

A Dish of Pickled Tea

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Moderately (♩ = 140)

The musical score is written in bass clef with a key signature of one flat (Bb) and a 4/4 time signature. It consists of eight staves of music, each with a line of lyrics underneath. The tempo is marked 'Moderately' with a quarter note equal to 140 beats per minute. The lyrics are: 'It was in the land of Bur - ma, in a le - gen - da - ry age, That the Prin - cess Lear - ned - In - The - Law, a no - ted le - gal sage, Had been asked to judge be - tween two par - ties: one had brought a suit Where in - fla - tion and de - fla - tion were the cause of the dis - pute. There'd been a year of shor - t - ages. Each bas - ket - ful of rice Then cost one sil - ver coin, or six - teen times its nor - mal price. A bas - ket - ful of rice was bor - rowed, there - fore al - so lent, Di - rec - tly in the form of grain. No sil - ver coin was spent.'

It was in the land of Burma, in a legendary age,
That the Princess Learned-In-The-Law, a noted legal sage,
Had been asked to judge between two parties: one had brought a suit
Where inflation and deflation were the cause of the dispute.
There'd been a year of shortages. Each basketful of rice
Then cost one silver coin, or sixteen times its normal price.
A basketful of rice was borrowed, therefore also lent,
Directly in the form of grain. No silver coin was spent.

In the growing year that followed, days of sun and ample rain
Meant that paddies once again produced their crop of staple grain.
Now, in Burma there were standards for how interest should accrue:
For each basketful lent for a year, repayment must be two.
The debtor said he'd been complying with the legal code
In offering two basketfuls to pay back what he owed.
The creditor'd refused, for rice's value had declined,
Demanding two coins silver, not two basketfuls in kind.

As this case was well beyond his skill, the Village Headman saw
He would need to ask for help from Princess Learned-in-the-Law.
She replied, "In any contract, neither party may obtain
An unfair advantage from it he does not deserve to gain.
Two basketfuls repayment would most surely be unfair,
As would two silver coins. I rule the creditor must share
The benefits of plenty with the debtor. He shall get
One basketful of rice, one coin, as payment for this debt."

As the Princess had directed, so the Headman ruled, then he
Brought the case to its conclusion with a dish of pickled tea.
Now, if you are not from Burma, then you may not understand
Just how pickled tea, a type of salad, functioned in that land.
When, in a case at civil court, the outcome was decreed,
The parties to the settlement conveyed that they agreed
By sharing in some pickled tea, a light, symbolic meal,
To show that they were reconciled and neither would appeal.

It was in a town in Burma, in what we call 1810,
That a regiment of soldiers, having several hundred men,
Took into its ranks a new recruit who was not from that place,
As his people were the Palaung; they were not the local race.
He'd travelled through the Shan States, through the forests rich with teak;
He'd left Humai, his village, for the larger town, Momeik.
We know of these events because they're found in a report
Preserved in records that were filed at Yezagyo court.

There had been a woman roughly handled, so she testified,
Where the market fair was operating, by the riverside,
And this trespass that a man committed he must recompense.
Every man may treat his wife so, said the soldier in defence.
She said indeed she had once been his wife, but in due course
They found they could not get along. She asked for a divorce.
Before the Village Headman, as the custom there allows,
She offered flowers to her husband to dissolve their vows.

But her husband would not grant her wish. A second time she came,
And again his choice to not accept the flowers was the same.
But upon the third occasion that her offer was expressed,
Custom said that he could not refuse. He granted her request.
He'd told this to his army comrades, who were much surprised.
The circumstances they found most peculiar, and advised
His wife's divorce could not be valid – she could not be free –
Because the two had not then shared a dish of pickled tea.

So, the soldier, who'd reluctantly divorced his wife, instead
Acted on the understanding that the two were then still wed.
When he saw her in Momeik, he tried to lead his wife away,
And when she refused, he pulled her roughly, for she'd not obey.
On hearing this, the judge asked Clerks of Court to testify
About the recent practice in the village of Humai,
Since court procedures varied place-to-place. What was in force
At that time in that village, for concluding a divorce?

So some Clerks of Court familiar with Humai said what was done
As the custom in that village, although not the common one,
Was exactly as the litigants described it. In that place,
When divorce had been agreed, no pickled tea would seal the case.
The judge said the divorce was valid, since each court may choose
A custom different from the one another court might use,
And so he ruled the soldier was unjustified and found
He'd trespassed on his former wife, by pulling her around.

He would need to pay her compensation, settling her tort.
But there still remained more action to be taken by the court.
For a soldier breaking discipline must therefore suffer pain,
And in consequence he must receive ten sharp strokes of the cane.
The judge said since the soldier, by his military oath,
Could not refuse the judgement, and the woman won, they both
Had no grounds for appeal. So, concluding his decree,
He would not end by offering a dish of pickled tea.

This song is based on two stories contained in Maung Htin Aung's book
Burmese Law Tales, Oxford University Press, 1962. The first story, "Creditor
and debtor", begins on page 111; the second story, "Judgement in a suit under
the laws of marriage and divorce", begins on page 44.

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