

KATHLEEN HUGHES MEMORIAL LECTURES
ON MEDIAEVAL WELSH HISTORY

3

The King of England and
the Prince of Wales, 1277–84:
Law, Politics, and Power

R. R. DAVIES



HUGHES HALL
AND
DEPARTMENT OF ANGLO-SAXON, NORSE, AND CELTIC
UNIVERSITY OF CAMBRIDGE

Hughes Hall was founded in 1885 as the Cambridge Training College (CTC) for graduate women schoolteachers. It is therefore Cambridge's oldest Graduate College, consisting currently of around 50 Fellows and some 250 student members, now of both sexes, who study for doctoral or M.Phil. degrees or for the postgraduate diplomas and certificates offered by the University. We also have an increasing number of mature undergraduates in a variety of subjects. As a result, the academic community of Hughes Hall is now extremely diverse, including students of 45 nationalities and representing almost all the disciplines of the University. Enquiries about entry as a student are always welcome and should be addressed initially to the Admissions Tutor, Hughes Hall, Cambridge, CB1 2EW, U.K. (<http://www.hughes.cam.ac.uk/>).

An important step in this transformation came with the granting of Cambridge degrees to women in 1948: the CTC was then given the status of a 'Recognised Institution', the crucial first move towards integration with the University proper. The College took the name of CTC's charismatic first Principal, the celebrated women's educationalist Elizabeth Phillips Hughes. Apart from Miss Hughes's Welsh heritage, there is no known connexion between the College and the scholar now commemorated in this series of lectures.

Kathleen Winifred Hughes (1926-77) was the first and only Nora Chadwick Reader in Celtic Studies in the University of Cambridge. Previously (1958-76) she had held the Lectureship in the Early History and Culture of the British Isles which had been created for Nora Chadwick in 1950. She was a Fellow of Newnham College (and Director of Studies in both History and Anglo-Saxon), 1955-77. Her responsibilities in the Department of Anglo-Saxon & Kindred Studies, subsequently the Department of Anglo-Saxon, Norse & Celtic, were in the fields of Irish, Scottish, and Welsh history of the early and central middle ages. Her achievements in respect of Gaelic history have been widely celebrated, notably in the memorial volume *Ireland in Early Mediaeval Europe*, published in 1982. The Kathleen Hughes Memorial Lectures both acknowledge her achievement in respect of Welsh history and seek to provide an annual forum for advancing the subject. Each year's lecture will be published as a pamphlet by the Department of Anglo-Saxon, Norse & Celtic on behalf of Hughes Hall.

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PREFACE

The Kathleen Hughes Memorial Lecture in Mediaeval Welsh History was initiated as an annual event by Hughes Hall as the result of an anonymous benefaction in her memory and to mark the establishment of the Welsh Assembly. This benefaction came to the College as a result of an initiative taken by our Fellow, Dr Michael J. Franklin, Director of Studies in History and in Anglo-Saxon, Norse & Celtic.

Each lecture will be published, both on the College's web-site (<http://www.hughes.cam.ac.uk/>) and as a printed pamphlet, to coincide with the following year's lecture. Hughes Hall is grateful to the Department of Anglo-Saxon, Norse, and Celtic for acting as hard-copy publisher.

In 2003 the Hughes Memorial Lecture will be given by Dr Scott Gwara of The University of South Carolina, on 'Education in Wales and Cornwall in the Ninth and Tenth Centuries: Understanding *De Raris Fabulis*'. In 2004, our Lecturer will be Dr Kenneth Dark of the University of Reading, whose provisional subject is 'The Age of the Saints: an Archaeological Interpretation'. As President, I am most grateful to our Hughes Memorial Lecture Advisory Committee – consisting of Dr Franklin, Professor Dumville, and Professor Patrick Sims-Williams (University of Wales, Aberystwyth) – for nominating distinguished scholars to be asked to be our Lecturers.

Hughes Hall hopes that this new academic initiative will make a significant scholarly contribution to the study of Welsh history and that the series will continue for many years. I am pleased to have been able to welcome it to the College's calendar.

Peter Richards
President
Hughes Hall

THE KING OF ENGLAND AND THE PRINCE OF WALES, 1277–84: LAW, POLITICS, AND POWER

Kathleen Hughes, in whose memory this lecture was founded, made a cardinal and enduring contribution to the study of earlier mediaeval Ireland and Wales. She worked on periods of history where the sources were often exceedingly sparse, laconic, and even rebarbative. Interrogating those unfriendly sources intelligently and deploying them sympathetically to reconstruct a past society were among her great talents. The task which I have set myself here is, at first sight, diametrically different. I wish to consider the historical evidence (or at least a goodly tranche of it) for what is far and away the best documented period of the history of mediaeval Wales.¹ Furthermore, the period in question is a mere five years, 1277–82, that is, the last years of native princely rule in Wales, prior to the final English conquest in 1282–3. It is not my intention to relate the unfolding story of those five crowded and dramatic years. That has already been done expertly several times.² Rather it is my intention to consider

¹ The following abbreviations have been used throughout:

CCR = *Calendar of the Charter Rolls preserved in the Public Record Office* (6 vols, London 1903–27);

CIM = *Calendar of Inquisitions Miscellaneous (Chancery) preserved in the Public Record Office* (7 vols, London 1916–68);

CR Henry III = *Close Rolls of the Reign of Henry III preserved in the Public Record Office* (15 vols, London 1902–75);

CWR = ‘Calendar of Welsh Rolls’, in *Calendar of Various Chancery Rolls – Supplementary Close Rolls, Welsh Rolls, Scutage Rolls – preserved in the Public Record Office: A.D. 1277–1326* (London 1912), pp. 157–383.

² Notably by J. Goronwy Edwards in *Littere Wallie preserved in Liber A in the Public Record Office* (Cardiff 1940), especially pp. 1–lix; James Conway Davies in his remarkable 233-page introduction to *The Welsh Assize Roll, 1277–84. Assize Roll, No. 1147 (Public Record Office)* (Cardiff 1940); F. M. Powicke, *King Henry III and the Lord Edward. The Community of the Realm in the Thirteenth Century* (2 vols, Oxford 1947; references will be to the single-volume edition), especially chapter XV; *idem, The Thirteenth Century, 1216–1307*

how we, as historians, might best approach the rich array of sources from which we construct, analyse, and explain the political story of these critical years. Sources, I hope to show, can be as challenging, even misleading, when they are abundant as when they are scarce: cultivating the art of discriminating reading is essential for both situations.

Let me first set the scene very rapidly. 1277 was truly an *annus horribilis* in the story of native princely rule in Wales. For almost twenty years prior to that year, Llywelyn ap Gruffudd, prince of Gwynedd, had built up his authority over the native-controlled parts of Wales in a quite remarkable fashion, ruthlessly exploiting the divisions and inadequacies of his rivals and turning the disarray of English and Marcher political life fully to his advantage. In the process he created a new and revolutionary political structure – a unitary principality of native-ruled Wales, covering geographically some two thirds of the surface-area of the country. His achievement was eventually, if reluctantly, acknowledged by the English crown in 1267, when it conceded to him and his heirs the title (which he had already adopted) of ‘prince of Wales’ and thereby acknowledged that he had created, territorially and even constitutionally, a new political artefact, a principality of Wales, *principatus Wallie*.³ Less than ten years later this new principality came crashing down to the ground, as Llywelyn was forced to make the most demeaning of submissions to Edward I in the Treaty of Aberconwy in November 1277. By the terms of the Treaty, Llywelyn was in effect allowed to retain his new-fangled title as prince of Wales; but in every other respect his principality was comprehensively dismantled. He was left with a small rump of lands in north-west Wales, Gwynedd uwch Conwy; he

(Oxford 1953; 2nd edn, 1962), especially pp. 404–19; R. R. Davies, *Conquest, Coexistence, and Change. Wales, 1063–1415* (Oxford 1987), pp. 326–48; Michael Prestwich, *Edward I* (London 1988), pp. 181–7; and, most recently and amply, J. Beverley Smith, *Llywelyn ap Gruffudd, Prince of Wales* (Cardiff 1998), pp. 390–510.

³ *Littere Wallie*, ed. Edwards, introduction; J. Goronwy Edwards, *The Principality of Wales, 1267–1967. A Study in Constitutional History* ([Caernarfon] 1969). For a map of Llywelyn’s principality at its maximum-extent and of its subsequent contraction after 1277, see William Rees, *An Historical Atlas of Wales from Early to Modern Times* (2nd edn, London 1959), plates 41 and 43.

was stripped of all his powers and pretensions to be ruler of the remainder of native-controlled Wales; and the performance of fealty to Edward I at Rhuddlan, followed at Christmas by the act of homage in London, sealed the comprehensiveness and publicity of his submission.⁴ The venue of that act of homage was, incidentally, significant; Edward had once agreed to meet Llywelyn on the borders of Wales, but he now insisted that he undergo the ceremony of submission formally in the capital of the English kingdom. What remained to be seen was how both parties – Edward I in his comprehensive victory and Llywelyn in his utter humiliation – would adjust to this dramatic change of political fortunes and power. That was to be the story of the next few years.

That there should be tension in the relationship, both psychologically and politically, was only to be expected after such a *bouleversement* of fortunes.⁵ Some measure of *modus uiuendi* could be, and was indeed, worked out, if only because the disparity in power was so very great. But it would be unrealistic to expect that Edward I, on the one hand, would do other than interpret the terms of the settlement of 1277 to his maximum-advantage or that Llywelyn ap Gruffudd, on the other, would not explore every opportunity to begin the slow process of trying to rebuild his power-base. Over the next few years there were tensions and incidents aplenty between the two, which fanned the flames of irritation and mistrust; but none of them was not amenable to the give-and-take of diplomatic discussion. One issue above all others came to dominate the agenda of disagreement and discussion between the Welsh and the English in the years after 1277, that of the status and application of Welsh law. In a way it was a rather surprising issue to be given such prominence, since it had never yet appeared as a major issue of contention in Anglo-Welsh relationships in the thirteenth century, nor had there been any indication that the validity, or content, of Welsh law had been called

⁴ The terms of the Treaty of Aberconwy are in *Littere Wallie*, ed. Edwards, pp. 118–22 (no. 211); but they need to be read alongside associated documents *ibid.*, especially pp. 113–14, 116–18, 157 (nos 205, 207–10, 279), and *CWR*, pp. 157–60.

⁵ Powicke's characterisation of Llywelyn's position after 1277 is unconvincingly rosy: *King Henry III*, pp. 655, 677.

in question by the English authorities, at least officially.⁶ They had accepted that the law of Wales was quite distinct from that of England and should be respected as such. That in itself should be an early warning to us that there was possibly more to the question of Welsh law in the unfolding events of the years after 1277 than initially meets the historical eye. It is a warning to which I shall return.

In the large dossier of documentation for the critical years 1277–82, the issue of Welsh law may be said to figure at two separate, but related, levels. The first was as part of the personal armoury of grievances of Llywelyn ap Gruffudd himself, notably in the much-rehearsed dispute about Arwystli.⁷ Before I summarise the essence of the case very briefly, let me make it clear at once that the importance of Arwystli – an upland-area of western central Wales where the number of sheep and cattle has always outnumbered human beings by at least twenty to one – was symbolic, not substantive. But symbols are often the most powerful substances. Arwystli (a name, incidentally, scarcely known to Welshmen today) was, I should add, ecclesiastically and politically a rather anomalous area. Ecclesiastically it was an enclave of the diocese of Bangor within the diocese of St Asaph. Politically it had once had its own native dynasty; but in the thirteenth century it came into the orbit of Gwynedd and Powys successively and in 1277 had been part of Llywelyn's greater Gwynedd or principality of Wales. Early in 1278 Llywelyn laid a claim to Arwystli against Gruffudd ap Gwenwynwyn – lord of Powys, deadly foe of Llywelyn, and client-dependant of Edward I – before specially appointed justices of the king of England.⁸ The nub of Llywelyn's case concerned the way in which the case should be tried. His arguments were, briefly, as follows:

⁶ The issue has been discussed, with supporting references, by R. R. Davies, 'Law and national identity in thirteenth-century Wales', in *Welsh Society and Nationhood. Historical Essays presented to Glanmor Williams*, edd. R. R. Davies *et al.* (Cardiff 1984), pp. 51–69.

⁷ For Arwystli, see A. D. Carr, 'A debatable land: Arwystli in the Middle Ages', *The Montgomeryshire Collections* 80 (1992) 39–54.

⁸ There is no record extant of Llywelyn's initial plea, probably laid before the royal justices at Montgomery in February 1278. Gruffudd ap Gwenwynwyn's counter-plea was recorded: *The Welsh Assize Roll*, ed. J. C. Davies, p. 241.

Arwystli was in Wales and Gruffudd ap Gwenwynwyn, the defendant, was a Welshman ('of Welsh condition'); therefore, both self-evidently and according to the terms of the 1277 Treaty, the case ought to be tried by Welsh law. That further implied, so Llywelyn claimed, that it should be heard on the land itself, before professional Welsh judges (*ynaid*), and in accordance with Welsh legal procedures.⁹ His opponent, Gruffudd ap Gwenwynwyn, denied every one of these arguments. The land in question, so Gruffudd averred, was held 'by barony'; the fact that it was in the farthest parts of Wales, away from the English border, did not preclude it from being held by barony; he himself, Gruffudd, was 'a baron of the lord king of the March'; all cases relating to lands held by the king's barons should be tried by common law (that is, English common law) in the king's court. There could be no further progress in the case until and unless this preliminary issue – or rather the tangle of related issues of what was the legal and tenurial status of Arwystli, by which law should a plea concerning the district be held, and thereby where and before whom should the plea be heard – was settled. That was a matter for none other than the king of England, before whose special justices the case had originally been raised. But Edward I either could not or would not settle the issue. The impasse was considered by royal justices, by the king's council and magnates, in parliament and by the king himself;¹⁰ two major governmental inquiries were launched into the issue;¹¹ royal records were scrutinised and precedents abstracted;¹² and even the archbishop of Canterbury was wheeled on to give his

⁹ For the arguments, see *ibid.*, pp. 264–7.

¹⁰ Before the specially appointed justices: *ibid.*, pp. 254–7, 333–4. Before king's council, magnates and in parliament: *Calendar of Ancient Correspondence concerning Wales*, ed. J. Goronwy Edwards (Cardiff 1935), pp. 58–9, 62. Before the king in person: *Registrum Epistolarum Fratris Joannis Peckham, Archiepiscopi Cantuariensis*, ed. Charles Trice Martin (3 vols, London 1882–5), II.440–1.

¹¹ The Grey-Hamilton inquiry, October 1278 (*CIM*, I.333, no. 1109), and the commission of inquiry into Welsh law, January–February 1281 (*CWR*, pp. 190–210).

¹² Note particularly the special roll of extracts from the Curia Regis Rolls for the years 1247–58 (KB26/159), fully summarised in *The Welsh Assize Roll*, ed. J. C. Davies, pp. 13–30. See also Smith, *Llywelyn ap Gruffudd*, p. 479. I should perhaps add that Conway Davies's arguments regarding the purpose and dating of this roll fully convince me.

intemperate views on the moral dimension of the case.¹³ But to no avail. Letters written in February 1282 make clear Llywelyn's growing impatience that after four years his plea had still not been heard.¹⁴ On 22 March, 1282, the Welsh broke into revolt; defeat and death were to solve the case concerning Arwystli, where litigation had failed.

We might dismiss Llywelyn ap Gruffudd's obsession to have the dispute about Arwystli tried by Welsh law as a clever legal and political ploy calculated to embarrass the king of England and his allies in Wales. That may be so; but it is less than the whole truth. Not only did other Welsh leaders (notably Rhys Wyndod in Ystrad Tywi)¹⁵ appeal to Welsh law in their attempts to defend themselves against the greed of English lords; more significant is the fact that by 1282 the defence of what were called 'the immutable laws and customs of Wales' had become *the* rallying cry of native opposition across the whole face of Wales, not just in Llywelyn's rhetoric.¹⁶ And so we come to the second way in which Welsh law became a central issue in the years 1277–82. No longer was Welsh law simply a convenient spanner to throw in the works of English jurisdiction and governance. It was the very emblem of the identity of the Welsh as a people, a *nacio*. It was a rallying point to which all the Welsh could

¹³ *Registrum Epistolarum Fratris Johannis Peckham*, ed. Martin, I.135–7 and II.473–7.

¹⁴ *Calendar*, ed. Edwards, pp. 90–1, 99–100.

¹⁵ Rhys Wyndod (†1302) was the great-great-grandson of Lord Rhys of Deheubarth (†1197). He is frequently found referred to as Rhys Fychan – the name of his father (†1271) – in the English records. He had been the victim of Edward's territorial expropriation (including the ancestral family-seat at Dinefwr) in 1277. His long-drawn-out dispute over the commotes of Hirfryn and Perfedd with John Giffard (*The Welsh Assize Roll*, ed. J. C. Davies, pp. 261–2, 268–70, 289–91, 310–11, 316–17, 320–1, 327–8, 338–40) shares many characteristics with Llywelyn's claim to Arwystli, both in terms of the status of Welsh land and the use of Welsh law and, even more significantly, in the stark political realities (ignored in the legal documents) which underlay it. For a résumé of the case, see *ibid.*, pp. 62–73, and, for discussion, Smith, *Llywelyn ap Gruffudd*, pp. 489–93. Rhys died a prisoner in 1302, and Edward ordered that he be 'well and courteously interred in the great church of Windsor': *Calendar*, ed. Edwards, pp. 261–2.

¹⁶ *Registrum Epistolarum Fratris Johannis Peckham*, ed. Martin, II.453–4; *The Welsh Assize Roll*, ed. J. C. Davies, p. 266; *Calendar*, ed. Edwards, p. 73. For a discussion, see R. R. Davies, 'Law and national identity', p. 62.

subscribe. In that respect they reacted in much the same way as did so many other peoples of mediaeval Europe in defence of their laws, as an emblem of their identity as a people.¹⁷ Even their English opponents conceded that when the Welsh launched their last, despairing revolt in the spring of 1282 they did so ‘standing together for their laws’.¹⁸

Given the centrality that the issue of Welsh law plays at these twin levels – both in the growing personal frustration of Llywelyn ap Gruffudd and in the rhetorical platform of Welsh opposition to English rule generally in Wales – it is little wonder that historians have branded the dispute between the English and the Welsh as ‘the conflict of laws’.¹⁹ This was the term used by Maurice Powicke to describe it in his chapter-heading, and it has recently been echoed by Beverley Smith. The documentation seems to give ample support to such an interpretation. It is to that documentation and the challenge which it poses to the historian that I now wish to turn. It is, by the standards of mediaeval Welsh history, an extraordinarily rich dossier. It includes a fascinating array of official correspondence and diplomatic exchanges, rolls of current and past judicial proceedings and precedents, reports of two commissions of inquiry, and petitions from Welsh individuals and communities. For those used to the tantalising meagreness of sources for the history of the so-called Celtic countries, this is indeed an *embarras de richesses*. So why should we approach it with caution?

One reason for caution is the universal dilemma which the historian faces *vis-à-vis* his sources. It is self-evident that the historian lives by sources; but he must never be allowed to be

¹⁷ R. R. Davies, ‘The peoples of Britain and Ireland, 1100–1400. III. Laws and customs’, *Transactions of the Royal Historical Society*, 6th series, 6 (1996) 1–23.

¹⁸ The Dunstable annalist: *Annales Monastici*, ed. Henry Richards Luard (5 vols, London 1864–9), III.291.

¹⁹ This was the title which Powicke gave to his chapter on Anglo-Welsh relations in *King Henry III*, pp. 618–85. It has been echoed, and substantively confirmed, by J. B. Smith, ‘England and Wales: the conflict of laws’, *Thirteenth-century England* 7 (1997) 189–205; although my approach and emphasis differ from those of Professor Smith, I have been greatly stimulated by his consideration of the issues.

captivated by them. Sources, after all, as Marc Bloch observed, are no more than tracks into the past;²⁰ they must not be confused with the past itself. They may tell the truth on their own terms; but it is certainly not the whole truth (whatever that is). They were composed for a purpose, a contemporary purpose, and often in a formulaic fashion. They construct and record their world on their own terms and in their own language. It is their silences of fact, assumption, and approach which are most difficult to detect and which most frequently catch us nodding as historians.²¹ The perennial danger for the historian is to surrender, unwittingly or otherwise, to the agenda, terminology, and explanatory framework of his documentation – in short, to present the world of the past on the terms of his sources, be they the works of Bede, the Irish laws, or the documents of the English chancery, to name but a few examples.

So it is with the rich dossier of evidence for the final confrontation between Edward I and Prince Llywelyn. It consists of the most authoritative-looking genre of official documents – treaties, formal correspondence, and legal records and inquiries. Those two cardinal words – ‘authoritative’ and ‘official’ – too often lead us to lower our guard as critical historians. In truth, they should prompt us to raise our guard even further. Official documents have their own constraining formulae, their own persuasive rhetoric, their own language, and their own convenient silences. This is true of the Treaty of Aberconwy itself, the treaty, drawn up no doubt by the king’s clerks, which was supposed to govern Anglo-Welsh relations after 1277. It contained two critical clauses on the future of disputes about land in Wales; but the clumsy ineptness or, at least, vagueness of the clauses suggest that the tricky jurisdictional issues which were likely to be spawned by such disputes were being deliberately avoided or side-stepped. They were a standing invitation to ambiguity and

²⁰ Marc Bloch, *The Historian’s Craft* (Manchester 1954), pp. 55, 64–5, 89.

²¹ Paul Veyne has offered some characteristically perceptive comments on this issue in *Comment on écrit l’histoire. Essai d’épistémologie* (Paris 1971), especially pp. 14–15, 24–5.

prevarication.²² And so they proved to be, not unlike some peace-accords in our own day. Likewise, the smooth courtesies of the formal correspondence should not conceal from us the pointed psychological messages being conveyed between, or sometimes on, the lines.²³ Occasionally, indeed, the message could be very blunt. Already in July 1278, Edward had told Llywelyn to ‘come before the king’s justices ... at days and places that they shall make known to him to do and receive what justice shall dictate.... No other true interpretation of this article [of the Treaty of Aberconwy] can be made, and the king has never understood any other and does not understand any other.’²⁴ Arguably it was Llywelyn’s failure to read that message properly – not at a factual level but as a signifier (in our modern linguistic parlance) of the ultimate unquestioning masterfulness which was at the heart of Edward I’s kingship – which allowed him to delude himself that the dispute about Arwystli could be settled on *his* terms. Reading the psychology of power-relationships is as important as construing the documents themselves; indeed the one is inseparable from the other (for, as Marc Bloch again commented, historical facts are by their nature psychological facts).

²² The first clause reads: ‘If Llywelyn wishes to lay a claim to any lands which others beside the king had occupied beyond the Four Cantrefi (viz, the district of north Wales to the east of the River Conwy), the Lord King will show him full justice according to the laws and customs of those parts in which the lands lie’. The second relevant clause reads: ‘Disputes and contentions moved or to be moved between the Prince and others are to be determined and decided according to the laws of the March for disputes which arise in the March, and according to the laws of Wales regarding those which arise in Wales’.

²³ The letters of Llywelyn’s wife, Eleanor, to her cousin Edward I (*Calendar*, ed. Edwards, pp. 75–6) are arguably more revealing in this respect of psychological attitudes and fears than are the studied formulae of the exchange between king and prince.

²⁴ *CWR*, p. 175. It is clear that Llywelyn at an early stage in the dispute, in a letter which does not survive, had protested that to cite him to appear before the king’s justices at Montgomery was to act ‘improperly and against Welsh laws and customs’ (*ibid.*, p. 173). It was an acknowledgment that he had been caught in Edward’s jurisdictional web. Llywelyn could argue that the Treaty of Aberconwy, unlike earlier treaties extracted from Welsh princes, had *not* specified that he should stand to justice in the king’s court nor had either of the clauses cited above in n. 22 specified where or by whom cases ought to be determined. But to build his hopes and arguments on such unspoken assumptions was to overlook the way in which Edward I and his advisers interpreted the world and the mechanisms of their authority and then acted on that interpretation.

Nowhere is the need to read the sources with a clear and critical eye to their rhetorical conventions, ploys, and silences more obvious than in the case of legal records. By the late thirteenth century the English legal profession had developed a whole armoury of procedures, replications, collusive actions, and exceptions, which a clever attorney could exploit to the maximum-advantage of his client. Legal arguments are just that – arguments to enhance a case.²⁵ Like all arguments they have their conventions and discourse and are sharpened to make their points. They are not *ex cathedra* statements of universal truths but arguments made in order to advance or frustrate or delay a case. It is in that spirit that we should approach the grand statements made for, and against, the use and status of Welsh law during the judicial proceedings of 1278–82. The most unlikely litigants appealed to Welsh law when it suited them – including Adam of Montgomery, Roger Mortimer, Bogo de Knovill, and even Gruffudd ap Gwenwynwyn, the very man who opposed it so vociferously in the dispute about Arwystli! We need not assume that they were deeply cynical in their appeals; but equally we certainly need not assume that their appeal to Welsh law was a matter of high principle or even of sound knowledge. They were playing games as legal games should be played, to win a match, or at least one round, on points.²⁶

Particularly is this the case when a legal issue, such as the case concerning Arwystli, spilt over into the political arena (a point to which I shall return anon). The most famous *obiter dictum* which was uttered during the disputes of the years 1277–82 was the resounding statement of the attorney of the Prince of Wales:²⁷

²⁵ The case brought by Adam of Montgomery against Gruffudd ap Gwenwynwyn regarding Arwystli is a classic case of a collusive action: *The Welsh Assize Roll*, ed. J. C. Davies, pp. 125–30; Smith, *Llywelyn ap Gruffudd*, p. 487, n. 139.

²⁶ *The Welsh Assize Roll*, ed. J. C. Davies, pp. 149, 235, 275, 285, 313. For details of the arguments – sometimes contradictory – put forward by appeal to Welsh law, see R. R Davies, ‘Law and national identity’, p. 60.

²⁷ *The Welsh Assize Roll*, ed. J. C. Davies, p. 266. The force of the word *imperium* is clearly rhetorical, not institutional or legal. Cf. the comments of Powicke, *King Henry III*, pp. 668–9; Smith, ‘England and Wales’, pp. 194–6.

Each province under the dominion (*imperium*) of the lord king has its own laws and customs according to the usage of the parts in which it is situated – for example, the Gascons in Gascony, the Scots in Scotland, the Irish in Ireland and the English in England... He (Llywelyn) ought to have Welsh law and custom, just as other peoples (*naciones*) under the dominion of the lord king have their laws and customs.

It is an eloquent statement, just as ‘The Declaration of Arbroath’ is an eloquent statement. But it is a statement made in the course of a debate, a legal debate. There is no need to read into it (as Powicke did) some kind of appeal to a ‘higher law’ or even to determine whether the statement was somehow congruent with historical realities. Good rhetoric is its own justification, especially if it puts its opponent on the defensive. In the same fashion the recurrent claim of Edward I that he would stand by the customs observed by his predecessors was, transparently, a rhetorical ploy, giving a veneer of respectability and antiquity to his claims, without requiring him to quote chapter and verse to prove his case.²⁸ It is fatuous to charge either party with insincerity or to claim that the one had ‘a better case’ than the other. They were indulging in rhetorical and legal exercises, knowing full well that the issue would ultimately be decided by the realities of power. And when they tried to bolster the rhetoric by appeal to historical fact – as Edward I did by setting up two commissions of inquiry into Welsh law and by commissioning the compilation of excerpts from royal judicial records –, the transparent selectivity of the evidence, chronologically and geographically, and even the questions posed make it clear that his was no dispassionate appeal to the past.²⁹ When are governments ever dispassionate in their

²⁸ For example, *CWR*, p. 175 (‘in any other way than it was always usual and accustomed in the times of his predecessors and in his own time’).

²⁹ For the inquiry of Jan.–Feb. 1281 into Welsh law, see J. E. Lloyd, ‘Edward the First’s commission of enquiry of 1280–1: an examination of its origin and purpose’, *Y Cymmrodor* 25 (1915) 1–20; Smith, *Llywelyn ap Gruffudd*, pp. 483–6. I hope to return to a closer investigation of the commission on a later occasion. For the roll of excerpts compiled from the Curia Regis Rolls, see above, n. 12. There are some telling comparisons with Edward’s treatment of Scottish issues in the 1290s. *Edward I and the Throne of Scotland, 1290–1296. An Edition of the Record Sources for The Great Cause*, edd. E. L. G. Stones & G. G. Simpson (2 vols, Oxford 1978), provides an excellent point of departure for consideration of Edward’s

appeals to the past – or to statistics? We who are so familiar with spin-doctors, focus-groups, and planted questions should at least pay our predecessors the compliment of accepting that they were not politically or legally naive. That compliment should inform our reading of the documents, selective as they are, which they have bequeathed to us.

We may be imprisoned by our documents in another fashion – by surrendering too readily to their language, terminology, and conceptual construction of their worlds. To control language is to determine the way in which we think about the world; it is, in J. L. Austin's famous phrase, part of the things which we do with words. It sets the agenda of an argument and the terms on which it can be discussed. Let me instance two examples from the correspondence of Edward I. The first is in effect an apologia for Edward's imminent decision to launch an attack on Llywelyn in 1276–7. It reads as follows:

The ancestors of Llywelyn ap Gruffudd [note that he is not accorded a title] always held their lands of Wales of the kings of England *in chief*, doing homage and fealty and other services due, and doing and receiving right *in the court of the kings of England*.

This pithy claim to the English feudal and jurisdictional superiority over native Wales is echoed in a letter which Edward sent to Llywelyn in June 1278 *à propos* the dispute about Arwystli:

the king signifies to him [Llywelyn] that both in the times of his predecessors, kings of England, and in his time it was always usual ... that pleas of lands held in chief immediately of him and of the crown of England, or that ought to be so held, ... should be heard and determined at certain days and places appointed by the justices [of the lord king]....

We could, indeed we clearly are expected to, take these statements at face-value as declarations of a factually self-evident and historically-sanctioned situation.³⁰ We should be innocent to do so. The little

use of legal and historical evidence, especially when read in association with Michael Clanchy's review in *The American Journal of Legal History* 24 (1981) 363–4.

³⁰ *Calendar*, ed. Edwards, p. 252; *CWR*, pp. 173–4. The point was forcefully repeated in a letter of 14 July, 1278: *CWR*, p. 175.

word ‘always’, which is common to both quotations, should immediately put us on our guard. Just as William Stubbs commented that when he came across the phrase ‘History tells us that’, he knew that it was soon to be followed by a thumping lie, so it is with the word ‘always’. It is the hallmark of browbeating bluster, of asserting that something is historically self-evident whereas in fact it is nothing of the sort. But more significant for my argument is the way in which the relationship between Edward and Llywelyn is expressed in the terminology and implications of feudal dependence – homage, fealty, services due, tenurial and territorial dependence, and jurisdictional answerability in the king’s court. That, of course, is precisely how the kings of England construed their relationships with, and power over, their magnates in England. Whether historically or substantively it could be said to describe the relationship – as opposed to the aspirational and occasional claims³¹ – of the kings of England over the client-rulers of the other parts of Britain and Ireland is, and was, altogether a very different, and contentious, matter and one to which historians have given far too little attention. Indeed, whether the terms of the dependence as so briskly and brusquely stated by Edward I would have been understood fully in the native polities of Wales and Ireland (with their very different, if evolving, pattern and language of dependence) was far from clear. It was the intention of Edward I – like that of every good advocate – to persuade contemporaries (and historians) to accept the assumptions and terminology of *his* arguments – with their far-reaching implications – on *his* terms. To do so would be to surrender to his construction of the world; that is what the powerful always seek to achieve.

We need to sensitise our historical imaginations to the manipulation, be it conscious or otherwise, of language in this respect. Take for example the vocabulary which Henry III and Edward I chose in order to classify the princelings of Wales, including Llywelyn ap Gruffudd himself. They could be bunched with the king’s other

³¹ Especially in the period of crisis in Gwynedd in the 1240s, when for the first time the phrase ‘holding in chief’ was applied and even a specific military quota imposed: R. R. Davies, *Conquest*, pp. 304–5.

tenants-in-chief or described collectively as ‘our magnates of Wales’ or ‘barons of the lord king’; Llywelyn might be referred to as ‘one of the greater among the other magnates of our kingdom’, in other words on a par with the magnates and barons of England.³² It is less a question of whether these were slighting references (although some of them were assuredly that); rather do they open a window onto the way in which the English kings saw the relationship, *and wanted it to be seen*, as approximating the status, responsibilities, and obligations of the princelings of Wales to those of the major barons of England. In much the same manner, of course, they manipulated their terminology and the historical evidence *vis à vis* the king of Scots in the 1290s, and with devastating results. The total breakdown in Anglo-Scottish relations from 1296 was a consequence of the determination of Edward I unilaterally to impose his view of the world and of the relationships of power on the Scots. He had succeeded triumphantly in Wales and there was every reason to believe (until 1306) that he would succeed in Scotland. His success in both countries was founded on the manipulation of the past and of language in the service of his own power. Historians have too often taken him at his own word.

The past could be, and was, called in to support such an interpretation. The past, as so often, is the handmaid of authority and power. So it was that when Edward I commissioned a search for cases relating to royal jurisdiction in Wales he deliberately and inevitably focussed on the years 1247–58, in other words the years of the nadir of native Welsh power, and took his evidence exclusively and conveniently from the only surviving records available to him, those of the king’s court.³³ Sources and period were selected to serve his own case. He would have come to very different, and

³² *CR Henry III*, X.107; *Littere Wallie*, ed. Edwards, pp. 5–6 (no. 2); *Treaty Rolls preserved in the Public Record Office, I, 1234–1325*, ed. Pierre Chaplais (London 1955), pp. 54–6 (no. 134).

³³ Had Edward’s advisers had access to the records of Llywelyn’s years of supremacy (1258–76) – many of which were subsequently to be copied into *Littere Wallie* (ed. Edwards) – they would have found evidence of Llywelyn summoning Welsh ‘peers’ to be tried in his court or of such agreeing to bring their territorial disputes to be decided by him.

uncomfortable, conclusions had he extended his historical inquiry to cover the years 1258–77 when Prince Llywelyn's power was at its zenith. We need not impugn the motives of Edward I; but it would be a culpable failure of historical understanding to imagine that he was doing other than confirming *his* view of the world and of the reach of *his* jurisdictional power. Nor, of course, was he alone in so doing. Llywelyn sought to build an alternative image of power in Wales, one which spoke of *his* 'barons and magnates of Wales' and of 'the respect due to his attributes and status as a prince' and even argued pointedly that 'the rights of our principality are entirely separate from the rights of your kingdom'.³⁴ Whether native Wales was (as Llywelyn cared to argue) a principality or whether (as Edward I saw it) it was a barony held in chief of the king was not an idle, hair-splitting dispute about words; it went to the very heart of the power-relationship. We should be alert to that reality as we read our documents.

We should also be alert to the fact that the very terms used in the debate were fluid and ambiguous. Duplicity, it has been said rather tartly, is at the heart of language. It is only power which cleanses it of that duplicity and then, of course, to serve its own ends. The Anglo-Welsh disputes of the years 1277–82 were mired in terminological and procedural ambiguities: were the litigants of 'Welsh condition' or not? were the lands in Wales or in the March? was Welsh law to be applied or not, and if so by whom and where? how, furthermore, was 'Wales' to be distinguished from 'the March of Wales', and 'the prince of Wales' from 'a Welsh baron of Wales'?³⁵ And so forth. The scope for ambiguity was nowhere more obvious than in what should appear to be the most uncontentious of terms, the very word 'Wales'

³⁴ *CR Henry III*, XI.4–5; *Calendar*, ed. Edwards, pp. 87, 162; J. B. Smith, 'Offra Principis Wallie Domino Regi', *Bulletin of the Board of Celtic Studies* 21 (1964–6) 362–7; *Calendar*, ed. Edwards, p. 86.

³⁵ For example, *CWR*, p. 163 ('in the marches and in Wales'). As to the distinction, drawn in the commission of inquiry into Welsh law in 1281, between 'a prince of Wales' and 'a Welsh baron of Wales', it should be noted that the footnote at *CWR*, p. 188, is in error. The repetition of the phrase 'Welsh baron of Wales' is deliberate, not a case of scribal repetition, as the list of questions on p. 191 makes clear. I hope to return on another occasion to the question of the usage of the word 'Wales' in the thirteenth century.

itself, *Wallia*. The geographical area or country called Wales was clearly to be distinguished from the newly-created unit called ‘the principality of Wales’, a principality which shrank drastically in size after 1277 to the point of being scarcely credible as a term. None of these was a minor issue. They went to the very heart of the interpretation of the Treaty of Aberconwy; they were a source for endless prevarications, special pleading, and counter-claims. There is no need to accuse either party to the disputes of exploiting these ambiguities to their own ends in bad faith. Ambiguities of terminology and definition arose from the very fluidity of the political situation within Wales *and* of the relationship between Wales and England across the years; they arose also from the different perception and construction of both the situation and the relationship. It is in these differing perceptions and constructions, not in the tortuous legalism of the records, that we get to the heart of the issue between the English and the Welsh in these last fateful years of native Welsh political life.

What, then, was at issue between the English and the Welsh, between Edward I and Llywelyn ap Gruffudd, during these years? If we take the evidence at its face-value then indeed it was, as historians have claimed it to be, ‘a conflict of laws’. The high-principled defence of Welsh law in general and the insistence that it should be used to determine the cause of Arwystli in particular were indeed the platform on which the Welsh decided to fight their case. It was, without a doubt, a brilliant ploy, both rhetorically and procedurally.³⁶ Rhetorically it allowed the Welsh to cast themselves in the role of an injured party, defending the innate right of all peoples to enjoy their own laws. Procedurally, Llywelyn was well aware that had he won on this crucial issue, by what law the case was to be tried – with all the implications which would, in his view, flow from that decision –, he would also have won a victory in substance over his enemies within and beyond Wales.³⁷ But to interpret the issue as ‘a conflict of

³⁶ For this point see R. R. Davies, ‘Law and national identity’, p. 62.

³⁷ As Lloyd, ‘Edward the First’s commission’, p. 11, put it: ‘The question of procedure carried with it, to his mind, the decision of the issue itself’.

laws' is to surrender to the rhetoric of the documents and to confuse forensic arguments with the substance of the case.

There can be no doubt that initially and ultimately for Edward I what was at issue was the acknowledgment of his own jurisdictional superiority rather than the question of Welsh law. There is no reason whatsoever to think that Edward I, any more than his predecessors, doubted the validity of Welsh law or the right of the Welsh to resort to it. Suggestions to the contrary were briskly dismissed, and indeed Llywelyn was instructed in July 1279 to send messengers versed in Welsh law to present his case before the king.³⁸ There were ample precedents to show that royal jurisdiction and Welsh law were *not* deemed to be incompatible.³⁹ It is true that Edward I began from about 1279 to make some equivocal, even critical, comments about the content of Welsh law;⁴⁰ but that was only in a context of his growing impatience with Llywelyn's strident insistence that the case about Arwystli must be heard by Welsh law and therefore, as Llywelyn saw it, on the land itself and before Welsh judges, not before the duly appointed judges of Edward I.

That was the nub. To have conceded Llywelyn's case would have struck at the heart of Edward's case that it was in *his* court alone that it could be decided *whether* the case should be determined by Welsh law and, then, where and by what procedures it should be pursued. That, ultimately, was a *jurisdictional* issue and it was the primary issue. That is why he instructed Llywelyn to 'come before the king's justices ... to do and receive what justice shall dictate'.⁴¹ That is why he declared that 'the magnates of Wales had of their own free will recognised that those disputes which arose ought to be determined by the King's Majesty, by the King's writs before him or his Justices'.⁴² That for Edward I was the heart of the issue; and that

³⁸ *The Welsh Assize Roll*, ed. J. C. Davies, p. 286; *Calendar*, ed. Edwards, p. 62.

³⁹ See, for example, *Littere Wallie*, ed. Edwards, pp. 7–8, 9–10, 52–3 (nos 3, 4, 78); *CCR*, I.274; *CR Henry III*, VI.113.

⁴⁰ *The Welsh Assize Roll*, ed. J. C. Davies, pp. 59–60; see below, p. 20.

⁴¹ *CWR*, p. 175.

⁴² C 47/27/2(19), calendared fully in *The Welsh Assize Roll*, ed. J. C. Davies, p. 59.

was a matter of jurisdiction, dependence, and power, and only secondarily of law.

Nor should this surprise us. Jurisdiction was the instrument *par excellence* for the intensification of power and control throughout thirteenth-century Europe. It was so in Gascony, as the kings of England found to their cost; it was so too in Scotland in the 1290s. It had been so in Wales from the beginning of the century. Whenever the Welsh were in a political corner, their loss of face was immediately apparent in the requirement that they stand to justice in the court of the king of England.⁴³ That was a sure way of demonstrating their loss of political credibility and of destabilising such power as they retained. This was the situation which Llywelyn ap Gruffudd and other Welsh leaders faced after 1277, just as King John Balliol was to face it in the mid-1290s. It drove the Welsh and the Scots in turn to war; arguably it was meant to do so, for the alternative was a humiliating absorption into the framework and controls of English political and jurisdictional power, however much that power was dressed up in conventional feudal formulae and the casuistries of English judicial and legal rhetoric. Both Edward I and Llywelyn fully realised as much. That is why Llywelyn desperately appealed to his status as a prince and the rights of his principality and mounted his case as one in the defence of Welsh law. But that is equally why Edward I immediately appointed justices with power to operate in Wales and the Marches (both undefined), set out to rifle the royal records for instances to illustrate cases between Welsh rulers being brought to the royal court, and never conceded that anyone other than he could decide whether the case about Arwystli should or should not be tried by Welsh law. Maurice Powicke expressed the

⁴³ This was particularly true of the momentous English advance of the 1240s. See, for example, the Treaty of Gwern Eigrion, 29 August, 1241 ('Stabo eciam juri in curia predicti domini mei regis...'): *Littere Wallie*, ed. Edwards, pp. 9–10 (no. 4). For this theme see R. R. Davies, *Conquest*, pp. 294–5, 299–300, 304–5. The written foundations of the English crown's claim were first recorded in the agreement of 1201 between King John and Llywelyn ab Iorwerth, for which see I. W. Rowlands, 'The 1201 peace between King John and Llywelyn ab Iorwerth', *Studia Celtica* 34 (2000) 149–66. The judicial pressure seems also to have grown from the later years of Henry III onwards: Powicke, *King Henry III*, pp. 577–8, 641–2, offered some very apposite comments in this regard.

dilemma succinctly: ‘Llywelyn’s theory of the state from the first had no chance.... The prince of Wales was entangled in the feudal system....’⁴⁴ We may jibe nowadays at the concept of a feudal system: but we need not do so if we recall Georges Duby’s comment that feudal bonds (especially between ‘political’ parties) were a way of structuring relationships of power, part of a cultural schema whose power to classify comes from the power of the classifier.⁴⁵ We can then add that jurisdiction (*not* law) was, as it were, the acceptable, conventional, and peaceful face of that power. Llywelyn’s position and actions in the years 1277–82 were, to adapt Powicke’s metaphor, that of a fly desperately flailing in a web of power which was remorselessly imprisoning him.⁴⁶

That brings us to the heart of the matter. The dispute about Arwystli was *not* about Welsh law or even about royal jurisdiction; it was about power. The smokescreen of the documentation, especially the legal sources, should not mislead us in that respect. This was no dispute between two ordinary litigants. Llywelyn ap Gruffudd was the prince of Wales, but a prince who had been comprehensively humiliated in 1277 and must now be reminded to walk the path of obedience and subjection. His opponent, Gruffudd ap Gwenwynwyn of Powys, was an English client and protégé whom Edward I (as he eventually hinted)⁴⁷ could not forsake. But Llywelyn’s real opponent was none other than Edward himself. Edward I was the ringmaster in the contest. But he was also – deeply and directly – personally involved in it. When his justices in Wales were faced with any

⁴⁴ In his review of *Littere Wallie*, ed. Edwards, and *The Welsh Assize Roll*, ed. J. C. Davies, in *English Historical Review* 56 (1941) 491–4, at pp. 493–4.

⁴⁵ Georges Duby, *La Société aux XIe et XIIe siècles dans la région mâconnaise* (Paris 1971), p. 161. Marie Therese Flanagan has made the same point in her outstanding discussion of the submission of Irish kings to Henry II: *Irish Society, Anglo-Norman Settlers, Angevin Kingship – Interactions in Ireland in the Late Twelfth Century* (Oxford 1989), especially chapter 6.

⁴⁶ This sentence echoes J. G. Edwards’s comment on ‘a remorseless dilemma’ (*Littere Wallie*, p. lxviii) which confronted Llywelyn in spring 1282; but I prefer to see the dilemma as structural and chronic, not immediate and short-term.

⁴⁷ In his last recorded official letter to Llywelyn on the Arwystli-dispute on 8 November, 1281: *CWR*, pp. 210–11.

sensitive issue, they ran for cover to the king.⁴⁸ The official record of their proceedings is replete with references to ‘the king’s order by word of mouth’, referring issues to ‘the king’s will’, ‘speaking with the king’, not proceeding ‘without the special command of the king’, and so forth.⁴⁹ Such references make it clear that at this level the distinction between law and politics is blurred, even artificial. Nor should we expect it to be otherwise in terms of mediaeval kingship, least of all that of Edward I. It is a kind of academic innocence to read our sources without recognising as much.

Indeed the sources themselves should alert us to that recognition. They meander with painful slowness through the clever legal footwork and contrived delays of the judicial system, time and again kicking the issue into the legal long grass or to the king’s discretion. But increasingly the diplomatic correspondence makes it clear that, behind the legal shadow-boxing, contemporaries fully recognised that the fundamental issue was one of power and the proprieties of power. Edward I bared the menacing reality of his real political teeth in a letter in mid-1280.⁵⁰ He could not act and ought not to act, he said, in a manner derogatory to his crown or the rights of his kingdom. If any Welsh laws or customs were unjust or frivolous or bad, it was not becoming to his royal dignity (*regia dignitas*) to observe them.⁵¹ For by his coronation-oath he was bound to root out all bad laws and customs from the boundaries of his kingdom (*a regni sui finibus*). No one could fail to recognise the chilling implications of that message: tolerance of Welsh law had clear limits; Wales was ultimately within the boundaries of the authority of the king of England; and the primary touchstone of any policy or decision was its

⁴⁸ See especially *The Welsh Assize Roll*, ed. J. C. Davies, pp. 245, 266, 269–70, 292. Note the advice given by the royal bailiff on the dispute about Ceri: ‘it would be to the King’s imminent danger if a jury were taken thereon, as he knew truthfully that the jury would proceed against the King’ (*ibid.*, p. 242).

⁴⁹ *Ibid.*, pp. 237, 245, 255, 258, 263, 266, 269–70, 275, 281, 288, 292, 349.

⁵⁰ C 47/27/2(19), fully calendared *ibid.*, pp. 59–60.

⁵¹ The marginal notes on the official report into Welsh law (1281) referring to ‘amendment of laws’ and ‘evil law’ are significant in this context: *CWR*, pp. 205 and 210. For Archbishop Peckham’s comment on the same issues, see *Registrum Epistolarum Fratris Johannis Peckham*, ed. Martin, I.77–8, and Smith, *Llywelyn ap Gruffudd*, pp. 480–1.

consonance with royal dignity. This raised the dispute about Arwystli onto an altogether higher level of debate, indeed dangerously so. Increasingly, reference was made not to pedantic legal quibbles but to explosive abstractions, in short to moral and political first principles.⁵² Edward I wheeled on ‘justice’, ‘regality’, ‘the Crown’, and even ‘God’ in defence of his position.⁵³ Llywelyn replied in kind, appealing to his ‘conscience’, ‘the dignity of his position’ (*condecentia status sui*), and his deep sense of ‘shame’ (*opprobrium*, corresponding to the Welsh concept of *gwarthrudd*).⁵⁴ The gloves were off. This was what contemporaries recognised it to be, a dispute about power and the morality of power.

Furthermore, historical evidence, however prolific it is, has to be located in its historical and current contexts if we are to appreciate its resonances and not fall victim to its closed world. So it is with the sources for Anglo-Welsh relations in those fateful years 1277–82. Historically, they need to be placed in a much longer historical trajectory, a trajectory of which the leading parties, both Edward and Prince Llywelyn, had been painfully aware for at least twenty years. They would have known that what had been going on in Wales for decades was a struggle for supremacy – an attempt, on the one hand, to create a relatively self-contained and enlarged native principality under a single prince and with its own ‘barons’ and ‘vassals’, and a determination, on the other, to prevent that from happening, to claim the direct homage of all the Welsh princelings for the English crown and to assimilate their position of dependence to that of English tenants-in-chief.⁵⁵ What was happening in the years 1277–82 was a

⁵² For a similar appeal to grand abstractions in Edward’s confrontation with Marcher liberties, see R. R. Davies, *Lordship and Society in the March of Wales, 1284–1400* (Oxford 1978), pp. 263–5.

⁵³ See, *inter alia*, *Calendar*, ed. Edwards, p. 60; *The Welsh Assize Roll*, ed. J. C. Davies, pp. 59–60, 309.

⁵⁴ *Regsitrum Epistolarum Fratris Johannis Peckham*, ed. Martin, II.465–6; *Calendar*, ed. Edwards, p. 91. For Llywelyn as a defender against *gwarthrudd*, see his elegy by Bleddyn Fardd, in *Gwaith Bleddyn Fardd a Beirdd Eraill Ail Hanner y Drydedd Ganrif ar Ddeg*, edd. Rhian M. Andrews *et al.* (Cardiff 1996), pp. 587–97, at p. 590 (no. 51, line 11).

⁵⁵ The classic exposition of this argument is J. G. Edwards’s masterly introduction to his *Littere Wallie*. For a general discussion of the intensification of English royal lordship in the

further and, as it proved, the last chapter in that struggle. Contemporaries must have known that; most especially did Prince Llywelyn know it. That is why he was so stubbornly persistent in pursuing his claim to Arwystli.

Having used our historical camera for a long-distance view of Anglo-Welsh relationships, we should then deploy it to take a close-up of the years 1277–82. The long-drawn-out dispute about Arwystli and the status of Welsh law did not take place in a legal or ideological vacuum.⁵⁶ Rather was it conducted in an atmosphere in which many of the rulers and communities of native Wales felt themselves harassed legally and administratively and to be the victims of insensitive and aggressive English officials and procedures. It matters not whether those sentiments were fairly justified or grossly exaggerated (but the fact that many of the Welsh leaders who had supported Edward I in 1277 were in the vanguard of opposition to English rule in 1282 is not without significance).⁵⁷ What is important is that we locate the arguments in the legal disputes, and the response to them, within an atmosphere of growing mistrust, harassment, and tension, of a sense of suffocation and a remorseless tightening of pressure. After all, how a message is read and received, how it is absorbed into the framework of our assumptions and prejudices, is often more important than the message itself. That is what a legalistic interpretation of the evidence is recurrently in danger of overlooking.

What was at issue in Wales in the years 1277–82 was a struggle for mastery, nothing less. The dispute about Welsh law and its application was subsidiary and secondary, even though it looms so large in the sources. The so-called ‘conflict of laws’ was no more than a symptom of or surrogate for a deeper struggle over power and subordination. Neither the tortuousness of the legal procedures nor

British Isles generally, see R. R. Davies, *Domination and Conquest. The Experience of Ireland, Scotland and Wales, 1100–1300* (Cambridge 1990), chapter 5.

⁵⁶ The unfolding events of these years have been very fully related by Smith, *Llywelyn ap Gruffudd*, pp. 451–510 (chapter 9).

⁵⁷ The disenchantment of Llywelyn ap Gruffudd Fychan Maelor of Powys Fadog (northern Powys) is particularly instructive and can be very fully documented: Smith, *Llywelyn ap Gruffudd*, pp. 458–9, 492–3, and the references given there; R. R. Davies, *Conquest*, p. 347.

the conveniences of English feudal formulae (in Wales, or for that matter in Scotland) should persuade us otherwise. Power after all was a word and a concept familiar on the lips of contemporaries.⁵⁸ Nor should we be diverted into questions of good faith, intentions, and political morality, understandably prominent as they have often been in discussions of the policies of Edward I (and not only in Wales or Scotland). Power, consciously or otherwise, finds its own justification.⁵⁹ We for our part should not resist the temptation to call a spade a spade. If one lesson is clear from the rich documentation of Anglo-Welsh relations in 1277–82, it is that the continuum from law to politics to power was unbroken. It has rarely been otherwise, even in modern democracies. By 1282 the shadow-boxing about power was over; what the courts had failed to resolve would be settled by battle, the eventual arbiter of power. The final conquest of Wales was the price claimed by the victor. The English settlers in Wales in the fourteenth century had the true measure of the man when they dubbed him ‘the good king Edward the Conqueror’.⁶⁰ Conquest is ultimately a matter of power, the might which creates right. That was the ultimate solution to the dispute about Arwystli. The score-card was unambiguously clear in its verdict: the prince of Wales was dead; his principality had been utterly and finally dismantled; and within a short

⁵⁸ For example, *Calendar*, ed. Edwards, pp. 86 (Llywelyn acknowledged that he now held his principality under royal power, *potestas*) and 91 (the harshness of power); *CCR*, II.284, Edward I in 1285 declared that Wales was now subject to him ‘not only by power (*uirtute potencie*) but by way of justice’, just as later he was to announce that Scotland was ‘subjected by right of ownership to our power’, in *Anglo-Scottish Relations, 1174–1328. Some Selected Documents*, ed. & transl. E. L. G. Stones (London 1965), p. 107 (rev. imp. with new pagination [Oxford 1970], pp. 214/15).

⁵⁹ J. Conway Davies’s introduction to *The Welsh Assize Roll* is riddled with frontal assaults on Edward’s morality, accusing him of ‘illegal usurpations, badly masked as the legal processes of England’ and of ‘double dealing’ (p. 81). Maurice Powicke for his part (*The Thirteenth Century*, p. 416) conceded that ‘discussion is not likely to issue in agreement or to be allowed to rest until, if ever, it ceases to be centred on the problem of King Edward’s good faith’. Good faith is perhaps not the issue. Rather should we recall Georges Duby’s observation that human beings do not orient their behaviour towards real events and circumstances but rather towards their image of them: ‘Histoire sociale et idéologies des sociétés’, in *Faire de l’histoire*, edd. Jacques Le Goff & P. Nora (3 vols, [Paris] 1974), I.147–68, at p. 148.

⁶⁰ Edward was termed such in a letter of 1345: *Calendar*, ed. Edwards, p. 234.

period ‘the land of Wales’ (as it was now called) had been, in the words of the Statute of Wales of 1284, ‘annexed and united to the crown of the kingdom [of England] as part of the body of the same’. The shadow-boxing of the case about Arwystli had been followed by a comprehensive knock-out in the real fight, a bout in which the heavyweight contender was both referee and champion. That is the ultimate victory of power.

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