HANES A CHYFRAITH ~ HISTORY AND LAW

The Prologues to the Welsh Lawbooks

Nearly all the medieval Welsh lawbooks open with prologues which describe how the tenth-century king, Hywel ap Cadell, convened an assembly which reformed the laws of Wales. Although the various versions of the prologues differ in the details of their accounts, all of them emphasize the solemnity of Hywel's work, as well as its application to the whole of Wales. They also stress its permanence by stating that sanctions were issued against violators of the laws. In most of the versions Hywel is called 'the Good', the assembly is located at the 'White House', and ecclesiastics are alleged to have participated in the reform of the law. The prologues therefore claim an origin for Welsh law that was both royal and holy.¹

Modern scholarly study of the prologues began in 1928, when J. Goronwy Edwards delivered his justly celebrated lecture, 'Hywel Dda and the Welsh Lawbooks'.² This study convincingly dismissed the prologues as accurate historical accounts of Hywel's work. Not only were they contained in lawbooks dating from over two centuries after Hywel's death in 949 or 950, but they were also first written in the twelfth century in order to assert 'the harmony of the Welsh law of the lawbooks with the Holy Scriptures, with the law of God and the law of the Church'.³ The prologues were therefore designed to repudiate the criticisms made by reforming churchmen who regarded Welsh law as immoral. In addition, their answers became increasingly elaborate, culminating in accounts of Hywel's travelling to Rome to obtain papal approval of the laws. Even the core which remained, once the ecclesiastical embellishments had been removed, namely the summoning of six men from each cantref or commote to the Ty Gwyn, the 'White House', seems to be modelled upon the Anglo-Norman inquisitio. Thus, while the tradition of Hywel's central importance in the development of Welsh law was probably true, Edwards concluded that 'unless some further evidence is discovered, we can know practically nothing of the manner in which Hywel's legal work was performed'.⁴ Subsequent scholars have, on the whole, accepted Edwards's conclusions,⁵ and proceeded to focus on the prologues' significance as texts composed considerably later than the time of Hywel Dda. For H. D. Emanuel, the prologues were

¹ This paper is based on material in my unpublished dissertation, 'Native Law and the Church in Medieval Wales' (Oxford University D.Phil. thesis, 1983), and I would like particularly to thank Thomas Charles-Edwards, who supervised the thesis, for his help and encouragement. I am also very grateful to Professor Dafydd Jenkins and Morfydd Owen for their suggestions and corrections; to my wife, Nancy Edwards, for her comments on the paper's presentation; and to Oliver Davies for enabling me to produce a text of the paper on a word-processor. The bibliographical abbreviations used in the footnotes are listed below, p. 183.
² J. G. Edwards, Hywel Dda and the Welsh Lawbooks (Bangor, 1929); reprinted in CLP 135-60, to which references here are given.
³ Ibid. 146.
⁴ Ibid. 155.
⁵ For an exception see T. P. Ellis, 'The Catholic Church in the Welsh Law', Y Cymrodor, xlii (1931), 4-16.
apologetic constructions of twelfth-century and later date that alleged the pre-Norman antiquity and hence authority of Welsh law, as well as the role of the church in its reform and redaction. Emanuel gave close attention to the form and wording of the prologues, especially those prefacing the Latin redactions, and drew attention to the common features which they shared with prologues to other European legal works. 

Most fundamentally, the function of the prologues as texts declaring the legal, and thence the political, unity of Wales in the late twelfth and thirteenth centuries has been emphasized. The ‘all-Wales ideology’ expressed by the prologues was no less important than their claim that Welsh law had been ecclesiastically sanctioned; indeed, the latter claim could help to promote the ideology of national unity by providing it with international respectability.

This article follows Edwards and later scholars in regarding the prologues as texts which are chiefly significant for the time of their redaction. However, it aims to build on previous studies by undertaking a detailed and comprehensive examination of all the extant texts, and thereby to evaluate the prologues’ significance on a sounder basis than before. First, it tries to establish the textual relationships, dates, and provenances of the different prologues before turning, secondly, to a discussion of the individual elements contained in them. Lastly, in the light of the preceding analysis, it reassesses why and for whom the prologues were composed.

THE TEXTS OF THE PROLOGUES

The texts of the prologues may be divided into three groups, corresponding to the three principal families of Welsh lawbooks. They will be examined in the following order: the Cynghraedd Redaction (Cyfn), the Ionawr Redaction (Ior), and the Latin redactions (Lat. A, B, C, D, E) together with the Blegwyryd Redaction (Bleg), itself essentially a Welsh translation of Lat. D.3

The Cynghraedd Redaction

The prologues in the MSS. of Cyfn exist in two versions. Version 1 is contained in MSS. U, X, Y, and Z, and Version 2 in MSS. Y, Mk, and W.4 Three differences distinguish Version 2 from Version 1. First, instead of seith ugein baglanos: ‘one hundred and forty crozier-bearers’ in Version 1, Version 2 reads ac a sedd o perchen baglan gyg y kymry and those possessing crowns in Wales’. Secondly, the clause referring to the laws and their confirmation by Hywel which, in Version 1, follows the list of ecclesiastics is transposed, in Version 2, to a brief guide to the different redactions of the lawbooks or families of the lawbooks in general. The last two abbreviations should be distinguished from Iowr and Bleg, the abbreviations used for the printed editions of Bleg, the abbreviations used for the printed editions of Bleg.

1. J. W. L. 4-6, 30-31, 45-5, 58-54, 67, 60, 71-2, 77, 84.
3. This classification of the prologues differs somewhat from that of Edwards, Hywel Dôn, pp. 141-8. For a brief guide to the different redactions of the lawbooks see D. Jenkins, ‘Introduction’, in C.I.P. 8-14. The abbreviations Cyfn, Ior, and Bleg refer to the redactions of the lawbooks in general. The last two abbreviations should be distinguished from Iowr and Bleg, the abbreviations used for the printed editions of Bleg, the abbreviations used for the printed editions of Bleg.

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MSS. U, X, and Y of Cyfn attribute the compilation of the lawbook to Morganieu and his son Cyfneth. This passage is not strictly part of the prologue, but immediately follows it and precedes the laws of court. Interpretation of the passage is important, however, to an evaluation of the date and provenance of the prologue and indeed of the lawbook as a whole. Dafydd Jenkins has identified Cyfneth ap Morganieu as an agnostic kinman of Iorwerth ap Madog, the jurist to whom the Test Book of the Iorwerth Redaction is attributed. Cyfneth's floruit is placed in the period 1100–1230. Since many MSS. of the Test Book also state that Iorwerth used Cyfneth ap Morganieu's book, Professor Jenkins argues that Cyfn was originally compiled in Gwynedd, and that it only later moved to south Wales after it had been superseded in Gwynedd by Ldr during the first half of the thirteenth century.

If these arguments were correct, the case for explaining the Deheubarth bias of the prologue and other parts of Cyfn in terms of Rhys ap Gruffudd's ascendency in the late twelfth century would be weakened. Instead, that bias would presumably be explicable in terms of Deheubarth precedes Gwynedd in the prologue and only Dinefwr is mentioned in the laws of court. If Cyfn's prologue and tractate on the court were composed in the thirteenth century, after the lawbook had moved from Gwynedd to Deheubarth, they might also be expected to give greater prominence to Gwynedd. Instead, their political stance seems to reflect the dominance of Rhys ap Gruffudd of Deheubarth.

It is probable therefore that the attribution to Morganieu and Cyfneth in MSS. U, X, and Y is incorrect. The attribution is absent from MSS. V, MS. W, and MS. Z, containing Version 2 of the prologue. It is also lacking in the mid-sixteenth-century MS. Z, whose prologue belongs to Version 1, although this may be due to corruption of the text. Nor is the introduction of Blegwyrd into Version 2 of the prologue necessarily a late interpolation, resulting from the influence of Lat. D and Bleg, since the latter lawbooks may equally well have derived Blegwyrd from Version 2 of Cyfn's prologue.

The Iorwerth Redaction

This redaction contains two prologues. (1) MSS. A, B, D, E, and the lost Llanforad MS. (2) have prologues and the opening of the lawbook, as presumably did MS. C and Llyfr Colan, the opening sections of which are now lost. (2) MSS. C, D, F, and Ll, however,

1 CHW. 353. 2 CHW. 411-12, 407. 3 J. Thomas, Emrys Myddfai a Ncontri Cympwr (Caerdydd, 1938), 197–98. 4 Ibid. 5 J. B. Smith, 'The Middle March in the Thirteenth Century', ante, xxix (1917-18), 76-80. 6 J. B. Smith, 'In the early and late twelfth centuries, B. G. Charles, An Early Charter of the Abbey of Cyms'. Trans. Radnorshire Soc. xi (1970), 60. I owe this and other references to the Cyfrif/Cyfrif to the kindness of Tomos Roberts.
contain a second prologue, prefacing the Llyfr Paenl, 'Test Book'. To these should be added the prologue to MS. K, because, although it comes at the beginning of the lawbook, it is virtually identical to the Test Book prologues of MSS. D and L. An incomplete version of this second prologue is also contained in Peniarth MS. 39.1

(1) MSS. A and E form a sub-group of Ior.2 Their prologues differ from those in the other MSS. of the lawbook by their omission (unique among all the prologues to the Welsh lawbooks) of the 'White House' as the place of Hywel's assembly, and by stating that Hywel's laws of the 'White House' as the place of Hywel's assembly, and by stating that Hywel's laws were made in Peniarth MS. 39, rather than

brenhin Kynny, rather than Hweol uab Kadell tywyssawe Kenwy al,3 but this probably reflects the influence of southern lawbooks which all refer to Hywel as 'king'. MS. LI is related to MS. D, but like MS. B refers to Hywel as 'prince' and omits the epithet 'Great', and this strengthens the likelihood that MS. D's (ultimate) source described Hywel similarly to MS. B.

As a whole the prologues which open Ior are unique in claiming that of the six wise men summoned from each area were ysgythigian 'clerics', and that these were included to prevent the laity from enacting any laws contrary to Scripture. They are also unique in including an additional sanction clause applicable to any judge who had failed to learn the 'three columns of law and the value of wild and tame', together with the lord who had failed to learn the 'three columns of law and the value of wild and tame'. In addition these prologues describe Hywel as prince, eschew a grace formula, and make no mention of God in the malediction at the end. Hywel's style is clearly mirrored that of the thirteenth-century princes of Gwynedd, and the stress on Hywel's authority over all Wales, found also in the Venedotian lawbooks Lat. B and C, most probably reflected the aspirations of those princes.4

(a) The textual history of the prologues to Ior's Test Book is more complicated than that of the prologues opening the lawbook. MS. E has no preface, and MS. B merely has a brief statement that this is the Test Book and explaining that it comprises 'the three columns of law and the value of wild and tame, and what relates to them'.5 Possibly the original form of this and the prologue is represented by Peniarth MS. 34 (F), of the fifteenth century, which declares that the prologue was compiled from the books of Cyforh ap Morgeneu and Goronwy ap Morididg, the Book of the White House, and the book of Gwair ap Rhufon, together with the best books of Deheubarth, Powys, and Gwynedd, before explaining, like MS. B, what the Test Book comprised.6 It is likely, then, that the group of tractates which formed the Test Book had been assembled before it was accredited to the lawyers, including Forwerth ap Madog, named in MS. C of c. 1290.

By c. 1290, however, the compiler of MS. C of Ior had written a fully fledged prologue to the Test Book. This commences similarly to the prologues opening Ior in MSS. A, B, D, E, and LI. It omits reference, however, to Hywel's seeking the advice and consent of the wise men assembled at Llent, and proceeds directly to the clause on examining the laws, which it modifies by saying that those which were too severe were relaxed and those that were too lax softened. The clauses on proclaiming the laws and Hywel's confirming of them are also omitted. The sanction clauses differ from those in the first Ior prologue: MS. C numbers among possible violators of the law a lord who altered any of the laws other than at an assembly as great as Hywel's, and proceeds to curse a jurist ignorant of the three columns of law, the value of wild and tame, and related matters, as well as the lord who invested him. There then follows a section detailing how an ynad (judge) should be instituted, and finally MS. C names the lawbooks used in compiling the Test Book. These are the same as those listed in MS. F, apart from the omission of the Book of the White House.

The prologue to the Test Book in MS. C is therefore particularly concerned with the fairness and performance of Hywel's legal reform, and the formalities of legal training. Like MS. F, it also emphasizes the authority of the Test Book by listing the diverse sources from which it has been compiled. The Forwerth ap Madog in MS. C has been identified, almost certainly correctly, as a jurist in Gwynedd who was at his prime c. 1240, and Cyforh ap Morgeneu as a cousin of Forwerth's grandfather (c. 1190-1230).7 Goronwy ap Morididg may well have been identified with a witness of that name at St. Asaph in 1274 who recalled events in the 1230s.8 Gwair ap Rhufon and the Book of the White House have not been identified. It is clear from the evidence in the two Test Books that the lawbooks are substantially similar to the ceremonies that in MS. C, but add a further section relating how Hywel took the revised laws to Rome and gained papal approval of them. The passage must have been composed between c. 1250, the date of MS. C, and c. 1253-30, the date of the earliest MS. (LI) which contains it.

To sum up so far, both prologues in Ior appear to be contemporary with the lawbook as a whole, and may therefore be dated to the first half of the thirteenth century, almost certainly to the principate of Llywelyn ap Forwerth (d. 1240). Both prologues display a concern with the training of jurists which is lacking in the prologues to the other Welsh lawbooks, and assume that this training should include knowledge of the legal topics contained in the Test Book. The precise relationship between the prologue which opens Ior (1) and that prefacing the Test Book (2) is uncertain; the loss of the beginning of the lawbook in MS. C has removed a vital clue, since the other early MSS. (A, B, E, and Llyfr Colm) lack prologues to their Test Books which would allow comparison. The balance of probability lies, however, in favour of

1 B.L., MS. Cotton Caligula A. III, f. 180r-v. (C); N.W., Peniarth MS. 32, pp. ii-vi (D); Col. 86-42 (citing MS. F); D. Jenkins, 'Llyswyaf Gradd Llando'r o Gyrffedhim Hywel Dda', anfe, xiv (1950-1), 101 (Ll); N.W., Peniarth MS. 40, 11-13 (K); N.W., Peniarth MS. 39, f. 137v-c. (cf. A 116-16).
2 Ior, p. xcvii.
3 Ior, p. cxxv.
4 Cyforh has commences at the similar point in its prologue, and the readings of MSS. A and E may therefore derive from an acquaintance with a southern lawbook.
5 'Hywel the son of Cadell king of Wales' (my emphasis).
6 'Hywel the son of Cadell prince of all Wales' (my emphasis).
8 LTLW 11, Davies, 'Law and National Identity', p. 70.
The Latin Redactions and the Blegywryd Redaction

The texts discussed in this section form the least coherent of the three groups of prologues to the Welsh lawbooks; nevertheless, they have sufficient in common to justify classifying them together. The earliest prologues in this group are those to Lat. A, B, and C, all of which survive in MSS. of the mid thirteenth century. Each of these will be examined in turn before moving on to consider the prologues to Lat. D, Bleg, and Lat. E, as well as the epilogue to the fifteenth-century Bleg MS., B.L. Additional 22356 (S).

The prologue to Lat. A shows obvious signs of interpolation. As Emanuel pointed out, the clause et omnes episcopi, archiepiscopi, abbates, et sacerdotes tocius Walliae is awkwardly placed and therefore appears to have been interpolated into the sentence in which it occurs. Emanuel suggested that the source of this interpolation was the sentence found later in the prologue describing how all the archbishops, bishops, abbots, and priests had excommunicated violators of the laws, as well as blessing those who observe them. However, the ecclesiastics may well have been interpolated into that sentence too if, as is likely, Lat. A's source contained simply a positive and a negative sanction at this junction. If this last point is accepted, there is good reason to believe, then, that the Latin source underlying Lat. A's prologue said nothing of ecclesiastics being present at the assembly which reformed Welsh law. The existence of an earlier Latin source is also strongly suggested by the opening sentence of Lat. A's prologue following the Incipit. This states that Hywel established Britannie leges by consent of the wise men of his kingdom, which comprised the peoples of Gwynedd, Powys, and Deheubarth. Britannie was the normal Latin word for 'Wales' used by Welsh writers until the early twelfth century; thereafter they adopted Gwalia or Wallia, the term for Wales used by the English. By the second half of the twelfth century even native rulers used Wallia (or compounds of it) to refer to the territories over which they claimed authority. Thus by the mid thirteenth century, when the earliest MS. of Lat. A was written, Britannie was an anachronistic term for Wales; indeed, there are no other examples of it in the Latin redactions of Welsh law. This makes it most unlikely that we are dealing with a case of deliberate archaizing on the part of Lat. A's redactor. By the thirteenth century, Welsh lawyers writing in Latin referred to Wales as Wallia (or sometimes Cambria). It is therefore likely that the opening sentence of Lat. A's prologue derived from a Latin text composed no later than the early twelfth century. Such a dating would be consistent with the description of Hywel Dda's kingdom as consisting of the Gwyneddis, Powys, and Deheubarth, his summoning of six authoritative and knowledgeable men from each pagus of his kingdom, and the nature of the legal reform carried out. The existence of such a text, devoid of any reference to clergymen, is supported by a comparison of Lat. A's prologue with those to Lat. B and C. Neither of these states that ecclesiastics took part in Hywel's assembly, but both agree with Lat. A in narrating how the king summoned six men from each pagus to the White House. The account of this summons in Lat. B is almost identical verbally with that in Lat. A, if we disregard the latter's interpolation of ecclesiastics. The most probable explanation of this similarity is that Lat. A and B drew independently on a common Latin source (no longer extant). It is unlikely that Lat. B would have omitted the clause mentioning ecclesiastics if it drew directly upon Lat. A, and other detailed correspondences between the two prologues seem to preclude Lat. A's having used Lat. B.  

In substance, Lat. A's prologue has more in common with that to Lat. C than with that to Lat. B. Both Lat. A and C eschew a grace formula with respect to Hywel Dda; refer to the peoples of Gwynedd, Powys, and Deheubarth (in that order); state that the king summoned six men from each pagus in his kingdom to the Ty Gwyn or Daf, and that the pagus remained there for forty days and nights; and conclude with a blessing on observers of the laws and sentence of excommunication (Lat. A), or a curse (Lat. C), on transgressors against them. There are also some detailed verbal correspondences between the two texts. However, taken together, the similarities between both prologues are probably best explained as the result of independent derivation from a common source, rather than of direct influence of one prologue on the other. If we accept that a common source underlies the prologues to Lat. A, B, and C, comparison suggests that it is Lat. A, despite its obvious interpolations, which adheres most closely to it. The opening sentence of Lat. A's prologue, following the Incipit, is a concise and self-contained account of Hywel's legal work, and the echoes of it in Lat. B and C point to their

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1 See also Huws, Lawyers and Lawmen, p. 124.  
2 For the dates of the MSS. see O. D. Huws, 'Leges Hwul a Ymchwil'r Niferth,' National Library of Wales Journal, xix (1975), 341–2 (Lat. A); LTWL 173, 269 (Lat. B and C); B.L. MS. Harleian 1796 of Lat. C may in fact be older than Pennarit MS. 28, containing Lat. A: WLF 147.  
3 LTWL 159.  
4 See below, p. 160. Possibly the whole of Lat. A's sanction clause is interpolated; the sentence following it (Haec judicia scripta sunt) seems to refer back to the iudicium congruum de qualitie re or of the sentence which precedes the sanction clause, rather than to the lege iustae of the sanction clause itself. It is more likely, however, that legio istorum referred back to the Britannie leges at the beginning of the prologue, and that the sentences in a freemont ... iudicium congruum de qualitie re and Haec judicia scripta sunt were later additions in the textual development. Those latter sentences have no close parallels in the prologues to Lat. B and C, whereas the sanction clause seems to be related to that of Lat. C; more generally, Lat. A's description of Hywel's legal reform echoes that of the prologue to the Test Book of Ior in MS. C and later MSS., and may therefore have been influenced by it.  
having excerpted material from it which they then placed in a new framework. Further, it is very likely that the elements that Lat. A has in common with either Lat. B or Lat. C are both also found in the Latin text into which Lat. A’s redactor interpolated ecclesiastics. That text can therefore be argued to have narrated that Hywel Dda established Welsh law with the consent of wise men from Gwynedd, Powys, and Deheubarth, that he summoned six men from each pagus in Wales to the Ty Gwy or Dafl; and that the resulting assembly stayed there for forty days and nights; the text then gave a brief account of the nature of the legal reform, and ended with both a positive and a negative sanction. Lat. A’s redactor then interpolated archbishops, bishops, abbots, and priests; added that the forty days and nights were spent ‘on bread and water’; and replaced the negative sanction of a simple curse with a formal act of excommunication by the assembled ecclesiastics.

Two final points may be made about the textual make-up of the prologue to Lat. A. First, its opening sentence, describing how Hywel Dda established Britannia leges, was possibly once independent of the sentences which follow it. It is striking how this sentence encapsulates the essence of the prologue as a whole: the remaining sentences (in their uninterpolated form) seem essentially to expand or gloss it, by explaining how, where, and for how long the scribes were gathered together, the nature of the legal work carried out by them, and the consequences of disobeying the new laws. The Latin source used by Lat. A’s redactor may therefore itself have been composed in at least two stages.

Secondly, the interpolation of archbishops, bishops, abbots, and priests is comparable with the assertion of Cyfn’s prologue that archbishops, bishops, abbots, and adraethen (ecclesiastical teachers) were present at the White House. The most likely explanation of this likeness is that Lat. A drew on Cyfn’s here. Since Cyfn’s prologue may be dated with reasonable certainty to the late twelfth century, and Peniarth MS. 28 of A was written in the mid thirteenth century, there can be no chronological objections to such a hypothesis. However, it could perhaps be argued that the influence worked in the other way, and that Cyfn introduced ecclesiastics into its prologue from Lat. A. But if that were the case, it is hard to see why Cyfn would have rendered sacerdotes as adraethen, rather than offeriales, whereas it is conceivable that Lat. A replaced adraethen by sacerdotes to make its fourth category of clergyman more readily recognizable, possibly in an international context.

It is now possible to proceed to an examination of the prologues to Lat. B and C. These are both Welsh lawbooks, and echo the political aspirations of the thirteenth-century princes of Gwynedd. Lat. B’s prologue displays close affinities with that to Ior: the phrase describing Hywel’s rule, tutius Walliae principatu presidebat, echoes Hywel’s title in Ior as tywysaith Kenwy ol, ‘prince of all Wales’; previous abuses of the laws is given as the cause of Hywel’s decision to summon the assembly at the White House; and the process of reforming

1 Britannia leges res Hwcel, qui cognominatur Bonus, id est Da, regis sui, et Gwednedor, Powysorum, atque Dextralium, sacerdotum et in uno loco ante unum tribunal congregaturo uno consensu et diligentis examinationes mediciorum temperatur et constitutis (Lat. A). Cf. quorum consilia diligentia examinationes leges antiquas parsim approbavit, parsim emendavit, parsim penitus deletit, alius vero de novo consild. Promulgitas itaque legibus quos observari decreverat, motetamsum eum ei imperitum, fereisset aux et illatae iusti tam (Lat. B) cum A ac gythwyd a hywomwythwy a dythwym o ddotynau ym, ym hen hywomwythwy o dythwym, a reiwm aduad y ddotynau, ac reiwm o ddotynau. A gydy gwynfai aduad y hywomwythwy a urobertau, Hwcel a rode o anadad y ddotynau ac urobertau hywomwythwy a urobertau. (Lat. C). See above, pp. 159-160. 2 Cf. PWL 180-9 for Lat. A’s tractate on women deriving material from Cyfn. 3 See below, pp. 169-70. Peniarth MS. 28 of Lat. A had reached Canterbury by the early fourteenth century, though this need not mean that it had originally been written for an English readership: Howwel’s, ‘Leges

the laws is described very similarly in the two texts, as is Hywel’s placing his authority upon the laws, and the curse on all who failed to obey them. However, Lat. B differs from Ior in calling Hywel ‘king by divine grace and providence’; in omitting mention of clerics being summoned of and Lent, as well as of the additional curse on the judge ignorant of the contents of the Test Book; and in concluding with two quotations from Horace to emphasize the laws’ moderation. As we have seen, Lat. B’s prologue appears to have borrowed from the Latin source also used by Lat. A; but its closest parallel is the prologue to Ior. Since Ior’s is a more elaborate account of Hywel’s legal work than that of Lat. B, the latter is unlikely to have derived material from it; it is particularly notable that Lat. B, like Lat. C and the text underlying Lat. A, makes no reference to clergy being present at the White House, in contrast to Ior. The verbal resemblances between the prologues to Lat. B and Ior are therefore more probably the result of the latter translating material from the former, or else of their both descending independently from an earlier Veneridian prologue (no longer extant), in Welsh or Latin. Lat. C contains the shortest surviving prologue of all the Welsh lawbooks. It is clearly independent of Lat. B’s prologue and lacks the latter’s verbal resemblances with Ior. Nevertheless it seems to have adapted material from the Latin source underlying Lat. A’s prologue in a similar way to Lat. B, and its description of the legal reform agrees substantially with the accounts of Lat. B and Ior, rather than with that of Lat. A. We may conclude, then, that the prologues to Lat. B and C represent two distinct adaptations, written in Gwynnedd, of an earlier Latin prologue (also used by Lat. A); they were almost certainly produced in the time of Llywelyn ap Iorwerth, albeit somewhat earlier than the prologue to Ior. The difference between Lat. A’s prologue and its present setting in north Wales, though it too may plausibly be dated to the first half of the thirteenth century.

The prologue to Lat. D has, as Emanuel noticed, clear resemblances to that of Lat. B, both in its opening clauses and, especially, in its final three sentences on the process of legal reform and the curse upon violators of the law. Emanuel also argued that Lat. D drew on Lat. A, on account of the former prologue’s including the summoning of ecclesiastics and a sentence referring to Lent. Yet the similarities between Lat. D and Lat. A are less close than those between Lat. D and B and C, and it is unlikely that Lat. D derived its references to the ecclesiastics and Lent directly from Lat. A. Instead, it may be that Lat. D derived these

1 Compare quorum consilia diligentia examinationes leges antiquas parsim approbavit, parsim emendavit, parsim penitus deletit, alius vero de novo consild. Promulgitas itaque legibus quos observari decreverat, motetamsum eum ei imperitum, fereisset aux et illatae iusti tam (Lat. B) cum A ac gythwyd a hywomwythwy a dythwym o ddotynau ym, ym hen hywomwythwy o dythwym, a reiwm aduad y ddotynau, ac reiwm o ddotynau. A gydy gwynfai aduad y hywomwythwy a urobertau, Hwcel a rode o anadad y ddotynau ac urobertau hywomwythwy a urobertau. (Lat. C). See above, pp. 159-160. 2 Cf. PWL 180-9 for Lat. A’s tractate on women deriving material from Cyfn. 3 See below, pp. 169-70. Peniarth MS. 28 of Lat. A had reached Canterbury by the early fourteenth century, though this need not mean that it had originally been written for an English readership: Howwel’s, ‘Leges

prologue are also said to be teucis Walliae.

1 Cf. LTWL 9, p. 1. A cannot be later than c. 1250, the date of the oldest MS. (Peniarth 28) containing it.

2 LTWL 54-5: 316, 1-29 (exact). Pace Emanuel (ibid. 54), the opening lines of Lat. D’s prologue (Dwi prmiumensia ... abut) resemble those of Lat. B, not Lat. A, for the latter does not state that Hywel ruled by grace or providence: Dwi prmiumensia ... abut, qui cum Walliaensi sui legibus abut ... (LTWL 193: 1-3 B). Dwi prmiumensia Hennei Du, filius Cadell, rex teucis Romame, vidit sau Walliaensi inuos latius legibus abut (ibid. 316: 2-2 D). The last three sentences of Lat. D’s prologue (ibid. 316: 21-9), as Emanuel noted (ibid. 55), follow Lat. B very closely (ibid. 193: 6-13).
references from Cyfn. The phrase omnes ecclesiasticae dignitate basiolo, at archiepiscopus et episcopus est Abbas tel prior, de regno suo, resembles that in Version 2 of Cyfn’s prologue (MSS. V, Mk, W): ac a oed a perchen bagyl yg Kymvy vyg archesbyc ac escyb ac abadun ac athrab[on] da. In Lat. A the ecclesiastics are interpolated without reference to crosiers, and instead of priors reference is made to sacerdotes. If that interpolation was also from a Cyfn source, then the resemblance between the prologues to Lat. A and D may be due to their both drawing on Cyfn, rather than to Lat. D’s using Lat. A.

Although Lat. D may have been familiar with the prologue of Lat. A, some of the elements not found in Lat. A’s prologue cannot be ascribed simply to Lat. D’s dependence on Lat. A. Apart from the reference to crosiers, Lat. D renders pagus as kemut, ‘commote’, again possibly under the influence of Cyfn (Lat. A, B, and C have pagus, and most MSS. of Ior have crent). Also noteworthy is Lat. D’s reference to Lent. Whereas Lat. A merely says that the assembly spent forty days and nights at the White House on bread and water, Lat. D expands this to a statement that the assembly met throughout Lent, orantes Altitismum perissetum perfectum petendo gracious ad bona facienda secundum regis propositum. This possibly reflects the adaptation of Cyfn’s opening description of Hywel’s acting ‘through the grace of God and fasting and prayer’.

The prologue to Lat. D also contains features totally absent from the earlier Latin prologues. These include an explanation that the White House was thus named because it had been built of white branches as a hunting-lodge for Hywel in Dyfed; an account of the king’s choosing the twelve wisest laymen and the wisest cleric, Blegwyryd, to carry out the legal reform; and the writing of the laws in three parts and the production of three identical lawbooks, one for Hywel’s daily court, one for the court at Dinbych, and a third for the court at Aberffraw, so that all three parts of Wales—Gwynedd, Powys, and Deheubarth—should have copies of the laws. The reference to the twelve laymen and the cleric Blegwyryd is, however, paralleled in MSS. V and Mk of Version 2 of the Cyfn prologue (MS. W, like the MSS. of Version 1, omits Blegwyryd at this point, but introduces it later).

In Wade- Evans’s opinion, Blegwyryd was introduced into Cyfn under the influence of Bleg (whose prologue is essentially based on that to Lat. D), and this was one reason for suggesting that MS. W and V of Cyfn should be called the ‘Composite Book of Gwynneth and Blegwyryd.’ Since Lat. D is extant in a MS. of approximately the same date as the earliest MSS. of Cyfn, it is indeed possible that Blegwyryd was named in the latter lawbook under the influence of Lat. D or Bleg. This is by no means certain, however, and all that can be concluded from a comparison of the prologues in the various Cyfn MSS. is that Blegwyryd was a late addition to the textual transmission, since he is not named in Version 1 of the prologues. Although this addition may reflect the influence of Lat. D or Bleg, it may equally derive from a Cyfn redactor. It is very unlikely that Cyfn’s section on choosing twelve laymen and one cleric (named Blegwyryd in MSS. V and Mk) derived in its entirety from

1. LTLW 116. 4-5
2. WMW L. 11-15 (MS. V); cf. below, p. 184 nn. 3-4.
3. See below, p. 169.
4. Possibly from Version 1 of the Cyfn prologue, on account of the word order; below, p. 184.
5. LTLW 116. 8-11.
6. This part of the prologue may have been influenced by the tripartite division of the prologue to Lat. A.
7. See above, pp. 153-155.
8. WMW, pp. xii, 327.
9. Rawinson MS. C 821 of Lat. D. is dated c. 1300 (LTLW 253), and the oldest MSS. of Cyfn (O, V, W, Mk) to the early fourteenth century (WLF 133).
10. Another possibility would be that Blegwyryd himself was first introduced by Lat. D into the section on the twelve laymen and (unnamed) cleric derived from Cyfn, and thence in turn influenced one branch of the Cyfn textual tradition.
11. LTLW 68-72. Pare Emansau (ibid. 72), it is by no means clear that the introduction of the cleric Blegwyryd into Lat. D’s prologue can be connected with Peckham’s assault on Welsh law, and therefore his dating of Lat. D to the fourth quarter of the thirteenth century could be revised in the middle or the second half of that century (since Lat. D drew on Lat. B, almost certainly compiled temp. Llywelyn ap Iorwerth; cf. above, pp. 160-1).
14. Bleg 133 (variant a. 2. 1. 2; see also the variant to 2. 11 for the addition of excommunication in Tr.), MSS. O and Tr form a branch of the textual tradition distinct from MS. L. and the other MSS. : see pp. 33 ff.
without summoning an assembly as large as Hywel’s. Presumably the curse in Bleg was similarly intended to stress the permanence and authority of Hywel’s legal reform.

The prologue in the earliest MS. of Lat. E, Corpus Christi College Cambridge 245, written probably in the first half of the fifteenth century, is defective. It does not closely resemble any of the other prologues and may have been composed anew, possibly during the second half of the fourteenth century, the date to which Emanuel assigned the compilation of Lat. E. The Merton 233 MS. of Lat. E contains a new prologue. This seems to draw on that to Lat. D or Bleg, as well as upon the account of Hywel’s taking the laws to Rome for papal approval, first found in the early fourteenth-century Llanforda MS. of Ior. Interestingly, the prologue states that one hundred and forty prelates were present at the White House; the same number is given in Version 1 of the prologue to Cyfn, as well as in the epilogue to MS. S of Bleg (followed by the prologue to Cyfn MS. Z). The redactor of Merton 233 may have had several manuscript-lawbooks before him, and it is impossible to determine his immediate source or sources. He probably did not use the epilogue in MS. S, since many of the details in that text are absent from the prologue to Merton 233. He may, however, have drawn on a fourteenth-century Latin lawbook of Bleg which had been influenced by Version 1 of the Cyfn prologue as well as by a late Ior prologue relating Hywel’s visit to Rome. On the other hand, the redactor of Merton 233 may himself have combined elements in the prologues to Lat. D/ Bleg, Cyfn, and Ior.

The epilogue in the fifteenth-century MS. B.L. Additional 22356 (S), of Bleg marks a further development of the prologues in Lat. D and Bleg. It begins with a brief recapitulation of the summoning of six lawmen from the diocese of Bangor, and of a hundred and forty baccelae, ‘crosier-bearers’, namely archbishops, bishops, abbots, and priors, to the White House. In referring to the committee of thirteen, however, the text distinguishes between the twelve lawmen who ‘made’ the law, and the one cleric (not named) who wrote it and ensured that ‘nothing was enacted contrary to the law of the church and the law of the emperor’. The twelve lawmen are then named, but, as Lloyd commented, ‘the list is merely one of famous lawyers, without regard to chronology’. Blegwyrd is then named as the cleric, and described as a doctor in the laws of Llandaff and as a doctor in the law of the church. Possibly Blegwyrd was connected with Llandaff because the Ior source of MS. S had mentioned the three Welsh medieval bishops. MS. S names the bishops of St. Davids, Bangor, and St. Asaph as Lambert, Morfaé, and Chebwr respectively: the first two were almost certainly derived from references to Lambert (d. 943) and Morceil (d. 944) in the

1 See above, p. 157. Cl. also Bleg 254 (MS. L’s variant on Bleg 93. 243) for Rhys ap Gruffydd’s having changed a point in the law trudy daunod a’r tîrat, ‘by agreement with his country’.
2 LTPW. 81, 400–10, 436–14 (text).
3 Ibid. 434–84. 37. Merton 333 is a MS. of the third quarter of the sixteenth century, and its prologue was argued by Emanuel to be ‘comparatively late’. Ibid. 414.
5 Ibid. 401 (§§ 235–245). This epilogue was used in N.L.W. Peniarth MS. 229 B, fl. 57–8, MS. Z of Cyfn.
7 For Blegwyrd see also below, p. 174.

INDIVIDUAL ELEMENTS IN THE PROLOGUES

This section will supplement the foregoing textual analysis by assessing the significance of individual elements in the prologues. What, for instance, did attributing the reform of Welsh law to Hywel Dda, or the location of his assembly at the White House, or the assertion that

1 James, ‘B.L. Add. 22356’, p. 274.
clergymen had assisted in the king's legal work, mean to the prologues' readers and readers in the twelfth century and later? These questions have to be kept distinct from the more intractable one of the extent to which any of these elements had a historical foundation in events of Hywel's own time, although that question cannot be ignored if we wish to appreciate fully why a particular element was included in the prologues' stories.

All the prologues ascribe the reform and subsequent authorization of Welsh law to the tenth-century king, Hywel ap Cadell (d. 949 or 950). In addition all the prologues, except most of those to Ior, call Hywel 'the Good'. It is likely that the king's principal function in the texts was to underline that Welsh law was both ancient and of royal origin. Since the prologues also credit Hywel with extensive authority over Wales, he could also be regarded as sanctioning the universal application of that law throughout the country. Although, as we shall see, these functions almost certainly satisfied contemporary needs when the earliest surviving prologues were written in the twelfth century, it does not necessarily follow that the attribution of the law to Hywel was no more than a twelfth-century fabrication. On present evidence we cannot prove that Hywel made an important contribution to Welsh law; but neither can we disprove it, and the most plausible explanation for his unanimous inclusion in the prologues remains that his reputation as a lawgiver had a historical basis.

However, this is not the occasion to speculate on what Hywel may really have done for Welsh law; the important point for the present discussion is that in the twelfth century the reductors of the earliest extant prologues believed his role to have been fundamental. This leaves the question of his epithet 'the Good'. Did this have any special significance in the prologues? The epithet was not contemporary with Hywel, and is first attested in two documents contained in the Liber Landavensis. These are of purportedly tenth-century date but, since they are corrupt in their surviving form, they cannot confidently be dated earlier than the 1120s, when the Liber Landavensis was compiled. By that time, however, Hywel's designation as 'the Good' was plainly well established, since in the second document the king was portrayed as engaged in the far from good act of trying to dispossess Morgan Hen of Ystrad Yw and Ewyas. Another possible indication that the epithet had currency in the early twelfth century is the genealogy of Hywel ap Goronwy (d. 1106), whose influence extended over Buellt and Rhwng Gwy a Harfen.

As D. P. Kirby has argued, the title 'the Good' probably resulted from a hagiographical cult of the king comparable with the cults of Robert the Fiaus or Edward the Confessor, or particularly, one might add, that of Hywel's Norwegian contemporary, Hakon the Good.

1 The title is omitted in MSS. B and L of the opening prologue, and in MSS. C, D, and L of the Text Book prologue, so it probably was not originally part of the Ior prologue.
4 Test of the Book of Llan Daf, pp. 223, 248; though in Latin, both documents call Hywel Da rather than Bonus.
5 W. Davies, The Llandaff Charters (Aberystwyth, 1979), pp. 2, 80, 123.
6 Early Welsh Genealogical Tracts, p. 48 (no. 31); cf. above, pp. 134 and n. 4.
House any monastic connotations in order to avoid anachronism in an account which ostensibly related to the tenth century. The lack of monastic associations may therefore indirectly strengthen the case for believing that Whitland abbey did inspire the naming of the White House in the prologues. Similarly, the onomastic explanation given in Lat. D and Bleg—that the White House was thus named because it was built from white branches as a hunting-lodge for Hywel in Dyfed—could be interpreted as reflecting a desire to provide a past for the White House that extended to Hywel’s day; that desire could then be interpreted as suggesting that the place was of no significance prior to the Cistercian foundation which was really responsible for its being named in the prologues.

On the other hand, there is some toponymic evidence which shows that land known as Hendygywun, ‘the Old White House’, was distinct from the land whose Whitland abbey was itself situated. This led H. Owen to suggest that the abbey appropriated a pre-existing name and transferred it to a new site. Noting that Whitland abbey was itself about a mile from the river Taf, whereas the old site, Hendygywun, was probably at or near a house close to the Taf known as Whitland Farm, Owen argued that the old site was the White House on the Taf to which the prologues refer. It is, then, possible that the prologues relate a tradition connecting Hywel with Whitland which originated prior to the establishment of the Cistercian abbey there.

Next we may turn to the prologues’ accounts of those who attended Hywel’s assembly at the White House. All the texts assert that six men were summoned from each pagus (cymwyd) in Wales. As Edwards convincingly argued, developing a suggestion of Tout’s, this element ‘was probably the product of an age familiar with the procedure of the Anglo-Norman inquisitio’. Its point was surely to emphasize not only that Welsh law was of long-established pre-Norman origin, but also that it had been authorized by representatives from every part of Wales. In addition, most prologues stressed the wisdom or outstanding knowledge of the six. Since elsewhere some lawbooks seem to use sapiens or doctus to denote ‘a jurist’, the prologues’ references to the participation of sapientes or doctiethon at Hywel’s assembly may have been taken to imply that those summoned had special legal expertise. However, other sources show the terms to have been used more generally to mean ‘wise men’, both lay and ecclesiastical, and this may have been their meaning in the prologues. Either way, the message was clear: those present at the White House were well qualified to reform Welsh law. In contrast, only Lat. C’s prologue claims that secular political leaders were summoned by Hywel, namely the duces of Gwynedd, Powys, and Deheubarth; otherwise we hear of wise or knowledgeable men, or ecclesiastics.

Clergy are introduced into all the prologues except those to Lat. B and C. Since they are patently an interpolation in Lat. A’s prologue, there are strong textual grounds for believing that they did not originally appear in the earlier Latin prologues. If we also accept that the text to which Lat. A’s redactor added ecclesiastics was composed earlier than Cyfn’s prologue, then it can be argued that their introduction was a later embellishment within the development of the prologues as a whole.1

According to Ior, Hywel summoned two clerics (ysgolohegyn) as well as four laymen from each cantref, with the specific purpose of ensuring that the laymen enacted nothing contrary to Scripture. Clerical participation in Ior’s prologue therefore clearly had an apologetic aim, underlining the morality of Welsh law without attributing to the Church a prominent part in its reform and redaction. Similarly, the later expanded form of the Ior prologues, composed between c. 1250 and c. 1325, which alleged papal approval of the new laws, was primarily apologetic in aim. The prologues to Cyfn, Lat. A, D, and E, and Bleg, on the other hand, give considerably greater emphasis to clerical participation at the assembly while lacking any apologetic explanation of their presence. These prologues seem in fact to imply that the assembly amounted to a synod, and that Hywel’s laws were therefore as valid as those of the Church. According to Cyfn, Hywel summoned six men from each commune as well as those entitled to crosiers, namely archbishops, bishops, abbots, and atrychaelgon, ‘ecclesiastical teachers’, and then chose twelve laymen and one cleric (Blegywyrd in two MSS.) to make the laws.2 Lat. A simply interpolates the summoning of archbishops, bishops, abbots, and priests, without further reference to an ‘executive subcommittee’.3 Lat. D and Bleg are closer to Cyfn, and probably borrow from it here,4 although the fourth kind of ecclesiastical in their lists is a prior, and the cleric on the subcommittee is named Blegywyrd in all the MSS.

The fourth type of ecclesiastical thus varies between Cyfn, Lat. A, and Lat. D (followed by Bleg and the Merton MS. of Lat. E). The introduction of priors in Lat. D almost certainly constitutes a deliberate modification of either the sacerdotes of Lat. A, or an adaptation of the atrychaelgon of Cyfn. It was very possibly made so that the list should mirror the abbots and priors of the continental monasticism introduced into Wales from the beginning of the twelfth century. Lat. A’s sacerdotes may also have replaced the atrychaelgon of Cyfn.5

From its context in the Cyfn prologue, the word atrychaelgon (sg. athro) clearly denotes important clergy, men, comparable in standing with archbishops, bishops, and abbots; it may be translated as ‘ecclesiastical teachers’. The word’s origins are probably to be sought in native ecclesiastical institutions, rather than in the notion of someone holding the I. W. Henricus as a result of an education in the English or continental schools.6 But, whatever its precise meaning, the point of including the atrychaelgon in Cyfn’s prologues would seem to have been to emphasize that the ecclesiastics attending Hywel’s assembly were men of learning as well as lawyers.

1 It is of course possible that earlier prologues than those to Cyfn once existed in Welsh, and that those included ecclesiastics; the argument here necessarily rests on the evidence of those prologues which have survived. See also below, n. 8. I owe this reference to J. Wynn Evans. Cf. Jenkins and Owen, ‘Welsh Law in Carmarthenshire’, pp. 17-18, 26 n. 5.


3 LLTW 242. 37-9 (cf. 247. 10-13); for §§ 64/6, 159/11; cf. Geoffrey’s Priapéged Cyman, s.v. doeth.


5 Ysgolohegyn was the Middle Welsh equivalent of Latin clericus; the latter had originally meant a ‘clergyman’, but by the twelfth century could also signify a ‘scholar’: A. Murray, Reason and Society in the Middle Ages (Oxford, 1978), p. 265-4; M. T. Clanchy, From Memory to Written Record. England 1066-1307 (London, 1976), pp. 177-81.

6 Cf. Text of the Book of Llanddewi, p. 89 for a Welsh description of those gathered at the Council of Reims (1119): com presbiteribus centum banae quingue: tam archiepiscoporum & episcoporum quam eum absumtum cum meminerit copis clericorum & laicorum; ... also Blegywyrb’s Life of St. David, ed. I. W. Henricus (Cardiff, 1897), pp. 21-3, 24, for descriptions of the synods of Breid and Victory.

7 The phrase is Eumenius’s: LLTW 67.

8 See above, p. 160.

as authority in the Church, and to claim their approval of Welsh law. Further, if Lat. A’s adversitas and Lat. D’s prior replaced altere[isen] in a Cyfn source, this may have been done in order to substitute ecclesiastics who would be more readily recognizable to Latin (and possibly non-Welsh) readers than a clerical rank peculiar to the native Church in Wales. The designation of Blegwyrd as Aethro in Bleg’s prologue may, on the other hand, imply a claim that the cleric who had written down Welsh law was a Maestor in the thirteenth-century sense of someone with a university education.

The particular significance, if any, of naming the ‘wisest cleric’ who assisted the ‘twelve wise laymen’ to revise the laws as Blegwyrd is unknown. The cleric is named thus in Version 2 of Cyfn’s prologue, Lat. D, and Bleg. Edwards disproved Lloyd’s identification of this Blegwyrd with the Blegwyrd ab Einion recorded in Liber Landavensis as having protected a church from desecration by peasants in 955.1 Possibly, as Emanuel suggested, the choice of name is but one more example of the popularity and influence of Geoffrey of Monmouth’s Historia Regum Britanniae (c. 1116), which mentions a Blega[be]d Blegwyrd.2 More generally, the account of an ‘executive subcommittee’ of twelve laymen and one cleric appears to have been intended to magnify the alleged role of the Church in the original compilation of the laws.3 Perhaps it was modelled on the biblical accounts of Moses and the twelve tribes of Israel, or of Christ and the apostles.

The prologues vary in their descriptions of Hywel’s legal work, but all clearly conceive it to have been a reform of Welsh law rather than an act of legislation from scratch. Lat. A and D, followed by Bleg and the Merton MS. of Lat. E, explicitly add that the reformed laws were then written down. A common theme to almost all the prologues, however, is that this reform took place under pious circumstances, namely through fasting and prayer at dawn; these elements were clearly intended to demonstrate that those responsible for reforming Welsh law had been especially receptive to God’s will and grace. According to Cyfn, Hywel undertook his legal work ‘for the glory of God and fasting and prayer’; in Lat. A and C the assembly spent forty days and nights (on bread and water according to Lat. A) before proceeding to reform the law; whereas in D, Lat. D and E, and Bleg specify that the assembly met in Lent. The prologue to Lat. B is unique in omitting reference either to fasting and prayer or to a reference to Lent in Ier and later lawbooks appears to have been an elaboration of the forty days and nights in Lat. A and C, which in turn may have derived from the less specific account of Hywel’s fasting and prayer in Cyfn.

The spiritual preparation described in Cyfn may be compared with the fasting, prayers, and almsgiving undertaken by Louis the Pious before publishing his Ordinatio Imperii in 817;4 there is no textual link between the two accounts, but they have a common purpose in declaring that rulers had sought divine aid in the execution of public acts. The biblical example underlying Lent may, however, have particularly influenced the prologues’ redactors, especially in Lat. A and C, since Moses was said to have spent forty days and nights

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3 LTWL, 75 (but cf. above, p. 163 n. 2).
4 Monumenta Germaniae Historica, Legum Sectio XI, Capitularia Regum Francorum, i, ed. A. Boretius (Hanover, 1885), p. 271. I owe this parallel to Michael Richter.

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on Sinai receiving the Law in Exodus 24: 18. Another possible consideration for the redactors of these prologues which specifically refer to Lent was that important ecclesiastical councils met at that time in order to make laws for the Church.5

Finally, each of the prologues concludes with a sanction clause. In most of the lawbooks this takes the form of a curse on all who failed to observe the law. Lat. A, however, has instead a solemn excommunication and blessing, and Lat. C has a blessing on those who observed the laws in addition to a curse on those who did not. The purpose of the sanction appears to have been similar to that of the references to Hywel and himself, namely to underline the permanence and universality of native law.6 Thus, in Cyfn, Hywel and his assistants pronounced the curse of God, the assembly, and all Wales on violators of the laws. Analogous collective curses appear in the other prologues (except Lat. A), although Lat. B and Ior stress Hywel’s participation in this more than the other lawbooks, and Ior omits the curse of God.

The immediate model for the sanction clauses cannot be precisely established. The Old Testament may have been important: according to Deuteronomy, once Moses had received the Law he commanded the Levites to pronounce curses on all who failed to abide by it, and blessings on those who adhered to it (Deut. 27: 15–26; 28). It is perhaps worth noting that these passages were utilized in the early eighth-century Irish canon law compilation, the Collectio Canonom Hibernensis; more generally, biblical example may have inspired the blessings and curses which occur in some early medieval Irish legal texts in the vernacular.7

Probably more directly influential, however, on the redactors of the Welsh prologues were the sanction clauses of charters (though these may of course have derived ultimately from the bible).8 Anathema or malediction clauses were common in continental charters from the eighth to early eleventh centuries, and Anglo-Saxon charters threaten spiritual rather than monetary penalties against those who violated their terms.9 Benedictions and maledictions also occur in Welsh charters from the ninth to earlier twelfth centuries, such as those in the Lichfield Gospels, the Vita Cadoci, and the Liber Landavensis, as well as in a charter of Madog ap Mareddudd, king of Powys (d. 1166).10 Similar sanction clauses are found in some eleventh- and twelfth-century Irish and Scottish charters, and they would appear to constitute one of the features of the ‘Celtic’ charter-writing tradition which evolved in the late Viking Age.11

Admittedly, maledictory sanctions also occur in charters which do not otherwise have the same formulae as those of the ‘Celtic’ tradition, and such sanctions were clearly not unique to

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1 LTWL 148.
Hanes a Chwyraeth

Celtic-speaking peoples. Thus Robert fitzHamon, Norman conqueror of Glamorgan, pronounced that any who disturbed his grant to Tewkesbury Abbey (c. 1102) were maledicti, while over a century later in 1223 William Marshal Junior, earl of Pembroke, promised the blessing of God and himself on maintainers of his grant to Tintern Abbey, as well as Dei maledictionem et meam, together with a fine of twenty marks, on any who injured the monks and their rights and possessions.1 Comparable sanctions appear in episcopal charters from Bangor and Llandaf in the later twelfth and early thirteenth centuries. Violators of Gwenion, bishop of Bangor’s charter confirming the tithes and land of Nefyn church (1177–c. 1190) were threatened with maledictionem compotentis dei et nostram, while in a confirmation of a grant to Margam Abbey, the bishop of Llandaf (either Henry, 1196–1218, or Elias, 1230–40) declared: beneficiorum nostrarum dedimus servatibus eam; violantibus autem dedimus maledictionem nostram.4 Similarly, Theobald, archbishop of Canterbury, threatened his malediction on any who transgressed the provisions of his letter.5 It is possible, then, that the prologues’ redactors were influenced by new types of charter-writing introduced from outside Wales in the wake of Anglo-Norman conquest and closer ecclesiastical ties with Canterbury.

Another possible influence on the prologues’ sanction clauses were late eleventh- and twelfth-century Welsh saints’ Lives, some of which, especially the Vita Cadoci, depict the saint as cursing any person who injured his church. In some of these examples, the hagiographer may in fact have been influenced by charter-writing conventions.4 Whatever the precise source of inspiration for the sanctions in the prologues, it does seem likely that their authors were familiar with charter-writing conventions of the twelfth and early thirteenth centuries, as well as possibly with Welsh hagiography. If this hypothesis is correct, it follows that the prologues’ redactors were present when charters were drafted or had access to ecclesiastical archives, and it may indicate that they were themselves clerics. The almost unique introduction of a solemn act of excommunication by ecclesiastics in the prologue to Lat. A may reflect a conscious attempt to mimic clerical participation in the reform of Welsh law and also to present the sanction in a form more familiar to late twelfth- or early thirteenth-century readers. The omission of God and the emphasis on Hywel’s part in the malediction in Lat. may, on the other hand, reflect a desire to uphold princely authority over the law.6

2 Cart. Haughmond Abbey, no. 791 (cf. nos. 794, 1210, 1220); Clark, Carta, ii. 238. Twelfth- and thirteenth-century Welsh episcopal charters may of course have been influenced by native charter-writing traditions.

The prologue to MS. Tr of Bleg also refers to excommunication: Bleg 133 (variant on a. 11).

6 In his charter to Aberconwy of 1160 Llywelyn ap Iorwerth threatened any who broke its terms with his indignation and took the abbey and its possessions under his protection, without reference to ecclesiastical or divine sanctions; while in his charter to Cymeryn of 1209 the prince promised to exercise resilius iustitie against violators of the monks and their possessions, as well as to support ecclesiastical censures against such violators: Bagdalle, Monasticus, v. 674; K. Williams-Jones, ‘Llywelyn’s Charter to Charter Abbey in 1209’, Journal of the Merioneth Historical and Record Society, iii (1957), 57.

History and Law

THE PURPOSE OF THE PROLOGUES

Textual analysis has suggested that the earliest surviving prologues (to Cyfn) date from the late twelfth century, although the prologue to Lat. A may well embody a text originally written towards the beginning of that century. New prologues continued to be written until the fifteenth century, but these did little more than elaborate a pattern which had already been set in the twelfth and earlier thirteenth centuries. The following discussion will therefore concentrate on the prologues of the earlier period, since they hold the key to why the extant prologues were written as a whole.

One way of evaluating the significance of the Welsh prologues is to compare them with those to other medieval European legal texts. This was done by Emanuel, who cited examples from Alaric’s Brevisarium to Bracton, and commented that ‘by the twelfth century the Prologue was very much an essential feature of a legal work’.1 Many features of the Welsh prologues were found in other twelfth- and thirteenth-century legal works: the emphasis on the shortcomings of the previous legal system, the advice of sapiens in reform of the law, the abolition of unworthy law, the ratification of good and the addition of new law, and the issue of the new code under the protection of a ruler.2 That the Welsh lawbooks were prefaces by prologues was therefore in itself not remarkable: most other legal texts in medieval Europe opened with prologues.

If, however, many individual points of resemblance may be detected between the Welsh and other prologues, taken as a whole the former texts have few close parallels elsewhere. The Welsh lawbooks commenced by telling a story which was supposed to be historically true, and thus differed from law-codes and legislation issued by rulers whose prefaces were phrased in the first person, such as those of Justinian, Alfred, or Edward I. They made nothing of the celebrated antithesis of the Institutes, where the issue of laws was said to complement the emperor’s military victories, even though this theme influenced other medieval legal prologues, including that of Glanvill.3 The prologues to the Welsh lawbooks were also far less religious in tone than those of many genuine royal codes, notably that of Alfred, which began by transcribing selected statements of Mosaic law, as well as providing a brief account of early Church history and the growth of the Church’s law.4 Justinian had asserted divine approval for his victories and law, and later rulers were glad to draw biblical parallels and mention the presence of ecclesiastics at the councils which deliberated upon the law.

As Edwards noted, the closest parallels to the Welsh prologues come from England. The twelfth-century Consilium Cnuti (c. 1110–30), the Leges Edwardi Confessoris (c. 1130–50), and the Pseudo-Cnut of forresta (c. 1185) are examples of legal texts written on kings after

1 LTL W 29.
2 Ibid. 5, 20–27: cf. J. B. Smith, The Statute of Wales, 1284, WHP x (1906), 140 for a suggestive comparison of the prologues to the Latin redactions of Welsh law and the Statute of Wales’s prologue.
3 Imperatoris Justinianorum Institutionum Libri Quatuor, ed. J. B. Moyle (Oxford, 1881), pp. 75–8; Tractatus de Legibus et Consubstantiis Regni Angliae qui Glanvilli vocatur, ed. G. D. G. Hall (London, 1961), pp. 1–3. The only possible echo of this antithesis in a Welsh prologue occurs in that to the C.C.C.C. 454 MS. of Lat. E, probably written in the second half of the fourteenth century (see above, p. 164) which states that Hywel pacem unigeque ab adversariis impulsa fuisse sortitus before deciding on his legal reform. LTL W 434, 3.
therefore sought to restructure themselves by alleging the highest saintly approval of their continuing involvement with secular law. In addition, the compilers and subsequent users of the Senchas Mátr may have hoped to establish its superiority over other Irish legal compilations by linking it with Patrick.

As we shall see, there are parallels between the aims of the Irish and some of the Welsh prologues, but the contrasts between them need also to be borne in mind. The chief of these is chronological: Irish jurists had elaborated their accounts of Patrick's allegedly fifth-century revision of native law in the eighth and ninth centuries, whereas the earliest surviving Welsh prologues date from the twelfth century. Further, the Irish prologues assign the crucial role in amending the law to a saint, the Welsh prologues to a king. The similarities between the Irish and Welsh prologues are general, and do not derive from any direct influence of one upon the other; jurists in both Ireland and Wales sought authority for their legal compilations by associating native law with reform carried out and sanctioned by great men in the past.

Before considering the particular circumstances underlying the form and substance of the prologues to the Welsh lawbooks, it is perhaps worth noting that they also bear comparison with other kinds of Welsh prose texts. Their ascription of legal reform to Hywel Dda has been compared with the Statute of Graffudd ap Cynan. This text, extant in several versions in MSS. of the sixteenth and seventeenth centuries, ascribes a reorganization of the bardic order to Graffudd, ruler of Gwynedd, who died in 1137. Another parallel is to be found in medieval Welsh medical texts ascribed to Meddygon Myddafai. The prefaces to these survive in two chief versions: one, first extant in B.L. Add. MS. 14912 (belonging to the second half of the fourteenth century), attributes the writing down of the medical knowledge to Rhys Grug, son and statesman of the latter Rhys Grug, lord of Dinefwr (d. 1233). The other version, first found in the same MS., simply records that the book had been compiled from the books of Rhivallon and his sons.

Like the prologues to the lawbooks, the Statute of Graffudd ap Cynan and the medical writings attribute the redaction of their contents to a considerably earlier period than the earliest MSS. in which they survive. Both must have been originally composed later than the time of Graffudd ap Cynan and Rhys Grug respectively. Whatever kernel of truth all three groups can claim in their alleged circulation and production, they had a common aim in seeking authority for their contents by an appeal to the past. In particular, they sought to connect law, bardic organization, and medicine with the active support and intervention of secular rulers in medieval Wales.

It is clear, then, that the prefacing of legal texts with prologues describing why and how the law had been made was common in medieval Europe; in addition, many of the individual elements of the Welsh prologues have parallels in legal prologues elsewhere, and may also be
compared with other kinds of prose texts produced in Wales. Nevertheless, there is no detailed resemblance between any of the Welsh prologues and those to other European legal compilations such as would indicate that the former borrowed from the latter. The Welsh lawbooks have their own history, and so do their prologues; they cannot be explained in terms of convention or imitation alone. Instead, the specific characteristics of the Welsh prologues must relate principally to circumstances in twelfth- and thirteenth-century Wales.

Whatever their historical basis in events of the tenth century, the surviving prologues were written chiefly in order to give authority to Welsh law at the time of their composition. The crucial question therefore is why Welsh jurists felt called to claim authority for the law in this way. The immediate answer must be that the validity of Welsh law was not universally accepted by the twelfth and thirteenth centuries. If that is the case, we must ask what challenges the law faced at that period, before concluding with an analysis of the different responses which different prologues made to them.

In Edwards’s opinion, ‘the pious stories of the prologues to the Welsh lawbooks were fabricated productions, it would seem, by a generation which had come to realise that Welsh law was at variance with the sacred law of the church, and which had been awakened to this fact by the impact of Norman ideas.’ Edwards and other scholars have cited the fierce criticisms of Welsh law—especially of its rules on marriage—made by John Peckham, archbishop of Canterbury (1279–92), in order to argue that the prologues were written primarily in response to the condemnation of the law by reforming clergymen. Although Peckham’s letters are the only extant sources for such ecclesiastical criticism of Welsh law by name, and are thus very late by comparison with, say, Lanfranc’s condemnation of Irish marriage law,1 it is nevertheless reasonable to suppose that similar sentiments had been expressed by some churchmen since the early twelfth century. The more general condemnation of the Welsh as an immoral and barbarous people, of which Peckham’s criticism of their law formed a part, can be traced throughout the twelfth and thirteenth centuries; and customs sanctioned by native law were explicitly criticized by churchmen in the later twelfth century. Those churchmen, mainly outsiders, who condemned the Welsh and their customs could hardly have approved of those aspects of native law which contradicted the law of the church.

Ecclesiastical criticism was, however, but one of the challenges faced by the jurists. Perhaps even more serious were the reservations expressed about Welsh law within Wales itself. Here again our evidence comes principally from the thirteenth century, but the attitudes it reveals were probably already emerging in the twelfth. The thirteenth-century princes of Gwynedd apparently felt free to change native law as they pleased.2 Llywelyn ap Iorwerth

4 Bartlett, Gerald of Wales, pp. 27–45, 158–77; Davies, ‘Buched a Moes’, pp. 155–70.
5 Gerald Cambrensis Opera, vi, 211–12 (Deus. Camb. ii, 4; criticism of the damaging consequences of paribale inheritance); Councils and Synods with Other Documents relating to the English Church, 1. AD 877–1024, ed. D. Whitehead, M. Brett, and C. N. L. Brooke (Oxford, 1981), ii, cxx (c. 231 of the propositions for discussion at the Council of Westminster (1175), which urged, inter alia, that the Welsh should not ‘exchange wives; this perhaps referred to the native custom of yspar, ‘parting’, including what we would call ‘divorce’).
9 Cf. ibid. 57.
11 Calendar of Various Chanony Rollis, p. 199.
native society, the jurists in particular, who were troubled by those challenges. They may also have been directed at native rulers and lords, whose adherence to Welsh law was not always enthusiastic. In alleging that *Cyrfrath Hywel* had been solemnly reformed under royal authority in the pre-Norman period, with religious sanctions and, in most versions, with ecclesiastical participation, the authors of the prologues countered those who questioned the validity of the law by proclaiming its Wales-wide authority, permanence, and morality.

We can perhaps go further and explore the contemporary functions of the prologues by reference to two aspects of them in particular. The first of these is their unqualified assertion that Welsh law had been reformed and authorized by Hywel Dda. Now, however old the belief that Hywel had had a fundamental part in the development of the law, and whatever its historical basis, that belief clearly answered contemporary needs when the earliest surviving prologues were written. Here it is worth stressing that the lawbooks prefixed by the prologues were not official compilations of law, still less legislation, issued on behalf of secular rulers. Instead they were lawyers’ textbooks, private compilations drawing on a variety of sources and produced principally by and for those who needed a knowledge of native law. It is true that the sources available to the lawbooks’ compilers included changes to individual rules introduced by Welsh rulers: those reputedly made by Bleiddyn ap Cynfyn (d. 1075) and Rhys ap Gruffudd (d. 1197) are cases in point, but it is difficult to regard the texts as a whole as having been promulgated by kings. The prologues’ accounts of Hywel’s leading role may therefore have been designed to make Welsh law look more royal than it really was. Quite apart from the antiquity which Hywel imparted to the law, the very fact of his being a king arguably conferred an especial authority upon it, particularly at a time when royal law and jurisdiction in England were probably exerting an increasingly magnetic influence on the native governing elite. The jurists who wrote and read the prologues can, perhaps, be seen as reassuring themselves that the written texts of native custom had received every bit as much royal approbation as twelfth-century English legal compilations fathered, for example, on Edward the Confessor or Henry I.

Another possibility is that, in depicting Hywel as having authorized the law, the jurists were urging contemporary rulers that concern for, and protection of, Welsh law were still proper and honourable roles for a Welsh king or prince. As native rulers expanded their horizons and adopted new attitudes and methods of governance, their adherence to Welsh law as preserved and practised by the jurists had weakened. The implicit modellization of Hywel’s role in the prologues on that of contemporary rulers may therefore not simply have been unconscious anachronism, but rather have represented a deliberate attempt to make Hywel a relevant example to the native masters of twelfth- and thirteenth-century Wales. The particularly striking resemblances between the phraseology of the Veneridian

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1 See above, pp. 166-7.
2 Col., pp. xiv-xvii; Stephenson, Governance of Gwynedd, p. 31.
5 Cf. CLP 12; D. Jenkins, Cyrfrath Hywel (edn., Llandysul, 1976), pp. 1-6. Note also how Scots lawyers of the late thirteenth century fathered many aspers whose date and provenance were in fact unknown on David I, king of Scots (1124-53), presumably in order to give them the appearance of having received royal sanction: A. M. Duncan, ‘Regni Mannestern. A Reconsideration’, Journal of Roman Studies, 1961, pp. 207-8.
6 Cf. above, pp. 176-7.
7 See above, pp. 158-60.
9 LTWL 92; Brut y Tywysogyon, Red Book Version, p. 122.
example of a clerical jurist is Cynyr ap Cadwgan. He was one of the sapientes who decided against the appeal of claimants to lands in Arwystli in a case dated to the first quarter of the thirteenth century. Cynyr’s sons (or possibly grandchildren) were declared by Llywelyn ap Gruffudd in 1281 to be official judges in Arwystli; in addition, the fifteenth-century lawbook, Wynnstay MS 36 (Q), attributes a lawbook to Cynyr.1 In one of the two Strata Marcella documents recording the Arwystli case, Cynyr is called abbas of Llandinam, and is named with other clerics.2 Both Sulien ap Rhigyfarch and Cynyr belonged, it would appear, to hereditary clerical families, and both seem to have been experts in native law. How typical they were of Welsh jurists as a whole cannot, of course, be established. But since so little is known of the identity of jurists in medieval Wales in general, it would be rash to rule out the possibility that the redaction and practice of Cyfraith Hywel owed more to men holding clerical office than has commonly been believed to be the case.3

By the later twelfth century the position of native clerical jurists may have been called into question as the limitations placed by contemporary canon law on ecclesiastical participation in secular law and administration became known in Wales.4 Ecclesiastics, like Gerald of Wales, whose education and outlook made them critical of the customs and morals of the Welsh clergy,5 may not have looked kindly upon their attachment to a law whose provisions on marriage, in particular, contradicted those of the Church. The introduction of clergymen into the Cyfn and later southern prologues should, then, perhaps be interpreted as a defiant response to doubts expressed about the propriety of continuing clerical involvement in native secular law, just as, earlier in the Middle Ages, St. Patrick was invoked in the prologue to the Senchas Mair probably so as to reassure and defend Irish clerical jurists against their more reformist contemporaries.5

The prologues to Lat. B and C and Ior, written in early- to mid-thirteenth-century Gwynedd, provide a more secular account of Hywel’s legal work than the southern lawbooks. Lat. B and C make no reference to ecclesiastics having participated in the White House assembly, and in general their emphasis is upon the reform of the law under Hywel’s authority rather than on its alleged morality. This may mean that their authors believed that defence of the law’s morality was either unnecessary or impossible; the latter is unlikely in view of these prologues’ clear account of how the old laws were revised and sanctioned. It is clear that these prologues accepted the propriety of native law but did not believe that ecclesiastics had played a prominent part in its original redaction. If the authors of Lat. B and C were clerics,7 they appear to have accepted that native law was not characteristically the preserve of churchmen.

Ior concedes a place to clerics in the reform of Welsh law, and its prologue is more explicitly apologetic than those to Lat. B and C. Of the six men summoned from each cantref in Wales, two were clerics, chosen to ensure that the laymen enacted nothing contrary to Scripture. Similarly, the prologues explain that Hywel’s assembly met in Lent because everyone should be holy and do no wrong then. Yet, unlike the southern prologues with their list of ecclesiastical dignitaries, those to Ior make no implicit statement of ecclesiastical privilege and do not appear to be directed at a clerical readership. Their purpose in introducing ecclesiastical and religious features was simply apologetic.

Other evidence shows that professional judges existed in thirteenth-century Gwynedd. Some, perhaps most, of these were laymen.4 The prologues to Ior, while defending the morality of native law, seem above all to betray the preoccupation of a learned profession with protecting its standards and integrity from secular as much as ecclesiastical interference. In its opening prologue the lawbook insisted that aspiring judges should have learned the contents of the Text Book. In the prologue to that book, MS. C and later MSS. lay down that no lord should change the laws without the consent of as large an assembly as Hywel’s, and describe the training and institution of a judge.

There is nothing here to suggest that either teachers or pupils of Welsh law were clerics. Even if some were, the prologues to Ior suggest that these would have regarded themselves as jurists first and foremost, rather than clergymen, for it is to a body of professional jurists that those prologues appear to be directed. On the other hand, elsewhere in Wales a distinct predominantly lay profession of jurists may have been less developed, and clerics may have been more prominently involved in the preservation and practice of native law than in Gwynedd. Hence it would have been particularly important to emphasize ecclesiastical involvement in the original making of that law.

CONCLUSION

If, as J. Goronwy Edwards convincingly argued, the prologues to the Welsh lawbooks have little to offer the historian of tenth–century Wales, they nevertheless deserve to be studied as historical sources for the period of their redaction. By analyzing the extant texts in detail this paper has attempted to give the dates and provenances of the prologues more precisely than before. In particular, it has argued that the earliest surviving prologues are those to the Cyfrerth Redaction, and that these originated in southern Wales, quite possibly in Maelenydd, during the period of Rhys ap Gruffudd’s domination of Wales in the late twelfth century. Most of the remaining prologues were written in the thirteenth century, in both Gwynedd and Deheubarth, although those to the Blegywryd Redaction continued to be elaborated into the fifteenth century.5 The preceding discussion has therefore concentrated

1 Stephenson, Law Courts, pp. 10–14.
2 N.L.W., Wynnstay Deposit (1945), Box 1, no. 39 (calendared in J. C. Davin, ‘Strata Marcella Documents’, The Montgomeryshire Collections, li (1949–50), 183), Cynyr appears in another Strata Marcella charters (nos. 4, 22, 23, 30, calendared ibid. 166, 168, 184, but it is not clear from these whether he was a cleric or a layman.
4 Cf. J. D. Mansi, Sacrorum Conciliorum Noma et Amplissima Collectio, xxvii (Venetii, 1770), cols. 527 (Latteran II, c. 9); xxii (Venetii, 1778), cols. 373–4 (Lat. III, Pars xxvi, c. 4, 1000–7 (Lat. IV, c. 18); J. W. Baldwin, Masters, Priests, and Merchants: The Social Views of Peter the Chaunter and His Circle (Princeton, 1972), 175–98.
7 Emanuel believed that the oldest MSS. containing these lawbooks were written by clerics, probably monks: L.T.W. 171, 272. Daniel Huws informs me, however, that B.L. Harleian 1796 containing Lat. C may have been copied by a layman.
8 See above, p. 179 n. 3.
on elucidating the meaning and purpose of the prologues during the formative period of their development in the twelfth and thirteenth centuries; it has tried to reconstruct the historical context in which they were produced.

By examining individual elements common to many or all of the prologues, as well as the specific characteristics of individual prologues, something of their contemporary significance may be inferred. The inferences made here are only possibilities; they cannot be proved. But if we accept that the prologues should not be taken at their face value, then it follows, as Edwards pointed out, that other reasons for their composition have to be sought. Those reasons probably varied from prologue to prologue: the differences in content and emphasis between the texts certainly suggest this, and should warn us against viewing them as a monolithic whole. What all the texts have in common, however, is an attempt to reassure the practitioners of Welsh law of its validity and propriety, principally by claiming royal sanction for it in the pre-Norman past. With reassurance went defiance: the prologues dismiss the challenges to Welsh law posed by reforming clerics or the influence of English law. Yet their very act of dismissal arguably underlines how serious an impact those challenges had made upon native society, and the jurists especially, in twelfth- and thirteenth-century Wales.

Many questions raised by this study remain unanswered; some are probably unanswerable. Was Hywel's title 'the Good' the cause or the consequence of the belief that he had made a fundamental contribution to Welsh law, and when did that belief originate? How far are the dates and provenances suggested for the prologues applicable to the texts of the lawbooks which follow them? Here caution is called for: although we may, for example, assume, on the basis of its prologue, that a version of the Cyfnerth Redaction was extant in Maelienyd during the final decades of the twelfth century, the lawbook may well have had an earlier history and did not necessarily derive from that part of southern Wales in the first instance. We have also to allow for the possibility that earlier prologues once existed which no longer survive. Latin Redaction A's prologue almost certainly draws upon a source originally redacted no later than the early twelfth century, and some of the vernacular prologues may have had similarly early antecedents. Another question is the extent to which the commitment of Welsh law to writing, together with its teaching and administration, depended on clerics. Who exactly composed, copied, and read the lawbooks?

Such questions can merely be asked here, for, though implicit in this paper, they take us well beyond it and require further research. Nevertheless, they are worth asking, since they suggest that a detailed examination of the prologues has important general implications for our understanding of the textual development, as well as the practice, of medieval Welsh law. In conclusion, while unrewarding as accounts of events in Hywel Dda's day, the prologues to the Welsh lawbooks merit attention for what they reveal of native attitudes to Hywel's law at a later date.

Bangor

Huw Pryce

the epilogue in MS. S of Bleg (followed by MS. Z of Cym), as texts composed in the fourteenth and fifteenth centuries.

1 For the view that lawbooks must have been compiled in Wales before the twelfth century, though none from that period now survive, see T. M. Charles-Edwards, review of LTLW, in Studia Hibernica, ix (1969), 156; D. Jenkins, 'The Medieval Welsh Idea of Law', Tüchtzriff voor Rechtsgelehrten, xlvi, no. 3-4 (1961), 331.

2 I hope to discuss this question in detail on a future occasion.

History and Law

ABBREVIATIONS

B.L.   British Library
N.L.W  National Library of Wales.
WHR    Welsh History Review.

APPENDIX: SELECTED TEXTS OF THE PROLOGUES

1. THE CYFNERTH REDACTION

The text is that of N.L.W. Peniarth MS. 37, f. 1r.-v. (U), the oldest MS, containing Version 1 of the Cyfnerth prologue and written in the early fourteenth century. It has been printed in ALW I. 620-2. (For the distinction between Versions 1 and 2 of this prologue see above, pp. 152-3.)

Variant readings of Version 1 are taken from the following MSS:

B.L. Cotton Cleopatra B. v, f. 165r.-v.; printed (not very accurately) in The Cambro-Norman Register, i (1795), 194-5 (X).
N.L.W. 2043z, f. 1r.-v. (Y).
N.L.W. Peniarth 259B, f. 1r. (Z).

Variant readings are also noted from the following MSS. containing Version 2:

B.L. Harlcan 4335z, f. 1r.; printed in WML I. 1-24 (V).
University College of North Wales, Bangor, 21108, p. 1 (photocopy of the Bodorgan MS; see WML 133, 135 (Mk)).
B.L. Cotton Cleopatra A. XIV, f. 33r.-v. (W).

Variants of a merely orthographical nature are not normally noted.


1  Hywel Da ... Kymry: Brenhin Kymry Hywel Da mab Kedell A.
2  I yym ofiad ynym
3  thuargain: MS. chymry; ef of thuargain: aofau ev
terwyn Z; + nyt amgen: FWRW; + nyt amgen no Y.
4  pedwar caintref a thuargen: pedwar caintref ar
terwyn Z.
5  ym terwyn hymyn: ym y terwyn hynfiën FWRW.

1 nyt geir geir neb ... hyd ar path: nyd geir nep amlal
arrow of a geir yw y eir ef ar bwp X.
Hanes a Chyfrfaith

Howell, son of Cadell, prince of all Wales, summoned six men from every 'cymreg' in Wales to him at the White House on the Taf, and those among them were the wisest men in his realm: four of them laymen and two clerics. And the clerics that were summoned was so that the laymen should not ordain things which would be contrary to Holy Scripture, and that was because he had seen the Welsh abusing the laws. And the time that they came there was Lent; and the reason that they came in Lent was because everyone should be holy in that time of holiness and not do wrong. And with the advice and consent of the wise men that had come there, they examined the old laws and left some to continue, some they amended, some they abolished totally, and they established some anew. And after proclaiming the laws which they had decided upon, Howell gave his authority and ordered that they should be observed securely and firmly. And Howell and the wise men who were with him placed their curse and that of all Wales on anyone in Wales who should violate the laws without observing them, and they placed their curse on the jurist who should take an oath of judgement, and on the lord who should give it, if he did not know the three columns of law and the value of wild and tame and what is necessary for human custom.
Latin Redaction A


Here opens the Prologue to the book of the laws of Hywel Dda. King Hywel, who was named the Good, that is Da, established the laws of Wales (Britannia) moderately and temperately by the unanimous consent and careful consideration of the wise men of his kingdom, namely the men of Gwynedd, Powys, and Deheubarth, who had gathered in one place before his council. He summoned from every pago throughout his kingdom six men mighty in authority and knowledge, and all the bishops, archbishops, abbots, and priests of all Wales (Wallia), to the place which is called Ty Gwyn ar Taf, and they remained there for forty days and nights on bread and water. And then they regulated the indemnity for wrongdoing, that is, coep, and reduced the excesses which were in many indemnities for wrongdoing. Thus they set down a price for every single thing and a fitting judgement concerning every thing. Then all the archbishops, bishops, abbots, and priests arose, put on their vestments, and leaned on their croziers with crosses and candles, and by common consent they excommunicated the violators of those laws, and similarly blessed those who observed [them]. These judgements were written down. Here ends the Prologue.

Latin Redaction B

Dei gratia atque providentia rex Howel, qui cognominatur Da, tocius Walliae principatu presidet pactice. Qui, cum Wallenses sui legibus abutit et contra easdem errare prosperiter, quippe quisque sibi fere statuetab ius quo volebat, eliget de quilibet pago sex viros auctoritatem et scientiam populos ad locum qui dicitur Ty Gwyn, quorum consilium diligentie examinatioe leges antiquas partim approbavit, partim emendavit, partim penitus delavit, alias vero de novo condidit. Promulgatis itaque legibus quas observari decreverat, auctoritatem suam eis impetravit, firmiterque eas et illibate ussit tenere; in tantum quod ipse et omnes secum qui aderant maloordinem Dei et suam et tocius Walliae ei imprecati sunt quicunque eas de cetero in Wallia non observaret; Virutis et custos rigidasque satelles.

Hee leges medie temperateque consistunt; in quibus nichil ultra modum nec citra esse permisit, memorans illud Oratii:

Est modus in rebus, sunt certi denique fines;
Quo ultra citraque nequid consistere rectum.

Hywel, king by God's grace and providence, who is named Da, was ruling peacefully over the

principality of all Wales. Since he saw that the Welsh were abusing their laws and erred against them, for everyone was virtually laying down for himself the law which he wished, he chose six men mighty in authority and knowledge from each pago [to come] to the place which is called Ty Gwyn; and by their advice and with careful consideration he approved some of the old laws, some he amended, some he abolished utterly, and indeed he established others anew. Thus having promulgated the laws which he had decided to observe, he bestowed his authority upon them, and ordered that they be kept firmly and undiminished; to such a degree that he and all who were present with him invoked the curse of God and themselves and all Wales on anyone who should not observe them thenceforth in Wales; 'The guardian and stern attendant of true virtue.' These laws remain moderate and temperate, in which he permitted nothing [to be] either beyond or short of due measure, recalling that which Horace wrote: There is a due measure in things, in short, there are definite limits; Beyond or short of which right cannot stand.'

Latin Redaction C

Hewel Bonus, filius Kadell, qui fuit rex in suo tempore per totam Walliam, congregasis Gwenedorum, Pousorum, atque Dextralisium ducibus, et [accitvt] insimul de quilibet pago vi viros sententia meliores per suum regnum usque ad locum qui dicitur Alba Domus, id est, Thiguen or Duau; et ibi demorati sunt xl diebus et xl noctibus. Quis omnes in umnum consentientibus leges ante se constituata scrutati sunt, bonus confirmaverunt, non bonus autem delerunt, et in loca eorum bonus statuerunt, alias vero nescessarias apposuerunt omnium discretionum examinacione et consensu. Leges autem ab eis institutas diligentier observantur benevolentur, similiter transgrescentes malolicientur.

Hywel the Good, son of Cadell, who was king in his time throughout all Wales, gathered the leaders of the men of Gwynedd, Powys, and Deheubarth, and [summoned] at the same time from each pago throughout his kingdom six men who were better in judgement to the place which is called the White House, that is, Thiguen or Duau, and there they remained for forty days and nights. All of them by unanimous consent examined thoroughly the laws set before them: they confirmed the good [laws], but they abolished the bad ones and in their place laid down good ones, and indeed they added other necessary ones by the consideration and consent of all the discerning men. Moreover they blessed those who should diligently observe the laws established by them; similarly they cursed those who should violate [them].

1 LTWL. 276. 1–11. 2 Supplied from Lat. A's prologue by Emanuel.