sources as unreal or unrepresentative came from an earlier stance towards the medieval texts that many modern scholars adopted: they had often looked at medieval works as having certain viewpoints or objectives, and then judged the texts for not achieving what they believed the texts should achieve. However, these viewpoints and objectives were often imposed upon the texts by the scholars themselves, and therefore could never achieve these goals. In addition, medieval writers simply followed a different aesthetic and shifted frames of reference without placing a signpost in the text. These differences with modern writing forms led scholars to brand the early writers as less capable, instead of recognizing that these ‘faults’ were intentional.<sup>54</sup> This stance has changed in more recent years, leading scholars to accept that a difference in writing and objectives of the text does not mean that certain aspects of the sources were necessarily ‘unreal’.<sup>55</sup> In several instances, archaeology has helped to clarify that law texts do have credibility when it comes to the description of early Irish life, as McCormick has shown that dairy cattle made up 71% of the typical herd at early medieval Irish sites which had been excavated, and that this is the same proportion implied by the law texts. Additionally, the dimensions for ringforts and for areas of farm land were seen to be consistent with models of farm use created from a survey of ringforts in the south-west of Ireland.<sup>56</sup> Another example is a study of ringforts in 1991 that showed that the dimensions for residential buildings listed in CG<sup>57</sup> could easily be modelled in accordance with archaeological data.<sup>58</sup>

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<sup>49</sup> Patterson 1994: 14. This is a quote of Binchy: CG xix.

<sup>50</sup> Patterson 1994: 14.

<sup>51</sup> O’Sullivan 2008 : 245.

<sup>52</sup> Patterson 1994: 14. This is a quote of Binchy: CG xix.

<sup>53</sup> Patterson 1994: 15.

<sup>54</sup> Patterson 1994: 15.

<sup>55</sup> Patterson 1994: 15.

<sup>56</sup> Both of these quotes were found in: Patterson 1994: 5.

<sup>57</sup> *Crith Gablach*.

<sup>58</sup> Patterson 1994: 16, referring to the 1991 study by Stout: 229-239.

Additionally, works from other genres than law have served to “provide a way of checking whether the normative law-tracts reflected the values and social practices of other sectors of early Irish society.”<sup>59</sup> Even dates provided by annals often seem to be surprisingly accurate.<sup>60</sup> Thus there is both literary and material evidence to prove that the law texts do have credibility. This credibility is important, as the law texts are often all that are left, since there are not many transactions, for example land-charters and wills, left, and because various practices or institutions described in the laws may not have had a physical embodiment at all, such as kingship. We therefore have to rely on the laws to portray them accurately. Other documents, such as records of legal decisions, are usually from a much later time.<sup>61</sup> Generally speaking, it is thus the more recent consensus that it can be said that the overall depiction of early medieval Ireland is “quite full and consistent,”<sup>62</sup> although a certain degree of carefulness must always be employed when working with older sources such as these. This is why the law texts have often been avoided as sources of information even though they hold valuable evidence of early Irish life which can often be corroborated by other sources.<sup>63</sup> It is for this same reason that this thesis will make use of the law texts and will take a comparative approach with the literary sources, in order to see to which extent there are similarities or discrepancies between these different kinds of sources.

## The social structure of Ireland

### *Túatha and kin-groups*

As mentioned earlier, larger settlements in the early Middle Ages were usually formed around important monasteries. Most of Ireland, however, consisted of rural settlements, although there were also trading settlements, concentrated along the coasts. According to the law texts, Irish society knew basic territorial units called *túatha*, which basically translates to ‘tribes’ or ‘people’ (sg. *túath*). As mentioned in the section above, Ireland was divided into several kingdoms. Additionally, each *túath* also had a king, which meant that there were many kings ruling at the same time in medieval Ireland, although some of course reigned over far larger territories than others, and some territories could overlap, for example in the case of an overking having been the overlord of the *túatha* of other kings.<sup>64</sup> It is not really clear how many people lived in Ireland in the period between the 5<sup>th</sup> and 12<sup>th</sup> centuries, but an estimate for the 11<sup>th</sup> century is that under half a million people lived in Ireland.<sup>65</sup> Early Ireland had ‘kin-groups’. The most common kin-group is the group

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<sup>59</sup> Patterson 1994: 4.

<sup>60</sup> Patterson 1994: 5.

<sup>61</sup> Patterson 1994: 5.

<sup>62</sup> Patterson 1994: 5.

<sup>63</sup> Patterson 1994: 15.

<sup>64</sup> Kelly 1988: 4.

<sup>65</sup> Kelly 1988: 4.

made up of people who were “all descendants through the male line of the same great-grandfather”.<sup>66</sup> Such a group would have legal powers over their own group and had their own land. Every legally competent adult man in this kin-group had some degree of responsibility for this land. An adult male could own land independently of his kin, which was mostly his to do with as he pleased. However, “no-one can sell his share of the kin-land against the wishes of the rest of the kin”<sup>67</sup>. It was thus important that the family agreed with such changes.

The kin might have had to pay fines for crimes that a kinsman committed for example if the offender refused to pay the fine himself. If this payment was not forthcoming, cattle could be taken from kinsmen. If an offender had involved a kinsman in liabilities, he had to compensate for the loss the kinsman incurred. If he failed to do so, he could be ejected from the kin-group, which also meant that he lost his legal rights in society.<sup>68</sup> On the other hand, when a member of the kin-group was killed, the group would be entitled to compensation. One member was chosen as head of the group, based on his wealth, rank and “good sense”<sup>69</sup>. This member spoke for the kin at public occasions. Since he was seen as representing the kin, he was also open to satire if one of the kinsmen failed to fulfil their obligations.<sup>70</sup> It becomes clear then that the structure of kinship was important in early Ireland, and that members of a kin were all more or less responsible for one another, and could be penalized if one of them misbehaved, which likely also impacted their honour, but could also be compensated or rewarded for one another.

### Rank

A person’s standing or rank within their tribe determined much, as this rank determined their honour-price (*log n-enech*, ‘the price of his face’),<sup>71</sup> which in turn determined the compensation they would receive if a crime was done to them.<sup>72</sup> Additionally, and perhaps even more importantly, the honour-price was linked to someone’s capacity to perform legal acts.

A contract could not be made for an amount greater than one’s honour-price. The same rules applied for the principle of sureties<sup>73</sup>, and for the giving of evidence as a

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<sup>66</sup> Kelly 1988: 12.

<sup>67</sup> Kelly 1988: 13.

<sup>68</sup> Kelly 1988: 13.

<sup>69</sup> Kelly 1988: 14.

<sup>70</sup> Kelly 1988: 14.

<sup>71</sup> Kelly 1988: 8n55.

<sup>72</sup> Patterson 1994: 39.

<sup>73</sup> Kelly 1988: 9. As explained by Kelly on this page: “In the absence of a state-administered system of justice, much of the responsibility for the enforcement of contracts is borne by private individuals acting as sureties. For an important contract, each party had to find a number of sureties before it is legally valid.” There were three types of suretyship in early Ireland. One of these was *ráth*, in which this person used his own property to guarantee that the principal party will fulfill his side of the contract. The second type is a *naidm*, who had no financial liability in the case of default by the principal party, but instead put his honour on the line to ensure that the principal carried out his side

witness.<sup>74</sup> An important distinction regarding rank in early Ireland is that between *nemed* 'privileged' and non-*nemed*. *Nemed* had legal privileges, and were exempt from some legal obligations. Contracts with *nemed* were often considered to be unenforceable, because taking legal action against a *nemed* was difficult.<sup>75</sup> The honour-price, or rank, of an individual also influenced the value of their word in a legal dispute. In such a dispute, oaths would have been offered up by plaintiffs and defendants, and often both groups were required to gather a group of people able to swear such an oath. How many people were needed, depended on the gravity of the charge. However, a great lord could 'overswear' a group of farmers.<sup>76</sup> This perhaps also shows why exactly it would have been difficult to take legal action against a *nemed*, since they could likely over swear most others. Eyewitness evidence was usually only taken into account if there were two or more eyewitnesses, as the evidence of one eyewitness was usually regarded as invalid, barring exceptions.<sup>77</sup> The evidence of eyewitnesses was also only taken into account if the honour-price of the witness was considered high enough in relation to the gravity of the legal issue.<sup>78</sup> *Críth Gablach* gives some indication of honour-prices: "The honour-price of a freeman ranges from 14 *cumals* (=42 milch cows)<sup>79</sup> in the case of a provincial king down to a yearling heifer in the case of the lower grade of *fer midboth*".<sup>80</sup> A woman's honour-price was half that of a man, typically her husband if married, and her father or perhaps brother if unmarried.

Crimes for which compensation was allowed included killing, wounding, raping, violent robbery, theft, burglary, arson and satire.<sup>81</sup> The compensation for such crimes included a set price in addition to the honour-price of the victim, making these crimes quite a costly affair for the perpetrator. In these cases, the honour-price was the compensation paid for "the loss of social respect associated with any assault"<sup>82</sup>, whereas the other part of the compensation was paid for the physical damage. Lesser fines had to be paid for offences that did not involve the victim's honour, such as minor damage to property or animal trespasses.<sup>83</sup>

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of the contract. The third type is a *aitire*, who guaranteed the carrying out of the contract by the principal with his own body: he practically acted as a hostage. The explanation of these types can be found in Kelly 1988: 168-172. The amount of sureties needed thus depended on one's own honour-price.

<sup>74</sup> Kelly 1988: 9 and 203.

<sup>75</sup> Kelly 1988: 162.

<sup>76</sup> Patterson 1994: 182, who refers as well to Kelly 1988: 198-202.

<sup>77</sup> Kelly 1988: 203.

<sup>78</sup> Patterson 1994: 182.

<sup>79</sup> A *cumal* is a female slave. While the actual use of female slaves as currency already declined in the 7<sup>th</sup> and 8<sup>th</sup> centuries, the currency of *cumal* was still often used in law-texts to represent a certain amount of cattle.

<sup>80</sup> Kelly 1988: 8. The reference to the provincial king can be found in *Críth Gablach* 475, and the reference to the *fer midboth* can be found in *Críth Gablach* 24.

<sup>81</sup> Kelly 1988: 5n25, and 49-50.

<sup>82</sup> Patterson 1994: 182.

<sup>83</sup> Kelly 1988: 7, 8.

In addition, early Irish society had something known as ‘sick-maintenance’: “This meant that someone who injured another was obliged to pay damages for the injury, provide a replacement for the individual as regards work, and also pay for the cost of nursing the injured back to health at the house of a third party, with all expenses pegged to the injured party’s rank”.<sup>84</sup> In this situation, the number of visitors which were allowed and the food that would be given to the victim, were both determined by rank. An example is this allowance for a prosperous farmer (*mruigfher*):

Three men (in) his company in the *tuath*, three men with him  
Upon sick-maintenance; butter to him, with relish, always. He  
Protects his equal in status. Salt meat to him on the third day,  
The fifth day, the ninth, the tenth, Sundays. (CG 204-206)<sup>85</sup>

*Críth Gablach* mentions that the practice of sick-maintenance is already obsolete in its time, and was replaced by the payment of the appropriate fines.<sup>86</sup> Other aspects of life in which honour-price and rank were important, were travelling and fosterage. Travellers required legal protection, and usually this was given to them by whichever host they stayed that night. The extent of this protection was dependent on rank.

The practice of fosterage and its relationship with rank are explained below.

### *Fosterage*

Fosterage was a practice known throughout northern Europe in the early Middle Ages related to the upbringing of children. Fosterage entailed the sending away of children to live with other households, often people related to the parents.<sup>87</sup> In Ireland, fosterage took place starting at the age of seven. It is believed that fosterage ended at different ages for boys or girls, for girls at age fourteen, and for boys at seventeen,<sup>88</sup> although the law text *Bretha Crólige* allowed for fosterage to last until the age of seventeen for both sexes.<sup>89</sup> This means that there likely was some variation in this practice. Thanks to fosterage, children were provided with socialization, and the companionship of having children around who were not their siblings. There were also other advantages to this situation for the children who entered fosterage. They entered new communities, gained new social ties and often learned new abilities. There were two kinds of fosterage. One kind was that of fosterage of affection, which was free. This kind of fosterage seems to have been less common, as neither Kelly nor Patterson explain this type beyond simply mentioning it. Based on the inclusion of affection in the term, it seems that this was perhaps a kind of fosterage

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<sup>84</sup> Patterson 1994: 189, with a referral to Binchy 1938a; 1938b.

<sup>85</sup> CG = *Críth Gablach*. This extract is found in Patterson 1994: 189.

<sup>86</sup> Kelly 1988: 1, 2, and *Críth Gablach* 47-51.

<sup>87</sup> Patterson 1994: 191.

<sup>88</sup> Kelly 1988: 88n170.

<sup>89</sup> Kelly 1988: 88n171.

undertaken when the child and (future) fosterparents were already close, possibly in the case of close family such as aunts and uncles. The other kind of fosterage entailed a fosterage fee. This fee was paid by the parents to the fosterparents and had to be returned to the father of the child if a child was mistreated during their fosterage.<sup>90</sup> This fee was set at the grade below the honour-price of the father. The fee was forfeit if the father wanted to take the child back before the period of fosterage was complete. The bond between a child and their fosterparents could become quite strong, as shown in the fact that terms of endearment for parents were often transferred to the fosterfather and fostermother.<sup>91</sup> The children had to be treated according to their rank, which meant that upper class children for example had better clothing, teachers, and education.<sup>92</sup> Children of lower rank would thus learn things such as farmwork, while children of higher rank would learn outdoor sports and boardgames. Sometimes they could receive specialized training in for example poetry and medicine.<sup>93</sup> Even children of kings would be sent away to be fostered, and alongside learning many different skills appropriate for their rank, would also need to be provided with items appropriate for the rank of their father, such as a horse for riding and clothing worth a specific amount of money.<sup>94</sup>

### *Kings*

The king was the most important *nemed* in a *túath*. The honour-price of the lowest rate of kings was 7 *cumals*.<sup>95</sup> This is the price for the king of one *túath*, and this price increases if the king acquires at least two more *túatha*. The most powerful king had an honour-price of fourteen *cumals*, and this seemed to have been a provincial king. He was called a *rí ruirech* 'king of kings', *ollam rí* 'chief of kings' or *rí bunaid cach cinn* 'the ultimate king of every individual'.<sup>96</sup> This seems to imply that this type of king had some power over the other kings. There were High Kings of Ireland at times, who were acknowledged by other provincial kings as their overlord, but they never really ruled Ireland as a politically unified state, because of the practically independent kingdoms beneath them. Therefore there was not usually, in practical terms, a king of all of Ireland.<sup>97</sup>

All the freemen owed their loyalty to the king of their *túath* and paid him a tax. The king would host a gathering regularly which likely had political, social, and possibly economic/commercial purposes. An overking, meaning a king of a larger territory such as a county, could also host such gatherings in which case people of several *túatha* would attend. It was the responsibility of the king, overking or not, to

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<sup>90</sup> Kelly 1988: 88.

<sup>91</sup> Patterson 1994: 191, and Kelly 1988: 86-87.

<sup>92</sup> Kelly 1988: 87.

<sup>93</sup> Kelly 1988: 91.

<sup>94</sup> Kelly 1988: 87n154 and 87n155.

<sup>95</sup> Kelly 1988: 17n1.

<sup>96</sup> Kelly 1988: 18.

<sup>97</sup> Kelly 1988: 18.



maintain relationships with other *túatha*. If a neighbouring *túath* was more powerful than another, the king of the smaller *túath* could recognize the greater power of the other king. This was usually done by “accepting gifts from the superior king”.<sup>98</sup> Kings of different *túatha* could make treaties with one another. If a member of a *túath* was harmed by a member of a *túath* with which there was a treaty, the victim was entitled to compensation for the crime committed, similar to how proceedings would go if the victim and offender were from the same *túath*. The king of a *túath* could summon his people to attack another *túath* or to repel invaders when he deemed that necessary.<sup>99</sup>

The law texts, wisdom texts and sagas all allude to the great importance of the king’s justice. This meant that if the king ruled justly, his reign and realm would be peaceful and prosperous, and there would be victory over enemies. On the other hand, if he were guilty of injustice (*gáu flathemon*), his land would fall into ruin, the land and elements would rebel against him, there would be infertility of women and cattle, crops would fail, and famine would occur.<sup>100</sup> Furthermore, a king had to be without physical blemishes or disabilities, and was expected to be an outstanding warrior: cowardice in battle would reduce his honour-price.<sup>101</sup> He could lose his honour-price if he were thought to tolerate satire, or if he defaulted on an oath he had made.<sup>102</sup> A king had to behave like a king: engaging in manual work could reduce his honour-price to that of a commoner, and he was also not supposed to go anywhere without a retinue. The king had to be able to enforce his rights, and to ensure that his subjects carried out their duties. One of these duties was a recurring annual hosting of the king (or lord). Each year, kings and lords could visit their base-clients (subjects). During this time of almost two months (called *cóe*), the client would have to house the king or lord with their retinue. There were strict rules as to the size of the party the king or lord could bring and in regards to the quality of food they should receive.<sup>103</sup> The king did have to obey the laws, although it was recognized that in some instances enforcing certain laws against a king could be difficult due to his high honour-price. A legal process against a king thus also looked different from a regular legal process, and a plaintiff had to adopt a special procedure in order to get legal redress from the king.<sup>104</sup> Pre-Viking Age kings seemed to have been directly involved with the process of law and justice, with some disputes ending up in quite elaborate courts.<sup>105</sup> The kings were less involved in the making of the laws, probably due to the fragmentary nature of kingship in Ireland, although it is still possible that kings did make laws but that royal

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<sup>98</sup> Kelly 1988: 5n23.

<sup>99</sup> Kelly 1988: 4.

<sup>100</sup> Bray 2008: 111, and Kelly 1988: 18.

<sup>101</sup> Bray 2008: 110, and Kelly 1988: 19.

<sup>102</sup> Kelly 1988: 19.

<sup>103</sup> Patterson 1994: 165.

<sup>104</sup> Kelly 1988: 25.

<sup>105</sup> Patterson 1994: 20. Patterson has taken this information from Gerriets 1998 and Kelly 1986: 77-82.

legislation just was not usually written down.<sup>106</sup> Judgment of legal cases was usually given by a judge, but in the presence of the king, who likely also had to approve it.<sup>107</sup>

### *Women and marriage*

Men and women were of different standing, and women had fewer rights than men. This is clearest in the fact that women had to take legal action through male relatives, while men could usually do this themselves, barring some exceptions.<sup>108</sup> Women also usually could not act as a witness, instead of in exceptional cases. However, women could hold property, they had honour and an honour-price, and they could take (limited) steps “to protect or enhance their social position”.<sup>109</sup> A woman could inherit land if there were no male heir, and after her death this land would usually have gone back to her kin instead of her husband or sons.<sup>110</sup>

There were different types of marriage in Ireland, amounting to nine types. These can roughly be arranged according to the rights and privileges of the women in each union. In the first type of marriage, both the husband and wife contribute property to the marriage, and the wife has more rights than in other types. The privilege of the woman decreases with every type of marriage explained here, and the last types of unions cannot really be called marriage, and in these instances the woman has the least amount of rights. The first type of marriage was that in which a woman brought property into the marriage alongside her husband, called a ‘union of joint property’ (*lánamnas comthinchuir*). Another type is one in which the woman contributes almost or no property, which is called a ‘union of a woman on man-property’ (*lánamnas mná for ferthinchur*). The opposite of this also happened, and this was called a ‘union of man on woman-property’ (*lánamnas fir for bantinchur*). Another union was that of a man visiting (*lánamnas fir thathigtheo*). In this case the man visited the woman at her home with her kin’s consent. In the fifth type of union, the woman went away with the man, but was not given by her kin. In the sixth union she allowed herself to be abducted (*lánamnas foxail*), and in the seventh she is secretly visited by the man (*lánamnas táidi*). Both of these unions took place without the consent of the woman’s kin. In case of divorce in such instances, there would be no property to divide save any children.<sup>111</sup> There were also an eighth and ninth union, although they cannot be described as marriage, as they are union by rape and union of two insane persons.<sup>112</sup>

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<sup>106</sup> Charles-Edwards 2005: 332.

<sup>107</sup> Kelly 1988: 24.

<sup>108</sup> Patterson 1994: 21. One exception could be a son (‘warm son’) who did not have enough legal standing. In this case, the father would have to step in. This is further explained in chapter 2 of this thesis, in the category ‘Family and children’.

<sup>109</sup> Patterson 1994: 21.

<sup>110</sup> Kelly 1988: 76.

<sup>111</sup> Eska 2010: 18.

<sup>112</sup> All information on marriage types is found in Kelly 1988: 70. More information on union by rape is found on page 134 of Kelly, and more information on the union of two insane persons is found on page 93 of his book.

Women could divorce their partners for numerous reasons, such as impotence and homosexuality.<sup>113 114</sup> If the divorce was amicable, both parties would take back the original property they contributed to the marriage, plus any other property they might have acquired themselves with their own money.<sup>115</sup> Women of higher standing could and did partake in politics and warfare.<sup>116</sup>

### *Hierarchical society*

As can be seen quite clearly from the examples given above, citizens were not all equal before the law in Ireland, unlike in Roman law, where all citizens are equal before the law. Irish society was therefore hierarchical, and can also be said to be inegalitarian.<sup>117</sup>

The most important distinctions between people in general seem to be distinctions between people who are free and unfree, and people who are privileged, so *nemed*, and not privileged. Unfree people could be serfs or slaves, as Irish society did have slaves and had different terms for male and female slaves (*mug* and *cumal* respectively). However, it is difficult to differentiate between servants and slaves in the law texts when it comes to determining their rights, as there is simply not much information available about the rights of these groups.<sup>118</sup> Additionally, laws distinguished between people who were part of the *túath* and outsiders. People usually stayed within their own *túath* and had no rights outside of it, with the exception of learned classes, such as clergy or poets.<sup>119</sup> An outsider (*deorad*) did not have many rights, unless he were a hermit, clergyman, or poet, since hermits were considered exiles of God and actually had many privileges, and the other two were considered learned classes. There were different kinds of outsiders, such as the *ambue* ('non-person'), who could legally be killed without consequences, or the *cú glas* ('grey dog'), who seemed to be an exile from overseas.<sup>120</sup> There was also a distinction between people who could take legal action and the ones who could not do so, with the latter category being made up of women, children, dependent sons of a living father, slaves, 'insane' people, and unransomed captives.<sup>121</sup> This category of persons needed the authorization of their legal guardian, which in the case of women, was for example the husband or father.

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<sup>113</sup> Kelly 1988: 73, 74.

<sup>114</sup> Men could of course also divorce their wives for a multitude of reasons, but because it is quite common for men being allowed such things whereas for women it is less common, attention here has been drawn solely to the reasons for which women could divorce their men.

<sup>115</sup> Eska 2010: 69.

<sup>116</sup> Patterson 1994: 25.

<sup>117</sup> Kelly 1988: 7.

<sup>118</sup> Kelly 1988: 65.

<sup>119</sup> Kelly 1988: 4.

<sup>120</sup> Kelly 1988: 5, 6.

<sup>121</sup> Kelly 1988: 68.

## Closing remarks

As seen above, the law texts of Early Ireland, while not complete, give an interesting overview of Ireland and Irish society in the early Middle Ages. While fragmentary, the surviving law texts give insight into many different societal topics, and provide a starting point for most research that aims to delve deeper into early Irish society, as this thesis does. It has become clear that the law texts have provided quite a clear template that could and should have been followed for everything from marriage to property to penalties. The texts show that rank was the most important factor in early Irish life, as it determined many things that were of practical significance, such as legal redress that could be taken or one's standing within the *túath* in general. There was a clear difference between privileged and non-privileged people, as well as between people inside and outside of the *túath*, most notably in legal rights.

This chapter has shown that the law texts can largely be trusted to provide scholars with an accurate representation of early Irish society, especially since archaeological evidence has often confirmed the law texts. The purpose of this chapter was to provide the reader, especially one unfamiliar with early Ireland, with a sufficient background so as to be able to place the following chapters within the context of this background.

## Chapter 2: Privacy in laws and archaeology

While Irish law has texts on many different and specific subjects, there are no laws that explicitly seem to address privacy. It is important to note that privacy is multi-faceted and must be approached in a way that acknowledges this and that incorporates these different facets. This chapter will focus on the evidence of privacy as a concept in the laws of Early Ireland. It will also reference archaeological finds, since these have often been used to support findings in the law texts, as explained in the introduction and chapter one. This chapter will thus help to determine the extent to which the concept of privacy was present in early Ireland, and the extent to which it was acknowledged in laws.

### Marriage and divorce

As explained earlier, there were different types of marriage in early Ireland. Two of these, marriage by abduction or secret visits by the man, were without the consent of the woman's kin, but with the consent of the woman. Then there is the union by rape, which was generally not seen as marriage, and was without consent in general. There were some instances in which rape resulted in marriage, but these unions were seen as inherently criminal.<sup>122</sup> The consent of the woman's kin seems to have been an important factor in determining the legitimacy of the union. The union by abduction and the union by secret visits were both private, secret events, where likely only the future husband and wife were present and involved, and the consent of the wife's family was not given. These events were thus private in the sense that the future husband and wife were alone in the decision-making, and were in control of the process. In cases where the family did not consent to the union, the family would be entitled to any payment that was due to the wife, but they were not responsible for fines she incurred, as that was the responsibility of the husband.<sup>123</sup> This seems to indicate that the wife's family was to some degree wronged if a marriage was carried out secretly, and that receiving her payments while not being responsible for her fines was a way to compensate this and to perhaps regain some control over the marriage.<sup>124</sup> In different marriage types, the wife's family would pay at least for a part of the fines she incurred, providing an incentive for a marriage that all parties approve of and are aware of prior to the wedding. The implication here is that a marriage itself, the joining of the two people, was not supposed to be a private

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<sup>122</sup> Kelly 1988: 136.

<sup>123</sup> This was explained to me by my supervisor Dr. Aaron Griffith.

<sup>124</sup> This compensation likely mitigated the loss of the value of the wife's work for her family. In normal circumstances, a bride-price would have been paid to the bride's family when she got married, presumably because she would be leaving them and therefore would not be able to assist them or work for them. Without the family's consent however, there is no bride-price, and therefore no compensation for this lost work. This right to payment would then have compensated this (the lack of bride-price and the loss of work) somewhat. Explained by Dr. Aaron Griffith.

affair. This is similar to marriage in modern times, although elopement has become a more accepted option than it used to be.

A man had to pay his future wife's father a sum of money, which was the bride-price (*coibche*). The bride also had a claim to a portion of this money, but forfeited her share if she did not tell her father that the bride-price was received.<sup>125</sup> This again shows that many aspects of marriage and married life were semi-public events, where the family of the woman was (expected to be) actively involved in the marriage.

In medieval Irish society, divorce was allowed. In the case of an amicable divorce, both parties could remarry afterwards. An amicable divorce was a decision made by the spouses alone: "no clerical or secular authorities seem to have had any entitlement to participate in, much less prevent, divorce".<sup>126</sup> The husband and wife were in full control of this process, and this was thus a private event, contrary to a desired type of union. The result of this decision, i.e. the divorce itself, would however have been publicly known, since otherwise neither party could ever remarry again. Divorce was thus a privately-made decision with public effect.<sup>127</sup> On the other end of the spectrum, there were divorces which were only wanted by one of the spouses. There were penalties in cases where one of the spouses abandoned the other, or gave them "good reason to end the union."<sup>128</sup> These reasons were circumstances for both men and women in which they were allowed to leave their partner, in the case of the woman without losing her bride-price. Some of these reasons were related to privacy. A man could leave his wife if she brought shame on his honour,<sup>129</sup> which shows how important the concept of honour was to early Irish people. It is not specified how she would bring shame on his honour however, so this could perhaps be interpreted rather broadly. If she left him without just cause, or left for good reasons but without waiting the recognised period of time, she would respectively lose all her rights or lose the bride-price.<sup>130</sup> A non-amicable divorce thus was not a private event, since others, presumably judges, needed to be made aware of the reasons for divorce. Justifications for a woman to divorce her husband include: "if he fails to support her, if he spreads a false story about her, if he circulates a satire about her, or if he has tricked her into marriage by sorcery".<sup>131</sup> A man was allowed to strike his wife in order to correct her, but she was allowed to leave him if this strike left a blemish, so if there was a visible mark. A wife could leave her husband if he failed sexually, and also if he was not discreet about their sexual relationship. This makes it clear that divorce could be granted for private

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<sup>125</sup> Kelly 1988: 71.

<sup>126</sup> Patterson 1994: 310.

<sup>127</sup> This phrasing/explanation comes from Dr. Aaron Griffith.

<sup>128</sup> Patterson 1994: 310.

<sup>129</sup> Kelly 1988: 74.

<sup>130</sup> Kelly 1988: 74.

<sup>131</sup> Kelly 1988: 74. Kelly's footnote states that this is found in *the Irish Penitentials* (ed. Ludwig Bieler, Dublin 1963) 78.29-31.

circumstances, such as sexual abilities, and not just for public aspects of the marriage, such as publicizing their sexual relationship. A man was expected to be reticent about the details of his sexual relationship with his wife. If he were indiscrete, she could leave him since it was considered “not right for a man who tells of bed to be under blankets”.<sup>132</sup> It is clear that affairs of the bedroom were supposed to stay between partners. This thus concerns privacy of information.

The fact that spreading a false story (which could also be classified as gossiping), or circulating a satire about a partner were seen as grounds for divorce reflects the fact that honour was indeed important in Ireland, as also seen in the existence of the honour-price. Circulating such a rumour or satire infringed on someone’s privacy because they had no control over these rumours or satires, nor over who would hear them, meaning over whomever would get access to this information. It could also damage their public reputation when a rumour or satire was circulating about them since others might believe the information given, and treat the person concerned differently for it. Likewise, it could affect the person spreading the rumour if they were charged for this or if it led to a divorce. For both parties, this could then harm their honour and their relationship with others in the *túath*. It could change other’s perspective of one or both of them. This once again concerns privacy of information.

Also quite directly related to privacy, is the rule that a man was allowed to strike his wife, but only without leaving a blemish. This seems to indicate that the punishment (the striking) had to remain private, perhaps because this too could damage the woman’s honour. Then again, it might just refer to the appropriate amount of force used: if a blemish occurs, too much force was used. It might however also refer to physical blemishes being seen as inner impurity.<sup>133</sup> If this were the case, then such injuries had to be prevented because otherwise they would signal to the *túath* that the woman was impure, which would have led to others judging her, even though the man struck her. This law seems to concern privacy of action, in the sense that the man was allowed to strike his wife, but not privacy of consequence, as public consequence (the blemish) could lead to another public action, that being divorce. With laws like this one, it is difficult to determine whether the law existed to protect one’s privacy or honour, or if it was there for more practical reasons. Another rule that is of interest for this thesis is the one about discretion. Clearly, intimate details were supposed to stay within the marriage and were not to be mentioned outside of it. This rule implies that, by sharing intimate details of the marriage to outsiders, trust between the partners is broken. Therefore, privacy seemed to have been an important factor in marriage, especially privacy of information, even though marriage itself (a wedding) was a semi-public event since it required witnesses. However, in the case of a woman wanting to leave her

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<sup>132</sup> Kelly 1988: 74. Kelly refers to: *Corpus Iuris Hibernici* (ed. D.A. Binchy, Dublin 1978) 1883.36.

<sup>133</sup> This can also be seen in the case of kings: kings could not reign if they were deformed. This is mentioned in further detail in the section on injury later in this chapter.

husband because he failed sexually, she likely had to provide a reason for this request to divorce, meaning that her husband's sexual failure would not be kept a secret. So, while privacy regarding intimate moments between the couple seems to have been important, it was at least equally important that the man was sexually proficient so that heirs could be provided.

### Family and children

Just as there were different categories of marriage, there were also different types of sons, specifically 'sons of a living father' (*macc béo-athar*). These categories are: the warm son (*macc té*), the cold son (*macc úar*), and the reared son (*macc ailte*). Another division is that of *macc gor* and *macc ingor*, of which the first is "the son who fulfils his filial duties by maintaining his parents, most importantly his father, in old age",<sup>134</sup> and the second type of son fails to do this. The first division of warm, cold, and reared son is the one mainly discussed here. Of these, the reared son is a son who has been allowed independence, the cold son is a son who has "failed in his duty to provide filial service and obedience", and the warm son is a dependent son of the father.<sup>135</sup> The warm son is actually included in the categories of persons who are 'legally incompetent, senseless', alongside women, children, insane people, slaves, and unransomed captives.<sup>136</sup> These types of son could not act as a valid witness, eyewitness or surety. The son had "no power of hand or feet"<sup>137</sup>, which means that the father controlled him, his actions and movements, and that they had no privacy of action, nor control over their privacy. The warm son could not make a contract unless he had his father's consent, and was thus under legal supervision by his father. He could however annul a contract made by his father which somehow endangered his own life. The father could not get rid of land or property that the son needed to make a living. This category of son seemed to not really have personal privacy or privacy of action. He could not enact his own will in any type of contract without asking his father, and he could not simply do what he wanted. Contracts of the cold son were also invalid, but he additionally could not be harboured or protected by anyone. The cold son "fails to acknowledge his father's legal authority over him, or is thrown out by his father, as a result of which he cannot conclude contracts because his father does not recognize him."<sup>138</sup> The reared son could make contracts. The distinction between these categories shows that the level of privacy and autonomy someone could attain was linked with their status and their relationship with their father or perhaps kin in general.

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<sup>134</sup> Schrijver 1996: 193.

<sup>135</sup> Information and quotation from Kelly 1988: 80.

<sup>136</sup> Kelly 1988: 68.

<sup>137</sup> Kelly 1988: 80.

<sup>138</sup> Schrijver 1996: 195.



Another type of son was the bastard, who actually did have a right to land when it came to inheritance.<sup>139</sup> This seems to mean that people (within the *túath*) usually were aware whether or not someone was a bastard, and it appears that parentage was thus not a private matter.

There were laws that regulated internal affairs of the family, although for a large part some degree of privacy regarding family matters seems to have been expected. The way the man treated his wife was his own concern and that of the woman's kin, unless it broke these laws.<sup>140</sup>

## Poets and satire

Satire<sup>141</sup> usually was the domain of poets, who could write either satires or praise poetry. Honour was damaged through satire, but increased through praise. To satirize or praise was actually one of the most important functions of a poet. It was because of this that poets had a high status, since they could influence someone else's honour and thus status. This reflects Ireland's preoccupation with honour.<sup>142</sup> An example of satire influencing someone's honour can be found in literary references to the raising of facial blemishes through a poet's satire.<sup>143</sup> These blemishes directly influenced someone's honour, as seen in chapter 1 of this thesis, and in this way the satire had damaged the honour of the recipient. Satire or even just the threat of satire could legally be used to exert pressure on an offender to get them to obey the law.<sup>144</sup> However, satirizing someone without just cause was seen as illegal, and was a serious offense for which the payment of the victim's honour-price was required. This illegal or unjustified satire could sometimes be retracted by composing a praise-poem to annul the satire.<sup>145</sup> A female illegal satirist was considered even worse than a male one.<sup>146</sup> The illegal satirist was viewed with deep hostility, especially in religious texts. This again shows the importance of honour in early Irish society, by showing strong disapproval (perhaps anger and fear)<sup>147</sup> towards someone who would unlawfully try to diminish others' honour.

The Irish words for satire also show its importance and the destructive power to one's honour it was believed to hold by the people. The words for 'to satirize' were *áerad* and *rindad*, which meant 'to strike' and 'to cut', both words showing that satire was basically seen as an attack with damaging result.<sup>148</sup> There were different

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<sup>139</sup> Kelly 1988: 102.

<sup>140</sup> Kelly 1988: 81.

<sup>141</sup> For a more in-depth look at the topic of satire, see Roisín McLaughlin's *Early Irish Satire* (Dublin 2008).

<sup>142</sup> Kelly 1988: 43, 44.

<sup>143</sup> Kelly 1988: 44n43.

<sup>144</sup> Kelly 1988: 49.

<sup>145</sup> Kelly 1988: 138.

<sup>146</sup> Kelly 1988: 50.

<sup>147</sup> In this specific case probably misogyny as well.

<sup>148</sup> Kelly 1988: 137, and 137n88 and 137n89.

types of satire which required the payment of the victim's honour-price. These included the following verbal assaults: "mocking a person's appearance, publicizing a physical blemish, coining a nickname which sticks, composing a satire, and repeating a satire composed by a poet in a distant place".<sup>149</sup> If someone mocked another's physical defect or peculiarity, even just through gestures, they could be found guilty of satire as well. The one being mocked would not have been in control over whoever had access to information about them, since their defect or peculiarity might not have been immediately visible, and the offender would have exposed this to whomever was listening or watching at that time. Such an offense could therefore be privacy-related.

Additional offences which were recognized as satire were taunting, accusing someone of theft wrongfully, and publicizing a story which is untrue and caused shame to the victim. As seen before, circulating an untrue story would have impacted the privacy of the one who was being talked about, simply because they did not have control over the information being shared or over whom it was shared with. Satirizing someone after death was also considered an offence, and their full honour-price had to be paid to their kin. Ignoring satire was also an offence, and this applied to kings as well.<sup>150</sup> While a king was expected not to tolerate satire, it seems that he was perhaps expected to listen to it if it were justified and improve himself based on it, since legal satire was considered a way to keep individuals of higher standing in check.

## Crimes and injury

Early Irish laws mention many different types of offences, of which the ones associated with privacy in some way will follow below. As mentioned above, satire was also considered a crime in specific circumstances, but is not mentioned further in this section because satire was not always a crime, and because it has already been explained thoroughly.

### Theft

A distinction was made between theft by stealth (*gat*) and theft with violence (*brat*).<sup>151</sup> This seems to be a distinction between theft and robbery. Men were thought to be capable of committing either of these offences, whereas women were thought to only commit the former.<sup>152</sup> *Brat* was thus only related to men. This shows a clear gendering in the perception of crimes, and an assumption that women were less likely to commit violent crimes, but perhaps it also shows an assumption that at least criminal women preferred to operate privately, whereas a violent act, which was thought to only be committed by men, is more public. There is more of a disregard

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<sup>149</sup> Kelly 1988: 137.

<sup>150</sup> Kelly 1988: 138.

<sup>151</sup> Kelly 1988: 147.

<sup>152</sup> Oxenham 2016: 72.

for the risk of the victim recognizing the attacker and pressing charges, when it comes to violent attacks versus stealthy ones. When an offender committed theft by stealth, they would have had a greater level of control over their own privacy, specifically over who could see or hear them, than one committed theft by force. Additionally, theft by stealth is perhaps a greater invasion of someone's privacy, as this implies that the offender entered one's house, or other property, without their knowledge. As shall be discussed further on in this chapter, houses were private areas, so if something was stolen out of them, this privacy was violated. Theft by stealth also meant that the attacker might not be identified and therefore might not be punished adequately. The threat posed by theft by stealth was thus higher than in the case of theft by force. This can also be seen in the case of a secret killing, which was judged more harshly when discovered than when an offender acknowledged the killing (i.e. not a secret killing), as explained further below in the section on killings.

#### Sexual assault

Early Irish law recognized both the possibility of sexual assault or harassment, and rape. There were fines for sexual assault or harassment, for example being kissed against the woman's will, or if a man put his hand under a woman's dress.<sup>153</sup> There were two different types, *forcor* and *sleth*, of which the first refers to forcible rape, and the last to "all other situations where a woman is subjected to sexual intercourse without her consent", for instance when the woman was drunk.<sup>154</sup> Both types warranted similar penalties and responsibilities. The main difference seems to be that the honour-price was paid for *sleth*, while a different type of payment, *éraig* (body-fine), was made for *forcor*. It seems to be the case that the payment for one type of rape was not necessarily greater than the other. The payment of *éraig* for *forcor* "might be taken as a recognition of the violent nature of this offence, with possible physical injury to the victim".<sup>155</sup> *Éraig* was a fixed price, contrary to the honour-price, which depended on rank.<sup>156</sup> The fact that the honour-price was paid for *sleth* implies that rape by stealth was more harmful to the woman's honour than forceful rape, whereas *forcor* posed a larger physical risk. It also shows that, since *sleth* is associated with honour, this sum depends on the status of the victim. *Sleth* seems to have been associated with drunkenness, and from this it appears that taking advantage of a drunken woman was seen as a serious offence, as serious as forcible rape.

However, although the law did recognize rape as a crime, there were situations in which the blame was laid on the woman herself or on her husband. While taking advantage of a drunken woman was an offence, this was not the case if

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<sup>153</sup> Kelly 1988: 137.

<sup>154</sup> Kelly 1988: 135.

<sup>155</sup> Kelly 1988: 134n71. However, *Cáin Lánamna* however states that *éraig* was paid for both *forcor* and *sleth*, although no other sources seem to support this.

<sup>156</sup> Kelly 1988: 134, 135.

she went into an ale-house unaccompanied, drank alcohol, and was then sexually assaulted. In this case, the blame would lie on her. A similar situation arose if a woman was left in someone's house by her husband or guardian. This husband or guardian would then have no legal redress if she were taken advantage of sexually, because he should not have left her alone in another's house in the first place.<sup>157</sup> The same goes for a married woman who went into an alehouse unaccompanied. If she were sexually assaulted or raped, neither she nor her husband would get compensation as she should have brought him along. Taking this one step further, a married woman who went to meet a man other than her husband could never get legal redress if raped, as she was one of eight categories of women who could "get no redress if subjected to rape, whether *forcor* or *sleth*."<sup>158</sup> This was the same for "promiscuous or adulterous women, such as an unreformed prostitute".<sup>159</sup> In all these cases the privacy of these women, in the sense of her right not to be disturbed, was infringed upon, as was her bodily autonomy. Since there was no legal redress in these cases, this infringement was even more serious. Additionally, even in these situations where they did not have control over access to them (specifically their bodies), they were judged as if they did have this control. Furthermore, if a woman was raped, she had to disclose this, as there was no legal redress for a woman who hid the fact that she was raped.<sup>160</sup> This seems to mean that, if a woman concealed this fact for a while and then opened up about it at a later time, redress would not follow. If a woman was assaulted in a settlement or town, she was actually legally required to call out for help, probably in order to make the crime public so that it could be properly addressed. Information about rape was thus expected to be shared freely by the woman, meaning that she really did not have privacy of information, as in many cases she might have preferred not to share this information.

This shows that, while early Ireland saw rape as a crime, there were certainly instances in which the victim was blamed or in which the victim seems to not have had bodily autonomy or privacy when it came to their own body. Many of the above instances are examples of responsibility being laid on the victim in some way, and expecting her to have control that she did not have. It appears that, as long as a woman behaved the way she was supposed to behave and took care to follow societal expectations, sexual assault and rape were seen as crimes committed against her, for which payment was necessary. If the woman however deviated from expected behaviour, she was at fault, perhaps even more so than the offender. This reinforces the idea that privacy is linked to status and to one's role in society, since the amount of privacy one could expect depended heavily on their own actions, which in turn influenced their status, as shown in the case of the adulterous woman

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<sup>157</sup> Kelly 1988: 120.

<sup>158</sup> Kelly 1988: 135, 136.

<sup>159</sup> Kelly 1988: 135.

<sup>160</sup> Kelly 1988: 136.

or the prostitute. Privacy, when linked to status, is thus closely related to control and to freedom or privacy of action.

### Killings

Irish society required people who committed an offence to atone for this crime by payment. This was the case for all crimes, including murder.<sup>161</sup> There was a distinction between several kinds of murder: kin-slaying, lawful killing, and secret killing.<sup>162</sup>

For the concept of privacy, secret killings especially are an interesting subject. Secret killings are known as *duinetháide*. This word is formed from *duine* 'person' and *táide* 'theft'. This might seem to refer to an abduction or kidnapping, but from the law texts it appears that "*duinetháide* always involves secret murder".<sup>163</sup> A secret murder is a murder which was hidden. This means that the body would be either concealed, or left in the mountains or in the wilderness, and it also meant that the killer did not acknowledge the crime. This was considered a worse offence than a killing where the offender acknowledged the killing. What this meant practically is that the offender had to pay twice the normal amount for killing. While this is usually not directly associated with privacy in the modern sense of the world, this category and the punishment of this offence show us that privacy was important in the matter of offences as well. This crime was a private one in all senses of the word: the body would be hidden and the offender would keep the crime to themselves, practising a high degree of privacy of information, and therefore the data would remain private. It was then judged more harshly than if the offender had come forward. This could point to privacy and private "business" (in this case obviously criminal) being considered troublesome, which can also be seen in the distinction between theft by stealth and theft by violence. An explanation for this is the absence of appropriate action or punishment if the offender is not identified, which would have upset the order in the *túath*, and would have influenced the social interactions between everyone in the *túath*.<sup>164</sup>

In circumstances in which killing was considered criminal, and it was known who the killer was, the victim's kinsmen were obligated to carry out a blood-feud if the killer did not want to pay for the crime he had committed,<sup>165</sup> and was at large. If the victim was a lord, his base-clients had to join in on the blood-feud. It seems as if this could affect the privacy of the base-clients, as they were expected to change their routines and thus their usual day to day life was momentarily disturbed. If definitely

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<sup>161</sup> Kelly 1988: 125.

<sup>162</sup> Kin-slaying involved the killing of family, and lawful killing were killings committed in circumstances in which the killing of someone was considered justified, and thus required no penalty.

<sup>163</sup> Kelly 1988: 128.

<sup>164</sup> This was clarified to me by Dr. Aaron Griffith and Dr. Martine Veldhuizen.

<sup>165</sup> And if his kinsmen were unwilling or unable to pay for the fines the offender had incurred. See Kelly 1988: 126, 127.

affected their privacy of action, as they were not free to determine their own actions, at least during the feud.

### Injury

There are different types of injuries and fines for inflicting them described in early Irish law. Examples of this are different grades of tooth-injuries, with corresponding fines.<sup>166</sup> As with other crimes, the size of the penalty for inflicting injuries also depended on the rank of the victim. Additional penalties had to be paid if an injury became permanent, as this would affect the victim's life and ability to work. However, the type of injury that is interesting for this thesis is the blemish on the face. This type of injury was seen as particularly serious, because this visible blemish exposed the victim to public ridicule. The punishment for the offender was the following: "A *cumal* has therefore to be paid for each public assembly which the victim has to endure with facial disfigurement".<sup>167</sup> This seems similar to the wife of a husband being allowed to leave him if he hits her and leaves a blemish, as it exposes her to public ridicule as well. It likely also discourages the victim from coming out in public, as gossip and ridicule seem to have been common in such cases. The gossip and ridicule would have been instances of negative privacy. This would thus affect their life and privacy greatly, with their privacy increasing in the sense of them becoming isolated, but decreasing simply because they do not really have control over their privacy, since this happened against their will.<sup>168</sup> It does not seem to be the case that gossip about such a thing was necessarily discouraged, but rather that it was accepted that people would speak or gossip about it, and that the indignity needed to be compensated.

If a king received an injury that disfigured him, he could and usually would lose the kingship. Similarly, a man born with disfigurements could not become a king. The reason for this is that a king was expected to have "a perfect body, free from blemish or disability".<sup>169</sup> The thought behind this was likely that outer blemishes reflected inner faults.<sup>170</sup> For a king, getting a serious injury thus had a tremendous impact on his life and his privacy, as his status would change and with it his rights and privileges.

### Houses and property

In the previous paragraphs, privacy has been mentioned in relation to secrecy, information and action, access and control, and being disturbed or observed. This section shows that privacy was also relevant in the sense of private ownership, the

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<sup>166</sup> Kelly 1988: 132.

<sup>167</sup> Kelly 1988: 132.

<sup>168</sup> It would still technically have been their decision to not go out in public anymore, but the choice to remain inside would have been forced by the circumstances, hence why it was against their will.

<sup>169</sup> Kelly 1988: 19.

<sup>170</sup> Phrased this way by my supervisor dr. Aaron Griffith.

idea of which differs from modern ideas of private ownership, which will be explained shortly. In Early Ireland, the private ownership of land was important. In this case, private ownership generally refers to ownership by one family rather than by the whole *túath*.<sup>171</sup> As such, these families could decide for themselves if others were (not) allowed on it, and if hunting or trapping was allowed on the land. In the cases of land being owned by a kin-group, every legally competent adult within the kin-group had some degree of responsibility for this land. It was possible for an adult man to own land independently of his kin, but he did not have all the rights to it, as also explained in chapter 1. Even in instances where one person did own the land, he did not have all the rights to it, however, since he could not sell his share of the land against the wishes of the rest of the kin-group.<sup>172</sup> This type of property does seem to have been the closest to actual private property as seen from a modern viewpoint. The private ownership of property was directly linked to privacy as in the right not to be disturbed or observed, because the owners of the land could decide if others were allowed on it, and to control over access to the property, and with that over access to personal or intimate information about the family. If their land was generally off-limits, the amount of people coming near their home was likely greatly reduced. Since they themselves formed a kin-group, they probably viewed their privacy as intact even if they did live together, especially since they would all still be in control of their land and home. If, however, their land was frequented by others, it likely became more important to mind the privacy of the domestic space, and to ensure that the privacy there remained intact. Additionally, because houses were usually privately owned, they were seen as private spaces, definitively more private than others.<sup>173</sup>

Due to houses being considered private, there were heavy fines for looking inside the house itself 'unbidden', or for crossing a man's courtyard without permission or even for opening the door to someone else's house.<sup>174</sup> This last instance deserves some further explanation. A house usually had an enclosure around it, and this would have a door or gate. Looking into this enclosure was not punishable, but if someone opened the door of the enclosure without permission, this would incur a fine. If this person then went on to the house and opened that door, another fine would ensue. If the person then looked into the house, they would get another fine higher than the others.<sup>175</sup> It thus appears that there was a growing sense of privacy as one advanced through the property, with the doors or gates serving as measures to ensure both safety and privacy.<sup>176</sup> Given the rural nature of almost the entire country at this point in time, these rules would have ensured a

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<sup>171</sup> Kelly 1988: 105.

<sup>172</sup> Kelly 1988: 13.

<sup>173</sup> O'Sullivan 2008 & 2014.

<sup>174</sup> Kelly 1988: 110. These instances are found in *Críth Gablach*: 211, 209-210, and 210-1.

<sup>175</sup> O'Sullivan 2014: 85. This is also found in *Críth Gablach*.

<sup>176</sup> O'Sullivan 2014: 85.

considerable amount of privacy for most people, as houses were not packed closely together.<sup>177</sup>

It seems that early Irish people viewed their house much like modern people view theirs: as a space not to be disturbed without warning. Clearly, this did not stop at entering a house without permission, but extended to even looking inside without the knowledge of the house owners. This solidifies the idea that the house was a place which should only be shared with others when the owners decide to do so, and this included the happenings of the family inside.

### Privacy as seen in archaeological evidence

The law texts have increasingly been confirmed and supplemented by archaeological findings, mostly when it comes to details of land ownership and agriculture.<sup>178</sup> The agreement between archaeological findings and law texts in specific cases also strengthens the implication that the laws in general are a decent representation of Irish life. From archaeological evidence, it is possible to deduce for example where in the house activities such as weaving would have been carried out, or where meat would be stored or thrown away.<sup>179</sup>

Early Ireland's houses were usually of a round shape, until around 800 AD, after which rectangular shapes became more common.<sup>180</sup> If people wanted to expand on their home, they often chose to build a second circular house, and attached this to the first in an eight-shape. This backhouse was likely used as a kitchen, sleeping space, or a private room.<sup>181</sup> In the 10<sup>th</sup> century, the Vikings had established Dublin and the houses there were rectangular and had partitions in them, with some corner areas near the doors also being partitioned off in order to create a private space. This is also logical as it was common for Norse houses in Iceland, Greenland, and Scandinavia to have several different rooms, with rooms for living, sleeping, working, and space for animals. Front porches might have been screened from the rest of the house in order to control how far neighbours could look inside.<sup>182</sup> In most other settlements, houses had an enclosure instead of a screened porch, as explained further below. Since Hiberno-Norse Dublin was quite densely populated, it is also assumed that people had to learn to ignore the noises of neighbours, and to be discreet about whatever they might have heard in order to allow people to live comfortably in such close proximity to one another, which was different from the rural setting of most other settlements.<sup>183</sup> While this information is only relevant for

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<sup>177</sup> This was pointed out to me by Dr. Aaron Griffith.

<sup>178</sup> Kelly 1988: 3. Kelly also refers to his book *Early Irish Farming*, which was still being worked on at the time of the publication of *Early Irish Law*.

<sup>179</sup> O'Sullivan 2008: 230.

<sup>180</sup> O'Sullivan 2008: 231.

<sup>181</sup> O'Sullivan 2008: 231.

<sup>182</sup> O'Sullivan 2008: 324.

<sup>183</sup> O'Sullivan 2008: 234.



Dublin after about the first half of the 9<sup>th</sup> century, it shows that early medieval people, Irish or Viking, did have a sense of privacy and of discretion.

Information on beds and divisions of the houses is more widely applicable. There is a good amount of evidence that points to “defined separate wooden cubicles or compartments around the edges of walls”.<sup>184</sup> It is also believed that the beds could have been made more private by using curtains hung on rods as a division between the beds and the rest of the room.<sup>185</sup> Findings at the site of Moynagh Lough Crannog, a site occupied throughout the 7<sup>th</sup> and 8<sup>th</sup> centuries,<sup>186</sup> also confirm the existence of internal partitions for beds or storage, showing a separation of the room into different areas.<sup>187</sup> At the site of the Deer Park Farms, occupied between 600 and 1000, the northern bed in the largest house had post-and-wattle screens at its ends, seemingly to shield the bed from the room and the other beds.<sup>188</sup> This shows that privacy of the bedroom was important even between the inhabitants of a house, implying that the bedroom was an area of even greater privacy than the house itself. Considering that bedrooms are often the places where discussions between spouses take place,<sup>189</sup> or general feelings are aired, this seems logical.

Further evidence from sites such as the two mentioned above, shows that there was an “awareness of proper behaviour”<sup>190</sup>, which means that people in early Ireland would have known where they were or were not allowed in a house. An example of this is that generally, people (presumably guests) would not wander through the house to the back house. Details found in law texts such as *Críth Gablach*, backed up by archaeological evidence, suggest that “it is clear that people were meant to know where to sit, move, and work, using such fixtures and features as doorways, hearths, and seating arrangements, to orientate their movements around houses.”<sup>191</sup> The surroundings of the house also served to show people what was proper behaviour, with the house being separated from the kin-land by the enclosing features of the property, such as “raths, cashels and crannógs, their banks, ditches, walls and palisades”.<sup>192</sup> These features would have prevented people from looking into the house without permission, and ensured that the house remained separate from the rest of the property. Furthermore, cobbled pathways seem to have been employed in order to guide people in the right direction once they entered a settlement, with the pathways of several sites leading straight to the door of the main house,<sup>193</sup> perhaps so that visitors could announce themselves.

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<sup>184</sup> O’Sullivan 2008: 241.

<sup>185</sup> O’Sullivan 2008: 241, and correspondence with professor Aidan O’Sullivan, Director of Graduate Studies at University College Dublin: School of Archaeology.

<sup>186</sup> The site had four levels of occupation which were dendrochronologically dated to this time period.

<sup>187</sup> O’Sullivan 2008: 245.

<sup>188</sup> O’Sullivan 2008: 251.

<sup>189</sup> Such as *The Pillow-talk* in the *Táin Bó Cúailnge*.

<sup>190</sup> O’Sullivan 2008: 251.

<sup>191</sup> O’Sullivan 2008: 228.

<sup>192</sup> O’Sullivan 2014: 85.

<sup>193</sup> O’Sullivan 2014: 86.

This additional evidence shows that the people of early medieval Ireland did have social conventions that they were expected to stick to, that they should not just wander throughout another's house, and that permission was required in order to enter someone's house in the first place. It also shows that precautions were taken to ensure that people could not simply look into the house. Clearly, the house was a way to retain at least some sense of privacy, both of action and information, since the social conventions that were in place would have ensured that no one walked in on the owners of the home engaging in private matters, be it private actions or the sharing of information.

### Closing remarks

As becomes clear from all the privacy-related instances mentioned above, Irish law did not specifically mention privacy as modern readers might expect to find it in laws. There are, however, many laws that relate to privacy, either directly or indirectly. Most of these laws are concerned with the matter of control, be it control over access to a home, control over access to one's body in the cases of sexual assault, or control over information that is being spread. Another thing that is clarified in the laws, is that status, rank, and honour are linked with one's attainable level of privacy. After all, if someone's honour was damaged, for example due to gossip about an injury, this meant that their privacy was diminished, because they were continually observed and disturbed by being gossiped about. A king having to give up kingship if he is injured and disfigured is another example. This can additionally be seen in the case of certain types of women getting no legal redress if they were to be raped or assaulted. Their lifestyle, and rank, mean that their privacy can be invaded without repercussions. Privacy generally had no place in wedding ceremonies, although a certain level of privacy and discretion was definitely expected in the marriage itself. In this case, privacy actually does refer to the sharing of personal information. Another important case in which privacy refers to the sharing of information, is satire, as several instances of satire are related to sharing someone else's personal information without their knowledge or consent. Of course in this case it also matters that this information was being shared for the purpose of sharing it and making fun of it, and that it was not simply a misunderstanding or something similar. Doing this unjustly was punished, so there definitely was concern for one's personal information, and it seems to be the case that information like that was not expected to be shared by others, unless it was considered justified to do so, like in the case of legal satire. When it comes to crimes, crimes done in secrecy were generally more heavily punished than other crimes, probably because the offender was not identifiable at first. Interestingly enough, archaeological evidence has also done much to affirm the presence of a sense of privacy, especially in early Irish houses. Many archaeological features were employed in order to help ensure that privacy of the home was maintained. Generally speaking, it can thus be said that, while privacy was not directly mentioned in the laws, there were many

laws associated with privacy, and privacy of persons and homes was expected to be upheld through these laws, which was done by fining the trespassing of boundaries, either of persons or homes.

## Chapter 3: Privacy in the *Táin Bó Cúailnge*

### Introduction and summary of the *Táin Bó Cúailnge*

As privacy can be found in the laws, so it can also be found in the *Táin* and its *remscéla*. As mentioned briefly in the introduction, the *Táin* is the tale of the great cattle-raid of Cuailnge, a region in Ireland.

Ailill and Medb, king and queen of Connact, were having a talk once in which Medb found out she owned one less bull than Ailill does, otherwise being equally wealthy. Ailill's bull was Finnbennach, the White-Horned, a splendid bull for which Medb had no equal. This displeased her and, after asking around, she found out about a magnificent bull called Donn Cuailnge in another territory, Ulster. She sent men to go get it, but they ended up accidentally offending their host and the owner of the bull, who then refused to give it to her. This, to her, meant that she would simply take it by force. Thus she went there with many men, expecting it to go quite smoothly as all the men of Ulster were in their pangs (as explained in the *remscél* 'The Pangs of Ulster') and would therefore not be able to fight. This curse, however, did not afflict the hero Cú Chulainn, who single-handedly defended Ulster for quite some time. After this period of Cú Chulainn holding off the warriors of Connacht, the men of Ulster were released from their pangs and joined the fight. On the day of the main battle, the Ulstermen were victorious. The bulls themselves also fought, with the brown bull (Donn Cuailnge) defeating his rival. In the end, however, he also died from his injuries, and the *Táin* ends with Medb and Ailill making peace with the Ulstermen.<sup>194</sup>

The above is the story of the *Táin* itself. This summary is given here because all the narratives below are connected to the *Táin*, and because it is the most important story discussed here. Being aware of the content of the *Táin* can help understand the *remscéla* themselves as well. A summary of each *remscél* in which instances of privacy can be found is added to the appendix of this thesis, as there is not room to summarize every *remscél* in the main text. In this chapter, the instances of privacy as found in the *Táin* and the *remscéla* are discussed. This starts with a chapter of the *Táin* that contains many clear references to privacy. After this, the *remscél* with the least amount of references to privacy, or the least clear references, follows. From there on, each chapter or *remscél* mentioned contains more and/or clearer references to privacy than the previous one, culminating in the last narrative to be discussed ('Exile of the Sons of Uisliu'), which contains the most and the clearest references to privacy.

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<sup>194</sup> This summary is my own, and any mistakes are mine.

## *Privacy: remscéla and the Táin Bó Cúailnge*

The *remscéla* discussed here are mostly the versions given by Kinsella in his book. An exception to this is the story of Emer's wooing by Cú Chulainn. Kinsella had shortened this tale, because otherwise it would be "disproportionately long among these preparatory tales".<sup>195</sup> While this decision is understandable, the full version has also been consulted to make sure that nothing of importance to the themes discussed here was left out.<sup>196</sup>

The story of the *Táin* itself is divided up into chapters. This is the case for the original story in the manuscripts as well as for Kinsella's translation.<sup>197</sup> These chapters will be maintained in this section as well. The titles of chapters from the *Táin* itself contain the abbreviation 'TBC', which stands for *Táin Bó Cúailnge*, in order to help distinguish them from the *remscéla*. 'The Pillow Talk' is here taken as being part of the *Táin* itself in accordance with Kinsella's book,<sup>198</sup> even though it is often considered technically a *remscél*.

TBC: Privacy in 'XI Combat of Ferdia and Cuchulainn'

Medb and Ailill wanted Ferdia, Cú Chulainn's foster brother, to fight him, since they were practically equals in training. Medb sent messengers, but Ferdia did not want to come back with them. Next, Medb sent "poets and bards and satirists to bring the blushes to his cheeks with mockery and insult and ridicule, so there would be nowhere in the world for him to lay his head in peace".<sup>199</sup> This instance speaks of the destructive power that ridicule and satire had, and it even points to insults and mockery affecting personal and private life, since it is said that he would not be able to rest peacefully anymore after that. Ferdia did not want to be put to shame, and so he came to Medb and Ailill. This is therefore an infringement of privacy in the sense of the right not to be disturbed, and in the sense of privacy of action, since he was forced to leave his daily life behind, and thus had to take actions he otherwise would not have taken. He did not know why he was summoned yet, and upon being told that he was to fight his foster brother, refused. Then Medb said that Cú Chulainn had said that "he wouldn't count it any great triumph if his greatest feat of arms were your downfall"<sup>200</sup>, to which Ferdia said that he should not have said that and that he (Ferdia) has never been slow or sluggish. This comment by Medb provoked

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<sup>195</sup> Kinsella 1970: 259.

<sup>196</sup> The story was found at <https://celt.ucc.ie/published/T301021.html>, accessed 22-6-2021, and in Brown, Patrick, *The Ulster Cycle: The Wooing of Emer and other stories*, 2002/2008.

<sup>197</sup> Different translations might have different titles for the same chapters, and some translations have more sub-chapters than others, as is the case with O'Rahilly versus Kinsella. However, the division of the text into chapters remains mostly the same.

<sup>198</sup> This is also the case in the *Táin*, Recension II, but not in other manuscripts containing the *Táin*.

<sup>199</sup> Kinsella 1970: 168.

<sup>200</sup> Kinsella 1970: 169.

him into accepting the fight. This is an instance of spreading false information about someone, as Cú Chulainn had never made such a comment, and this might also be called (untrue) gossip with the purpose of provoking a reaction. Again, Cú Chulainn was not in charge of the (type of) information that was being spread about him, which in this case led to a fight between foster brothers, who otherwise would never have fought each other. This is therefore an infringement on Cú Chulainn's privacy in the sense of the right to share or withhold personal information, but more importantly in the sense of (lack of) control.

When Ferdia prepared to leave the camp to go out to meet Cú Chulainn, he said to his charioteer that "Cúchulainn never had a real warrior, a proper man, come against him on the Táin Bó Cúailnge until today. As soon as he heard us coming he vanished from the ford".<sup>201</sup> None of this is true of course, as Cú Chulainn had battled many fierce warriors, and also did not flee as soon as Ferdia came close. Ferdia's charioteer actually admonished him for slandering Cú Chulainn in his absence. This is perhaps an instance of gossip which, if it became widely known as the truth, could heavily influence Cú Chulainn's honour, possibly in the same way that the insults and mockery that Medb would have sent to Ferdia might have done. It is not yet an infringement on Cú Chulainn's privacy per se as it does not influence him in any way, but it had the potential to be so. It is another instance of Cú Chulainn not being in control over the information that was being given about him, although in this instance the spreading of this information did not have any harmful effect. Shortly after, it is Ferdia who admonished his charioteer, this time for praising Cú Chulainn too much. He might have been apprehensive of his charioteer praising Cú Chulainn because praise could affect Cú Chulainn in the opposite way that his own previous slander might have: it might have given him more honour, more appreciation, had it been widely heard.

When Cú Chulainn and Ferdia met for battle, they both chanted to each other. While speaking in this manner, Cú Chulainn says that "Medb's daughter Finnabair / for all the fairness of her form / and all the sweetness of her shape / will never yield to your assault. / Finnabair, the royal daughter / - she is nothing but a snare. / She played false with the others / and ruined them as she ruins you."<sup>202</sup> He gave information about Finnabair that she had no knowledge of being shared, and also connects a judgment of value to this information, stating that she is only a snare and that she ruins men. This is subjective (but technically true) information that he gave Ferdia, and that can perhaps be seen as gossip, especially since this knowledge was not yet widely known, although this would become the case later.<sup>203</sup> While it is truthful information, it is unkind, especially since Finnabair does not appear to have much say in the matter of her being used as a reward. This is an instance of privacy

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<sup>201</sup> Kinsella 1970: 177.

<sup>202</sup> Kinsella 1970: 185.

<sup>203</sup> See the paragraph "TBC: Privacy in 'XII Ulster Rises From Its Pangs'", specifically the mention of the kings of Munster.

being infringed in the sense of control, as Finnabair had no control about this information travelling. Her sharing this information about her did nothing to dissuade Ferdia from fighting him, and seems to therefore be practically pointless in the end. It could have weakened Ferdia's resolve, although no reference to this is being made.

Privacy in 'Before the Táin: How the Táin Bo Cuailnge was found again'

This story tells of the rediscovery of the *Táin*. Different poets could not recall the story and it was determined that one person, Muirgen, would go out to find and learn a version of the *Táin* that was taken elsewhere in Ireland. He and his companion came across the grave of Fergus mac Roich, a former king and Cú Chulainn's godfather. Fergus appeared to Muirgen and recited to him the whole *Táin*. This story also mentions the different *remscéla*.<sup>204</sup> The story itself contains one mention of privacy, related to someone not being disturbed or observed. When Muirgen sat down at Fergus' grave alone, and chanted a poem to it, a mist appeared that surrounded him so that "for the space of three days and nights he could not be found".<sup>205</sup> Fergus then appeared to him. This is an example of a one-on-one encounter in which privacy is enforced, in this case by the mist. Muirgen cannot be found by his companions during the meeting with Fergus and cannot therefore be either observed or disturbed. In this case, privacy is ensured using magical means, which shows that obtaining privacy was considered important enough in this instance to use magic to achieve it. Muirgen clearly was the only one meant to receive this message directly, earning him the privilege of being the only living person who knew the story of the *Táin*.

Privacy in 'How Cuchulainn was Begotten'

Deichtine, Cú Chulainn's mother, had a dream in which she was approached by a man who called himself Lug mac Ethnenn. The story states that: "The woman grew heavy with child, and the people of Ulster made much of not knowing its father, saying it might have been Conchobor himself, in his drunkenness, that night she had stayed with him at the Brug<sup>206</sup>".<sup>207</sup> Clearly Deichtine had kept the name of her son's father to herself, despite this leading to rumours about the parentage. No reason is given for her doing this, but it is a clear instance of someone choosing not to share certain personal, and sensitive, information. This is both an instance of positive privacy, and of control over access to information. Her choice does lead to gossip, although there seem to be no (significant) consequences from this. It is likely

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<sup>204</sup> This short summary is given here rather than in the appendix, where the rest of the summaries can be found, as this summary is incredibly short even in comparison to the other *remscéla*, and therefore is better suited to be included here.

<sup>205</sup> Kinsella 1970: 1.

<sup>206</sup> The house owned by the couple.

<sup>207</sup> Kinsella 1970: 23.

however that the gossip influenced Deichtine's day-to-day life, and that people paid closer attention to her, meaning that her privacy would likely have been impacted in the sense of her being observed more. This is, however, speculation.

#### Privacy in 'How Conchobor was begotten, and how he took the Kingship of Ulster'

As made clear from the title, this tale tells of Conchobor's conception and how he became the king of Ulster, by which he removed Fergus from the throne. The story describes his household, which housed many weapons and shields, apparently as decoration. It details the number of rooms he had and specifies that Conchobor's own room was in the centre of the house, and it was "guarded by screens of copper".<sup>208</sup> This is the only room that appears to be closed off from the rest, as there is no other mention of screens or other dividers. In fact, every other room housed three couples, meaning that each individual couple did not have much privacy. It seems as if in this case, Conchobor is the only one who was allowed to have such privacy, being the king.

#### Privacy in 'The Pangs of Ulster'

The story of Macha and her curse is an example of what can happen if privacy is infringed upon. Macha herself first infringed on the privacy of Crunniuc, who had been living alone with his sons. She walked right into his home and started working there, and also slept with Crunniuc immediately in the first night.<sup>209</sup> The infringement on his privacy when she came straight into his home and started living there, through a finable offense according to Irish law, led to their relationship and marriage, and thus had a likely positive effect on both. When the fair came, Macha asked her husband not to boast (about her) or to say things carelessly while he was there, to which he did not listen.<sup>210</sup> He thus bragged about her and shared information about her. As trivial as the information might seem<sup>211</sup>, she specifically asked him not to do this. While the information shared was not necessarily sensitive, sharing it still went against her wishes, and she thus could not determine for herself when, how, or to what extent her information was shared. She was not in control over this information. Since she was forced to go to the festival while pregnant and actually gave birth there a moment after the race ended, it could also be argued that she is observed in one of the more private and personal moments a person could have, that moment being (late) pregnancy and childbirth. It was never her intention to be observed and disturbed in this time, but she was forced into this situation by her husband, and had no control over the entire situation. This can also be described as an action taken outside of her control: not the birth itself per se, but the fact that

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<sup>208</sup> Kinsella 1970: 6.

<sup>209</sup> Kinsella 1970: 6.

<sup>210</sup> Kinsella 1970: 7.

<sup>211</sup> What he says is: "My wife is faster", stating that she could outrun the horses of the king. Kinsella 1970: 7.



she had to put herself in a type of condition which can induce a birth. This infringement upon her privacy led to her cursing the Ulstermen, which then left them defenceless against Medb and Ailill's forces in the *Táin*. This is one instance in which such infringement therefore has devastating consequences.

Privacy in 'Cuchulainn's Courtship of Emer, and His Training in Arms' & 'The Death of Aife's One Son'

The two narratives of Cú Chulainn's wooing and training, and that of Connla's death, are taken together as they share the storyline of Connla (seen below), and are linked through this.

When Cú Chulainn and Emer met, they spoke and asked each other many questions. At one point, Emer asked how strong he was, which led to Cú Chulainn explaining his upbringing. He explained that he was raised by several people who had all taught him different things. He also told her about his conception.<sup>212</sup> Cú Chulainn gave Emer a lot of personal information here, prompted by a relatively small question. It is clear that this information meant something to him, as he used it to answer the question of his strength, and it is information he gave freely, meaning that this is an instance of positive privacy.

Cú Chulainn and Emer spoke in riddles when they met each other and Emer's 'girls' (likely maids) were present. These girls did not seem to know what these riddles meant, as they told their fathers about the warrior who arrived and about "the talk with its hidden meanings that passed between him and Emer".<sup>213</sup> First of all, the speaking in riddles in order to create a private conversation while there are other people around, points to their recognition of each other as potential partners. More importantly however, in this instance privacy was lacking for Cú Chulainn and Emer, and thus they found a way to ensure that their conversation and any personal information exchanged in it remained private from the girls and any other people the girls might tell. It was especially important that the information exchanged between them was kept from the girls because otherwise Forgall, Emer's father, might find out that Cú Chulainn was wooing his daughter, and he would not have consented.<sup>214</sup> Forgall still heard about the two talking, and devised a plan to stop them from being together, so the riddles do not seem to have prevented any of this. Later, after Cú Chulainn returned from Scotland and found Emer again, they went to Ulster. It was common practice that Conchobor, being king, would sleep with every woman in Ulster before her marriage. This prospect enraged Cú Chulainn and because everyone knew he would kill anyone who slept with his wife, a compromise was made. Emer would sleep in Conchobor's bed, but so would Fergus and Cathbad.<sup>215</sup> Whereas Conchobor did this willingly, Emer does not seem to have had much say in this, only being saved from having to sleep with Conchobor

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<sup>212</sup> Brown 2002/2008: 6, and <https://celt.ucc.ie/published/T301021.html>: 74, accessed 22-6-2021.

<sup>213</sup> Kinsella 1970: 27-28.

<sup>214</sup> Brown 2002/2008: 7, and <https://celt.ucc.ie/published/T301021.html>: 151, accessed 22-6-2021.

<sup>215</sup> Kinsella 1970: 38-39.

by virtue of being Cú Chulainn's woman. Her privacy is infringed upon in this instance, as she then had to share the bed with three men who were not her betrothed. She had no freedom of action in this event. The next day, Conchobor paid her dowry and paid Cú Chulainn his honour price, which not only implies that this arrangement could affect Cú Chulainn's honour, but also that the arrangement was an insult to him, hence why it was necessary to pay his honour price. Cú Chulainn and Emer were married afterwards, so the payment of the honour price seems to have solved the problem.

Later in the story Cú Chulainn went to Scotland to train with Scáthach, as suggested by Forgall in the hopes that Cú Chulainn would never return. Cú Chulainn slept with Aife, Scáthach's enemy, who became pregnant. They then talked about their unborn child. This is where Cú Chulainn gave Aife the rules for the child in the event that he would come to Ireland: he must not reveal this name to anyone, nor make way for any man nor refuse anyone combat. When Connla did eventually come to Ireland in 'The Death of Aife's One Son', he hid his name from the men there, which led to the men being even more suspicious of him. Additionally, Cú Chulainn's command that the boy should not make way for any man also led to trouble, and different men fought Connla. Cú Chulainn went up to him as well, and, while seemingly knowing it is his son, said: "Name yourself, or die,"<sup>216</sup> killing him when he did not do so. Connla had control over his choice to hide his name, knowing full well the consequences.

It appears to be the case that a name was expected to be given when asked for, even though it was personal information. Even though it was personal information, it was thus not necessarily privileged or protected information, and was therefore also (expected to be) public in some sense. Connla faced the dilemma of either disobeying the commands his father had given him long ago and entering Ireland unscathed, or obeying these commands and laying down his life. He chose to die protecting his name, and probably his honour, since his honour would likely have been affected had he chosen to ignore the commands. Considering that the commands came from his own father, ignoring them probably would have impacted his honour even more. That is not even taking into consideration the identity of his father, a hero of Ireland. In a society where both honour and family were incredibly important, disobeying commands that could damage both would be a devastating option to consider.

TBC: Privacy in 'The Pillow Talk'

Ailill and Medb, king and queen of Connacht, were lying in bed when Ailill implied that he was richer than her. What ensued is a conversation in which each of them gave the other background information about themselves in order to prove that they had many possessions. When Medb stated that she was already well off before they were married, Ailill said: "Then your wealth was something I didn't know or hear

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<sup>216</sup> Kinsella 1970: 44.

much about, except for your women's things, and the neighbouring enemies making off with loot and plunder".<sup>217</sup> Medb then launched into an explanation of all the wealth she did have and that he apparently did not know about: "I had fifteen hundred soldiers in my royal pay, all exiles' sons, and the same number of freeborn native men, and for every paid soldier I had ten more men, and nine more, and eight, and seven, and six, and give, and four, and three, and two, and one. And that was only our ordinary household" and : "When we were promised, I brought you the best wedding gift a bride can bring: apparel enough for a dozen men, a chariot worth thrice seven bondmaids, the width of your face of red gold and the weight of your left arm of light gold".<sup>218</sup> One can assume that he was at least partially aware of her wealth considering the gifts she brought him when they were married, but perhaps he had assumed these to be funded by her father. For Medb it seems necessary to give him a lot of personal information in order to prove her point, something that apparently she had not done up until this point, if we may believe that he indeed knew nothing of her wealth. This is a case of positive privacy of information. This conversation was held while they were in their bed, and the information given in it is therefore information exchanged between husband and wife, and no one else. Yet it seems interesting that they had apparently not spoken of this to each other before, especially considering that the topic of wealth is important enough to start the cattle raid over.

When messengers were sent out to the house of Dáire mac Fiachna, who was in the possession of the sought after bull, they got drunk and were talking. They spoke of the bull and of Dáire's willingness to part with it, saying that it was good of him to give the bull to them. However, one of them stated: "I'd as soon see the mouth that said that spout blood! We would have taken it anyway, with or without his leave."<sup>219</sup> The man in charge of Dáire's household came in at that moment and heard them say this. He became enraged and told Dáire about this, who consequently did not want to give the bull to Medb any longer. It appears that the messengers had overestimated their privacy at Dáire's house, not taking into account that a servant might hear them and report back to his or her master. Their false expectation of privacy led them to be much less cautious with their words than they should have been, leading to the whole affair of the cattle-raid. Their drunken statement also shows a lack of consideration for Dáire's privacy in the sense of being observed or disturbed, as they made it clear that they would take his property (the bull) from him either way, thereby disturbing him and his life. This would likely also affect his honour, which in turn could affect his independence.

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<sup>217</sup> Kinsella 1970: 52.

<sup>218</sup> Both quotes are from: Kinsella 1970: 53.

<sup>219</sup> Kinsella 1970: 57.

While the army of Medb was on the way to the province of Ulster and to Dáire, they rested at a lake, where “Ailill’s tent was pitched. Next to Ailill came Fergus mac Roich in his tent; next to Fergus, Cormac Connlongas, Conchobor’s son; next to him, Conall Cernach; and next to him, Fiacha mac Fir Febe, the son of Conchobor’s daughter. Medb was to settle the other side of Ailill, next to her their daughter, Finnabair; and next to her, Flidais. Not to speak of manservants and attendants.”<sup>221</sup> The wording is similar in O’Rahilly’s translation of the *Táin*.<sup>222</sup> The wording in both translations is ambiguous, as it is not clear in either if all these people were housed in Ailill’s tent, or if they all had separate tents. “In his tent” when referring to Fergus could refer back to Ailill’s tent, or it could refer to a separate tent. For this instance, the Irish gives some clarification: *Fergus mac Róich didiu for láim Aillello isin phupull*.<sup>223</sup> The important part here is *isin phupull*, which means “in the tent”, not “in his tent”. This implies that there was one tent which was shared by everyone. In the English translations, only Ailill’s tent is specifically mentioned as being pitched, and in O’Rahilly’s translation there is mention of multiple beds being placed into this tent. This reinforces the idea that there was only one tent. Presumably they all agreed with sharing the tent, and thus it is not really an invasion of privacy, but rather an agreed-upon limitation of it over which everyone involved had control. It does mean that privacy in the sense of not being observed was limited.<sup>224</sup>

Further on in the chapter, Cú Chulainn has left a ‘spancel-hoop’ with a message in ogam<sup>225</sup> on it for the troops of Medb and Ailill, with the challenge that someone must complete it with one hand as he had done. Fergus stated that if they do not do this and pass while ignoring the challenge, “the fury of the man who cut that ogam will reach you even if you are under protection, or locked in your homes”.<sup>226</sup> Cú Chulainn’s fury in such a case clearly surpassed any kind of protection or privacy that homes were normally expected to offer.

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<sup>220</sup> The spelling here is that of Kinsella. In other places the spelling is as it was taught to me: Cú Chulainn. For titles and direct quotes however, Kinsella’s spelling will be maintained.

<sup>221</sup> Kinsella 1970: 65.

<sup>222</sup> Referring to O’Rahilly 1976: 129. The wording is as follows: “Now his tent was pitched for Ailill and his equipment was placed therein, both beds and blankets. Fergus mac Róich was next to Ailill in his tent. Cormac Conn Longas, son of Conchobor, was next to him. Then came Conall Cernach, with Fiacha mac Fir Febe, the son of Conchobor’s daughter, beside him. Medb, the daughter of Eochu Feidlech was on the other side of Ailill, with Finnabair, the daughter of Ailill and Medb, beside her and Flidais next to Finnabair. This was not counting the servants and attendants.”

<sup>223</sup> O’Rahilly 1976: 5.

<sup>224</sup> In the story *Táin Bó Fraích*, not discussed in this thesis, Ailill and Medb’s house is mentioned. It is described to have many compartments, one of which belongs to the king and queen. This suggests that their house was not just for them, but was also shared with many others.

<sup>225</sup> An early Medieval type of script carved into stone.

<sup>226</sup> Kinsella 1970: 71.

TBC: Privacy in 'VIII The Bull Is Found. Further Single Combats. Cuchulainn and the Morrigan'

A young woman came towards Cú Chulainn once, offering him help, which he refused. She then said she would hinder him instead in the shape of several animals, to which Cú Chulainn replied that he would then crack her ribs, burst an eye, and shatter her legs, marks she would carry until he lifted it from her with a blessing. In a battle soon after she did indeed hinder him and he hurt her in these ways. After the battle an old woman milking a cow appeared to him. He asked her for a drink, and she gave him three drinks of milk. Cú Chulainn blessed her after the drinks, and her injuries healed. This turned out to be the same woman as before. She said that he had said that he would never heal her, to which he replied: "If I had known it was you I wouldn't have done it".<sup>227</sup> This woman had full control over her personal information and used that control to conceal her identity in order to gain an advantage over an opponent who was unaware of her true identity.

TBC: Privacy in 'XIV The Last Battle'

When the last battle took place, it was between the Connachtmen and the Ulstermen, who had finally risen from their pangs. Cú Chulainn could not take part due to his wounds from fighting Ferdia. At some point during the battle, Cú Chulainn's wounds had opened afresh because Medb had sent two handmaids to lament over him, who told him that Fergus had fallen and Ulster had been broken in battle while he could not fight.<sup>228</sup> Neither of these was true. This is an instance of negative privacy and of deceit being used in order to affect Cú Chulainn. While Fergus was on the side of Connacht, and thus Medb and Ailill, during the whole battle, Cú Chulainn was his foster son, and he also had some loyalty to Conchobor, whom Cú Chulainn served. It is thus very unlikely that he would have agreed with telling Cú Chulainn such a lie in order to try to make sure that he could not join the fight. In the end, the fight was won by Ulster and Cú Chulainn anyway, and it seems like none of the trickery employed by Medb and Ailill did what they hoped it would do.

TBC: Privacy in 'VII Single Combat'

When the messenger Mac Roth comes to find Cú Chulainn in order to give him a message from Ailill and Medb, he asks Cú Chulainn whose servant in arms he was, to which Cú Chulainn replied that he was Conchobor's. Mac Roth asks him where he can find Cú Chulainn, since Cú Chulainn himself has not given his name. Cú Chulainn asks him what he wants to tell him. Mac Roth tells him the message, and Cú Chulainn states that "if Cú Chulainn were here he wouldn't sell his mother's brother for another king",<sup>229</sup> thereby implying that he is not Cú Chulainn. Mac Roth

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<sup>227</sup> Kinsella 1970: 137.

<sup>228</sup> Kinsella 1970: 249.

<sup>229</sup> Kinsella 1970: 116.

came back to Cú Chulainn another time and made him an offer, gifts he would get if he were to stop attacking them at night. It appears that, while Cú Chulainn does not seem to explicitly give his name, by this time it is understood by Mac Roth that he is speaking to Cú Chulainn, or otherwise at least to someone who knows him and will relay the message. While Cú Chulainn withholding his name thus did not do much to influence the conversation with Mac Roth, it did give Cú Chulainn time to gauge the other and his intentions. It is also an instance of control and of positive privacy, both because Cú Chulainn chose what to do with his information.

Later on in the chapter, a warrior named Nad Crantail came to fight Cú Chulainn. When he saw Cú Chulainn, he asked him if he is really Cú Chulainn, to which the latter replied: "What if I am?", which was followed by Nad Crantail saying: "If you are, [...] 'how can I take a little lamb's head back to the camp? I can't behead a beardless boy'"<sup>230</sup> Cú Chulainn quickly stated that he was not the one and that Cú Chulainn could be found beyond a hill. He then ran to Laeg, his charioteer, and asked him to make him a false beard, so that the warrior would fight him. When he returned with a beard, Nad Crantail did want to fight him. This is a case in which Cú Chulainn not only withheld his name, but actually lied and said that he was not him. In this case, giving his name up immediately would have led to the warrior outright refusing him combat, so by keeping his personal information secret and giving himself room to disguise himself (as himself), he made sure that the combat that he wanted to happen, could actually do so. Here, Cú Chulainn clearly chose for himself when and how he revealed personal information and was thus in control of it.

TBC: Privacy in 'XII Ulster Rises From Its Pangs'

A man called Rochad mac Faithemain, once his pangs left him, came to help Cú Chulainn. Ailill saw this, and made a plan to trick him. He said to "send out a hundred warriors into the middle of the plain with the girl Finnabair in front of them. Send a horseman to tell him that the girl wants to speak alone with him."<sup>231</sup> When Rochad came to speak with her, the troop rushed at him, and he was captured. He was then released on his promise that he would not fight the armies until the whole of Ulster could come once their pangs were over, and Finnabair was promised to him. This is an instance of a supposedly private meeting, this time between Rochad and Finnabair, being used for trickery and deceit, similarly to the supposed meeting between Cú Chulainn and Medb in 'IX The Pact Is Broken: The Great Carnage'. It is an instance of negative privacy, since false information is given to Rochad to lure him, and of his freedom of action being impeded since they released him only once he promised to do what they wanted.

After having been released, he did get Finnabair, who slept with him. The seven kings of Munster were told about this, and through talking about it, found out

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<sup>230</sup> Kinsella 1970: 123.

<sup>231</sup> Kinsella 1970: 214.

that the girl had been promised to all of them in return for them joining the army.<sup>232</sup> These promises had been made to them in private by Medb and Ailill, and thus they had no knowledge of the girl being promised to other men as well. This private information is here made public, which led to them wanting to take vengeance on Medb and Ailill, resulting in a great slaughter on both sides. Their choice to all come forward with this news led to the information finally being out there, but thus also led to destruction. Up to this point, they all chose to keep this information to themselves, and now it was also their own choice to share it, regardless of the consequences. When Finnabair heard of the slaughter, and realized many had died due to her deceit, she died of shame.

TBC: Privacy in 'IV Cuchulainn's Boyhood Deeds'

When Cú Chulainn was a boy, there was a time when he apparently could not sleep unless he had a block of stone under his head and one of equal height under his feet. Once, while he was sleeping in this manner, a man came in to wake him, and Cú Chulainn promptly killed him.<sup>233</sup> Since then, no one dared wake him unless instructed to do so, and he was left to wake up by himself. Not only was Cú Chulainn disturbed, he was disturbed while sleeping, which is arguably the most private moment one can have. This invasion led to the death of the other man, and to the future respect of this private time. Unfortunately it does not become clear from the translation nor from the Irish text where exactly Cú Chulainn slept in this time, whether this was a house or not. If it were in a house, Cú Chulainn's response would be easier to understand than if he slept in a field, simply because a house merited a higher level of privacy.

When Cú Chulainn was seven, he came to Emain Macha in such a manner that all were afraid he would kill everyone there, but Conchobor suggested that women be brought to him. These women were brought, chests bare, and it was said that "these are the warriors you must struggle with today".<sup>234</sup> Cú Chulainn then hid his face. On this day, these women were disturbed in their usual routine, only to be brought out and to have to show their breasts, which is a disturbance of their bodily autonomy. Their privacy in the sense of being disturbed and observed, of freedom of action, and of control, was violated in order to calm the seven-year old, who seems to recognize this fact as he hid his face. In an indirect way, personal information about these women's bodies has been given up without any regard for their opinions about this. Their control over this situation was taken away, as well as their chance to make their own decisions about it.

The entirety of the events of Cú Chulainn's boyhood deeds were told by several men (Fergus, Conall Cernach, and Fiacha mac Fir Febe) to Medb and Ailill in order to illustrate to them who they were dealing with. Not much was actually done

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<sup>232</sup> Kinsella 1970: 215.

<sup>233</sup> Kinsella 1970: 79.

<sup>234</sup> Kinsella 1970: 92.

with this information by Medb and Ailill though, so it appears that no direct harm was done. While he did not consent to the sharing of this information, and was not even aware of it happening, he might not have objected to sharing this if he had had any say in the situation, since it did help him become more famous and feared, which is what his desire was. After all, a warrior's fame would live forever, even after the death of the warrior, and this was Cú Chulainn ultimate goal.

TBC: Privacy in 'IX The Pact Is Broken: The Great Carnage'

Medb asked Cú Chulainn for a truce and for him to meet her. He had to come alone and unarmed, and she would also come alone save for her troop of women in attendance. However, the truce was a false offer of peace, as her plan was to meet him and set a large number of men on him. Cú Chulainn agreed to the meeting, and was beset by men when he showed up. He had been warned by his charioteer against Medb being a "forceful woman", and had thus brought his weapon, with which he killed them all.<sup>235</sup> The meeting that was supposed to take place never happened, and Cú Chulainn was lured under false pretences. In this sense, it could perhaps be said that he was disturbed: he went expecting peace, and instead of that, was attacked and had to kill a number of men. The meeting should have been between Medb and Cú Chulainn alone, and thus would have constituted a private meeting. It appears that (the lure of) private meetings could easily be used for trickery, possibly in part as there were usually no witnesses to argue for either side's right or wrong. In this case the promise of privacy was part of the trickery, as there was no actual privacy. There would have been many witnesses here, although they were all subjective in the sense that they were on Medb's side, and therefore their use as actual witnesses would be debatable. In this instance, there technically is trickery on both sides, as Cú Chulainn brought his weapon even though he was asked to come unharmed. His trickery, however, was meant purely to prevent Medb from harming him (preventative), whereas Medb's trickery was active.

Another instance of a private meeting being used for trickery follows shortly after. A message reached Cú Chulainn that if he left the armies of Ailill and Medb alone, he could have their daughter Finnabair.<sup>236</sup> Cú Chulainn said that he did not trust this, to which the messenger replied that it was the word of a king, and no lie. Cú Chulainn accepted. In the camp of Ailill and Medb, Ailill ordered the camp fool to be made to look like him, and to be stood at a distance from Cú Chulainn. He could then betroth Cú Chulainn and Finnabair, and they could quickly come back. This was supposed to buy them some time. Cú Chulainn went to meet the camp fool whom he believed to be Ailill, and immediately knew that it was a trick. He killed him and bound Finnabair to a stone. This was the last attempt at a truce. In both 'attempts' to form a truce with Cú Chulainn, Ailill and Medb tried to trick him, leading to both attempts failing.

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<sup>235</sup> Kinsella 1970: 137, 139.

<sup>236</sup> Kinsella 1970: 140, 141.



Some time after the abovementioned meetings, Cú Chulainn and his charioteer Laeg saw a man coming towards them.<sup>237</sup> The man was Lug mac Ethnenn, Cú Chulainn's father from the *side*.<sup>238</sup> While he was coming towards them, no one else took notice of him and he also did not acknowledge anyone, and Laeg remarked that it seemed like no one could see him. Cú Chulainn replied that he was correct and no one could see him because he was one of the *side*. It appears that the man could only be seen by them because he wanted to be seen by them. This means that this race of people, and this man, have full control over their privacy and were unlikely to be disturbed or observed without their knowledge or permission, since they decided if they were seen or not. This makes them a private race in every sense of the definition.

#### Privacy in 'Exile of the Sons of Uisliu'

When Derdriu was being raised by Conchobor, she was "kept in a place set apart, so that no Ulsterman might see her until she was ready for Conchobor's bed".<sup>239</sup> She was kept away from everyone except for her foster father, foster mother, and the satirist Leborcham, who could not be kept out, for fear of her verses bringing more harm. This allowed Leborcham to have more freedom than others had.<sup>240</sup> This is a clear case of someone being raised in total privacy, with nearly no-one allowed near them. It is likely that much of her personal information was also kept private, considering the motivation behind keeping her away from others was to prevent the trouble she would cause according to the prediction by Cathbad. It seems that people were aware of her existence and the threat she was believed to pose, but that they otherwise did not know much about her. This threat was likely enough to keep people away from her.

This seems to be confirmed by her meeting with Noisiu. The relationship between them is one of the best indicators in the *Táin* or its *remscéla* that privacy is important, and that infringing on someone else's privacy is often not a positive thing, and can influence third parties as well, possibly even leading to disaster.

She had heard of a handsome man called Noisiu and devised a plan to meet him, and when they met, he made it clear that he was rejecting her due to the prophecy, affirming the fact that this information was well-known and worked as a deterrent against associating with her. After this rejection, she grabbed both his ears and threatened him with "two ears of shame and mockery, [...], if you don't take me with you".<sup>241</sup> This shows a complete disregard for his choices, his control over his privacy, and his control over access to himself in the sense of his body. He did not

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<sup>237</sup> Kinsella 1970: 142.

<sup>238</sup> A so-called 'fairy mound' where supernatural beings were believed to live, implying that this man was such a being.

<sup>239</sup> Kinsella 1970: 11.

<sup>240</sup> Kinsella 1970: 257.

<sup>241</sup> Kinsella 1970: 12.

give her permission to touch him, and, judging by the fact that he had just rejected her, would likely not have given this permission had she asked.

Once she had met Noisiu in this way and travelled with him, they arrived in Alba (Scotland), where “they built their houses so that no one could see in at the girl in case there might be killing on her account”.<sup>242</sup> So once again, she was kept apart from others, for fear of the prophecy coming true, although this time it was likely with her permission. She was soon spotted by a steward of the king there, who proposed to the king to kill Noisiu, to which the king said no. The king then told his steward to ask her every day to sleep with the king. The steward did this, and Derdriu kept saying no. She also told Noisiu about this every time. Since she rejected the king, the sons of Uisliu, that is Noisiu and his brothers, were sent into many kinds of traps and battles in hopes that they would die, but they always survived. After she said no again, the men of Alba were gathered to kill the sons. This is when the group leaves Alba. Through these events, it is clear that Derdriu’s privacy was disturbed every day. The king wanted these questions to be posed to her in secret, perhaps because he feared Noisiu, or because he did not want it known that he was after Derdriu until after she had agreed. Whatever the motivation, these secret meetings led to cunning actions on the king’s part. It is an instance of private interactions leading to trouble. Her refusal also was simply not accepted, and her privacy continued to be disturbed daily.

It seems that Derdriu’s whole life was generally a private and lonely one where she was usually hidden from others, and in which others made the decisions for her, especially when using the definition of control, since she had no control over who could access her or her information. A private life is not always bad, but in Derdriu’s case the level of privacy in her life was generally decided upon and inflicted on her by others. She did choose to remain isolated from others when she was with Noisiu and his brothers in Scotland, so in this case her isolation from strangers is chosen by herself. However, one can wonder to what extent this choice was really hers, since she had probably heard about the prophecy frequently and made the choice to isolate either to appease Noisiu and his brothers, or to do her part to prevent the prophecy from coming true. It is also interesting that her taking away of Noisiu’s right to make a decision regarding her and her presence led to his death, and eventually to hers. The only real decisions she made for herself was to force him to take her along on his travels, and to dash her head against the rock at the end of the story, ending her life. Both decisions led to much death, aligning with the prophecy made about her in the first place.

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<sup>242</sup> Kinsella 1970: 13.

## Categorisation

Privacy in the *Táin* and its *remscéla* seems to often be associated with secrecy and even trickery. There are several instances of private encounters being used for devious plans, which usually failed. The meeting between Cú Chulainn and Emer where they spoke in riddles is also a good example of the importance that privacy could have, in this case in a positive sense. Their words had to remain secret from the people surrounding them at that same time. The following is a categorisation of instances of privacy as found in the *remscéla* and the *Táin*, with the number of occurrences. Some instances are mentioned in two categories. In these instances, it depends on perspective which category would fit the best. The tables with this data are added to this thesis as Appendix B. There are two types of tables included, both of which contain positive and negative privacy, but otherwise have different categories. As explained in the introduction, Tables A1 and A2 are newer versions, while table B is the first version.

### Table A1: Privacy of communication or information

There are 22 instances that fall into the category of privacy of communication and information. The subdivisions are as follows.

Positive privacy: the retention of information or communication privacy. This can be either through withholding or not distributing information, or through sharing one's own information willingly, as that also keeps privacy intact. There are 12 instances attributed to this category. 5 of these are found in the *Táin* itself, with the other 7 present in several *remscéla*, namely 'The Pangs of Ulster' (1), 'How Cuchulainn was Begotten' (1), 'Cuchulainn's Courtship of Emer and His Training in Arms' (4), and 'The Death of Aife's One Son' (1).

Negative privacy: the loss of communication or information privacy through distributing information, usually about others, with further subdivisions regarding the truthfulness of the information. There are 10 instances of negative privacy, 6 of which concern truthful information, while the other 4 are instances of false information being spread. 9 of these are found in the *Táin*, with the remaining instant coming from 'The Pangs of Ulster'.

### Table A2: Privacy of action

There are 19 instances which can be attributed to this category, which is divided into positive and negative privacy. Positive here means that the person in question chooses their own actions and thereby influences their own privacy willingly, while negative means that someone is forced to undertake actions resulting in either a greater or smaller level of privacy through no choice of their own.

Positive: this category counts 7 instances. 3 of these are from the *Táin*, while the other 4 are from *remscéla*, specifically 'The Pangs of Ulster' (1), 'How Conchobor was Begotten, and How He Took the Kingship of Ulster' (1), 'The Death of Aife's One Son' (1), and 'Exile of the Sons of Uisliu' (1).

Negative: the remaining 12 instances are found in this category. 7 of these are from the *Táin*, and the remaining 5 are found in 'The Pangs of Ulster' (2), and 'The Exile of the Sons of Uisliu' (3).

#### Table B

Negative privacy: in this case privacy has negative consequences for the person concerned. There are 11 instances that fall into this category, 6 of which have to do with trickery and the purposeful spreading of false information. 6 of the 11 instances are found in the *Táin*, and others in 'The Exile of the Sons of Uisliu' (2), 'The Pangs of Ulster' (1), and 'The Death of Aife's One Son' (1). The 6 instances which have to do with trickery and the spreading of false information are all found in the *Táin*, more specifically concerning Ailill and Medb.

Privacy in the sense of the right to share or withhold personal information: this category included all instances in which someone withholds a piece of personal information, asks another to do so, or spreads true (personal) information about someone else. There are 12 instances that fall into this category, 4 of these concern the concealment of one's own identity. 7 instances are found in the *Táin* itself. *Remscéla* in which instances of this category are found are 'The Pangs of Ulster' (1), 'How Cuchulainn was Begotten' (1), 'Cuchulainn's Courtship of Emer, and His Training in Arms' (2), and 'The Death of Aife's One Son' (1).

Privacy in the sense of the right not to be disturbed: this category lists instances in which people are disturbed in their usual routine, or in which they have taken measures not to be disturbed, as in the case of Conchobor's separate room in 'How Conchobor was Begotten'. There are 10 such instances, 4 of which are found in the *Táin*. The remaining instances are found in 'Before the Táin: How the Táin Bo Cuailnge was found again' (1), 'How Conchobor was Begotten' (1), 'The Pangs of Ulster' (2), and 'The Exile of the Sons of Uisliu' (2).

Privacy in the sense of the right not to be observed: this category is similar to the one above, but focuses only on being observed rather than being actively disturbed. This category counts 6 instances, 2 of which are found in the *Táin*. The other 4 are found in 'Before the Táin: How the Táin Bo Cuailnge was found again' (1), 'How Conchobor was Begotten, and How He Took the Kingship of Ulster' (1), 'The Pangs of Ulster' (1), and 'The Exile of the Sons of Uisliu' (1).

Positive privacy: this category contains instances in which enforcing or enabling privacy led to positive outcomes for the ones enforcing or enabling it, such as when Cú Chulainn and Emer managed to keep their conversation private from those around them by speaking in riddles. There are 6 instances that fall into this category, 4 in the *Táin*, and the others in 'How Conchobor was Begotten, and How He Took the Kingship of Ulster' (1), and 'Cuchulainn's Courtship of Emer, and His Training in Arms' (1). Most of the instances in this category are also found in other categories.

Other: this category contains instances which are related to privacy in some way, but in a different way than the other categories. An example of this is the

instance of women's bodily autonomy being disturbed in 'Cuchulainn's Boyhood Deeds' in the *Táin*, which could be seen as both an issue of freedom of action and of control over access to oneself. Another example is Medb threatening to send bards, poets, and satirists to mock Ferdia if he does not come to her. While this can affect his privacy in a meaningful way, it does not so do directly but rather indirectly – through possible satire threatening his honour. This too is a matter of infringement on freedom of action, as Ferdia had lost the freedom to do whatever else he might have wanted to do. There are 6 instances in this category of 'other', 5 of which are found in the *Táin*. The remaining instance is found in 'The Exile of the Sons of Uisliu'.

### Closing remarks

First of all it must be stated that the list above of privacy-related occurrences is not exhaustive. Some minor occurrences have been left out, since some of these were only mildly related to privacy, or were not important to the story. As can be judged from the list above, there are a decent number of instances concerning privacy, either privacy of (personal) information or privacy in the sense of not being observed or disturbed. Many of these are instances of someone being disturbed in their daily life, which, in a story about a cattle-raid, seems logical. A good number of instances also refer to the sharing of personal information, or choosing to withhold personal information. This last instance is mostly related to someone's identity being hidden. In these cases, this is being done in order to achieve something that would not be achieved if the true identity of the person was revealed. This was usually related to trickery in some way, as in the case of Ailill dressing up the camp fool as himself, but also in the case of Cú Chulainn giving himself a fake beard in order to convince a warrior to fight him, or in the case of the woman disguising herself to make Cú Chulainn heal her. There is a clear benefit to the people concealing their identity that motivates them to do so. These are all different kinds of trickery with different purposes, but all employed a hidden identity in order to trick the other party. There are also a few instances where information about a third party is being given, without this party being present or aware of their information being shared. Sometimes this information is false, and this lie is told in order to affect and provoke the person it is told to in some way. Then there are the cases where private meetings, usually between only two people, are being used for deceitful reasons. These instances of deceit, however, have no substantial effect on the outcome of the tale.

It appears that it was not uncommon in literature for personal information, at least in the sense of identity, to be hidden from others, and in most cases it was beneficial for the person hiding their information to do so. The case of Connla is an exception to this, as giving his name and proclaiming himself to be the son of Cú Chulainn to all the men might have changed his fate. A name could thus perhaps be considered information that had to be given, even if it turned out to be false.

In short, it appears that privacy, or more specifically private talks or meetings, provided opportunity for deceit, which is certainly a more negative connotation of privacy. Since there would be no witnesses present, such meetings made it impossible to corroborate the events independently, meaning that the word of the people involved was the only word on anything that happened during such a meeting, leaving room for deceit. In general, there definitely was a sense of and desire for privacy in the narratives, especially in regard to personal information in situations where hiding the information would be more beneficial to the one hiding it than sharing this information. Such desire for privacy can also be seen in some of the laws, which will be discussed in the next chapter alongside of comparable instances in the narratives.

## Chapter 4: Comparison and further analysis

As could be seen in the previous two chapters, privacy and the desire for privacy, while often not referred to directly, were common occurrences in early Ireland, both in the laws and in narratives. This chapter will look at instances of privacy as seen in both these sources, and will compare them to each other. The following discussion will thus only mention instances of privacy from the narratives and the laws that can be compared in some way to an instance of the opposing source, and will therefore leave out instances of privacy that have already been discussed in chapter 2 or 3 and that are not reflected in the other source. If types of privacy are present in both sources in similar circumstances, this could affirm the laws in their description of early Irish life, since such an occurrence in both fictional and non-fictional sources has a greater chance of being an accurate description or representation of the value given to privacy in early Ireland than if it were to appear in only one type of source. After the comparison, this chapter will dive into a deeper analysis of privacy as a concept and as seen in the narratives especially.

### Comparisons between the laws and the *Táin* and its *remscéla*

#### Privacy of information

##### *Laws*

Some reasons for divorce wanted by one spouse concern (the sharing of) information. The most important of these is the spreading of false information by the husband, which allowed the wife to divorce him. Circulating a satire had the same effect,<sup>243</sup> and a satire could contain truthful information about the person involved, meaning that this also concerns the spread of information. Additionally, publicizing their sexual relationship could also lead to divorce. These laws make it clear that in marriage information and communication played a large part. It was understood that intimate information was not to be shared. The person about whom the information was shared, had no control over this situation. The severity of sharing information concerning the spouse without their permission and/or input is reflected in the possible consequence, namely divorce. These are cases of severely impacted privacy, or of negative privacy when using the terms of Appendix B. An exception could be when a woman wanted to divorce her husband due to his sexual failure. Presumably she had to actually prove that he failed her sexually, this is a case of very intimate information having to be shared. Even though the information then would have had to be shared, it would still impact the husband's privacy, since sensitive information about him and his performance was spread. For him, this would then be a case of negative privacy, with him additionally having no control over whom the information spread to.

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<sup>243</sup> Kelly 1988: 74.

Other information that likely had to be made public seems to be the parentage of children. Bastards could inherit land, but children without a father or of unknown parentage usually could not.<sup>244</sup> This means that the preferred option was to know the identity of the parents, even if this meant that everyone knew the child was illegitimate. It is unclear whether or not bastard children were treated very differently from legitimate children, but either way the child's control over people's access to this information was non-existent. However, if both bastard and legitimate children were treated similarly, this might not have affected the child much.

Satire also falls into the category of information, not only because satire by definition shares information, but also because the illegal instances of privacy all concern the sharing of information about someone else. Legal satire could be used to exert pressure on someone, especially of high rank, in order to make them obey the law.<sup>245</sup> Satire could also not be ignored, since that was considered an offence. Satire is thus an example of information being used, both in legal and illegal capacity, to force others to take action or to ridicule someone. Satire would often have led to a breach in privacy, since it was always about someone other than the satirist themselves, who was not in control over the information being shared about them, whether it was true or false. A praise poem could be published in order to cancel the previously published satire,<sup>246</sup> although this might not have truly restored the privacy of the person involved, since the previously published information would still have reached others.

### *Narratives*

#### *Positive privacy*

In the beginning of the relationship between Cú Chulainn and Emer, the importance of privacy of information is made clear. After their greeting when he came to court her, they started speaking in riddles since they were not alone. Cú Chulainn caught sight of her breasts, which seems to be what initiated the exchange of information hidden in riddles. While they were not married here, this does indicate that this information was too intimate to be shared with the others around them. This might therefore be a reference to the importance of privacy of information in relationships and marriages specifically. Important for this thesis is the fact that by doing this, they made sure only the two of them could understand what they were talking about, and thus safeguarded their information. This is therefore a case of positive privacy over which they had full control.

In the story of Cú Chulainn's conception ('How Cuchulainn was Begotten'), Deichtine did not reveal the name of the father of her child, who would grow up to be Cú Chulainn. This is said to have led to rumours, although this does not appear to be a serious problem, even though it might have affected her daily life at first if she

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<sup>244</sup> Kelly 1988: 102, 103.

<sup>245</sup> Kelly 1988: 138.

<sup>246</sup> Kelly 1988: 138.



was regularly gossiped about. Regardless, this is an instance of positive privacy for her, as she decided for herself that she did not want to share this information, making this a matter of control as well. Realistically, this would have had consequences for her child, as the laws have shown. However, Cú Chulainn was raised by many different men with the purpose of teaching him as much as possible from different disciplines, and in this way had many tutors or fatherly figures. He did have a foster father, Fergus, and not having an identified father certainly does not seem to have held him back. He might not have inherited land since his father was unknown to anyone but Deichtine, but since he was never focused on land and such possessions, this does not seem to matter in the rest of his, admittedly short, life. Cú Chulainn eventually met his father who supported him against the army of Connacht.<sup>247</sup> The *remscél* 'Cuchulainn's Courtship of Emer, and his Training in Arms' gives some insight into how the matter of his parentage was viewed when he told Emer about his upbringing. He seems to almost have been viewed as a child of the community, as he was raised by many men, who all taught him valuable lessons.<sup>248</sup> It seems that this type of upbringing actually benefitted him, meaning that not having his biological father around does not appear to have been a problem for anyone, even though the laws refer to the identity of the father being unknown as less preferable than knowing the child is a bastard. For Cú Chulainn, his privacy does not seem to be affected by the lack of his father, except for the fact that it perhaps gave him greater freedom of action in the end, simply because he was raised in many different disciplines, which would have increased his knowledge of many different situations and institutions.

In 'The Death of Aife's One Son', the situation is similar for Connla in that he also did not know his father. However, when he finally met his father, he was killed by him. These are two different outcomes of men who did not know their fathers and who were raised by others. For both of them, their fathers were unknown by people other than their mothers. It is unclear if Cú Chulainn knew the name of his father before meeting him, whereas Connla likely did know the name of his father, considering that he had been told of Cú Chulainn's commands for him by his mother Aife. These commands were taken very seriously by Connla, and he thus refused to give his name to the men in Ireland, which led to the fight between him and his father Cú Chulainn after he once again refused to name himself. While Connla refusing to share his name is a case of positive privacy for him, this did lead to his death. While privacy in the sense of withholding information, in this case on parentage, had affected both of his and his father's lives, it appears that it is the surrounding circumstances that influenced their lives most, not the fact that they did not know their fathers. Connla's parentage did not actually become public knowledge until his death, at which point Cú Chulainn told everyone that Connla is

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<sup>247</sup> Kinsella 1970: 143.

<sup>248</sup> <https://celt.ucc.ie/published/T301021.html>: 74, 75. Accessed 10-8-2021.

his son.<sup>249</sup> Another instance of positive privacy aside from Connla not sharing his identity, was Cú Chulainn choosing not to tell anyone that the child was his son until after the fight. Both instances of positive privacy in this story led to Connla's death, and they are therefore positive only in the context of this thesis, as in them choosing to withhold this information themselves.

#### Negative

Macha's predicament in 'The Pangs of Ulster' is similar to the abovementioned part about information sharing in a marriage. While the information her husband shared about her is not sexual, necessarily false, or a satire, he did share it after her having asked him specifically not to brag about her. She did then have to go and proof the validity of his comment about her, which up to that point might as well have been false. There is no indication that he knew for sure that Macha would be faster than the horses of the king, so before she showed up and proved him right, it seems to have in fact been a baseless rumour. The narrative actually does not state what happened to their relationship after the race, but since Crunniuc was an Ulsterman, he would at least have been felled by the same pangs as the rest of the Ulstermen. Sharing this information against Macha's wishes thus had serious consequences for him, and for any other Ulsterman, and is a case of negative privacy for Macha, and of a lack of control over her own privacy.

In 'XI: Combat of Ferdia and Cuchulainn', after Ferdia's arrival, Medb lied to him about Cú Chulainn having insulted him. Since "publicizing an untrue story which causes shame"<sup>250</sup> could be seen as a form of illegal satire usually requiring payment, this might have been an instance of Medb illegally satirizing Ferdia. This false information infringed on Ferdia's privacy because it forced him to fight his foster brother. Additionally, if others had heard this information and believed it, they might have thought less of him, as the lie said that Cú Chulainn would not consider beating him a true victory, questioning his ability as a warrior. This information would have caused him much shame. This is an instance of negative privacy since information is being spread about Cú Chulainn even though he has never said such a thing about Ferdia. There are no consequences for Medb for telling this lie, although perhaps losing the war can be seen as a consequence for her and her husband's many acts or trickery and treachery.

When Ferdia prepared to leave the camp to go out to meet Cú Chulainn, he slandered Cú Chulainn to which his charioteer responded by admonishing him, and then praising Cú Chulainn. To this, Ferdia said "Why do you praise Cúchulainn so much? [...] He hasn't paid you anything"<sup>251</sup>, likely referring to the practice of paying poets to compose praise poetry. While this instance cannot be seen as actually

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<sup>249</sup> Kinsella 1970: 45.

<sup>250</sup> Kelly 1988: 137.

<sup>251</sup> Kinsella 1970: 180.

composing such poetry, it might be a reference to the possibility of recanting a satire by composing praise poetry.

Privacy of action: the ability or lack thereof to choose one's own actions

#### *Laws*

The clearest example from the laws regarding privacy of action is the division of several types of sons and the difference in their freedom of action. Especially interesting for the concept of privacy is the sons who were under the control of their fathers, as there were very few actions that they could take on their own.

Another example might be satire in the sense that it could legally force people to take action to either avoid satire or to deal with already published satire.

#### *Narratives*

In the narratives, Cú Chulainn and Connla are the only characters whose parentage is specifically mentioned or important for the story. Cú Chulainn has freedom of action during most of the *Táin*, and Connla appears to have this as well. It could perhaps be questioned how free Connla really was to choose his own actions, since he had to act according to the commands Cú Chulainn had given him. It is likely that, to him, his whole life led up to that moment. In this sense, he might not have had freedom of action at all. When following this thought, in some ways, he might be comparable to the warm son in the sense that he and his actions were led by his father's command, and so had "no power over hand or feet".<sup>252</sup>

Medb sending poets, bards, and satirists after Ferdia because he did not want to come to her aid in the *Táin* shows the possible destructive power of satire. Ferdia quickly came with the messengers back to Medb to prevent them from putting him to shame. His privacy, both in the sense of his right not to be disturbed, his freedom of action, and his overall level of control over his own life and over his own actions, became of lower priority to him than the possible risk of being satirized. The action that Ferdia now was forced to take was a very important one that would eventually cost him his life. This instance is in this category because the satire sent by Medb, presumably considered legal satire since she was the queen, forced Ferdia to take certain actions, which in turn prevented him from taking any actions he might otherwise have wanted to take.

The right not to be observed or disturbed

#### *Laws/archaeology*

It has become clear that the laws allowed for houses to be private areas, with rules regarding looking into the house, crossing one's yard, or opening doors to houses. The laws thus accounted for people's right to not be observed or disturbed when they were in their private homes, and this was taken seriously enough to incur fines if ignored. Archaeological evidence supports these findings, since the evidence

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<sup>252</sup> See chapter 3 'Family and children'.

shows the existence of the awareness of proper behaviour, and measures to ensure that people could not simply look into a house.

### *Narratives*

In 'The Pangs of Ulster', Macha walked into Crunniuc's home and started living there. She had no regard for his privacy, nor for the awareness of appropriate behaviour that was observed in houses. Macha both observed and disturbed Crunniuc in his own home, and, as mentioned briefly in chapter 3, her behaviour here was finable through Irish law, but no such action is taken in this narrative. Her actions led to their marriage, and Crunniuc does not seem to have objected to them at any point.

In 'Exile of the Sons of Uisliu', Derdiu was raised without being allowed to be observed or disturbed by others aside from Conchobor, her fosterparents, and Leborcham the satirist. Her house was built in such a way as to prevent others from seeing her, as was her house in Scotland. Her life up until the point where she met Noisiu was very private in this sense of the definition, as it was considered very important that she was not observed by anyone lest the prophecy come true. It is debatable whether it can really be called 'the right' not to be observed or disturbed in this case, since, at least in Ireland, Derdiu did not choose to live so isolated herself. Derdriu's life can however also be assessed using the definition of access and control, which is done below.

### *Access and control*

#### *Laws/archaeology*

The fines mentioned in the section on law and archaeology directly above ensured that people had control over their home and access to it by people other than the ones living there. Additionally, archaeological evidence shows the existence of access and control combined ('privacy is about the control one has over access to oneself') very clearly, as seen in chapter 3. Many houses had enclosures around the house itself to shield it, and the surroundings of the home could also be used to control who had access to the house. On top of this, there was also the awareness of proper behaviour as explained in the same chapter which ensured that people did not wander through someone else's entire house, but stuck to the areas where they were allowed and welcome. Divisions inside the house would also have served to close off private areas (beds) from visitors, as seen at the site of the Deer Park Farms, where there was a bed shielded by screens.

The expansion of the house by building a second circular house attached to the first was also a way to ensure more privacy, as the backhouse was often used as a private space, and was also a place where the awareness of proper behaviour prevented others from entering into. All these measures combined ensured that the owner of the house had a large level of control over who could either see into, walk up to, and enter their house.

## Narratives

The short mention in 'How Conchobor was Begotten, and how he took the Kingship of Ulster' of the internal divisions of his home specifically states that his room was guarded by screens, in a similar fashion as the bed at Deer Park Farms. Perhaps the bed found at the site also belonged to someone of higher standing, like Conchobor, considering that it stood in the largest house of the settlement.<sup>253</sup> This corresponds with the archaeological evidence that shows that internal divisions were often present, especially around the beds. This provides more evidence that homeowners had much control over access to their house and its interior.

If control over access to a private area was taken away, this could have serious consequences. This can be seen in the section on Cú Chulainn's Boyhood Deeds of the *Táin*. He was sleeping and killed a man who woke him. As mentioned in chapter 3, it is unclear whether or not he slept in a house. If he did so, the man coming in to wake him would have completely disregarded any of the usual laws regarding entering someone else's house. If this were the case, Cú Chulainn's privacy in the sense of control over access to himself and his house was breached, the man had not shown awareness of proper behaviour, and Cú Chulainn's reaction therefore perhaps slightly more justifiable than if this were not the case. As it stands however, it is not clear what exactly the situation was.

A much clearer and more elaborate example in the narratives of access and control that coincides with evidence from the laws and archaeology, is Derdriu's confinement in 'Exile of the Sons of Uisliu'. It is clearly stated that she is kept away from others while growing up. While she lived with Conchobor in Ireland, she was kept in 'a place apart', which is described as being an enclosure of some kind. While her residence is described as being an enclosure, it seems unlikely that it was an enclosure in the way that the laws describe it, and that archaeological evidence has confirmed.<sup>254</sup> The reason for this is that, as explained in chapter 2, enclosures around the house were actually not forbidden to look into. They seem to be far less private than the house itself, so it does not make sense to keep someone there who no one should be able to see. It seems more likely that Derdriu was kept in the house itself, or, alternatively, in a completely separate building. This last explanation however also seems unlikely, since Conchobor wanted her to be raised to be his wife, so it seems more likely that she resided in a room in his house. She had no control over her living space, and also not over anyone's access (or lack thereof) to her.

Once she came to Scotland with Noisiu and his brothers, it is said that the houses were built in such a way that no one could see her inside. This probably means that, as seen in the laws and archaeological evidence, there were at least two doors or gates, one to the enclosure, and one to the home. This would prevent anyone opening the door to the enclosure from also immediately looking inside the

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<sup>253</sup> See chapter 2 of this thesis: 33.

<sup>254</sup> O'Sullivan 2014: 85.

house. It is also likely that there was a backroom, or a backhouse as seen in eight-shaped houses of early Ireland<sup>255</sup>, where Derdriu might have been kept. The existence of an awareness of proper behaviour would mean that, if anyone visited the house, they would not walk through the house to the backhouse, meaning that Derdriu would be kept safe. Of course, this is speculation, as the tale itself gives no explanation other than stating that “they built their houses so that no one could see in at the girl”.<sup>256</sup> Another possibility is that ditches, walls, palisades, raths, cashels and crannogs were added to the surroundings of the houses, all features that could be employed to ensure a higher level of privacy in the houses. The big difference with her earlier living conditions is that she likely agreed to be hidden away by the brothers, and thus would have had at least some level of control over this situation. The only thing she did not appear to have control over is the steward coming to ask her every day to be with the king. It appears to be the case that he entered their house to do so, although this is not specifically said. If he did, this means that Derdriu did not have full control over access to her house, which could be explained by the fact that the steward serves the king, who might consider himself above such rules.

In the same *remscél*, the satirist Leborcham is the only one allowed in the building where Derdriu is kept alongside her fosterparents. The reason for Leborcham being allowed here is that they were afraid of her verses and what they could do.<sup>257</sup> She was thus allowed access to an area others could not enter out of fear. While this access was granted to her by (presumably) Conchobor himself, he did not act fully freely, but was influenced by fear and apprehension of Leborcham. He therefore did not have full control over her access to Derdriu, since his will was influenced by Leborcham and her reputation. This does not relate to the laws strongly since the laws do not mention satire in relation to rules of the home, but it does show that rules regarding who could enter a house might not always have been consistent depending on people’s profession or status.

Access and control were especially important when it came to people’s houses, as previously discussed. Fergus’ statement in the *Táin* that Cú Chulainn’s fury would reach his enemies even if they were locked in their home must have been very threatening to whomever heard it, considering the importance of the home owners being able to regulate access to their home themselves. This implies that Cú Chulainn would not abide by any of the rules regarding entering another’s house, nor would he abide by the awareness of proper behaviour. If they unleashed his fury to this extent, their control over their own home would have been in danger.

Ferdia’s action to come to Medb after having been threatened by her with satire could also be placed in this category, since control and action are often closely related, as privacy of action often leads to control over access to information or the

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<sup>255</sup> See chapter 2 of this thesis: 32.

<sup>256</sup> Kinsella 1970: 13.

<sup>257</sup> Kinsella 1970: 257, and chapter 2 of this thesis: 26-27.

other way around. Since satire is concerned with the spread of information about someone, Ferdia was not in control of this information, and therefore had to take action to prevent the information from spreading.

### Additional analysis

Privacy is not, nor has it ever been, a clear-cut concept.<sup>258</sup> Throughout history, privacy has often “been understood as and in relation to seclusion, individual rights and protection of personal information which requires protection from the law and the government.”<sup>259</sup> These elements can also be seen in the laws and in the *Táin* (and *remscéla*). Seclusion can best be seen in the case of Derdriu, although this was not seclusion by her own choice. The matter of her privacy was out of her own hands, and her individual rights were not really hers, as others decided what she could, or rather could not do. In other words, she had no control over her privacy.

Protection of personal information is an important element of privacy that can be seen in the *Táin* and its *remscéla*, as many characters withhold personal information or lie about it, thereby keeping it safe. Contrary to the above explanation of privacy however, this was usually not personal information that necessarily required protection from the law or government, but simply from other townsfolk, or in the case of the *Táin*, opponents in a battle. The information was usually kept secret in order to protect the person with the information from others, or false information was given in order to gain something from others, as in the case of Cú Chulainn lying about his identity, or the woman whom he had maimed disguising her identity. Information, whether it be about oneself or about third parties (usually false information) was a valuable commodity in the *Táin* especially, proven several times by Medb and Ailill using (false) information to force others to take action. These instances of spreading false information are not punished, but it is made quite clear that Medb and Ailill lie to everyone to get their way, and they still do not manage to defeat Cú Chulainn. It is clear from the text that they cannot be trusted to keep their promises, as also discovered by the seven kings of Munster.

As can be seen from the categories mentioned above, there are several instances of privacy from the narratives that are reflected in some way in the laws. However, most instances of privacy that occur in the narratives are not. Additionally, there are no laws dealing specifically with the withholding of information or the spread of false information. The single exception to this is the mentioning of spreading false information about one’s partner, and how this could be cause for divorce. This does make it clear that spreading false information was not appreciated and was punishable in certain situations, but it does not provide any insight into how it was dealt with when it happened outside of marriage. This disparity between the narratives and the laws can be explained by the fact that the

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<sup>258</sup> Keulen and Kroeze 2018: 22.

<sup>259</sup> Keulen and Kroeze 2018: 52.

law texts simply did not account for all situations, especially not information-related situations, rather than this disparity pointing to an open contradiction between the narratives and the laws. In the *Táin* itself, many instances have to do with trickery and the spread of (false) information. Some cases of trickery are embedded within the laws on satire, but some simply are not mentioned. Information in general is a complicated subject, especially to write legislation on, and many of the instances not reflected in the laws deal with information. In addition, laws are written for the general public and do not usually account for issues such as gossip. A related issue is that laws were written for one *túath* or for a few *túatha* that had an agreement with each other, whereas in the *Táin* various kingdoms were at war, which means that in many occasions normal laws were essentially unenforceable. The *Táin* in general does not give much information on laws, as those are simply not the focal point of the *Táin*. However, some aspects of laws, such as views on satire and honour, can be seen quite clearly in the texts, and they do seem to correspond with views on these subjects in the 7<sup>th</sup> or 8<sup>th</sup> centuries, even if they are not directly reflected in the laws.

The definitions of privacy used in this thesis complement each other as well as contradict one another at times. As shown in this thesis, following the definition of access and control would mean that in cases like Derdriu's she would have had no privacy during most of her life, because she was not in control of granting or denying others access to her or her information. More specifically, the privacy she had was breached when she was not able to exercise control over access to her and her information.<sup>260</sup> This changed once she set out to meet Noisiu and took control of her life, gaining privacy while losing loneliness. Contrarily, if only the definitions of information and action or the right not to be disturbed or observed were used, that would suggest that she had a life full of privacy until she went out to meet Noisiu, because until then she was observed, disturbed, and Conchobor, her fosterparents and Leborcham were free to talk about her and share any of her information. The different interpretations of the privacy in one occurrence depending on which definition is used shows very well that privacy is relative, not absolute, and that it is heavily context-dependent.

The sections in this chapter on privacy of action and on being observed or disturbed are rather short. This is not because there are almost no instances that have to do with freedom or privacy of action or with being observed or disturbed. The reason for the briefness of these sections is that most instances that could be attributed to these sections, are better suited elsewhere. Most of the instances concerned with action or being observed or disturbed are more so an issue of access and control, or of the retention or spreading of information. This shows that there is a significant overlap in these definitions. This is not necessarily bad, nor does it disprove the usefulness of the definitions per se, but it does show that perhaps different or more specific definitions in addition to the definitions discussed here could be useful for further research.

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<sup>260</sup> Sax 2018: 145.



Such further definitions could be the following by Roessler (2005), who defined three dimensions of privacy. One is the local dimension, which refers to “our control over access to physical spaces or areas”<sup>261</sup>. This refers to buildings, but also bodies. Examples of the exercising of this control are doors, locks, and other ways to keep people out of or let people into physical spaces. This dimension is clearly present in the *remscél* ‘How Conchobor was Begotten, and how he took the Kingship of Ulster’, although the privacy is here not accomplished by doors or locks, but by screens that guarded his bed. Derdriu’s story also comes to mind for the local dimension, as controlling access to the physical space where she was kept is an important and recurring feature of the narrative. Cú Chulainn’s fury is given as a force that could breach this dimension.<sup>262</sup> Archaeological evidence and the laws have shown that there were definite ways of making sure people could not look in and would not simply walk in, aside from locks. The local dimension was thus one well-guarded in early Ireland, and one that can be seen in narratives, laws, and archaeology. An exception might appear to be the sharing of the one tent by the party of Medb and Ailill in the *Táin*, although they were themselves likely in control of who could come into this tent and into their specific cubicle, which means that while the tent was shared, their privacy was still intact.

The second dimension is that of information, and it refers to “control over what other people can know about oneself”.<sup>263</sup> In the laws it is clarified that spreading false stories about people’s partners was seen as an offence, and that publicizing a physical blemish was seen as satire, which was also an offence if it were unjustified, which it usually seemed to be in these cases. The publicizing of a physical blemish is a good example of this dimension, as it would make public something that appears to not be common knowledge as of yet, thereby taking away the control of the affected person over their own information. While false stories are by definition untrue and therefore perhaps do not technically count as personal information, it is the spreading of knowledge about someone against their consent that truly matters here. After all, everyone who hears such a false story might believe it to be fact, and they would thus add it to the information they have on the affected person, which would in turn have effect on that person. Their control was taken away, and thereby their privacy is still breached, be the story true or false. When it comes to the *Táin*, as mentioned several times before, privacy in the sense of information occurs often. In some cases privacy is maintained while in others information about third parties is spread without their consent, thereby breaching their privacy. Roessler’s second dimension is similar to positive privacy as seen in table A1 and as discussed in this chapter as well, in addition to being very similar to the definition of access and control. There are many examples in the *Táin* and its

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<sup>261</sup> Sax 2018: 146. All references to Roessler’s dimensions are found in this chapter. They refer back to Roessler’s 2005 book ‘The Value of Privacy’.

<sup>262</sup> See chapter 3 of this thesis: TBC: Privacy in ‘III The Army Encounters Cuchulainn’.

<sup>263</sup> Sax 2018: 146, referring to Roessler 2005: 111.

*remscéla* of people exercising their control over their own information, such as Deichtine not sharing the name of her child's father, or Cú Chulainn lying about his identity. Since he lied, he technically did not give any information about himself, even though it might seem that he did. By doing this, he definitely took control over what other people could know about him.

The third dimension is the decisional dimension, which refers to "our control over symbolic access to our personal decisional sphere".<sup>264</sup> In clearer words, this refers to "protection from unwanted access in the sense of unwanted interference or of heteronomy in our decisions and actions".<sup>265</sup> Practically speaking, this means that this category is negatively affected when decisions are made for others, and people are forcing others to do certain things. The keyword in this category is 'unwanted', meaning that decisions can be made for someone else while maintaining this dimension if that person asked for that or consented to it. The control has to be with the person concerned. Examples in the *Táin* and its *remscéla* of control over one's own actions and decisions being jeopardized or fully disregarded by others are plentiful. Derdriu forcing Noisiu to take her along, even though he had rejected her, is a clear one. Not only did she grab him by the ears without his permission to touch his body (local dimension), she also refused to accept his choice and made a new choice for him that he was forced to go along with on account of her threat of mockery. Another example is Medb forcing Ferdia to come to her under threat of satire and mockery. While he technically had the choice not to come, she threatened him with consequences dire enough for him to feel like he had no choice. This category can be said to be about "those decisions for which we find it valuable that persons themselves are able to decide on the basis of which values, goals, and reasons they come to a decision".<sup>266</sup> This definition clarifies why, while Ferdia had another choice, his privacy was breached when being threatened with satire and mockery, as he could not truly decide for himself if he wanted to go to her, and if so, why.

These dimensions are quite similar to most of the other definitions used in this thesis. It is due to this similarity that these dimensions provide more depth to the earlier discussion of privacy, as they highlight slightly different aspects of the definitions.

### Closing remarks

This chapter has set out to provide further insight into privacy of early Ireland, of both the laws and the *Táin* and *remscéla*. While most categories of privacy as found in the narratives were not echoed in the laws, this was explainable, since the *Táin* took place in circumstances where common laws would often not be enforced, but mostly

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<sup>264</sup> Sax 2018: 146.

<sup>265</sup> Sax 2018: 146, referring to Roessler 2005: 9.

<sup>266</sup> Sax 2018: 147.

since the laws simply do not cover every possible situation. Instances of for example honour or satire in the narratives did not necessarily overlap with mentions of these concepts in the laws, but did coincide with what is known of views on satire and honour of the period of the 7<sup>th</sup> and 8<sup>th</sup> centuries. This chapter has highlighted the fact that the definitions used in this thesis could often be contradictory depending on the instance. It has, however, also shown that this merely proves that the concept of privacy is context-dependent, not that the definitions are unusable. Roessler's definitions were discovered while writing this thesis, and have been added to enrich the discussion of privacy, and to show that many privacy-related issues can be traced back to the issue of control.

## Conclusion

When reflecting on the research question of this thesis (What is the importance of privacy to characters in the Old Irish *Táin Bó Cúailnge* and its *remscéla* and what can this tell us about privacy in Ireland in that time?), not all has been answered definitively. It has become clear that privacy was quite important to characters of the *Táin* and the *remscéla*, even though it was usually not explicitly mentioned. The characters made choices to preserve their own privacy, or they infringed upon others, but either way privacy played a large part in the *Táin* and its *remscéla*. Privacy in the *Táin* could be seen in the sense of space, information (withholding, spreading, or sharing), decisions, the right not to be observed or disturbed, and perhaps most importantly, access and control.

Instances of privacy occurred frequently, both in the laws and the narratives discussed here. Whereas in the laws privacy arose in relation to many different subjects, ranging from marriage to family to crimes and injuries to houses and property, privacy-related occurrences in the *Táin* and its *remscéla* seemed to usually focused around only a few subjects: the sharing or withholding of personal information, be it one's own or another's, the spreading of false information and more general types of trickery, and lying about information, usually identity. This is where the disparity in data between the laws and narratives comes in, since not nearly all categories of the laws in which privacy are found are seen in the narratives. The probable cause for this has been discussed, and this disparity therefore does not mean that either of these sources are not representative of privacy in early Ireland. In the narratives privacy, or the infringement thereupon, could be used for all sorts of purposes, and is often used to gain benefits for oneself. Examples of this are spreading false information in order to force someone to do something or lying about identity in order to force a certain action to take place, as in the case of Cú Chulainn lying about his name so that he could fight a warrior, or the woman Cú Chulainn had wounded hiding her identity so that he would heal her. The narratives also provide a more personal side of privacy, as they allow the reader to learn about the motivations behind privacy-related actions. While these instances often revolve around information, most of the instances in the narratives actually come back to the matter of control, or the lack thereof. Most instances in both the laws and archaeological evidence are also mainly concerned with control, which is a clear similarity between the sources. The definition of access and control has thus become quite important, and has turned out to be very all-encompassing. Roessler's categories of privacy are also clearly present in the narratives, and these all rely heavily on the aspect of control as well. Control thus plays a large part in privacy, both in the narratives and in the laws, which can be seen in something as simple as controlling what people could see if they attempted to look into one's house. Even though access and control is a very clear and usable definition, it is still useful to use further definitions, as this thesis has done, in order to highlight different aspects of

privacy, and to challenge existing definitions. The use of different definitions has aided in complementing or correcting other definitions, which means that each definition was continuously challenged. This was clearly seen in the definition of privacy as the right not to be observed or disturbed, since this definition implies that privacy is breached when one is observed or disturbed, whereas definitions that focus more heavily on control have shown that this is only the case if the person being observed or disturbed had no control over this. The case of Derdriu is a good example of the contrast between definitions that do and do not include control, since the inclusion of control changes the way her privacy is viewed.

While the instances of privacy in the law texts and the narratives often did not overlap, the *Táin* still provides a valuable insight into the importance of privacy to early Irish people. Privacy might not be specifically mentioned often, but neither are concepts such as control or information, and yet they played an important role in early Ireland. Additionally, the categories that were found in all sources have shown significant similarities. Privacy in the narratives has shown that control over one's own privacy, be it access to a house or information, or the ability to make one's own decisions, was a significant factor of privacy. While the law texts perhaps provide a more well-rounded insight into privacy in that they discuss more different aspects of life than the narratives do, the narratives have shown a more personal side of privacy, and show the motivations behind privacy-related actions or decisions.

The sub-questions of the research question have mostly been answered throughout this thesis, with the exception of the question 'what words or terms were used to indicate privacy when referring to keeping personal information to oneself?'. The reason for this is that privacy was usually not referred to directly either in the laws or in the narratives, and therefore there were not any terms to investigate. The only term clearly related to privacy that is given is that of 'looking in', meaning to look into a house.

Regarding information and when this was supposed to be public, this seems to have differed depending on the circumstances. There have been instances where giving a name was expected, and instances where withholding an identity seemed to be accepted. Information regarding parentage was preferred to be public information, whereas intimate information between spouses was supposed to remain private, except in case of divorce in some circumstances. The matter of public versus private information thus seems to have been mostly context-dependent.

When it comes to the question related to the influence of satire and gossip on one's privacy, it will be noticeable that gossip is not mentioned often in this thesis. The reason for this is that gossip is not really mentioned as such, and talking about others might not have been seen as gossip in the first place. The spreading of false information has been linked to gossip, as have facial blemishes, since it was assumed people with such blemishes would be talked about. Other than such instances where gossip is clearly present though, this thesis has refrained from branding instances as gossip when they were not given as such. Satire on the other hand has been linked to privacy many times, as satire influenced one's honour, and could also influence

status. This could in turn affect one's level of privacy. Illegal satire was worse than legal satire in this regard. Satire could also be used to ridicule someone, which is one instance which could lead to actual gossip influencing someone's privacy in that they might be observed or disturbed without them having control over this. The hypothesis about satire and gossip posed in the section on methodology has therefore been proven mostly true. Gossip, while never specifically mentioned (much like privacy) certainly played a role at least in the narratives, where the spreading of false and/or unkind information occurred frequently. Many of such instances might be seen as gossip.

Privacy has been shown to be heavily context-dependent, which means that privacy can look different in different eras yet be present and sought after regardless, which is also why the definitions chosen for this thesis do not clearly reflect one era, but can be applied to the past without narrowing down the possible results too much by too closely defining privacy. The detection of privacy in narratives especially has been proven to be highly dependent on the definitions used. By using different definitions that both complemented and contradicted each other, objectivity in regards to the definition of privacy was ensured as much as possible. This has also ensured a more thorough analysis of the instances. During the writing of the thesis, the definitions by Roessler and Sax were discovered. The choice was made to add Sax' definition of access and control to the definitions introduced in the beginning, and to add it throughout the thesis. The reason for this is that, while writing, it was discovered that many instances of privacy as mentioned were actually mainly concerned with control, even if they also fit into a different category. The additional choice of only introducing Roessler in chapter 4 was made because these dimensions usually also refer back to the matter of control, and were perhaps less far-reaching than the definition of access and control. Introducing these categories later in the thesis has hopefully contributed to a meaningful discussion and a deeper understanding of privacy for the reader, specifically of privacy in the narratives, without overwhelming the thesis with yet another set of definitions.

This thesis has set out to attribute a new area of research to the general research of privacy as a concept. Privacy in early Irish narratives has not been researched before, and therefore existing research on the subject could not be referred to in this thesis. The research presented here is thus a new addition to the research on (the history of) privacy in general. This thesis has proven that privacy and the aspiration for privacy were present much earlier than sometimes believed.<sup>267</sup> It has also provided a deeper insight into the motivations of characters of the narratives by exploring their (control over) privacy.

Taking the concept of privacy as explored in this thesis and applying it to other early Irish narratives, both prose and poetry, could be an interesting avenue

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<sup>267</sup> For more information, see *Privacy: A Short History* by David Vincent. He challenged the view that privacy emerged as an aspiration around the 17<sup>th</sup> century by stating that there were already court cases regarding privacy in the 14<sup>th</sup> century.

for further research. The mythological cycles could provide a fascinating starting point. The definitions by Sax and Roessler, combined with the definition given in this thesis of privacy of information, would be best suited for future research. While the definition of the right not to be observed or disturbed is interesting, the more general definition of privacy of action as also seen in table A2 of Appendix B is likely more suitable to future research. With privacy being such a broad concept, the possibilities of (cautiously) applying it to history are endless. In any research regarding privacy in history, care should be taken when defining privacy, as was done in this thesis as well.

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## Appendix A

### Summaries of the *remscéla*

The *remscél* 'How Conchobor was begotten, and how he took the kingship of Ulster' is not summarized here, as its story is not very complicated, and is not needed in order to understand the points made in the thesis. The order of the summaries here is the same as in chapter 3.

#### How Cuchulainn was Begotten

Conchobor was at Emain with his nobles, when they saw a flock of birds eating from their land. This angered them and they chased them away. The birds flew far and it became night, leading to the party stopping and looking for shelter. A house was found, owned by a couple, who made everyone welcome. They went there, and later in the evening the wife of the house was giving birth. Two foals were also born, who were given to the newborn boy as a present. In the morning, the house and the couple were gone, leaving only the child behind. He was taken back to Emain with the party, and raised there. He died of an illness when he was a young boy.

Deichtine, Conchobor's sister who had been raising him, grieved for him deeply. She had a dream in which a man came to her and said that the boy she had raised was his, and that he had planted him in her womb, and that he should be called Sétanta. She was married to a man, but was embarrassed to go to his bed pregnant. She became sick and the pregnancy left her, but later she became pregnant once more. It was in this manner that Sétanta, later Cú Chulainn, was born thrice. Many people wished to raise him and argued about this, and it was decided by a judge that they would all do so, each teaching him their speciality.

#### The Pangs of Ulster

A rich landlord, Cruinniuc mac Agnomain, lived in the mountains with his sons, his wife having passed. Once when he was alone in the house, he saw a woman coming towards him, and she acted like she had lived there all along, working in the house and spending the night with Cruinniuc. She stayed with him for a long time and they became husband and wife. Then, a fair was held in Ulster to which everyone went, dressed in fine clothes. Cruinniuc also went to the fair, after his wife warned him not to boast or to say careless things. At the fair, at the end of the day, the king's chariot was brought out, pulled by fine horses. They raced against others but always won, and the crowd said that nothing could beat these horses. Cruinniuc bragged that his wife could. He was taken in front of the king, and it was might clear that if he could not prove this boast, he would die. A messenger was sent to his wife, who - begrudgingly- went to the fair. There, she begged for the race to be postponed since she was heavily pregnant. The king refused. The wife cursed Ulster and its men and told the king her name is Macha and that that would be the name of this place. She raced the horses and won. Then she immediately gave birth to twins, giving rise to

the placename Emain Macha ‘the twins of Macha’. While giving birth, she screamed that all who heard her scream would suffer from the same pangs for five days and four nights in their times of greatest difficulty. This curse lasted nine generations and prevented the men from even getting out of bed during these pangs.<sup>268</sup>

#### Cuchulainn’s Courtship of Emer, and His Training in Arms

The men of Ulster and Conchobor were all in Emain Macha. The warriors were practicing certain feats, and Cú Chulainn outdid them all. The men wanted to find him a wife, because all their women loved him, and if he had a wife, he could not take away others’ wives and daughters. They did not find anyone, although Cú Chulainn himself went to woo a girl he knew, Emer. He spoke to her in riddles, and she replied to him in the same way, telling him of feats he needed to perform in order to win her heart. Emer’s father heard about this and did not want them to be together, as he feared that them getting together would lead to his own death. He devised a plan which led to Cú Chulainn going to Scáthach, ‘the Shadowy One’ to learn the warrior’s art. He expected Cú Chulainn to never return from this. Cú Chulainn went to Scáthach, and fought in her army, and she taught him much. In the meantime Emer was promised by her father to another man, although she did not want this and stated that she loved Cú Chulainn. The other man feared Cú Chulainn and therefore did not dare sleep with her. Meanwhile, Scáthach was at war with another woman, Aife. Scáthach tried to keep Cú Chulainn from this battle for fear of something happening to him, but he managed to come anyway, and fought Aife’s soldiers. When Aife challenged Scáthach to single combat and Cú Chulainn fought in her stead, he came up with a ruse. This led to him winning and making her promise to never attack Scáthach again, to sleep with him and bear him a son. She said she would do all these things, and asked him to leave a name for this son, which he did. The son was supposed to go to Ireland in seven years’ time, and not reveal his name to anyone, nor make way for any man or refuse any man combat. Soon Cú Chulainn’s training with Scáthach was concluded. He managed to reach Emer again, and he performed all the feats she had told him about. In the end, they got married.

#### The Death of Aife’s One Son

Seven years after his birth, Connla, Cú Chulainn’s son, went to Ireland. The men of Ulster saw him coming in a boat, in which he performed incredible feats. They did not wish to let him ashore due to these feats he could already perform at the age of seven. This made them afraid of what he would be able to do once he was older. One man went to the beach to meet him and stop him there, and he asked for his name. The boy refused several times. The man stated that he has to oppose him if the boy would not heed the men of Ulster. The boy recognized this and still hid his name.

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<sup>268</sup> All summaries in this appendix are my own, shaped by the versions of the narratives by Thomas Kinsella (Oxford 2002). Any mistakes are mine.

The man returned to the others and told them of this encounter, after which another man went to the boy. They fought, and the boy won. More fights ensued, but the boy kept winning. Eventually Cú Chulainn himself went forward, who was stopped by Emer, who said that the boy is his. He said that it might well be, but that the honour of Ulster was harmed and that the boy must therefore be killed. When Cú Chulainn went to the boy and told him to name himself, the boy refused again. They fought, and Cú Chulainn ended up killing the boy. A loud lament was made for him.

#### Exile of the Sons of Uisliu

It was foretold that the unborn Derdriu would be beautiful but would cause strife and death among the Ulstermen. Conchobor, the king, decided to rear the child once she was born, and keep her for him. She, Derdriu, became very lovely indeed and fell in love with a man she had only heard of, called Noisiu. She met with him, and bound her to him, forcing him to take her along on his travels. Conchobor often tried to destroy them. They travelled to Scotland, where a steward of the king saw her, and decided she was the only woman fit for his king. This led to the group leaving again, and being invited back by Conchobor, as it was considered shameful for them to fall into enemy hands, and better to forgive and protect them. Conchobor however decided to fight them and a massive battle ensued in which Noisiu was killed. Derdriu was held by Conchobor for a year. He then asked her what she hated most, to which she replied that it was him and Eogan mac Durthacht, who had killed Noisiu. Conchobor sent her to live with Eogan for a year. She was behind Eogan in the chariot when they set out, saw a rock coming up, and smashed her head on it, killing herself.

## Appendix B : table of categories of privacy

Table A1: Privacy of communication or information

All instances in this table are examples of instances of privacy of communication or information.

Positive privacy means the retention of information or communication privacy. This can be either through withholding or not distributing information, or through sharing one's own information willingly, as that also keeps privacy intact.

Negative privacy refers to the loss of communication or information privacy through distributing information, usually about others, with further subdivisions regarding the truthfulness of the information.

The abbreviation 'CC' refers to Cú Chulainn.

Positive privacy	Negative privacy	
	Information is true	Information is false
Macha asking Crunniuc not to brag about her – this is not yet actual positive privacy, but the request for (positive) privacy..	Crunniuc bragging about Macha despite her asking him not to.	Medb to Ferdia about CC → saying he said something he didn't say (spreading false information) (XI).
Deichtine withholding name of father of child.	The sharing of much of CC's story by Fergus to CC's enemies. While it does not respect CC's privacy, it does increase his reputation.	Ferdia talks to his charioteer about CC, and is slandering him, saying things that are not true (XI). Possibly an instance of gossip.
Giving personal information – CC to Emer about his upbringing.	The 7 kings of Munster finally finding out about the trickery with Finnabair and revealing it → realization and clarity, but also battle and loss of life (XII).	Medb sending handmaids to lie to CC so that his wounds would open again (XIV), which would render him incapable of fighting.
CC and Emer keeping information hidden through riddles.	CC sharing info about Finnabair to Ferdia + value of judgment (XI).	Meeting of CC and the fool dressed as Ailill; therefore a meeting started with false information.

Forgall Monach disguising himself in order to trick Cú Chulainn into leaving Ireland to go train with Scáthach.	Ferdia's charioteer praises CC (XII).	
Cú Chulainn willingly telling Emer about his upbringing and conception.	Fergus saying that CC's fury would reach them even if they were under protection or in their locked homes, so CC's fury clearly surpasses any kind of protection or privacy that homes were normally expected to offer (III).	
Connla hiding his name from the men of Ireland.		
Mórrigan disguising herself as an old woman to make CC heal her wounds (VII).		
The 7 kings of Munster keeping it private that Finnabair had been promised to them all. Keeping it private means they were all unaware that they were being tricked, which is negative, but it also prevented slaughter (XII).		
CC lying about his identity to Nad Crantail in order to make him fight with him (VII).		
Ailill and Medb – Medb giving background info on herself (Pillow Talk).		
CC being vague about his identity to Mac Roth (Single Combat).		

Table A2: Privacy of action

All instances in the following table are examples of privacy of action. This can be either positive or negative. In this case, positive means that the person in question chooses their own actions and thereby influences their own privacy willingly. Negative means that someone is forced to have either a greater or smaller level of privacy through no choice of their own.

Positive	Negative
Macha walking into Crunniuc's home: she decides for herself that she wants a different kind of privacy (presumably she lived alone and this would thus decrease her privacy).	Macha walking into Crunniuc's home in the sense that this could be seen as her invading his home and privacy, although in this case it is accepted and welcomed by him.
Conchobor's room being closed off.	Macha having to go to the fair while pregnant, and having to give birth there, leading to the curse on the Ulstermen.
Connla's death. While he did not necessarily want to die, he did choose his own actions, keeping his promise to his father intact, even when threatened with certain death.	Derdriu's life (being kept from everyone).
Derdriu finally being able to make her own choices and take her own actions. This does, however, have tragic consequences eventually.	Violation of Noisiu's personal space by Derdriu.
CC disturbed while sleeping – killed a man. While this is a case of negative privacy for the man, for CC this would be positive privacy. He is disturbed, yes, but he takes the action (killing the man) that ensures that he is never disturbed in sleep again (without his permission).	The steward meeting Derdriu secretly for his king affects her privacy, especially since the steward comes to her home every day.
Sharing of the tent by Medb, Ailill and everyone who travelled with them (III). This is positive because it seems to have been done in mutual agreement.	Wrong estimation/expectation of privacy – Connachtmen in the home of Dáire (I the Pillow Talk).
Lug mac Ethnenn who is seen by no one other than CC and Laeg (IX).	Dáire is disturbed in his daily life when the bull would be taken from him (I).

	Disturbance of bodily autonomy of women having to bare their breasts (IV).
	Medb saying she would send poets and bards and satirists to mock Ferdia if he didn't come (XI). Fergus is forced to take actions he would not otherwise take to avoid this threat, and also cannot take any of his usual day-to-day actions.
	Private meeting between Medb and CC – trap → soldiers fall on CC.
	Plan to trick Rochad by Ailill. Tell Rochad that Finnabair wants to speak with him, capture him, and release him again on his promise that he would not fight the armies until the whole of Ulster could come. Finnabair was promised to him. (XII). First his privacy was diminished because he was captured, and then because he was forced to promise to not take an action he would otherwise have taken.
	CC disturbed while sleeping – killed a man. This is negative privacy for the man killed.



Table B

<b>Positive privacy (Positive consequences from privacy being present/enforced)</b>	<b>Negative privacy (privacy having negative consequences or being used for trickery)</b>	<b>The right not to be disturbed</b>	<b>The right not to be observed</b>	<b>The right to withhold personal information</b>	<b>Other</b>
Conchobor's room being closed off.	Derdriu's life (being kept from everyone).	Muirgen at Fergus' grave.	Muirgen at Fergus' grave.	Macha asking Crunniuc not to brag about her.	Violation of Noisiu's personal space by Derdriu.
CC and Emer keeping information hidden through riddles.	Private interaction leading to trouble? – Derdiu and steward	Conchobor's room (how C was begotten).	Conchobor's room (how C was begotten).	Deichtine withholding name of father of child.	Wrong estimation/expectation of privacy – Connachtmen in the home of Dáire.
The 7 kings of Munster keeping it private that Finnabair had been promised to them all – revealing it → finally realization and clarity.	Macha having to go to the fair while pregnant, and having to give birth there, leading to the curse on the Ulstermen.	Macha walking into Crunniuc's home.	Macha having to give birth in front of everyone.	Giving personal information – CC to Emer about his upbringing .	Disturbance of bodily autonomy (Boyhood deeds) of women having to bare their breasts.
The sharing of much of CC's story by Fergus to CC's enemies. While it does not respect CC's privacy,	Spreading false information – Medb to Ferdia about CC → saying he said something he	Macha having to leave her home whilst pregnant to go to the fair in order	Derdriu being kept apart (houses being built so no one could see her).	CC and Emer talking in riddles.	Medb saying she would send poets and bards and satirists to mock Ferdia if he didn't come (XI Combat of

it does increase his reputation.	didn't say. (XI).	to save her husband.			Ferdia and CC).
Mórrigan disguising herself as an old woman to make CC heal her wounds. (VII)	Private meeting between Medb and CC – trap → soldiers fall on CC.	Noisiu – disturbed by Derdriu forcing him to take her along.	Lug mac Ethnenn who is seen by no one other than CC and Laeg.	Connla hiding his name from the men of Ireland.	Gossip? Ferdia about CC (XI). + Praise.
CC lying about his identity to Nadcranntail in order to make him fight with him → positive outcome for CC since he wanted to fight.	Meeting CC and fool pretending to be Ailill + Finnabair.	The steward meeting Derdriu secretly for his king.	Sharing of the tent (III Army encounters CC) → however presumably everyone agreed with this, so it is not a negative thing that their privacy is diminished.	Ailill and Medb – Medb giving background info on herself.	CC sharing info about Finnabair to Ferdia + value of judgment.
	Plan to trick Rochad by Ailill → capture him → release him. Private meeting = deceit.	Dáire in his life when the bull would be taken.		The sharing of much of CC's story by Fergus to CC's enemies. But: increases reputation.	
	The 7 kings of Munster keeping it private that Finnabair had been promised to	CCs fury clearly surpasses any kind of protection or privacy that homes		CC being vague about his identity to Mac Roth (Single Combat).	

	them all → revealing it → destruction.	were normally expected to offer.			
	CC disturbed while sleeping – killed a man.	CC disturbed while sleeping – killed a man.		CC lying about his identity to Nadcranntail in order to make him fight with him.	
	Medb sending handmaids to lie to CC so that his wounds would open again (XIV The last battle). Spreading of false information.	Lug mac Ethnenn who is seen by no one other than CC and Laeg.		Mórrigan disguising herself as an old woman to make CC heal her wounds. (VII)	
	Connla's death.			Lug mac Ethnenn who is seen by no one other than CC and Laeg.	
				CC sharing info about Finnabair to Ferdia + value of judgment.	