Legal Aspects of the Hunting-Scene in Pwyll

§1. Introduction

One interpretation of the character of Pwyll in the Four Branches is that he is to be viewed, at least partially, as a comic figure. This stems from several apparent blunders and rash actions, inevitably landing him in some tight spot from which he is then forced to extricate himself. Under this view, even the character's name (= 'sense, judgment') plays a role in ironically referring to Pwyll's seeming lack of good sense.

One of the main elements of the First Branch which supports this interpretation is the hunting-scene in Glyn Cych, whereby Pwyll is will-y-nilly propelled into his fateful first adventure in the Otherworld. In this episode, while hunting Pwyll encounters another pack in pursuit of a stag, which the second pack succeeds in bringing down. Pwyll, in an apparent act of foolhardy arrogance, drives away the successful pack and feeds his own on the kill. This forces him, on discovery, to make amends to Arawn for this 'asymetry' by fighting Hafgan in Arawn's place. The comic potential of this situation is obvious: a feckless hero forced through his own rash decision to make amends by fighting a seemingly invincible, otherworldly opponent.

Even when not explicitly upholding the comic interpretation, many scholars have described Pwyll's act as ill-advised.

Structurally, the first two parts run parallel: in each section Pwyll is required to repair the consequences of an initial blunder. His victory over Hafgan attones for the appropriation of Arawn's stag... (Gantz 1976:43).

Gantz also sees Frydri's rashness in Manusogian and Math as displaying something of a family trait (1978:231). Likewise, Patrick Ford has written "throughout the story, Pwyll is portrayed as a bumbling incompetent." (1977:25).

Whether or not one treats Pwyll as a comic figure, it seems that most commentators have viewed him as rash and unreflective. The hunting-scene is one of the prime examples cited for this character trait. But such an interpretation of the episode is dependent on the view that Pwyll's behaviour in Glyn Cych was unjustified. It surely seems to us a blatant act of arrogance, but how would a 14th-century Welshman see things? In this context probably the best indication of how contemporary audiences would view Pwyll's act is to examine the relevant passages in the Laws of Hywel Dda. When we do so, a somewhat different possibility presents itself.

§2. The Laws of the Hunt

It is rather surprising that so little has been made of the parallel between the hunting-scene and the laws of the hunt in the lawbooks. I have come across only two relevant references. First, Dafydd Jenkins mentions briefly (1986:294) that the events in this episode parallel a provision in Llyfr y Darnaugen (DeCol §22).

A second reference is an equally brief notice by Thomas Charles-Edwards (1978:124-5) to the same passage in the Darnau men. As regards the hunting scene, he states: "There is
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probably a point of law at stake here. If hounds give chase to an animal then they have prior claim to it even if other hounds appear subsequently and succeed in killing it: this prior claim is only defeated if the pack of hounds belongs to the king. With this observation in mind, Dr. Charles-Edwards notes that Pwyl’s hounds were neither in pursuit of the stag nor did they kill it. Thus Pwyl appears unjustified in baiting his pack, despite a recognized legal primacy of the king. Charles-Edwards observes that Pwyl might try to stretch the point somewhat to give himself the appearance of legality, as long as his adversary is not also a king. Of course, that turns out to be the case, so Pwyl is outraced and forced to make amends. At this point Charles-Edwards turns his attention to an analysis of the forms of address used between the two.

I have uncovered no other directly relevant cross-references to this episode and the laws, even by Hor Williams, who made frequent use of the laws for dating purposes. This dearth of even superficial examinations of the legal points justifies a fresh look at the problem in an effort to see the hunting scene as much as possible through the eyes of a contemporary.

As Charles-Edwards noted, Pwyl’s difficulty stems from his seeming lack of entitlement to the killed beast. There are two relevant passages in the ‘classical’ law texts. The first comes from Lyfr Forweth §136 and reads:

O derydu dyvut kun e brenhyn ym ol hyd a’r lad ar yr dyn arall, pa kyru wyth bynnac blysio yr y dyr, kymeret ef kun e brenhyn a’r hyd a chawet ef hyt hanner dyd heb y llygadu, os’r boere e ledryd, ac os aulau e kynodyd yr hen hefyll hyd gydag yr har a’r kroon a llybyr y kun, a dyzer ganbhu adref. Os hanner dyd e ledryd, y adu hyt ydwyvun heb y llygadu; os gwydy naua, gatter hyt gwydy gosper; os gwydy gosper, gatter hyt trannoeth a thau manthul anawu e nos honau. 7

This would appear to be the legal rule upon which Arawn, as a ‘brenhin coronawg’ relies in accusing Pwyl of ‘anybywyd’. Under this rule Pwyl would be expected to keep the carcass whole until a certain term had expired. In the present incident, the kill would seem to have been some time in the morning, since Pwyl went hunting early in the day (gw ngwntu y dyd) and seems to have been separated from his companions soon after. If this is so, then Arawn could expect to claim the entire stag right up to mid-day. But, turning up shortly after the kill, he finds Pwyl already feeding his own pack on the carcass.

This section of forweth continues with:

O derydu trannoeth, defnydwyf ef yr ydwyvun e ku, a chawet yr hens a’r hydlygen e’r kynodyd. O derydu huenet e yngryw defnydwyf e ky, a chawet yr dyn e’r hydlygen e’r kynodyd. U wyth bynnac blysio yr y dyr, o derydu defnydwyf e ku, a chawet yr dyn e’r hydlygen e’r kynodyd.

If they do not come on the morrow, let him use the meat and feed the hounds, and let him keep the skin and the stomach for the hunter. If they come before the morrow is used, let the land quarter be given to him and let them use the meat as they will; the headquarter to every owner of the inquest and the forerunner to every owner of the stomach. If it happens that hounds are based on a owner and it is killed, whenever the hounds belong to, to whom the land belongs is entitled to the hind-quarter. Jenkins 1986:185.

Arawn, therefore, that an abandoned chase, one where the houndsmen have turned back, is fair game to any newcomer. Thus not only a royal pack defeats a hot pursuit claim.

Whosoever kills a hart on another person’s land, let him give a quarter to the owner of the land, unless it is a king’s hart, since there is no land quarter in a king’s hart. Jenkins 1986:185.

If a free man has a staghound hunt, let him wait in the morning until the King’s hounds have loosed their hounds three times, and then let him loose his. Jenkins 1996:185.
The two sets of provisions relating to dead game can be schematized as follows:

<table>
<thead>
<tr>
<th>ARAWN’S PRIORITY</th>
<th>PWYLL’S PRIORITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>King’s kill must be kept whole for set period (lor)</td>
<td>King’s dogs may take kill from pursuer (col)</td>
</tr>
<tr>
<td>Landowner entitled only to quarter, regardless of whose dogs killed beast (lor)</td>
<td>Found beast goes to finder (quarter) and to landowner (lor)</td>
</tr>
<tr>
<td>King’s hart does not owe a quarter to landowner (gyf)</td>
<td>King’s hart does not owe a quarter to landowner (gyf)</td>
</tr>
<tr>
<td>King may hunt anywhere in his realm (big)</td>
<td>King is entitled to first three loosings of the day (gyf)</td>
</tr>
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§3. The Case at Hand

Arawn’s claim to the hart is the clearest to modern minds: his hounds were in hot pursuit and brought down the stag, so he is entitled to the animal, though by law he probably owes a quarter to the landowner. But we can see from the chart that Pwyll also has a colourable claim to the animal based on several provisions in the laws and a few reasonable presumptions.

First, Pwyll is the sovereign of Glyn Cuch, so by the rule of Blegwyrdwy he is free to hunt there without restriction. Both the Cyfnerth and Blegwyrdwy redactions give authority to the king’s right to an entire kill without sharing, whoever owns the land. Thus the sovereign has special rights to kill within his territory which would support a presumption that a sovereign’s kill can be freely dispensed with as he wishes, without sharing of any sort (note also that the rule of holding the kill until claimed is said to apply only to the king’s kill, and Pwyll is the local sovereign).

Second, the Lorswerth Redaction gives the finder of a dead beast a quarter of the animal, and the remainder goes to the landowner. This rule obviously applies to animals discovered already dead and abandoned, not to ones killed in an active hunt. But, combined with the provision in the damasewiniau that a hunter who abandons the chase is not entitled to the kill, and perhaps Pwyll could claim reasons why he thought the hunter had turned for home, this raises the question of whether the animal was killed by a pack belonging to an abandoned hunt, making the stag a ‘found’ carcass, thus belonging to the finder and the landowner.

Third is the rule of Llys y Damasewiniau that gives a kill to the sovereign’s hounds, even if another’s were in hot pursuit. If Pwyll were to claim the kill as belonging to his hounds (see more below), he would be entitled to it under this rule, though it was Arawn’s hounds which started the stag.

Finally, Cyfnerth gives the sovereign primacy of hunting in that the king may loose his hounds three times before any other hunter may release his. Since the hunt in Glyn Cuch does not seem to have been long underway, it is likely that Pwyll had not released his hounds three times. If so, then he could reasonably presume under this rule that he had primacy of hunt over anyone else that morning until he had loosed his pack two more times and so was legally entitled to all that was caught during that time, or at least entitled to compensation, fine or perhaps sarthead from anyone who had failed to obey the law.

Taken together these points give Pwyll the nucleus of a colourable claim to the killed stag. However, there are a few gaps in the facts which make the issue a bit murky still. For instance, had Pwyll released his hounds three times already? All we know is that he rose early and there was ‘blowing of horns, mustering of the hunt and following the hounds’. It is unclear whether there had been three loosings. It is also unclear who owns the land in Glyn Cuch. It is merely said to be in Pwyll’s realm, but it is possible that it belongs to Pwyll himself. If so, he is entitled to share in all kills and/or finds.

The legal rule which attracted the notice of Jenkins and Charles-Edwards deserves some additional attention. In this case, the king may take a pursued animal from another. This could conceivably apply to the situation here, with the difference noted by Charles-Edwards: Pwyll’s hounds did not actually bring down the stag as required by the law. But if a suit in law were raised on this issue, Pwyll would be the sole witness to the kill and so his word would be uncontestable as to whether his pack or Arawn’s was the one which killed the stag. Welsh law did not rely on subjective testimony to establish truth, but on objective factors (see Jenkins 1986:xxxii-xxxiii). In such a system, the status of the oath-taker and that of his supporting compurgators governed. Pwyll, as sovereign, could assume that his oath could withstand that of any claimant (see e.g. Ior $77 for the role of oath-takers’ status in deciding a suit). Moreover, his testimony could be analogized to that of one of the Nine Tongued-Ones (Ior $56), that is, witnesses who need no supporting testimony. The eighth of these is the hlante’s herdsman as to whether an animal killed another, thus establishing liability of the owner. The point of this rule is surely that the herdsman is the most likely witness to the killing and so most certain which animal was the culprit. After all, the guiding principle of Welsh testimony was for ‘the party most likely to know the truth . . . to prove it’ (Jenkins 1986:xxxii) and in this case, Pwyll is the one person who could know what had happened. Mercenary as it sounds, Pwyll could perhaps count on the fact that no one would dare try to challenge the testimony of their sovereign who was also the sole witness to the events.

It seems from this that Pwyll was not as simple and unthinking as might first appear. He may be relying on provisions of law and assuming, quite innocently, that he was entitled to at least part of the kill, either as a landowner, a finder, or perhaps as a fine for impairing on the sovereign’s rights (I note in addition to the right to three loosings, Cyfnerth also gives the king a fine from anyone who kills a champion-hart, defined as one having the listed status jumps between June 16 and December 1 (WML 35.19-22). We do not know what time of year the action in Pwyll takes place, but it is a 50% chance that is falls during this proscribed period, perhaps making the kill a fineable one. Dalvydd Jenkins points out that dead animals were generally considered carrion between New Year’s Day and St. John’s Day (Ior $57), making hunting less likely during this period). Pwyll’s reaction to Arawn’s accusation seems to indicate that he does not know he has committed an offense and may in fact consider himself the injured party.

Alternatively, one couldjust as well see Pwyll as a cool, calculating character who weighs up the possibilities and sees that he can usurp the kill of another with impunity, given the
Aravan is applying the rules associated with the North. We do not know where Aravan's kingdom lies; it is in the Otherworld. But it may just be possible to say that in this branch it is vaguely linked to South Wales. I say this because in the two 'northern' branches, Branun and Math, the Otherworld is vaguely linked to the South: Gwales, the sight of the parabolic Feast of the Head, is off the coast of Pwyll's and Pryderi's realm and Gwydyon comes to the south to steal away the sacred swine, animals with an otherwise provenance. However, the Birds of Rhiannon seem to dwell at Harlech and the divine families of Dôn and Llyr are located in the north. Thus there seems to be an alternating perspective treating first one and then the other part of Wales as the Otherworld. The equation is only mildly suggestive, but it might be that for the southern part of view taken in Pwyll, Annwfn was vaguely associated with the north. If that is so, it is no surprise that Aravan seems to think the classical Venedatian rule applies to the hunt.

In this case, what Aravan is complaining of is Pwyll's failure to apply the northern rules. This accords with one of the actual terms used to describe the misdeed: anestol 'ignorance' (i.e. of the Law). Thus Aravan's description may relate more to a gap in Pwyll's knowledge and less to a tortious act. That is, his chief offense is ignorance of the Law, which requires (in Gwynedd) that the kill be kept inviolate (if it belongs to the king). But Pwyll may not be ignorant as Aravan claims, and is simply applying the tradition of the south, which gives the sovereign greater explicit priority in hunting.

It is perhaps stretching a point beyond its limits, but there is some justification in viewing the hunting scene in Pwyll as revolving around a conflict in laws between the northern and southern traditions. Under one tradition, Aravan has a claim against Pwyll; under another one, supplemented by revisions in the classical law, Pwyll has a colourable claim to act as he does. This makes all the more sense if we can even fleetingly link Annwfn with North Wales in this branch. It also makes some more sense of certain aspects of the verbal exchange between the two, such as Pwyll's failure to admit wrong-doing and the phraseology and word choice.

A conflict of this sort might have served as a sort of in-joke for the lawyers in the reader's audience. Thus one purpose the writer may have had in mind was a parody of contemporary

§4. DISCUSSION

Under either view above Pwyll does not appear as a hapless, unthinking fool. He may have been making very rational decisions all along the way. It might seem, however, that this aside-examination of technical legal issues is totally irrelevant to the narrative story, which is, after all, a prose narrative, not a case book: the audience would not be well-versed in these niceties of Hywel's Law. However, it is very likely that the Four Branches were not composed in their present form as oral tales, but were meant for a literate audience (see the discussion on this point in MacCana 1977). The professionally literate Welshmen of this period almost exclusively were clerics or lay lawyers; no other class or occupation made regular, daily use of writing and written sources. In that light it is perhaps not too much to expect the audience to have a more than vague idea of the applicable rules. Likewise, the etiquette, if not the laws, of hunting was surely more a matter of common knowledge to the cultured audience of the Four Branches than it is today. Many readers could very well have been in similar conflicts over kills in their own lives. The general situation would be familiar, even if the exact legal issues involved were not.

It is perhaps carrying this familiarity with legal tenets too far, but there is a further point of speculation I would like to add to this. It is interesting that in the above table, the law on Aravan's side is from the classical Venedatian reduction, while those which support Pwyll's claim are from later re-workings of this classic law from the north (as, perhaps in the case of the DwCol passage), or from the reductions associated with South Wales, Cyfreth and Blegywyrdd. Pwyll is a South Welsh sovereign and so most likely to be familiar with southern legal tradition. It makes sense then that he seems to apply the rules common to the south.
law, playing with non-existent legal terms, unheard-of settlements, and a possible on-going rivalry between the Northern and Southern tradition (cf. the quote from the Rees brothers on p.77, n. 1 above). Of course, just opposite is also a possibility, that the enwysbod is all on the part of the redactor. An author who was a legal layman could have unwittingly confused technical concepts he did not understand precisely (Dafydd Jenkins points to such an example in Brânrog Macen Wlidy, where the author mistakenly uses the term agwedd̄ when what he means is enwysbod).

Another possible interpretation follows along the lines of W. J. Gruffydd's analysis in Rhiannon. According to Gruffydd, the author of the Four Branches was rationalizing the text, trying to reconcile two confused traditions. In one, the Prince of Dyfed is the hero of the branch, while in the other Pwyll is the wronged party. But the plot requires that the mortal wrong the Otherworldly ruler as a device for requiring the switch of places. The fact that Pwyll was in the present redaction may indeed be the wronged party under law perhaps preserves a vestige of the former scheme where he is the injured party, though not the mortal ruler. This necessitates the use of non-legal terminology in an effort to shift the liability back onto the Prince of Dyfed; that is, the redactor needed to reconcile one tradition which said Pwyll was the injured party with another which claims the Prince of Dyfed is the wrong-doer. Such confusion and conflict in the plots may account for the conflicting legal postures of Arawn and Pwyll. If the Pendur episode (see p.77, n. 2 above) and this one reflect a common motif, it is the former which sticks more faithfully to the original plot. It is clearer there that the instigator was identical to the castigator, whose legal claim is undoubted by any on Pendur's part; it is also clearer that the entire deerslaying encounter was arranged on purpose to obligate the hero to fight the invincible, vanishing foe (who, not so clearly, may have been another avatar of the cousin; see Goetinck 1976: 69-70). These elements are not so explicitly spelled out in the First Branch, with a result that the legal issues are blurred. This perhaps indicates that the Pendur episode cannot be a simple copying of the one in Pwyll.

§5. Conclusion
Whatever further hypotheses one makes from it, a comparison of the scene with the contemporaneous legal rules (the closest guide we have to how the readers would interpret the characters' actions) shows that Pwyll may very well have not been acting foolishly, but rather as a ruler familiar with the laws and traditions of his realm in a considered, maybe even manipulative and self-serving, manner.¹

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