normal fraction was the dairt. Smaller measurements were expressed in sacks of wheat, malt, etc., and large sums in cumal—originally female slaves. The cumal is often equated with 3 milk-cows but this was in fact merely the lowest value of the cumal which was variable. For example, ALI, v. 395 equates a cumal with 10 sœit or 5 milk-cows. At ALI, v. 499 we are told of a pledge not exceeding a cumal worth 20 sœit which are equal to 10 cows. The cumal of 20 sœit is also mentioned earlier at vol. ii. 277. Although the valuation 1 cumal = 3 milk-cows may hold good for much of the tracts it is clearly of no use in Table 1 (page 53 above) which we have taken from the Urbiocch Becc. The cumal here must be of at least 6 milk-cows to raise the king's honour-price above that of the aire forgill. Mac Neill does not appear to have noticed this.

One explanation for the varying value of the cumal might lie in the fact that the name also became attached to an area of grazing land. The value of this block of land would vary with its quality and thus the unit 'cumal' would be variable. In the tract Fodla Tivre ('The Divisions of Land') we read that a cumal of the best arable land is worth 24 milk-cows, hilly arable land is worth 20 milk-cows per cumal and so on down to 'shallow land' which is valued at 8 dry cows per cumal.

Seebohm tells us that the English sceatt was of 28.8 wheat grains of silver—thus there were 20 to the Roman ounce and 10 to the Irish sêt. But the sceatt was later replaced by a silver penny of 32 grains of silver (of which there were 4 to the Mercian seluling and 5 to the Wessex seluling). There were 18 such pennies to the Roman ounce and the Irish milch-cow (and 9 to the sêt). Clearly from Table 2 (p. 55 above) English fines were much heavier than those of the Irish though this may be to some extent explained by the greater rarity of silver in Ireland. Indeed the éric was substantially smaller than the Welsh galân or the Anglo-Saxon wergild and wite. To slay an Anglo-Saxon cor was to involve the payment of at least 320 shillings or about 90 Irish milch-cows in wergild and wite. The éric of an Irish ocaire would be 7 cumal body-fine and 5 chattels in honour-price, i.e. 23 milk-cows or less than a third of his Anglo-Saxon 'counterpart'. It is significant that the fact that Anglo-Saxon fines were unpayable was a major cause of their demise.

1 Mac Neill, 'Franchise', 284.
2 Thurneysen, Celtic Law Papers, 66.
3 Franchise', 287.
4 Ibid.
6 P. 445.
7 Seebohm, op. cit. 92 and 498.

Honour and Shame in Medieval Welsh Society
A study of the role of burlesque in the Welsh laws

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The relative lucidity and coherence of the Welsh law books have been widely remarked upon by students of the Celtic languages. Joseph Loth referred to the Welsh lawyers' 'esprit critique, précis dans la pensée et l'expression d'une suprême pénétration qui s'y reflète'. Melville Richards in his edition of Llyfr Blegywyred makes a similar comment, noting too an employment of language, 'which often rises to the standards of conscious literary artistry'.

In conspicuous contrast to this general elegance is a group of passages which prescribe punishment for certain offences by means of exposing the culprit to public ridicule through their participation in a burlesque of the offence. The contents of the burlesques are on the whole bawdy, and the language quite explicit. Since they cluster in two sections of the texts which are regarded as belonging to the oldest stratum of the laws, namely the 'law of women' and the 'laws of a court' it is quite possible that they derive from the nucleus of traditional law, on the basis of which the texts began to be compiled from the early twelfth century onwards. It is also apparent from their comical fitting of the punishment to the crime that they are related to the practices of many other early European communities during a period when social control was effected chiefly through the


I wish to thank Professors John Kelleher and Charles Dunn, Harvard University, for references and comments on the subject of this paper. I am especially indebted to Professor Dyfyyd Jenkins and Miss Morfydd Owen for their meticulous attention to the details of the discussion.

An extensive specialized literature on the historicity of the Welsh legal texts has developed in recent years. A general overview may be obtained from the special edition of the Welsh History Review (1965), Studies in the Welsh Laws since 1928. An updated bibliography is available in Dyfyyd Jenkins's Cyfraith Hywel (Llandyfedwl, 1976), 114 and 118-19.

Since this paper was written detailed studies of various aspects of the legal status of women in medieval Welsh law have been published in The Welsh Law of Women (studies presented to Professor Daniel A. Birch), Dyfyyd Jenkins and Morfydd Owen, eds. (Cardiff, 1986) (hereafter referred to as WLP). For fuller treatment and other perspectives on some of the remarks made in the present paper, the reader is referred to this publication and especially to the essays by Morfydd Owen ('Shame and Reparation: Women's Place in the Kin') and Dyfyyd
community sanctions of compensation or ostracism, rather than through curial judgments upheld by the state.\(^1\)

The interest of the burlesques, however, does not lie especially in the question of their archaism or their relationship with other legal systems. It lies rather in the light which they cast, when juxtaposed and analysed as a group, upon the conception of justice, and its relationship to the social order, which underlay the legal system presented in the texts. Indeed if it could be demonstrated that the burlesques were archaic survivals it would still be a moot point whether they were preserved merely because they were so memorable, or because their meaning still was not lost upon an early medieval audience.

The passages fall into two groups. One refers to women who dishonoured themselves through sexual transgressions, while the other refers to men who dishonoured themselves through dereliction of duty. In presenting the passages for discussion I have found it necessary to comment fairly extensively upon the meaning of the burlesques, since their humour arose from an appropriateness that is by no means always apparent to the modern reader. Two aspects of the burlesque passages emerge as distinctive. One is that there existed an underlying pattern to the offences that merited punishment through ridicule, and, secondly, it is possible to show that there existed a social equivalence, in some respects, between the sort of people who were liable to be subjected to ridicule.

THE CONTENTS OF THE BURLESQUES

I. DISHONOURABLE WOMEN

'The Law of the False Virgin'

This is one of the most startlingly barbarous of the burlesque elements in the laws. Wade-Evans’s translation is as follows:

Three thrusts not to be redressed... The third is, giving a mature maiden to a man with sureties as to her virginity, and the man making a genital thrust at her... and finding her a woman; he is to call the marriage guerdud, candles are to be lighted, and her shift cut before her as high as her pubes,

\(^1\) ‘Germanic law is fond of “characteristic” punishments. It likes to take the tongue of the false accuser, and the perjuror’s right hand. It is humoristic: it knows the use of tar and feathers. But the worst cruelties belong to a politer time.’ (F. Pollock and F. W. Maitland, *The History of English Law* (1893), reprinted with additional introduction by S. C. Monson (Cambridge, 1968), ii, 443.)

Welsh law did not take limbs from offenders, but rather took away a person’s ‘face’. The act of dishonouring a person by the inflicting of public ridicule was called, *dryw Wynod* (stealing face), but the term, which is known from literature, does not appear in the laws, even though its manifest intention of the burlesques is to ‘steal the face’. See Kenneth Jackson, *The Sources for the Life of St. Kentigern*, in Nora Chadwick, *et al., eds.*, *Studies in the Early British Church* (Cambridge, 1968), 335. * Wynod (‘the worth of one’s face’) does appear in the laws. See in

In Wade-Evans’s text the ‘law of the false virgin’ is the third item of a triad dealing with justifiable assault. The first two cases differ from that of the false virgin in that they refer to assaults that might occasion death. The first case refers to a man who has been unable to ‘obtain justice’ on behalf of a kinsman although he has made three pleadings on this account. If thereafter the plaintiff met his ‘enemy’ he was licensed to assault him, and the latter’s kin would have no grounds for *galanas* (feud), even if the assault caused the death of the man. The second case is that of a married woman who meets her husband’s mistress. Assault by the married woman was licensed as in the first case. The inclusion of the false virgin material in this triad, despite the improbability of death resulting from the ‘genital thrust’ may hark back to the older law of *galanas*, which recognized many grounds for vendetta, including *gueritecta* (‘woman abuse’).\(^2\) The point of the triad then was to emphasize that in none of these cases could the family of the ‘assaulted’ person claim damages on behalf of their relative, because the relative had forfeited his or her rights by his or her own immoral behaviour.

In the other published texts, however, the false virgin material does not appear in triadic form at all, and where it appears in *Ll. Beugtyerwch* and *Iorwerth* it is merged with material from ‘the law of the deserted mistress’, which in *WML* is presented more intelligibly as a separate case. (See below). The *Iorwerth* version, despite this confusion of two types of dishonourable women, highlights the point of the false-virgin law, which was the question whether the girl’s family had any claims upon the intended husband for having had sexual intercourse with her:

If a maiden is given to a man and she is found to be defiled, and the man suffers her to stay in the bed until the next morning he cannot on the next morning deny her anything that is due to her. (But) if he arises at once to the wedding guests after finding her defiled and calls them into the bedroom, and swear to them that he has found her to be corrupt and that he will not sleep with her until the morning she shall not receive anything the next day... If she will not swear (as to her virginity) her nightshee shall be ripped as high as her groin... [here is added material from the case of the deserted mistress.]\(^3\)

It is plain that the central element in the treatment of the false virgin is exposure—candles are to be lighted, the guests called in to

\(^2\) Aled Rhys Wiliam, *Llif Iorwerth* (Cardiff, 1960), 26–7 (47). (This edition is referred to below as *Ll. Iorwerth*. All translations which appear in this paper from this and other untranslated printed texts are my responsibility.)

\(^3\) A.W. Wade-Evans, *Welsh Medieval Law* (Oxford, 1909), 276. (This edition is referred to hereafter as *WML*.)

\(^4\) W.L.W., Morfydd Owen, ‘Shame and Reparation, Excusurus I’, 61 ff.
witness events, and the guilty girl stripped. It is also rather obvious that the punishment fits the offence, for the girl had covered up her loss of innocence and had, so to speak, kept everyone in the dark. But to understand the ferocity of the treatment of her offence we have to understand something of the nature of the early Welsh marriage contract, and in particular the importance of the ‘payment’ referred to below, namely the cowyll, or morning-gift.

When a girl was married as a virgin at the behest of her father or nearest male kinsman she was entitled to receive the cowyll after the union had been consummated, and she was also guaranteed a divorce or widowhood settlement, the agweddi, which was payable if the marriage ended, through no fault of the wife’s, during the first seven years. Also in such a wedding the maiden-fee that was payable to the local lord for a first marriage (the ambr) fell upon the girl’s father, or whoever had authorized her marriage. The girl who eloped with her lover, thus denying her family’s right to control her marriage, suffered a severe attenuation of these rights. If her lover would not pay the lord’s ambr she herself was liable for it. If the union collapsed during the first seven years she received only a derisory agweddi settlement (which is discussed below). Finally, she could claim a cowyll only by resorting to an oath, since there had been no wedding guests present to testify to what her lover had promised to give her for consenting to sleep with him. However, if the union

1 Proinsias Mac Cana has pointed out that the bride’s gown played an important role in the wedding ritual of a virgin bride in ancient India and ancient Ireland. (‘Eileannan sym- Gristionogol yng Nghryfiaith’, BBCS 25 (1970), 316–20.) He suggests that the payment made by a virgin bride to the bard in Wales on the occasion of her marriage was a continuation of the ancient Celtic practice of presenting the priest with a gift when a daughter was married. In Wales the bard received money from the bride, as he did in Ireland by the sixteenth century. If the giving of the gift to the religious authority who had blessed the wedding had originally symbolized the legitimate transition of the girl’s status from virgin to wife, marriage had become so intimately associated with the giving of such a gift that the bride and her father would have been a powerful symbol of the prospective wife and an essential part of the marriage ceremony.

2 A girl who was abducted as a virgin was in a different legal case from a girl who was eloped. Until recently the best commentary on the source of this ‘legal’ confusion was provided by Dafydd Jenkins in his Notes on Welsh Custom and Practice (Cardiff, 1963), 44–5. These notes also correctly identified the sources of the term ‘cowyll’ as being from Welsh law. Dafydd Jenkins and Erik Anners provided an excellent history of the present paper, (In Dafydd Jenkins and Erik Anners, Welsh Marriage Law in Morriston, 1962), 335–310.

3 Agweddi see now WLL.

4 Agweddi is often been incorrectly translated as dowry—that is, as property originating with the bride’s family. Until recently the best commentary on the source of this ‘legal’ confusion was provided by Dafydd Jenkins in his Notes on Welsh Custom and Practice (Cardiff, 1963), 44–5. These notes also correctly identified the sources of the term ‘cowyll’ as being from Welsh law. Dafydd Jenkins and Erik Anners provided an excellent history of the present paper, (In Dafydd Jenkins and Erik Anners, Welsh Marriage Law in Morriston, 1962), 335–310.

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7 The legal cowyll was fixed at a half of the legal agweddi, though for upper-class girls the amount was rather higher (eg. see Dafydd Jenkins and Erik Anners, Welsh Marriage Law in Morriston, 1962, 335–310). However
In addition to the jeopardizing of the cowyll payment, the non-
virginity of a girl who had been promised in marriage as a virgin
could have entailed the loss of any sureties that had been given by her
father as guarantee of her sexual purity. And, beyond all these
economic considerations, the 'corruption' of the promised virgin
bride would have brought utter shame upon her family. Not only was
the implied sexual activeness of the daughter inherently shameful
within the context of medieval Welsh values, but the father's
integrity could be questioned, since it could be argued that he was
concealing faults in the daughter that were known to him.

On the other side of the aisle (to use an anachronism, perhaps),
there must have been anxiety as to whether the groom was getting
what he was paying for. In particular there would be fear that
a non-virgin bride might be carrying another man's child. A strong
ideology of physical descent governed affiliation, and the laws convey
a distinct impression that membership in a land-owning agnatic
group was a privilege that was jealously guarded against intrusive
claimants.

All these anxieties focused on the matter of the new wife's
virginity, as did strong sentiments of honour and shame surrounding
sexual relations as such—a matter which is of such historical depth
and cultural breadth in European society that it lies outside the scope
of this paper. Moreover, the wife's perfidy would have come to light
in the context of an expensive and tense public occasion, and her
husband would have found himself facing the equally mortifying
choices of revealing the truth and thereby admitting that some other
man had been given, for personal reasons, what he himself had had to
pay for, or, on the other hand, conniving with the girl to conceal the
truth, while knowing that someone somewhere knew all and was
probably going to gossip about it eventually. The punishment for the
false-virgin's fraudulence, then, was not only overtly appropriate in
terms of 'revealing' what had been 'concealed' but was suitable
revenge for the husband who had been 'stripped' of his dignity both
socially and privately.

Compensation to a deserted mistress

The conflated versions of this subject and the false-virgin material
which appear in Ll. Iorwerth and Li. Blengwynd are distinguished in
WML, which also presents more details and some extra 'jokes' on this
subject:

A woman of full age who goes with a man clandestinely, and is taken by the
man to bush or brake, and is after connection deserted—upon complaint
being made by her to her kindred and in the courts, she is to be given for her
chastity a bull of three winters, having its tail shaven and greased with tallow
and then thrust through the covering hurdle; and then let the woman go into
the house, and let a man come on each side of the bull with a goad in the hand
to stimulate the bull; and if she can hold the bull let her take it for her honour
price and chastity, and if she cannot let her take what tallow may adhere to
her hands.

This woman was not complaining of having been raped (the sanction
for which was essentially sarhaed plus several other payments), but of
being deserted, and what she was asking her family and the court to
secure was her wynewberth (literally, 'the worth of her face'). This
was characteristically the compensation demanded by one spouse
of another if the other had admitted adultery. It appears then that
the woman in this case was a deserted mistress (a very casual one—
certainly not one with whom the man had lived). The next passage
expressly mentions this aspect of the situation:

A woman who surrenders herself to a man in bush and brake, and is
abandoned by the man who then connects himself with another woman, and
she comes to complain to her kindred and to the courts: if the man deny let
him swear upon a bell without a clapper; if he make compensation let him
pay her a penny as broad as her buttocks.

The situation contemplated in this passage was one in which a
mature, and therefore responsible, woman had freely consented to a clandestine
sexual relationship, without the approval of her family. Having thus put herself beyond their control she had also put herself
beyond their protection, but when the man abused her trust in him
she turned to the very family whose authority she had flouted, for
assistance in obtaining the rights which only a properly married

1 WLM, 82.
2 Eligibility for membership in the father's family depended entirely upon whether or not
the mother, or the child, could prove the physical paternity of the putative father. The question
of the existence of a marital contract between the child's parents was quite immaterial to the
process of affiliation. Ll. Iorwerth, 68 (102) commented: 'If there should be some members of
a son's (father's) family who disown him, but others who accept him, and that on their oath
that it is not for reward or payment that they accept him, then it is more correct to believe those

3
woven could claim. The overt sexual symbolism of the bull which was held by its tail, etc., proclaimed in burlesque that a woman had as much of a chance of holding on to a man through a sexual bond alone as she had of holding on to a maddened bull in the prime of life by its tail alone.

Similarly, such a worthless charge by the woman could be sworn away by the man on a bell without a clapper, because the woman had no case. Women were disqualified from participation in legal processes (normally) and were represented by a spokesman, who was called *tauodyac*, a person 'having a tongue' in the sense of the right to plead. The bell without a clapper is an analogue to the woman who cannot persuade a *tauodyac* to plead for her. The deserted mistress could not even have an oath from her family as to the rightful ownership of her charge, and so her claim was as unresounding as a bell without its clapper. The allocation of a 'penny as broad as her buttocks' again underscores the economic worthlessness of her bond with her former lover and seems to contain an image which is encountered in Irish literature for sexually wilful women—a woman of strong 'thighs' (to put it euphemistically).

Thus, like the false virgin, the deserted mistress who demanded rights to which she had no claim, because of her own immorality, was not merely repulsed by the law but was subjected to a prescribed ridicule in which the punishment fitted the offence with instructive metaphorical force.

**Divorce payments to a wife by elopement**

The *agweddi* was normally a substantial sum, for which the tests specified different amounts as being the 'legal *agweddi*' (probably a minimum amount) for girls of different rank. It appears to have been promised, with a surety being taken by the girl's parents, before the commencement of the marriage. If a girl eloped with her lover, however, there could have been no negotiations about the amount of the *agweddi*, nor any sureties taken for its payment when necessary. But, just like a deserted mistress, an abandoned wife through elopement could only press claims for property from her former lover through the legal action of the family whose authority she had flouted, for she would have needed their oaths to testify to her claim that she had indeed lived with the man as his wife. Her family, however, could attest to no more than the fact that she had run off with him, without their permission, since no agreement regarding property had been publicly contracted between the couple.

Indeed a passage in *Ll. Iorwerth* seems to warn an eloping woman not to let her husband take charge of any livestock she might take with her, for if she did, she would have no legal means to prevent him from despoiling her of her property. However, since an eloping girl was not a mere prostitute nor a promiscuous woman the law allowed her a token *agweddi* if the union failed. This, however, was a small amount, compared to the normal *agweddi*, and it was stipulated that it was to be paid in 'cattle whose horns are as long as their ears'.

If these cattle resembled the modern Welsh Black breed, which have long ears, they could have been as much as about eighteen months old, at which point they were worth, according to the laws, 15 pence. But this must be regarded as the upper limit on their value, for horn growth has been selected against in modern breeding and it is likely that the length of horn referred to in the texts was achieved at an even earlier age. The laws give different values for calves at different stages of development. These range from 8 pence for yearlings born at the earliest calving time (the calends of February) to 16 pence for two-year-olds born at the same time. The value of the *agweddi* for the wife by elopement was therefore computed with units of value which fell within the range of 8 to 16 pence. If we compare the *agweddi* in this case with that normally payable to a married woman we can see that it was not a serious economic compensation at all, but a totally disingenuous pseudo-settlement:

<table>
<thead>
<tr>
<th>Rank of girl's father</th>
<th>Normal <em>agweddi</em></th>
<th><em>Agweddi</em> after elopement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Superior court officers</td>
<td>Seven pounds</td>
<td>Nine young calves (value falling between 72 pence, or just over 4% of the normal <em>agweddi</em>, and 144 pence, or about 81% of normal <em>agweddi</em>)</td>
</tr>
</tbody>
</table>
| Lower rank court servants; Free landowners | Three pounds | Six young calves (value falling between 48 pence, or about 63% of the normal *agweddi*, and 96 pence, or 133%)
| *Tâsg* (bond tenant) | One and a half pounds | Three young calves (value falling between 24 pence, or 63% of normal *agweddi*, and 48 pence, or 133%)

For all classes, though more especially those of the upper-class girl, the amount of this *agweddi* was economically virtually worthless. What, then, was the point of this merely token payment?

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2. Cambridge University, Veterinary Science Unit. (Oral communication.) Although there are references in the laws to white cattle with red ears, the religious significance of these colours and the fact that these cattle are mentioned in connection with the *galaun* of a king shows that the writer, whose work is not known, must have thought one sceptical about how common white cattle were in early Wales. Osborn Bergin observed that white red-sored cows may well have existed, but that by the medieval period they were rare and prized. In *WLW* 80 n. 50 Dafydd Jenkins refers to an unpublished paper by J. G. T. Seringham on 'bulls with horns as long as their ears'. The writer, whose paper is not seen, shows that, if similar to modern Welsh black cattle they would be yearlings'.
It seems that, as in the two cases examined above, sexual imagery was employed in a burlesque mock-payment, to make the moral point that a sexual relationship which was unsanctioned by the woman's family could not create any economic rights for her in her lover. In Irish law when a man and woman contracted such a purely private union and later separated, neither could lay any claim to the products of his or her labour based upon the capital (land, stock, or seeds, and implements) of the other. It was said that, 'they separate as they came.' This seems to be the sense of the agweddi for a wife who had entered into a union through elopement. It will be recalled that she was enjoined in the laws to prevent her husband from disposing of any of her livestock, so that, theoretically, she could retrieve this property if the union broke up, and each partner could go his or her own way as though nothing had happened. In practice, such economic separatism could not have been achieved, and a deserted woman would have had to ask her family for help in getting back some of her original property, thereby putting them into the morally and legally absurd position which I have described above.

The sexual imagery employed in this burlesque requires some justification, for, although 'horn' is a cliché of body symbolism, 'ear' is not an image which is employed to represent female sexual organs in contemporary popular culture. Although one glance at the arrangement of ears and horns on the heads of certain breeds of cattle reveals an obvious source of body imagery, I think it is necessary to justify my reading of 'ears and horns' as signifying a parity of lust between the woman and her lover, by reference to the texts themselves. Fortunately, there is one other reference to a payment being made in terms of 'cattle with horns as long as their ears'. This is to be found in the section, 'the laws of a court', where the page of the king's bedchamber was said to be entitled to all such cattle when division was made of the spoil which the king's war-band brought back to the court. A brief digression into the ettiique of this

1 In the union of abduction or secrecy they (the man and woman) ought not to divide anything of their dead or live chattels at their separation, except the offspring. (Ancient Laws of Ireland (Dublin and London, 1869), Cain Lamanna, ALI ii. 461.) Detailed examination of the varieties of legal responsibilities arising from sexual relationships in early Irish law may be found in Studies in Early Irish Law, Myles Dilton and D. A. Binyon, eds. (Dublin, 1946), and T. M. Charles-Edwards's 'Nau Kynwedi Teidhaic', WLM.

2 WLM, 167. Ll. Iorsorth contains a fuller description of the chamberlain's function. Both his labour (he collected the straw for the king's pellot) and the statement that if anything of the king's valuables were missing the chamberlain should get a beating, suggests a mental origin for this official, despite his high birth (Ll. Iorsorth, 9-10 (13)). Ll. Iorsorth does not mention his share of the spoil, but Ll. Blayney does (p. 38), and though it does not use the expression, 'cattle with horns as long as their ears', it seems to recall this phrase when it states that if the chamberlain's share was paid in 'the young steers and heifers'—an inept statement that would have caused the chamberlain to be considerably overpaid. There are many variations of detail and inconsistencies between different passages of the 'laws of a court' section, arising it seems in a diversity in the sources of this part of the laws. (See Sir Gorony Edwards's 'The Royal

procedure is necessary to establish the sexual symbolism of the cattle given to the chamberlain.

A basic distinction pertained between those who participated in the raid, and those who were required to stay at the court because their duties kept them there. The former received livestock; each person took an equal share, after the king had put aside his third of the total spoil. In addition, it seems that some animals were immediately slaughtered, for each member of the war-band was entitled to be at the feast. Excluded from the feast were a number of king's servants, who, despite their relatively high standing (they held land at the king's behest, untaxed, and they had the legal status of landowning freemen) were treated as servants in this context. Most of these personal servants were granted rights to parts of the butchered animals from the kitchen but these items were essentially offal, rather than red meat, and they were often matched to the servant's function. Thus the cook, who also butchered, got skins and entrails, and the porter got 'the rectum and the mild' (presumably because he watched the exits of the compound). Functional appropriateness also pertained in the more edible pre stabilations to more dignified officials. The judge received all the tongues (which would not have been considered offal) and the smith received either a 'thigh muscle' or heads and feet.

Some officials, who could not participate in raids because of their functions, nevertheless received livestock. The judge received 'the share of two men', both because he was of very great importance to the royal function, and because he would have been a landowner, in his own right, by descent. The chief groom and chamberlain fell into a special case. They did not receive 'a man's share' of livestock, for neither of them was necessarily a landowner by birth, as the judge certainly was. Nevertheless they held positions which created between them and the king a relationship of peculiar intimacy, in the case of the chamberlain, and respect, in the case of the groom. They were far from being mere servants in this relationship, for the king's safety and dignity depended upon the chief groom's judgement, and the king's privacy, and the secrecy of his treasure, depended upon the chamberlain. These two special servants were rewarded

Household and the Welsh Law Books', Transactions of the Royal Historical Society, 5th ser. xii (1965), 163-76.) Nevertheless a broad pattern is visible, showing a tendency to exclude lower court officers from a share in the livestock taken as booty by the king's household, and an association between these officers and the functions that in lesser households were definitely those of servants. The Welsh laws show little signs of the evolution of the organs of the king's household: the chamberlain performed the role of treasurer, page, boy, messenger, and what had come to be known in England by 1490 as the Groom of the Stool in the Privy Chamber. The way in which the latter's very intimate services to the king caused him to be recruited originally from the low gentry is discussed in David Starkey's 'Representation through Intimacy' in Symbols and Sentiments, Joan M. Lewis, ed. (Academic Press, 1977) However this office acquired great prestige.
with livestock from the spoil, but like servants, they received functionally symbolic gifts. The chief groom received all the unbroken colts that had been rounded up with the mares, while the chamberlain received the cattle with 'horns as long as their ears'. The chamberlain's role in the court's domestic organization focused on the king's private life. He made his bed, putting fresh straw in the pallet and changing the linen. He knew (in case the king was killed in battle) where his treasure was hidden, and it was his job to carry messages from the king to the hall after he had retired to the chamber. He was required to sleep in the king's chamber at all times. Both his presence at night, his bed-changing function, and his role as courier (to the king's mistresses, amongst other personages) involved the chamberlain in the king's sexual activities.

In view of the general pattern presented above, whereby officials, especially servants, received 'appropriate' rewards, it seems there is justification for saying that at the time when the burlesques were conceived the image of 'cattle with horns as long as their ears' contained well-recognized sexual symbols, and probably a specific allusion to female concupiscence, since the chamberlain in his role as messenger was also a pander, and the women he brought to the king's chamber would generally have been no less reluctant to accept the king's invitation than were the eloping brides who wished, too late, that they had married prudently and properly.

The first two cases which we considered displayed clear and rather cruel elements of burlesque, but the latter case, even when the symbolic content is made clear, may not appear to a contemporary reader to contain the element of dramatic enactment which distinguishes burlesque from satire. Since the cases which follow below derive their force, like the presentation of 'cattle with horns as long as their ears', from the importance of prestation in early Welsh culture, it is necessary to amplify this point here.

Economic exchanges fell into a number of categories, distinguishable from our point of view, according to the social relationship of the parties. At the highest levels, or between social equals who were empowered to give things away, free gifts were made to establish friendship. The obligation to reciprocate was keenly felt, and literature reflects an ostentation in gift giving that is reminiscent of competitive prestation in primitive economies. At the other extreme were compensation payments, which were unilateral and involuntary payments, drawn from an individual to make up for some damage that he had caused to another. Most commercial transactions were governed by laws of contract, which in their rudiments were similar to modern sales. But between people who had relationships in which long-term and highly variable exchanges of goods and services were the norm, payments were made which had the moral force of customary expectation, but which, being voluntary, did not generally require the guarantees of a formal contract. Such payments included the wife's gwaddol (downy) which came under the husband's administration, and the husband's gift of cowyll to the wife, and the renders given by the king's free clients (their tun) and his gifts of the feast, of precious items, and royal justice to them. Although of the greatest economic importance these exchanges were governed by the social expectations and mutual interdependence of the parties rather than by the formal giving of guarantees that characterized purely mercantile exchanges. (In fact Ll. Colan states (albeit ambiguously) that sureties (macht) should not be demanded when the dowry was handed over.) In these relationships (of husband and wife, and lord and client) payments were treated as fictive gifts, and as long as the relationship was an agreeable one the voluntaristic element in the relationship was best expressed by the giving of a gift.

Thus we can say that there were three types (at least) of economic exchange—fines, gifts, and pseudo-gifts—which were as important to the participants for what they affirmed about their social relationship with the other party, as for their materialistic value. In such exchanges the affirmation of relationship depended upon the

Footnotes:
1 Dafydd Jenkins has pointed out to me that in MSS B and E treasure is written as treyr, though reflecting the voiced consonant in the French word. The chamberlain as 'treasurer' may thus have been a late development of court organization in medieval Wales, influenced by Norman example.
2 In primitive economies ostentatious prestation may have varied functions. The potlatch of the north-west coast American Indians involved, during its later phase (1849-1920) both the giving and the destruction of large quantities of blankets and food. Recipients of potlatch gifts exchanged items for items that the giver desired; hence the potlatch was an important element in the exchange economy. For a critical review of the literature on potlatch see Stuart Piddocke, 'The Potlatch System of the Southern Kwakiutl: a New Perspective', in Economic Anthropology, E. Leclaire and H. Schneider, (New York, 1969). One should perhaps distinguish the early European gift-giving pattern, as depicted in heroic literature, from potlatch competition, however. The latter was a mode of establishing superiority between peers—chiefs who headed different social groups. In contrast it seems to me that gift giving by lords and princes in early Europe occurred primarily in the context of relationships of superiority and subordination that were already well established on a political basis. A recent study has suggested that the feud of cattle by the Irish lord to his free—clients may have been more valued for its signification of political protection and alliance than for its direct utilitarian value either to the client, or to the lord ('Money and Clientship in Ancient Irish Law, by Marilyn Gertrude, University of Toronto, Ph.D. thesis (unpublished) 1976.) I am grateful to Professor John Roebuck of Harvard for this reference. Presumably, however, some element of peer competition would have entered into royal gift giving to dependants since comparison was always possible, and seems to have been promoted by bards. There is an extensive anthropological literature on the social aspects of economic exchange. Amongst the classic approaches are Marcel Mauss, The Gift, Forms and Functions of Exchange (London, 1954; first published Paris 1925; in translation, New York, 1954. Bronislaw Malinowski, Argonauts of the Western Pacific, (London 1922), and Karl Polanyi et al, Trade and Markets in the Early Empires (New York, 1957). For a review of the literature see Raymond Firth's Symbols, Private and Public (New York, 1973).
presence of an audience and therefore gift giving and fine paying were necessarily public events, and dramatized action. In the cases that are being considered in this book, the burlesques consist, on the whole, in the making of mock-payments to upstarts who claimed not merely baseless, but forfeited, rights. Since prestation was ceremonial, in a grand and solemn manner, the burlesques inverted the entire convention and used the mode of reward as the vehicle of punishment.

II. DISHONOURABLE MEN

In the preceding discussion of burlesques upon sexual transgressions by women it was unnecessary to dwell upon the relationship between a woman’s sexual behaviour and her ‘honour’ because this connection (with honour being understood to mean roughly the same thing as ‘reputation’ or ‘respectability’) was a central theme of Western culture and is quite familiar to everyone even today. What had to be shown was how specific actions brought about specific disabilities rather than (or in addition to) general social reproval. In fact the three burlesques showed how women could lose their three basic socio-economic rights: the cowyl, forfeited through non-virginity at marriage; wynneuweith, forfeited through non-marriage (in the broad sense of domestic union), and agweidd, forfeited through failure to contract the marriage with family approval.

But the nature of honour amongst men at this period is a good deal more difficult to understand from a modern perspective. Certainly, honour meant having a good reputation, but the esteem of men was accorded to many different virtues and strengths, and some desirable qualities could be in opposition to each other. A stereotype of an honourable prince was one who was ferocious to the enemy, gentle to the weak, bold in emergencies, but prudent in council, and so on. In addition to a sagacious mixture of personality traits a man needed a certain amount of good luck in life. No amount of virtue could make up for the fact that a man had suffered a defeat or humiliation at the hands of another—he may not have been dishonourable, but he was dishonoured. Similarly, to maintain the respect of others a certain amount of prosperity was required. Fine accoutrements were essential to a dignified bearing, as were servants and a retinue of companions, and these were expensive to acquire and maintain.

Finally, the relationship between being honourable and being lawful was ambiguous. Cattle rustling, for instance, was heroic when the victim was a member of an enemy territory (a gorolod), but criminal when the victim was a member of the same political community. Since there was considerable fluidity in the boundaries of any prince’s authority an honourable cattle raid in one year could be criminal the next. Such ambiguity was resolved if he presently had an alliance with families that had hitherto been considered fair game, then his subordinates had better respect the change in the status quo or else be accused of treason, which was quite unambiguously dishonourable.

To simplify greatly we can say that honour meant the ability to command the respect of others to the extent that the individual was able to live up to his own expectations of his rightful place in a social group. Crucial to such maintenance of status perceptions were the factors mentioned above—having the culturally appropriate personality style, possessing the appropriate material resources, and being on the right terms with the sources of authority in the community. It is necessary to stress the relativity of these sources of honour, for if an individual were possessed of inappropiate characteristics—let us say, a serf who affected grand manners and contrived to dress rather well—he would have won the ridicule, not the respect, of the community. Appropriateness existed in relation to hereditary rank. One could be born into a princely lineage, a free landowning lineage, a serf family, or be the child of a slave.

Broadly speaking, the relationship between descent and rank derived from the monopolization of land ownership by free lineages. The possession of land entailed a relationship of co-operation with the local royal family, conveyed enough material prosperity to afford a distinction in appearance from the servile groups, and permitted children to be educated to the extent that they acquired a culturally distinctive style. Between the wealthier landowners and the royal kin there existed a rather less sharp distinction in manners, and the hereditary basis of aristocratic status was indecisive—the chances of losing a throne were very much greater than the chances of losing the family farm. Nevertheless the laws treat royalty as a distinctive status group and in fact, although loss of position was common to members of this group, upward mobility into it must have been difficult to attain since the skills of political and military leadership could only be acquired through a youth spent in a royal war-band.

Amongst the servile groups (who composed nearly half the population by the time of Domesday, and probably more than half in Gwynedd, the site of the most centralized Welsh kingdom) the hereditary basis of rank was in theory absolute. The laws forbade the children of serfs to learn any of the noble crafts (but acknowledged a change in their status should they covertly succeed in acquiring such a training). The laws also proclaimed that the sons of free landowners who lost their land should not be degraded to the legal

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1. Dafydd Jenkins in 'Braint a Charennydd' (Cyfraith Hywel) provides a survey, in Welsh, of the organization of social ranks as depicted by the laws. A brief summary in English is to be found in Sir John Lloyd's History of Wales, i. ch. ix, though this does not focus on social stratification as such.
status of serfs, but should retain the lifelong status of unmanicpated sons of landowners, the boneddigion canhwyrol, or ‘innate gentlemen’. In fact the laws themselves reveal that there was considerable heterogeneity in the structure of this large group. A landless ‘innate gentleman’ who had not the skills to obtain employment at his lord’s court might have had to work as a labourer; if his descendants were unable to improve their lot they could end up as fully tied serfs, bound to their employer’s descendants thereafter in perpetuity. Conversely, a serf who became a king’s domestic servant had the opportunity to rise to the status of a domestic official, and by virtue of his personal importance to the king, and the intimacy of their contact, such a serf was awarded the legal status of a free landowner. The legal privileges of which I have been speaking were collectively termed braint. They may be distinguished as the amounts of money payable for the killing of the individual (galanar, which very closely matched the English wergeld), and for his or her injury or insult.

1 Since there is no clear statement in the laws of distinction between allut (alien) status and taesg (serf) status the inference which I have drawn above about the downward mobility of innate gentlemen, who have lost their land, to the status of serv requires some justification. Allut were aliens, in the sense of people who had been alienated from their patrimony. Many were foreigners of high rank who attached themselves to another king while awaiting a favorable chance to return home (Ll. Iorwerth, 66 (93)). The laws distinguish the braint of an allut according to the status of the person to whom he had attached himself, but relative to the serf the allut held a lower status. Thus a king’s allut’s braint was lower than a king’s serf’s braint. It was even possible for a serf to take an allut to live with him, and the latter’s braint was very low indeed (WML 193). The laws say that an allut’s descendants remained attached to the same lord’s descendants for four generations then the tie between them became hereditary (Ll. Iorwerth, 58 (89)). The laws have no special name for such descendants of allut settlers. Did they become serfs, or some other class of tied dependant not mentioned in the laws? (The term mab eili occurs to be a different expression for taesg, rather than a different category of serf.)

The fact that the laws seem to say that even in high ranking foreigners whenever allut is mentioned, misleadingly suggests that their descendants could not have become serfs. The laws themselves show that descendants of princely foreigners who were given Welsh rulers or nobles were entitled to inherit as though they were patrilineal descendants of their mother’s family, so there could be no question of their being reduced to servile status (Ll. Iorwerth, 30 (53)). But not all allut were of high rank, and not all were foreigners, in the modern sense. The verb allut is used to describe the alienation of anyone (even a serf) from his father’s heritage (Ll. Colan, §592). Thus a landless freeman could well be described as an allut if he became a labourer on someone else’s estate. A passage in Ll. Iorwerth, 58 (89) which is repeated in Ll. Colan, refers to the hereditary ties of descendants of an allut as becoming prioritum under their lord, which would seem to suggest that these men had patrimonial land, inheritable under the laws which governed such property, and paying the renders of freeman (the grutha tax), or at a later period the tana (cash payment), while being tied to the land like serfs. This possibility does not present any real difficulties for the argument which I am putting forward, however, for in the position of power which the landlord held he could choose whether to grant his tied dependants land on tenant tenure, or on servile tenurial conditions, and his decision would be made according to prevailing economic circumstances rather than any legalistic considerations. As a well-known proverb said, contract is stronger than law (fwrn amod na gwent). Given the landlord’s right to determine the status of the land and his tied dependants through contract, we cannot doubt that when it suited him he would have retained them as serfs. It is reasonable, then, to maintain that a man who lost his land was in danger of irretrievably degrading the status of his descendants.

The sarhaid of a beadle

In the preceding discussion of the payment of ‘cows with horns as long as their ears’ to the king’s chamberlain I remarked upon the exclusion of several of the lower court officials from the distribution of the spoil. Further evidence for the servile origins of these special servants is the fact that their braint only equalled that of an ordinary landowner, whereas service to a lord was supposed to augment the braint which an individual had acquired at birth. 1 It is noticeable too that the watchman was singled out from among the minor officials as one who should always be of free native birth, because, ‘it is necessary that the king have confidence in him’.2 The implication is that not all the minor royal servants were of such descent.

The beadle was one who seems most unlikely to have been of honourable birth. He had the unpopular job of summoning into the king’s presence those who had to answer to legal charges and he was one of those who went to levy fines imposed by the king’s court. He was nicknamed, understandably, garw ychydwyd gwaw y ryghellaw,
'bad news, servant of the cynghello'. He wore the common garb of the messenger or herald, very short trousers, shirt, and boots, and we may suppose this was not quite a dignified outfit for a man of mature years. He was regularly in the king’s presence since he officiated at all judicial functions and he was mobile with the court, but he was not at the same social level as the king’s warriors:

The beadle shall have his land free, and a plate of food from the court. He stands between the two columns while the king shall eat, for it is then his duty to secure the hall against fire. After meat, let him eat along with the servants. After that (i.e., when the drinking started) let him neither sit nor strike the post next to the king... If he suffer insult while sitting during the pleas of the king let them pay him a sieve full of chaff and an added egg.¹

Minor variations exist between the texts’ versions of this sarcastic sarhaed payment. Whereas WML and Ll. Blegwyryd refer to an added or impregnated egg, Ll. Iorwerth has an eggshell; and where WML has a sieve full of chaff, Iorwerth has a sieve full of oats, and Blegwyryd has oat-tails (i.e., chaff). All versions refer to a sieve, and perhaps a pun was intended here since another word for gogr (sieve) is rhidyll, which in pronunciation would have been very similar to rhigyll or rhingyll (the variant spellings of beadle). Also in common to all versions is the juxtaposition of an image of something that is spoiled because it is too full or solid (the added or hatching egg) and something that is useless because it is empty. (I believe the Ll. Iorwerth version was either confused or over-refined; it mentions oats, probably as an error for oat-tails, but then, since its version ‘filled up’ the chaff, it balanced the image by emptying the egg and leaving a shell.)

The appropriateness of these mock-payments to the beadle’s offence must have been quite obvious in the rustic society of early Wales. An egg that was added or hatching was one that had been sat on too long, and the beadle’s offence was that he had been sitting when he should have been standing to attention. Chaff was an appropriate payment for insult done to him when he was out of his place because chaff flies in the air during winnowing and settles down on the ground after the heavy stuff, the grain, has resettled in the sieve. Similarly the beadle should have drifted off to the servants’ quarters for his meal instead of lingering in the company of important people, as though he were their equal.²

If he claimed sarhaed for being booted out of the hall at this time he would have been implicitly claiming that his braint did not depend upon his job, but upon his descent, and this seems not to have been the case. Like the added or fertile egg, and the sieve of chaff, he was too full of himself and his dignity, while being in reality a worthless empty fellow, unless he did his job properly.

The parallel between the beadle’s offence in this burlesque and those of the women whose burlesques were considered above must now be apparent. Like a woman the beadle did not have braint by virtue of patrimonial land, but only by virtue of a dependent relationship upon a man whose own braint derived from hereditary landownership (and more, in the case of a king). By virtue of this relationship the dependent individual had honour, a social position, and substantial braint. In all the burlesques the offensive individual had first transgressed with regard to the specific obligations that she or he owed to the superior, and then invoked the very authority which had been flouted to uphold against the world rights which had been lost. Thus although these offences were all victimless crimes, the obtrusiveness or contempt which they showed for the moral basis of the social order made it important to punish rather than ignore the offender.

The jester’s horse

One of the perquisites of serving the king was that each official received the gift of a horse. This was conferred by the chief groom, no doubt ceremoniously, and the latter was given a token payment by the recipient of the horse. Three officials were exempted from making this token repayment, two on the grounds that the king already owed them special ritual services and one debt was allowed to cancel the other in this case. But the jester was exempted because his horse was given to him in such a bizzare and insulting way as to give him cause to ask for sarhaed. The horse was presented to the jester, ‘with the ends of its halter tied to its testicles as it leaves the court’.¹

The function of the jester was to create ribald diversion in the touchy, self-important society of warriors and courtiers. But he could not be always mistreated by everyone, and in any manner. There had to be limits, and in fact the sense of the passage is that this was an insult of fineable proportions, which, however, would merely be cancelled out by the obligation to pay 4 pence to the chief groom—a small sarhaed indeed. Why, then, was the jester subjected to this treatment?

¹ WML 166 (9:12, and Ll. Iorwerth, 9 (11). (In his edition William emended the text of the Iorwerth version by drawing on MS E, which gives a reading that the reins are attached in the manner described above to the jester, rather than the horse. None of the other printed texts give such a reading of the passage (see Ll. Blegwyryd, and p. 36, WML, above), and I think it safer to rest the interpretation of the burlesque on the more common version, though this makes a conventional assumption that the jester’s horse would be a stallion.)
The meaning of this passage may be found in two aspects of the situation. In the first place, the jester was an inherently undignified and dishonourable figure. He was much closer in spirit to the Irish crossan, as his Welsh name crossean would suggest, than to the minstrels who related beaux gestes. Low-level satire was the forte of the Irish crossan, and the Welsh crossean's humour is glossed as mastwed, ribaldry. The repugnance felt in those times towards people who demeaned themselves rather than take a more dangerous course in life (such as running away from one's creditors to distant regions) is revealed in this passage on the worth of slaves:

A pound and a half is the worth of a well-formed bondsman if he originates from beyond the sea...if he originates from this side of the sea he is a pound in value because he himself debased his status by willingly becoming a hireling.

He was also more likely to run away; but whatever the real reason for the lower value of the native-born slave, the contempt for the man or woman who 'takes money for honour', is here manifest.

The jester then could not lay aside his indignity, as a modern person may dissociate himself from his job when he is off duty. Conversely, the king could not lay aside his grandeur. The tableau of the king, solemnly presenting the court fool with a fine horse in the usual preatory manner, and receiving the hyperbolic thanks of the buffoon, would have been the essence of bathos. The jester had to have his horse, since he too was mobile with the court, but the king had to be protected from the deflation of glory to mere pomposity. The horse, then, was given in such a manner as to dramatize in burlesque that the jester's membership of the court was purely functional, and, like his acquisition of a horse, not a mark of honour or equality with the fighting men of the king's retinue.

The willy-nilly offence of the jester then is parallel to those that we examined above, for he was appearing to claim a dignity and its attendant rights which he had voluntarily forfeited, and though he was not flouting the king's authority in so doing he was certainly likely to make him, too, look like a fool.

The details of this particular burlesque are crude and obvious. The arrangement of the horse's reins would have obliged the jester to position himself back to front, with his head down, rear end up, and his hands in the horse's nether regions. This is clearly a silly pose, but we should also note the positioning of a rider back to front as a deliberate spectacle of degradation in ancient India. Equestrian cultures have often employed the ambivalence aroused by livestock as a source of social symbolism. The head of the horse was generally highly ornamented, while the rear was little more than tidied up through tail braiding, and was normally ignored by the rider. The jester was obliged not only to face the rear but to embrace it, and so the normal order of things was reversed, just as he himself represented a reverse counterpart to the values of a vainglorious military aristocracy.

The household bard's fees

Although the art of the bard always guaranteed a man the status of a free landowner the bard of the king's war-band was included amongst the lesser officers of the court. Perhaps this was because he was not a fully independent man, but was under the professional authority of the superior king's bard, the pencerdd, or chief of song. The bard of the war-band had certain fixed obligations and rights, but he could in addition solicit requests for songs from amongst those at the court. The laws do not say what he could ask for by way of payment, but comments:

When a bard shall solicit from a king (teyrr) let him sing one song. When he shall solicit from a árêyr, let him sing three songs. When he shall sing for a òeg let him sing until he is tired.

This provision is a variation upon the theme that rights were contingent upon honourable action. The situation contemplated here was one in which a bard, feeling slighted or impoverished by his...
patron's lack of requests for his services, attempted to humiliate the owner of the court and his nobles by singing to their serfs (taegogion), thereby suggesting that their patronage was as valuable to him in his present straits as that which was unforthcoming from the noblemen. Not only would this have called into question the seriousness with which the bard took the whole honorific business whereby he made a living, but it also seems that in the above passage he was asking the ruler to adjudicate what the serfs should pay him, thereby throwing the insult in the ruler's face. Of all the cases of mock-justice that we have examined this is the least theatrical. It seems to be a mere sarcastic dismissal of an improper claim, unless perhaps we can imagine the men of the household forcing an impudent bard to keep singing to the serfs until he was exhausted. In this way the bard would have been reduced to the situation of the serfs, who likewise could be compelled to work to their master's requirements—in contrast to honourable functional specialists like the smith, doctor, and normally the bard himself, whose duties were defined, and who had to be paid for any extra services they might be asked to perform.

Shame as an instrument of social control

The burlesques present a pattern of offence characterized by an act of insubordination by a dependant towards his or her immediate superior with regard to the particular duty which was central to the relationship. The social consequence for the dependant was that he or she no longer received the protection of the superior and was exposed to insult at the hands of others with whom the dependant had no formal social connection. The dependant then repented and sought the protection of the previously defied authority and the reinstatement of the rights which had been guaranteed by the superior in the original relationship. The dependant was punished by being shamed, because his or her act of insubordination had discredited and thus shamed the superior by revealing the ineffectiveness of his authority in the relationship with the dependant.

The symmetry of this social sequence raises certain questions about the nature of social control in early Welsh and similar societies. We see in the burlesques elements of the lex talionis—shame for shame—and yet the laws are in general concerned with establishing the ground rules for the avoidance of revenge. In the law of homicide the texts set forth the tariff of compensations, the time-frame for payments and other relevant considerations, and only if these were not adhered to did the law 'set vengeance loose'. An exception is the passage called 'The seven bishop houses of Dyfed', in which there is an allusion to the deliberate shaming of the culprit's family—they were to give a woman of the family as a washerwoman to the religious community as 'a memorial of the crime'. But in his analysis of this passage T. M. Charles-Edwards has shown that it is both ambiguous and perhaps extraneous to the tradition from which the texts derived. He argues the position that I am maintaining here, that 'compensation was intended to prevent any act which the offender and his kindred must treat as an insult to their honour'. Otherwise feuding would follow.

Not only homicide but a wide range ofwrongs were capable of settlement through the payment of economic compensations. Such payments were not dishonouring to the person who paid them, for they demonstrated that he was a man of enough substance to be able to buy his way back into the community when its lawyers and lord had declared him to be in the wrong. A heavy compensation payment carried with it the threat of indirect dishonour, however, since impoverishment would reduce the individual's status in the community to such a degree that he and his family might be permanently degraded: to this extent the family of the victim received emotional compensation within the framework of sentiments of honour, although there existed considerable ambivalence about the taking of money as a satisfaction for a wrong. Nevertheless, the laws reflect an awareness that for social harmony to be restored it was necessary for social sanctions to allow the offender to keep his 'face' in the community. Impoverishment might erode this 'face' but would not demolish it traumatically, as a public humiliation would.

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1 Although the present paper is not intended as an examination of the concepts of honour and shame as used in comparative sociological analysis it may be apparent that my analysis of the burlesque elements in the Welsh laws has been informed by anthropological studies of honour and shame in other societies. There have been several notable attempts to distinguish between different societies' dominant modes of socialising the individual to sensitivity to the sanctions of public opinion—as distinct, that is, from the more extreme sanctions of legal coercion. Best known, perhaps, are the writings of American anthropologists of the 'culture and personality' school, such as Ruth Benedict and Margaret Mead. A review of this trend in anthropology is contained in Marvin Harris's Rise of Anthropological Theory, chs. 16 and 17 (New York, 1968). The present paper, however, has received less stimulation from these sources than from empirical work on European societies as presented in Honour and Shame, J. G. Peristiany ed. (London 1965), and J. Davis, People of the Mediterranean (London, 1977). 89-101. (I am grateful to Professor Jack Goody for inviting me to participate in a seminar on the ethnography of the Mediterranean in the Social Anthropology Department, Cambridge University, spring, 1978. The concepts that underlie the analysis in this paper owe much to the influence of George Homans, though their application is my own responsibility. See G. C. Homans, The Human Group, ch. 12.)

2 T. M. Charles-Edwards, 'The Seven Bishop-Houses of Dyfed', BBCS 24 (1971), 235. Both Dr Charles-Edwards's comments and my own in this paper refer to the secular tradition of social control. The church had long employed 'humiliating penance' as a mode of enforcing conformity to religious norms upon believers. The secular and religious systems of authority were generally mutually reinforcing, but their interrelationship was complex and lies well beyond the scope of the present discussion.

3 The free man's ability to alienate family land to pay compensation for his offences may have been restricted only to cases of galinions. See Dafydd Jenkins's 'Troedd a Chaem' in Cifcyth Huwel.
Thus we do not find in the Welsh laws any references to the curial imposition of degrading punishments whereby the individual was made into a spectacle as an example to the community. If a man had committed theft and could not pay compensation he would be condemned to exile. This was no doubt a terrifying prospect, since it turned him loose in a world where anyone without a personal protector (lord and family) received only the remote, and usually post-mortem, protection of a foreign king. However, exile left the culprit with his face intact and the chance, however faint, that one day on the advent of a new lord he could return home to his family.  

The burlesques are in spirit quite opposed to the sanctioning of behaviour through financial payments. They controlled through the threat of shame, and if imposed, as they probably were from time to time, their outcome could not possibly have been the restoration of social harmony in the disturbed relationship but total loss of face on the part of the punished offender. In fact, it would probably have been impossible for the victim of one of the burlesques to function normally in society after becoming the butt of such memorable ridicule. Pollock and Maitland observed that while very early English law does not mandate cruel punishments the sentence of outlawry exposed the condemned person to all the violence and outrages which in later times were enacted in the name of the law by a public servant. Ridicule, in a parallel way, put the subject of scorn into emotional 'exile'. In a psychoanalytic study of shame and guilt Gerhard Piers says: 'Behind the feeling of guilt and shame stands not the fear of hatred, but the fear of contempt, which at an even deeper level of the subconscious spells fear of abandonment, the death by emotional starvation.' The individual who was put beyond the pale of the

1 To my knowledge there was no definite privilege of return accorded to exiles upon the death of the lord who passed the sentence. However, such a customary indulgence seems to be implied by Ll. Colen, 362, where it is said that an exile who returned home within the lifetime of the sentencing lord would be treated as an outlaw. It was generally maintained that death cancelled debts and duties so that an exile might return to seek clemency from a new lord, if he felt that this would be forthcoming.

2 Brynley Roberts showed that the punishment of Rhiannon was a well-known medieval punishment and quite likely to have been put into effect. ('Ffeyd Rhiannon', BBCS 25 (1970), 343-5.) It is worth noting that Patrick Ford, while accepting Roberts's contention that the punishment was not extraordinary has shown how it was appropriate to her offence. He maintains that in her hippocampic character she was a fertility goddess, and that it was for failing to provide the king with an heir that she was degraded to being a mundane beast of burden. Hence her punishment of having to carry riders on her back at the court listed heviries. (The Mahinigi (Berkeley, 1977), 7.) Ford's interpretation, which has much in common with W. J. Gruffydd's 'Rhiannon (Cardiff, 1953)' puts this punishment into the same category as the burlesques which appear in the laws. If, as this paper seeks to show, shameful punishment was reserved for honourable dependants who violated the central aspects of their relationship to their superior, then we can understand Rhiannon's punishment (and the reason why she was not put to death or expelled instead) as an expression both of her character as a degraded horse goddess, and also as the image of failure or disobedience in the medieval wife.

3 Gerhart Piers and Martin B. Singer, Shame and Guilt: A Psychoanalytic and Cultural Study (Berkeley 1977).

4 WML 194; The slave would be spared this mutilation if the owner paid the freeman's
came from above rather than from the consensus of a group of peers within the community, and so it is unlikely that physical punishment ultimately sanctioned social relationships. A proverb stated that 'there are three things that are no good without a knock on the head, a wedge, a tether stake, and a serf.' While the evidence on the social control of serfs is meagre, I think it is not controversial to state that serfs were people who had little honour in life—that is, they expected to be treated in a way that would have caused outrage to a free man—and so the use of ridicule would have been too demeaning a weapon for the effective sanctioning of their social relationships.

If the servile classes were virtually shameless, princes were the very embodiment of honour. The keenness with which any defeat was felt to be a dishonour represents the most prevailing sense of tragedy in bardic poetry, and in the narratives the prince's sense of honour is sometimes so strong that it obliterates his common sense and even leads him to betray the woman he loves. The law, however, was princely law—if not made by princes, at least administered by them as the ultimate force whereby controls could be brought to bear upon the anti-social. For this reason, if no other, we would scarcely expect the texts to indicate conditions under which it was permissible for a commoner to ridicule a prince.

The contrast which Irish law presents to Welsh law in this respect is instructive. As is well known the fîdil claimed the right to satirize a king who did not properly reward them for their poems. Powerful people—those who were expected to administer justice—could also be humiliated if they gave false judgment. The sanction of ridicule was said to raise blemishes on the face, the point being that the blemish manifested that the victim of the satire felt ashamed and that everyone knew his subjective response, his emotion of being ashamed. He could not, in other words, pass off the ridicule with a nonchalant shrug of indifference but was forced (in the logic of the belief, and probably in physical fact) to acknowledge his real feelings. Like the fîdil the Irish saints were also credited with the verbal power to effect physical destruction, through the rather different vehicle of the curse.  

2 The social values expressed in heroic verse have been thoroughly analysed by W. P. Ker, H. M. and N. K. Chadwick, and Sir Maurice Bowra. The treatment of some of the wives in the Mabinogion, though partaking of the common theme of the culminating wife, seems to present not so much a captiously powerful horror as in instance in the husband in Chaucer's Giselle, but a man who has to make a difficult choice between the obligation to protect and honour the wife and the need to retain the allegiance of his retainee, whose respect constituted the substance of the king's honour. Matholwch's punishment of Branwen, Pwyll's passive acceptance of the charge of Rhiannon's infanticide, and Greimein's rejection of Enid are all brought about by the husbands' sensitivity to the grumbling and murmuring of their followers.

There is nothing in the Welsh laws about kings being satirized. The power of the community to harness its aristocracy to its own social needs was probably much less in Wales, even as early as the age of Hywel Dda, than it had been in Ireland during the eighth century. Irish kings based their power upon the co-operation of their free clients. Welsh kings had survived, as Welsh, only inasmuch as they could draw the line against the English at Offa's Dyke. To this end they were dependent on a nucleus of a mercenary standing army, and that source of power could be turned upwards upon the domestic community to impose social order from above, without consensus.

It would be unwise to exaggerate the autonomy of the Welsh prince's power, but it is generally agreed that there existed a considerable contrast in this respect between the tribal conception of kingship in the Old Irish laws and the aristocratic conception of kingship in the quasi-feudal kingdoms of early medieval Wales.

In this context it is understandable that the laws do not depict subjects controlling princes through the withdrawal of honour. Honour was lost through political failure at this level of society and at this time, and politics had no intrinsic connection with being a good and just ruler to the entire community. Two stories in the Mabinogion reveal a sense of helplessness on the part of the community in the face of alienated and autonomous princely power. I shall summarize these, briefly, because they make the point that I am trying to establish here, namely that the withdrawal of honour by political inferiors could not control a prince's behaviour, unless he himself already had a conscience. Conversely, if he was intrinsically.
prince—nothing but the destruction of his power could stop his evil actions.

In the story of Branwen, daughter of Llyr, a wedding is arranged between the Irish king, Matholwch, and Branwen, sister to the Welsh king, Bendigeidfran. Present in the king’s retinue is his uterine half-brother, Efnisien, who is described as capable of making two loving brothers fight. Shortly after the marriage has been consummated, and while the feast is still in progress, Efnisien arrives in the vicinity of the court and makes a completely spurious complaint that his sister is being given away without his permission. His indignation is patently faked. In the first place, he had no legal right to be consulted in the matter, for he was not Branwen’s father’s son, whereas Bendigeidfran, in addition to being the king, was a full brother to Branwen. After the death of their father Bendigeidfran had the legal authority to give Branwen in marriage.1 But in any case, Efnisien had been present with the king when the Irish ships had been spotted and when messengers were sent to discover their mission. We are not told that he slipped away before it was found out what they wanted. Clearly he was looking for an excuse to make trouble, which he succeeds in doing by mutilating the Irish warriors’ horses in secret. The Irish king is informed that he has been disgraced, ‘and that on purpose’. Although he is prevailled upon by Bendigeidfran to accept compensation and maintain the alliance the sense of grievance lingers, only to flare up later at the Irish court. Branwen is made the target for revenge as a surrogate for Efnisien. As in the burlesques shame is meted out symmetrically to the dishonourable, and Branwen is sent to work in the kitchen where she is given a daily box on the ear by the butcher. In Efnisien’s original attack the horses had had, amongst other injuries, their ears cut off.

But Branwen was a princess and when her brother, Bendigeidfran learns of her dishonourable treatment he plans revenge. When accord between the Welsh and Irish is on the brink of being finally achieved,

1 Thomas Parry (A History of Welsh Literature, 72) regarded the references to uterine relationships in this story as archaisms, noting in particular that Branwen’s son by the Irish Matholwch was heir to his mother’s brother, Bendigeidfran. He regarded this as evidence for ‘the ancient custom of reckoning kinship through the mother, not the father, one of the institutions of primitivist society’. This interpretation would make Efnisien’s actions seem quite rational rather than ‘perverse’ for, as Bendigeidfran’s mother’s son he would, under matrilineal succession, be the king’s nearest heir, thus having an interest in preventing the marriage of his sister, and destroying her eventual child.

But no such rule of matrilineal succession can be deduced from the story, for the laws permitted the child of a woman who had been given by her male guardian to a foreign prince to inherit a full complement of patrimonial rights, including succession to the kingship (LL. Imoreith, 30 (53)). This right of mammys coexisted with a normally patrilineal rule of descent, and I know of no reason to believe it was a latter-day ‘evolution’ from a supposed period of Mutterrecht. To a medieval audience Efnisien must have appeared as quite a familiar figure of ambiguity—a half-brother who was close because of the shared tie to the mother, but not really involved with the responsibilities arising from the patrimonial estate, because he was of another line.

Efnisien against destroys the peace, this time by killing the king’s son—who was also sister’s son to Efnisien, for Branwen was the child’s mother. He himself calls his behaviour perverse, and when he finally feels shame at his actions, he ends the fighting by an act which simultaneously kills him too.

The whole course of the feud between Matholwch and Bendigeidfran had been inevitable since Efnisien’s initial immoral action, for Matholwch could no more take money for honour than could Bendigeidfran accept the shaming of his sister in retaliation. Punishment could only control the socially weak: to the powerful punishment was unacceptable insult, provoking retaliation, for their behaviour was subject only to the self-control that arose from the sincerity of their adherence to the code of honour.

Another protagonist of malignant cynicism is Gwawl, the adversary of Pwyll, the chief of Dyfed, in the First Branch of the Mabinogi. He appears at the wedding feast of Pwyll and Rhiannon, where Pwyll is performing the traditional gesture of princes on their wedding night—he is granting favours to all who ask. Unwarily, he promises Gwawl anything at all that lies within his power to give, and Gwawl asks for the bride herself, and even the feast, in his own ‘honour’. When Pwyll balks, Gwawl reminds him that he is honour bound to keep his promise. Rhiannon devises a trap and an appropriate and dishonouring punishment for Gwawl. He is lead to believe that she will marry him, and when it is his turn to be granting favours at his own wedding feast with Rhiannon, Pwyll appears in disguise with a bag, which he asks to have filled. He says it is a modest request, and Gwawl agrees. But the bag is insatiable, as had been Gwawl’s demand at Pwyll’s feast, and Gwawl is told it can only be satisfied when ‘a true prince’ steps into it and stamps his feet. Gwawl promptly does so, and is caught by his lie, so that the bag swallows him up in a parody of his own greed.

When Pwyll’s men begin to kick him around, Gwawl saves his life by pleading with Pwyll that this would be a dishonourable way for a man of his rank to die. So Pwyll releases Gwawl, and again misplaces trust in him, for instead of taking hostages or sureties from him that he would seek no revenge for his dishonouring, Pwyll merely exacts a verbal promise. Gwawl keeps the letter but not the spirit of this promise, and sends a friend to avenge him.

The subsequent feud progresses through the enchantment of Rhiannon and Pryderi, and the capture of the wife of Llwyd, Gwawl’s magical avenger. Echoes of the original insult persist in later episodes, for Rhiannon and Pryderi vanish into ‘a fall of mist’, just as Gwawl had vanished into the bag. This tit-for-tat sequence ends, not with the perpetual peace which the laws declare should follow the payment of compensation at the end of a feud, but with the victory of
one party and the vanquishing of the other. Manawydan, Rhiannon's husband at this point in the story, takes sureties from Lliwyd that he will seek no future revenge either on himself, his wife, or his son, Pryderi. Lliwyd assents, declaring, 'This were wise, else all the harm had lighted on thy head'. No harmony had been achieved, then, but merely a truce between profoundly antagonistic parties, and when the story ends there is no sense that the forces of evil represented by the sorcerer Lliwyd and the cynical Gwawl could not emerge from their temporary eclipse. Gwawl and Efniisen represent different aspects of the same social problem. Efniisen is the immoral prince within the community—his uncontrollability destroys his own people and eventually himself. Gwawl is the immoral prince from outside the community. He cannot be trusted to abide by his agreements, and the only way to deal with him is to take hostages and remain vigilant.

In view of what has been said about the social controls which constrained the different classes of society it seems more justifiable to conclude that the burlesques were confined to offences that struck at the heart of one particular type of social relationship, that between a superior and non-servile dependant, rather than that this pattern arose merely from gaps in our information. To recapitulate, ridicule would have effectively sanctioned the compliance of the dependant to his or her superior's expectations because non-servile dependants had honour to lose. Unlike the servile classes they would have been very sensitive to shame. But dependants could neither protect themselves from ridicule nor seek revenge against their superior in the future as could free men. Their outraged feelings would not have been of great social consequence and so the infliction of shame would not have been a counter-productive social sanction as it would have been if directed at the more powerful honour-conscious members of society. In particular, ridicule was an appropriate sanction against the flouting of the superior's authority, for under normal circumstances the superior protected the dependant's honour against the outside world. But when his authority was publicly defied the normal order of relations was inverted, and the superior himself was shamed by being exposed to the scorn of the rest of society.

The sanction of ridicule and shame, as depicted in the cases of burlesque drawn from the legal texts in this paper, thus fitted the offence of the individuals who became the targets of this type of punishment, in several different ways. It revealed the real position of the individual in the society, showing that his or her honour was contingent, and could be withdrawn by, or with the assent of, the person on whom the offender was dependent. It showed the absurdity of destroying that authority in the eyes of others when it was all that protected the dependant from abuse by other members of society. And finally, the burlesques parodied in detail the particulars of the offender's fall from honour. Despite their small number in the legal texts the burlesques are far from being frivolous superfluities, but represent rather an important and little-documented aspect of the relationship between honour, social position, and justice in native Welsh law.