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ETHNICITY AND CULTURAL CHANGE IN A MEDIEVAL EURASIAN BORDER

REGION: WALES, C. 1100-1350

by

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James Masschaele

And approved by

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## ABSTRACT OF THE DISSERTATION

Ethnicity and Cultural Change in a Medieval Eurasian Border Region: Wales, c. 1100-

1350

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My dissertation examines acculturation among ethnic groups in the Anglo-Welsh border region by comparing its experiences with other border regions across Eurasia. The study contains three parts. The first part includes three chapters that situate the Anglo-Welsh case study in its regional and Eurasian context. It argues that Western European and Turko-Mongolic peoples were predominately responsible for orchestrating numerous settlement processes across high-medieval Eurasia that established the context and structure of intercultural contact in the border regions. In most high-medieval border regions, ethno-religious groups retained substantial socio-cultural autonomy that reduced assimilative pressures, but did not prevent acculturation. Settlement features and situations and outcomes of contact in the British Isles were comparable to those found elsewhere in Eurasia. Indeed, the British Isles represented a microcosm of Eurasia in that they offered every possible outcome and situation of ethnic contact. However, the British Isles produced more hybrid ethnic groups than anywhere else in Eurasia. Furthermore, the system of communal autonomy that emerged in Wales was not centrally imposed, but developed organically and reflected the desire of both the Welsh and Anglo-European populations to retain physical distance and legal distinction.

The second part contains the Anglo-Welsh case study. It has three chapters that focus on differences in language, law, and social structure. These chapters principally assert that extensive acculturation transpired between the Anglo-European and Welsh communities. However, because both communities retained distinctive laws and customs, utilized separate ethnic courts, and generally lived separately, strictly dichotomized identities persisted that ignored the reduction in socio-cultural difference. The third part contains two chapters that compare the similarities and divergences in acculturative outcomes in Wales to Ireland and Scotland and Eurasia more generally. The chapters illuminate why Ireland and Scotland saw acculturative divergences with Wales, how historical narrative could maintain ethnic distinction, how deep acculturation could transpire despite the presence of legal regimes to preserve communal autonomy, how those legal regimes could collapse, why acculturation was typically selective, and why large-scale assimilation rarely occurred.

## **DEDICATION AND ACKNOWLEDGEMENTS**

I dedicate this study to my mother, Christine Spencer, who has steadfastly encouraged me to pursue my passion throughout my life and without whom this study would not have been possible. I would also like to thank the members of my committee- James Masschaele, Rudy Bell, Peter Golden, Michael Adas, and Samantha Kelly- who have supported me and provided invaluable advice throughout this project. I would especially like to acknowledge and thank James Masschaele, my advisor. He has always been willing to take time out of his busy schedule to help me, whether that was providing comments on chapters or meeting with me to discuss various problems that I encountered while writing this study. His selflessness means more to me than I could put in words. I would also like to thank Cheryl Walters for supporting me and providing constant love and encouragement during my time in graduate school. Special thanks also is due to Michael Klei, John Donovan, the Bunting family, the Gialanella family, the Baker and Henry families, and Jeanne and Ryan McFadden for their love and support. Finally, I would also like to acknowledge the support of many members of the faculty and staff in the Rutgers History Department, including Dawn Ruskai, Candace Walcott-Shepherd, Jennifer Jones, Belinda Davis, Paul Hanebrink, Allen Howard, Seth Koven, Jennifer Middlestadt, and Allistair Bellany.

## ABBREVIATIONS

AWR	<i>The Acts of Welsh Rulers</i>
Brut (Peniarth)	<i>Brut y Tywysogion or, The Chronicle of the Princes, Peniarth MS. 20 Version</i>
Brut (RBH)	<i>Brut y Tywysogion, The Chronicle of the Princes of Wales</i>
BBCS	<i>Bulletin of the Board of Celtic Studies</i>
CACW	<i>Calendar of Ancient Correspondence concerning Wales</i>
Carmarthen Documents	<i>Royal Charters and Historical Documents relating to the Town and County of Carmarthen</i>
Cartae	<i>Cartae et Alia Munimenta quae ad Dominium de Glamorgan Pertinent</i>
CDI	<i>Calendar of Documents relating to Ireland, 1171-1307</i>
CDP	<i>Calendar of the Public Documents relating to Pembrokeshire</i>
Charter Rolls	<i>Calendar of the Charter Rolls Preserved in the Public Record Office</i>
CIM	<i>Calendar of Inquisitions Miscellaneous (Chancery) Preserved in the Public Record Office</i>
CIPM	<i>Calendar of Inquisitions Post Mortem and Other Analogous Documents Preserved in the Public Record Office</i>
CJRI	<i>Calendar of the Justiciary Rolls, Ireland</i>
Close Rolls	<i>Calendar of the Close Rolls Preserved in the Public Record Office</i>
CYM	<i>The Charters of the Abbey of Ystrad Marchell</i>

DAIKC	<i>Documents on the Affairs of Ireland before the King's Council</i>
Episcopal Acts	<i>Episcopal Acts and Cognate Documents Relating to Welsh Dioceses, 1066-1272</i>
Holyrood Chronicle	<i>A Scottish Chronicle known as the Chronicle of Holyrood</i>
IHD	<i>Irish Historical Documents, 1172-1922</i>
Patent Rolls	<i>Calendar of the Patent Rolls Preserved in the Public Record Office</i>
RW	<i>Rotulus Walliae</i>
SAEC	<i>Scottish Annals from English Chroniclers 500 to 1286</i>
SHD	<i>Survey of the Honour of Denbigh</i>
SOAPI	<i>Statutes and Ordinances, and Acts of the Parliament of Ireland- King John to Henry V</i>
The Black Book	<i>An Extent of all the Lands and Rents of the Lord Bishop of St. David's</i>
The Court Rolls of Dyffryn Clwyd	<i>The Court Rolls of the Lordship of Ruthin or Dyffryn Clwyd of the Reign of King Edward Preserved in the Public Record Office</i>
THSC	<i>Transactions of the Honourable Society of Cymmrodorion</i>
Welsh Rolls	<i>Calendar of Various Chancery Rolls, Supplementary Close Rolls, Welsh Rolls, and Scutage Rolls contained in the Public Record Office, 1277-1326</i>
WHR	<i>Welsh History Review</i>

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## Introduction

The title of this study hints at its multifaceted nature. It is a study of cultural change among ethnic groups in one particular border region: Wales and the adjacent counties of western England. Yet it is also a wider examination of cultural change among ethno-religious groups in the border regions that spanned the high-medieval British Isles and Eurasia. It is, therefore, at once a local, regional, and global history. Just as situations and experiences in Scotland, Ireland, England, and the wider Eurasian world are utilized to situate the Anglo-Welsh border regions and understand its similar and distinct dynamics, so is the Anglo-Welsh border region utilized as a prism to explore commonalities and divergences across the British Isles and Eurasia. Indeed, the study has two primary goals. The first goal is to situate, compare, and differentiate cultural change among ethnic groups in the Anglo-Welsh border region in its regional and global contexts. The second goal is to understand the dynamics of intercultural contact and change in high-medieval Eurasia more broadly through an analysis of Wales. At the end of this study, therefore, a reader should not only have a thorough understanding of the acculturative processes and situations in Wales and be able to comprehend how and why those acculturative processes and situations made Wales similar and unique in comparison to other border regions in Eurasia, but they should also have a global understanding of ethno-religious interactions and cultural change in the border regions of high-medieval Eurasia.

In many ways this study continues the recent emphasis on border regions and ethnic interactions in global history. This emphasis is demonstrated in recent specialized articles and article collections such as *Border, Barriers, and Ethnogenesis* (2005) and

*Frontiers in Question: Eurasian Borderlands, 700-1700* (1999), which address Bulgaria, the Arabo-Byzantine borderlands, Anatolia, Iberia, the Balkans, North China, and other regions. Yet in other respects this study is quite novel. It is the first to compare a border region of the British Isles to other regions outside of Europe and it is one of the few to examine a Western European border region in a pan-Eurasian context. Studies on contemporary Iberia, Sicily, and, of course, the Crusader states need to analyze regions outside of Europe. Intermittent semi-nomadic invasions and migrations into the Rus' principalities and Eastern and Central Europe dictate that scholars specializing in those fields must address the non-European world as well. Yet very few historians focusing on France, Germany, or the British Isles concentrate on places outside Europe unless they are discussing the Crusades. The reasons are understandable. However, high-medieval Eurasia witnessed numerous settlement processes that created and refashioned border regions across the Continent and understanding these settlement processes provides profitable comparisons to the Anglo-Welsh border region. In addition, the situations and outcomes of intercultural interaction in regions outside of Europe often have closer parallels to the Anglo-Welsh border region than areas within Europe.

To grasp the complexities and circumstances of cultural change among ethnic and ethno-religious groups in the Anglo-Welsh border region in particular and Eurasia more generally, the study is divided into three parts. The first part contains three chapters that situate the Anglo-Welsh case study in its regional and Eurasian context. Chapter One concentrates on explaining historiographical and theoretical concepts that I utilize to examine cultural change among ethno-religious groups in the high-medieval period. It pinpoints the principal characteristics of border regions, outlines how and why border

regions developed, and analyzes the chief characteristics of medieval ethnicity. It further discusses why I primarily rely on acculturation theories to examine cultural change and what modifications are necessary to address those theories' drawbacks and adjust modern theoretical concepts to medieval realities. Chapter Two analyzes the situations and outcomes of ethno-religious contact in high-medieval Eurasia, primarily focusing on how territorial separation and legal autonomy helped ethno-religious groups preserve their communal identifications even as they underwent cultural change. However, it also considers why some ethno-religious communities completely assimilated into another population, while others underwent so much cultural change that they developed into a unique, hybridized entity. Chapter Three then explores the same topics in the British Isles.

I make the following arguments in the first part. The high-medieval period witnessed numerous settlement processes across Eurasia. Western European and Turko-Mongolic peoples predominately orchestrated these movements, but Chinese settlers also penetrated Sichuan and Guizhou. These settlement processes established the context and structure of intercultural contact in the border regions. In most high-medieval border regions, ethno-religious groups retained substantial socio-cultural autonomy, which allowed the perceived differences that lay at the core of their identities to persist. Sometimes this autonomy derived from territorial separation and sometimes it derived from formal legal autonomy. Oftentimes, however, communal autonomy combined both territorial and legal features. Communal autonomy reduced assimilative pressures, but it did not prevent acculturation. Indeed, deep acculturation frequently forced ethno-religious groups to adjust their points of communal identification even if the contact

situation gave those groups considerable autonomy. Hence, the complete disappearance of ethno-religious groups was relatively rare, although assimilation and hybridization transpired among individuals quite frequently. The features of the settlement processes and the situations and outcomes of contact in the British Isles had comparable features to those found elsewhere in Eurasia. Indeed, the British Isles represented a microcosm of Eurasia in the sense that they offered every possible outcome and situation of ethnic contact. Nevertheless, there were also some striking differences. For example, the British Isles produced more hybrid ethnic groups- a group that became distinct from its parent group through acculturation, but did not fully assimilate into the group with which it acculturated- than anywhere else in Eurasia. Furthermore, the system of communal autonomy that emerged in Wales was not imposed by a central authority, but rather developed organically and reflected the desire of both the Welsh and Anglo-European populations to retain physical distance and legal distinction.

The second part contains the Anglo-Welsh case study. It has three chapters (chapters four, five, and six) that focus on differences in language, law, and social structure. I have chosen to analyze these features for three reasons. First, contemporaries and modern historians have considered each aspect crucial in distinguishing the Anglo-European and Welsh communities. Second, these categories of analysis provide the best possible ways to examine interaction at both the broadest and the most intimate levels, to combine detailed local analysis while also portraying the broader regional dynamics, and to study how local and regional forces informed each other. Finally, common laws, common forms of social organization, and a common vernacular language were necessary components for complete assimilation. Examining each category allows me to

understand how and why acculturation transpired in each facet and why the Welsh and Anglo-European communities retained highly dichotomized communal identities despite the considerable cultural change that each experienced while in contact. Indeed, the principal argument that ties each chapter together is that although the primary sources depict two starkly contrasted and hostile communities, acculturation was extensive. However, because both communities retained distinctive laws and customs, utilized separate ethnic courts, and generally lived separately, strictly dichotomized identities persisted that denied the reduction in socio-cultural difference and distance.

The third part contains two chapters (chapters seven and eight) that compare the lessons learned from the Anglo-Welsh case study to Ireland and Scotland and Eurasia more generally in order to highlight the similarities and divergences in acculturative outcomes in Wales. The first chapter primarily considers why Ireland and Scotland witnessed deeper acculturation than Wales and the formation of more enduring hybrid ethnic groups. It argues that Ireland's extreme political factionalism and fluidity and the lack of meaningful legal barriers in Scotland primarily contributed to acculturative divergences with Wales. However, comparison with Ireland and Scotland also shows a strong correlation with Wales, namely that historical narrative could play a crucial role in maintaining ethnic distinction. The second and final chapter serves as a conclusion to the study. It places acculturative outcomes in Wales in a broader Eurasian context and argues that the Anglo-Welsh case study produces three key lessons that are broadly applicable to high-medieval Eurasia. First, regimes intended to preserve ethnic difference could not prevent cultural change. Second, however, total assimilation and the resulting loss in communal difference were difficult feats to accomplish, not only because ethno-religious

groups were usually allowed to utilize their own laws and customs, but because those groups actively sought to highlight any distinctive feature, no matter how minute, in order to assert their difference. Finally, I argue that the Anglo-Welsh case study demonstrates just how important mental perceptions were to perpetuating ethno-religious identities.



## Part I: Cultural Change among Ethnic Groups in the Anglo-Welsh Border Region: The Eurasian Context

### Chapter 1: Border Regions, Ethno-Religious Groups, and Acculturation in High-Medieval Eurasia, c. 1100-1350 CE

*And the inhabitants say that this river (the River Dee) changes its fords every month and, depending on whether it inclines more to the English or the Welsh side of the border, they say that they can predict with certainty which people will conquer or succumb to the other-* Gerald of Wales, *The Journey through Wales*, c. 1215<sup>1</sup>

The idea that a river could somehow predict the course of a conflict might seem like a fanciful notion from a primitive age. However, to the peoples about whom Gerald of Wales spoke, the River Dee- which divided the English County Palatinate of Chester from the Welsh principality of Gwynedd- was no silly portent. In a region known for its perennial violence and instability, the river could provide a measure of certainty that the period's political and military dynamics could not. Gerald's account points to the central feature of the Anglo-Welsh border region: interactions between the Anglo-European and Welsh communities defined it. Gerald's most famous works, namely *The Journey through Wales* and *The Description of Wales*, described many of the area's natural wonders such as the mighty rivers Dee, Wye, Tywi, Teifi, Avon, and Neath and the great mountains of Snowdonia. Gerald also found himself entranced by other natural spectacles in Wales. For example, when describing the River Teifi's natural features, Gerald wrote with awe about leaping salmon near Cilgerran and with respect for the river's beavers

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<sup>1</sup> Giraldus Cambrensis, *Opera: Itinerarium Kambriae*, James F. Dimock, ed. 6 vols. (Wiesbaden: Kraus Reprint, 1964), 6: 139. *Item, ut asserunt accolae, aqua ista singulis mensibus vada permutat; et utri finium, Angliae scilicet an Kambriae, alveo relicto magis incubuerit, gentem illam eo in anno succumbere, et alteram praevalere, certissimum prognosticum habent.* The translation is my own.

that constructed their homes with such skill.<sup>2</sup> Yet most of Gerald's account focuses on the communities that inhabited Wales, their laws and customs, their languages, their social organization, their conflicts, their methods of warfare, their political and ecclesiastical leaders, and what he saw as their most and least redeeming qualities. It was these interactions that were also the focus of famous medieval authors such as Matthew Paris, Walter Map, and William of Malmesbury, of the great Welsh chronicles such as the *Annales Cambriae* and the *Brut y Tywysogion*, and of a countless array of territorial surveys, charters, court records, and other documents. These sources provide the material to understand interactions between the Anglo-Welsh border region's resident ethnic communities and it is their interactions and the cultural changes that took place because of those interactions that are this study's central focus.

The interactions between the English and Welsh in the High Middle Ages were complex phenomena that I believe are best explained through a much wider historical lens. Settlement processes transformed not only Wales, but the entire British Isles as well. Much as Anglo-European settlers entered Wales in the late eleventh century, they also established themselves in Ireland and Scotland during the twelfth and European contingents under Norman rulers had conquered England by the eleventh century's close. By the thirteenth century, the British Isles were one of the most ethnically diverse regions in Eurasia. Anglo-Saxon, Flemish, German, Norman, Gascon, Breton, Poitevin, Angevin, and other settlers from the modern nation-state of France intermingled with Gaelic, Cymric-Brythonic, Gaelic-Norse, and Anglo-Scandinavian elements. Furthermore, the British Isles represented the full range of potential settlement processes and potential outcomes of cultural contact between ethnic and ethno-religious groups in border regions.

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<sup>2</sup> Ibid., 6: 114-8.

Wales, England, and Ireland witnessed settlement through conquest with varying degrees of centralization, while settlers only entered Scotland via royal invitation. We see many instances of selective and extensive cultural borrowing, we see the formation of hybrid ethnic groups such as the Anglo-Irish and the Gaelic-Norse, we see a case of large-scale assimilation in England, and we also find ethnic groups tenaciously holding on to their traditional laws, customs, and lifeways, oftentimes in physical separation from other ethnic groups. Indeed, the similarities in the historical contexts of the settlement processes and the plethora of interactions that we find across the British Isles provides fertile ground for using comparisons from Ireland, Scotland, and England to understand the circumstances and experiences of high-medieval Wales.

Of course, what I have stated in the preceding paragraph is nothing new. Over the past two decades, historians like Rees Davies, Robin Frame, and many others have analyzed the Isles as a coherent historical entity and largely abandoned the so-called “Four Nations” approach that considered Ireland, Scotland, England, and Wales as autonomous cultural zones whose experiences occasionally overlapped. Davies and other scholars have also demonstrated that the changes occurring across the British Isles had many similarities with events taking place in contemporary Europe.<sup>3</sup> Indeed, Robert Bartlett argued that the British Isles were just one of many regions where Western European settlement transformed Europe between the late tenth and mid fourteenth centuries. According to him, the conquests and settlement of Western Europeans across Europe and the Levant made Europe an “increasingly homogenous society” and an

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<sup>3</sup> Robin Frame’s *The Political Development of the British Isles* (Oxford: Oxford University Press, 1990) is traditionally credited for ushering in the “new British history.” However, Davies’ *Domination and Conquest: the Experience of Ireland, Scotland and Wales, 1100-1300* (Cambridge: Cambridge University Press, 1990) and *The First English Empire: Power and Identities in the British Isles, 1093-1343* (Oxford: Oxford University Press, 2000) were instrumental in popularizing it.

“identifiable cultural entity.”<sup>4</sup> Indeed, Germans and other Western European Latin Christians intermixed with various Slavic, Finno-Ugric, Magyar, Muslim, Jewish, and even Turkic populations in the Baltic, Poland, Hungary, and Bohemia and Moravia. Western Europeans came into contact with Greek Orthodox Christian, Jewish, and Muslim groups of various ethnic extractions in southern Italy and Sicily and the Levant, while Western European settlers and other native Latin Christian settlers mingled with Arab and Berber Muslims and Jewish communities in Iberia. Finally, Latin Christians intermixed with Greek Christians after the Fourth Crusade overthrew the Byzantine rulers and established the Latin Empire (1204-1261) that ruled over Greece and parts of the Balkans. Whether these settlement processes created a higher degree of cultural homogeneity in high-medieval Europe is open for debate, as are many of Bartlett’s specific arguments.<sup>5</sup> Nevertheless, his central conclusion that Western European settlement processes had a powerful impact on the socio-cultural landscape of high-medieval Europe and beyond is without question.

In keeping with contemporary historiographical developments, this study will also utilize comparisons with the British Isles and contemporary Europe to analyze and situate the socio-cultural interactions that transformed Wales. However, I feel that understanding intercultural relations and change in Wales and the British Isles needs an even wider, global perspective. Indeed, if the settlement of Western European peoples was crucial in the “making of Europe,” then Western European, Turko-Mongolic, and Chinese settlement combined to “make Eurasia.” Since the mid tenth century, Turko-Mongolic

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<sup>4</sup> Robert Bartlett, *The Making of Europe: Conquest, Colonization, and Cultural Change, 950-1350* (Princeton: Princeton University Press, 1993), 3 and 291.

<sup>5</sup> Lisa Wolverton, for example, strongly objects to some of Bartlett’s conclusions about German settlement in Bohemia. See, “Germans and Slavs in 13th-Century Bohemia: Some Preliminary Remarks on Immigrants and Law,” in *The Expansion of Central Europe in the Middle Ages*, Nora Berend, ed. (Burlington, VT: Ashgate, 2012), 297-305.

conquests and migrations helped alter Eurasia's political and cultural makeup. Of course, the Mongols conquered much of Eurasia and spurred Turko-Mongolic settlement in Central Asia, Iran, the northern subcontinent, and Eastern Europe. Yet long before the armies of Chinggis Khan arrived in China or the *tümen* of Batu and Sübedei entered the Hungarian steppes, peoples commonly labeled as "Turks" began asserting their dominance throughout Central Asia, the Middle East, and the northern subcontinent, extremely diverse regions where numerous ethnic groups of nearly every religious persuasion resided. Indeed, Turkish empires and dynasties such as the Ghaznavids, Seljuqs, Qarakhanids, and many others ruled over, and mingled with, complex sedentary societies and were instrumental in creating the Islamic socio-political complex that largely endured through the Ottoman, Safavid, and Mughal periods.<sup>6</sup> The complicated dynamics of Inner Eurasia were also responsible for Qipchaq Turks settling in Eastern and Central Europe, Anatolia, Egypt, and the northern subcontinent, for Oghuz Turks migrating into Anatolia and Syria, and for the Jurchen confederations of Manchuria conquering northern China from the ruling Khitan Liao dynasty (907-1115 CE). In addition, Chinese settlers also ventured into Sichuan and Guizhou.

The border regions mentioned in the previous two paragraphs will offer the principal sites of comparison with Wales and the British Isles, in large part because the settlement processes that shaped these regions occurred during or near the same period. The comparative perspective presented in this study results from the merger of two techniques. The first is the above-mentioned pan-British Isles perspective championed by

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<sup>6</sup> For these points, see Ira M. Lapidus, *A History of Islamic Societies*, 2<sup>nd</sup> ed. (Cambridge: Cambridge University Press, 2002), 112-32 and Patricia Crone, *Slaves on Horses: The Evolution of the Islamic Polity* (Cambridge: Cambridge University Press, 1980), 74-91. For the early modern Muslim states, see Stephen F. Dale, *The Muslim Empires of the Ottomans, Safavids, and Mughals* (Cambridge: Cambridge University Press, 2010), 49-50.

Davies, Frame, and others. The second is a modification of the comparative techniques that Thomas Allsen utilized in his pan-Eurasian study of the royal hunt in medieval Eurasia.<sup>7</sup> By analyzing specific features of the royal hunt across medieval Eurasia, Allsen was able to highlight the broad similarities and differences in its practice without fashioning a sweeping grand-narrative that skirted regional and local complications. This study's pan-Eurasian component differs from Allsen's in two respects. First, while Allsen examined many different facets of the royal hunt, this study concentrates on only two aspects of intercultural contact in border regions: the situations of ethno-religious contact and how those situations influenced acculturative outcomes. In my opinion, going beyond those points of emphasis would make the study unmanageable. Second, Allsen's monograph used the royal hunt as a microcosmic prism to examine greater socio-political and cultural forces in the medieval world. In this study, a regional case study interacts with a trans-Continental analysis to procure a greater understanding of the nature of border regions, ethno-religious identities, and cultural change among ethno-religious groups in the high-medieval world. Hence, analysis of the macrocosm seeks to inform analysis of the microcosm and vice-versa.

This study's pan-Eurasian feature presents significant benefits and offers a unique contribution to medieval European and global history. The principal benefit is that I will be able to draw from far more examples and a far larger corpus of modern historiography that can help situate and differentiate Wales and the border regions of the British Isles from other places in the contemporary medieval world. This study is the first to my knowledge to examine a border region of the medieval British Isles in a Eurasian context

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<sup>7</sup> Thomas T. Allsen, *The Royal Hunt in Eurasian History* (Philadelphia: University of Pennsylvania Press, 2006).

and one of the few to situate a medieval European border region within a global framework. The study also demonstrates a method to achieve analytical breadth and depth in a global history by combining a detailed analysis of Eurasian border regions with a deeply contextualized case study of one particular region, thereby avoiding a sweeping grand narrative that fails to account for those border regions' extraordinary diversity. While it relies on an extensive bibliography to examine the Eurasian landmass, it utilizes a plethora of primary sources to explicate the complex situations that unfolded in Wales and across the British Isles. The pan-Eurasian approach allows me to employ theoretical and regional studies from European and non-European specialists alike, which highlight commonalities and differences across Eurasia.

So why does Wales offer a better opportunity for close comparison within a pan-Eurasian framework than another border region in the British Isles? The answer is two-fold. First, Wales has more broad consistencies in the settlement process and, especially, the framework and outcomes of interethnic interactions compared to other regions across Eurasia than anywhere else in the British Isles. Yet it also has many interesting differences that comparison will serve well to highlight. Wales was a highly fractured and contested border region, like most throughout Eurasia. However, it was not nearly as fractured as Ireland, whose political situation was extremely chaotic. Ireland may have represented the most dynamic case of ethnic interactions in the British Isles, but those interactions were full of considerable contradictions. Such a combination of political chaos and intercultural contradictions would make Ireland a very challenging pan-Eurasian case study. The formation of a singular Scottish identity despite the lack of ethnic assimilation and the fact that settlers only came through invitation presents enough

interesting similarities and differences for a pan-Eurasian comparison. Unfortunately, however, the surviving source material makes it very difficult to understand the Gaelic and Gaelic-Norse populations of Scotland in significant detail, much less to understand the interactions between those communities and the Anglo-European settlers in sufficient depth. Indeed, the second and most important reason why Wales offers the best opportunity for a Continental case study is that the contemporary source material allows us a much better understanding of native Welsh society than does the evidence for the Gaelic and Gaelic-Norse populations of Ireland and Scotland and their interactions with foreign settlers. England has far and away the best documentary evidence and saw foreign settlement at sword-point. However, the near complete assimilation of foreign settlers into the English population represents a significant deviation from the high-medieval norm.

This chapter represents the first step in situating ethnic interactions and cultural change in the Anglo-Welsh border regions within a pan-Eurasian framework. This first step necessitates explaining historiographical terminology and theoretical concepts. It also requires that we pinpoint the principal characteristics of border regions, outline how and why border regions developed, and describe what methods I will use to analyze cultural change among ethnic groups. Hence, this chapter is divided into two sections. The first section will examine theoretical and historiographical concepts such as border regions, frontiers, and contact zones and how that terminology is applicable to medieval situations. This section will also consider the question of ethnic and ethno-religious identities in border regions. The analysis in this section will provide a broad and dynamic conceptualization of border regions that places the peoples in contact, rather than



artificial boundaries, as the central elements that drive the border region's development and define its nature. Furthermore, my conceptualization stresses the complexities apparent in each border region's localities and how interactions in those localities informed the socio-cultural processes that occur in the larger border region.

The second section will then explain the analytical theories that will be utilized in this study to examine cultural change among ethnic groups in border regions and establish the theoretical framework for exploring cultural change in greater detail in Chapter Two. This section will argue that acculturation theories provide a nuanced theoretical approach that can best capture and examine the complexities of the interactions of ethnic groups within high-medieval Eurasia's border regions.

### **Ethnic Groups and Border Regions in High-Medieval Eurasia: Terminology, Characteristics, and Development**

This section concentrates on the historiographical, terminological, and theoretical issues behind the conceptualization of border regions and the construction of ethno-religious identities in border regions. It also explains the circumstances behind the formation of high-medieval border regions. The section is divided into two subsections. The first subsection will analyze how scholars have traditionally conceptualized border regions, present my arguments about the key characteristics of high-medieval border regions, and explain the various aspects and complexities of ethnic identity. The second subsection will then outline the principal ways in which border regions developed in the high-medieval period.

### ***Ethnic Groups and Border Regions: Terminology and Characteristics***

If settlement processes transformed Eurasia during the high-medieval period, then it is in the border regions where we see the transformations most clearly. Furthermore, because contact between cultural groups defined the border region's nature and extent, we must explore the implications of historiographical terminology about border regions and the theoretical conceptualization of ethnic groups before analyzing the nature of cultural change among those groups. Historians utilize many terms to denote a place where two or more ethnic groups come into contact: "frontier," "borderland," "border region," or more recently, "contact zone," among others. No term is more correct than another and the choice reflects personal and cultural preference. For instance, Americans and Europeans have different notions of the "border" or "frontier." Giles Constable notes that Europeans commonly view a frontier as a boundary between peoples and political units, while Americans see it as a zone of settlement.<sup>8</sup> The American medievalist William Urban's distinction between a border and a frontier demonstrates the cultural difference. To Urban, borders exist between organized states and potential enemies are within sight. At the frontier, however, enemies are nearly invisible and governmental centers far away.<sup>9</sup> Hence, the border is a linear boundary, the frontier a chasm of terrain that separates potentially hostile peoples. According to Daniel Power, European and American conceptualizations reflect the distinctive historical development and cultural contexts in which they emerged. The more precise territorial demarcation that emerged in Europe owed to the growing concept of territorial sovereignty that developed from the

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<sup>8</sup> Giles Constable, "Frontiers in the Middle Ages," in *Frontiers in the Middle Ages: Proceedings of the Third European Congress of Medieval Studies (Jyväskylä, 10-14 June 2003)*, O. Merisalo, and P. Patha, eds. (Louvain-la-Neuve: Fédération Internationale des Instituts d'Etudes Médiévales, 2006), 3.

<sup>9</sup> William Urban, "The Frontier Thesis and the Baltic Crusade," in *Crusade and Conversion on the Baltic Frontier, 1150-1500*, Alan V. Murray, ed. (Aldershot: Ashgate, 2001), 65

later Middle Ages onward.<sup>10</sup> The American idea of the frontier as a sparsely populated zone lying between a metropolitan culture and a wilderness derived from American settlers' westward expansion in the nineteenth century, best expressed in Frederick Jackson Turner's essay "The Significance of the Frontier in American History."<sup>11</sup> However, American and European notions share many similarities and both American and European scholars have applied American notions to medieval European border regions.<sup>12</sup> In addition, European concepts are extremely diverse, which reflects the diversity of European languages and historical experiences. The French term *frontière*, for example, has a more militarized meaning than the German term *Grenze*, while Slavonic terms for "country" and "border" are often closely related, which may reflect the political instability of border regions in Eastern Europe.<sup>13</sup>

Throughout this study I will use the terms "border region" and "borderland" interchangeably to designate a region where two or more ethnic groups interacted. The principal reason for the choice of terms is to emphasize the medieval border region's zonal and porous nature and eliminate any ambiguity associated with the term "frontier." I will also avoid the term "contact zone" so as not to deemphasize the considerable violence that characterized many medieval border regions and thereby retain more of the contemporary tension and contestation. Understanding the zonal and porous nature of the medieval border region is the key to grasping its complexity. There were no "natural" borders in the medieval period. As Power explains, "'natural' frontiers are as unrealistic

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<sup>10</sup> Daniel Power, "Introduction," in *Frontiers in Question: Eurasian Borderlands, 700-1700*, Daniel Power and Naomi Standen, eds. (New York: St. Martin's Press, 1999), 5-6.

<sup>11</sup> *Ibid.*, 9-10.

<sup>12</sup> *Ibid.*, 10-12.

<sup>13</sup> *Ibid.*, 6-8.

on the ground as they are attractive on a map.”<sup>14</sup> Indeed, Ronnie Ellenblum argues that nineteenth-century nationalist historiography produced the idea that neat linear divisions characterized the medieval world.<sup>15</sup> The border regions of high-medieval Eurasia were not clearly demarcated points that centralized polities regulated and monitored through checkpoints, legal restrictions, and elaborate systems of documentation. Medieval states applied numerous techniques to control their borders, but most of them only had limited success. Medieval border regions were porous entities and potential bastions of instability. Furthermore, a series of interconnected trade networks linked medieval Eurasia. These networks funneled people, goods, ideas, and technologies from the Pacific to the Atlantic. The medieval border region’s socio-cultural diversity and complexity were direct products of an interconnected Eurasian world in which conquest, migration, and commercial networks facilitated the movement and interactions of peoples. Hence, on the one hand, the border region was often the menacing locus of instability, invasion, or perennial conflict. It was poorly defined, contested, and untamed. Central control was frequently non-existent, barely extant, or inadequately enforced. On the other hand, the border region was a zone of contact between peoples. It could be a place of peaceable co-existence and a profitable zone of trade and cultural exchange.

Before outlining the settlement and migratory processes that created border regions, I would like to define the medieval border region’s key features at greater length. I have identified six features that are central to understanding the nature of medieval border regions and ethnic interactions within them. We have already identified our first

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<sup>14</sup> Power, “Introduction,” in *Frontiers in Question*, 6.

<sup>15</sup> Ronnie Ellenblum, “Were there Borders and Borderlines in the Middle Ages? The Example of the Latin Kingdom of Jerusalem,” in *Medieval Frontiers*, David Abulafia and Nora Berend, eds. (Burlington, VT: Ashgate, 2002), 118.

feature, namely that the border region was a cultural zone, not necessarily a political one. The ethnohistorian Jack D. Forbes emphasized this point in a series of articles and books from the late 1950s and the 1960s. According to him, “frontier refers to a boundary or border region- a place where two groups confront each other” and represented an “inter-group contact situation, that is, as any instance of more than momentary contact between two ethnic, cultural, or national groups.”<sup>16</sup> By this definition, a border region existed wherever ethno-cultural groups were in sustained contact and could exist even in territories where one ethnic or ethno-religious group was the overwhelming majority. Cities offer excellent examples of the potential existence of border regions in such areas. For instance, large ethnically heterogeneous Muslim mercantile communities sprang up in south China under Song and Mongol rule in cities such as Quanzhou, Guangzhou, and Hangzhou. These communities largely governed their own affairs, local judges (the *qādīs*) adjudicated according to *sharī’a* law, and they had their own mosques, *Ṣūfī kānqāhs*, and bazaars.<sup>17</sup> Such situations could be found in many of Eurasia’s great cities such as Constantinople, Alexandria, or London that had large merchant populations with their own quarters. However, they could also be found in places like Iṣfahān, where the

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<sup>16</sup> Cited in Kerwin Lee Klein, *Frontiers of Historical Imagination: Narrating the European Conquest of Native America, 1890-1990* (Berkeley: University of California Press, 1997), 206-7. For a list of Forbes’ works, see n. 122 on pg. 327.

<sup>17</sup> The Muslim merchants were typically organized under mercantile associations. Under Mongol rule these associations were termed *ortoqs*. *Ortoqs* existed throughout areas under Mongol domination and while other groups were not excluded, Muslims were the overwhelming majority. For more on Muslim communities in the southern Chinese port cities and the *ortoqs*, see Xinru Liu and Linda Norene Shaffer, *Connections across Eurasia: Transportation, Communication, and Cultural Exchange on the Silk Roads* (Boston: McGraw-Hill, 2007), 215-7 and 237-9; and Ross E. Dunn, *The Adventures of Ibn Battuta: A Muslim Traveler of the Fourteenth Century*, 2<sup>nd</sup> ed. (Berkeley: University of California Press, 2005), 249-50.

surrounding countryside was generally Persian Muslim, but where sizeable Christian and Jewish communities dwelled in the town.<sup>18</sup>

This point brings us to our second and third features of border regions, namely that a border region's size and socio-cultural complexity could vary enormously and every border region, regardless of size, has micro border regions within it. The border regions between the semi-nomadic societies of the Inner Eurasian steppes and the sedentary communities of Outer Eurasia were geographically large. The entire "steppe-sown" divide stretched from the borders of northwestern China south to Central Asia, the Middle East, and the northern subcontinent and as far west as the Hungarian steppes.<sup>19</sup> Collectively, they represented perhaps the most socially and culturally complex border region in Eurasia and the political ramifications of the interactions within these border regions were felt across the Continent. Powerful empires such as the Mongol, Seljuq, and Qara Khitai states emerged from the steppes, while the Qipchaqs played a vital role in the politics of Eastern and Central Europe, the Middle East, Central Asia, and the northern subcontinent. Border regions such as Wales, Ireland, the Baltic regions, parts of Normandy, Sicily, and the Crusader states of the Levant were much smaller, but highly dynamic in their own right. Indeed, most border regions were multi rather than bi-ethnic, but some were more diverse than others. In the Crusader states, for example, Latin Christians from all over Western Europe intermingled with Muslim Arabs and Turks, an Arabized Jewish population, and Christians of diverse sects and ethnic origins.

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<sup>18</sup> According to Benjamin of Tudela, roughly 15,000 Jews lived in Isfahān in the twelfth century. See A.K.S. Lambton and J. Sourdel-Thomine, "Isfahan," in *Historic Cities of the Islamic World*, C.E. Bosworth, ed. (Leiden: Brill, 2007), 169.

<sup>19</sup> Historians typically refer to the border regions of Inner Eurasia as the "steppe-sown" divide. David Christian divides the Inner Eurasian borderlands into four cultural zones. See *History of Russia, Central Asia and Mongolia*, 2 vols. (Oxford: Blackwell, 1998), 1: 17-8.

Border regions' socio-cultural and geographic diversity derives from the fact that a border region has numerous micro border regions within it. Indeed, a macro border region is simply a collection of numerous micro border regions that share certain overarching characteristics. The micro border regions provide the macro border region with its complexities and contradictions. Because of its sheer scale, the steppe-sown divide would be the most obvious place to demonstrate the diversity within micro border regions, but its vast range and cultural complexity would require a lengthier discussion than what is possible here. Better examples come from much smaller border regions, namely the Crusader States of the Levant and Wales. The Crusader States were four separate territories that owed some allegiance to the main Crusader entity, the Latin Kingdom of Jerusalem. They formed in the late eleventh century in the aftermath of the First Crusade and stretched from modern southern Israel and Palestine to northwestern Syria. While historians often discuss the Crusader States as a single border region, in reality they were a conglomeration of unique micro border regions with certain general similarities. The dynamics found in the Kingdom of Jerusalem sometimes differed considerably from those in the County of Tripoli, the County of Edessa, or the Principality of Antioch. Furthermore, these individual territories had unique internal situations. For instance, Ronnie Ellenblum argues that Frankish settlers only settled among their fellow Christians in the Kingdom of Jerusalem.<sup>20</sup> Hence, Frankish settlement

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<sup>20</sup> Ellenblum makes this statement at various points in his book. I am citing the introduction and conclusion here. See, Ronnie Ellenblum, *Frankish Rural Settlement in the Latin Kingdom of Jerusalem* (Cambridge: Cambridge University Press, 1998), 36-7 and 281-3. "Frank" was simply a generic term that Byzantine and Muslim authors gave to all the Crusaders. Most of the Crusaders came from France, but there were Crusaders from all across Europe. Alan V. Murray gives a good overview of the ethnic differences, solidarities, and rivalries among the Crusader groups. See "National Identity, Language, and Conflict in the Crusades to the Holy Land, 1096-1192," in *The Crusades and the Near East: Cultural Histories*, Conor Kostick, ed. (New York: Routledge, 2011), 107-30.

was densest in areas around Jerusalem, where a large Christian population dwelled.<sup>21</sup> However, while the Templars established a fortress in the Eastern Galilee, Frankish settlement was sparse there and non-existent in the Eastern Upper Galilee. The Muslim and Jewish populations were much larger and the presence of nomadic tribes in the region concerned the Franks.<sup>22</sup> The dynamics between the various ethno-religious groups in rural areas differed from those in towns such as Jerusalem and Acre. In addition, the dynamics in each city varied as well. Jerusalem, for example, had no resident Muslim or Jewish populations after the Crusaders took the city in 1099, though Muslims and Jews could come to the city as pilgrims.<sup>23</sup> Acre did not have a Muslim population either, its Jewish population was small, and its Eastern Christian population was smaller than Jerusalem's. However, Acre was a major trading center where Venetian, Pisan, and Genoese merchants acquired their own markets, separate quarters, and various other commercial and judicial privileges.<sup>24</sup> Acre was also a prime destination for Muslim caravans journeying from Damascus. Indeed, Ibn Jubayr stated that Muslim and Christian merchants came to Acre from many regions.<sup>25</sup>

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<sup>21</sup> Ibid., 232-3.

<sup>22</sup> Ibid., 219-21.

<sup>23</sup> Jonathan Riley-Smith, *The Crusades: A History*, 2<sup>nd</sup> ed. (New Haven: Yale University Press, 2005), 62.

<sup>24</sup> David Jacoby, "The Trade of Crusader Acre in the Levantine Context," in *Commercial Exchange across the Mediterranean: Byzantium, the Crusader Levant, Egypt, and Italy* (Burlington, VT: Ashgate, 2005), IV: 105.

<sup>25</sup> Carole Hillenbrand, *The Crusades: Islamic Perspectives* (New York: Routledge, 2000), 398-402. Christian-Muslim interactions and acculturation were often evident at customs houses. Ibn Jubayr, for instance, stated that Muslim merchants coming to Acre had to stop at a custom-house (*khān*) where the Christian officials wrote and spoke Arabic and merchants would often lodge there for the night. Some custom-houses in Acre were specifically reserved for specific ethno-national communities, such as the Venetians or Pisans and were called *fondaci* (sing. *fondaco*). For more on the various custom-houses and hostels for merchants and the cultural interaction within them, see Olivia Remie Constable, "Funduq, Fondaco, and Khān in the Wake of Christian Commerce and Crusade," in *The Crusades from the Perspective of Byzantium and the Muslim World*, Angeliki E. Laiou and Roy P. Mottahedeh, eds. (Washington, DC: Dumbarton Oaks Center Studies, 2001), 145-57.



I stress the micro border regions' importance because their complexities and contradictions will be apparent throughout this study, especially when discussing the Anglo-Welsh border region. By the fourteenth century, there were roughly forty nine semi-autonomous marcher lordships in Wales and western England.<sup>26</sup> These lordships were under the control of an Anglo-European lord who, although a subject of the English crown, ruled his territory independently. The lordships were called "marcher lordships" because they resided in the March of Wales, the area of Wales under Anglo-European rule. The lordships were, in fact, micro border regions within the greater Anglo-Welsh border region. Within almost every marcher lordship there were administrative districts called "Englishries" and "Welshries." These districts served as sub-micro border regions where each community generally retained its own laws and customs, was directly administered by its traditional officers, and usually lived separately from the other ethnic community.<sup>27</sup> Furthermore, before King Edward I (r. 1272-1307) conquered Wales in 1282-1283, various Welsh principalities remained fully independent, while other Welsh princes retained considerable autonomy under the marcher lords' overlordship. Such extreme political factionalism led to constant violence, tremendous fluctuations in the border region's political structure, and variances in intercultural interactions in the micro border regions. In the lordship of Denbigh, for example, the English and Welsh populations tended to be clustered in certain districts and each had their own ethnic courts and communal officers. However, the fourteenth-century *Survey of the Honour of*

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<sup>26</sup> For a map of the fourteenth-century marcher lordships, see R.R. Davies, *Lordship and Society in the March of Wales, 1282-1400* (Oxford: Clarendon Press, 1978), xvi.

<sup>27</sup> For further discussion of the Englishries and Welshries, see below, 197-200 and 274-84.

*Denbigh* shows that villis such as Prion (Pereyon in the text), Llewesog (Lanassock), Gwaenynog (Wenennoek), and Bodeiliog (Bodeyllok) had more mixed populations.<sup>28</sup>

The medieval border region's fourth feature is that it extended beyond the place where peoples came into closest direct contact and further embraced the area where their contact had a tremendous impact. This principle is crucial to understanding a border region's zonal characteristic and is especially fundamental in any analysis of the Anglo-Welsh border region. Scholars have traditionally divided Wales into two distinct zones: the March of Wales (the *Marchia Walliae*) and native Wales (the *Pura Wallia*).<sup>29</sup> Even contemporaries made this distinction. For example, Llywelyn ap Gruffudd, the last prince of Gwynedd (r. 1254-1282), differentiated the *Pura Wallia* from the *Marchia* of Wales in a letter to the archbishop of Canterbury.<sup>30</sup> The *Marchia Walliae* was the heaviest zone of Anglo-European settlement. It extended throughout the most southern districts of Wales, encompassed parts of central Wales, and covered the entire border with England. The *Pura Wallia* included the central and western Welsh principalities of Powys, Gwynedd, and Deheubarth and had very few settlers. These distinctions are politically and, to an extent, culturally accurate. However, restricting analysis of the Anglo-Welsh border region to the *Marchia Walliae* ignores the tremendous cultural impact that contact with Anglo-French society had on the *Pura Wallia*. As Huw Pryce notes, Welsh rulers adopted

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<sup>28</sup> *Survey of the Honour of Denbigh, 1334* (henceforth, *SHD*), Paul Vinogradoff and Frank Morgan, eds. (London: H. Milford, 1914), 18-20, 37-9, 88-9, and 116-7.

<sup>29</sup> Rees Davies, for example, noted that the division had become "a permanent, or semi-permanent, feature of the landscape of power and loyalty in the country" by the thirteenth century. Wales, henceforth, had "contracted into what was occasionally known as *Pura Wallia*... that part of geographical Wales which could not be categorized as 'the March of Wales.'" See "The Identity of 'Wales' in the Thirteenth Century," in *From Medieval to Modern Wales: Historical Essays in Honour of Kenneth O. Morgan and Ralph A. Griffiths*, Rees Davies and Geraint H. Jenkins, eds. (Cardiff: University of Wales Press, 2004), 51-2 and 55-6.

<sup>30</sup> *The Acts of Welsh Rulers, 1120-1283*, Huw Pryce, ed. (Cardiff: University of Wales Press, 2005), 621 and 623.

numerous legal, administrative, cultural, and military aspects of Anglo-French society and filtered them through traditional native cultural mores.<sup>31</sup>

The Anglo-Welsh evidence brings us to the fifth feature of a border region, namely that its socio-cultural dynamics are determined by the ethno-religious groups that reside within or around it. In his famous frontier thesis, Frederick Jackson Turner argued that the American frontier's remoteness promoted a rugged individualism that was hostile to direct control, a trait that encouraged democracy and an acute and inquisitive "American intellect."<sup>32</sup> Roughly half a century later Owen Lattimore strongly repudiated the premise of Turner's thesis. Lattimore stated that societies shaped frontiers, not the reverse:

Turner, in fact, was an acute observer; but what he saw so clearly, he saw standing on his head. In larger measure, when he thought he saw what the frontier did to society, he was really seeing what society did to the frontier.<sup>33</sup>

Lattimore's argument is fundamental to understanding border regions. Yet we must also remember that the societies in contact were not homogenous, that medieval border regions frequently contained more than two ethno-cultural groups, and that those societies' cultural inventories were changed because of contact.

The socio-cultural complexities that result from ethno-religious contact also put questions of ethnicity and identity to the fore. Scholars generally have difficulty agreeing

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<sup>31</sup> Huw Pryce, "Welsh Rulers and Anglo-European Change, c. 1100-1282," in *Power and Identity in the Middle Ages: Essays in Memory of Rees Davies*, John Watts and Huw Pryce, eds. (Oxford: Oxford University Press, 2007), 40-2 and 50-1.

<sup>32</sup> Cited in Klein, *Frontiers of Historical Imagination*, 16-7. Although Turner argued that the frontier promoted democracy in America and Europe, he believed that the American and European frontiers were fundamentally different. To Turner, the American frontier was an unsettled, virtually limitless wilderness of "free land," while the European frontier was a "fortified boundary running through dense populations." See *idem*, 14.

<sup>33</sup> Owen Lattimore, "The Frontier in History," in *Studies in Frontier History* (London: Oxford University Press, 1962), 490.

on exactly what factors shape ethnicity. Psychopathologist Michael Rutter and sociologist Marta Tienda assert that ethnicity is one of the most difficult attributes to measure accurately and definitively because the categories for ascribing it vary greatly. Furthermore, many researchers assign ethnicity solely on personal identification, even though others' ascriptions are equally if not more important.<sup>34</sup> Indeed, Rutter and Tienda identified a host of criteria that could mediate ethnic identities in the modern world, including ancestry, heritage, nationality, religion, language, social community, social and economic position, education, generational differences, lifestyle, family structure, immigration, discrimination, and even genetics.<sup>35</sup> Compounding the challenges of categorization is that psychological studies have shown that people can maintain parallel and multiple identities.<sup>36</sup> Moreover, education professor Marcello M. Suárez-Orosco points out that people can also use ethnic identities for tactical reasons, that is, for purposes of taxation or other needs. The tactical use of ethnicity is called “instrumental ethnicity.”<sup>37</sup>

Hence, categorizing and delimiting every aspect of ethnicity is extremely challenging. It is even more difficult when studying a pre-modern society. Many tools that modern researchers use to analyze ethnicity, such as personal surveys, individual assessments, and detailed census and tax information are either absent or extremely scarce for scholars of the medieval period. Because relatively few people below the upper

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<sup>34</sup> Michael Rutter and Marta Tienda, *Ethnicity and Causal Mechanisms* (Cambridge: Cambridge University Press, 2005), 51-4.

<sup>35</sup> *Ibid.*, 63-72.

<sup>36</sup> See Jean S. Phinney, “Ethnic Identity and Acculturation,” in *Acculturation: Advances in Theory, Measurement, and Applied Research*, Kevin M. Chun, et al., eds. (Washington, D.C.: American Psychological Association, 2003), 64; and John W. Berry, “Conceptual Approaches to Acculturation,” in *idem*, 27.

<sup>37</sup> Marcello M. Suárez-Orosco, “Everything You Wanted to Know about Assimilation But Were Afraid to Ask,” in *Engaging Cultural Differences: The Multicultural Challenge in Liberal Democracies*, Richard A. Shweder, et al., eds. (New York: Russell Sage Foundation, 2002), 29.

classes were more than functionally literate, we have limited understanding of what medieval peoples considered the most vital attributes of their identity.

While these limitations force historians to concentrate on entire groups rather than individuals, trying to understand medieval identities is not a useless undertaking. Indeed, many scholars have attempted to grapple with what ethnicity meant in the premodern world. Marshall Hodgson, for example, divorced the concept of ethnicity from the modern notion of nationality. In a broader discussion on the diminution in the position and importance of the *dhimmī* communities during ‘Abbāsīd rule, Hodgson stated that ethnic groups had a common “cultural affiliation” and language and a “common loyalty” against outsiders, even if they were living in a heterogeneous community.<sup>38</sup> Anthony Smith did not make such an attempt to detach premodern from modern concepts. In fact, he argued that modern nations need ethnic cores to survive and that there was an enduring link between the premodern ethnic group and the modern national community.<sup>39</sup> Nevertheless, Smith offers a similar yet more precise definition than Hodgson. He defines ethnicity in relation to his concept of the *ethnie*. The *ethnie* is a human population that contains six component factors: a collective name, a common myth of descent, a shared history, a distinctive shared culture, an association with a specific territory, and a sense of solidarity.<sup>40</sup> Ethnicity, therefore, is the component factors of the *ethnie* whose core exists in a “quartet of ‘myths, memories, values, and symbols’ and in the characteristic forms or styles and genres of certain historical configurations of populations.”<sup>41</sup> The premodern world was also a major component in Adrian Hastings’ study on nations and nationalism.

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<sup>38</sup> Marshall S. Hodgson, *The Venture of Islam*, 3 vols. (Chicago: University of Chicago Press, 1961), 1: 306.

<sup>39</sup> Anthony D Smith, *The Ethnic Origins of Nations* (New York: Blackwell, 1987), 5 and 212.

<sup>40</sup> *Ibid.*, 22-30.

<sup>41</sup> *Ibid.*, 15. Smith’s working definition of ethnicity is presented on page 32.

According to Hastings, medieval ethnic groups formed the basis of modern nations, which developed once the ethnic group's vernacular became extensively utilized for producing literature.<sup>42</sup> Hastings analyzes the differences between medieval and modern identities throughout his work and presents a highly fluid definition of ethnicity (far too long to quote here) that delimits it as the multiple variants and essences of human existence.<sup>43</sup> While Hastings' arguments concerning the transformation of ethnic groups into nations are questionable, his definition of ethnicity is applicable to both a modern and medieval context. Yet because Hastings recognizes the virtually limitless aspects that can factor into a person's ethnicity, the sheer vastness of those aspects makes his definition impractical to employ.

The shortcomings of modern terminology have convinced many medievalists that utilizing contemporary vocabulary offers the best approach to understanding medieval ethnicity. According to Robert Bartlett, the Latin terms that best expressed the components of ethnic identity in the Middle Ages were *lingua* (language), *natio*, *leges* (laws), and *consuetudines* (customs).<sup>44</sup> In his estimation, the medieval terminology could present ethnicity as a biological or genetic construction, but it also signified the strong communal nature of medieval societies, the constantly changing structures of those societies, and the fact that communities could move easily across political boundaries.<sup>45</sup> Bartlett, therefore, presents a useful set of criteria for trying to capture the capricious nature of ethnic identity in a medieval border region. In order to attempt to understand the

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<sup>42</sup> Adrian Hastings, *The Construction of Nationhood: Ethnicity, Religion, and Nationalism* (Cambridge: Cambridge University Press, 1997), 11-2.

<sup>43</sup> *Ibid.*, 167-8.

<sup>44</sup> Robert Bartlett, "Medieval and Modern Concepts of Race and Ethnicity," *Journal of Medieval and Early Modern Studies* 31:1 (2001), 52. The Latin term *natio* could have the modern connotation of "nation," but it could also mean "people," "tribe," or "clan." In Ireland the term could also refer to a kindred. See below, 424-6.

<sup>45</sup> *Ibid.*, 54.

function and role of ethnicity in the Middle Ages an elastic set of terminology is necessary because ethnicity is a flexible, cultural, and abstract conception that is defined as much by opposition to other groups as it is to the perception of unitary cultural features within a group. Language, law, and the social structures revealed in medieval *consuetudines* were central determinants in constructing ethnic identities in much of the British Isles. Indeed, I will use those three categories to examine ethnic acculturation in the Anglo-Welsh border region.

Yet to make a full analysis of cultural change among ethnic groups in medieval border regions across Eurasia, we must also add another category: *religio*. Religion might not seem a central issue for a study that primarily focuses on Wales and the British Isles, but analyzing Continental features of acculturation cannot exclude religion as a component of identity. The relationship between religion and ethnicity is not straightforward. Modern scholars often divorce the two and the disassociation between religious and ethnic identities might seem entirely justified for medievalists who focus on regions that were mostly religiously homogenous. However, the issue is much more complicated. As Rutter and Tienda note, religion can often be a deciding factor in determining ethnic membership in the modern era.<sup>46</sup> Likewise, Thomas Glick argues that ethnicity and religion were deeply intertwined in the Islamic and Christian regions of high-medieval Eurasia: “Medieval people, whether Christians, Muslims, or Jews, perceived ethnicity largely in terms of religious affiliation.”<sup>47</sup> Glick’s assertion not only demonstrates the connection between religion and ethnicity, but it also points to the complications of medieval identities. Indeed, Glick’s statement might go a bit too far

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<sup>46</sup> Rutter and Tienda, *Ethnicity and Causal Mechanisms*, 52.

<sup>47</sup> Thomas Glick, *Islamic and Christian Spain in the Early Middle Ages*, 2<sup>nd</sup> ed. (Leiden: Brill, 2005), 185.

because it leaves the impression that religious conversion equated to ethnic assimilation when in fact Muslims and Christians subdivided into numerous distinct ethnic groups. Being Muslim did not eliminate ethnic differences between Arabs and Turks and being Christian did not eradicate the ethnic distinctions of being German or French. Ethnic assimilation did not automatically transpire because of conversion, but assimilation was nearly impossible without religious conversion in Islamic and Christian Eurasia. Christian Europeans tended to associate religious persuasion as a hallmark of ethnic identity. Muslims and Jews in Christian Europe were referred to as separate peoples based on their religious affiliation and never associated with Christian ethnic groups. Hence, the thirteenth-century English chronicler Matthew Paris never calls Jews in England and France “English” or “French” because the English and French were Christian peoples. Instead, when he refers to Jews within a regnal context, he calls them the “Jews of England” (*Judaei Angliae*) or “Jews from the kingdom of the French” (*Judaei a Francorum regno*).<sup>48</sup> For a Jew to become English or French, he or she would have to become Christian first. Similarly, Latin Christians called all Orthodox Christians in Sicily “Greeks” because of their religious and linguistic persuasion.<sup>49</sup> Latin Christians often cited the Arabization of the Mozarabs in Iberia, the Greek Christians in Sicily, and the Eastern Christians in the Levant as evidence of their ethno-religious inferiority and impurity because Latin Christians typically associated Arabization with Islamization.<sup>50</sup>

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<sup>48</sup> See Matthew Paris, *Chronica Majora*, Henry R. Luard, ed. 7 vols. (London: 1872-1883), 5: 361 and 519.

<sup>49</sup> Alex Metcalfe, *Muslims and Christians in Norman Sicily: Arabic Speakers and the End of Islam* (New York: Routledge, 2003), 27-8.

<sup>50</sup> See Glick, *Islamic and Christian Spain in the Early Middle Ages*, 219; Metcalfe, *Muslims and Christians in Norman Sicily*, 28. For Latin Christian attitudes towards Eastern Christians in the Levant, see Andrew Jotischky’s analysis of Jacques de Vitry’s *Historia Orientalis*, “Ethnographic Attitudes in the Crusader States: The Franks and the Indigenous Orthodox People,” in *East and West in the Crusader States III: Context-Contacts-Confrontations. Acta of the Congress Held at Hernen Castle in September 2000*, Krijnie Ciggaar and Herman Teule, eds. (Leuven: Uitgeverij Peeters, 2003), 1-20.



The correlation between ethnicity and religion was also strong among Arab Muslim writers. As Hodgson noted, Arabization among Eastern Christian groups such as Armenians did not mean that Muslims would identify them as Arabs.<sup>51</sup> Richard Hitchcock notices a similar development in Iberia. Arab Muslim authors used the noun *musta'riba* to refer to Muslim peoples who had Arabized. However, they did not apply the term to Arabized Christians or Jews.<sup>52</sup> As Kenneth Cragg points out, the Arabic language and Islam have been intimately intertwined by virtue of the Qur'ān's role in Islam. Arabization, therefore, has provided Arabized Christians with a "harsh, exacting destiny" in large part because Arab Muslim authors have traditionally viewed Arabness as "only authentic in the confession of Islam."<sup>53</sup>

Religion, like language, law, social organization, and dress was a marker of socio-cultural difference and it is difference that underpinned medieval ethnic identities. Indeed, whatever definition of ethnicity one wishes to employ, the key feature of ethnicity is that it is based on perceptions of socio-cultural difference. As Thomas Eriksen points out, ethnic groups must make systematic distinctions between insiders and outsiders based on perceived differences.<sup>54</sup> Paradoxically, even if two or more groups grew increasingly similar, they may become increasingly concerned with expressing their distinctiveness.<sup>55</sup> Difference must be maintained in a contact situation, even if the difference is based more on perception than reality. In addition, ethnicity is defined in relation to another group(s) and without regular interaction with other groups, ethnicity loses significance.

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<sup>51</sup> Hodgson, *Venture of Islam*, 1: 306.

<sup>52</sup> Richard Hitchcock, *Mozarabs in Medieval and Early Modern Spain* (Aldershot: Ashgate, 2008), ix-x.

<sup>53</sup> Kenneth Cragg, *The Arab Christian: A History in the Middle East* (Louisville, KY: Westminster, 1991), 21 and 31.

<sup>54</sup> Thomas Hylland Eriksen, *Ethnicity and Nationalism* (London: Pluto Press, 2002), 19.

<sup>55</sup> Ibid.

This point brings us to our sixth feature of border regions, namely that ethnic contact within them is structured and filtered through formal and informal mechanisms and stereotypes stemming from perceptions of socio-cultural difference. As Fredrik Barth argued, self-ascription and ascription by others were the most important categories of ethnic organization and ethnic groups could only survive if they implied marked cultural differences from other groups. According to him, these differences constituted an important “boundary-making mechanism” and ethnic interaction had to be structured in contact situations in order to maintain those differences and thereby retain the ethnic groups’ cohesion.<sup>56</sup> Sometimes structuring ethnic interaction included formal, legal, or quasi-legal mechanisms. The most famous example could be found in much of Islamic and Christian Eurasia where religious minorities (in the sense of their relative political power vis-à-vis the dominant group) received certain rights and privileges in exchange for acknowledging their subordinate status and accepting legal restrictions. Another formal mechanism to retain ethnic boundaries was dual or multiple-administration, which entailed governing one ethnic group differently than another according to their respective laws and customs.

Sometimes the structuring of ethnic interaction was much less formal. Barth argued that there must be rules for ethnic encounters, which structure the interaction and create the boundary-making mechanism.<sup>57</sup> “Rules,” however, might mislead us to believe that boundary-making mechanisms had to be prescribed. In many cases, ethnic communities chose to live separately. In Scotland, for example, the Gaelic communities tended to dwell in the upland districts, while the Anglo-European settlers dominated the

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<sup>56</sup> Fredrik Barth, *Ethnic Groups and Boundaries: The Social Organization of Culture Difference* (Boston: Little, Brown, and Co., 1969), 13-4 and 16.

<sup>57</sup> *Ibid.*, 16.

lowlands.<sup>58</sup> This division was based solely on socio-economic preference; there was neither compulsion nor rules. Stereotypes established through standardized modes of behavior also reinforced perceptions of cultural distinction.<sup>59</sup> Mental perceptions and stereotypes among a populace at large are often difficult to detect in the contemporary sources. Nevertheless, contemporaries often attributed social structures, laws, customs, and behaviors as the exclusive domain of one ethnic group or another, never recognizing hybridization and sometimes even forbidding adoption. For example, in late thirteenth and fourteenth century Ireland, a series of English parliaments forbade Englishmen from using any type of Irish law or the more hybrid “March” law, dressing like the Irish, cutting their hair like the Irish, riding horses like the Irish, or playing Irish games such as hurling.<sup>60</sup>

#### ***The Development of Border Regions: Settlement Processes and Trade Routes***

The preceding section has outlined the terminology used in this study, the general features of medieval border regions, and the main elements of ethnic identity. Before proceeding to theoretical discussions about cultural change among ethnic groups in border regions, however, we first need to explain how border regions formed in the first place. In the high-medieval period the formation of border regions typically resulted from settlement, whether through violent conquest, peaceful invitation, or trade. Because detailing every circumstance that helped create border regions in high-medieval Eurasia would necessitate a lengthy discussion that would distract readers from the main points of this chapter, I will only summarize the essential elements of those processes here.

However, I have created an appendix that serves as an auxiliary chapter and provides a

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<sup>58</sup> See below, 167-9.

<sup>59</sup> Eriksen, *Ethnicity and Nationalism*, 23.

<sup>60</sup> See below, 201-5.

detailed description of the settlement processes and the ways in which trade routes facilitated ethnic contact.<sup>61</sup> The footnotes in the discussion below will point readers to the relevant sections in the appendix if they want a more exhaustive analysis.

There are numerous ways to analyze the settlement processes in high-medieval Eurasia, but perhaps it would be easiest to explore these developments by considering the degree of state involvement in initiating settlement. As Giles Constable noted, medieval European boundaries were “less clearly defined as the size of the unit increased. Few kingdoms had fixed borders, and rights over the sea were constantly disputed.”<sup>62</sup> Territorial delineation between Islamic states was also often vague or non-existent. Ralph Brauer asserts that while Muslim geographers consistently demarcated the *Dār al-Islām* (“House of Islam” or “House of Peace”) from the *Dār al-Ḥarb* (“House of War”), they often did not show boundaries between independent political territories in the Islamic world. For example, the ninth and tenth-century school of geographers centered at Balkh did not place boundaries on their maps, even though they recognized political borders. To the Balkhī school of geographers, boundaries served as transition zones or zones of contested sovereignty between two states. This tradition continued under twelfth and thirteenth-century geographers such as Muḥammad al-Idrīsī (c. 1099-1160- who served under the Norman king of Sicily, Roger II) and Ibn Sa‘īd (1213-1286- who was born in al-Andalus but traveled widely throughout North Africa and the Middle East). Al-Idrīsī’s maps define the core regions of the state (a departure from the Balkhī school), but his

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<sup>61</sup> For that appendix, see pgs. 491-539.

<sup>62</sup> Constable, “Frontiers in the Middle Ages,” 9. David Abulafia also argues that territorial boundaries between political entities in medieval Europe lacked sharp definition. See “Introduction: Seven Types of Ambiguity, c. 1100-1500,” in *Medieval Frontiers*, 12-15.

maps do not show boundary lines between states.<sup>63</sup> The conceptual tendency to blur internal boundaries within Islamdom also revealed practical realities, especially with the collapse of effective ‘Abbāsīd authority in the tenth century and the emergence of highly volatile Turko-Mongolic empires. Political chaos in the Islamic world grew even more acute in the high-medieval period after the Seljuq Empire’s fragmentation following the deaths of the sultan Malikshāh (r. 1072-1092) and his famous vizier Nizām al-Mulk. By the beginning of the thirteenth century, the Seljuq collapse was complete and numerous empires, sultanates, amirates, and *atabeg* states governed the Islamic world.<sup>64</sup>

Of course, there were exceptions to this general state of affairs. Constable, David Abulafia, and Edward Peters point out that European sovereigns were not inherently averse to defining their kingdoms’ boundaries and that regnal borders became increasingly defined.<sup>65</sup> In China, the Jurchen rulers of north China and the Song emperor of south China reached an agreement in 1141-1142 that defined the boundary between their realms.<sup>66</sup> Yet medieval states and empires were highly fragile and just as rulers

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<sup>63</sup> Brauer also notes that there were border regions between the *Dār al-Islām* and the *Dār al-Ḥarb*. These border regions typically fell into either *ḥadd* (pl. *ḥudūd*- a general term that referred to the geographic end of an area within the Islamic realm), by the term *ṭaghār* (pl. *ṭhugūr*- denoting a hostile region, a virtual no-man’s land that provided the first defense against the enemy and a staging ground to conduct raids against the people of the *Dār al-Ḥarb*), or by the term *‘awāṣim* (designating an internal defensive position against external aggression). Brauer contends that *ṭhugūr* could correspond to the European concept of the “march.” By the mid eleventh century, the military importance of the *ṭhugūr* in the Middle East and al-Andalus had largely vanished. Twelfth-century Muslim geographers rarely used the term in a military context, instead employing it simply to designate a border region. See Ralph W. Brauer, “Boundaries and Frontiers in Medieval Muslim Geography,” *Transactions of the American Philosophical Society* 85:6 (1995): 5-7, 12-18, 21, and 23.

As Carole Hillenbrand notes, the collapse of ‘Abbāsīd power in the tenth century altered the rigid, hostile demarcations between the domains of Islam and its neighbors. Scholars recognized an intermediate zone of contact between Muslims and non-Muslims, represented in the terms *Dār al-Ṣulḥ* (“House of Peace”) and *Dār al-‘Ahd* (“House of Covenant”). See Hillenbrand, *Crusades*, 98.

<sup>64</sup> For a good summary of the Seljuq’s collapse, see Lapidus, *History of Islamic Societies*, 117-20.

<sup>65</sup> See Constable, “Frontiers in the Middle Ages,” 9; Abulafia, “Introduction: Seven Types of Ambiguity,” 15-16; and Edward Peters, ““Omnia Permista Sunt”: Where’s the Border?” *Medieval History Journal* (2001) 4:1, 109-27.

<sup>66</sup> For the conflicts between the Jin and Song and the treaty’s terms, see F.W. Mote, *Imperial China, 900-1800* (Cambridge: Harvard University Press, 2003), 198; and Herbert Franke, “The Chin Dynasty,” in *The*

often had difficulty defining the precise limits of their territories, they also had difficulty protecting their realms' integrity. Hence, it is not surprising that high-medieval settlement processes typically involved a mixture of state and non-state directives.

When examining settlement processes in high-medieval Eurasia, we notice that states assumed most control over those processes when they were inviting settlers into their domains. For example, the Árpád kings of Hungary welcomed Turkic, Slavic, German, and other Western European settlers into their kingdom during the twelfth and thirteenth centuries.<sup>67</sup> In the same period, the Přemyslid kings of Bohemia invited German and Western Europeans settlers, the Bagratid kings of Georgia summoned nomadic Qipchaq warriors to settle in their kingdom, and the Canmore kings encouraged settlers from across Western Europe and England to establish themselves in Scotland.<sup>68</sup> Inviting settlers provided these rulers with military, economic, and even spiritual support, which could boost their kingdoms' material power and economic potential and protect the rulers from internal and external threats. Furthermore, invitation allowed rulers to decide where settlers would live and under what conditions they would be welcomed into the realm. The Hungarian crown, for example, encouraged settlers to live in politically, economically, and strategically important regions and granted the settler communities wide-ranging socio-legal autonomy.<sup>69</sup> Nevertheless, invitation was not always a smooth process and monarchs could not dictate its every phase. The Qipchaq-Cumans often had tense relationships with the local communities in Hungary and Georgia and the Scottish

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*Cambridge History of China: Alien Regimes and Border States, 907-1368*, Herbert Franke and Denis Twitchett, eds. (Cambridge: Cambridge University Press, 1994), 226-35.

<sup>67</sup> Appendix, 493-4.

<sup>68</sup> Appendix, 493-6; and below, 161-70.

<sup>69</sup> See below, 83-4.

kings faced frequent rebellions from native political leaders.<sup>70</sup> In addition, the Přemyslids of Bohemia had to coordinate the settlement process with ecclesiastical officials and other local actors.<sup>71</sup>

Many border regions formed when settlement processes emerged from conflict. Occasionally states could direct these settlement processes with considerable centralization. For instance, the Song imperial administration created an impressive military, economic, and bureaucratic apparatus to lead Chinese colonization efforts in Sichuan. However, the Song state's ability to dictate settlement on a sustained basis only lasted roughly fifty years (1070 to 1120).<sup>72</sup> Oddly enough, the Jurchen Empire of north China and the Qara Khitai Empire in Central Asia in the twelfth century showed that the process of state formation among the semi-nomadic and semi-sedentary populations of Inner Eurasia could produce highly centralized settlement processes. Indeed, the Jurchens led the largest settlement movement in high-medieval Eurasia, with the Wanyan clan organizing the settlement of roughly three million Jurchen and other Inner Eurasian tribal peoples in northern China.<sup>73</sup>

Most of the time, however, central governments and local actors jointly led the settlement process, with varying degrees of cooperation. In twelfth and thirteenth-century Iberia, for example, the Christian kings of Castile-León and Aragón were principally responsible for leading military conquests against Muslim rulers in the peninsula. In order to sustain those conquests, they had to take an active role in recruiting settlers from

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<sup>70</sup> Appendix, 495-6; and below, 164-7.

<sup>71</sup> For example, the Benedictine monastery of Kladrby, the Premonstratensian monastery of Windberg, and the Hospitallers were active in attracting settlers into western Bohemia, while the bishops of Olomouc (Olmütz) and Wrocław (Breslau) and a number of abbeys brought in settlers to northern Moravia and the Sudetenland. See Charles Higounet, *Les Allemands en Europe centrale et orientale au moyen âge* (Paris: Aubier, 1989), 172 and 174-5.

<sup>72</sup> Appendix, 496-8.

<sup>73</sup> Appendix, 498-9 and 517-9.

outside their territories. Indeed, the kings of Castile and Aragón used the process of *repartimiento* to apportion lands to settlers and royal charters dictated the terms and conditions of settlement. Nevertheless, the papacy, military orders, feudal lords, and monastic establishments were also instrumental in attracting settlers.<sup>74</sup> Although contemporary evidence leaves many questions unanswered, the Norman kings of Sicily and southern Italy may have had an even stronger role in managing Latin Christian settlement than their contemporary Iberian counterparts, but we also know that monastic officials participated vigorously.<sup>75</sup> The arrival of settlers from Western Europe into the Levant during the late eleventh and twelfth-century Crusades showed less central coordination than in Iberia or Sicily. However, the Latin kings of Jerusalem demonstrated that they could exert some level of control when they negotiated the conditions under which Venetians remained in the kingdom.<sup>76</sup> Oftentimes Western European rulers outsourced the settlement process through what Robert Bartlett called “prospective grants,” in which a prospective party (usually a feudal lord) received the title to a territory once he succeeded in conquering it.<sup>77</sup>

Some settlement processes were much more decentralized. For example, bishops, local lords, and German settlement agents called *locatores* spearheaded the arrival of German and other Western European settlers in the Baltic and other parts of Eastern and Central Europe more than Holy Roman emperors, Danish kings, or Polish princes.<sup>78</sup> Yet these processes had far more coordination than the migrations of rampaging Oghuz and

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<sup>74</sup> Appendix, 500-3.

<sup>75</sup> Appendix, 503-5.

<sup>76</sup> Appendix, 505-7.

<sup>77</sup> Appendix, 507.

<sup>78</sup> Appendix, 507-11.



Qipchaq nomads into Anatolia and other regions of the Middle East.<sup>79</sup> On some occasions centralized settlement processes could spur decentralized migrations. For example, the thirteenth-century Mongol conquests were centrally directed events and the Mongols sponsored massive Turko-Mongolic migrations into Anatolia and Iran. However, the Mongol invasions not only dispersed Qipchaq groups, but also caused many Khurāsānīs, Daylamīs, Armenians, Arabs, Afghans, Ghūris, and various Turkic groups to flee to the northern subcontinent.<sup>80</sup>

Settlement processes were not the only ways in which ethnic groups came into contact in high-medieval border regions. Medieval Eurasia's great trade routes also spurred the formation of border regions in two principal ways. First, they could motivate settlement processes through conquest. Indeed, the Song government's encouragement of Chinese settlement in Sichuan centered on control of the Inner Eurasian trade routes that passed through the Gansu Corridor.<sup>81</sup> Furthermore, Venetian commercial interests were a primary motivator when the Fourth Crusade conquered Constantinople and established the Latin Empire in 1204. Control over trade routes promoted Danish conquests in the Baltic in the late twelfth and early thirteenth centuries. Lucrative trade routes also helped make the eleventh-century petty Muslim kingdoms (called *tā'ifa* kingdoms) in Iberia very wealthy and Christian kings were able to take advantage of disputes among Muslim rulers to extort tribute, which they used to fund Christian conquests. Second, possibilities for trade could promote more peaceful settlement processes. For example, Italian communities established themselves in Levantine cities such as Acre to take advantage of mercantile opportunities and numerous ethnic groups were attracted to the cities of

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<sup>79</sup> Appendix, 511.

<sup>80</sup> Appendix, 511-2.

<sup>81</sup> Appendix, 497.

Central and Eastern Europe because of their position between the Western European and eastern Eurasian trade networks.<sup>82</sup>

### **Cultural Change among Ethnic Groups in Border Regions: Acculturation Theories**

The movements and migrations of ethno-religious groups created the border regions of high-medieval Eurasia. Yet the formation of border regions is only one part of our story. What we are principally concerned about in this study is what happened to ethno-religious groups once they came into contact with other peoples. Did the ethno-religious groups change? If so, to what extent did they change, how did they change, and, more importantly, why did they change? Did that change entail borrowing from another culture? If so, was borrowing minimal or extensive? Did borrowing lead one ethno-religious group to assimilate into another group, did it lead one group to hybridize, or did borrowing lead to little change in identification? How and why did ethno-religious groups react to changes in their culture? Did changes in cultural inventory equate to changes in ethnic identification? These questions initiate our inquiries, but just as scholars disagree about whether to use the term “frontier” or “border region,” scholars also diverge on how to analyze cultural contact, cultural exchange, and the effects of contact and exchange on human identities. Some scholars employ modern theoretical approaches such as acculturation theories or the methodology of postcolonial studies. Many scholars, however, argue that modern theoretical approaches are inappropriate for medieval circumstances and would rather catalogue and analyze the exchanges without theoretical jargon. Indeed, the sheer complexity of intercultural interactions and the obstacles that

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<sup>82</sup> Appendix, 530-2.

the medieval evidence erect to trying to understand them have made scholars reluctant to try to create models to delineate the outcomes of ethnic contact in border regions.

Despite the difficulties of the medieval evidence, I believe that acculturation theories offer the best possibility for analyzing ethno-religious interactions in border regions. Acculturation theories provide a nuanced approach that recognizes and embraces the complexities of human interactions. As with any theoretical methodology, acculturation theories have their pitfalls and no theoretical model could hope to categorize the outcomes of ethnic contact wholly or definitively. Yet the myriad results that emerge from contact situations necessitate using a theoretical approach that allows one to sift through those results and analyze the patterns that surface from the border regions with sufficient subtlety. At the same time, however, theoretical observations need detailed historical examples to refine the theoretical terminology sufficiently enough to display the complications of contact situations.

The term “acculturation” was used as early as 1880, but the concept’s development principally took place in the mid twentieth century.<sup>83</sup> In 1935 the Social Science Research Council appointed Robert Redfield, Ralph Linton, and Melville Herskovits to study the implications for using the term “acculturation” and in 1936 these scholars developed an outline that briefly defined acculturation and quickly sketched its situations, types, and processes.<sup>84</sup> However, the Social Science Research Council did not issue the classical formulation of acculturation until 1954. Headed by the Stanford anthropologist Bernard Siegel and other scholars, the Research Council defined

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<sup>83</sup> John W. Berry, “Acculturation as Varieties of Adaptation,” in *Acculturation: Theory, Models and Some New Findings*, Amado M. Padilla, ed. (Boulder, CO: Westview Press, 1980), 9.

<sup>84</sup> Melville Herskovits, et al., “Memorandum for the Study of Acculturation,” *American Anthropologist* 38 (1936), 149-52.

acculturation as “culture change that is initiated by the conjunction of two or more autonomous cultural systems.”<sup>85</sup> The autonomous cultural system is a self-sustaining entity that requires no external stimuli to maintain it and it is this system that the authors called a “culture.”<sup>86</sup> The Research Council’s formulation also stated that scholars needed to understand the properties of the cultural systems that come into contact, the nature of the contact situation, the types of relations the cultures in contact establish, and the flow of the cultural processes that emerge from the contact.<sup>87</sup> Furthermore, the Council argued that scholars needed to be particularly aware of each culture’s boundary-making mechanisms, the “rigidity” or “flexibility” of the cultural systems involved, and the nature and function of each culture’s self-correcting mechanisms.<sup>88</sup> According to these scholars, acculturation produced four processes that led to two primary outcomes. Acculturation could produce intercultural transmission, which is the direct diffusion of cultural materials, and “cultural creativity,” the reorganizations, reinterpretations, and syncretisms that emerge from cultural adoption, loss, and adjustment. Two other potential processes were cultural disintegration and reactive adaptation, the latter of which entailed the rejection of alien cultural wares and the subsequent reaffirmation of native value systems.<sup>89</sup> These processes typically generated two results: 1. Progressive adjustment between cultural systems that eventually engendered fusion or assimilation and 2. Stabilized pluralism, which entailed the retention of cultural autonomy, most often through creating parallel ethnic institutions.<sup>90</sup> Finally, the Council stressed that cultural

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<sup>85</sup> Bernard J. Siegel, et al. “Acculturation: An Explanatory Formulation,” *American Anthropologist* 56 (1954): 974.

<sup>86</sup> Ibid.

<sup>87</sup> Ibid., 975.

<sup>88</sup> Ibid., 975-9.

<sup>89</sup> Ibid., 984-7.

<sup>90</sup> Ibid., 987-90.

contact and borrowing were selective processes, that individuals were the bearers of any cultural system in a contact situation, and that intercultural contact involved role-playing among the individuals who transmitted their culture's wares and norms.<sup>91</sup>

Acculturation, therefore, entails socio-cultural borrowing between cultural groups that both encompasses and transcends the political, social, and cultural facets of human existence and human societies. The borrowing may involve various forms of technology, military tactics, language, legal codes, political structures and institutions, scientific knowledge, or religious tenets and beliefs. Acculturation is a highly selective and filtered process, which takes place at the individual level. While nineteenth-century diffusionist theories envisioned that cultural traditions and wares were transmitted wholesale, acculturation theories argue that the individual does not bear all of the cultural tradition, but only represents part of it.<sup>92</sup> The nature and purpose of the contact determines the portion that the individual represents. Without full representation, socio-cultural transfer can only be partial. Contact involves intercultural role-playing, in which each representative of the cultural system behaves in a way suitable to the context of the contact while displaying its cultures' beliefs and attitudes.<sup>93</sup> Cultural groups also erect boundary-making mechanisms that filter external stimuli and provide the necessary time to accept, reject, or reinterpret external influences. Indeed, the borrowing process induces substantial alterations to the cultural wares themselves and spurs change on several societal levels.<sup>94</sup> Rejecting external cultural wares may also reaffirm native tradition,

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<sup>91</sup> Ibid., 982-4.

<sup>92</sup> For more on diffusionist theories, see Melville J. Herskovits, *Cultural Dynamics* (New York: Alfred A. Knopf, 1964), 159-60. *Cultural Dynamics* is an abridged version of *Cultural Anthropology* (1955), itself an abridged version of *Man and His Work* (1948).

<sup>93</sup> Siegel, et al., "Acculturation," 980-2.

<sup>94</sup> Ibid., 975-6 and 984.

which constitutes a form of change.<sup>95</sup> Understanding the process of acculturation necessitates examining the socio-cultural dynamics and structures of each society, their socio-cultural compatibility and complexities, their world views, their openness to external wares, and the historical circumstances of contact between the groups.

Acculturation theories and concepts provide many benefits for studying ethnic interactions in border regions. They reject the tenets of diffusionism, namely that socio-cultural wares were simply passed on from a center of innovation to a receptor culture. According to diffusionists, internal innovation was rare and intercontinental and transcontinental transfers dominated world cultural history.<sup>96</sup> Instead, acculturation theories and concepts recognize the complexities involved in socio-cultural borrowing, reject the notion of wholesale transfer, and emphasize the various mechanisms that ethno-religious groups utilize to filter alien cultural elements. They also stress that communal interactions were often highly structured. Indeed, by requiring that one investigate the totality of the socio-cultural institutions, structures, and perceptions of each group in contact, acculturation theories assert that understanding the true impact of intercultural borrowing and interaction necessitates a much deeper foray into understanding the entire structure and outlook of the societies in contact and oblige that one considers the purpose of the contact. Hence, acculturation models provide a complex, structured, and nuanced view of cultural interactions that translates well to examining border regions.

Nevertheless, employing acculturation theories for this study requires some modification. Indeed, many scholars have modified or challenged some of the Council's constructs and positions. For example, most scholars would be reluctant to define a

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<sup>95</sup> Ibid., 987.

<sup>96</sup> For this point, see Thomas Allsen, *Culture and Conquest in Mongol Eurasia* (New York: Cambridge University Press, 2001), 189.

culture as an “autonomous entity,” even if they were aware that earlier anthropologists recognized that culture is fluid.<sup>97</sup> As Thomas Glick and Oriol P-Sunyer argued in 1969, culture is abstract and never in a “steady state.”<sup>98</sup> Internal and external stimuli are always producing modifications, no matter how small. More recently, Homi K. Bhabha and other postcolonialist scholars have forcefully argued that no culture has an original state or is inherently pure, instead arguing that true culture emerges in the hybrid, contradictory, and ambivalent region of the “Third Space.”<sup>99</sup>

Culture’s inherent fluidity is especially important when analyzing cultural contact among ethnic groups. Barth argued that one cannot assume a direct correlation between ethnic units and cultural similarities and differences.<sup>100</sup> That is, an ethnic group does not have a singular, unchanging culture.<sup>101</sup> When one views an ethnic group over the course of history, he or she is not witnessing the history of a culture. Instead, the ethnic group is an entity with a continual organizational existence, a criteria of membership, and a set of social boundaries that seek to maintain the perception of socio-cultural difference. An ethnic group, therefore, is not a cultural entity. The ethnic group’s social boundaries do not restrict the cultural matter within the group and cultural changes do not fundamentally alter the boundary-making mechanisms that the group has established.<sup>102</sup> Eriksen points out, however, that many scholars have disagreed with Barth’s assertions

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<sup>97</sup> The Research Council, for instance, asserted that a cultural system was constantly changing and Herskovits made constant change a key part of his definition of culture. Marshall Sahlins lists many early anthropologists who made the same arguments. See Siegel, et al., 984; Herskovits, 4; and Marshall Sahlins, “Two or Three Things that I Know about Culture,” *The Journal of the Royal Anthropological Institute* 5:3 (1999), 399-421.

<sup>98</sup> Thomas F. Glick and Oriol Pi-Sunyer, “Acculturation as an Explanatory Concept in Spanish History,” *Comparative Studies in Society and History* 11:2 (1969), 139.

<sup>99</sup> Homi K. Bhabha, “The Commitment to Theory,” in *The Location of Culture* (New York: Routledge, 1994), 37-9.

<sup>100</sup> Barth, *Ethnic Groups and Boundaries*, 14.

<sup>101</sup> Ibid., 12.

<sup>102</sup> Ibid., 38.

and the relationship between culture and ethnicity is still undergoing considerable debate.<sup>103</sup> In my opinion, Barth correctly emphasizes that an ethnic group does not necessarily have a singular culture and it is the perception of socio-cultural difference with another group and the criteria of membership that each group established that provided the ethnic entity's internal cohesion. However, while an ethnic group may not have a singular culture, its cultural material is an important element in its world view and is particularly critical in establishing the criteria through which the ethnic group differentiates itself from other groups. Changes to that cultural inventory can trigger alterations to how the ethnic group assigns and reaffirms its difference and what elements of its cultural inventory it stresses to assert that difference.

Other modifications have added to the basic definition of acculturation and expanded the points of emphasis in researching cultural change. The biggest expansion of acculturative research over the past few decades has concerned psychological adaptations to contact situations. Although the Council iterated that perception was a key factor in acculturation, many scholars felt that it was not emphasized sufficiently in earlier studies.<sup>104</sup> In 1980, for example, the psychologist Amado M. Padilla argued that the psychological impact of acculturation among individuals had not received enough scholarly attention, particularly as it impacted a person's cultural awareness and ethnic loyalty.<sup>105</sup> Acculturative research in psychology has increased enormously over the past three decades and its psychological component has become central to the concept of acculturation itself. Indeed, the psychologist John W. Berry defined acculturation as "the

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<sup>103</sup> Eriksen, *Ethnicity and Nationalism*, 56-8.

<sup>104</sup> Siegel, et al., "Acculturation," 982.

<sup>105</sup> Amada M. Padilla, "The Role of Cultural Awareness and Ethnic Loyalty in Acculturation," in *Acculturation: Theory, Models and Some New Findings*, 47-8.



dual process of cultural and psychological change that takes place as a result of contact between two or more cultural groups and their individual members” in the 2007 edition of the *Handbook of Socialization*.<sup>106</sup> Greater attention to acculturation’s psychological impact has manifested largely as a result of shifting scholastic emphasis. As Berry points out, earlier research into acculturation primarily focused on contact between European and indigenous peoples, particularly in Africa. However, globalization has pushed scholars to consider more how immigrant and ethno-cultural groups relate to each other, especially in countries such as the United States, Australia, Canada, and New Zealand, which have large immigrant populations.<sup>107</sup> Emphasizing the psychological aspect of acculturation is certainly more difficult to accomplish in a study that focuses on the Middle Ages. Nonetheless, because ethnicity is primarily based on perceptions of difference and inclusion, it is extremely important to factor in psychological perceptions into any study on cultural change among ethnic groups. Hence, this study accentuates how mental perceptions of difference and similarity not only congealed and distinguished ethnic groups, but also raised or diminished acculturative and assimilative barriers.

Other scholars have reemphasized particular aspects of acculturation theories such as the structural aspects of cultural contact and the importance of individuals in cultural transmission, while also challenging contemporary views about the relationship between acculturation and assimilation. Two scholars who focus on the medieval period, namely Thomas Allsen and Thomas Glick, have been especially important in these regards. Allsen’s study on cultural exchanges between the Mongol dynasties in China and Iran primarily focused on the role of Qubilai Khan’s (r. 1260-1294) envoy Bolad Aqa and

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<sup>106</sup> John W. Berry, “Acculturation,” in *Handbook of Socialization: Theory and Research*, Joan E. Grusec and Paul D. Hastings, eds. (New York: Guilford Press, 2007), 543.

<sup>107</sup> *Ibid.*, 544.

demonstrated that a single cultural liaison could have an enormous impact in transmitting cultural wares in fields as diverse as historiography, geography and cartography, agriculture, medicine, astronomy, and printing.<sup>108</sup> In fact, Allsen argued that although Bolad was the key cultural broker in exchanges between Mongol China and Iran, other individuals such as diplomats, military personnel, artisans, scholars, administrators, merchants, and even hostages were the primary conduits of transcontinental contact in Mongol Eurasia.<sup>109</sup>

In his primary study on acculturation in medieval Iberia, Thomas Glick stressed that “Islamic and Christian societies’ relations among ethnic groups and between members of dominant and minority religions were sharply structured, according to both formal and informal rules and conventions.”<sup>110</sup> Indeed, this study will demonstrate that highly structured ethnic interactions were commonplace across medieval Eurasia and especially in Wales. In addition, Glick points out that acculturation and assimilation were not necessarily the same process, which he argues is a major flaw in the historiography of intercultural relations in medieval Iberia.<sup>111</sup> However, some scholars have argued that acculturation theorists have too often assumed that acculturation would eventually result in assimilation.<sup>112</sup>

Indeed, the focus on assimilation is intertwined with another problem that has led some scholars to reject acculturation theories entirely: the assumption that the politically dominant group is also culturally dominant and that the subordinate group will seek to

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<sup>108</sup> Allsen details Bolad Aqa’s importance in intercultural transmission in *Culture and Conquest in Mongol Eurasia*, 59-188.

<sup>109</sup> Ibid., 193.

<sup>110</sup> Glick, *Islamic and Christian Spain in the Early Middle Ages*, 184-5.

<sup>111</sup> Ibid., 184.

<sup>112</sup> These criticisms can be found in Padilla, “The Role of Cultural Awareness and Ethnic Loyalty in Acculturation,” 48-9; Phinney, “Ethnic Identity and Acculturation,” 64-5; and Suárez-Orozco, “Everything You Wanted to Know about Assimilation,” 24.

imitate and mimic it. These points of emphasis stem from early acculturationists' focus on relations between European colonial societies and subjected populations and have led some scholars to argue that acculturation theories do not highlight the mutual process of cultural change. Richard White, for instance, argued that acculturation denotes cultural parody and imposition from a dominant society. In response, White fashioned the concept of the "Middle Ground" to define the vague area where mutual cultural change takes place through accommodations between all groups in contact.<sup>113</sup> Nadia R. Altschul makes a similar case, arguing that acculturation in the medieval Iberian context has always been associated with Arabization and cultural imitation. She and other scholars prefer to use the term "transculturation," which they assert best captures the process of mutual cultural exchange.<sup>114</sup> Acculturation studies' equation of political with cultural dominance can have highly detrimental effects on any study involving high-medieval border regions. Allsen, for instance, notes that while the Mongols were politically and militarily ascendant within their empire, they were not dominant in the cultural sphere.<sup>115</sup> The English in Ireland, the Normans in Sicily, and the Christian groups in the Iberian Peninsula also demonstrate that political-military power did not always go hand-in-hand with cultural superiority. Furthermore, military and political supremacy was often an ephemeral phenomenon in the border regions, as the cases of Wales and Ireland will show.

The above-mentioned criticisms are well deserved and any study that intends to utilize acculturation theories needs to consider them carefully. Yet while these critiques

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<sup>113</sup> Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815* (New York: Cambridge University Press, 1991), x.

<sup>114</sup> Nadia R. Altschul, "The Future of Postcolonial Approaches to Medieval Iberian Studies," *Journal of Medieval Iberian Studies* 1:1 (2009), 10-3.

<sup>115</sup> Allsen, *Culture and Conquest in Mongol Eurasia*, 191.

show that acculturation theories require adjustments, they do not invalidate their use. The Research Council's formulation and subsequent theoretical constructs envisioned acculturation as a two-way process. There is nothing inherent in the term that suggests acculturation need be unidirectional or that cultural change should or must result in imitation. The problem with acculturation studies has not stemmed so much from the theories or concepts associated with them, but rather from those theories or concepts' practical execution. The use of acculturation theories in this study seeks to address the common criticisms of acculturation studies by stressing the reciprocal nature of cultural borrowing, the cultural diversity of the ethnic groups that came into contact, and the cultural and political fluidity of border regions.

Furthermore, this study will avoid assuming that cultural change automatically results in assimilation and will add to and further modify the potential outcomes of cultural contact. Indeed, as Jean Phinney states, the relationship between acculturation and ethnic identification is not straightforward. According to her, acculturative changes "are uneven and can occur at differing rates for different aspects of acculturation and ethnic identity."<sup>116</sup> As we will see, considerable acculturation did not necessarily result in total ethno-religious assimilation because perceptions of difference remained strong enough for ethno-religious identities to persist despite substantial cultural change. In addition, the situation of contact in high-medieval border regions encouraged the retention of ethno-religious difference. In fact, the most common acculturative outcome in high-medieval border regions was what I call "perpetuated pluralism," which is a modification of the concept of stabilized pluralism. While the concept of "perpetuated pluralism" acknowledges and stresses the role of territorial and institutional features of

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<sup>116</sup> Phinney, "Ethnic Identity and Acculturation," 64-5.

contact in preserving ethno-religious difference, it also emphasizes how ethno-religious communities could absorb and amend foreign cultural elements and adjust their communal outlooks to perpetuate difference. Indeed, “perpetuated pluralism” affirms the fact that incomplete fusion and the retention of cultural autonomy did not mean an absence of cultural change, removes the stagnation associated with the term stabilization, places socio-cultural difference at the heart of ethno-religious identity, and recognizes the importance of mental perceptions to protecting communities against assimilation.

Finally, I will argue that perpetuated pluralism and assimilation were not the only possible outcomes of ethnic contact. Contact could also result in the formation of a hybrid ethnic group. This third outcome is not the “Middle Ground” of White or the “Third Space” of Bhabha. While these perspectives provide useful analytical tools for recognizing the fluidity of culture and ethnic interaction, they also risk oversimplifying those processes. There were, in fact, many spaces and many grounds, which the contemporary sources do not always elucidate clearly. Ethnic hybridization depended on perception, namely the perception that an ethnic group had acquired enough characteristics of another ethno-cultural group to be considered distinct from its parent group, but not distinct enough to assimilate into the group with which it had acculturated. These perceptions might come from outsiders, they might derive from the hybridized group itself, they might emerge from the parent group, they might come from the group into with which the hybridized group is acculturating, or they might come from all of these sources.

This last observation leads me to my final point. Acculturation theories are the strongest influence in this study, but not the only ones. For example, postcolonial theories

have influenced my perceptions of culture, especially in respect to hybridity and cultural ambivalence. They are invaluable when analyzing textual constructions of culture and the projections of power and dominance that often shape those constructions. However, embracing postcolonial approaches wholesale requires accepting the notion that medieval settlement processes directly equated to modern colonial endeavors. Yet just as many acculturation studies inaccurately equated military with cultural supremacy, we must also avoid conflating the modern European colonial era with the settlement processes of the high-medieval period. While there were certainly some superficial similarities and the rhetoric of some medieval authors might mirror their modern counterparts to an extent, there were also vast differences. The military, economic, and technological disparities between the nineteenth and twentieth-century European states and the colonized societies were vastly greater than the disparities between the medieval societies that engaged in conquest and settlement. The European knight and the Turko-Mongolic horse archer undoubtedly had many advantages on the battlefield, but those advantages were often ephemeral and greatly depended on geographic and ecological cooperation. The knight, for example, struggled in mountainous and swampy terrain. Turko-Mongolic armies, meanwhile, had difficulty in regions where their horses could not find suitable pasture or in regions like Bengal where the marshy ground was not amenable to cavalry.<sup>117</sup> In addition, tactical military units in the medieval period were much more open to imitation and replication than the advanced weaponry that gave European militaries huge technological advantages in the nineteenth and twentieth centuries.

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<sup>117</sup> Gerald of Wales, for example, argued that the heavily armored knight was largely useless in Wales and Ireland. See *Descriptio Kambriae*, in *Opera*, 6: 220-1. Peter Jackson notes that ecological considerations were one possible reason for the Mongols' withdrawal from Europe in 1241 and were a factor in the Mongols' failed campaigns against the Mamlūks in Syria in 1260. See *The Mongols and the West, 1221-1410* (New York: Longman, 2005), 72 and 116. For Turkic difficulties in Bengal, see André Wink, *Al-Hind: The Making of the Indo-Islamic World*, 3 vols. (Leiden: Brill 1991-2004), 2: 260.

While I respectfully understand the sentiments of those scholars who feel that we have an ethical obligation to intervene against the legacies of colonialism, I feel that such a position might easily lead to inaccurate conflations, contextual distortions, the maintenance of cultural “balance sheets,” and an unnecessary pity for conquered peoples that, ironically, strips them of their agency by making them seem helpless.<sup>118</sup> High-medieval border regions were highly contested zones where power shifted constantly among various actors, which meant that conquest was far from certain and often took a considerable time, if it occurred at all. The Welsh, for example, proved more than capable of defeating English armies in the field. In fact, the Welsh princes of Gwynedd, Powys, and Deheubarth were often militarily superior to any individual English lord in the Welsh marches. It was not until 1282-1283, nearly two centuries after the first Anglo-European settlers arrived that Wales succumbed to the English crown. The conquest of Wales derived far more from the overwhelming resources that the king of England could bear than technological superiority. We can see similar developments in Ireland, where the Gaelic kings resisted Anglo-European intrusions and had reconquered significant parts of the island by the mid fourteenth century.

Acculturation theories are far from perfect and require modification, but they provide the best and most thorough theoretical instrument for analyzing cultural change among ethno-religious groups in high-medieval border regions. By considering the chief characteristics of border regions, how and why border regions formed, what factors were central to constructing medieval identities, and the primary features of acculturation among ethno-religious groups, we can begin to explore the situations and outcomes of

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<sup>118</sup> See, for example, Altschul, “Future of Postcolonial Approaches to Medieval Iberian Studies,” 13. Also see note 383.

intercultural contact in the border regions of high-medieval Eurasia and compare those situations and outcomes to those in Wales and the British Isles.



## **Chapter 2: Intercultural Contact and Change in the Border Regions of High-Medieval Eurasia, c. 1100-1350 CE**

### **Introduction**

Our focus in the previous chapter was to outline and define the principal features of border regions and ethnic groups and explain the primary theoretical positions that will be used to analyze ethnic contact and cultural change in border regions. In this chapter, the emphasis will shift to examining the situations and outcomes of contact in actual historical situations across high-medieval Eurasia, specifically perpetuated pluralism, assimilation, ethnic hybridization, and the degrees of acculturation that accompanied each. That does not mean, however, that this chapter abandons theoretical discussion. Indeed, acculturation theories will be kept in dialogue with historical evidence in order to grasp the concepts' utility, modify them when necessary, and understand the complexities involved in the border regions.

The historical examples presented in this chapter will establish the Continental context in which ethnic interactions in the British Isles took place and provide points of comparison for analyzing, situating, and differentiating those interactions in Chapter Three. Ethnic contact and cultural change in the British Isles will then provide the immediate context for understanding acculturative processes in the Anglo-Welsh case study. Conducting a Continental analysis of cultural change in border regions offers two principal challenges, the first of which concerns choosing what examples to employ for analysis. The examples that I will use derive from areas that witnessed intimate interethnic contact over a sustained period resulting from some type of settlement process. Because there were so many settlement movements in the High Middle Ages,

many border regions come into play. As we outlined in Chapter One and its accompanying appendix, these regions include Iberia; Sicily and southern Italy; much of Central and Eastern Europe and the Baltic; Greece and parts of the Balkans; Anatolia, the Levant, and other regions of the Middle East, Central Asia, and Inner Eurasia; the northern subcontinent; and northern China, Sichuan, and Guizhou. Others potentially could be included, but in my opinion these regions offer the best examples. I am primarily concerned with observing situations of contact and how those situations influenced acculturative outcomes and trying to deduce patterns that can help explain those situations and outcomes. Hence, I will restrict lengthy analysis to examples that best explain those situations and outcomes and that will offer the best opportunities for comparison to Wales and other regions in the British Isles. Other examples might only merit quick mentions, but I will point readers to the relevant literature and provide extra information in the footnotes if needed.

This chapter is divided into four sections. The first section deals with the concept of perpetuated pluralism, a situation that I will argue was the most common throughout the high-medieval Eurasian border regions. The section begins by explaining the concept and outlining its theoretical underpinnings and derivatives. I will argue that perpetuated pluralism entailed an acculturative outcome in which an ethno-religious community retained sufficient socio-cultural difference to perpetuate its existence while experiencing changes to its cultural inventory. Perpetuated pluralism had two components, one of which involved territorial separation, legalized autonomy, and very often a combination of both. The first section will, therefore, give a broad survey of the Eurasian border regions to outline the situations that led to perpetuated pluralism. The second section will

explore the second component that led to perpetuated pluralism, namely the processes of absorption, modification, and adjustment that ethno-religious groups underwent to filter foreign cultural wares and incorporate alien cultural elements into their communal identification. Hence, the second section acknowledges that the territorial and institutionalized components that perpetuated socio-cultural difference could not prevent significant cultural change among ethno-religious groups and that protecting their communal identities necessitated more than simply living separately or retaining their traditional laws and customs.

The final two sections will analyze two other outcomes of acculturation, namely assimilation and ethnic hybridization. I contend that these outcomes are much less common than perpetuated pluralism. Assimilation involves the mutual process of ethno-religious absorption, through which one community merges into another until both communities come to identify each other as belonging to the same group. There are various reasons why assimilation could occur, but I will assert that large-scale assimilation most often develops when one community is geographically surrounded by another and has a relatively small degree of socio-cultural difference. Ethnic hybridization emerges from socio-cultural processes that make one group distinct from its parent group, but do not result in assimilation into another community. Hence, hybridization creates a unique third ethnic entity that has acculturated substantially with another group, but still retains significant ties to its parent heritage.

## **Perpetuated Pluralism**

### ***The Concept***

If we look across the border regions of high-medieval Eurasia over the roughly two hundred and fifty years that this study examines, the most common acculturative situation between ethnic groups we find is what I call “perpetuated pluralism.” It was very rare that we see entire ethno-religious groups disappear because the situation of contact usually allowed them to preserve enough of their laws, customs, language(s), socio-political organization, and lifeways to perpetuate their distinctiveness. Perpetuated pluralism is a result of cultural contact and acculturative change and it is a modification of the concept of stabilized pluralism traditionally advanced by acculturation studies. Indeed, before outlining perpetuated pluralism any further, it would be helpful to define stabilized pluralism, discuss its use in acculturation studies, and mention some of the concept’s benefits and shortcomings.

According to the Social Science Research Council, stabilized pluralism entailed incomplete fusion or assimilation, which resulted from an extreme slackening in the rate of “progressive adjustment.”<sup>1</sup> Progressive adjustment is synonymous with acculturative change and the Council argued that acculturative change typically progressed toward fusion or assimilation.<sup>2</sup> Fusion involves a third cultural system emerging that eliminates the parent systems’ autonomy and erases the essential outlines of the merging cultures.<sup>3</sup> Assimilation, however, entailed “the unilateral approximation of one culture in the

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<sup>1</sup> Siegel, et al., “Acculturation,” 990.

<sup>2</sup> Ibid., 987.

<sup>3</sup> Ibid., 987-8.

direction of another.”<sup>4</sup> That is, one culture absorbed another, which resulted in the complete loss of the absorbed culture’s autonomy. According to the Council, stabilized pluralism offered a way for the cultures in contact to maintain their autonomy while they underwent adjustment. Indeed, stabilized pluralism is an “institutionalized adjustment,” in which the ethnic groups in contact develop parallel ethnic institutions that allow acculturation to take place in continuous contact.<sup>5</sup> The Council argued that these institutions “ameliorate the stresses of interethnic situations and provide contexts for validating acculturation under relatively permissive conditions.”<sup>6</sup> Furthermore, the Council stated that the institutions “legitimize the status system of the ethnic community” and “provide criteria of acculturation for members of the ethnic group.”<sup>7</sup> The concept of stabilized pluralism provides many benefits for examining acculturative situations in the high-medieval period because it emphasizes the structural features of contact situations. As the analysis in this chapter will illustrate, ethno-religious territorial separation and communal autonomy were common features of Eurasian border regions and these features help explain why the assimilation of entire ethno-religious communities in a contact situation was exceptional rather than normal.

Yet despite its potential explanatory benefits, scholars rarely utilize the term for two primary reasons. The first is that scholars have often either assumed that acculturation would result in assimilation or they have confused acculturative change with assimilation. Hence, stabilized pluralism has often become a rare, momentary, irrelevant, or forgotten concept in acculturation studies. As I stated in Chapter One and

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<sup>4</sup> Ibid., 988.

<sup>5</sup> Ibid., 990.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

will contend again later in this chapter, such assumptions about assimilation are inaccurate.<sup>8</sup> For our purposes, however, the other reason why the term is used infrequently is more problematic and requires that stabilized pluralism be modified.

Stabilized pluralism is often only utilized to denote a contact situation that involves extensive institutionalized autonomy and territorial separation. Thomas Glick, for example, has argued that the period scholars refer to as the *convivencia* in high-medieval Iberia (twelfth and thirteenth centuries) was in reality a period of stabilized pluralism, in which Jews, Muslims, and Christians retained significant legal autonomy and physical separation in enclaves.<sup>9</sup> The institutionalization of difference is also a major feature of Gilles Paquet's revised version of stabilized pluralism, which he calls "negotiated encapsulation." He cites modern Belgium, Switzerland, and Canada as examples of institutionalized segmentations of social and cultural space that reaffirm boundary-making mechanisms and minimize the possibility for conflict.<sup>10</sup> The focus on institutionalized separateness is not wrong, but it is not fully inclusive of the range of situations that could perpetuate ethno-religious difference either. Indeed, while the Research Council closely associated stabilized pluralism with institutions that maintained cultural autonomy, it also cited situations such as relations between semi-nomadic and sedentary groups as an example of stabilized pluralism in which the "institutionalization"

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<sup>8</sup> See above, 48-9 and below, 111-6.

<sup>9</sup> See Glick, *Islamic and Christian Spain in the Early Middle Ages*, 366; Glick and Pi-Sunyer, "Acculturation as an Explanatory Concept in Spanish History," 153. Glick has also argued that this period of stabilized pluralism was enforced under Islamic and Christian rule through a "paternalistic system." See Thomas F. Glick, "The Ethnic Systems of Premodern Spain," *Comparative Studies in Sociology* 1 (1978), 159-60 and 162-4.

<sup>10</sup> Gilles Paquet, *Deep Cultural Diversity: A Governance Challenge* (Ottawa: University of Ottawa Press, 2008), 34. Paquet's concept of negotiated encapsulation is a modified version of Trevor Denton's understanding of stabilized pluralism in eighteenth-century Canada, where the British administration unintentionally institutionalized cultural autonomy for the British and French populations. See Trevor Denton, "The Structure of French Canadian Acculturation, 1759-1800," *Anthropologica* 8:1 (1966), 29-43.

of contact was not formal.<sup>11</sup> Hence, although stabilized pluralism often had some formal features, institutions were not required for the situation to perpetuate.

Even more importantly, however, the institutional features often associated with stabilized pluralism may provide the false impression that “stabilization” entailed an absence of significant change. Indeed, the Research Council’s equation of stabilized pluralism with an “extreme slackening” in the rate of acculturative change indicates an inherent assumption that change would be considerably greater if stabilized pluralism were absent and acculturation would guide a culture closer to fusion or assimilation. Yet an examination of the Eurasian border regions indicates that this equation is not accurate. Cultural change could be considerable even under the most institutionalized situations of stabilized pluralism. The Islamic *dhimma* system and its related counterpart in Christian Eurasia could both institutionalize and legalize difference and encourage religious conversion and other forms of acculturative change. Wales possessed one of the most institutionalized situations of ethnic contact, but considerable acculturation occurred. Institutionalized situations could also have minimal effectiveness or they could collapse, as happened in Jurchen China.

The association between stabilized pluralism and slow rates of acculturation is especially problematic when examining cultural change in conjunction with ethnic identity. The Research Council’s conceptualization of stabilized pluralism assumes and implies that the ethnic group utilizes a stabilized situation to preserve a culture that would otherwise risk annihilation if change occurred at a brisker pace. Certainly, many contact situations across Eurasia were intended to preserve differences and ethnic communities often acted aggressively when they felt those differences threatened. However, the

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<sup>11</sup> Siegel, et al., “Acculturation,” 990.

assumption fails to recognize that ethnic and ethno-religious identities were remarkably resilient in the face of cultural change. Ethnic groups not only filtered new cultural items through their own norms, but routinely rejected any notion of cultural similarity or hybridization in order to protect their sense of uniqueness. In this sense the mental perception of difference was just as, if not more, important than the institutionalization of difference because institutionalization could only protect an ethnic group's cultural integrity to an extent.

Rather than arguing for substantial change in the underlying definition of stabilized pluralism to address these limitations, I advocate a modification in the term itself to delineate the more dynamic relationship I have found in Wales and across Eurasia. My preferred term is "perpetuated pluralism." While I agree that the institutional and territorial aspects inherent in the concept of stabilized pluralism were central to perpetuating ethnic difference, I also feel that stabilized pluralism fails to account for the fact that these factors were subject to breakdowns, that contact situations in a single border region were not uniform, and that ethnic communities could absorb, alter, and adapt to cultural change and maintain their identities even when substantial acculturation transpired. Perpetuated pluralism differs from stabilized pluralism in that it represents an acculturative outcome in which an ethno-religious community maintains its differences while also experiencing cultural change. It does not mean, however, that ethno-religious difference is "perpetual" and will automatically persist indefinitely. Rather, it entails that ethno-religious groups find ways to continue to express their uniqueness even as the very elements that they cite to highlight their uniqueness undergo change.



Perpetuated pluralism often has two components. The first is a territorial and legal-institutional component, which was pervasive in the high-medieval border regions. It represented a *modus vivendi* through which communities could receive sufficient autonomy to preserve the socio-cultural elements that they considered essential to their communities and identities. The territorial and legal-institutional component could create powerful boundaries through formal or informal arrangements to shield a group's key socio-cultural criteria, namely its laws, customs, language, religion, social organization, and way of life. The second component, however, recognizes the limits of those arrangements' effectiveness and emphasizes that ethno-religious groups were able to absorb foreign cultural wares, modify them, and incorporate them into their ethno-cultural identification. Indeed, one of the key principles of acculturation theory is that outside cultural influences are filtered through the group's own cultural norms and world views. The ethno-religious group does not necessarily perceive any cultural loss or feel impending assimilation because accepting foreign influence does not necessitate rejecting its own values and sense of uniqueness. Furthermore, while these components often worked conjointly, the second component could still be effective even if the first component was compromised, weak, or entirely absent.

Ethno-religious groups' ability to absorb foreign cultural wares, modify them, and adjust their identity locus in response to them raises the question of whether the acculturative concept of fusion should apply to examining acculturation in association with identity. In my estimation the concept poses more problems than benefits. Pinpointing fusion requires creating objective cultural criteria to determine whether two cultures fused. If one is studying large cultural systems, the issue is far less problematic.

For example, one could make a very persuasive case that Latin Christian and Greek Christian cultural systems fused in southern Italy and Sicily, the Balkans, and other parts of Central and Eastern Europe. Yet applying the concept of fusion to ethnicity assumes that the ethnic group and its culture were the same, which has been a traditional criticism of acculturation studies.<sup>12</sup> Barth argued that the ethnic group's cultural material could change "without critical relation to the boundary maintenance of the ethnic group."<sup>13</sup> Although I would argue that changes in cultural material did have a critical relation to boundaries, Barth's argument points directly to ethnicity's tenacity in contact situations. Ethno-religious communities were amazingly resilient in preventing cultural change from affecting their identities and constantly moved or altered their boundaries to adjust for change. In addition, an ethnic community could point to the same cultural elements to signify distinction even though those elements may have greatly approximated. Hence, the concept of fusion denies the importance of ethnic perception and would try to apply objectivity to a concept that is perceptive, elastic, and unambiguously subjective.

The two remaining subsections will focus on the two components of perpetuated pluralism. The first will examine territorial separation and the second will consider the legal frameworks that granted ethno-religious groups some degree of autonomy. The following section will then focus on how perpetuated pluralism persisted despite deep acculturation and whether highly institutionalized contact situations would perform result in extremely slow rates of acculturation.

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<sup>12</sup> Barth, *Ethnic Groups and Boundaries*, 12.

<sup>13</sup> *Ibid.*, 38.

***Situations of Perpetuated Pluralism in the High-Medieval Border Regions: Physical Distance and Ethnic Enclaves***

Ethnic groups could maintain their boundary-making mechanisms and perpetuate difference by retaining some degree of autonomy in physical separation. Physical separation could result from a lack of political integration, the formation of ethnic enclaves, or for ecological reasons associated with the groups' lifeways. These situations will be the focus of this subsection. Oftentimes physical distance coincided with the fact that ethno-religious groups frequently retained some degree of socio-cultural autonomy, most often through the maintenance of their own laws, customs, or religious orientation and heritage. Both these situations allowed each community to protect its communal autonomy and perceived uniqueness and thereby preserve the socio-cultural difference that was its foundation.

As we discussed in Chapter One and the appendix, settlement processes were often highly uneven, chaotic, and violent affairs. In many situations one community could not obtain full or consistent dominance over another, a theme that we will see repeatedly when examining the British Isles. Without the ability to impose one group's political authority fully, one community also lacked the ability to impose its laws, customs, and socio-political organization on another, thus ensuring that socio-cultural difference would likely persist and reducing or eliminating any chance for large-scale assimilation. There are many potential cases for examination, but I will focus here on examples where a vigorous settlement process existed and where one group tried to obtain political dominance over another. Such examples would relate more closely to Anglo-European settlement in Wales and Ireland. I have also eliminated examples whose processes and outcomes are insufficiently clear. For example, the Anatolian border region

offers an excellent example of a chaotic settlement process and, undoubtedly, the survival of effective Byzantine power until the late twelfth century reduced assimilative pressures on the Greek Christian communities in the west. Indeed, Anatolia's chaotic situation mirrored Ireland in many ways, but Anatolia was much more ethnically and religiously diverse and, as Ahmet Yaşar Ocak points out, scholars disagree greatly about the ethnic and demographic changes that took place after the eleventh-century Turkic invasions.<sup>14</sup> Hence, I will restrict my analysis to areas such as Sichuan, the northern subcontinent, Iberia, and the Baltic where our information is clearer and more complete.

Chinese settlement in Sichuan shows that the preservation of political autonomy or independence and physical separation could be highly important to reducing assimilative pressures and the degree of acculturation between the societies in contact. Richard Von Glahn argues that the Song rulers and administration forced the K'iao tribes of Sichuan to relinquish their autonomy, which imposed severe restraints on their social organization, changed their modes of livelihood, and weakened their political institutions. These K'iao tribes, who dwelled in the upper Yangtze valley and western Hunan, were surrounded by Chinese settlers. They largely sedentarized and a thirteenth-century geographer noted that they had become highly acclimated to Chinese customs and culture. In contrast, the Yi tribes (or the "Black Tribes") inhabited mountainous regions that were inaccessible to Chinese settlers. These groups were able to retain their traditional political organization and way of life.<sup>15</sup> The Yi tribes' political autonomy

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<sup>14</sup> Ahmet Yaşar Ocak, "Social, Cultural, and Intellectual Life, 1071-1453," in *The Cambridge History of Turkey: Byzantium to Turkey, 1071-1453*, Kate Fleet, ed. (Cambridge: Cambridge University Press, 1987), 1: 362-3. The same article also gives a detailed discussion of the various ethno-religious groups in Anatolia and their internal complications on pgs. 360-5. The protracted nature of Turkic settlement in Anatolia is outlined in the Appendix, 523.

<sup>15</sup> Richard Von Glahn, *The Country of Streams and Grottoes: Expansion, Settlement, and the Civilizing of the Sichuan Frontier in Song Times* (Cambridge, MA: Harvard University Press, 1987), 20-6 and 140-1.

largely stemmed from the conscious choices of Song officials and Chinese settlers. Faced with the daunting task of trying to subdue hostile groups in hostile terrain that was not suitable to an agrarian economy, the settlers elected to avoid the area and the Song government chose to make political agreements with Yi leaders.<sup>16</sup> Turko-Mongolic rulers in what is now modern India faced a similar predicament. According to Peter Jackson, the famous fourteenth-century traveler Ibn Baṭṭūṭa stated that the Hindu populations often lived in inaccessible mountains and forests. Hence, while the Delhi sultans and previous Muslim rulers in the northern subcontinent were militarily dominant, effective Muslim power was nominal at best in many areas. Indeed, Muslim rulers were frequently content to attack Hindu territories, loot them, obtain slaves, and then return those territories to Hindu control.<sup>17</sup>

As we noted in Chapter One and the appendix, settlement processes in the Baltic were much more chaotic than in Sichuan where the Song government led a highly centralized settlement movement.<sup>18</sup> The settlement process in the Baltic was also more chaotic than in the northern subcontinent. Yet the Baltic border region equally shows that political constraints and cross-communal agreements were crucial either to establishing the conditions under which ethnic communities could preserve their socio-cultural difference or to laying the framework for deep acculturation and possible assimilation. The Teutonic Knights, the Danish and Swedish kings, Polish and Rus' princes, German lords, and many other Christian powers initiated conquest and settlement processes in the Baltic during the thirteenth century and beyond. Incessant warfare with natives and

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<sup>16</sup> Ibid., 140.

<sup>17</sup> Peter Jackson, *The Delhi-Sultanate: A Political and Military History* (Cambridge: Cambridge University Press, 1999), 123-5. Most Muslims lived in heavily fortified cities and even here they were often the minority. See *idem*, 126.

<sup>18</sup> Appendix, 496-8.

among the Christians themselves meant protracted struggles against the Prussians, Livonians, Estonians, Samogitians, Lithuanians, and others.<sup>19</sup> Prussia was largely subdued between 1286 and 1295. Estonia was effectively brought under Danish control by 1241, but an uprising in 1343 was not suppressed until 1345. The Teutonic Order controlled most of Livonia by the thirteenth century's close, but their power in some areas was tenuous.<sup>20</sup> The Lithuanians and Samogitians were never conquered and a Lithuanian victory at the Battle of Tannenburg (or, Grunwald; Lithuanian: Žalgiris) in 1410 assured that they never would be. Competition among Christian powers led to a decentralized settlement process, incessant warfare, incomplete conquest, and considerable disparities in local conditions, all of which contributed to considerable divergences in the nature and structure of ethnic contact. For example, German settlement was non-existent in Lithuania and was far sparser in Livonia than in Prussia. Native power structures and laws survived in Livonia with slight modifications, the natives maintained most of their traditional rights, and they even held most of the feudal manors by the fourteenth century.<sup>21</sup> Prussian revolts between 1260 and 1283 caused many Prussians to lose their lives, lands, and the rights they enjoyed under the Treaty of

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<sup>19</sup> For a short synopsis of these see-saw conflicts, see Eric Christiansen, *The Northern Crusades: The Baltic and the Catholic Frontier, 1100-1525* (London: Penguin Books, 1997), 93-113. For more on Latin Christian, Russian, and pagan powers making alliances with each other, see Anti Selart, "Confessional Conflict and Political Co-operation: Livonia and Russia in the Thirteenth Century," in *Crusade and Conversion on the Baltic Frontier*, 151-76.

<sup>20</sup> See Christiansen, *Northern Crusades*, 93-113. Christiansen discusses the Estonian revolt on pg. 212. Tiina Kala also discusses it in "The Incorporation of the Northern Baltic Lands into the Christian World," in *Crusade and Conversion on the Baltic Frontier*, 14-5. For a thorough discussion of political events in the high-medieval Baltic, see William Urban, *The Baltic Crusade* (Chicago: Lithuanian Research and Studies Center, 1994).

<sup>21</sup> Andris Šnē, "The Emergence of Livonia: The Transformations of Social and Political Structures in the Territory of Latvia during the Twelfth and Thirteenth Centuries," in *The Clash of Cultures on the Medieval Baltic Frontier*, Alan V. Murray, ed. (Aldershot: Ashgate, 2009), 65-6; and Christiansen, *Northern Crusades*, 209-10.

Christburg (1249). Many nobles fled to Lithuanian territory.<sup>22</sup> Those Prussians who accepted the new regime received a status akin to a German landowner and many intermarried with the settlers and learned German.<sup>23</sup> Hence, assimilation was much higher in Prussia than in Livonia.<sup>24</sup>

The above examples indicate that settlement processes faced various constraints, which not only included a community's ability to resist alien imposition, but also the limits that settler communities imposed upon themselves. The cases of Sichuan, the northern subcontinent, and the Baltic border regions show just how important military power was in establishing those limits. Yet in all these instances settler and native communities also reached negotiated and implicit understandings about their relationship.

However, settlement processes in the Iberian Peninsula offer more explicit evidence of how incomplete political absorption could become institutionalized through mutual negotiation and how those negotiations could preserve a community's political and socio-cultural autonomy. High-medieval Iberia was an unstable border region. Indeed, the expansion of Christian power and the settlement of native and foreign-born Latin Christians in formerly Muslim territories were prolonged processes that lasted from the mid eleventh to the end of the fifteenth century.<sup>25</sup> Because of the arrival of powerful Almoravid and Almohad armies from North Africa, Christian kingdoms were unable to assert consistent control south of the Tajo (Tagus) before the Battle of Las Navas de

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<sup>22</sup> Christiansen, *Northern Crusades*, 108 and 208.

<sup>23</sup> Ibid., 208-9. The Treaty of Christburg ended a major Prussian uprising against the Teutonic Knights. According to Christiansen, the Treaty of Christburg subjected many Prussian peasants to Polish law, which forced numerous burdens upon them. However, he argues that as more and more peasants came under seigniorial control in the period 1250-1350, they received much more favorable conditions, including those granted to Germans and other immigrants. See *idem*, 210.

<sup>24</sup> Šnē, "The Emergence of Livonia," 65. In Estonia, roughly 80% of the native population came under foreign lordship and increasingly onerous tax burdens led to the revolt of 1343, in which many German landowners lost their lives. See Christiansen, *Northern Crusades*, 212.

<sup>25</sup> For a detailed discussion of Christian settlement processes in Iberia, see Appendix, 500-3.

Tolosa in 1212. The regions between Toledo and Valencia were heavily contested.

Alfonso VI of Castile-León (r. 1072-1109) had conquered the Muslim *ṭā'ifa* kingdom of Toledo in 1086, but the Almoravids regained most territories south of the Tajo by 1100 and reduced Christian possessions in Toledo to the city itself.<sup>26</sup> Alfonso I of Aragón (r. 1104-1134) was able to capture Zaragoza in 1118 and conquered most of the old *ṭā'ifa* kingdom by 1120.<sup>27</sup> Iberian kings and Crusaders made substantial gains between 1147 and 1149, but the Almohads' victory at Alarcos in 1195 sparked further Muslim acquisitions that continued until 1196.<sup>28</sup> The Battle of Las Navas de Tolosa swung momentum conclusively to the Christian side in 1212. Yet even though Christian conquests acquired greater permanence during the thirteenth century, Castilian and Aragonese rulers often found it prudent to recognize the autonomy or *de facto* independence of Muslim rulers through capitulation treaties or less formal agreements. L.P. Harvey points out that Muslim enclaves under local dynasties survived at Crevillente near Valencia, in Murcia, and in the old *ṭā'ifa* kingdom of Niebla. Their rulers pledged obedience to the Aragonese and Castilian kings. Nonetheless, the fact that the Murcian dynasts still retained their own armies, administration, and coinage demonstrates their

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<sup>26</sup> Bernard F. Reilly, *The Contest of Christian and Muslim Spain, 1031-1157* (Oxford: Blackwell, 1992), 89 and 94. For a detailed discussion of the Almoravid movement, its origins in North Africa, and Almoravid campaigns in Iberia, see Hugh Kennedy, *Muslim Spain and Portugal: A Political History of Al-Andalus* (New York: Longman, 1996), 154-88; and Jamil M. Abun-Nasr, *A History of the Maghrib in the Islamic Period* (Cambridge: Cambridge University Press, 1987), 77-87.

<sup>27</sup> Reilly, *Contest of Christian and Muslim Spain*, 145 and 149.

<sup>28</sup> See Reilly, *Contest of Christian and Muslim Spain*, 211-5 and Kennedy, *Muslim Spain and Portugal*, 245-7. For a detailed discussion of the Almohad movement, its origins in North Africa, and Almohad campaigns in Iberia, see Kennedy, *Muslim Spain and Portugal*, 196-272; and Abun-Nasr, *A History of the Maghrib*, 87-103; Allen J. Fromherz, *The Almohads: The Rise of an Islamic Empire* (London: I.B. Tauris, 2010); *The Almohad Revolution: Politics and Religion in the Islamic West during the Twelfth-Thirteenth Centuries*, Maribel Fierro, ed. (Burlington, VT: Ashgate Variorum, 2012); and Michael Brett, "Islam and the Mediterranean- the Maghrib," in *The New Cambridge Medieval History, Volume 5: c. 1198-c. 1300*, David Abulafia, ed. (Cambridge: Cambridge University Press, 1999), 622-7.



considerable independence.<sup>29</sup> Likewise, even though he had subdued most of Valencia by 1245, James I of Aragón (r. 1238-1276) decided that challenging every Muslim power in the kingdom was not worth the risk. Instead, he permitted the creation of Muslim enclaves, over which he established a loose overlordship. For example, he granted the Banū ‘Īsā clan of Játiva a powerful stronghold at Montesa with considerable rights and autonomy.<sup>30</sup> Similarly, the Muslim lord of Alcalá accepted James as his overlord, but held a dozen castles and enough wealth to field a mercenary army.<sup>31</sup> These Muslim communities may have become politically dependent, but they were able to retain their own religion, institutions, laws, and lifeways.

The inability of settlers to impose political domination over native societies, the settlers’ aversion to establish themselves in areas that were unsuitable to their traditional lifeways, and negotiated agreements between settler and native political elites that granted considerable territorial and legal autonomy to the group(s) in contact were also central themes in the development of border regions and ethnic interactions in the British Isles. The British Isles and other Eurasian border regions, nevertheless, indicate that a high degree of territorial separation and autonomy need not have emerged exclusively from the circumstances of war. Indeed, ethnic communities in Eurasia frequently resided only in areas where their group predominated. Of course, such a situation was not always possible and the territorial distance between ethno-religious communities was often quite small. Nonetheless, the greater the degree of communal segregation, the greater the

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<sup>29</sup> L.P. Harvey, *Islamic Spain, 1250 to 1500* (Chicago: Chicago University Press, 1991), 42-50. Most of these enclaves perished shortly before or after the Mudéjar revolt in 1264. However, the dynasty in Crevillente lasted until 1318.

<sup>30</sup> Robert I. Burns, *Islam under the Crusaders: Colonial Survival in the Thirteenth-Century Kingdom of Valencia* (Princeton: Princeton University Press, 1973), 337-44. Montesa fell to Peter III (r. 1276-1285) in 1279. See *idem*, 344-52.

<sup>31</sup> *Ibid.*, 324-5. Al-Azraq revolted on three occasions, namely in 1247-1248, 1258, and finally in 1276, whence he died. See *idem*, 327-32.

chances were that the ethno-religious communities would retain their cohesion and the lesser the probabilities for full assimilation into another community.

Territorial separation often occurred when one community constituted the overwhelming majority in one region, while another group(s) dominated a neighboring area. For example, the Árpád rulers of Hungary settled large German communities in Transylvania and established Cuman settlers in the kingdom's central regions, which are still known as "Greater and Lesser Cumania."<sup>32</sup> Nora Berend argues that the territorial and legal cohesion that these German and Cuman communities enjoyed were crucial in preventing assimilation.<sup>33</sup> In Sicily, Norman officials promoted Latin Christian settlement in the northeastern third of the island.<sup>34</sup> The Val di Mazara in western Sicily, however, was overwhelmingly Muslim, while Greek Orthodox Christians constituted the dominant population in the Val Démone.<sup>35</sup>

Territorial predominance or exclusivity could also be evident on a much smaller scale, such as in ethnically exclusive villages or the development of urban enclaves. Piotr Górecki, for example, notes that Germans in Silesia usually lived in settlements separated from the Polish communities.<sup>36</sup> Similarly, Leonard E. Scales contends that exclusively German settlements became a feature of the high-medieval Bohemian and Moravian

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<sup>32</sup> For a general overview of settlement processes in Hungary, see Appendix, 494-5. Nora Berend discusses German and Cuman settlement in Hungary in detail in Nora Berend, *At the Gate of Christendom: Jews, Muslims and "Pagans" in Medieval Hungary, c. 1000-c. 1300* (Cambridge: Cambridge University Press, 2001), 68-73; and Berend, "Immigrants and Locals in Medieval Hungary: 11<sup>th</sup> to 13<sup>th</sup> Centuries," in *The Expansion of Central Europe in the Middle Ages*, Nora Berend, ed. (Burlington, VT: Ashgate, 2012), 308-12.

<sup>33</sup> See Berend, "Immigration and Locals in Medieval Hungary," 313-4.

<sup>34</sup> Alex Metcalfe, *The Muslims of Medieval Italy* (Edinburgh: Edinburgh University Press, 2009), 121-2; and Hubert Houben, "Religious Toleration in the South Italian Peninsula during the Norman and Staufien Periods," in *The Society of Norman Italy*, Graham A. Loud and Alex Metcalfe, eds. (Leiden: Brill, 2002), 328.

<sup>35</sup> See Metcalfe, *Muslims and Christians in Norman Sicily*, 22-4, 37, and 67-8.

<sup>36</sup> Piotr Górecki, *Economy, Society and Lordship in Medieval Poland (1100-1250)* (New York: Holmes Meier, 1992), 195.

landscape, though many German villages and estates were adjacent to Czech territories.<sup>37</sup> Territorial exclusivity was common in towns as well. Jean Sedlar, for instance, states that Jewish communities often had their own quarters in Bohemian, Polish, and Hungarian towns.<sup>38</sup> Indeed, urban segregation along religious lines was a regular feature of ethnic contact in Islamic and Christian Eurasia. Cities such as Damascus, Alexandria, Bukhāra, Baghdād, and pre-Crusader Jerusalem had separate enclaves for Muslims, Jews, and Christians.<sup>39</sup> Palermo and Messina had distinct Christian, Jewish, and Muslim quarters, while Iberian towns frequently contained religious enclaves as well.<sup>40</sup> Robert Burns states that the Muslims of Valencia often demanded their own separate quarters. Christians even agreed to erect a wall at Chivert between the Muslim quarter, forbidding any Christian or Jew to pass it.<sup>41</sup> According to David Jacoby, after the Fourth Crusade conquered much of the Byzantine Empire, Latin Christian settlers principally established themselves in isolated and fortified urban districts away from the majority Greek Orthodox communities.<sup>42</sup> Yet communal segregation in urban areas did not always fall along strictly religious lines. For example, Latin Christians from outside Iberia (commonly called “Franks”) had their own quarter in some towns. Late eleventh and early twelfth-century charters even precluded Navarrese from living among the Franks at

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<sup>37</sup> Leonard E. Scales, “At the Margin of Community: Germans in Pre-Hussite Bohemia,” in *The Expansion of Central Europe in the Middle Ages*, 274-5.

<sup>38</sup> Jean Sedlar, *East-Central Europe in the Middle Ages, 1000-1500* (Seattle: University of Washington Press, 1994), 127-8. As Sedlar points out, Jewish settlement in specific districts was not compulsory and these districts were not ghettos.

<sup>39</sup> See *Historic Cities of the Islamic World*, 14, 46, 61, 113, and 233.

<sup>40</sup> Metcalfe, *Muslims of Medieval Italy*, 186. Hubert Houben notes that Jews in Southern Italy tended to live within their own quarters in large towns as well, though at Monte San Giuliano they intermingled with Christians. See Houben, “Religious Toleration in the South Italian Peninsula during the Norman and Staufien Periods,” 336.

<sup>41</sup> Burns, *Islam under the Crusaders*, 119 and 144-5.

<sup>42</sup> David Jacoby, “After the Fourth Crusade: The Latin Empire of Constantinople and the Frankish States,” in *The Cambridge History of Byzantium c. 500-1492*, Jonathan Shepard, ed. (Cambridge: Cambridge University Press, 2008), 769.

Estella, Sanguesa, and San Cernín de Pamplona.<sup>43</sup> In Anatolia, urban segregation occurred along both confessional and ethnic lines. For instance, Muslim Turks, Arabs, and Persians, Christian Greeks and Armenians, and Jews all had their own segregated, walled quarters (called *mahalles*) in late-medieval Bursa.<sup>44</sup>

In the above cases, territorial separation emerged both from communal choice and official encouragement, but sometimes regional disparities in communal settlement developed from other factors such as ecological considerations. Semi-nomadic or transhumant societies needed pasture lands for their animals and, hence, remained separate from the sedentary populations. For example, by the mid eleventh century, the Qipchaqs dominated the rich pasture land of the southern steppes along the Black, Caspian, and Aral seas, an area that eventually became known as the *Dasht-i Qipchaq*.<sup>45</sup> While they traded vigorously with the Rus' principalities and other sedentary societies, their excellent pasture lands and easy access to sedentary goods gave them little incentive to sedentarize.<sup>46</sup> Like many other semi-nomadic groups in Central Asia, the Qara Khitai and their Turko-Mongolic brethren resided in their pasture lands close to, but outside of, bustling urban centers such as Balāsāghūn, Talas, Bukhāra, and Kashgar.<sup>47</sup> Similarly, the Khitans and other Turko-Mongolic groups lived separately from the sedentary communities in North China during the Liao dynasty's reign (907-1115) and both the

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<sup>43</sup> For Toledo, see Ian Michael, "From the Belles of St Clement's to the Book of Good Love: The Late Survival of Mozarabic Culture in Toledo," in *Cross, Crescent, and Conversion: Studies on Medieval Spain and Christendom in Memory of Richard Fletcher*, Simon Barton and Peter Linehan, eds. (Leiden: Brill, 2008), 281. For the other towns, see Glick, *Islamic and Christian Spain in the Early Middle Ages*, 218.

<sup>44</sup> *Ibid.*, 376-7.

<sup>45</sup> See Golden, "The Qipchaqs of Medieval Eurasia: An Example of Stateless Adaptation," in Gary Seaman and Daniel Marks, eds. *Rulers from the Steppe: State Formation on the Eurasian Periphery* (Los Angeles: Ethnographics Press, 1991), 133 and 149.

<sup>46</sup> For the role of the Qipchaqs in trade between Central Asia, Transcaucasia, and the Rus' principalities, see Golden, "Aspects of the Nomadic Factor in the Development of Kievan Rus'," in *Nomads and their Neighbors in the Russian Steppe* (Aldershot: Ashgate, 2003), VII: 97-100.

<sup>47</sup> Michal Biran, *The Empire of the Qara Khitai in Eurasian History: Between China and the Islamic World* (Cambridge: Cambridge University Press, 2005), 132-3 and 135-7.

semi-nomadic Turks and Mongols tended to live in the highlands of central and eastern Anatolia.<sup>48</sup>

The dynamics of the nomads' physical separation differed substantially from separation in villages or the erection of walls in an urban center. Obviously, the nomads could not maintain their way of life in towns or in farming communities. To the nomad, sedentarization was a loss of status and only occurred under extreme duress and poverty.<sup>49</sup> However, as Anatoly Khazanov contends, "nomads could never exist on their own without the outside world."<sup>50</sup> The lack of specialization in nomadic societies meant that trade with the sedentary world was vital. Hence, pastoral nomadism in the steppes dictated both separation and contact. Indeed, many scholars have portrayed the relationship between nomads and their sedentary neighbors as a type of symbiosis. Michal Biran describes how urban growth under the Qara Khitai stimulated highly profitable trade between nomads and sedentaries. However, he also notes that such symbiosis could quickly vanish if the number of nomads swelled or they were plagued with natural disasters and disease. Faced with competition for pasture land, other migrating nomads, or starvation, nomads often turned to raiding sedentary areas. Excessive numbers of nomads could create political turmoil and even threaten the state's existence.<sup>51</sup> The Qara Khitai tried to deal with this potential threat by forcibly

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<sup>48</sup> For the Khitans, see below, 81-2 and 119-20. For the Turkic and Mongolic semi-nomadic populations in Anatolia and their settlement distribution, see Ocak, "Social, Cultural, and Intellectual Life, 1071-1453," 361-2 and Charles Melville, "Anatolia under the Mongols," 62.

<sup>49</sup> See Khazanov, *Nomads and the Outside World*, 2<sup>nd</sup> ed. (Madison: University of Wisconsin Press, 1994), 83.

<sup>50</sup> *Ibid.*, 3.

<sup>51</sup> Biran, *Empire of the Qara Khitai in Eurasian History*, 136-41.

sedentarizing some nomads and selling others into slavery.<sup>52</sup> The Seljuq princes and their Ottoman successors also faced frequent upheavals from their Turcoman (mainly Oghuz) subjects, who had a penchant for attacking sedentary communities during their spring migrations. The Seljuqs and Ottomans tried dividing the nomadic groups and settling them far away from each other to prevent their numbers from swelling beyond control.<sup>53</sup>

While semi-nomadic separation from sedentary societies might have had distinctive features, it also reveals some broad consistencies. First, ethno-religious communities regularly lived in separate districts in virtually every border region across Eurasia. Indeed, we have observed the feature in Sichuan, northern China and the adjacent steppe districts, the northern subcontinent, across the Middle East and Central Asia, along the Pontic Steppes, Sicily and southern Italy, Iberia, throughout Central and Eastern Europe and the Baltic, and in Latin Greece. In Chapter One, we also noted that ethnic enclaves emerged in towns like Acre in the Latin Kingdom of Jerusalem and that the Latin Christian settlers in the kingdom avoided settling in areas with Muslim populations.<sup>54</sup> Second, separation could occur because of political circumstances, because ethno-religious communities simply preferred to dwell among their own groups, or because divergent lifeways forced communities to inhabit different districts. Third, territorial separation increased communal cohesion and thereby reduced assimilative pressures in a contact situation. Finally, the semi-nomadic societies also show that ethno-religious communities could not avoid contact entirely. Even ethnically exclusive (or nearly exclusive) districts and ethno-religious urban enclaves were usually situated near

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<sup>52</sup> Ibid., 142. The most notable example of Qara Khitai enforced sedentarization came with the Transoxanian Qarluqs who had devastated the Western Qarakhanids' territories in 1163-1164. The Western Qarakhanids were the Qara Khitai's vassals.

<sup>53</sup> Ocak, "Social, Cultural, and Intellectual Life, 1071-1453," 368-9.

<sup>54</sup> See above, 22.

other communities. In addition, while almost every Continental border region showed some degree of ethno-religious separation, every border region contained some mixed areas and many of those areas were immediately adjacent to more segregated districts. Charles Higounet, for example, points out that many mixed German and Slavic populations existed in Silesia and Scales asserts that some German populations in Bohemia settled among Czechs.<sup>55</sup> It was also not entirely unusual for mixed populations to emerge from ethnic separation. For instance, Higounet asserts that after German lords led crusades into Slavic territories in Holstein during the mid twelfth century, most German and Slavic populations lived in separate villages. Over time, however, ethnic intermixture became much more common.<sup>56</sup>

The point here is that although ethno-religious separation was a powerful factor in warding off potential assimilation and perpetuating the socio-cultural difference, various forces could undermine its long-term efficacy. If ethno-religious communities wished to preserve their distinct identities, they needed more powerful protections, especially if they found themselves as a surrounded minority population. The retention of a community's laws and customs could provide an added shield against assimilation.

***Situations of Perpetuated Pluralism in the High-Medieval Border Regions: Law, Autonomy, Discrimination, and Ascription***

Indeed, the single most important factor in perpetuating socio-cultural difference across the high-medieval British Isles and Eurasia was that most communities retained their own laws and customs. As Robert Bartlett asserts, medieval peoples expected that ethnic entities had the right to maintain their own laws. Hence, political boundaries did

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<sup>55</sup> Higounet, *Les Allemands*, 188-91; and Scales, "At the Margin of Community," 275.

<sup>56</sup> Higounet, *Les Allemands*, 112-3.

not necessarily coincide with legal ones.<sup>57</sup> Of course, in many cases ethnic communities had no choice but to allow another to continue to use its own laws because they were unable to impose effective political control over them. We mentioned earlier that the Yi peoples of Sichuan, the Livonians and Lithuanians in the Baltic, and many non-Muslim communities in the northern subcontinent were subject to minimal or no foreign control.<sup>58</sup> These groups retained their own laws and customs with little or no alterations. Yet very often ethnic communities found themselves living under another's rule. While the modern nation-state might expect the less politically powerful or numerically inferior groups to accept and conform to its laws and culture, medieval states and empires expected political obedience. Legal conformity and cultural integration were neither always asked for nor desired.

Law was important in engendering perpetuated pluralism for two primary reasons. First, the preservation of communal laws increased communal cohesion by providing a sense of belonging, a sense of difference, and a method of categorization. Hence, law could be a source of ethnic pride and defense against alien intrusion and it could reaffirm one's membership within a community. It could also be a way for one ethnic community to define another. Second, law provided a mechanism for structuring and even institutionalizing ethno-religious interactions. We will see in this section and throughout our analysis of Wales that ethno-religious communities often created legal structures that granted each community considerable autonomy. Such autonomy included the preservation of their laws, customs, and beliefs with the right to practice their religion in their churches, have their legal cases heard in their own courts before their own judges,

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<sup>57</sup> Bartlett, "Medieval and Modern Concepts of Race and Ethnicity," 52.

<sup>58</sup> See above, 65-8.



and have their own communal officers administer them. Sometimes, these systems of autonomy contained little or no element of discrimination. At other times, however, autonomy went hand-in-hand with legal and political subordination.

In the beginning of our discussion about perpetuated pluralism, we observed that scholars have often associated the concept of stabilized pluralism with an institutional arrangement that maintained socio-cultural and physical separation. Indeed, the Research Council's conceptualization of stabilized pluralism enunciated this very point and Paquet used modern Canada, Switzerland, and Belgium as examples to illustrate his concept of encapsulation because these modern nation-states have high degrees of social segmentation that coincide with cultural and linguistic differentiation. Many of the examples utilized in this section will show similar features. The strongest regimes of perpetuated pluralism emerged when institutionalized autonomy conjoined with a high degree of territorial separation. In fact, the case of Jurchen rule in northern China demonstrates that the effectiveness of institutionalized autonomy could quickly disintegrate when ethnic communities were closely intermixed, especially when one of those communities was a small, surrounded minority.<sup>59</sup> Nevertheless, the retention of communal laws and customs was not necessarily predicated upon social distance. In addition, just as territorial separation was not always institutionalized, neither was legal autonomy always a statutory development. Many times these arrangements were customary and developed institutional features only because the communities in contact expected that all parties would uphold the customary arrangements.

The examples provided in this section intend to demonstrate that most communities in high-medieval border regions had the right to use their own laws and that

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<sup>59</sup> See below, 119-21.

this situation perpetuated communal difference by granting each community a fair degree of socio-cultural space or autonomy. I also intend to show that territorial separation and legal autonomy frequently coincided, although this topic will be a lesser focus. As in the previous section, I will employ examples from across the Eurasian border regions and these examples will be the same that I employed in the previous section with a few exceptions. I will not, for instance, rehash previous discussions about Chinese and native interactions in Sichuan, about Muslim and non-Muslim interactions in the northern subcontinent, or about Western European and native relations in the Baltic since I have already outlined them above. I will also not enter into any lengthy discussions about regions in Eastern Europe such as Brandenburg, Holstein, Mecklenburg, and Pomerania because the survival of Slavic laws and customs in relation to German and other Western European laws is not well known.

One of the more common methods medieval rulers utilized to govern a multi-ethnic polity was dual or multiple-administration because each community usually retained its own laws, customs, and systems of administration and taxation. In addition, each community was typically supervised by its traditional officials. Hence, these structures were explicitly predicated upon socio-cultural difference and, therefore, allowed each community to preserve considerable cultural autonomy, tradition, and custom. These regimes could serve to ameliorate or prevent ethnic conflict and could also serve to maintain spacial and cultural distance, a goal that the communities in contact frequently desired. Indeed, while dual and multiple-administrative regimes did not require physical separation, they often helped congeal ethnically exclusive territories and enclaves.

The classic association with dual-administration is found among Inner Eurasian empires and referred to a governmental relationship between semi-nomadic and sedentary peoples in a nomadic state. Nicola Di Cosmo argues that semi-nomadic states used dual-administration to extract tax revenues efficiently from their sedentary subjects, while preserving the state's nomadic culture. According to him, such a system allowed each society to be governed "according to principles rooted in their own societies and economies."<sup>60</sup> Dual-administration's purpose was to find a practical way to govern peoples with vast disparities in socio-economic customs, values, and lifeways. Although Inner Eurasian confederations were not ethnically homogenous, these systems divided the Inner Eurasian peoples from their sedentary subjects and the divisions tended to fall along ethnic lines.<sup>61</sup> Furthermore, dual-administration overtly recognized socio-cultural difference and sought to preserve communal distinctions within an administrative framework that the state could utilize to extract maximum revenue and maintain its military supremacy. The result was that each community received considerable socio-cultural autonomy, which some degree of physical separation typically accompanied.

The most formal Inner Eurasian method of dual-administration emerged in northern China. According to Thomas Barfield, the foreign dynasties that conquered all or parts of North China were from Manchuria, with the lone exception of the Mongols. Beginning in the period of the Sixteen Kingdoms (301-439 CE), these dynasties established dual-administrative empires.<sup>62</sup> Dual-administration meant that the tribal peoples of the dynasty were ruled separately from the Chinese populations, which

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<sup>60</sup> Nicola Di Cosmo, "State Formation and Periodization in Inner Asian History," *Journal of World History* 10:1(1999): 32.

<sup>61</sup> See Biran, *Empire of the Qara Khitai in Eurasian History*, 103.

<sup>62</sup> Thomas J. Barfield, *The Perilous Frontier: Nomadic Empires and China* (Oxford: Blackwell, 1989), 9 and 97-8.

maintained their own governmental and legal systems. Both populations, however, were subject to the emperor's authority and the state's military power.<sup>63</sup> The Khitan Liao dynasty (907-1125) used a dual-administrative system to govern its Chinese subjects, one that their Jurchen successors tried with much less success to maintain. An eleventh-century Khitan edict made very clear that dual-administration would fall along mostly ethnic lines: "We, taking into consideration the fact that our country comprises the Khitan and the Chinese, therefore administer them separately through two Divisions of North and South."<sup>64</sup> The edict referred to the Khitans' two administrative apparatuses: a Northern Chancellery to administer the Khitans and other Turko-Mongolic and Manchurian groups and a Southern Chancellery to govern the sedentary Chinese population.<sup>65</sup> As Barfield notes, dual-administration materialized because the Khitans realized that they needed Chinese expertise to rule their sedentary subjects, but they could not employ those administrative systems in the tribal territories without alienating the Khitan military elite.<sup>66</sup> Denis Twitchett and Klaus Tietze argue that this system was "inherently divisive," but also acknowledge that it helped preserve the Khitans' authority and cultural identity.<sup>67</sup> Frederick W. Mote makes a similar point, contending that despite their exposure to Chinese sedentary lifeways and culture, the Khitans remained committed to steppe values. Only a minority were fully subsumed and assimilated into the Chinese cultural orbit and society.<sup>68</sup> A main reason why the Khitans were able to preserve their cultural autonomy was because they mostly remained outside of the main

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<sup>63</sup> Mote, *Imperial China*, 225-6.

<sup>64</sup> *Ibid.*, 89.

<sup>65</sup> *Ibid.*, 39-40.

<sup>66</sup> Barfield, *Perilous Frontier*, 172.

<sup>67</sup> Denis Twitchett and Klaus Peter-Tietze, "The Liao," in *Cambridge History of China: Alien Regimes and Border States*, 67.

<sup>68</sup> Mote, *Imperial China*, 90-1.

Chinese population centers. Their Jurchen successors initiated large-scale migrations into Chinese territory, which placed them under tremendous assimilative pressures.<sup>69</sup>

The Khitan Liao employed one of the most elaborate dual-administrative systems, but other semi-nomadic groups utilized different variants. For example, Ann Lambton notes that the Mongol Īl-Khān rulers (1256-1335) of Persia also developed a form of dual-administration to govern the Turko-Mongolic ruling class and their non-Mongol (mostly Persian) subjects.<sup>70</sup> Lambton further states that the Seljuq sultans administered the Oghuz tribesmen separately in their own territories and allowed their traditional leaders to govern their daily affairs. Tribal elders oversaw the nomadic groups and paid taxes to the sultan's representative (the *shahna*).<sup>71</sup> Donald Ostrowski maintains that the Mongols in the Golden Horde also employed a dual-administrative system to govern their sedentary subjects in the formerly independent Rus' territories, from which the Mongols remained separate. Ostrowski argues that the Mongols utilized this system to cement their military and political rule, but they had surrendered administration over the Rus' lands to loyal native princes and did not interfere in local affairs as long as those princes acknowledged Mongol suzerainty and preserved order. The later Muscovite princes adopted many features of the Mongol dual-administrative framework into their state.<sup>72</sup>

According to Biran, there is not sufficient evidence to support the assumption that the Qara Khitai used the same dual-administrative system in Central Asia as the Khitan Liao dynasty employed in North China.<sup>73</sup> Regardless, the Qara Khitai maintained the

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<sup>69</sup> Ibid., 228-9.

<sup>70</sup> Ann K.S. Lambton, *Continuity and Change in Medieval Persia: Aspects of Administrative, Economic and Social History, 11th-14th Century* (London: I.B. Tauris, 1988), 54.

<sup>71</sup> Ibid., 9-10.

<sup>72</sup> Donald Ostrowski, *Muscovy and the Mongols: Cross-Cultural Influences on the Steppe Frontier, 1304-1589* (New York: Cambridge University Press, 1998), 36-45.

<sup>73</sup> Biran, *Empire of the Qara Khitai in Eurasian History*, 114.

broad principles of Inner Eurasian polities, one of which was that ethno-religious groups would keep their own laws, customs, and religious heritage. As we mentioned previously, the Qara Khitai and the other nomadic groups in their territories remained separate from the sedentary populations of the Central Asian cities.<sup>74</sup> Yet, for the Qara Khitai, governing involved more than simply regulating nomadic and sedentary relations. The Qara Khitai, many of whose ruling elite were probably Buddhists, allowed their sedentary Muslim, Christian, and Jewish subjects to practice their religion unhampered and evidence from the Muslim communities shows that the Qara Khitai allowed Muslim populations to be governed under Islamic law.<sup>75</sup>

Ethno-religious communities in Central and Eastern Europe were also generally allowed to retain their own laws and customs and rulers in Hungary, Bohemia, and Poland created legal arrangements that had broad parallels to the dual-administrative model that we see among Inner Eurasian polities. These rulers frequently granted settlers wide autonomy as “guests” (Latin: *hospites*; sing. *hospes*) within their own communities. *Hospes* status established governance structures that could accommodate the settler communities on terms acceptable to each party. As Nora Berend points out, the terms of the *hospes* privileges in Hungary were not based solely on ethnicity. That is, one immigrant group of the same ethnicity might receive different sets of privileges than

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<sup>74</sup> See above, 74-6.

<sup>75</sup> According to Biran, the Muslim *‘ulamā* retained its authority and status under Qara Khitai rule, the Qara Khitai rulers patronized Muslim scholars, allowed the construction of mosques, and invited Muslims into high posts within the administration. Qara Khitai tolerance of Islamic authority is one reason why Biran argues that Muslims often praised Qara Khitai rule, even though some Muslim authors called them “infidel Turks.” Evidence for the Jewish and Christian communities is slimmer, but a Nestorian metropolitan existed at Kashgar and a Jewish community thrived at Samarqand under its rabbi. It is highly likely that the Nestorian metropolitan bishop exercised power over his coreligionists as was common in *dhimmī* communities throughout the Islamic world. See *Empire of the Qara Khitai in Eurasian History*, 176-94.

another.<sup>76</sup> Nevertheless, the immigrant groups were usually of the same ethno-religious community and *hospes* privileges in Hungary gave broad legal and communal autonomy for Germans, Slavs, a host of Western European peoples called *Latini* (generally Flemings, Italians, and groups from France), and religious minorities such as Jews, Muslims, and Cumans. In Berend's analysis, the *hospes* privileges made Hungarian society "cellular," meaning that it was comprised of small, semi-autonomous groups with their own obligations and privileges. By the thirteenth century, *hospes* status had become a defined legal condition and many settler groups lived in their own territories and had their own administration, with their own systems of taxation and a separate juridical status. They could elect their own judges and priests at the lower levels and sent their own military units to serve the Crown.<sup>77</sup>

*Hospes* privileges were also common in Poland and Bohemia and centered on the issue of "German law."<sup>78</sup> Górecki notes that German law was a form of legal immunity that granted the *hospes* community substantial autonomy. In the Polish duchies, a *hospes* specifically referred to a German immigrant who received wide immunity from traditional Polish obligations and legal autonomy in exchange for service to the Polish

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<sup>76</sup> Berend, "Immigrants and Locals in Medieval Hungary," 310-1.

<sup>77</sup> See Berend, *At the Gate of Christendom*, 102-8; and "Immigrants and Locals in Medieval Hungary," 310-3. As Berend and other scholars note, *hospes* status could also be applied to internal migrations, especially in the thirteenth century. See Berend, *idem* and István Petrovics, "Foreign Ethnic Groups in the Towns of Southern Hungary in the Middle Ages," in *Segregation-Integration-Assimilation: Religious and Ethnic Groups in the Medieval Towns of Central and Eastern Europe*, Derek Keene, et al., eds. (Burlington, VT: Ashgate, 2009), 68-9.

<sup>78</sup> German law was the most common type of settler law, though not the only one. Jan M. Piskorski, for instance, states that Dutch, Flemish, and Franconian settlers used their own laws. Indeed, Flemish and Franconian law were prominent in Silesia. In addition, German law was not uniform. For example, two different types of town predominated in Eastern and Central Europe, namely the law of Magdeburg and the law of Lübeck. See Piskorski, "The Medieval Colonization of Central Europe as a Problem of World History and Historiography," in *Expansion of Central Europe in the Middle Ages*, 229; and Higounet, *Les Allemands*, 185-6 and 302-4.

dukes.<sup>79</sup> Sedlar clarifies the fact that German law was not ethnically exclusive, but referred to settler laws emerging in eastern Germany that allowed the settlers to retain their own customs and way of life. Nevertheless, German law usually applied to German communities, because the vast majority of settlers receiving *hospes* status were Germans. Hence, while German law itself may not have been ethnically exclusive, it and the *hospes* privileges tied to it tended to differentiate ethnic communities and perpetuate ethnic difference. Towns and villages subject to German law received administrative and judicial autonomy. In twelfth-century Prague, for example, Germans could elect their own judges and priests and only answered to the Bohemian dukes for serious crimes.<sup>80</sup> Indeed, notwithstanding the fact that the ethno-legal situation in Eastern and Central Europe could often be more fluid than in many other Eurasian border regions, the principle that ethnic communities should have their own laws was strong. Duke Sobieslaw II of Bohemia (r. 1173-1178), for instance, stated that “just as Germans are different from the Bohemians by nation, so they should be distinct from the Bohemians in their law and custom.”<sup>81</sup> Socio-cultural autonomy usually correlated with some degree of physical separation, a fact that the *hospes* privileges often encouraged. Górecki, for example, notes that German settlers in Silesia usually lived apart from the Polish

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<sup>79</sup> Górecki, *Economy, Society, and Lordship in Medieval Poland*, 197-8.

<sup>80</sup> Sedlar, *East-Central Europe in the Middle Ages*, 326-7.

<sup>81</sup> Bartlett, *Making of Europe*, 205. The extension of extensive privileges to the German community in Prague was a bit of an anomaly in twelfth-century Bohemia. Large-scale German immigration did not occur until the thirteenth-century under the Přemyslid ruler Ottakar II (r. 1253-1278). Czech chroniclers and other writers stated that Ottakar had given the Germans numerous towns and villages along the Bohemian borders with wide legal privileges, about which the Czech authors complained vociferously. See Josef Žemlička, “The Germans and the Implantation of German Law among the Bohemians and Moravians in the Middle Ages,” in *Expansion of Central Europe in the Middle Ages*, 238-41.



communities and if they moved into preexisting Polish settlements, they did not receive the legal immunity of German law.<sup>82</sup>

*Hospes* status was an administrative mechanism that could be applied to numerous ethnic groups and offered a way for settlers to maintain their internal socio-cultural cohesion while fulfilling their obligations to the patrons who invited them. Although it was more incoherently applied, *hospes* privileges resembled more cohesive forms of dual-administration in officially recognizing socio-cultural difference as the basis for separate governance and autonomy. However, *hospes* status could apply to any guest community and, therefore, create a plethora of autonomous communities. Nevertheless, the basic principles of communal autonomy allowed each community to retain its own way of life and customs while in close contact with other ethnic communities. Another common thread between the *hospes* systems and the Inner Eurasian dual-administrative regimes was that they did not intend to discriminate against other communities. Inner Eurasian peoples asserted military superiority over their sedentary subjects. The Khitans even asserted that the Northern Chancellery had ritual superiority over its southern counterpart.<sup>83</sup> Regardless, the Khitans did not introduce discriminatory measures against the Chinese. The *hospes* system was even more equitable because it was designed to attract foreign communities who could provide tangible and strategic benefits to the rulers and their realms.

Many of the legal regimes that perpetuated ethno-religious difference, however, were blatantly discriminatory and most of these regimes stressed religious difference as the justification for legal subjugation and subordination through discrimination. In other

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<sup>82</sup> Górecki, *Economy, Society, and Lordship in Medieval Poland*, 195.

<sup>83</sup> Mote, *Imperial China*, 88.

cases, the preservation of a tiny minority's political power was a much more central concern. In the following paragraphs I will outline these systems' features, starting with the *dhimma* system in the Islamic world, transitioning to its variant in Latin Christian Europe and the Levant, and ending with an examination of discriminatory systems in Mongol China and Latin controlled Greece. Religious difference was not a factor in communal contact in the border regions of the high-medieval British Isles. However, an examination of the *dhimma* system and other discriminatory regimes contributes to understanding English discrimination against the Gaelic Irish and offers a contrasting point of comparison to Wales, situations that are discussed at more length in the following and concluding chapters.

The *dhimma* system was the most prominent type of discriminatory regime and existed across the Islamic world and, as we have seen, usually coincided with some degree of informal religious segregation. Turkic-ruled Anatolia was somewhat of an exception, though religious groups usually lived separately.<sup>84</sup> Not only did this system differ from the Mongol system in China and the Latin system in Greece in its emphasis on religious difference, but it also differed in that the religious emphasis derived from an obsession about cultural purity. The *dhimma* system's origins lie in the early Arab conquests. The basic outlines are as follows. In return for protection (*dhimma*) from a Muslim state and considerable autonomy in the affairs of their communities, the *ahl al-dhimma* ("people of the covenant of protection") also endured certain restrictions. The *dhimmī* subject could practice his or her own religion and the *dhimmī* community could

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<sup>84</sup> Ocak asserts that the Turkic princes did not strictly enforce the *dhimma* system and the Turkic rulers gave the various non-Muslim groups considerable autonomy. See Ocak, "Social, Cultural, and Intellectual Life, 1071-1453," 387-90. He also contends that the lax Turkic imposition of the *dhimma* compact led many religious minorities to prefer Turkic rather than Byzantine rule, even if a Turkic ruler was closely tied to *ghāzī* ideology. For example, Christians grieved bitterly at the death of the prince Gümüştekin Ahmed Gazi in 1104 because the Danişmend sultans were very tolerant of Christians.

preserve its own laws and organize its internal affairs. In exchange, each *dhimmī* had to pay a poll tax (*jizya*), wear distinctive clothing, and the community could not build new places of worship or repair old ones without permission.<sup>85</sup> Non-Muslims could not carry weapons and non-Muslim merchants often had to pay higher duties on their goods.<sup>86</sup> The *dhimma* system seems to have evolved rather slowly and its features were more the result of juristic interpretations and compromises than a single text such as the *Pact of 'Umar*.<sup>87</sup> The application of the system's tenets could vary considerably and it was never applied in the northern subcontinent.<sup>88</sup> The *dhimma* system was not designed to encourage conversion, though many Muslim authors noticed that it did.<sup>89</sup> According to Glick, the *dhimma* system's purpose was to keep religious groups "separate, distinct, and apart from one another, lest the dominant religion suffer contamination from the subordinate ones."<sup>90</sup>

Many scholars have argued that Christian powers applied a variant of the *dhimma* system over their conquered Muslim and Jewish populations. Some disagree, however. David Nirenberg, for example, argues that Spanish Christians did not adopt the *dhimma* system. Instead, he contends that Christian policies there derived from Augustinian concepts and did not differ much from the rest of Europe, where religious minorities

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<sup>85</sup> Jonathan P. Berkey, *The Formation of Islam: Religion and Society in the Near East, 600-1800* (Cambridge: Cambridge University Press, 2003), 161-2.

<sup>86</sup> Patricia Risso, *Merchants and Faith: Muslim Commerce and Culture in the Indian Ocean* (Boulder, CO: Westview Press, 1995), 20.

<sup>87</sup> Patricia Crone, *God's Rule - Government and Islam: Six Centuries of Medieval Islamic Political Thought* (New York: Columbia University Press, 2005), 369-73; and Berkey, 92. Berkey argues that the pact cannot be dated to the early decades of Muslim expansion or the reign of 'Umar I (r. 634-644). The original system was only to be applied to Christians and Jews, but eventually included Zoroastrians. See Crone, *God's Rule*, 370-1.

<sup>88</sup> See Peter Jackson, *Delhi Sultanate*, 124-6 and Wink, *Al-Hind*, 2: 319-20.

<sup>89</sup> See Crone, *God's Rule*, 372.

<sup>90</sup> Glick, *Islamic and Christian Spain in the Early Middle Ages*, 188.

often came under direct royal or papal protection.<sup>91</sup> Glick states that Nirenberg's point is debatable, but argues that "specific regulations and norms of interaction were unevenly modeled on the kind of formal communal status that the *dhimma* contract envisioned."<sup>92</sup> The key phrase in Glick's statement is "unevenly modeled." Indeed, Burns rightly contends that we should not assume wholesale borrowing.<sup>93</sup> Rather, it is more likely that Christian rulers adopted portions of the *dhimma* system because it suited their purposes and its tenets were similar enough to Augustinian theories toward religious minorities to make it acceptable to them. The *dhimma* system was applied far more uniformly and systematically in the Islamic world than in Christian Europe for various reasons, but the general principle of separation and autonomy based on religious affiliation lay at the core of both.<sup>94</sup>

The *dhimma* variant applied in Latin Christian Europe and the Levant had general overarching characteristics with some discrepancies. According to Jonathan Riley-Smith, Jews and Muslims in the Crusader States had to pay a poll tax, wear distinctive clothing, and could not give evidence or bear witness in certain cases. However, Muslims and Jews could practice their religion and maintain their places of worship. In addition, they retained their own community courts, though it is likely that Latin courts kept jurisdiction

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<sup>91</sup> David Nirenberg, *Communities of Violence: Persecution of Minorities in the Middle Ages* (Princeton: Princeton University Press, 1996), 21. Augustine had argued that Jews should be allowed to dwell among Christians as witnesses to the righteousness and triumph of Christianity.

<sup>92</sup> Glick, "Review of *Communities of Violence: Persecution of Minorities in the Middle Ages*," *Journal of Interdisciplinary History* 28:1(1997): 94.

<sup>93</sup> Burns, *Islam under the Crusaders*, 157. Burns also suggests that the Christian rulers of Spain may have, in parallel, adopted the Byzantine policy of separating non-citizen groups.

<sup>94</sup> Burns argues that relative lack of stability in the Christian *dhimma* model derived from its lack of scriptural basis. According to him, the Christian model instead rested on a "human situation that would assume new contexts and would continue to evolve in unforeseeable directions." See *Muslims, Christians, and Jews in the Crusader Kingdom of Valencia* (Cambridge: Cambridge University Press, 1984), 58-9.

over serious offenses, just as under Muslim rulers.<sup>95</sup> In Aragonese and Castilian Iberia and Norman Sicily Muslims and Jews were under royal protection. They had to pay a *jizya* and could worship freely.<sup>96</sup> Muslims and Jews were subject to their own laws and intraconfessional cases were adjudicated in their own communal courts by their own judges (for Muslims, the *qādīs*). The degree to which Muslims and Jews retained their own leadership structures varied, though the Muslims of Norman Sicily fell under the authority of their local *qā'ids*, who had negotiated surrender agreements with the Normans.<sup>97</sup> There is no evidence that either Muslims or Jews had to wear distinctive clothing in Christian Iberia and Muslims did not have to do so in Sicily. Although Frederick II (Sicily, r. 1198-1250; Holy Roman Emperor, 1220-1250) followed the Lateran Council's decree and ordered that Jews should wear distinctive clothing and beards, it is unclear whether he enforced that statute.<sup>98</sup> Some variants of the *dhimma* model emerged in Hungary as well, though the statuses of Muslims, Jews, and pagan Cumans were more consistent with the *hospes* system.<sup>99</sup>

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<sup>95</sup> Riley-Smith, "Government and the Indigenous in the Latin Kingdom of Jerusalem," in *Medieval Frontiers*, 126-30.

<sup>96</sup> For situations in Iberia, see Harvey, *Islamic Spain*, 110-1 and 125-6; Glick, *Islamic and Christian Spain in the Early Middle Ages*, 187-90 and 194. For Sicily, see Metcalfe, *Muslims of Medieval Italy*, 106 and *Muslims and Christians in Norman Sicily*, 34-6.

<sup>97</sup> For Iberia, see Glick, *Islamic and Christian Spain in the Early Middle Ages*, 188-90 and 194. See also Burns, *Islam under the Crusaders*, 250, 258-60, and 264-6. In Sicily, the *qā'ids* coordinated the collection of the *jizya* with the Sicilian *dīwān* and other local leaders. Legal jurisdiction in the Muslim communities fell to the *qādīs*, who nevertheless came under royal authority. Serious offenses and interconfessional cases came under royal jurisdiction. See Metcalfe, *Muslims of Medieval Italy*, 106, 108, and 170 and *Muslims and Christians in Norman Sicily*, 37 and 41-4. See also Donald Matthew, *The Norman Kingdom of Sicily* (Cambridge: Cambridge University Press, 1992), 87 and 90-1.

<sup>98</sup> Houben, "Religious Toleration in the South Italian Peninsula during the Norman and Staufien Periods," 335. There is no mention of this law in Frederick II's Constitutions of Melfi.

<sup>99</sup> See Berend, *At the Gate of Christendom*, 85-6 and 94-100. According to Berend, the Árpád rulers' model of privileges to Jews was closely on similar ones issued by Duke Frederick of Austria in 1244. She also argues that Muslim writers likened the Muslims' position in Hungary as consistent with *dhimmī* status, though in the Hungarian context *dhimmī* status simply meant being dependent on the king. See *idem*, 76-7 and 85-6. For the entire discussion about non-Christian legal status and autonomy in Hungary, see *idem*, 74-108.

Another variance in the *dhimma* model as it was applied in Latin Christian Europe and the Levant was that it sometimes discriminated against other Christians and that it often coincided with multiple administrative models. Unlike in the rest of the Islamic and Christian world where religious groups tended to live separately, Latin Christian settlers in the Latin Kingdom of Jerusalem closely intermingled with Eastern Orthodox Christians and relations between them were generally good.<sup>100</sup> Nevertheless, although the Latin Christians allowed the various Eastern Christian groups to practice their religion under their traditional leaders and retain their own laws and customs, they were also legally inferior and were not allowed to testify against Latins.<sup>101</sup> There were no such discriminatory measures against Greek Christians in Sicily or against Mozarabs in Iberia. The Greek Christians of Sicily were allowed to retain their own laws and customs, as were Frankish settlers in Iberia. Aragonese and Castilian rulers also protected the Mozarabs' laws and customs, though the circumstances and exact terms of those privileges differed in each kingdom.<sup>102</sup>

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<sup>100</sup> Ellenblum, *Frankish Rural Settlement in the Latin Kingdom of Jerusalem*, 36-7.

<sup>101</sup> For these points, see Riley-Smith, "Government and the Indigenous in the Latin Kingdom of Jerusalem," 129. See also Dorothea Weltecke, "On the Syriac Orthodox in the Principality of Antioch during the Crusader Period," in *East and West in the Medieval Eastern Mediterranean I: Antioch from the Byzantine Reconquest until the End of the Crusader Principality. Acta of the Congress Held at Hernen Castle in May 2003*, K. Ciggaar and M. Metcalf, eds. (Leuven: Uitgeverij Peeters, 2006), 96-107. For a detailed discussion of Eastern Christian ecclesiastical leadership in the Levant, see Christopher MacEvitt, *The Crusades and the Christian World of the East: Rough Tolerance* (Philadelphia: University of Pennsylvania Press, 2008), 106-26.

<sup>102</sup> For the legal autonomy and privileges granted to Frankish settlers in Iberia, see Glick, *Islamic and Christian Spain in the Early Middle Ages*, 217-8; and Michael, 281-2. For the Mozarabs in Toledo and Aragón, see Hitchcock, 82-91 and 106-7. For the Greek communities in Sicily, see Matthew, 93-4 and Metcalfe, *Muslims and Christians in Norman Sicily*, 37. There seems to have been no formal discrimination against the Greek community and church, but relations between the Latin Church became more hostile to the Greek rite in the thirteenth century. The Greek community not only declined in numbers, but also became geographically restricted to the Val Démone and Palermo. For general explanations for the hardening attitude of the papacy toward the Greek Church in the thirteenth century, see Peter Herde, "The Papacy and the Greek Church in Southern Italy," in *Society of Norman Italy*, 250-1. For the declining presence of Greeks and Greek documentation in Sicily, see Vera von Falkenhausen, "The Greek Presence in Norman Sicily," in *idem*, 282-3.

The primary similarities between legal discrimination in Latin Greece and Mongol China and the *dhimma* system and its Christian variants concerned the retention of political power and the perpetuation of ethno-religious identity through legal ascription. Legal discrimination not only necessitated that the politically dominant group differentiate its subjects and assign membership to determine their rights and obligations, but it also required that the subordinate groups remember their communal membership and its accompanying inferior status. Furthermore, legal discrimination erected a formal barrier to assimilation and required official recognition of a change in ethno-religious status. In Greece, the Latin conquerors were mainly concerned about protecting their political power and ensuring their social superiority vis-à-vis the Greek Christians, who constituted the vast majority of the population. In many respects, the early Arab conquerors instituted the *dhimma* system for the same reason.<sup>103</sup> The Latins also generally allowed local Greeks to keep their laws and customs, while Latins (who were mostly Italians) were permitted to use Western European customary laws.<sup>104</sup> However, the Latins also borrowed some Byzantine administrative models and, according to David Jacoby, legalized contemporary Byzantine distinctions between freemen and slaves, using those distinctions to assign the entire Greek Orthodox population a servile status,

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<sup>103</sup> Contrary to earlier theories about Islamization in the wake of the Arab conquests, it was actually a very slow process. In fact, the Arabs initially segregated themselves in garrison towns and villages. Far from seeking the mass conversion of the indigenous population, the Arab conquerors assumed that they would form a dual society, within which the Arabs would constitute a dominant aristocracy and the indigenous would be subordinate to them. Indeed, the Arabs even helped reorganize and protect Christian churches. Non-Arab converts to Islam also were discriminated against and did not receive equal status until the 'Abbāsid period. See Lapidus, *History of Islamic Societies*, 42-3; and Crone, *God's Rule*, 334-5.

<sup>104</sup> See Filip Van Tricht, *The Latin Renovatio of Byzantium: The Empire of Constantinople (1204-1228)*. Peter Longbottom, trans. (Leiden: Brill, 2011), 116 and 139; and Teresa Shawcross, "Conquest Legitimized: The Making of a Byzantine Emperor in Crusader Constantinople (1204-1261)," in *Byzantines, Latins, and Turks in the Eastern Mediterranean World after 1150*, Jonathan Harris, et al., eds. (Oxford: Oxford University Press, 2012), 211-2.

with some exceptions.<sup>105</sup> While religion was not a major point of contention in intercommunal relations in the Latin Empire of Constantinople, Latins utilized ethno-religious difference to demarcate the superiors and the dependants.

The Mongols also formally cemented their power, ethnic superiority, and communal identity within a legal and bureaucratic arrangement. The Mongols had conquered the Jurchen Empire by 1234 and expanded their rule over all of southern China by 1279 after vanquishing the Song. According to Mote, in the early years of their rule in north China, the Mongols issued a series of *ad hoc* proclamations that created a four-tiered ethnically stratified system that regulated fiscal and legal affairs. Under Qubilai Khan (r. 1260-1294), the Mongols fully incorporated those distinctions into regulations for civil governance. Ethnic identity and status were graded along four tiers. The first tier consisted of the Mongols, who were given preference in official appointments, lighter sentences for offenses, and exemptions in legal disputes between Mongols and non-Mongols. The second tier was reserved for a variety of peoples called “Semu” or “people of varied categories.” Within this category were mostly Turks, Western, Central, and Inner Asians, but it could also include Persians, Arabs, and even Europeans. The third category included Khitans, Jurchens, and northern Chinese. Into the fourth group fell the *nanren* or “southerners,” who were the Chinese inhabitants of the former Southern Song territories. As Mote asserts, the Mongols’ system was contrary to Chinese concepts of social structure and ideology because the Mongol system imposed a hereditary assignment to social status, while the Chinese system stressed merit as a possibility for social movement. For the Mongols, however, the system was highly

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<sup>105</sup> Jacoby, “After the Fourth Crusade,” 772-4.



beneficial because it guaranteed that the conquered peoples would remain safely subordinate.<sup>106</sup>

***Conclusions: Perpetuating Difference***

I have taken a rather exhaustive survey of the high-medieval Eurasian border regions to establish two central points. First, in nearly every Eurasian border region situations of contact existed that allowed socio-cultural difference to endure and thereby permitted ethno-religious groups to retain their identities and ward off assimilation. Most of the situations that we have examined had some legalized-structural aspect to them. Most importantly, ethno-religious groups retained the right to use their own laws and customs, which allowed for the perpetuation of difference and communal cohesion in a contact situation. In addition, there was a strong tendency for ethno-religious groups to live separately, which could also reinforce communal cohesion and shield them from assimilating forces such as intermarriage. Indeed, these two situations coincided in most border regions to varying degrees and if we are to look for the reasons why most ethno-religious groups do not fully disappear in the border regions during our period of study, territorial separation and the retention of communal laws and customs are the most obvious explanations.

The second point I have admittedly made a bit more implicit than explicit in this section, namely that situations of perpetuated pluralism emerge in contact and when in contact ethno-religious groups undergo acculturation. Territorial separation and various forms of legal autonomy and distinction raised powerful barriers to assimilation, but they did not create hermetically sealed communities and they did not eliminate cultural change

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<sup>106</sup> See Mote, "Chinese Society under Mongol Rule, 1215-1368," in *Cambridge History of China: Alien Regimes and Border States*, 629-32; and Mote, *Imperial China*, 489-90.

and modification. Border regions were multicultural environments and culture is a permeating instrument. Hence, communal barriers were only one part of perpetuated pluralism. The second part constituted the absorption and modification of foreign wares and the necessary adjustments that ethno-religious groups needed to make to perpetuate their existence.

### **Perpetuated Pluralism and Acculturative Change**

One of the more fascinating aspects of high-medieval Wales, Scotland, and Ireland is that ethnic groups could maintain strictly dichotomized identities even though their cultural inventory underwent substantial changes. Territorial separation and legalized autonomy were key elements in perpetuating dichotomization. However, other essential elements of perpetuating difference included ethno-religious groups' ability to absorb foreign cultural components, modify them to suit their own communal norms or needs, and adjust them to fit within their communal world view. Historians often mistakenly describe absorption, modification, and adjustment as the "assimilation" of foreign cultural material, implying that this material is thereby adopted comprehensively without alteration and leads one community closer to being absorbed into another. In fact, however, alteration not only serves to make the foreign material acceptable, but it could also reaffirm ethno-religious identification and difference. Hence, a medieval Welshman might complain vehemently about having to be tried before an English court even if acculturative processes had greatly mitigated the procedural and technical differences between English and Welsh law and the functioning of the juridical process within the courts. In addition, absorption, modification, and adjustment do not end with the initial borrowing. Rather, these processes are continuous throughout the period of contact.

Absorption, modification, and adjustment were central processes to perpetuated pluralism and will be the topics of discussion in this section. In Chapter One, we saw that acculturation theories have consistently stressed the selective and adaptive nature of acculturation and the potential for cultural change to reaffirm identities rather than annihilate them. We also noted that acculturation theorists have consistently argued that stabilized pluralism entailed a “severe slackening in the rate of progressive adjustment.”<sup>107</sup> A main goal of this section is to affirm the first postulate and question the second. Doing so on a pan-Eurasian scale presents one major obstacle and a somewhat lesser one. Although we were able to highlight the general structural features that encouraged perpetuated pluralism thoroughly, we will not be able to conduct such an exhaustive review in this section. There are simply too many border regions to survey and the acculturative processes are too complex to discuss them all. Furthermore, the case study on Wales and the discussions about acculturation in Scotland and Ireland rely mostly on primary sources and those sources allow me to analyze communal and individual mental perceptions about identity in considerable detail. This chapter, however, utilizes secondary sources almost exclusively, which limits my ability to conduct an exhaustive analysis of mental perceptions in this chapter. In this section, therefore, we will focus on acculturative situations that have strong correlations to developments in the British Isles. Namely, we will focus on acculturation in contact situations that presented strong communal barriers, in situations where barriers were present yet highly permeable, and in situations where barriers were weak or non-existent. Within those discussions we will concentrate on the processes of absorption,

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<sup>107</sup> See above, 57.

modification, and adjustment and will examine mental perceptions of socio-cultural difference as much as possible.

Thomas Glick argued that stabilized pluralism in Christian Iberia during the twelfth and thirteenth centuries was characterized by extremely selective borrowing and cited the twelfth and thirteenth-century translation movement and Christian adoption of Islamic governmental models to illustrate his point.<sup>108</sup> Glick's argument corresponds with traditional acculturationists' contentions that stabilized pluralism engendered much slower degrees of acculturative change. Twelfth and thirteenth-century Iberia, indeed, had one of the strongest regimes of perpetuated pluralism in the Eurasian world. Ethno-religious communities received considerable socio-legal autonomy through a *dhimma* variant and multiple-administrative measures. In addition, most ethno-religious groups lived separately, especially in the towns. Glick's arguments are correct for both the translation movement and for Christian rulers' adoption of Islamic governmental techniques.<sup>109</sup> Although the translation movement is the more famous acculturative process of the two, I will focus here on Christian borrowing of Islamic administrative structures because it will allow us to observe the processes of absorption, modification, and adjustment more quickly.

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<sup>108</sup> Glick, *Islamic and Christian Spain in the Early Middle Ages*, 366.

<sup>109</sup> The translation movement in twelfth and thirteenth-century Iberia demonstrates highly selective Latin Christian borrowing of Islamic works such as those of Ibn Sīnā and al-Ghazālī that were infused with Aristotelian and Neo-Platonic concepts. For the translation movement in twelfth and thirteenth-century Iberia, see Glick, *idem*, 302-13; Angus MacKay, *Spain in the Middle Ages: From Frontier to Empire, 1000-1500* (London: MacMillan, 1977), 88-91; and Charles Burnett, "The Translating Activity in Medieval Spain," in *The Legacy of Muslim Spain*, 2 vols. Salma Khadra Jayyusi, ed. (Leiden: E.J. Brill, 1994), 2: 1036-1059. Another excellent article that focuses on the multicultural complexities of the translation process is Bernard R. Goldstein, "Astronomy as a 'Neutral Zone': Interreligious Cooperation in Medieval Spain," in *Al-Andalus, Sepharad and Medieval Iberia: Cultural Contact and Diffusion*, Ivy A. Corfis, ed. (Leiden: Brill, 2009), 3-18.

Christian conquerors incorporated certain Islamic governmental structures and transformed them to suit their own needs and culture. Christian borrowing of Islamic structures to control the urban marketplace was especially significant. Many of the conquered Muslim towns were wealthy and prosperous and it was in the Christians' interest not to upset that prosperity by imposing a totally new economic order. Christian kingdoms generally maintained the *ḥisba* legal system (a specialized body of customary and secular law) that characterized Islamic towns and the office of the *muḥtasib*, who enforced the *ḥisba* provisions and supervised the marketplace. In twelfth-century Castilian and Leonese towns, the responsibility of the *muḥtasib* fell to the *almotacén* and in thirteenth-century Aragón to the *mustasaf*, both of whose names derived from *muḥtasib*.

The Christian conquerors, therefore, absorbed the Islamic infrastructure, but these offices also underwent modifications under Christian rule that reflected distinct Christian conceptualizations of law, unique economic and urban structures, and the economic changes that were sweeping Western Europe. The Christian *muḥtasib* equivalents were elected officials who had more prestige and more important functions in Christian than Islamic society.<sup>110</sup> These differences were indicative of the greater emphasis on customary law in Christian Iberia and what Glick contends was “the tighter organization of urban life in Christian society.”<sup>111</sup> According to Glick, the Christians' adoption of the *muḥtasib* office demonstrates how they could incorporate an Islamic institutional model, transform it to conform to principles quite distinct from those established in the Islamic

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<sup>110</sup> Glick, *Islamic and Christian Spain in the Early Middle Ages*, 127-30.

<sup>111</sup> *Ibid.*, 129.

world, and devoid it of its specifically Islamic content.<sup>112</sup> Indeed, although Christian rulers left the Islamic markets in place, they usually Castilianized or Catalanized their names to divorce them further from their former Islamic associations.<sup>113</sup> The process of borrowing and transformation meant that Christian rulers and the populace writ large could absorb Islamic socio-cultural elements, modify them to suit their needs and cultural outlook, adjust them to reaffirm their socio-cultural difference, and distance themselves from its former cultural connection.

Acculturation in twelfth and thirteenth-century Iberia was a highly selective process and the structural features that upheld perpetuated pluralism were certainly instrumental in guaranteeing judicious borrowing. Norman Sicily could provide another affirmative example of acculturationists' emphasis on slow rates of cultural change in highly structured contact settings. The translation movement in twelfth-century Sicily had a similar process to its Iberian counterpart and focused on specific works that conformed to the Latin Christians' world view.<sup>114</sup> In addition, the Normans adopted numerous aspects of Islamic and Byzantine administration that could increase their power and prosperity.<sup>115</sup> Nevertheless, we will see later that deep acculturation and even assimilation were not absent from Norman Sicily and Christian Iberia. Indeed, even when

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<sup>112</sup> Ibid., 129-30.

<sup>113</sup> Ibid., 130. The *muḥtasib* office typically remained in Muslim quarters in the conquered towns and continued its traditional functions in Islamic society. For the *muḥtasib* in Valencia, see Burns, *Islam under the Crusaders*, 238-42.

<sup>114</sup> For the translation process in Sicily, see Metcalfe, *Muslims of Medieval Italy*, 254-66.

<sup>115</sup> The principal method of Islamic governance that the Normans adopted was the *dīwān*, which was an administrative bureau. In the Norman case, it was of Fāṭimid influence. For thorough discussions of the Norman adoption of Islamic and Byzantine governmental models and especially the *dīwān*, see G.A. Loud, "Italy in the Twelfth Century: Norman Sicily in the Twelfth Century," in *The New Cambridge Medieval History, Volume 4, Part 2: c. 1024-c. 1198*, David Luscombe and Jonathan Riley-Smith, eds. (Cambridge: Cambridge University Press, 2004), 459-64; and Jeremy Johns, *Arabic Administration in Norman Sicily: The Royal Dīwān* (Cambridge: Cambridge University Press, 1993).

perpetuated pluralism was thoroughly institutionalized, there was not necessarily a “severe slackening” of cultural change.

Cuman acculturation in Hungary serves as an example of how institutionalized perpetuated pluralism could not prevent deep acculturation. As mentioned in the appendix, the Cumans were a semi-nomadic, pagan Turkic people who were also called “Qipchaqs” outside of Europe and “Polovtsians” by the Rus’.<sup>116</sup> They firmly established themselves in Hungary in 1241 after the Mongols had expelled numerous Cuman tribal groups from the Pontic Steppes.<sup>117</sup> The Árpád rulers granted them territories within the kingdom and the Cumans could retain their own laws and received considerable autonomy within those territories.<sup>118</sup> Hence, the Cumans obtained the territorial separation and legalized autonomy that theoretically should have slowed the rate of acculturative change. Yet shortly after their arrival in Hungary the Cumans had adopted Christianity and began undergoing many other cultural changes. The decision to adopt Christianity was a communal choice that stemmed from political calculations.<sup>119</sup> The Cumans became dependent on their Árpád patrons for survival and conversion was a means of political ingratiation. Conversion also granted the Cuman elite positions of power and allowed for the marriage of a Cuman chieftain’s daughter to a royal prince.

The Hungarian crown and the papacy initiated missions to the Cumans soon after their

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<sup>116</sup> See Appendix, 493, n. 6.

<sup>117</sup> See Appendix, 492-3.

<sup>118</sup> See above, 83-4.

<sup>119</sup> The Cuman conversions in Hungary have numerous parallels with the mass Turkic conversions to Islam in the tenth century. For summaries of those conversions and their wider impact, see C.E. Bosworth, “The Turks in the Islamic Lands up to the Mid-11th Century” and “Barbarian Incursions: the Coming of the Turks into the Islamic World,” in *The Turks in the Early Islamic World*, C.E. Bosworth, ed. (Aldershot: Ashgate, 2007), 193-212 and 213-28, respectively; see also Reuven Amitai, “Towards a Pre-History of the Islamization of the Turks: A Re-reading of Ibn Fadlan's *Rihla*” and A. Kaplony, “The Conversion of the Turks of Central Asia to Islam as Seen by Arabic and Persian Geography: a Comparative Perspective,” in *Islamisation de l'Asie centrale*, Étienne de la Vaissière, ed. (Paris: Association pour l'avancement des études iraniennes, 2008), 277-93 and 319-30, respectively.

arrival.<sup>120</sup> Conversions among the Cumans began in 1227 and continued intermittently throughout the thirteenth century, as did Franciscan and Dominican missionary efforts.<sup>121</sup> Early Cuman conversions, however, did not meet Latin standards. Like many steppe peoples, the Cumans quickly adopted the religious tenets of the local population. Nonetheless, they retained their steppe cultural norms, one of which was to assimilate local religious practices while maintaining their traditional way of life.<sup>122</sup> They preserved their burial practices, hairstyles, and their habit for raiding, even against churches.<sup>123</sup>

It was not until the fourteenth century that Cuman integration into the Latin Christian world accelerated, a process that also shows the resilience of ethnic identities in contact situations. Even though the Cumans had their own territory and could keep their own laws, they were a surrounded minority. Cumans adopted sedentary lifeways in the fourteenth century and slowly lost their language and customs, including their distinctive dress and hairstyles.<sup>124</sup> Cuman clan organization also began disintegrating in the fourteenth century. Even then, however, full integration did not occur until the late fifteenth century and a Cuman identity has persisted into modern times.<sup>125</sup> Indeed, throughout our period, the Cumans retained enough distinctiveness to perpetuate difference and prevent full assimilation. Berend notes that the territorial and legal privileges the Cumans obtained were instrumental in perpetuating that difference and

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<sup>120</sup> For these points, see Victor Spinei, *The Great Migrations in the East and Southeast of Europe from the Ninth to the Thirteenth Century* (Cluj-Napoca: Rumanian Cultural Institute, 2003), 299-300; and Berend, "Cuman Integration in Hungary," in *Nomads and the Sedentary World*, Anatoly Khazanov and André Wink, eds. (Richmond, England: Curzon, 2001), 104-5.

<sup>121</sup> Berend, *At the Gate of Christendom*, 214-8.

<sup>122</sup> *Ibid.*, 221.

<sup>123</sup> Spinei, *Great Migrations in the East and Southeast of Europe*, 312-3.

<sup>124</sup> Berend, *At the Gate of Christendom*, 263-5.

<sup>125</sup> *Ibid.*, 263-6.



fueling a revival of Cuman consciousness in the eighteenth century, though one entirely divorced from medieval realities.<sup>126</sup>

The border regions of Poland, Hungary, and Bohemia offer further examples of deep acculturation within a framework that encouraged perpetuated pluralism. The specific cultural content involved in the acculturation processes had many similarities to the British Isles and the fact that rulers invited the settler communities has a strong parallel to Scotland. Hence, these regions warrant lengthier examination. As we have discussed at other points in this chapter, these regions received numerous Western European immigrant populations, most of whom were Germans. Immigrant groups often retained their own laws and customs and frequently lived separately from the native Slavic and Magyar populations. The framework that upheld perpetuated pluralism in these areas, however, was not as coherently institutionalized as in Iberia, the Levant, or many other regions. Immigrants and natives sometimes dwelled very closely to each other or thoroughly intermixed. In addition, while most communities utilized their own laws and customs, law was not ethnically exclusive. Higounet even notes that Czech settlers imitated German village patterns and received German law in parts of Bohemia.<sup>127</sup> When the town of Brzeg was founded in Silesia in 1250, the Polish community living there was also subject to German law.<sup>128</sup> These examples constituted exceptions rather than rules, but the exceptions were considerable enough to perforate territorial and legalized autonomy to a greater extent than in many other regions.

While legal permeability was one factor in perforating the formal and informal situations that upheld perpetuated pluralism, the more significant reasons for the

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<sup>126</sup> Ibid., 264-5.

<sup>127</sup> Higounet, *Les Allemands*, 177.

<sup>128</sup> Bartlett, *Making of Europe*, 219.

extensive acculturation we find in Poland, Hungary, and Bohemia lay in local rulers' desire to integrate their societies more deeply into the socio-cultural framework of Latin Christendom and the much smaller degree of socio-cultural difference between the immigrant and native societies. As Martyn Rady argues, socio-cultural transformations in Eastern and Central Europe took place within a complex pattern of cultural and institutional integration that had been developing since the end of the first millennium.<sup>129</sup> German settlement was possible only because rulers allowed it and only because much of Central and Eastern Europe had already adopted numerous characteristics of Western European societies, primarily mediated through Latin Christian ecclesiastical institutions.<sup>130</sup> Indeed, the peoples of this region were already wholly or partially absorbed into the framework of Latin Christendom by the twelfth century and the smaller degree of socio-cultural distance was an essential reason why foreign institutions and cultural norms spread so quickly and deeply in the area. Monastic orders such as the Cistercians and the Premonstratensians appeared throughout the region at places like Mogiła (Poland), Lubiąż (Silesia), and Zirc (Hungary). The mendicant Franciscan and Dominican orders also flourished and many of the new churches and monasteries were built in Romanesque and Gothic styles.<sup>131</sup> The heavily-armored knight became the principal military force in Eastern and Central Europe, partly because of the growing number of Western settlers and partly because the light cavalry threat from the steppe

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<sup>129</sup> Martyn Rady, "The German Settlement in Central and Eastern Europe during the High Middle Ages," in *The German Lands and Eastern Europe*, Roger Bartlett and Karen Schönwälder, eds. (New York: St. Martin's Press, 1999), 16.

<sup>130</sup> Ibid. Rady further argues that social and legal differences limited German migration to merchants and a few colonies of miners in regions that embraced Orthodox Christianity. Consequently, the German cultural impact was far less significant. See *idem*, 39.

<sup>131</sup> S.C. Rowell, "Eastern Europe: The Central European Kingdoms," in *The New Cambridge Medieval History, Volume 5: c. 1198-c. 1300*, 768-72.

receded until the Mongol invasion of 1241.<sup>132</sup> A plethora of new towns such as Gniezno, Cracow, and Wrocław in Poland and Malá Strana in Bohemia emerged, most of which were founded on German law. Numerous villages developed that also received German law and were based on foreign models.<sup>133</sup> If these changes constituted “Germanization,” as Bartlett and many other scholars have argued, Germans certainly did not impose it.<sup>134</sup>

Yet any degree of “Germanization” did not mean that the local Slavic and Magyar populations came to see themselves as Germans or that Germans and natives saw themselves as belonging to the same ethnic community. Local populations borrowed aspects of Western European culture they found most beneficial and acceptable. Towns increased the local rulers’ revenues. The invitation of foreign knights provided them with a potent fighting force to counteract foreign and domestic threats, while new monastic foundations and the mendicant orders could increase their spiritual potency and legitimacy. The extent of Western European and German influence in these regions was particularly vast and did, as Bartlett argued, contribute to the creation of a more “homogenous” Europe.<sup>135</sup> However, greater homogeneity did not equal complete ethnic integration. The absorption of foreign cultural elements not only led to the reaffirmation of native traditions, but also to the modifications that situated those foreign elements within native practices. For example, while the pan-European cult of the Virgin Mary spread throughout Hungary, Poland, and Bohemia, the arrival of new saint cults and ecclesiastical institutions did not eclipse the veneration of local saints. Rather, these new

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<sup>132</sup> Sedlar, *East-Central Europe in the Middle Ages*, 209.

<sup>133</sup> Rowell, “Eastern Europe,” 773-4.

<sup>134</sup> Bartlett makes this argument at various points in *Making of Europe*. See especially, 111-3, 153, and 218-9.

<sup>135</sup> Bartlett, *Making of Europe*, 3.

developments seem to have invigorated it.<sup>136</sup> In addition, modes of governance and social structures remained quite distinct and alien influences were often absorbed into them. The institution of knighthood, for instance, one of the great symbols of Western European feudalism, entered a region where feudal relationships were barely extant.<sup>137</sup> Janusz Bieniak argues that the lack of feudal bonds encouraged knights (of both foreign and domestic origin) to form clans resembling the collateral kinship units found in native Hungarian, Polish, and Bohemian societies.<sup>138</sup> Adjustment to alien presence and influence also entailed reasserting ethnic difference. Differences in law and custom were important, but we also find other socio-cultural elements serving as powerful demarcations of ethnicity. The early fourteenth-century Czech *Dalimil* chronicle, for example, defined ethnicity primarily in terms of linguistic difference and created a mythological narrative of Czech history that provided Czechs with a long and illustrious past. It even asserted that only Czechs should inhabit Bohemian lands.<sup>139</sup> The Polish archbishop of Gniezno made linguistic distinction the central factor in ethnic difference and exclusion as well. He stipulated that all priests must have sufficient command of Polish, hear confession in Polish, and recite important prayers such as the Lord's Prayer in the Polish vernacular.<sup>140</sup>

The cases of Bohemia, Poland, and Hungary indicate that ethno-religious communities could continue to perpetuate difference in a contact situation and the *Dalimil* chronicle in particular shows a fascinating instance of the importance that

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<sup>136</sup> For these points, see Rowell, "Eastern Europe," 771 and Sedlar, *East-Central Europe in the Middle Ages*, 157-8.

<sup>137</sup> See Sedlar, *East-Central Europe in the Middle Ages*, 71-3.

<sup>138</sup> Janusz Bieniak, "Knight Clans in Medieval Poland," in *The Polish Nobility in the Middle Ages*, Antoni Gąsiorowski, ed. (Wrocław: Zakład Narodowy, 1984), 123-4.

<sup>139</sup> Scales, "At the Margin of Community," 286-7.

<sup>140</sup> Bartlett, *Making of Europe*, 224.

cultural heritage (even if mostly mythological) and mental perceptions of difference could assume in distinguishing communities. I would like to examine that theme further by considering the case of Muslim Turks in Central Asia and their acculturation in a Persian milieu.

Some might object to this example, arguing that semi-nomadic Turkic groups often lived apart from the sedentary populations and usually retained their own customs. Indeed, I have already mentioned that the Seljuqs governed the Oghuz separately and the Oghuz maintained their own tribal leaders and customs.<sup>141</sup> Furthermore, nomads within the Qara Khitai Empire lived apart from the sedentary populations, a situation also mirrored in the vassal Qarakhanid state.<sup>142</sup> Yet the Muslim Turks offer an interesting example for three reasons. First, although many Turks retained their semi-nomadic lifeways, there were also considerable sedentary elements in those populations and many of them settled in urban environments in Central Asia. Second, the presence of the Silk Road networks and the ability of populations to move freely across political boundaries in the Islamic world weakened the effects of territorial separation. Finally, and most importantly, by accepting Islam, Turkic peoples had entered a cultural environment where, theoretically at least, all Muslims were equal regardless of ethnicity.<sup>143</sup> In part, the aspiration for ethnic equality in the Islamic world derived from *sharī'a* law, which was universally applicable to all Muslims. Hence, while territorial and institutional barriers

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<sup>141</sup> See above, 82.

<sup>142</sup> The Qarakhanid Empire had been an independent Turkic qaghanate that became a vassal state to the Qara Khitai after the Khitans defeated the Seljuqs at the Battle of the Qatwān steppe in 1141. For the history of the Qarakhanids, the nature of their empire, the nomadic elements within their state and their relations with the sedentary population, and their vassalage to the Qara Khitai, see Biran, *Empire of the Qara Khitai in Eurasian History*, 46, 115-9, and 138-9; and Peter Golden, *Introduction to the History of the Turkic Peoples* (Wiesbaden: O. Harrasowitz, 1992), 214-9; and E. Davidovich, "The Karakhanids," in *History of Civilizations of Central Asia : Age of Achievement, 875 AD to the End of the 15th Century*, M.S. Asimov and C.E. Bosworth, eds. 6 vols. (Paris: UNESCO Publishing, 1998), 4: 119-44.

<sup>143</sup> For this point, see Crone, *God's Rule*, 334-5.

remained, they were subject to powerful geopolitical, socio-economic, and cultural forces that could thoroughly permeate them. Many aspects of acculturation among the Muslim Turks in Central Asia fall slightly before the twelfth century, but the historical impact of this acculturation resonated throughout the medieval period and beyond.

When Turkic peoples began adopting Islam *en masse* during the tenth century, they were integrating themselves not only into the Islamic cultural pattern fashioned after the Arab conquests, but also into the Persian cultural environments of Iran and Central Asia. The fact that Persian culture would have the most influence on the Turks was partly the result of geographical location. The earliest Turkic dynasties, namely the Qarakhanids, Ghaznavids, and Seljuqs, hailed from the Central Asian steppes and when Turkic peoples entered the Islamic world, they initially settled in areas where Persian cultural traditions predominated. The second reason was that many Turkic groups had acculturated to Persian ways because they had been *ghūlam* slave soldiers under Persian dynasties such as the Ṭāhīrids (821-873), Būyids (934-1055), Ṣaffārids (861-1003), and Sāmānids (819-999).<sup>144</sup> The extent to which the Turks embraced Persian culture was astounding. The Qarakhanid, Ghaznavid, and Seljuq courts sponsored Persian poetry and literature. More importantly, however, they embraced Ṣūfī mysticism, supported the construction of *madrasahs*, and utilized Persian administrative techniques such as the *dīwān* and the *iqta* 'system'.<sup>145</sup> In addition, the Turks' rise to political and military preeminence in the Islamic world had significant effects on Persian culture. For example, the Turks often supported the Sunnī 'ulamā, who relied on their knowledge of the

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<sup>144</sup> For an overview of Turkic *ghūlam* forces in the 'Abbāsīd and post-'Abbāsīd Persian states, see Lapidus, *History of Islamic Societies*, 103-4, 107-8, and 112-7. For a more detailed discussion, see Crone, *Slaves on Horses*, 74-91.

<sup>145</sup> For overviews, see Lapidus, *History of Islamic Societies*, 115-32, 149-52, and 183-93; and Richard Frye, *The Golden Age of Persia: The Arabs in the East* (London: Weidenfeld and Nicolson, 1996), 213-30.

classical Arabic tradition of Islam to uphold their religious authority. The Qarakhanids' sponsorship of the *'ulamā* led to an infusion of Arabic words and phrases in New Persian.<sup>146</sup> The Turks' embrace of Islamo-Persian culture was not simply the result of their new Islamic identification or a cultural love affair. Political motives were central to Turkish acculturation and show how selective instances of acculturation could result in deep cultural change. As Peter Golden notes, the Seljuqs were a nomadic state grafted on top of a traditional Middle Eastern polity, with a Persian bureaucracy.<sup>147</sup> The same could be said for nearly every Muslim Turkish dynasty before them and after them during the high-medieval period, with the Ottomans being somewhat of an exception. Utilizing a Persian bureaucracy, supporting the *'ulamā*, and sponsoring Persian literature and the construction of *madrasahs* provided the Turks with effective governmental mechanisms for ruling a sophisticated and alien sedentary society and a means of obtaining spiritual and political legitimacy.

While absorption and modification emerged in large part from political calculations, ethnic adjustment derived from a host of factors, not least of which was the Turks' ability to situate aspects of their pagan and steppe heritage within a sedentary Perso-Islamic environment. Most Turks retained their language and many retained their semi-nomadic lifestyle. Yet linguistic barriers were highly permeable in a contact situation- especially in an ethno-religious melting pot such as Central Asia- and many Turks were urbanized and sedentarized. Given the extent of their acculturation to their Persian milieu and the high degree of permeability in the boundaries that separated ethnic groups, it is not surprising that Turkish adjustment and preservation involved

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<sup>146</sup> Frye, *Golden Age of Persia*, 222.

<sup>147</sup> Golden, *Introduction to the History of the Turkic Peoples*, 220.

constructing a historical-mythological heritage that both embraced the Persian cultural tradition and distinguished their identity by tying themselves to an illustrious Turkic past, situating their political traditions within the Perso-Islamic complex, and incorporating Islamic concepts within their own semi-nomadic traditions. According to Hua Tao, the Seljuqs and Qarakhanids sought this illustrious past by tracing their descent to “Afrasiyab,” a legendary nomadic figure of Persian tradition, Turkicizing him, and then identifying him with another Turkic legend, Tonga Alp Er.<sup>148</sup> A late eleventh-century Turkic literary work called the *Qutadgu Bilig* also shows how the Turks could reconcile a pre-Islamic past with a post-Islamic identity. The *Qutadgu Bilig* was a “Mirror for Princes,” which was a Persian advice manual for rulers.<sup>149</sup> The *Qutadgu Bilig*, however, was written in Turkic verse by Yūsuf Khāṣṣ Ḥājib in 1069, who was the privy chamberlain to the Qarakhanids. As Carter Findley points out, the *Qutadgu Bilig* equated themes of pre-Islamic Turkic statecraft with Islamic values and philosophy and articulated the concept of the *ghāzī* within an Inner Asian perspective.<sup>150</sup> Indeed, Muslim border warriors (*ghāzīs*) had consistently targeted pagan Turks for enslavement during raids (*ghazā*) in the Central Asian borderlands. However, once Turkic groups embraced Islam, they also incorporated the *ghāzī* concept because it gave heroic acclaim and promises of heavenly reward to the raiding that had long been a staple of the semi-nomadic Turks’ life.<sup>151</sup> The Turks seem to have found a way to cement their ethnic

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<sup>148</sup> T. Hua, “The Muslim Qarakhanids and their Invented Ethnic Identity,” in *Islamisation de l’Asie centrale*, 339-49. Carter Findley also mentions how the Oghuz incorporated an Islamic identity into their traditional origin myth. See *The Turks in World History* (Oxford: Oxford University Press, 2005), 64.

<sup>149</sup> For a general overview of the “Mirrors for Princes” in the high-medieval period, see Lapidus, *History of Islamic Societies*, 149-52.

<sup>150</sup> Findley, 75-6.

<sup>151</sup> For brief overviews of the *ghāzī* concept in the history of the Ghaznavids and Seljuqs, see Bosworth, “Ghaznavids,” and Sevim and Bosworth, “Seljuqs and the Khwarazm Shahs,” 4: 95-110 and 145-52, respectively. For the role of Turkic *ghāzīs* in Anatolia, see Brauer, “Boundaries and Frontiers in Medieval



differences with their coreligionists while maintaining their political power and spiritual legitimacy.

The cases examined have focused on areas where ethno-religious groups often lived separately and where there were legalized arrangements that granted those groups some autonomy. My analysis has challenged the traditional acculturationist argument that territorial separation and institutional autonomy generated a “severe slackening in the rate of progressive adjustment.” I have acknowledged that the most stringent regimes of perpetuated pluralism could engender highly selective acculturation, but have also contended that cultural perforation was always present and territorial and legal separation did not preclude much deeper acculturation. Indeed, every instance of cultural borrowing was selective. The extent of acculturation depended on how many instances of selective acculturation occurred and how long the communities remained in contact. I have also argued that even in circumstances of deep acculturation, ethnic communities perpetuated socio-cultural difference in numerous ways by absorbing and modifying foreign influences and adjusting to the contact situation by retaining and emphasizing sufficient points of difference to distinguish their communal identification. The question arises then whether the flexibility and malleability of medieval identity constructs were so profound that full assimilation was impossible. That is, did situations of contact and ethno-religious groups’ ability to adjust their focal points of distinction perpetuate socio-cultural difference or was ethno-religious pluralism simply “perpetual”?

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Muslim Geography,” 53-60; and M.F. Köprülü, *The Origins of the Ottoman Empire*, Gary Leiser, trans. (Albany: the State University of New York Press, 1992), 88-93.

## Assimilation

### *The Concept*

The answer to the question posed is a resounding “no.” A contact situation could result in an ethno-religious group’s disappearance, usually through its submersion into another community. Scholars typically refer to this development as “assimilation.” The Research Council characterized assimilation as the “unilateral approximation of one culture in the direction of the other.”<sup>152</sup> Essentially this definition entails that one group seeks integration into another and that the other allows it to do so.

The relationship between acculturation and assimilation is a complex subject that has not received scholarly consensus. Glick has argued for divorcing the concepts, asserting that acculturation is a purely cultural process, while assimilation is entirely social.<sup>153</sup> Glick is reacting against the tendency among historians to assume that acculturative change was indicating assimilation, an assumption that many modern acculturationist studies have assumed as well. Indeed, as we have observed at other points in this study, acculturationist studies have frequently correlated acculturation directly with assimilation, envisioning that cultural contact and change would ultimately lead to assimilation.<sup>154</sup> For example, in a 1980 article psychologist John W. Berry stated that much contemporary research had found assimilation to be the dominant mode of acculturation and argued that assimilation and integration were “positive” results of

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<sup>152</sup> Siegel, et al., “Acculturation,” 988.

<sup>153</sup> Glick, *Islamic and Christian Spain in the Early Middle Ages*, 185.

<sup>154</sup> For an example of this correlation in studies on immigrant groups in the early twentieth-century United States, see Suárez-Orozco, “Everything You Wanted to Know about Assimilation,” 24.

acculturation.<sup>155</sup> In 2003 Berry noted that most scholarship now viewed acculturation as more of a multi-dimensional process that did not necessarily lead to assimilation, but many researchers still see acculturation as a unilinear process on the way to assimilation.<sup>156</sup> The Research Council never argued that fusion or assimilation were necessarily the end results of acculturation. Indeed, its scholars contended that neither complete fusion nor total assimilation were likely to occur and that the term assimilation was too loosely employed.<sup>157</sup>

Many scholars have concluded that acculturation and assimilation are closely related though not entirely similar processes. Indeed, the Research Council stipulated that assimilation necessitated acculturation, but acculturation itself was insufficient to produce assimilation.<sup>158</sup> Scholars have generally agreed that ethnic assimilation involves the loss of a community's identity, but they have disagreed about why exactly it occurs. Berry, for instance, sees assimilation as a strategic decision in a contact situation. He argues that individuals may seek to relinquish their former cultural association while pursuing daily interactions with other ethno-cultural groups. However, those individuals have certain constraints because the dominant group must accept their integration.<sup>159</sup> Hence, assimilation is a two-way process that requires a bicomunal desire for integration. Berry's arguments are consistent with previous acculturationist studies that have typically associated assimilation with a subordinate group's integration into a dominant society.

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<sup>155</sup> Berry, "Acculturation as Varieties of Adaptation," in *Acculturation: Theory, Models and Some New Findings*, 13 and 22.

<sup>156</sup> Berry, "Conceptual Approaches to Acculturation," in *Acculturation: Advances in Theory, Measurement, and Applied Research*, 22.

<sup>157</sup> Siegel, et al., "Acculturation," 987-8.

<sup>158</sup> Ibid., 988.

<sup>159</sup> Berry, "Conceptual Approaches to Acculturation," 24-5.

The concept of assimilation utilized in this study asserts that acculturation is a necessary component in assimilation and accepts that assimilation requires bicomunal acquiescence and acknowledgement. Indeed, assimilation entails deep acculturation that induces a change in identification among the ethnic community. However, such a change in identification necessitates that each society recognizes that the assimilation has occurred and that each society accepts the other as an ethnic compatriot. Deep acculturation does not automatically lead to assimilation, nor should assimilation be seen as an inevitable byproduct of deep acculturation. As we have seen, ethnic identities were remarkably resilient in a contact situation and could endure and even strengthen despite substantial acculturative change. Furthermore, I do not place much emphasis on a dominant-subordinate relationship. Political dominance did not always equate to cultural dominance and it was not always the case that a “subordinate” group was the one undergoing assimilation. Along those same lines, I also agree with Barth that political allegiance was not a sure sign of ethnic assimilation.<sup>160</sup>

Now that we have established an understanding of what assimilation entails, we can proceed to examining how often assimilation occurs and what situations can induce it and prevent it. The evidence from the border regions of the high-medieval period indicates five general conclusions. First, the complete assimilation of entire ethno-religious populations was comparatively rare, but assimilation was much more common among individuals and families. This point should not be all that surprising because assimilation required overcoming substantial hurdles. Acculturation is a selective process that does not require wholesale borrowing or any type of assimilation. The formation of a hybrid ethnic group necessitates extensive acculturation. However, it does not require a

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<sup>160</sup> For this point, see Barth, *Ethnic Groups and Boundaries*, 24-5.

comprehensive change in identity or political assimilation, which entails accepting another community's political institutions as authoritative and legitimate. Complete ethno-cultural assimilation obliges not only political assimilation, but acculturation extensive enough to produce a change in identity or allegiance as well, a change recognized not only by the assimilated group, but also by its parent group and the group into which it assimilated. An assimilated group may still retain aspects of its previous culture, but those aspects no longer dictate its identification.<sup>161</sup>

Second, the assimilation of entire groups took a long time to occur. Third, the relative rarity of large-scale ethno-religious assimilation stemmed from the fact that medieval communities seldom expected ethno-cultural assimilation, only occasionally instituted policies to promote it, and even permitted and encouraged ethno-religious groups to sustain their traditional lifeways. One reason why some medievalists may assume that assimilation should be a natural product of cultural contact is that most of these scholars come from areas such as the United States, Europe, and Australia where governmental policies and social pressures on immigrant groups to assimilate are considerable and where the expectation is that those groups should or will assimilate within a few generations.<sup>162</sup> Indeed, many acculturation studies often focus on immigrant populations in modern nation-states. As Marcello M. Suárez-Orozco states, scholars studying early twentieth-century European immigrant populations in the United States have traditionally portrayed acculturation as a teleological, progressive movement toward assimilation, whereby the immigrants relinquished their Old World values and integrated

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<sup>161</sup> Indeed, the Research Council argued that complete assimilation is rarely full realized. See Siegel, et al., "Acculturation," 988.

<sup>162</sup> For these points, see Suárez-Orozco, "Everything You Wanted to Know About Assimilation," 23-6 and Berry, "Acculturation," 549.

themselves loyally into the dominant society's white, Protestant, European framework and value system.<sup>163</sup> Fourth, the assimilation of entire ethno-religious communities in a border region typically occurred when one group was considerably isolated, when the degree of socio-cultural difference between the communities was relatively small, or when coercive and discriminatory pressures were significant enough to encourage assimilation. The first two factors were generally more effective than the third.

Finally, the medieval evidence severely limits our understanding of assimilation. The primary reason why I will focus on entire groups rather than individuals is not only because assimilation was a highly personal choice and an individual's identity was highly capricious, but also because we know very little about the vast majority of the individuals within the populations under examination, much less about how or why they situated their communal identities. Entire groups are easier to pinpoint, but studying them also has drawbacks, primarily because historians often identify assimilation when a community disappears from the historical record in a particular area. Yet contemporaries may simply have failed to mention them because they were politically or numerically insignificant. Furthermore, contemporaries could be wrong. For example, many historians have asserted that the Flemings of south Wales assimilated into the local Anglo-European populations and assumed an English identity, an argument bolstered by a contemporary observer who claimed that the Flemings had adopted English and abandoned their mother tongue. Recent research, however, has questioned this claim's veracity.<sup>164</sup>

The examples utilized in this section will focus on circumstances that could lead to assimilation. I will concentrate only on those situations that have some correlation to

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<sup>163</sup> Suárez-Orozco, "Everything You Wanted to Know About Assimilation," 23-6.

<sup>164</sup> See below, 208.

occurrences in the British Isles. The first situations we will look at involve some degree of coercion or discriminatory pressure. However, most of our discussions will center on communal isolation and the role of socio-cultural difference in assimilation because not only were they the most important factors in the British Isles, but because they were the most common factors in determining assimilation across Eurasia as well.

### ***Assimilation in the High-Medieval Border Regions***

Coercion was one way to induce assimilation, but we do not see it developing in the high-medieval border regions unless one community felt threatened by another's existence. In Ireland, for example, the English community passed legislation that required the Irish within the English-controlled lordship to learn English, though that legislation was probably ineffective.<sup>165</sup> The only consistent use of coercion to induce assimilation we find was in Christian Europe where papally sanctioned Crusades, missionary activities, forced conversions, and expulsions against non-Christians were utilized against religious minorities. While religious conversion by itself was not always sufficient to create ethnic assimilation, ethnic assimilation was nearly impossible in Islamic and Christian Eurasia without conversion.

These efforts had mixed results. Initial Crusades into the Levant had little success in converting Muslims, Jews, and Eastern Christians, though conversion was not the primary goal of these enterprises.<sup>166</sup> The Crusades against the Wends and Baltic stressed conversion to a much greater extent and were more successful. Many of the Slavic

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<sup>165</sup> *Irish Historical Documents, 1172-1922* (henceforth, *IHD*), Edmund Curtis and R.B. McDowell, eds. (New York: Barnes and Noble, 1968), no. 17, 53.

<sup>166</sup> According to Jill Claster, the Crusaders showed little interest in pursuing conversions of Muslims and Jews. Riley-Smith states that Franciscan and Dominican missions in the Levant had very modest success. See Jill N. Claster, *Sacred Violence: The European Crusades to the Middle East, 1095-1396* (Toronto: University of Toronto Press, 2009), 278-80; and Riley-Smith, *Crusades: A History*, 66-7.

communities east of the Elbe converted to Christianity. Some eventually assimilated with the German community, but most did not.<sup>167</sup> The Muslim population of Hungary disappeared by the fourteenth century under a series of highly restrictive laws.<sup>168</sup> Franciscan and Dominican missionary efforts and forced conversions among Jews created many converts in southern Italy, but large Jewish populations remained in Sicily and the mainland.<sup>169</sup> In Iberia, however, Franciscan and Dominican efforts met with little success.<sup>170</sup> The forced expulsions of Muslims and Jews did not occur in Iberia until much later, but they were already occurring in Sicily. In 1224, Frederick II ordered the first deportations of Sicily's Muslims to Lucera on the Italian mainland. The colony survived until Charles II of Anjou exiled many Muslims and sold the rest into slavery in 1300.<sup>171</sup>

Long before the expulsion of Muslim communities in Sicily transpired, the Sicilian Muslims also faced significant pressure from the *dhimma* system's discriminatory policies. While the *dhimma* system encouraged communal separation and autonomy, its discriminatory features could simultaneously promote conversion and partial assimilation. The only way to escape the impediments of second-class status was to adopt the dominant group's religion. Muslims interpreted the Qur'ānic declaration

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<sup>167</sup> This analysis derived from detailed discussions about the Crusades in the Wendish lands and the Baltic, missionary activities to the pagan peoples, and conversions to Christianity in the following sources: Christiansen, *Northern Crusades*, 50-137; Higounet, *Les Allemands*, 75-81; Urban, *Baltic Crusade*, *passim*; Iben Fonnesberg-Schmidt, *The Popes and the Baltic Crusades 1147-1254* (Leiden: Brill, 2007), *passim*; Tiina Kala, "The Incorporation of the Northern Baltic Lands into the Christian World," in *Crusade and Conversion on the Baltic Frontier*, 3-20; Marek Tamm, "A New World into Old Worlds: The Eastern Baltic Region and the Cultural Geography of Medieval Europe," in *Clash of Cultures on the Medieval Baltic Frontier*, 11-35; Eva Eihmane, "The Baltic Crusades: A Clash of Two Identities," in *idem*, 37-51; and Šnē in *idem*, 53-72.

<sup>168</sup> The Hungarian laws forced Muslims to live and intermarry with Christians, ignore some of their religious customs, and build churches in their villages. The laws also strictly forbade returning to Islam after conversion. See Berend, *At the Gate of Christendom*, 210-3 and 237.

<sup>169</sup> Houben, "Religious Toleration in the South Italian Peninsula during the Norman and Staufien Periods," 333-7 and Metcalfe, *Muslims and Christians in Norman Sicily*, 68-70.

<sup>170</sup> See Berend, *At the Gate of Christendom*, 237; Burns, *Muslims, Christians, and Jews in the Crusader Kingdom of Valencia*, 105-8; and Houben, "Religious Toleration in the South Italian Peninsula during the Norman and Staufien Periods," 336.

<sup>171</sup> For the colony's development and disbanding, see Metcalfe, *Muslims of Medieval Italy*, 285-94.



“there is no compulsion in religion” (2:256) to prohibit forced conversion among the *dhimmī* subjects.<sup>172</sup> Nevertheless, Muslim authors realized that the *dhimmīs* were likely to convert eventually. According to one Ḥanafī lawyer, “The *dhimmī* living among the Muslims sees the beauty of the Muslim faith and is exhorted to, and often does, accept Islam.”<sup>173</sup> Certainly, the beauty of the Muslim faith was even more apparent when it meant lesser taxes and social equality. Metcalfe states that Ibn Jubayr observed during his visit to Sicily in 1184-1185 that the island’s Muslims resided in a “state of humiliation, oppression and wretchedness under the pact of the *dhimma*.”<sup>174</sup> By the 1180s, the Muslim community was increasingly polarized between converts, pseudo-converts, collaborators, and Muslim factions that defied Christianization. Ibn Jubayr (1145-c. 1217) reported that Muslim family units were dissolving under apostasy and pressures to convert.<sup>175</sup> Metcalfe argues that accurately assessing the extent of Christianization among Sicily’s Muslim communities is difficult because of the nature of the contemporary evidence, the Arabization of much of the Christian population, and the fact that many families had dual religious affiliations. The contemporary evidence indicates that the benefits and incentives to convert were undoubtedly straining the Muslim population, but mass conversions had not occurred before the deportations to Lucera in the thirteenth century.<sup>176</sup> Overall, discriminatory and coercive pressures show modest success at least in reducing barriers to full assimilation. Unfortunately, we lack sufficient knowledge in many instances to assess whether conversion led to ethnic assimilation or to understand into what ethnic community the assimilation occurred.

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<sup>172</sup> Crone, *God’s Rule*, 373.

<sup>173</sup> *Ibid.*, 372.

<sup>174</sup> Metcalfe, *Muslims of Medieval Italy*, 215.

<sup>175</sup> *Ibid.*

<sup>176</sup> *Ibid.*, 221-7.

Communal isolation seems to have been much more effective in inducing assimilation than coercive pressure. A good example comes from the Jurchens' experience in north China, an example that also demonstrates that the politically dominant group could face greater assimilative pressures than the politically subordinate entity. The Jurchens were a semi-sedentary Manchurian people who conquered northern China from the Turko-Mongolic Khitans in 1115.<sup>177</sup> The Jin dynasty initially developed a dual-administrative apparatus patterned on their Khitan predecessors and former overlords. At first, the Jurchen adopted the Khitan system almost wholesale, with either the Bureau of Military Affairs or the Department of State Affairs supervising the Chinese population and the Jurchens and other tribal groups under their own officers.<sup>178</sup> Like the Liao system, the early Jurchen administration granted each community considerable autonomy under its own officers, laws, and customs. In essence, there were two separate states with the same military overlord.

However, the Jurchens quickly found the dual-administrative system difficult to maintain. While the Khitans only ruled a small part of northern China (extending to modern Beijing), the Jurchen Empire stretched beyond the Yellow River and included a much larger Chinese population.<sup>179</sup> The Khitans' dual-administrative model was much easier to implement because the Inner Eurasian tribal peoples and the Chinese lived in separate areas. Hence, the Liao were able to build a steppe-dominated empire that absorbed the tribal peoples and placed the sedentary Chinese in a subordinate role. Mote

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<sup>177</sup> Appendix, 498-9 and 517-8.

<sup>178</sup> Hoyt Cleveland Tillman, "An Overview of Chin History and Institutions," in *China under Jurchen Rule*, Hoyt Cleveland Tillman and Stephen H. West, eds. (Albany, NY: State University of New York Press, 1995), 28. Like the Khitans, the Chinese administrative under the early Jin was modeled on the Tang. See Franke, "The Chin Dynasty," 267.

<sup>179</sup> The Liao dynasty's Chinese territory was called the Sixteen Prefectures. See Mote, *Imperial China*, 89. By the late twelfth century, the Chinese numbered roughly 30 million. The Jurchen were perhaps 2-3 million. See *idem*, 228.

argues that if the Jurchens had followed the Liao model, they could have strengthened their Manchurian homeland and the vast Chinese population might have constituted little threat to their cultural survival.

However, the Jurchens became concerned about their position in North China and commenced the Great Migration, which entailed the relocation of roughly three million Jurchen and Inner Eurasian tribal groupings.<sup>180</sup> The migration placed the Jurchens into the heart of the Chinese population centers and severely hampered the practicality of dual-administration. They tried to maintain physical separation in fortresses and camps within the Chinese villages, but gradually merged with the Chinese majority.<sup>181</sup> Faced with communal isolation, physical, administrative, socio-economic, and personal barriers began crumbling. The Jurchens rapidly adopted centralized Chinese governmental models and the Jurchen population completely sedentarized.<sup>182</sup> These developments exacerbated communal isolation by lessening the degree of socio-cultural distance. Jurchen and Chinese intermarriage accelerated and was already substantial before the formal prohibition ended in 1191. By the end of the Jin dynasty, the adoption of Chinese surnames among the Jurchen was prominent and every Jurchen surname had also

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<sup>180</sup> Ibid., 228-9.

<sup>181</sup> Franke, "The Chin Dynasty," 279-81; and Tao, Jing-shen, *The Jurchen in Twelfth-Century China: A Study of Sinicization* (Seattle: University of Washington Press, 1977), 47.

<sup>182</sup> After 1145 the Jurchens created a "farmer-soldier" institution. See Tao, 47. As Mote points out, the development was more palatable to the semi-sedentary Jurchen than the nomadic Khitans or Mongols who would have found such a practice abhorrent. Indeed, Mote notes that many Mongol warriors had also acquired appanages containing Chinese farming villages. However, the Mongols never took to farming. They either employed Chinese slaves or quickly sold the land for the revenues. See Mote, *Imperial China*, 481. The Mongols tried to maintain their steppe traditions as much as possible. Long into the fourteenth century, Mongol rulers and their families often chose to live in tents (placed in imported steppe grass) in the imperial parks rather than in the palaces. See Elizabeth Endicott-West, "The Yüan Government and Society," in *Cambridge History of China: Alien Regimes and Border States*, 609.

acquired a Chinese counterpart.<sup>183</sup> After the Great Migration, many Jurchens became bilingual and then abandoned their native tongue.<sup>184</sup>

The Jurchen rulers responded to growing assimilation with a series of laws designed to protect their culture and ensure their political and military superiority. They largely achieved the latter goal, but not the former.<sup>185</sup> By the end of Emperor Shizong's reign (r. 1161-1189), attempts to promote hunting and preserve the Jurchen language had foundered. Indeed, despite his desire to restore Jurchen culture, Shizong actually promoted Chinese customs and continued the Jurchen government's Sinicization.<sup>186</sup> His successor, the emperor Zhangzong (r. 1189-1208), tried similar policies, but also failed. Indeed, Zhangzong attempted to secure the Jin's position as a legitimate Chinese dynasty.<sup>187</sup> Nevertheless, the Jurchens' assimilation was a long process. Under Qubilai Khan, the Mongols still listed the Jurchens as among the peoples of North China they referred to as "Han."<sup>188</sup> However, the Jurchens slowly ceased being a distinguishable cultural and ethnic group in China.<sup>189</sup>

Other cases across Eurasia also point to communal isolation being a major dynamic in determining whether groups would assimilate. Furthermore, the degree of socio-cultural difference seems to have been a crucial aspect as well. The Jurchen population's complete sedentarization was undoubtedly a key factor in allowing their

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<sup>183</sup> Tao, *Jurchen in Twelfth-Century China*, 95-6 and 98.

<sup>184</sup> Mote, *Imperial China*, 229.

<sup>185</sup> Tao notes that contemporaries observed that the Chinese accounted for only 40% of the bureaucracy and the Jurchens made all the important military and governmental decisions. See Tao, *Jurchen in Twelfth-Century China*, 92-3.

<sup>186</sup> Tao, *Jurchen in Twelfth-Century China*, 79-83.

<sup>187</sup> Ibid., 85-6.

<sup>188</sup> Mote, *Imperial China*, 490. "Han" is normally a designation for an ethnic Chinese. However, the Mongols divided the population of China into four categories, of which the "Han" were third in status. In the Mongol system, the "Han" encompassed the ethnic groups of North China and Manchuria.

<sup>189</sup> Tao, *Jurchen in Twelfth-Century China*, 111.

assimilation. The assimilation of Frankish populations in Iberia and among the *Latini* in Hungary also indicate that communal isolation combined with small degrees of socio-cultural difference in lifeways could result in assimilation.<sup>190</sup> As we have mentioned previously, both the Frankish populations in Iberia and the *Latini* received considerable juridical autonomy and the Franks often lived separately from other ethno-religious groups. Yet the terms “Frank” and *Latini* were general legal appellations to designate various groups with certain common characteristics. It is doubtful, therefore, that the Frankish and *Latini* groups themselves felt the same degree of communal solidarity that their legal designations implied, which placed them under greater assimilative pressures than other groups that had both communal cohesion and legal autonomy.

The Mongols’ assimilation into the local Turkic populations, however, also shows a strong relationship between assimilation, communal isolation, and socio-cultural distance. The Mongols remained as separate from their sedentary subjects as possible. In China, the Mongol rulers even went so far as to dwell in tents in the imperial parks rather than the palaces. The tents contained grass imported from the steppes.<sup>191</sup> Yet the Mongols frequently assimilated into the local semi-nomadic Turkic groups despite the fact that the Mongols were politically dominant. In the Pontic Steppes, for instance, the Mamlūk historian al-‘Umarī (d. 1348-1349) stated that although the Mongols had subjugated the Qipchaqs, intermarriage had made the Mongols “like the Qipchaq, as if they were of one stock.”<sup>192</sup> The Mongols had secured the Pontic Steppes by 1240. They sold many

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<sup>190</sup> For Frankish assimilation in Iberia, see Glick, *Islamic and Christian Spain in the Early Middle Ages*, 217-8. According to Berend, the *Latini* assimilated into either the Hungarian or German populations. See “Immigrants and Locals in Medieval Hungary,” 313.

<sup>191</sup> Elizabeth Endicott-West, “The Yüan Government and Society,” in *Cambridge History of China: Alien Regimes and Border States*, 609.

<sup>192</sup> See Golden, “Migrations, Ethnogenesis,” in *The Cambridge History of Inner Asia: The Chinggisid Age*, Nicola Di Cosmo, et al., eds. (Cambridge: Cambridge University Press, 2009), 114.

Qipchaqs into slavery, drove off others, and distributed the rest among the Mongol military units.<sup>193</sup> However, Qipchaqs remained the dominant ethnic element in the region and the Mongols never erected serious barriers between them, even if they initially forced the Qipchaqs to cut their hair in the Mongol fashion.<sup>194</sup> The number of Mongols in the conquered regions was very small. Donald Ostrowski, for example, estimates that only 4,000 “genuine” Mongols had entered the Qipchaq steppes, a situation mirroring other parts of Central and Inner Eurasia where most of the “Mongol” armies were actually Inner Eurasian Turkic groups.<sup>195</sup> In Iran, as well, most of the Mongols were actually Turks and once the Mongols accepted Islam, they rapidly assimilated into the Turkic populations.<sup>196</sup> The Mongols’ small numbers, communal isolation, dependence on the

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<sup>193</sup> Ibid., 112.

<sup>194</sup> Ibid.

<sup>195</sup> Donald Ostrowski, *Muscovy and the Mongols*, 32; and Golden, *Introduction to the History of the Turkic Peoples*, 292.

<sup>196</sup> Indeed, the Mongols’ adoption of local religious practices shows that their acculturation or assimilation to the local semi-nomadic groups was more substantial than with the sedentary populations. The religious debates that William of Rubruck recorded into the mid thirteenth century never spurred any Mongol conversions. See Peter Jackson, *The Mongols and the West, 1221-1410* (New York: Longman, 2005), 274-5. For more on these debates and Mongol religious policies, see Richard Foltz, “Ecumenical Mischief under the Mongols,” *Central Asiatic Journal* 43 (1999): 42-69. As Peter Jackson points out, the Mongols’ “tolerance” for their sedentary subjects’ religious traditions mostly resulted from political calculations. See Peter Jackson, “The Mongols and the Faith of the Conquered,” in *Mongols, Turks, and Others: Eurasian Nomads and the Sedentary World*, Reuven Amitai and Michal Biran, eds. (Leiden: Brill, 2005), 277. However, Christopher Beckwith argues that the reason the Mongol rulers of China adopted Tibetan Buddhism was because the Tibetan concept of *dharmaraja* provided the legitimation of Mongol rule and Tibetan Buddhism was more similar to the Mongols’ shamanistic traditions (see Christopher Beckwith, *Empires of the Silk Road: A History of Central Eurasia from the Bronze Age to the Present* [Princeton: Princeton University Press, 2009], 194). Devin DeWeese asserts that commercial connections with Khwārazm and the Near East may have stimulated the Mongols’ conversion, but he also points out that Islam already had a strong historical presence among the nomadic groups in the region, including in the former Khazar and Volga Bulgar states and among some Pecheneg elements (see Devin A. DeWeese, *Islamization and Native Religion in the Golden Horde* [University Park, PA: Penn State University Press, 1994], 74-83. Much of DeWeese’s discussion in these pages concerns Islamic conversion narratives among the Bulgars and Pechenegs, but he connects it nicely to the historical milieu in which the Mongols executed their conversion to Islam. For the varied religious practices among the Pecheneg confederation, see Golden, *Introduction to the History of the Turkic Peoples*, 268-9). The Mongols were particularly attracted to the mystical Sūfī form of Islam and the magical talents of the Sūfī shaykhs, whose charisma and supernatural flairs would have resembled the shamans. Indeed, the Mongol khan Ghazan’s spiritual teacher was the Sūfī shaykh Ṣadr al-Dīn. According to Jackson, his influence on Ghazan and the Mongols stemmed in large measure from the work of his father, Sa’d al-Dīn Muḥammad, who was well known for experiencing

local Turkic populations, and their socio-cultural precluded any serious attempt to erect structures that would preserve their uniqueness.

### **Ethnic Hybridization**

Perpetuated pluralism and assimilation were not the only possible outcomes in a contact situation. In some border regions we also find ethnic hybridization. Ethnic hybridization is the result of socio-cultural processes that make a large community distinct from its parent group and yet do not result in full assimilation with another group. As with assimilation, hybridization typically occurs among individuals and families. The development of a hybrid ethnic group is a much rarer phenomenon because it requires the hybridization of a much larger population. There are four factors that typically engender and signal hybridization: high degrees of intermarriage, extensive socio-cultural borrowing with another group, a continued attachment to the parent group despite growing cultural distance, and recognition of its distinctiveness by other groups. The best examples of hybrid ethnic groups appear in the British Isles. The Norse of the western Scottish seaboard and portions of the English communities of Ireland both intermarried heavily with the local Gaelic populations and acculturated so extensively that contemporaries believed they had diverged substantially from their parent group. Nevertheless, those groups retained strong bonds with their parent community and heritage and the Gaelic populations did not accept them as ethnic compatriots. Hence, while acculturation had made these Gaelic-Norse and Anglo-Irish communities distinct

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mystical trances. See Jackson, "The Mongols and the Faith of the Conquered," 277. See also see David Morgan, *Medieval Persia, 1040-1797* (New York: Longman, 1988), 72-5.

entities in many respects, acculturation had not been substantial enough to lead to assimilation.<sup>197</sup>

Although we find identifiable hybrid groups elsewhere in Eurasia, the conclusions we can reach about them are as tentative as they are as enticing due to a lack of concrete evidence. Indeed, we cannot discuss the Hazāras of Afghanistan or the Qarā'ūna Turks because the current historiographical arguments about their ethnogenesis and cultural features are too speculative.<sup>198</sup> The Mozarabs of Iberia offer more opportunity to explore hybridization, but even here we encounter challenges. The term “Mozarab” was a rendering of the Arabic term *musta'rib* or *musta'rab*, which mean “to make someone similar to the Arabs” or “having assimilated Arab customs.”<sup>199</sup> The Mozarabs formed substantial Christian minorities in large cities such as Córdoba and Toledo and also in rural districts.<sup>200</sup> Mozarabs are first referred to in Latin documents in early eleventh-century León, but the term is used much more frequently after Alfonso VI's conquest of Toledo in 1085. Alfonso and his successors called them *christianos muzaraves* and designated them as a separate Christian community from the Castilians because of their Arabization. Generally, the term referred to native Hispano-Gothic Christians who had lived in al-Andalus and, therefore, had acclimatized to Islamo-Arabic culture to some extent. In the thirteenth century the archbishop of Toledo stated that the Mozarabs were a

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<sup>197</sup> See below, 215-22 and 416-33.

<sup>198</sup> For the Hazāra Mongols of Afghanistan, see H.F. Schurmann, *The Mongols of Afghanistan: An Ethnography of the Moghōls and Related Peoples of Afghanistan* (The Hague: Mouton, 1962), 111 and 117-9; and Elizabeth E. Bacon, “An Inquiry into the History of Hazara Mongols of Afghanistan,” *Southwestern Journal of Anthropology* 7 (1951): 230-47. For the Qarā'ūna Turks of the northern subcontinent, Khūrāsān, and Transoxania, see Jean Aubin, “L'ethnogenèse des Qaraunas” *Turcica* 1 (1969): 65-94.

<sup>199</sup> Hitchcock, *Mozarabs in Medieval and Early Modern Spain*, ix.

<sup>200</sup> Glick, *Islamic and Christian Spain in the Early Middle Ages*, 197. Ian Michael asserts that Mozarabs constituted 38% of Toledo's population. See Michael, “From the Belles of St Clement's to the Book of Good Love,” 278.



people (*genus*) who were *mixti arabes* because they lived among the Arabs (*eo quod mixti Arabibus convivebant*).<sup>201</sup>

The extent of the Mozarabs' Arabization is still under debate. Glick argues, for instance, that the indigenous Christian population had become monolingual Arab speakers by the time Toledo fell to Christian forces.<sup>202</sup> Ian Michael, however, contends that many Mozarabs also used Romance and the learned elite still used Latin.<sup>203</sup> Indeed, Bartlett cites an early twelfth-century document showing two Mozarabs expressing their names in both Romance and Arabic.<sup>204</sup> Whether the Mozarabs Arabized simply due to the prevailing cultural norms in al-Andalus or whether Arabization was also a product of intermarriage with Arabs is difficult to determine. Historians generally do not mention intermarriage as a possible source of acculturation to Arab customs because the implication is that since Muslim women were forbidden from marrying Christian men, the marriage of Christian women to Muslim men would result in their or their children's Islamization. Yet Metcalfe mentions a tenth-century Muslim author stating that Muslim men often married Christian women in Sicily and the daughters of those marriages remained Christians.<sup>205</sup>

The Mozarabs underwent ethnic hybridization that had religious dimensions, something entirely absent among the hybrid ethnic groups in the British Isles. They were the descendants of the Hispano-Gothic Christians who had lived under Muslim rule. They never became Muslims despite their Arabization. Although the Hispano-Gothic rite of Latin Christianity that the Mozarabs practiced was a distinctive cultural feature, it was

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<sup>201</sup> Hitchcock, *Mozarabs in Medieval and Early Modern Spain*, xix-xx.

<sup>202</sup> Glick, *Islamic and Christian Spain in the Early Middle Ages*, 199.

<sup>203</sup> Michael, "From the Belles of St Clement's to the Book of Good Love," 285-6.

<sup>204</sup> Bartlett, *Making of Europe*, 201.

<sup>205</sup> Metcalfe, *Muslims and Christians in Norman Sicily*, 15-7.

not what made them *musta 'rib* to the other Christian communities.<sup>206</sup> According to Hitchcock, twelfth-century charters granting privileges to the Mozarabs do not mention their unique liturgy and Hitchcock questions whether it was a principle of their identity at all.<sup>207</sup> Religious communities in Islamic and Christian Eurasia did not recognize religious hybridization, only deviation, heresy, and apostasy. One could not be a little bit Muslim and a little bit Christian. Nonetheless, the Mozarabs' Arabization could arouse negative connotations among their fellow Latin Christians. The archbishop of Toledo's use of the term *mixti arabi* was not intended to be flattering. It suggested communal and perhaps religious corruption. A similar sentiment was also evident in the ninth century when Christian chroniclers at Córdoba witnessed fellow Christians undergoing Arabization. Those chroniclers feared that Arabized Christians would lose their Hispano-Gothic ethnic identity and their religion. To these authors, being Hispano-Gothic was intimately tied to being Christian and being Arab was directly associated with being Muslim.<sup>208</sup> It seems also that Muslims in Iberia made a direct association between ethnicity and religion. They never recognized the Mozarabs as Arabs, either fully or partially. Rather, the term *musta 'riba* and its equivalents were reserved for Muslims.

The principal challenge to understanding Mozarabic identity is the lack of explicit written material about what the Mozarabs considered the key elements in their identity. We know that the Mozarabs considered themselves a distinct community and we know that other Christian groups considered them distinct as well. We also know from early medieval texts that Mozarabs identified strongly with their Hispano-Gothic heritage. We mentioned the ninth-century Córdoba authors above, but Eduardo Manzano Moreno

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<sup>206</sup> It is also called the "Visigothic" rite.

<sup>207</sup> Hitchcock, *Mozarabs in Medieval and Early Modern Spain*, 84-6.

<sup>208</sup> Charles L. Tieszen, *Christian Identity amid Islam in Medieval Spain* (Leiden: Brill, 2013), 107-12.

asserts that tenth-century Mozarabic chroniclers at the court of Alfonso III of Asturias (r. 866-910) advocated the idea of a “Reconquista” to reclaim the Gothic legacy that the Arab intruders had stolen in the early eighth century.<sup>209</sup> Yet how the Mozarabs reconciled their Arabization with their Gothic heritage is a more elusive subject. Charles L. Tieszen, however, has demonstrated that the Mozarabs used an interesting acculturative strategy to protect a key part of their heritage, prevent full assimilation into the Arab Muslim community, and avoid becoming “Neo-Muslims” (*muwalladūn*). According to Tieszen, the Mozarabs utilized their knowledge of Arabic sources, including the Qurʾān and the Islamic apologetic tradition of *kalām*, to reaffirm the validity of the Christian tradition, distinguish themselves from Muslims, and defend themselves against Muslim criticisms of Christianity.<sup>210</sup> Indeed, being Christian was the Mozarabs’ final connection to their Gothic past and the final barrier between being “similar to the Arabs” and simply being Arabs to other Christian communities.

## Conclusions

This chapter has produced four general conclusions. First, the disappearance of entire ethno-religious communities in the high-medieval border regions of Eurasia was relatively rare. Ethno-religious communities found ways to perpetuate their socio-cultural differences and retain their communal identities while undergoing cultural change in a contact situation. Second, ethno-religious groups utilized formal and informal

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<sup>209</sup> Eduardo Manzano Moreno, “Christian-Muslim Frontier in Al-Andalus: Idea and Reality,” in *The Arab Influence in Medieval Europe*, Dionisius A. Agius and Richard Hitchcock, eds. (Reading: Ithaca Press, 1994), 85-7. Alfonso III was also king of León and Galicia.

<sup>210</sup> Tieszen, *Christian Identity amid Islam in Medieval Spain*, 224-36. For another discussion on the Mozarabs’ use of *kalām*, see Thomas E. Burman, “Christian *Kalām* in Twelfth-Century Mozarabic Apologetic in Spain,” in *Iberia and the Mediterranean World of the Middle Ages, I: Studies in Honor of Robert I. Burns S.J.*, Larry J. Simon, ed. (Leiden: Brill, 1995), 38-49.

mechanisms to perpetuate difference, demonstrated consistent abilities to absorb and modify foreign cultural elements to suit their socio-cultural norms and reaffirm their identities, and adjusted their ethno-cultural outlooks to preserve their distinctions. It was these formal and informal mechanisms and acculturative strategies that combined to lead to the situation that I termed “perpetuated pluralism.” Third, the mechanisms and strategies that upheld difference were sometimes simply insufficient to ward off assimilation, especially in cases where groups were physically isolated and where the degrees of socio-cultural difference were too minimal to maintain sufficient distinction with another community. Finally, perpetuated pluralism and assimilation were not the only possible outcomes of ethnic contact. Communities could also experience hybridization, through which deep acculturation could produce a group quite distinct from its parent group but without full assimilation into another.

This chapter has outlined the basic features of contact situations and their acculturative outcomes across high-medieval Eurasia, paying exclusive attention to regions where there were substantial settlement processes. Our discussions of the basic features and outcomes of contact situations across Eurasia will provide points of comparison and contrast to Wales and other regions in the British Isles in the next chapter and in other chapters throughout this study. However, although we have examined situations and outcomes in considerable detail, fully understanding acculturative change within ethnic constructs requires a deeply contextualized case study, which our study of Wales will undertake. This chapter has begun the process of contextualization. The next chapter will situate Wales within its immediate environment by analyzing contact situations and outcomes across the high-medieval British Isles.

### Chapter 3: Settlement, Ethnic Communities, and Cultural Change in the Border Regions of the British Isles, c. 1100-1350 CE

Historians have consistently linked ethnic interactions in Wales to larger themes about ethnic contact in the Middle Ages. Indeed, modern historians of the British Isles have often characterized the high-medieval period as an era when a relentless, “modern,” and feudal society imposed its physical and cultural will on the “Celtic,” “conservative,” and “anti-feudal” societies of Wales, Scotland, and Ireland. Hence, eminent historians have argued that the Anglo-European settlers were conscious that they were creating a “more modern world” in their newly won lands and often characterized revolts against this new order (such as that of Somerled of Argyll in 1164) as “conservative” reactions to innovation.<sup>1</sup> Doubtless, these characterizations have their counterparts in contemporary sources. Doubtless as well, these characterizations are far more palatable to modern sensibilities than those of nineteenth and early twentieth-century scholars such as Goddard Orpen. Orpen had argued that Ireland was still in a “tribal state” upon the Anglo-Europeans’ arrival around 1169, in part because the Irish had never experienced the influence of a “race more advanced than herself,” which rendered subjection to a more modern society “inevitable.”<sup>2</sup> In addition, acculturation theorists have long recognized that different elements in any society are more open to foreign influences than

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<sup>1</sup> Davies, *First English Empire*, 148. For the analysis of Somerled’s rebellion against the Scottish crown and his invasion of Scotland with a massive Hiberno-Norse fleet from Argyll, Kintyre, the Hebrides, and Dublin, see G.W.S. Barrow, *Kingship and Unity: Scotland 1000-1306* (Edinburgh: Edinburgh University Press, 1981), 48 and R. Andrew McDonald, *The Kingdom of the Isles: Scotland’s Western Seaboard, c. 1100- c. 1336* (East Linton, Scotland: Tuckwell Press, 1997), 65-6. McDonald’s study contains an interesting and thorough analysis of Somerled’s regal titles and possible motivations for his challenge to the Canmore kings between pages 58 and 67, though I disagree with his conclusion that it was mainly an anti-feudal reaction.

<sup>2</sup> Goddard Henry Orpen, *Ireland under the Normans 1169-1216*. 4 vols. (Oxford: Clarendon Press, 1911), 1: 20 and 104-5.

others.<sup>3</sup> Hence, when Rees Davies argued that the court poetry emanating from the Welsh principalities remained “rigidly conservative,” his analysis accurately reflects the wishes of a particular social group to maintain its long-cherished traditions.<sup>4</sup>

While one might argue that the modern historical critique has changed more in tone than in substance, important trends over the past thirty years have widened the historical field of inquiry and provided more cultural balance. Davies expertly situated Welsh experiences within their larger pan-European context in *The Age of Conquest*. Robin Frame’s *The Political Development of the British Isles 1100-1400* demonstrated the interconnected political changes that took place in the period. Frame’s study and subsequent works such as Davies’ *The First English Empire* not only helped inaugurate an emphasis on historical research that was geographically wide, but also stressed the intricate political, social, and cultural relationships that existed throughout the British Isles. This historical lens has gradually replaced the traditional “four-nations” approach and has greatly influenced the research methods and analysis contained in this study. A broader historical view has further contributed to a much more nuanced understanding of cross-cultural influences. Indeed, while many scholars have continued to stress the “conservative” nature of Wales, Scotland, and Ireland, many have also recognized that cultural influence was not one-sided, that native change was not always the product of alien influence, and that our historical sources often portray stagnation when great changes were in fact occurring. In *The Age of Conquest* Davies remarked often on the

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<sup>3</sup> See Siegel, et al., “Acculturation,” 986. Siegel and his co-contributors argued that there were “progressive” and “conservative” elements in any society, which tended to create factional struggles. These struggles not only influence the degree of receptivity to foreign influence, but also help mold the receiving society in a contact situation. While much of the argument here is sound, the discourse of “progressive” and “conservative” factions is indicative of the fact that many acculturationist studies examined cases of European colonial domination in the modern era, tended to equate military and political superiority with cultural dominance, and tended to assume one culture’s inherent superiority over another.

<sup>4</sup> R.R. Davies, *The Age of Conquest: Wales, 1063-1415* (Oxford: Oxford University Press, 1987), 104.

conservative nature of Welsh society, but also astutely argued that medieval and modern historians' tendency to divide the experiences of the Marcher lordships (the *Marchia Wallie*) from the Welsh principalities (the *Pura Wallia*) has often obscured the significant adjustments transpiring in Welsh society.<sup>5</sup> Huw Pryce argues that native Welsh princes, like other European rulers, desired to increase their military and economic power. These imperatives led them to adopt techniques and strategies that were becoming common throughout Europe. Therefore, changes in governance and military techniques did not solely stem from Anglo-French stimulus, but also derived from a complex interplay of foreign and indigenous influences.<sup>6</sup>

Indeed, Pryce's article and analytical view reflects a trend among scholars that owes to the greater focus on cultural exchange among all regions of the British Isles. Pryce's article utilizes many techniques common to acculturation studies, such as seeking to understand how native values and institutions influenced the adoption or rejection of alien cultural wares. As Cynthia Neville rightly attests, even scholars who have adopted the "new" British history still tend to emphasize the processes of an imposed "Anglicization," "Normanization," or "Europeanization" on the Cymric-Brythonic and Gaelic populations of the British Isles.<sup>7</sup> Nevertheless, her study on the Gaelic lords of Strathearn and Lennox, Richard Oram's study of Galloway, and Dauvit Broun's analyses on the complex interplay of Anglo-French, Irish, and Scottish Gaelic influences in shaping medieval identities in Scotland have all reacted against the "modernizing vs.

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<sup>5</sup> Ibid., 171.

<sup>6</sup> Huw Pryce, "Welsh Rulers and European Change, c. 1100-1282," in *Power and Identity in the Middle Ages*, 50.

<sup>7</sup> Cynthia J. Neville, *Native Lordship in Medieval Scotland: The Earldoms of Strathearn and Lennox, c. 1140-1365* (Dublin: Four Courts Press, 2005), 4-5.

conservative” discourse and have similarly utilized techniques common to acculturation studies.<sup>8</sup>

These studies have had a tremendous influence on the theoretical and analytical approaches and viewpoints that I have adopted. I will consciously avoid trying to refute traditional analyses emphasizing an alien modernizing cultural push against a native conservative cultural wall. However, I will also avoid creating a cultural balance sheet detailing who endowed what to whom, or to “even the score” so-to-speak and highlight native achievements in the light of medieval and modern historiographical biases. Portraying the interactions between native and settlers societies in the British Isles within a conservative/anti-feudal vs. modern paradigm is clearly unhelpful and tends to portray one society as a beacon of enlightenment and progress and the other a static society dragged kicking and screaming into modernity. We also risk going too far in the other direction, however, in portraying the native society as misunderstood, more advanced than we think (or happily living in a romantic age), and hopelessly oppressed by its more powerful neighbor(s). These twin perspectives force analysis that reflects modern viewpoints much more than medieval realities. In fact, both perspectives speak the same language of the colonial legacy that we all hope to abandon, just on opposite sides.

This chapter has two purposes. First, it intends to delineate and differentiate the processes of settlement, the mental perceptions that conceptualized ethnic communities and influenced ethnic contact, the erection and negotiation of socio-cultural structures

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<sup>8</sup> See Richard D. Oram and Geoffrey P. Stell, eds. *Galloway: Land and Lordship* (Edinburgh: Scottish Society for Northern Studies, 1991); some of Broun’s works include “Defining Scotland and the Scots before the Wars of Independence,” in *Image and Identity: The Making and Re-making of Scotland through the Ages*, Dauvit Broun, et. al., eds. (Edinburgh: John Donald, 1998); “Anglo-French Acculturation and the Irish Element in Scottish Identity,” in *Britain and Ireland: Insular Responses to Medieval European Change, 900-1300*, Brendan Smith, ed. (Cambridge: Cambridge University Press, 1999); and Dauvit Broun, *The Irish Identity of the Kingdom of the Scots in the Twelfth and Thirteenth Centuries* (Woodbridge, England: Boydell Press, 1999).



and barriers that shaped the structure of ethnic contact, and the processes of acculturation, assimilation, and hybridization that occurred in Wales and the British Isles as a whole.

Although the structure of this discussion is broadly consistent with the previous chapter, I will spend much more time detailing the settlement processes and analyzing the importance of mental perceptions. Second, I intend to establish the background and framework for the Welsh case study's three chapters by situating Wales within its immediate historical environment. The final two chapters of this study will compare the acculturative experiences in Wales with Scotland, Ireland, and the rest of Eurasia. Hence, although we will discuss some aspects of acculturation in this chapter, we will focus more on the major phenomena that shaped ethnic contact in the British Isles. The key subjects of our acculturative study for Wales, namely language, law, and social organization, will have their own chapters and will only be briefly touched upon here.

The key arguments in this chapter are as follows. First, "perpetuated pluralism" was the most common acculturative situation between the native and settler communities throughout the borderlands of the British Isles. As we noted in the previous chapter, perpetuated pluralism entails an acculturative outcome in which an ethno-religious community maintains an essential sense of difference while experiencing cultural change.<sup>9</sup> However, the manifestations of perpetuated pluralism and the circumstances in which it arose varied considerably in each region. Perpetuated pluralism was partly the product of settlement processes that allowed settler groups to establish themselves in Wales, Ireland, and Scotland, but did not allow them to usurp native political entities entirely or impose their dominance consistently. In addition, intercommunal violence, mental perceptions of socio-cultural differences, the medieval communities' desire to live

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<sup>9</sup> See above, 61-2.

separately and allow another community to retain its cultural and sometimes political autonomy, and the erection of formal and informal barriers to cultural contact hardened communal loyalties and identities and encouraged communal separation and autonomy. Second, the preceding situations limited assimilation among the settler and native communities, though certainly did not preclude it. Finally, however, despite perceptions of large socio-cultural differences and formal and informal barriers to ethnic contact, acculturation was so extensive in some instances that we see the formation of hybrid ethnic groups.

Accordingly, this chapter is divided into four sections. The first section will provide a general overview of the ethnic diversity and political circumstances found in Britain and Ireland before settlers began pushing into England, Wales, Scotland, and Ireland. The second section examines the settlement processes. The third will focus on the role of perceptions in shaping communal identities and how those identities influenced the process and structures of ethnic contact. Finally, we will examine the formal and informal structures of ethnic contact themselves and the processes of assimilation, hybridization, and acculturation in the British Isles.

### **Britain and Ireland in the Eleventh and Twelfth Centuries**

Although the British Isles sat at the very northwestern edge of the Eurasian landmass, the Isles' geographical position contributed to its ethnic and cultural complexity in the high-medieval period. Anglo-Saxon, Scandinavian, and Norman-French invasions brought peoples from all across Europe into contact with Gaelic, Cymric-Brythonic (Welsh), and Pictish groups already resident in the region. By 1100, Norman-French and Flemish settlers established themselves throughout England and

Wales. Those groups, along with English and other European elements, arrived in Scotland and Ireland during the twelfth century. In England, French and Flemish settlers intermixed with the majority English population, in addition to Cymric-Brythonic elements in the west and north. Anglo-Scandinavian, Gaelic, and Gallovidian traditions were also strong in the north. Southern Scotland was ethnically and culturally similar to northern England, but its western seaboard and north-east Caithness were home to an ethnically mixed Gaelic-Norse community. North of the Firth of Forth and the River Clyde, Gaelic elements predominated, but other groups resided there as well. Ireland and Wales were a bit more ethnically homogenous. There was a large Gaelic-Norse population in Ireland from Dublin south to Wexford. Anglo-Saxon populations also existed in Wales. The ethnic composition of Ireland and Wales, however, became much more complex when Anglo-European settlers arrived.

Throughout the medieval period, conquest and plunder primarily triggered settlement processes in the British Isles and the Scandinavian and Norman invasions tied the Isles more closely to mainland Europe, politically, economically, and culturally. Beginning in the late eighth century and continuing into the twelfth, Scandinavian and Norman-French and Flemish settlers established themselves throughout England, Scotland, Wales, and Ireland. Indeed, with the Norman Conquest of England in 1066 and subsequent Anglo-European settlement throughout the British Isles, England and parts of Wales and Ireland were incorporated into a vast cross-channel polity that included much of modern France by the end of the twelfth century. The Scottish crown invited many Anglo-European settlers into its kingdom as well. The Norman Conquest and Anglo-European settlement in Ireland, Wales, and Scotland helped tie the Isles more closely to

the major trade networks in mainland Europe, which supplemented and enhanced thriving commercial activity in the Irish Sea and North Sea zones.

The Norman Conquest of England created a large, wealthy, and powerful cross-channel polity that only grew larger, wealthier, and more powerful when Henry II (r. 1154-1189) acquired the English throne. Henry II's empire (referred to as the "Angevin Empire") included England, much of France, and parts of Wales and Ireland. From 1174 to his death, Henry II was also the Scottish king's overlord. The Angevin polity did not last long, but the English kings continued to dominate their neighbors in the Isles. Compared to England, the polities that existed in Scotland, Wales, and Ireland were smaller, poorer, and far more unstable. By the end of the thirteenth century, the Scottish monarchy asserted full control over its kingdom after an arduous struggle against regional lords who were quasi-independent or owed allegiance to the Norwegian crown. Wales was home to numerous kingdoms, though as Rees Davies noted, they might be better called "kingships" due to their territorial fluidity. There were major kingships such as those of Gwynedd, Powys, Deheubarth-Dyfed, and Morgannwg, but smaller ones such as Arwystli, Rhos and Rhufoniog, Dyffryn Clwyd, Brycheiniog, and Gwent had some independence.<sup>10</sup> Not only was there constant war between rival kings, there was also constant conflict among rival dynasts who desired their own kingship.

Ireland had a far more numerous and bewildering array of kingships than Wales. Traditionally, scholars refer to pre-Norman Ireland as a land of five provincial kingdoms: Ulster, Munster, Connacht, Leinster, and Meath. As F.J. Byrne notes, the so-called "five

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<sup>10</sup> Davies, *Age of Conquest*, 59.

fifths” division of Ireland did not reflect political reality.<sup>11</sup> While Connacht and Leinster came under the domination of a single group (the Ua Conchobair and the Uí Chennselaig, respectively), Munster contained two regional kingdoms that fell under Ua Briain (Thomond) and Mac Carthaig (Desmond) suzerainty. Although scholars sometimes use the term “Ulster” to refer to the whole north of Ireland, the north in fact contained three political regions: Ulaid (Ulster proper) in the east, the provincial over-kingdom of the North (In Fochla or In Tuaiscert), and Airgialla. These regions contained numerous sub-kingdoms, the most powerful of which were the Cenél nEógain (Tír Eógain), the Cenél Conaill (Tír Conaill), and the Ua Cerbaill of Airgialla. Meath comprised three regional kingships that had fallen under the overlordship of the Ua Máel Sechlainn during the tenth century. During the twelfth century, however, the Ua Cerbaill, the kings of Bréifne, and a slew of southern Uí Néill dynasts carved up the province. Each provincial king ruled over numerous under-kings.<sup>12</sup> Theoretically, there was a high-king of all Ireland. The Ua Briain of Munster, the Mac Lochlainn of Cenél nEógain, and the Ua Conchobair of Connacht seized the high-kingship at various points in the twelfth century.<sup>13</sup> However, the high-kingship was an institution without the institutional capabilities to sustain effective rule or political unity. Aspirants to the high-kingship spent their time fighting to assert their rule and then waging constant war to maintain it. The result of extreme political fragmentation was never-ending violence.

Even for a relatively small and peripheral region, the Isles were an ethnically, culturally, and politically complex area. The settlement process of the high-medieval

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<sup>11</sup> F.J. Byrne, “The Trembling Sod: Ireland in 1169,” in *A New History of Ireland 2: Medieval Ireland 1169-1534*, Art Cosgrove, ed. (Oxford: Clarendon Press, 1987), 2: 13.

<sup>12</sup> For a description of the various provincial kingships, see Byrne, “A Trembling Sod,” 2: 13-37.

<sup>13</sup> *Idem*, 2: 6.

period only added to that diversity and often exacerbated political fragmentation, creating fascinating and complex border regions. It is to those settlement processes that we now turn.

### **Forming Border Regions and Shaping Contact: Settlement Processes in the High-Medieval British Isles**

As in the rest of high-medieval Eurasia, the formation of border regions in the British Isles involved large-scale settlement processes that brought distinct ethnic groups into contact. The sheer number of settlement processes in the British Isles was higher than in many other Eurasian border regions. There were five settlement processes between 1100 and 1350, three of which involved Anglo-European settlers arriving in Wales, Ireland, and Scotland in the late eleventh and twelfth centuries. In Ireland, some of the settlers were also Welsh. Less noticed among historians, however, were a substantial influx of Welsh settlers into western England and a numerically small, but politically important settlement of Gaelic-Norse warriors (the galloglasses- or *gallóglaigh* in Gaelic) in Ireland.

The settlement processes in Britain and Ireland ranged from violent conquest to peaceful invitation, were instrumental in establishing the framework of ethnic contact, and highly influenced acculturative outcomes. Because the circumstances around the settlement processes in Wales and Ireland had more in common, we will begin with those regions. Afterwards, we will turn our attention to Scotland. Due to spatial considerations, we will discuss Welsh settlement in western England and the *gallóglaigh* in Ireland intermittently throughout this chapter and other chapters.

### ***Wales and Ireland***

Perpetuated pluralism became the dominant *modus vivendi* among ethnic communities in Wales and Ireland partly because of the complex interplay between the English crown and its vassals. Despite its substantial resources and overwhelming military and economic advantages, the Crown inconsistently deployed its vast power and allowed local magnates and other groups to dictate a considerable portion of the settlement process. Indeed, had the Crown utilized its power to full effect, it is difficult to imagine how the settlement processes would not have been very different. The disparities in military and economic might between the English kings and their counterparts in the rest of the British Isles were astounding. The kingdom of England was 55% larger than Ireland, 66% larger than Scotland, and six times larger than Wales.<sup>14</sup> Bruce Campbell estimates that by 1290 England accounted for between two-thirds and three-quarters of all economic activity in Britain and Ireland and between three-quarters and four-fifths of all commercial and monetary activity.<sup>15</sup> Furthermore, the kingdom of England was not the only source of revenue for the Crown. William I's (r. 1066-1087) conquest of England in 1066 had created a powerful cross-channel polity. When Henry II (r. 1154-1189) ascended the English throne in 1154, he ruled over a vast empire that stretched from the Cheviot Hills to the Pyrenees. The massive economic potential of the "Angevin Empire" is apparent simply by surveying the enormous trading zone and the ports that came under the king of England's control: Bayonne, Bordeaux, La Rochelle, Nantes,

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<sup>14</sup> Bruce M.S. Campbell, "Benchmarking Medieval Economic Development: England, Wales, Scotland, and Ireland, c.1290," *Economic History Review* 61:4 (2008): 921.

<sup>15</sup> *Ibid.*, 922.

Rouen, Dublin, Bristol, the Cinque Ports, and London, to name a few.<sup>16</sup> The Norman and Angevin kings also had access to a remarkably centralized administration that could extract and harness revenues and resources efficiently. Although the English royal administration was more developed than its mainland counterparts, John Gillingham notes that centralized governmental systems emerged in each province under Angevin control.<sup>17</sup> Philip Augustus' (r. 1180-1224) capture of Rouen in 1204 and his defeat of John (r. 1199-1216) and his allies at Bouvines in 1214 sealed the English crown's loss of most of its mainland European territories. Yet the Crown's control of Gascony still endowed it with a substantial European territory that could bring sizeable revenue, even if most of that revenue stayed within the duchy.<sup>18</sup>

Occasionally, the English crown harnessed its resources with devastating martial effect in Wales, Scotland, and Ireland. Henry II's expedition to Ireland in 1171 contained 400 ships, 4,000 infantry, 500 knights, and a large body of archers.<sup>19</sup> According to William of Newburgh, the king's force was so powerful that Henry subjugated the terrified Irish kings without shedding blood (*pavefactos sine sanguine subjugavit*).<sup>20</sup> In 1277 Edward I (r. 1272-1307) invaded Wales and gathered Gascon crossbowmen, French

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<sup>16</sup> For a detailed discussion of this trading zone, see John Gillingham, *The Angevin Empire*, 2nd ed. (Oxford: Oxford University Press, 2001), 61-6.

<sup>17</sup> Gillingham, *Angevin Empire*, 76. Gillingham gives a full description of administration in the Angevin Empire in *idem*, 75-7. For a detailed overview of royal government in England under the Norman and Angevin kings, see Bartlett, *England under the Norman and Angevin Kings, 1075-1225* (Oxford: Clarendon Press, 2000), 130-201.

<sup>18</sup> According to Prestwich, royal income in Gascony was roughly £17,000 in 1306-1307 and £13,000 in 1324, much of which remained in the duchy to fund the local government. See Michael Prestwich, *Plantagenet England 1225-1360* (Oxford: Clarendon Press, 2005), 294. Robin Studd also discusses the economic importance of the duchy in "England and Gascony 1216-1337," in *England in Europe 1066-1453*, Nigel Saul, ed. (London: Collins and Brown, 1994), 106-7. For a detailed overview of Gascon finances and royal supervision of those finances, see J. P. Trabut-Cussac, *L'Administration anglaise en Gascogne sous Henri III et Edouard I de 1254 à 1307* (Genève: Droz, 1972), 287-331.

<sup>19</sup> F.X. Martin, "Allies and an Overlord, 1169-1172," in *A New History of Ireland*, 2: 87.

<sup>20</sup> William of Newburgh, *Historia Rerum Anglicarum*, in *Chronicles of the Reigns of Stephen, Henry II, and Richard I*, R. Howlett, ed. 4 vols. (Wiesbaden: Kraus Reprint, 1964), 1:169.



warhorses, and 15,000 infantry, 9,000 of whom were Welshmen from the March. Furthermore, Edward conscripted abundant masons, carpenters, diggers, and woodcutters to construct fortifications and clear swaths of the Welsh forest to prevent ambushes.<sup>21</sup> In 1282 and 1283 he collected another immense army to invade Wales. It contained 1,500 Gascon crossbowmen, drew provisions from England, Ireland, Wales, Ponthieu, and Gascony, and cost seven times more than the expedition of 1277.<sup>22</sup> Edward's campaigns into Scotland in the late thirteenth and early fourteenth centuries also contained massive and diverse armies. Even when royal campaigns were not entirely successful or poorly executed, the English kings largely achieved their objectives.<sup>23</sup> It was only at Stirling Bridge (1297) and Bannockburn (1314) in Scotland that a royal army succumbed to defeat.

The Crown's involvement in the settlement processes in Wales and Ireland shared many consistencies with other regions in Eurasia where settlement movements arose from a powerful sedentary state. The differences, however, are just as notable. While the Crown was instrumental in the settlement processes in the British Isles and occasionally led them, it could not dictate them entirely. Local actors were equally influential. In Wales, William Rufus (r. 1087-1100) and Henry I (r. 1100-1135) were instrumental in securing the settlers' position. The Crown asserted royal overlordship over the Marcher lords when necessary. The Crown intervened on occasion to protect its interests, it was the Marcher lords' ultimate protector against the Welsh princes, it forced those princes to acknowledge its overlordship, and it was the Crown that completed the final conquest. In

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<sup>21</sup> Davies, *Age of Conquest*, 334.

<sup>22</sup> *Ibid.*, 349-50.

<sup>23</sup> Two such examples of poorly executed campaigns include Henry II's invasion of Wales in 1165 and Henry III's campaign there in 1245-1246.

Ireland, the Crown established the governmental framework for the lordship and colony and directly enforced its power occasionally. Yet the Crown never initiated settlement with a full-scale conquest, followed by an invitation to settlers and its attention to the settlement processes in Ireland and Wales was spasmodic. Leading magnates and other groups controlled the bulk of the settler advance, which allowed many native regimes to survive in whole or in part and limited the settler populations' ability to impose sustained political dominance over the native communities. Certainly, the settlement processes in Wales and Ireland were nowhere near as decentralized as in the Baltic region. Indeed, even though the English crown did not have the same level of administrative capabilities as the Song state possessed in Sichuan, the Crown's influence and authority helped unify a fractured settler community in both regions and its bureaucratic apparatus reduced its vassals' power in Ireland. Nevertheless, the Crown's involvement was neither as deep as the Song's nor as sustained as the kings of Aragón or Castile. Part of the reason was that the Crown rarely intended to eliminate native powers and achieve total conquest in Wales or Ireland. Another reason was that the Crown frequently had far more pressing concerns elsewhere.

The complex interactions of the Crown and its leading magnates in the settlement process are most clearly evident in Wales. Here, powerful families created their own semi-autonomous territories comparable to the princely fiefdoms that the Ascanian and Schauenburg families were able to erect in Brandenburg and Holstein, respectively.<sup>24</sup> Shortly after the Norman Conquest of England in 1066, William the Conqueror charged

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<sup>24</sup> For more on these families, see Higounet, *Les Allemands*, 84-8; Bartlett, *Making of Europe*, 33-6; William Urban, *Baltic Crusade*, 5-14; and Friedrich Lotter, "The Crusading Idea and the Conquest of the Region East of the Elbe," in *Medieval Frontier Societies*, Robert Bartlett and Angus MacKay, eds. (Oxford: Clarendon Press, 1989), 301-2.

men such as William fitz Osbern (earl of Hereford), Hugh d'Avranches (earl of Chester), and Roger de Montgomery (earl of Shrewsbury) with keeping peace along the Anglo-Welsh border. Soon, however, they began conducting raids deep into Wales, even as far as Ceredigion and the Llŷn peninsula in Gwynedd. They erected castles in Wales proper and were even claiming Welsh kingdoms such as Arwystli.<sup>25</sup> For the Welsh annalists, however, the crucial year in the Anglo-European advance was 1093. It was then, according to the *Brut y Tywysogion* (Welsh: *The Chronicle of the Princes*), that the “French” (as the Welsh chroniclers liked to call the Anglo-European invaders) overran the regions of Dyfed and Ceredigion and killed Rhys ap Tewdwr, the king of Deheubarth (r. c. 1065-1093).<sup>26</sup> According to the *Brut*, the invaders fortified the region with castles and “seized upon all the lands of the Britons.”<sup>27</sup> By 1094, the Norman lords and their allies penetrated Gwynedd and in 1095 they ravaged Gower, Cydweli, and Ystrad Tywi.<sup>28</sup> By 1096, the *Brut* claims that the Welsh kingdoms of Brycheiniog, Gwent, and Gwynllŵg paid “homage to the French.”<sup>29</sup> In 1098 it seemed that even the northwestern kingdom of Gwynedd might fall. The intervention of the Norwegian king Magnus III Olafson (r. 1093-1103) at Anglesey saved it and with the death of Hugh de Montgomery (the earl of Shrewsbury), Gwynedd was spared the fate of much of southern and central Wales.<sup>30</sup>

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<sup>25</sup> Max Lieberman, *The March of Wales, 1067-1300: A Borderland of Medieval Britain* (Cardiff: University of Wales Press, 2008), 20-2.

<sup>26</sup> *Brut y Tywysogion, The Chronicle of the Princes of Wales* (henceforth, *Brut* [RBH]), John Williams ab Ithel, ed. (London: Kraus Reprint, 1965), 55. See also the *Brut y Tywysogion or, The Chronicle of the Princes, Peniarth MS. 20 Version* (henceforth, *Brut* [Peniarth]), Thomas Jones, ed. (Cardiff: University of Wales Press, 1952), 19.

<sup>27</sup> *Brut* (RBH), 55.

<sup>28</sup> *Brut* (RBH), 57; *Brut* (Peniarth), 19.

<sup>29</sup> *Brut* (Peniarth), 20.

<sup>30</sup> *Brut* (RBH), 61-3; *Brut* (Peniarth), 20-1. Magnus is called “king of Germany” in both versions.

Indeed, by 1135 Davies contends that the Anglo-European advance had created five zones of settler power in Wales: 1. The southeastern regions of Gwent, Glamorgan, and Gower 2. The so-called “middle March,” containing the districts of Maelienydd, Radnor, Builth, and Elfael, with further penetration into the Llynfi, Usk, and upper Tywi valleys, including Cantref Bychan 3. The lower Tywi and the royal honor of Carmarthen, from where Anglo-European lordship extended into Cantref Mawr, Cantref Gwarthaf, and Cydweli 4. Dyfed, much of which became the county of Pembrokeshire 5.

Ceredigion, where Anglo-European supremacy was short-lived.<sup>31</sup> In this early stage, Anglo-European lords initiated the bulk of the conquest with the Crown’s approval and support. In Brycheiniog, Bernard of Neufmarché had already penetrated deep into the region by the early 1090s, established castles at Hay and Bronllys, and distributed lands to his followers. By 1106 he had founded the borough of Brecon and its priory, the latter of which he granted to Battle Abbey in Sussex.<sup>32</sup> Robert fitz Hamo, a lord in the Cotentin Peninsula in Normandy, conquered the southern portion of the Welsh kingdom of Morgannwg and erected castles at Cardiff, Coety, Ogmere, and elsewhere. He also acquired the coastal portions of Gwynllŵg and granted them to Robert de la Haye, a member of his household who held the cantref of Gwynllŵg in exchange for the service of four knights at Cardiff.<sup>33</sup> Arnulf de Montgomery was the first Norman lord of Pembroke, but it was the de Clares and other families such as fitz Geraldts, de Barris, fitz

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<sup>31</sup> Davies, *Age of Conquest*, 36-9.

<sup>32</sup> R.R. Davies, “Brecon,” in *Boroughs of Mediaeval Wales*, Ralph A. Griffiths, ed. (Cardiff: University of Wales Press, 1978), 47-9.

<sup>33</sup> For the activities of fitz Hamo and Robert de la Haye in Morgannwg and Gwynllŵg, their familial backgrounds, and their ties to each other, see Bruce Coplestone-Crow, “Robert de la Haye and the Lordship of Gwynllwg: The Norman Settlement of a Welsh Cantref,” *Gwent Local History* (1998): 3-7 and David B. Crouch, “The Slow Death of Kingship in Glamorgan, 1067-1158,” *Morgannwg* (1985): 29.

Tancards, and the fitz Martins who came to dominate southeastern Pembrokeshire.<sup>34</sup>

Indeed, Gilbert fitz Richard of the de Clare family carried out the conquest of Ceredigion with his household retainers and built castles at Cardigan and near Aberystwyth.<sup>35</sup> In the middle March, a host of families such as the de Braoses, the Corbets, the de Lacys, the de Mortimers, and many others came to dominate lordships such as Elfael, Maelienydd, Wigmore, Clun, Montgomery, and Caus near the English counties of Shropshire and Herefordshire.<sup>36</sup>

It was also these early settler families who had to recruit settlers and establish their newly won lordships' institutions. For lords such as Robert de la Haye pride of place went to men hailing from the Cotentin and the Avranchin in Normandy, to whom he granted knight's fees in Gwynllŵg.<sup>37</sup> In Dyfed, the Anglo-European lords granted lands to men from Normandy, Flanders, Brittany, Maine, and southwest England.<sup>38</sup> Davies notes that Bernard de Neufmarché and his successors granted knight's fees and demesne lordship in Brecon to their mostly French dependants and men from their estates in England. These holders then granted lands to their own followers in the process of subinfeudation.<sup>39</sup> Perhaps the most noticeable aspect of Anglo-European settlement in Wales was the proliferation of towns such as Cardiff, Haverfordwest, Tenby, Abergavenny, Wiston, Newport, Brecon, Swansea, and Carmarthen. Like Cardiff, many

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<sup>34</sup> Ifor W. Rowlands, "The Making of the March: Aspects of the Norman Settlement in Dyfed," in *Proceedings of the Battle Conference on Anglo-Norman Studies, III. 1980*, R. Allen Brown, ed. (Woodbridge: Boydell and Brewer 1981), 144-5.

<sup>35</sup> Davies, *Age of Conquest*, 39.

<sup>36</sup> For a thorough analysis of the formation of the border aristocracy in this region between c. 1066 and 1135, see Lieberman, *The Medieval March of Wales: The Creation and Perception of a Frontier, 1066-1283* (Cambridge: Cambridge University Press, 2010), 56-75. Brock W. Holden also discusses the early formation of the Middle March in "The Making of the Middle March of Wales, 1066-1250," *Welsh History Review* (henceforth, *WHR*) 20:2 (2000): 207-10.

<sup>37</sup> Coplestone-Crowe, "Robert de la Haye and the Lordship of Gwynllŵg," 27.

<sup>38</sup> Rowlands, "Making of the March," 144-6. For the process and complications of settlement in Pembrokeshire-Dyfed, see below, 230-7.

<sup>39</sup> Davies, *Age of Conquest*, 95.

of these towns sprung from earlier Roman foundations and became the central administrative and military hubs of the earliest Anglo-European lords and their successors.<sup>40</sup> Like in Cardiff as well, the Anglo-European lords founded ecclesiastical centers like monasteries, churches, or priories, often near castles or other fortifications. Castles, towns, ecclesiastical centers, and demesne lordships became the hallmarks of Anglo-European settlement in Wales.

In the early stages of settlement, William Rufus and Henry I actively supervised their vassals' activities. Henry I was particularly important in establishing ultimate royal authority in Wales. According to William of Malmesbury, it was Henry who settled Flemings in Wales.<sup>41</sup> Henry also showed few qualms about browbeating Welsh rulers or his own subjects when necessary. Around 1121 Henry launched a major expedition against the recalcitrant princes of Powys and imposed a tribute of ten thousand cattle upon them.<sup>42</sup> Ifor Rowlands states that Henry established his own men throughout the Anglo-European lordships of Wales, confiscated the lordship of Pembroke from Arnulf de Montgomery in 1102, and subjected it to royal justice and fiscal oversight.<sup>43</sup> It is no wonder that upon Henry's death one version of the *Brut y Tywysogion* called Henry "king of England and Wales."<sup>44</sup>

However, royal influence declined during the anarchic reign of Stephen of Blois (r. 1135-1154). In this period, the territories of the first Anglo-European lords in Wales coalesced into what historians call "Marcher lordships." These lordships were semi-

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<sup>40</sup> D.G. Walker, "Cardiff," in *Boroughs of Medieval Wales*, 105-6.

<sup>41</sup> William of Malmesbury, *De Gestis Regum Anglorum Libri Quinque* (A.D. 449-1227), William Stubbs, ed. (London: 1887-1888), no. 311, 2: 365-6 and no. 401, 2: 477.

<sup>42</sup> *Brut* (RBH), 147-51; *Brut* (Peniarth), 47-8.

<sup>43</sup> Rowlands, "Making of the March," 151-2. For a fuller discussion of Henry's actions in Dyfed and Pembroke.

<sup>44</sup> *Brut* (RBH), 157.

autonomous entities, in which the lord retained his own officers and military force and his own administration and courts that adjudicated and enforced his own laws. As far as the Marchers were concerned, royal law did not extend to their territories. In 1221 John Fitz Alan boldly declared that the “king’s writ did not run” in his lordship of Clun.<sup>45</sup> Walter III de Clifford, lord of Clifford and Cantref Selyf, delivered a similar message in 1250. He forced a royal messenger bearing a summons to eat the royal letters and seal (*regias literas cum ipsa cera comedere coegerit*).<sup>46</sup> The Marchers fought private wars and allied with the Welsh against the king and his supporters on a couple of occasions. For example, Richard Marshal (earl of Pembroke) and Llywelyn ab Iorwerth (prince of Gwynedd, d. 1240) devastated much of the March in 1233 and 1234.<sup>47</sup> It would be a mistake to conclude that royal authority was entirely absent or impotent. The occasional royal expedition to Wales certainly proved otherwise and from time to time the kings of England reminded the Marchers that their autonomy only went so far. However, the focus of royal power shifted until the Edwardian Conquest of 1282-1283. During the thirteenth century, the English kings concentrated on protecting the Marchers against the native Welsh rulers and maintaining their own ultimate overlordship, instead of encouraging further settlement.

Despite their early successes, Anglo-European supremacy in Wales was far from permanently established and the twelfth and thirteenth centuries showed those early gains’ fragility and vulnerability. The political events are extremely complicated and chaotic, so we will limit ourselves here to a brief synopsis. In 1136 a coalition of Welsh

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<sup>45</sup> *Antiquities of Shropshire*, R.W. Eyton, ed. 12 vols. (London, John Russell Smith, 1858), 11: 247.

<sup>46</sup> Matthew Paris, *Chronica Majora*, 5: 95. It appears that de Clifford went a little far. He was forced to pay a fine of 1,000 marks and barely escaped death and disinheritance.

<sup>47</sup> For these events, see *idem* at various points between pages 241 and 265.

princes routed a Marcher army at Crug Mawr outside Cardigan and the Welsh quickly drove the Anglo-European lords out of Ceredigion.<sup>48</sup> This defeat signaled a general retreat of Anglo-European power in Wales. Welsh prince-kings such as Rhys ap Gruffudd (King of Deheubarth, r. 1155-1197), Madog ap Maredudd (King of Powys, r. 1132-1160), and Owain Cyfeiliog (Prince of Southern Powys, d. 1197) prevented Anglo-European penetration into Powys and Deheubarth and often expanded their domains at the Marcher lords' expense.<sup>49</sup> Even in the most heavily settled regions, Anglo-European settlement was far from secure and the Marcher lords' political dominance was fragile. Morgan ab Owain (d. 1158) and his brother Iorwerth (d. c. 1179-c. 1184), the native dynasts of Gwynllŵg, killed Richard fitz Gilbert de Clare near Abergavenny in 1136 and occupied the lordships of Caerleon and Usk in lowland Gwent.<sup>50</sup> Morgan was even referred to as a king (*Morganno rege*) in a mid twelfth-century charter.<sup>51</sup> Around the same time, the Anglo-Europeans lost control over much of eastern Dyfed, so much so that the *Brut* chronicler called Maredudd ap Gruffudd "lord of Ceredigion and Ystrad

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<sup>48</sup> For the events of the battle, see *Brut* (RBH), 157-61; *Brut* (Peniarth), 51-2. The Welsh coalition included Owain ap Gruffudd of Gwynedd (later king of Gwynedd from 1137-1170), his brother Cadwaladr (d. 1172), Gruffudd ap Rhys, prince of Deheubarth (d. 1137), Madog ab Idnerth of the dynasty of Elfael and Maelienydd (d. 1140), and others. The Marcher coalition included Robert fitz Martin, the fitz Geraldts, and "all the Flemings" and "all the French" from the Neath (Aber Nedd in RBH) estuary to the River Dyfi (Aber Dyvi in RBH) in Ceredigion.

<sup>49</sup> For a summary of the key events in these individuals' careers, see *The Acts of Welsh Rulers, 1120-1283* (henceforth, *AWR*), Huw Pryce, ed. (Cardiff, Wales: University of Wales Press, 2005), 8-9, 37, and 41. Excellent overviews of the complicated political situations in Powys during the twelfth century (including its partition after the death of Madog ap Maredudd) can be found in David Stephenson, "The 'Resurgence' of Powys in the Late Eleventh and Early Twelfth Centuries," *Anglo-Norman Studies* (2008): 182-95 and "The Supremacy in (Southern) Powys of Owain Fychan ap Madog: A Reconsideration," *Cambrian Medieval Celtic Studies* (2005): 45-55; J. Beverley Smith, "Dynastic Succession in Medieval Wales," *The Bulletin of the Board of Celtic Studies* (henceforth, *BBCS*) (1986): 210-2; and Geraint R. Gruffydd, "Cynddelw Brydydd Mawr and the Partition of Powys," *Studia Celtica* (2004): 97-106

<sup>50</sup> *Brut* (RBH), 157 and *Brut* (Peniarth), 51. See also *AWR*, 34.

<sup>51</sup> Crouch, "Slow Death of Kingship in Glamorgan," 35-6.



Tywi and Dyfed” upon his death in 1155.<sup>52</sup> The Marcher lords of Glamorgan often could obtain only nominal authority over the Welsh dynasts of Morgannwg who controlled the upland regions of Afan. The annals of Margam Abbey (*Annales de Margan*) record Morgan Gam (d. 1241) burning Neath in 1224 and carrying away four hundred sheep.<sup>53</sup> Matthew Griffiths states that the upland Welsh lords even extended their authority into the Vale of Glamorgan on occasion, which was the heart of the Marcher lordship.<sup>54</sup> Indeed, Afan was not fully subjected to Marcher authority until the late thirteenth century.<sup>55</sup>

While these Welsh prince-kings’ successes were often impressive, they pale in comparison to the levels of power that the princes of Gwynedd reached in the thirteenth century. Although Llywelyn ab Iorwerth recognized John and Henry III as his overlords, he often acted as the *de facto* king of Wales. In 1215 he seized Shrewsbury and led a coalition of Welsh princes into southern Wales where they destroyed the royal castles of Carmarthen, Cardigan, and Emlyn, and subjugated Cemais, Senghennydd, Gower, and Cydweli.<sup>56</sup> He demonstrated his supremacy further by overseeing the partition of Deheubarth, expelling Gwenwynwyn ab Owain (Prince of Southern Powys Wenwynwyn, r. 1195-1216) from his lands in 1216, and acquiring southern Powys and Arwystli.<sup>57</sup> In 1230 Llywelyn hanged William de Braose, the lord of Brecon, and in 1231 he leveled the

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<sup>52</sup> *Brut* (RBH), 183 and *Brut* (Peniarth), 58; and Rowlands, “Making of the March,” 143-4. Maredudd ap Gruffudd was a prince of Deheubarth under his older brother Cadell, who was king until 1175. See AWR, 7-8.

<sup>53</sup> *Annales de Margan*, in *Annales Monastici*, Henry Richards Luard, ed. 5 vols. (London: Longman, 1869), 1: 34.

<sup>54</sup> Matthew Griffiths, “Native Society on the Anglo-Norman Frontier: The Evidence of the Margam Charters,” *WHR* 14:2 (1988): 209.

<sup>55</sup> AWR, 21.

<sup>56</sup> *Brut* (RBH), 283-9 and *Brut* (Peniarth), 90-2. The *Annales Cambriae*, pp. 70-2, also gives an account of the events in south Wales. However, the annal gives the incorrect date of 1214.

<sup>57</sup> *Brut* (RBH), 289-91 and *Brut* (Peniarth), 92

castles of Brecon, Hay, and Radnor, burned Caerleon to the ground, and seized the castles of Neath and Cydweli.<sup>58</sup> Llywelyn ab Iorwerth never called himself “king” or “prince” of Wales, but his campaigns against both the Marcher barons and the Welsh princes established the political, military, and ideological basis for Gwynedd’s preeminence.<sup>59</sup>

Indeed, only the English crown prevented Llywelyn ab Iorwerth from gaining complete dominance in Wales. After Llywelyn’s death in 1240, Henry III (r. 1216-1272) was able to reduce Gwynedd to subservience for a little while. However, in the mid 1250s Llywelyn ab Iorwerth’s grandson, Llywelyn ap Gruffudd (r. 1255-1282), rose to power. Taking advantage of the Baronial Rebellion in England, Llywelyn was able to cement his hegemony over the Welsh princes and launched countless attacks against the Marcher lords. In fact, John de Grey wrote to Henry III in 1263 and said that the Welsh had obtained the “homage” of certain barons.<sup>60</sup> In 1267 the Crown and Llywelyn negotiated the Treaty of Montgomery, which granted Llywelyn the title of “Prince of Wales.” It also formally recognized many of his conquests and his overlordship of the Welsh princes, all in return for 25,000 marks and performance of homage to the English king.<sup>61</sup> Llywelyn’s subsequent failure to perform that homage and other disputes with Edward I eventually led to an English military expedition in 1277 that greatly reduced Llywelyn’s power. A final thrust in 1282-1283 culminated in the English conquest and annexation of Llywelyn’s principality.

The Edwardian Conquest brought a new wave of settlers into north Wales, but they were not large enough to alter the fundamental ethnic framework. While the decrees

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<sup>58</sup> *Brut* (RBH), 319-21 and *Brut* (Peniarth), 102.

<sup>59</sup> For an excellent analysis concerning the nature of Llywelyn ab Iorwerth’s overlordship in Wales, see Davies, *Age of Conquest*, 244-51.

<sup>60</sup> *A Calendar of Ancient Correspondence Concerning Wales* (henceforth, CACW), J.G Edwards, ed. (Cardiff: University of Wales Press, 1935), 3. 154, shortly after 3 March 1263, 17-8.

<sup>61</sup> For the Latin text and English translation of the treaty, see AWR, no. 363, 536-42.

of the Statute of Rhuddlan (1284) that formally annexed Wales changed much of the political administration and some of the laws utilized in the Crown's new lands, the Marcher lordships remained separate entities and the Crown did little to integrate the ethnic populations into a more coherent socio-political community. Because the Marcher lords were usually on the defensive after Henry I's death, their subsequent territorial gains in Wales were minimal. The princes of Gwynedd, Powys, and Deheubarth rendered much of northern and western Wales off limits to alien settlement. Hence, by the time of Edward's conquest, Wales was divided into the Anglo-European dominated *Marchia Wallie* and the native ruled *Pura Wallia*. In much of the *Marchia Wallie*, Welsh dynasties survived and the fickle winds of war blew the combatants' political fortunes to and fro. The Marchers often could only enforce nominal sovereignty over Welsh-dominated districts and occasionally they could not even accomplish that. Indeed, while the political situation in the Anglo-Welsh borderlands was very fluid, the thirteenth-century saw increasing ethnic separation. The most obvious manifestations were the creation of Englishries and Welshries, administrative districts that were often *de facto* ethnic enclaves. Acculturation certainly occurred and continued even as Wales became more ethnically polarized. However, well into the fourteenth century and beyond we typically see two communities, one English and one Welsh, often living physically, socially, and culturally separate lives.

Settlement processes also contributed to a tendency for perpetuated pluralism in Ireland, which directly stemmed from Ireland's chaotic political environment. While Ruaidrí Ua Conchobair (King of Connacht, 1156-1186; High King of Ireland, 1166-1175) had established himself as high-king of Ireland by 1166, he constantly had to

enforce his authority over a host of provincial kings and sub-kings who were constantly warring with each other. Constant war created political instability and, as in Wales, offered settlers an excellent opportunity to secure a foothold in the island. While there were many similarities with Wales, the settlement processes' circumstances and features in Ireland were quite distinct. Although the bull *Laudabiliter* provided papal sanction for Henry II to conquer Ireland in 1155 and reform the Irish church, the initial Anglo-European incursions into Ireland were not the Crown's directive.<sup>62</sup> Instead, they arose from the complicated intricacies of Irish and Irish Sea politics, which spurred Diarmait Mac Murchada (the Irish king of Leinster, c. 1126-1171) to seek military assistance from Henry II's vassals in the Marcher lordships of Wales in order to regain his kingdom against Ruaidrí Ua Conchobair of Connacht.<sup>63</sup> As their prospects for further conquest in Wales dimmed in the face of growing Welsh power, Marcher lords such as Richard de Clare (the earl of Pembroke- also known as Strongbow) and his dependants such as Maurice fitz Gerald, Robert fitz Stephen, Meilyr fitz Henry, and the de Barri lords of Manorbier accepted Mac Murchada's invitation to come to Ireland. Many of these individuals were of mixed Anglo-French and Welsh descent and historians often refer to them as "Cambro-Normans."<sup>64</sup> After landing at Wexford in 1169, the Cambro-Norman

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<sup>62</sup> The Latin text of *Laudabiliter* is contained in Gerald of Wales' *Expugnatio Hibernica*. See Giraldus Cambrensis, *Expugnatio Hibernica: The Conquest of Ireland*, A.B. Scott and F.X. Martin, trans. (Dublin: Royal Irish Academy, 1978), 144-7. For an analysis of the ecclesiastical context of *Laudabiliter* within the broader church reform movement in Britain and Ireland, see Marie Therese Flanagan, *Irish Society, Anglo-Norman Settlers, Angevin Kingship* (Oxford: Oxford University Press, 1990), 7-55 and Robin Frame, *Colonial Ireland: 1169-1369* (Dublin: Helicon, 1981), 11-4.

<sup>63</sup> For the political circumstances in the Irish Sea zone behind Diarmait Mac Murchada's request for military assistance and the role of the Welsh princes in forcing the Marcher lords to seek conquest in Ireland, see Flanagan, *Irish Society*, 137-49 and 161-4; Byrne, "The Trembling Sod: Ireland in 1169," 2: 18-29 and F.X. Martin, "Diarmait Mac Murchada and the Coming of the Anglo-Normans," in *New History of Ireland*, 2: 52-4 and 2: 61-6. Seán Duffy also has an excellent article that describes how the invasion of 1169 changed relations between Irish kings and Welsh princes. See "The 1169 Invasion as a Turning Point in Irish-Welsh Relations," in *Britain and Ireland*, 98-113.

<sup>64</sup> For a summary of the Cambro-Norman invaders' holdings in Wales, see Flanagan, *Irish Society*, 146-9.

lords and their Irish allies overran Waterford and Dublin and conducted predatory raids across Leinster and into Bréifne. According to the *Annals of Tigernach*, “Erin’s evil” had begun.<sup>65</sup> Strongbow sealed an alliance with Diarmait Mac Murchada by marrying his daughter Aifé. After Mac Murchada’s death in 1171 and the defeat of Ua Conchobair’s forces outside Dublin in the same year, Strongbow was poised to inherit his own kingdom, a prospect that clearly alarmed Henry II. In October of 1171 he launched a massive invasion of Ireland that cowed his own vassals and many Irish kings.<sup>66</sup>

Henry’s intervention in Ireland began a process that made the Anglo-European settlement enterprise in Ireland look far different from its counterpart in Wales. During the late twelfth and early thirteenth centuries, Anglo-European and Welsh settlers implanted themselves across swaths of Leinster, Munster, Meath, and Ulaid. Shortly afterwards, they were also establishing a strong presence in Connacht. They began to dominate prominent commercial towns such as Dublin, Waterford, and Wexford and founded new ones such as Dundalk, Drogheda, and New Ross.<sup>67</sup> Henry II’s intervention signaled the Crown’s intent to bind the diverse settler groups together under its power. Ireland became a Crown lordship that administratively looked much like its counterpart in England by 1300. A justiciar served as the king’s chief lieutenant in Ireland in an all-encompassing military and judicial role, advised by a council of senior ministers and

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<sup>65</sup> CELT: Corpus of Electronic Texts. “Annal T 1170.8,” in *The Annals of Tigernach*, Gearóid Mac Niocaill, trans. Compiled by CELT. A project of University College, Cork, Text ID Number: T100002A, distributed by CELT online, Cork, Ireland: University College, Cork, 2000. <<http://www.ucc.ie/celt/published/T100002A/index.html>> (12 November 2007).

<sup>66</sup> Gerald of Wales provides the most detailed contemporary account of Henry II’s invasion. See *Expugnatio Hibernica*, 90-7. Henry’s invasion has been thoroughly analyzed in modern historiography. However, Flanagan not only provides a thorough overview, but also grants considerable insight into how the Irish kings would have understood their relationship to Henry II. See *Irish Society*, 167-228.

<sup>67</sup> Some excellent overviews of urban settlement and economic activity in Ireland can be found in Frame, *Colonial Ireland*, 84-91; Brian Graham, “Economy and Town in Anglo-Norman Ireland,” in *Settlement and Society in Medieval Ireland: Studies Presented to F.X. Martin*, OSA, John Bradley, ed. (Kilkenny: Boethius Press, 1988), 241-60; and R.E. Glasscock, “Land and People, c. 1300,” in *New History of Ireland*, 2: 232-6.

powerful magnates. He traveled throughout the lordship with a chancery and clerks. The justiciar also heard the most important Crown pleas during his travels.<sup>68</sup> As in England, a group of itinerant justices traversed the lordship. Frame asserts that between 1228 and 1254 they held courts at Dublin, Drogheda, Cork, Limerick, and in Tipperary and Connacht.<sup>69</sup> A common bench sat at Dublin, while fiscal administration primarily fell to the Exchequer.<sup>70</sup> At the local level, government was the sheriff's responsibility. He enforced the king's law in the county courts, collected royal revenue, and pursued malefactors.<sup>71</sup> In 1210 John stated that English law should be utilized in Ireland. English statutory law was frequently transferred to Ireland directly throughout the thirteenth and fourteenth centuries.<sup>72</sup> Frame states that the traveling justiciars, administrative units such as the Exchequer, and the councils and parliaments of the great men of Ireland helped bring royal authority and a substantial level of governmental cohesion into a politically fragmented land.<sup>73</sup> If the magnates over-stepped their bounds, the Crown was willing to use force to buttress its authority. A prime example arose in 1210 when John came to Ireland, forced the submission of many of the leading magnates, and confiscated Ulster.

As F.X. Martin asserts, Henry II and John seemed to have envisioned a lordship firmly under royal control and one that amalgamated the settler population and the Gaelic

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<sup>68</sup> Frame, *Colonial Ireland*, 93 and 97-8.

<sup>69</sup> *Ibid.*, 97.

<sup>70</sup> *Ibid.*, 93.

<sup>71</sup> *Ibid.*, 98-9.

<sup>72</sup> As Martin points out, John's charter in 1210 that granted English law to Ireland did not introduce common law *per se*, but was the first step in creating parallel legal systems in England and Ireland (see F.X. Martin, "John, Lord of Ireland, 1185-1216," in *New History of Ireland*, 2: 145-6). Indeed, a charter from November of 1204 decreed that writs such as *mort d'ancestor* and *novel disseisin* were to apply in Ireland as they did in England (see *Calendar of Documents relating to Ireland, 1171-1307* (henceforth, *CDI*), H.S. Sweetman, ed. 5 vols. [London: Longman, 1875-1886], no. 236, 1:37). Henry III felt it necessary on numerous occasions to write to the justiciar and order that the laws of England be observed in Ireland, such as in 1226 and again in 1246 (see *CDI*, no. 1390, 1: 210 and *IHD*, no. 9, 31). For the transference of English statutory laws to Ireland, see Frame, *Colonial Ireland*, 96-7.

<sup>73</sup> *Ibid.*, 101-4.

kings within a coherent political framework under the Crown's ultimate authority.<sup>74</sup> Henry II recognized Ruaidrí Ua Conchobair's power in much of Ireland in the Treaty of Windsor of 1175, but forced Ruaidrí to acknowledge his subordination to the Angevin monarch, pay tribute, surrender hostages, and make sure that his Irish under-kings did not infringe on Henry's authority or attack his subjects.<sup>75</sup> Indeed, Flanagan points out that the Irish kings who submitted to Henry in 1172 did so within the terms of their own socio-political context. Henry's actions indicate that he was trying to emulate the Irish high-kings, with the added twist of a firm tenurial relationship.<sup>76</sup> John acted similarly.<sup>77</sup> The Crown's policies in Ireland aimed to safeguard against the situation in Wales, where the Marcher lords governed semi-autonomous political entities and where the Welsh princes attacked its subjects and defied the Crown at every opportunity. Firm royal control could eliminate these problems. However, political incorporation of the Gaelic Irish into the Angevin orbit did not entail social incorporation. John, for example, saw no problems with the native Irish continuing their way of life and living separately from the settler population.<sup>78</sup> Yet for all of the impressive administrative machinery, the Crown never achieved the complete dominance it desired. By the end of our period, the Crown's authority had severely diminished, Ireland was in chaos, and communal tensions between the settler population and the native Irish were worse than anywhere else in the British Isles.

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<sup>74</sup> F.X. Martin, "John, Lord of Ireland, 1185-1216," 2: 128.

<sup>75</sup> The Latin text of the Treaty of Windsor is contained in Roger of Howden's chronicle. See *Chronica Rogeri de Houedene (A.D. 732-1201)*, William Stubbs, ed. Rolls Series. 4 vols. (London: 1868-1871), 2: 84-5.

<sup>76</sup> Flanagan, *Irish Society*, 199-207 and 221-2.

<sup>77</sup> John's dealings with Cathal Crodberg, king of Connacht, and his use of the Irish kings of Thomond, Tír Eógain, and Connacht on his expedition against Hugh de Lacy in Ulster demonstrate that he recognized the Irish kings' sovereign status, but considered himself a superior king. See F.X. Martin, "John, Lord of Ireland, 1185-1216," 141-3.

<sup>78</sup> For this point, see *idem*, 150.

Although the Anglo-European magnates who arrived in Ireland never attained the degree of autonomy that the Marcher lords of Wales enjoyed, they were primarily responsible for attracting settlers and carrying out military expeditions against the Gaelic kings. As Frame notes, while the Crown retained substantial lands in Ireland and formally granted Irish territories to its vassals, it was the magnates who had to conquer the lands granted and who had to establish the tenurial conditions under which subinfeudation could occur.<sup>79</sup> For example, in 1227 Henry III granted all of Connacht to Richard de Burgh in consequence of the Irish king Áed Ua Conchobair's (r. 1224-1228) forfeiture, but it was up to de Burgh to turn the grant into a real conquest against considerable resistance from the Ua Conchobair claimants.<sup>80</sup> Even in the early stages of the settlement process, the Crown often found it difficult to control its subjects. Men like Raymond le Gros and Miles de Cogan violated the Treaty of Windsor shortly after Henry II and Ruaidrí Ua Conchobair agreed to it.<sup>81</sup> John de Courcy conquered much of Ulaid, styled himself "prince of Ulster" (*princeps Ultonie*), and even coined his own money.<sup>82</sup> According to Katherine Simms, many of the magnate families assumed the role of provincial kings: the fitz Geraldts in Desmond and Sligo, the de Clares in Thomond, and the de Burghs in Connacht and Ulster. They received hostages from the Irish kings, deposed them, and inaugurated their own claimants.<sup>83</sup> In 1291 alone, Richard de Burgh, the "Red Earl" of Ulster, installed two kings among the Cenél nEógain because his first

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<sup>79</sup> Frame, *Colonial Ireland*, 70.

<sup>80</sup> *CDI*, no. 1518, 1: 229.

<sup>81</sup> James F. Lydon, *The Lordship of Ireland in the Middle Ages* (Dublin: Four Courts Press, 2003), 52-3.

<sup>82</sup> *Ibid.*, 60-1.

<sup>83</sup> Katharine Simms, *From Kings to Warlords: The Changing Political Structure of Gaelic Ireland in the Later Middle Ages* (Woodbridge: Boydell Press, 2000), 14.



appointee was killed by another Irish claimant to the throne.<sup>84</sup> In addition, while the forms of royal authority resembled those in England, the degree of central authority in Ireland was never equivalent. As Frame asserts, the tension between institutional forms and political realities was considerable.<sup>85</sup>

No English king made a personal visit to Ireland between 1210 and 1394 and as the magnates gained more power, political instability increased. Because the magnates became deeply involved in the Gaelic kings' factional conflicts and created their own spheres of influence, one baron often found his own interests at odds with other barons, which sometimes led to conflict. In 1264 Walter de Burgh and Maurice fitz Gerald went to war, presumably over fitz Gerald's capture and imprisonment of the justiciar and other nobles, but more so because of their rival interests in Connacht. According to the *Annals of Loch Cé*, de Burgh seized fitz Gerald's castles in Connacht, burned his manors, and "plundered his people." The war was so devastating that the "major part of Erin was destroyed between them."<sup>86</sup> Conflict between the de Burghs and Geraldines over Connacht arose again in the 1290s and they also intermittently became involved in factional disputes among the Ua Briain kings of Thomond throughout the later thirteenth and early fourteenth centuries.<sup>87</sup> Immersion into Gaelic political disputes and a desire to cement their position also encouraged intermarriage with the Gaelic Irish, which consequently fostered progressive acculturation to Gaelic lifeways, a feature that will be

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<sup>84</sup> CELT: Corpus of Electronic Texts. "Annal LC 1291.4," in *The Annals of Loch Cé*, William M. Hennessy, trans. Compiled by CELT. A project of University College, Cork, Text ID Number: T100010A, distributed by CELT online, Cork, Ireland: University College, Cork, 2000.  
<<http://www.ucc.ie/celt/published/T100010A/index.html>> (12 November 2007).

<sup>85</sup> Frame, *Colonial Ireland*, 93-4.

<sup>86</sup> *Annals of Loch Cé*, "Annal LC 1264.6."

<sup>87</sup> Simms provides a good summary of these conflicts in "Relations with the Irish," in *Law and Disorder in Thirteenth-Century Ireland: The Dublin Parliament of 1297*, James F. Lydon, ed. (Dublin: Four Courts Press, 1997), 73-7.

discussed in greater detail later in this chapter and throughout this study. Gaelicization among the Anglo-Irish lords, as scholars typically refer to them, was also evident among much of settler society as a whole, which led to communal tensions between the settlers themselves. A series of parliaments in the late thirteenth and fourteenth centuries reflected the growing unease at Gaelicization and baronial power. In the Dublin parliament of 1297, for example, the settlers lamented that many Englishmen had become “degenerate” and at another parliament at Dublin in 1320 they bewailed the private armies that devastated their lands.<sup>88</sup>

While they often fell under the Anglo-Irish lords’ domination, many Gaelic provincial dynasties and sub-kings survived and their power grew considerably in the fourteenth century. Indeed, we should not exaggerate the Anglo-Irish lords’ power. As in pre-Angevin Ireland or Wales, political dominance was frequently a temporary phenomenon that needed constant reinforcement to be effective. Irish kings in Tír Eógain and Tír Conaill successfully prevented Anglo-European domination until the later thirteenth century and Irish kings such as Domnall Ua Briain of Thomond (r. 1168-1194), Fíngen Mac Carthaig of Desmond (r. 1251-1261), Áed Ua Conchobair of Connacht (r. 1256-1274), and others proved that Anglo-European forces were far from invincible.<sup>89</sup>

The survival of Gaelic power limited or prevented settlement in much of Ireland.

However, constant wars among the Irish kings and within their royal families encouraged

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<sup>88</sup> For the parliament of 1297, see *IHD*, no. 11, 37. For the parliament of 1320, see *Statutes and Ordinances, and Acts of the Parliament of Ireland- King John to Henry V* (henceforth, *SOAPI*), H.F. Berry, ed. (Dublin: His Majesty’s Stationary Office, 1907), 283-5.

<sup>89</sup> The events contained in this paragraph and the revival of Gaelic power in Ireland are far more complicated than we can possibly describe in detail here. For analysis of these events see James Lydon’s chapters “The Years of Crisis, 1254-1315” and “A Land of War,” in *New History of Ireland*, 2: 179-204 and 240-74, respectively. See also Lydon, “Ireland in 1297: A Peace after its Manner” and Cormac Ó Cléirigh, “The Problems of Defence: A Regional Case-Study,” in *Law and Disorder in Thirteenth-Century Ireland*, 11-24 and 25-56, respectively.

alliances with the settler magnates, who were then able to exploit the situation to their advantage. Hence, by 1300 almost every Irish king in Ireland owed at least nominal allegiance to an Anglo-Irish lord or to the king of England.<sup>90</sup> Nevertheless, English control was fragile and even before 1300 Gaelic Irish attacks in Ireland were increasing in areas that had been under firm settler control. In 1274 and 1276, the justiciar Geoffrey de Geneville suffered humiliating defeats in the mountain regions of Leinster and disturbances continued in Meath and its environs until the Scottish invasion.<sup>91</sup> In 1315 Edward de Bruce, the brother of King Robert I of Scotland, invaded Ireland. His forces ravaged much of eastern Ireland until his death in battle at Faughart in 1317. Although Edward did not succeed in conquering Ireland, his expedition caused tremendous devastation and greatly weakened settler authority.<sup>92</sup> A steady stream of *gallóglaigh* mercenaries from Scotland also fortified the Irish kings' ability to take the military offensive against the settler populations. The settler lordship contracted further and further and Gaelicization proceeded apace, so much so that at the Kilkenny parliament of 1366 the settler community complained that the land, people, language, and laws of the English were "put in subjection and decayed and the Irish enemies exalted and raised up contrary to right."<sup>93</sup>

Ireland was a land of many contradictions and it defies easy categorization. On the one hand, the fact that much of Ireland remained under the power of Gaelic kings

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<sup>90</sup> Simms, "Relations with the Irish," 66.

<sup>91</sup> See Lydon, "Land of War," 257-9 and 264-8. For a more detailed account of disturbances in Leinster and Meath through the Bruce invasion, see Emmett O'Byrne, *War, Politics and the Irish of Leinster, 1156-1606* (Dublin: Four Courts, 2003), 69-86.

<sup>92</sup> For a synopsis of the Bruce invasion, see Frame, *Ireland and Britain 1170-1450* (London: The Hambledon Press, 1998), 71-112. Also Seán Duffy, "The Bruce Invasion of Ireland: A Revised Itinerary and Chronology," in *Robert the Bruce's Irish Wars: The Invasions of Ireland 1306-1329*, Seán Duffy, ed. (London: Stroud, 2002).

<sup>93</sup> *IHD*, no. 17, 52.

prevented or limited settlement in many regions. In addition, while the Crown may have envisioned creating a stable polity under its rule, Anglo-European settlement often exacerbated the factional nature of Irish politics. This fact, coupled with declining royal involvement, the Scottish invasion, and the revival of Gaelic power, produced constant violence. In turn, these factors threatened the settler community's existence and led to discriminatory policies against the Irish that only hardened communal attitudes. On the other hand, Anglo-European and Welsh settlers often intermixed with their Gaelic neighbors. Factional politics encouraged cross-communal political alliances and intermarriage, thereby increasing acculturation, hybridization, and some assimilation. At the same time, the creation of a hybrid Anglo-Irish group increased cultural tensions within the settler community and contributed to the discriminatory practices mentioned above. Hence, Ireland was at once home to the most rigidly enforced example of perpetuated pluralism in the British Isles and one of the most profound examples of cultural hybridization as well. Ireland also demonstrates quite clearly that political and cultural dominance did not always go hand-in-hand.

### ***Scotland***

While Ireland and Wales were lands of many kings and princes who tried to survive native, newcomer, and familial rivals, Scotland was the land of one dynasty- the Canmores- which attempted to assert its control over a multi-ethnic territory of quasi-independent polities by recruiting settlers from across Europe and England. Throughout the thirteenth century, the Scottish crown showed a dogged determination to incorporate regions such as Galloway, Argyll, Caithness, Moray, Ross, Buchan, the Western Isles, and others where the Crown had little or no overlordship and where some lords owed at

least nominal allegiance to Norway. Even before Anglo-European settlers arrived in Scotland, it was one of the more ethnically diverse regions in the British Isles. Although Gaelic and Gaelic-Norse elements dominated much of Scotland, there were considerable Anglo-Saxon and Brythonic populations in the south. As in Hungary, Bohemia, and Georgia, settlement only occurred with royal approval. In the Scottish case, however, the Crown sought to expand the geographical range of its sovereignty, which provoked considerably more violence than in either Hungary or Bohemia. Nonetheless, although resistance to the Scottish Crown's ambitions was far more sustained, the level of control that the Canmore kings demonstrated over the settler groups was greater than in Hungary or Georgia and comparable to Bohemia where the German immigrants were entirely dependent on and obedient to the Crown.<sup>94</sup> Unlike the English crown, the Scottish monarchs did not allow local lords to usurp too much of the initiative. The Scottish crown had difficulty incorporating the northern and westernmost regions of the kingdom during the twelfth and thirteenth centuries and foreign settlement in those regions was sparse. These factors contributed to a sort of perpetuated pluralism that grew more pronounced during the fourteenth century. However, because the Crown closely supervised the settlement process, never attempted to obliterate Gaelic institutions or culture, and retained much of its Gaelic identity, we often see considerable communal integration and acculturation in regions where Anglo-European and Gaelic communities were in close contact.

The bulk of the settlement process occurred during the reigns of Alexander I (r. 1107-1124), David I (r. 1124-1153), Malcolm IV (r. 1153-1165), and William I (called "the Lion," r. 1165-1214), though it also continued under Alexander II (r. 1214-1249).

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<sup>94</sup> See Appendix, 491-6.

According to G.W.S. Barrow, there were two principal periods of settlement. The first period stretched between 1107 and the 1140s. Most of the settlement occurred under David I, who was educated in the household of Henry I of England and had received substantial estates in England and Normandy.<sup>95</sup> David recruited many Norman families from his Honor of Huntingdon in northern England and the Cotentin, the Avranchin, and the eastern borders of Brittany in Normandy into Scottish regions such as Lothian, Teviotdale, and Cumbria.<sup>96</sup> The *Chronicle of Melrose* records that the abbeys of Melrose, Holyrood, and Dundrennan, along with the churches of Kelso and Roxburgh, were all established during David's reign.<sup>97</sup> Monastic orders such as the Cistercians, Premonstratensians, Tironensians, Augustinians, the Templars, and the Hospitallers also came into Scotland.<sup>98</sup> Founding religious houses heightened the Crown's prestige and could help consolidate royal control in districts where its authority had been weak. For example, after royal forces defeated the earl of Moray in 1130 and confiscated the province, David granted the Benedictines of Dunfermline land in Moray and planted a convent of Cistercians from Melrose at Kinloss.<sup>99</sup>

Given David's ties to the English court and many prominent families in Normandy and England and his founding of numerous religious houses across Scotland,

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<sup>95</sup> For the early life of David I and connections to Henry I, see G.W.S. Barrow, *Kingdom of the Scots: Government, Church and Society from the Eleventh to the Fourteenth Century*, 2nd ed. (Edinburgh: Edinburgh University Press, 2003), 157.

<sup>96</sup> *Ibid.*, 283-4.

<sup>97</sup> *The Chronicle of Melrose*, A.O. Anderson and M.O. Anderson, eds. (London: Humphries and Co., 1936), 68-72.

<sup>98</sup> See Barrow, *Scotland and its Neighbors in the Middle Ages* (London: Hambledon Press, 1992), 39. For a fuller discussion of David's religious patronage both before and after he became king of Scotland, see Barrow, *Kingdom of the Scots*, 156-68. For an excellent summary of the introduction of European religious orders into Scotland in the eleventh and twelfth centuries, see Janet E. Burton, *The Monastic and Religious Orders in Britain, 1000-1300* (New York: Cambridge University Press, 1994), 34-5, 52-60, 66-7, 72, and 81.

<sup>99</sup> Barrow, *Kingdom of the Scots*, 167. Angus' defeat and death are mentioned in all of the Scottish chronicles, but Orderic Vitalis gives the most detailed account. See *Scottish Annals from English Chroniclers 500 to 1286* (henceforth, *SAEC*), A.O. Anderson, ed. (London: D. Nutt, 1908), 167.

it is not surprising that the Anglo-European elite of England saw him as one of their own, a man who tried to bring “civility” to “barbarous” Scotland. William of Malmesbury claimed that his education in the English court and his familiarity with English customs had “wiped away every blemish of Scottish barbarism” from him.<sup>100</sup> Similarly, John of Hexham praised David for moderating “the savagery of his barbarous people.”<sup>101</sup> However, Barrow notes that David was conscious of Scotland’s ancient traditions, even if he was also aware that there were aspects of Anglo-European kingship and methods of rule that he had to emulate if his dynasty were to survive. David showed consistent reverence for Gaelic saints and maintained the loyal native ruling class. Indeed, the armies that David led into England in the 1130s drew from regions such as Galloway, Argyll, and the northern districts of Scotland.<sup>102</sup>

The second phase of settlement principally occurred between 1160 and 1199, but we also detect a continuing influx of foreign adherents to the Crown well into the thirteenth century. Settlers moved into the eastern districts of Fife, Gowrie, Angus, and Mearns north of the Firth of Forth. As in the first period, many of these families originally came from Normandy and other regions of France and had settled in England. However, under Malcolm IV there was a substantial influx of Flemings.<sup>103</sup> In addition,

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<sup>100</sup> Malmesbury, *De Gestis Regum Anglorum*, 2: 476-7... *omnen rubiginem Scotticae barbariei deteraserat*.

<sup>101</sup> John of Hexham, “Historia Johannis prioris Hagustaldensis ecclesiae xxv annorum (1130-54),” in *Symeonis Monachi Opera Omnia*, Thomas Arnold, ed. 2 vols. (London: 1882-1885), 2: 330... *Predictabile quidem in eo, quod in spiritu consili et fortitudinis barbarae gentis suae feritatem sapienter moderatus est*.

<sup>102</sup> Barrow, *Kingship and Unity*, 40-1. In 1136 and 1138 David I invaded northern England to lay claim to the northern English counties of Northumberland and Cumbria. The contemporary English accounts of these invasions contain the most detail about the composition of David’s armies, negotiations between the Scots and Stephen of Blois, and David’s eventual defeat at the Standard in 1138. See *SAEC*, 176-213. For analysis of David’s invasions, see Barrow, *Kingdom of the Scots*, 140-7; Richard Lomas, *North-East England in the Middle Ages* (Edinburgh: Donald, 1992), 32-7; and Keith J. Stringer, “State-Building in Twelfth-Century Britain: David I, King of Scots, and Northern England,” in *Government, Religion and Society in Northern England, 1000-1700*, John C. Appleby and Paul Dalton, eds. (Stroud: Alan Sutton, 1997), 40-62.

<sup>103</sup> Barrow, *Kingdom of the Scots*, 289-95.

settlement occurred further north, though it chiefly happened when political disturbances arose. For example, the Holyrood chronicle states that Malcolm IV “transferred the people of Moray.”<sup>104</sup> John of Fordun claims that Malcolm did so because of a rebellion in the region and he settled the Moravians in different districts of the kingdom.<sup>105</sup> The idea that the Crown expelled and resettled all the Moravian natives is an exaggeration.<sup>106</sup> Nevertheless, Malcolm’s actions seem to have continued David I’s policy in Moray. In Moray, the Crown established royal burghs, divided the region into sheriffdoms, founded religious houses, and gave substantial grants to newcomers under feudal tenures. After a series of rebellions in the early thirteenth century, the Crown fortified its position in Moray and placed its adherents in the northern districts of Badenoch, Sutherland, parts of Caithness, the Aird, and the Great Glen region.<sup>107</sup> Settlement also continued in Galloway into the thirteenth century, under supervision from the lords Uhtred, Roland, and Alan. According to Oram, the Gaelic aristocracy’s support in Galloway was crucial to the settlers’ fortunes.<sup>108</sup>

This last example demonstrates that the Scottish kings did not monopolize the settlement process. As in Ireland, Wales, and much of Eurasia, local powers were usually the recruiting agents. Ruth Blakely demonstrates that the de Bruce family of the lordship of Annandale in southwestern Scotland recruited many settlers from Cumberland in

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<sup>104</sup> *A Scottish Chronicle known as the Chronicle of Holyrood* (henceforth, *Holyrood Chronicle*), M.O. Anderson, ed. (Scottish Historical Society, 1938), 142. *Et rex Malcolmus Murevienses transtulit.*

<sup>105</sup> Johannis de Fordun, *Chronica Gentis Scottorum*, W.F. Skeene, ed. 2 vols. (Edinburgh, 1871-1872), 2: 251-2.

<sup>106</sup> See R. Andrew McDonald, “Rebels without a Cause? The Relations of Fergus of Galloway and Somerled of Argyll with the Scottish Kings, 1153-1164,” in *Alba: Celtic Scotland in the Middle Ages*, Edward J. Cowan and R. Andrew McDonald, eds. (East Linton: Tuckwell, 2000), 183.

<sup>107</sup> Alexander Grant, “The Province of Ross and the Kingdom of Alba,” in *Alba*, 110 and 123-4. Interestingly, Ross did not witness a large-scale dispossession of native landholders until after the 1211-1212 rebellion, even though the MacHeth earls of Ross (the last of whom died in 1168) and their descendants launched numerous rebellions against the Crown. Even after the 1211-1212 rebellion, a native earl, Farquhar MacTaggart, retained control of Ross. See *idem*, 107-111 and 124-5.

<sup>108</sup> Richard D. Oram, *The Lordship of Galloway* (Edinburgh: John Donald, 2000), 194-206.



England. A few hailed from Yorkshire and others may have come from as far afield as Flanders and Normandy.<sup>109</sup> Likewise, both Neville and Michael Brown assert that the Gaelic earls of Lennox welcomed a small number of foreign families into the southern districts of their territories.<sup>110</sup> Nevertheless, the Scottish kings established and implemented the settlement framework. They granted charters to the newcomers, who often held their lands under military service. Barrow notes that the Crown rarely granted more than a single knight's-fee to its vassals, which limited baronial power and increased dependence on the monarchy.<sup>111</sup> The newcomers' positions were entirely beholden to the Crown's benevolence and their arrival in the kingdom was part of a general policy to strengthen royal rule and tie its vassals more closely and formally to it. The Crown even created a more formalized relationship with traditionally Gaelic earldoms such as Ross, Mentieth, Strathearn, Fife, Lennox, and Atholl, whose earls held them through royal charters by the thirteenth century.<sup>112</sup>

As in Ireland and Wales, situations that encouraged perpetuated pluralism emerged among the native and non-native communities in Scotland and these situations contributed to persistent cultural divisions that lasted throughout our period, significantly influenced the nature of the Scottish kingdom, and complicated the issue of a Scottish identity. However, the reasons for their emergence were unique, were geographically disparate and inconsistent, and were not necessarily formalized arrangements. Indeed,

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<sup>109</sup> Ruth M. Blakely, *The Brus Family in England and Scotland, 1100-c. 1290* (Durham: Boydell Press, 2000), 139-46.

<sup>110</sup> Cynthia J. Neville, *Native Lordship in Medieval Scotland: The Earldoms of Strathearn and Lennox, c. 1140-1365* (Dublin: Four Courts Press, 2005), 55-8 and Michael Brown, "Earldom and Kindred: The Lennox and its Earls, 1200-1458," in *The Exercise of Power in Medieval Scotland c. 1200-1500*, Steve Boardman and Alasdair Ross, eds. (Dublin: Four Courts Press, 2003), 203-4.

<sup>111</sup> Barrow, *Kingdom of the Scots*, 262-4. The earls rarely owed specified amounts of knight-service, but those of baronial or knightly status almost always did. See *idem*, 270-3.

<sup>112</sup> *Ibid.*, 269-70.

these situations contributing to perpetuated pluralism existed alongside the formal integrative structures that the Scottish monarchy established.<sup>113</sup> The first type emerged from the Crown's gradual or incomplete conquest of many regions and low levels of foreign settlement in others. The kings of Scotland faced continual challenges to their rule from disaffected kindreds in the north that claimed the Scottish throne, such as the MacWilliams and the MacHeths of Moray and Ross.<sup>114</sup> They also faced substantial threats from rulers such as Fergus of Galloway, whom the Holyrood chronicler called a *princeps*, and Somerled of Argyll, whom the *Annals of Tigernach* called "king of the Hebrides and Kintyre" (Cantyre).<sup>115</sup> Galloway came under firm royal control by the end of the twelfth century and the Crown squashed rebellions and fully solidified its power in Caithness and Ross during the early thirteenth. However, it was not until 1266 that the Scottish kings acquired much of the Western Seaboard from Norway and that was only after a massive Norwegian invasion a few years earlier.<sup>116</sup> Aside from Moray and Galloway, foreign settlement was not particularly dense north of the Moray Firth and in the far west and the Isles.<sup>117</sup>

The second situation that contributed to perpetuated pluralism was physical separation between Gaelic and non-Gaelic communities in close contact. For instance,

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<sup>113</sup> See below, 205-7.

<sup>114</sup> For summaries and analysis of the MacWilliam, MacHeth, and other revolts, see R. Andrew McDonald, *Outlaws of Medieval Scotland: Challenges to the Canmore Kings, 1058-1266* (East Linton, Scotland: Tuckwell Press, 2003), esp. pages 125-34 and 155-64. For the MacWilliam and MacHeth claims to the Crown, see *idem*, 61-85 and Grant, "Province of Ross and the Kingdom of Alba," 107-11.

<sup>115</sup> *Holyrood Chronicle*, 139 and *Annals of Tigernach*, entry for 1164. For more information on Somerled's invasion of 1164 and his regnal titles, see below, n. 381, 101-2. For an analysis of Fergus' career and the motivations behind his and Somerled's rebellions, see McDonald, *Outlaws of Medieval Scotland*, 85-97.

<sup>116</sup> For the text of the Treaty of Perth, see *Scottish Historical Documents*, G. Donaldson, trans. (Edinburgh: Scottish Academic Press, 1970), 34-6. For contemporary accounts of this invasion under Haakon IV (r. 1217-1263) in 1263 from both Scottish and Norwegian sources, see *Early Sources of Scottish History 500 to 1286*, A.O. Anderson, ed. (Edinburgh: Oliver and Boyd, 1922), 607-43.

<sup>117</sup> See Grant, "Province of Ross and the Kingdom of Alba," 110-7 and 123-5. Ross received few settlers, while Hugh de Moravia received Sutherland as his lordship.

Brown notes that the Gaelic speakers of the Lennox tended to dominate the upland pastoral districts, while the arable lowland regions were Anglicized.<sup>118</sup> Oram asserts that this pattern was also typical of other regions such as Strathearn, Galloway, Mar, and a series of lordships stretching from Strathbogie (between Mar and Buchan) to Badenoch in Moray granted to the Gaelic earls of Fife, Strathearn, and Mar.<sup>119</sup> Whether such physical separation was also a characteristic of contact in Fife, Atholl, and Angus is unclear, though sixteenth and seventeenth-century linguistic evidence from Perthshire and Angus suggests that Gaelic remained strongest in the upland parishes, while English tended to dominate the lowland and coastal districts.<sup>120</sup> This feature seems to have reflected the Gaelic lords' and kindreds' economic preferences, but conscious decisions to keep cultural distance may also have motivated it. Either way, physical separation was not a policy that the Crown dictated or encouraged and there were many exceptions to this general state of affairs.<sup>121</sup> Nonetheless, the situations promoting perpetuated pluralism had tremendous cultural consequences. Fordun, writing in the 1370s, may have erroneously noted a great cultural divide between the Gaelic-speaking peoples of the Highlands and the English speakers of the Lowlands.<sup>122</sup> Yet Gaelic, Gaelic-Norse, and Anglo-European ethnic groups never fully integrated either, even though the eastern areas

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<sup>118</sup> Brown, "Earldom and Kindred," 203.

<sup>119</sup> Oram, "Continuity, Adaptation, and Integration: The Earls and Earldom of Mar, c. 1150-c. 1300," in *The Exercise of Power in Medieval Scotland*, 56-7.

<sup>120</sup> See Charles W.J. Withers, "On the Geography and Social History of Gaelic," in *Gaelic and Scotland: Alba agus a'Ghàidhlig*, William Gillies, ed. (Edinburgh: Edinburgh University Press, 1989), 103-5. Perthshire encompassed the medieval earldoms of Atholl and Fife.

<sup>121</sup> Barrow, for example, mentions an Anglo-European lord and his family acquiring land in the upland districts of Perthshire in the late thirteenth century. See Barrow, "The Lost Gàidhealtachd," in *Scotland and its Neighbors*, 107-8. Neville also notes that Maoldomhnaich, the earl of Lennox (d. c. 1250), encouraged Gaelic landholders to occupy the most arable districts of the earldom. See *Native Lordship in Medieval Scotland*, 57-8.

<sup>122</sup> Fordun, *Chronica Gentis Scottorum*, 2: 38. Barrow refutes Fordun in *Scotland and its Neighbors*, 105-9. John MacInnes also has an excellent article on Gaelic perceptions of, and linguistic terms for, the non-Gaelic and partially Gaelic communities in Scotland. See "The Gaelic Perceptions of the Lowlands," in *Gaelic and Scotland*, 89-100.

south of the Moray Firth and north of the Firth of Forth, Galloway, and Carrick slowly underwent de-Gaelicization.<sup>123</sup>

Yet perpetuated pluralism did not preclude deep acculturative change. De-Gaelicization was a slow phenomenon and Barrow and others have demonstrated that Gaelic customs, laws, and institutions survived and flourished throughout Scotland, not just in the extreme north and west.<sup>124</sup> The survival of Gaelic socio-cultural traditions among the Anglo-European settler groups and the acceptance of Anglo-European customs and institutions among the native communities have led scholars such as Neville to emphasize the “hybridization” of Scotland during this period.<sup>125</sup> We will examine the acculturation process in Scotland in more detail later in this chapter and in Chapter Seven. Yet it is important to note now the Crown’s role in establishing the framework in which cultural borrowing could occur. The invitation of Anglo-European settlers and the establishment of “feudal” practices and institutions were undertaken solely to consolidate and expand royal authority. The Crown neither dispossessed Gaelic rulers who accepted its power nor did it intend to undermine Gaelic culture. Also, the settler groups quickly found that they needed the native populations’ support and tended to integrate native customs and institutions rather than suppress them. The settlement process was much more peaceful than in Ireland and Wales, much of which owed to the Crown’s management of that process. Foreign invitees found that they had no freedom to aggrandize their families’ estates at the hands of the native population without royal approval and that the Crown closely supervised their actions. The Crown’s behavior

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<sup>123</sup> See Wilson McLeod, *Divided Gaels: Gaelic Cultural Identities in Scotland and Ireland, c. 1200-1650* (Oxford: Oxford University Press, 2004), esp., 20-9.

<sup>124</sup> For Barrow’s discussion, see *Scotland and its Neighbors*, 105-26.

<sup>125</sup> Neville, *Land, Law and People in Medieval Scotland* (Edinburgh: Edinburgh University Press, 2010), 206-9.

increased the likelihood that cultural contact and acculturation would proceed more smoothly than in Ireland or Wales. While the Anglo-Irish accepted modes of Gaelic culture yet rejected any characterization as being “Irish,” the combination of perpetuated pluralism and tremendous acculturation meant that a unique and theoretically unifying “Scottish” identity could eventually emerge, even as Scotland’s ethnic communities acknowledged cultural differences and often maintained some degree of physical distance.

### **Socio-Cultural Difference, Ethnic Perceptions, and the Construction of Communal Identities in Contact Situations**

The political factors involved in the settlement process constituted only one element in structuring contact between ethnic communities in the border regions. As we discussed in the first and second chapters, socio-cultural difference was ethnicity’s foundation and ethno-religious groups needed to perpetuate difference in order to sustain their identifications while undergoing cultural change in a contact situation. We also observed that socio-cultural differences could provide the basis for formally structuring ethno-religious interactions and could be crucial factors in determining the possibilities for assimilation.<sup>126</sup> These same features were prevalent throughout the British Isles and will be a key point of discussion throughout this study. In this section we will outline the socio-cultural structures, organization, and values of the settler and native communities and examine how they either congealed identities or raised cultural barriers by emphasizing difference. We will also discuss how these similarities and differences

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<sup>126</sup> See above, 25-31 and 64-124.

affected the discourse of ethnic interaction and why that discourse was so important in structuring intercommunal contact.

***Diversity and Coalescence among the Settler Communities***

As in much of Eurasia, the settlers who came to Wales, Ireland, and Scotland were a heterogeneous group. For example, William fitz Robert, the earl of Gloucester and lord of Glamorgan (d. 1183), frequently addressed his charters to his French and English (*Francis et Anglicis*), as well as Welsh, subjects.<sup>127</sup> In 1194 Walter de Lacy, the earl of Meath, informed “all his men and friends, French, English, and Irish” that he was granting the burgesses of Drogheda the Law of Breteuil.<sup>128</sup> Similarly, when John granted the citizens of Dublin a whole range of liberties and privileges, he announced it to his “French, English, Irish, and Welsh” friends.<sup>129</sup> Comparable charters from Scotland are absent, but contemporary sources also attest to the settler population’s wide geographical origins. Richard of Hexham stated that the Scottish army that entered northern England in 1138 contained “Normans and Germans,” in addition to Englishmen, Gallovidians, and contingents of “Scots.”<sup>130</sup> According to Fordun, after William I was captured at Alnwick during an invasion of northern England in 1174, the “Scots and men of Galloway” slaughtered many of their French and English neighbors and there was a general persecution of the English in Galloway and throughout Scotland.<sup>131</sup> One might logically assume that ethnic diversity among the settler populations would have inhibited cultural and political cohesion. It certainly slowed assimilation, but diversity did not prevent it. In

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<sup>127</sup> For two examples of these charters, see *Cartae et Alia Munimenta Quae ad Dominium de Glamorgan Pertinent* (henceforth, *Cartae*), Geoffrey T. Clark, ed. 6 vols. (Cardiff: Dowlais, 1885), nos. XVII and XVIII, 1: 12-3.

<sup>128</sup> *IHD*, no. 7, 27.

<sup>129</sup> *Ibid.*, no. 6, 24.

<sup>130</sup> *SAEC*, 181.

<sup>131</sup> Fordun, *Chronica Gentis Scottorum*, 2: 259.

the Scottish case, the settler population's diversity mirrored the native population's heterogeneity. Unsurprisingly, a coherent "Scottish" identity did not emerge among the settlers and natives until far into the thirteenth century, a situation that we will explore later in this section. However, assimilation among the settlers in Ireland and Wales occurred much earlier and the reasons for it are now the subject of our inquiry.

By the early thirteenth century at the latest, the settler groups in Wales and Ireland had largely assimilated into English society and embraced a singularly English identity. Charters addressed to the *Francis et Anglicis* dwindle. Aside from a mention of a Flemish community in Wales as late as 1220, Welsh annals such as the *Annales Cambriae* and the *Brut y Tywysogion* refer to the settlers exclusively as "English" after 1214.<sup>132</sup> The Irish annalists also called the settlers "English," if they were not using the generic term *Gallaibh* ("foreigners") and its variants. The coalescence of a uniquely English identity for the settler populations occurred later in Ireland and Wales than in England, but the reasons for assimilation were consistent. The primary distinctions among the settler groups were linguistic. However, language was a fairly permeable barrier and they shared many cultural similarities and a common loyalty to the English crown. In the borderlands, constant war with the Welsh and Irish also helped foster unity. Yet perhaps most importantly, the socio-cultural similarities among the settler groups engendered a sense of difference with, and superiority to, the native populations that outweighed any socio-cultural differences among them. This sense of superiority and difference helped unify the settler community before the thirteenth century and became a centerpiece of the mythology of political and cultural dominance best expressed under Edward I.

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<sup>132</sup> See below, 235-7.

The settler groups in Wales and Ireland shared similar forms of social organization, military techniques, and socio-economic production. Whether the term “feudalism” is appropriate and whether the Normans introduced it to England are subjects discussed in Chapter Six.<sup>133</sup> Certainly, however, the Normans introduced a more vertical social structure, in which all land was ultimately held of the king and in which organized kindreds played no explicit political role. The most powerful of the landed aristocracy held their lands directly from the king and they distributed portions of their lands to others in a process known as “subinfeudation.” Similar systems existed across much of Western Europe.<sup>134</sup> The rationale behind this system was to tie the king’s followers and his vassals’ followers more closely to their lord and to provide the king with a military force that he could summon whenever necessary. The basis of this force was the heavy cavalry and the face of the heavy cavalry was the armored knight. Typically, the king’s followers held their lands in return for military service, which usually entailed providing armored knights. For example, King John confirmed that William Marshal held Leinster in return for one hundred knights in 1208 and Henry III granted Connacht to Richard de Burgh in 1234 on condition that he render twenty knights.<sup>135</sup>

In order to produce the required number of knights, the king’s vassals normally granted lands to their followers in the form of “knights’ fees.” The knight’s fee provided the knight with the ability to obtain sustenance and the necessary equipment to fulfill his military obligations to his lord. The “knight’s fee” became a standard measure of landholding in England and was a key feature of settlement in Ireland, Wales, and

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<sup>133</sup> See below, 347-53.

<sup>134</sup> For the spread of “feudalism” and the importance of knights and western European military technology to facilitating conquest and settlement throughout Europe during our period of study, see Bartlett, *Making of Europe*, 43-55 and 60-70.

<sup>135</sup> *CDI*, nos. 381 and 2217 1: 57 and 329.



Scotland. For instance, an inquisition *post mortem* taken in 1251-1252 reveals that eleven individuals held knights' fees from Gerard de Prendergast in Ireland, while Gerard himself held fourteen fees from David de Barry, which he then parceled out to nine others.<sup>136</sup> In Wales, the king's vassals typically did not hold their lands directly from the king, but the knight's fee was still a conspicuous feature of settlement. Davies notes that knights' fees dotted the Vale of Glamorgan and most other regions where Anglo-Europeans came *en masse*.<sup>137</sup>

The knight was best suited to fighting in the plains and lowland areas and, therefore, it should not be surprising that the armored knight emerged from a Western European society whose economy was mostly based upon arable agriculture. Hence, military constraints and preferred locales for agricultural production often coincided. Just as the *Brut* boasted that the "French dared not penetrate the rocks and the woods," we find in Ireland that the settlers left upland regions of Munster and Leinster to Irish dynasties.<sup>138</sup> Indeed, the settlers also shared an economic system that scholars refer to as "manorialism." Manors appeared throughout Ireland and Wales where the lord shared his lands with a host of free and unfree tenants who held their lands in return for services and rents. Many of these settlers also came from lands that had undergone significant urban expansion and commercialization coinciding with a general European population boom. We have already mentioned many of the great port cities incorporated within the Angevin Empire and the founding or expansion of numerous towns and boroughs in Wales and Ireland. However, we also see the manor and the borough sometimes combined in Ireland. Because burgage tenures often came with substantial privileges, lords frequently

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<sup>136</sup> Ibid., no. 3203, 476-8. Prendergast also held one fee from the bishop of Cloyne for a monetary sum.

<sup>137</sup> Davies, *Age of Conquest*, 37 and 94-5.

<sup>138</sup> *Brut* (RBH), 61.

used those tenures and privileges to induce settlers. Down notes that many manors in Ireland came with borough constitutions that provided the inhabitants with low rents, limited labor services, and the ability to give suit of court at the hundred rather than the manor court.<sup>139</sup> *The Black Book of St. David's* also informs us that similar situations occurred at places such as New Moat in Pembrokeshire. It is called a manor in the survey, but the majority of the inhabitants held through burgage tenures.<sup>140</sup>

In addition to similar modes of social organization and socio-economic production, the settler communities of Ireland and Wales shared many other similar cultural values. One of the most apparent similarities in the border regions was that the settlers enthusiastically embraced the monastic orders of Western Europe and largely rejected the traditional forms of monasticism found in the western British Isles. Hence, the early stages of Anglo-European settlement in Wales often saw lords conspicuously demonstrate their cultural ties by founding Benedictine priories as cells of established abbeys in England or Europe. For example, Pembroke Priory was founded in 1098 and given to the abbey of St. Martin at Sayes in Normandy, while Bernard de Neufmarché made Brecon Priory a cell of Battle Abbey in Sussex.<sup>141</sup> As new religious orders such as the Cistercians, Augustinians, and others emerged from the church reform movements in the twelfth century, the settler populations were quick to create new endowments for them. Margam, Neath, and Tintern abbeys in Wales were either founded by Anglo-European lords or were populated with Cistercians monks on an existing site under their

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<sup>139</sup> Kevin Down, "Colonial Society and Economy," in *New History of Ireland*, 2: 457.

<sup>140</sup> *An Extent of all the Lands and Rents of the Lord Bishop of St. David's* (henceforth, *The Black Book*), J.W. Willis-Bund, ed. (London: Cymmrodorion Record Society, 1902), 127-35.

<sup>141</sup> *Monasticon Anglicanum*, William Dugdale, ed., 6 vols. (London: Longman, Hurst, et al., 1830), 4: 320 and 3: 259, respectively.

lordship.<sup>142</sup> Martin of Tours founded St. Dogmael's Abbey c. 1126 and populated it with Tironensian monks, while the Costentins founded the Augustinian priory of Tristernagh in western Meath.<sup>143</sup>

Socio-cultural similarities helped unite the settler community, but the settlers' differences with the native communities were just as powerful. These contrasts became badges of communal identity, fostered communal cohesion, and created a mythology of cultural superiority that distinguished Anglo-European lifeways from native "barbarism." Contemporary Anglo-European chroniclers hid little of their contempt for the Welsh, Irish, and Gaelic Scots. They criticized native laws, sexual behaviors, manners of dress, agricultural practices, and martial customs, among other things. William of Malmesbury stated that David I tried to change the Scots' living, eating, and clothing habits.<sup>144</sup> William of Newburgh excoriated the Welsh as a "restless and barbarous people" (*gentem inquietam et barbaram*) and claimed that the Irish were a "barbarous and uncivilized people" who knew little of laws and discipline and were so lazy in their agricultural practices that they lived more on milk than bread.<sup>145</sup> While Newburgh praised David I of Scotland as a "non-barbarous king of a barbarous people," he also criticized him for being unable to restrain his subjects' "unbridled barbarity" (*ex effrenata barbarie*) and "lust for blood" (*sanguinis avidam*) during his invasions of northern England.<sup>146</sup>

Newburgh was particularly appalled that the Scots paid no heed to their victims' sex or age and he echoed a general revulsion at the native populations' political and

<sup>142</sup> For these abbeys, see *idem*, 3: 740, 3: 258-9, and 3: 265-9, respectively.

<sup>143</sup> For St. Dogmael's, see *idem*., 4: 128 and Burton, *Monastic and Religious Orders in Britain*, 67. For Tristernagh, see Frame, *Colonial Ireland*, 77.

<sup>144</sup> Malmesbury, *De Gestis Regum Anglorum*, 2: 477.

<sup>145</sup> *Chronicles of the Reigns of Stephen, Henry II, and Richard I*, R. Howlett, ed. 4 vols. (London: 1884-1889), 106 and 166... *sed populos habet moribus incultos et barbaros, legum et disciplinae fere ignaros, in agriculturam desides, et ideo lacte magis quam pane viventes.*

<sup>146</sup> *Ibid.*, 72.

military customs.<sup>147</sup> Indeed, Richard of Hexham stated that the Scots were more savage than “any race of heathen” because they burned churches and slaughtered pregnant women, old women, and babies who were nursing at their mothers’ breasts.<sup>148</sup> John of Hexham also lamented that the Scots took their male and female captives (the women naked) into Scotland as slaves.<sup>149</sup> Gerald of Wales, though himself half Welsh, equally abhorred the cruelty shown to prisoners of war, the constant fighting between rival dynasts, and the practice of mutilating those rivals to prevent their succession. According to Gerald, knights were seized and ransomed in Europe, but they were decapitated and killed in Ireland and Wales.<sup>150</sup> Further, after a prince’s death in Wales, terrible violence would ensue and brothers would often kill or blind each other.<sup>151</sup> Anglo-European contemporaries also claimed that the native peoples constantly changed political allegiances solely based on the strength of the parties and ignored treaties and agreements whenever the opportunity arose. Hence, Matthew Paris contended that the Welsh lacked loyalty and followed only those who were successful, while Gerald of Wales stated that the Welsh possessed an “innate fickleness” (*innatae levitatis*).<sup>152</sup>

Perhaps the harshest criticism came from the Anglo-European clergy. The clerical establishment in the Latin West increasingly demanded conformity not only to the religious tenets of Latin Christianity and the Roman church’s stipulations, but also to

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<sup>147</sup> Ibid., 72. *Sicut enim ille post multa virtutum insignia in adulterium simul et homicidium, in altero enervis, in altero nequam, incidit; ita et iste alias quidem bonus et pius, Scottorum gentem ex effrenata barbarie sanguinis avidam, et neque aetati neque sexui, licet eo nolente et frustra prohibente, parcituram, Anglorum immisit provinciae, dum pro nepte sua olim imperatrice, cuius justam, ut credebat, partem fovebat, plus justo aemularetur.*

<sup>148</sup> SAEC, 180.

<sup>149</sup> Ibid., 181.

<sup>150</sup> Giraldus Cambrensis, *Descriptio Kambriae*, in *Opera*, 6: 220.

<sup>151</sup> Ibid., 211-2.

<sup>152</sup> Matthew Paris, *Chronica Majora* 3: 385. *Sed Walensium fides est fidei carentia, nec parcant, cum possunt; et amici fortunae occupatos de more suo insequuntur; depressi vero, vel fugiunt vel humiliantur; secundum illud poeticum nunquam tales sunt credendi...*; and Giraldus Cambrensis, *Descriptio Kambriae*, in *Opera*, 6: 223.

particular forms of social organization and cultural practices.<sup>153</sup> Therefore, while the Welsh and Irish may have been Christians, their lifeways and lack of adherence to the church reform values of the eleventh and twelfth centuries placed them at the fringes of the *Christianitas*- or outside it altogether. Bernard of Clairvaux claimed that the Irish gave no tithes, engaged in illegitimate marriages, and failed to make confessions. For Bernard, the Irish failure to obey the church's precepts stemmed from their way of life. According to him, the Irish were shamelessly impudent in their customs and lived a morally polluted life. They were faithless, lawless, and obstinate to discipline. They were Christians in name, but pagans in deed (*Christiani nomine, re pagani*).<sup>154</sup> Gerald of Wales observed that the Welsh were entirely devoted to Christianity, but he harshly criticized the Welsh clergy for keeping concubines and lamented that the Welsh often married within the forbidden degrees of kinship.<sup>155</sup> Gerald further bemoaned that many Welsh religious houses were under the control of so-called "lay abbots" who were closely connected to powerful local men. Indeed, Gerald told the story of a knight from Brittany who was traveling to distant lands to learn foreign customs in the early twelfth century. He came to the Welsh monastery of Llanbadarn Fawr in Ceredigion where he saw the abbot walking in front of a group of twenty armed men and carrying a war spear instead

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<sup>153</sup> For more on this point, see David Fraesdorff's analysis of Western European attitudes towards recently converted peoples in northern Europe in "The Power of Imagination: The Christianitas and the Pagan North during Conversion to Christianity (800-1200)," *Medieval History Journal* 5:2 (2002): 323-32.

<sup>154</sup> Bernard of Clairvaux, *De Vita et Rebus Gestis S. Malachiae, PL*, J.P. Migne, ed. (Paris: Migne, 1854), 1084. *Cum autem coepisset pro officio suo agere, tunc intellexit homo Dei, non ad homines se, sed ad bestias destinatum. Nusquam adhuc tales expertus fuerat in quantacunque barbarie: nusquam repererat sic protervos ad mores, sic ferales ad ritus, sic ad fidem impios, ad leges barbaros, cervicosos ad disciplinam, spurcos ad vitam. Christiani nomine, re pagani. Non decimas, non primitias dare, non legitima inire conjugia, non facere confessiones; poenitentias nec qui peteret, nec qui daret, penitus inveniri.*

<sup>155</sup> Giraldus Cambrensis, *Descriptio Kambriae*, in *Opera*, 6: 202-4. Also, see below, 371-3.

of a pastoral staff. Gerald stated that the knight found the episode so odd that he gave up his studies, forsook traveling, and returned home immediately.<sup>156</sup>

English power in the British Isles reached its apogee under Edward I and it was during his reign that a mythology of English political dominance developed, which also included a conviction of cultural superiority. In 1282-1283 Edward conquered Wales and in 1296 he invaded Scotland. Scotland became a perennial thorn in Edward's side, but by 1305 he felt secure enough in his conquest to issue an ordinance for Scotland's government. Furthermore, in 1307 he summoned all the magnates of England, Wales, Ireland, and Scotland to a parliament at Carlisle where he promulgated a statute that applied to the entire British Isles. During his conquests, Edward confiscated the imperial regalia of the princes of Gwynedd and the Scottish kings and transferred them to London. He and contemporary English authors often compared Edward's reign to King Arthur's, the British monarch who legendarily ruled over all of Britain. Edward was present at the disinterment and reburial of Arthur and Guinevere's bodies at Glastonbury Abbey in April of 1278. One item of Gwynedd's imperial insignia that Edward confiscated was supposedly Arthur's crown. At Nefyn, Edward had hosted a roundtable in the Arthurian manner and when Pope Boniface VIII (1294-1303) dared to question the legitimacy of Edward's conquest of Scotland, Edward tied English supremacy directly to Arthur and the ancient Britons.<sup>157</sup> When he died in 1307, the *Annals of Connacht* gave him a fitting, if not precise, description: "Edward Mór, King of England, Wales and Scotland, Duke of Burgundy and lord of Ireland, rested in Christ in the thirty-fifth year of his reign and the

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<sup>156</sup> Giraldus Cambrensis, *Itinerarium Kambriae*, in *Opera*, 6: 121.

<sup>157</sup> For the imperial insignia of Gwynedd and Scotland and Edward's expropriation of Arthurian mythology, see below, 256-9.

sixty-sixth of his life.”<sup>158</sup> Edward’s official diplomatic was “King of England, lord of Ireland, and duke of Aquitaine,” but the Irish annalist better captured the scope of his power.

Edward and contemporaries such as John Pecham (the archbishop of Canterbury) often noted what they considered their Welsh and Gaelic neighbors’ backwardness. In correspondence with Llywelyn ap Gruffudd, Pecham condemned Welsh law as irrational, diabolically inspired, and contrary to Biblical laws.<sup>159</sup> In 1284 Pecham told Edward that the only way to “civilize” the Welsh was to force them to live in towns, work, and educate their children in England.<sup>160</sup> Edward himself never used this perceived backwardness as an excuse to initiate conquest, but he took an active interest in reforming the laws of Wales, Scotland, and Ireland. While the Statute of Rhuddlan that formally annexed Wales to the English crown in 1284 did not take any potshots at Welsh law and allowed many Welsh laws and customs to remain, Edward announced that he and his nobles “abolished” and “corrected” many Welsh laws “under the divine will” so that Wales should be governed with “due order to the honor and praise of God and of Holy Church.”<sup>161</sup> Edward remarked that Irish laws were “detestable to God and contrary to all law so much so that they ought not to be deemed law” and he thus asked the justiciar, the magnates, and the prelates of Ireland to consider extending English law to the Irish.<sup>162</sup> Finally, the 1305 ordinance for Scotland outlawed the “custom of the Scots

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<sup>158</sup> CELT: Corpus of Electronic Texts. “Annal 1307.7,” in *The Annals of Connacht*. Compiled by Pádraig Bamburg. A project of University College, Cork, Text ID Number: T100011, distributed by CELT online, Cork, Ireland: University College, Cork, 2000. <<http://www.ucc.ie/celt/published/T100011/index.html>> (12 November 2007). Mór means “great” in Gaelic. Edward was duke of Gascony, not Burgundy.

<sup>159</sup> See below, 292-4.

<sup>160</sup> *Councils and Ecclesiastical Documents relating to Great Britain and Ireland*, A.W. Haddan and W. Stubbs, eds. 3 vols. (Oxford: Oxford University Press, 1869-78), 1: 570-1.

<sup>161</sup> *The Statutes of Wales*, Ivor Bowen, ed. (London: T. Fisher Unwin, 1908), 2-3.

<sup>162</sup> *IHD*, no. 10, 31-2.

and the Brets” and announced that Edward and the men of Scotland would review the laws commissioned under David I and amend or abolish laws that “are clearly displeasing to God and to reason.”<sup>163</sup>

As Gillingham argues, the perception of Welsh, Irish, and Scottish Gaelic societies as “barbarous” was a powerful barrier that inhibited assimilation.<sup>164</sup> As we shall see, English conquests and the rhetoric of English cultural superiority sparked military and rhetorical counterattacks from the native communities during the later thirteenth century and into the fourteenth that demonstrated their contempt for English assertions about their culture and widened the communal divides. These perceptions and the stereotypes that derived from them were crucial to reaffirming identities and greatly contributed to the general situation of perpetuated pluralism in Ireland and Wales. These perceptions reinforced the political context and encouraged communal separation and autonomy. Scotland was a different situation. Even there, however, differences in socio-economic organization and practice often drove Anglo-European and native communities to maintain their distance.

### ***Diversity and Coalescence among the Native Communities***

Attempting to summarize the general features of the Gaelic and Cymric-Brythonic societies in Wales, Scotland, and Ireland is a very challenging task because there were significant political and socio-cultural divisions among them. Labeling these societies “Celtic” ignores those intracommunal divisions, disregards the numerous differences between the Gaelic and Cymric-Brythonic societies, and embraces a term that is more

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<sup>163</sup> *Anglo-Scottish Relations 1174-1328*, E.L.G. Stones, ed. (Oxford: Clarendon Press, 1965), 240-9. “The custom of the Scots and Brets” is an interesting phrase that has no previous precedent. It can be assumed that by “Brets” Edward was referring to the southwestern corner of Scotland where many ancient customs of the Britons were still used and by “Scots” he was referring to traditional Gaelic practices and customs.

<sup>164</sup> Gillingham, *English in the Twelfth Century*, 18.



rooted in myth and commercial enterprise than historical reality.<sup>165</sup> Indeed, although contemporary evidence suggests that these communities recognized similarities between one another, we only see expressions of a common bond in reaction to English attempts at dominance. Instead, we find the annunciation of separate Welsh and Irish identities and a Gaelic society in Scotland that distinguished itself from the Anglo-European settlers by reaffirming its connection to an Irish heritage. In the remainder of this subsection, therefore, I will focus not on what made these groups like each other. Rather, I will concentrate on the major reasons why each ethnic group was able to find focal points of identity despite the differences in their societies.

Political organization and loyalty could provide some sense of unity for Gaelic and Cymric-Brythonic groups, but very often it was a divisive factor. Wales and Ireland are perfect examples of coherent ethnic identities emerging despite deep political fractures. No fewer than nine royal dynasties survived into the thirteenth century in Wales, namely those of Arwystli, Cedewain, Deheubarth, Elfael and Maelienydd, Glamorgan (Morgannwg), Gwynedd, Gwynllŵg, Powys, and Senghennydd. In Ireland major royal families such as the Mac Murchadas (Leinster), the Uí Néill (Tír Eógain and Ulaid), the Ua Domnaill (Tír Conaill), the Ua Conchobair (Connacht), the Mac Carthaig (Desmond), and the Ua Briain (Thomond) dominated their regional districts and established provincial kingdoms. However, families such as the Uí Néill had numerous branches and a host of subkingdoms existed in each region. Kindred associations further strengthened local loyalties. Nevertheless, Irish society also had political institutions that

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<sup>165</sup> Wendy Davies eloquently makes these points when criticizing the concept of the so-called “Celtic Church” in “The Myth of the Celtic Church,” in *The Early Church in Wales and the West: Recent Work in Early Christian Archaeology, History and Place-Names*, Nancy Edwards and Alan Lane, eds. (Oxford: Oxbow Books, 1992), 12-21; Edward James makes similar points and argues that “Germanic” and “Celtic” societies in early medieval Britain and Ireland were not as different as many scholars have previously argued. See *Britain in the First Millennium* (London: Hodder Arnold, 2001), 122-9 and 164-70.

could provide some sense of ethnic coherence. For example, although the Irish high-kingship had essentially died out when Henry II and Ruaidrí Ua Conchobair signed the Treaty of Windsor, later Gaelic authors pointed to it as an identifying feature of Gaelic Irish society.<sup>166</sup> A unified Scottish kingship might likewise provide Scottish Gaels with a common sense of allegiance and the Canmore dynasty utilized its Gaelic past to provide it legitimacy. However, Scotland was not an ethnically exclusive kingdom and the numerous rebellions against the Scottish crown in the twelfth and thirteenth century shows that the Canmores had disaffected many members of the Gaelic ruling elite.<sup>167</sup>

Socio-economic characteristics could also be unifying elements for Gaelic and Cymric-Brythonic societies at least to the extent that they differentiated them from the Anglo-European settlers. In addition, as the Anglo-Welsh case study will show, kindred structures were deeply tied to respective legal systems and further solidified law as a source of socio-cultural difference.<sup>168</sup> K.W. Nicholls states that the lineage structures found in Gaelic and Cymric-Brythonic societies had more similarities to societies in Asia and Africa than in Western Europe.<sup>169</sup> Indeed, the extended, deep, and agnatic kindred networks found in Wales, Scotland, and Ireland had more in common with the segmentary lineage systems among Turko-Mongolic groups.<sup>170</sup> Yet we should not take the comparison too far. Territorial kingships greatly constrained the political power of kindreds in Ireland, Wales, and Scotland. While the Irish and Welsh kingdoms and

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<sup>166</sup> See Watt, "Gaelic Polity and Cultural Identity," 347-8.

<sup>167</sup> See above, 161-70.

<sup>168</sup> See below, 346-64.

<sup>169</sup> K.W. Nicholls, *Gaelic and Gaelicized Ireland in the Middle Ages* (Dublin: Lilliput Press, 2003), 3-4.

<sup>170</sup> For the segmentary-lineage system, see Sharon Baştuğ, "The Segmentary Lineage System: A Reappraisal," in *Changing Nomads in a Changing World*, Joseph Ginat and Anatoly M. Khazanov, eds. (Brighton, England: Sussex Academic Press, 1998), 94-123; and Baştuğ, "Tribe, Confederation and State among Altaic Nomads of the Asian Steppes," in *Rethinking Central Asia: Non-Eurocentric Studies in History, Social Structure and Identity*, Korkut A. Ertürk, ed. (Reading, England: Ithaca Press, 1999), 77-110.

principalities demonstrated confederal tendencies, their features had more in common with Western European than Turko-Mongolic practice. In addition, the Gaelic and Cymric-Brythonic societies did not practice nomadic pastoralism. Population and livestock migrations were more frequent in Ireland, but Irish property laws and constant war had more to do with this phenomenon than any nomadism.<sup>171</sup> Generally speaking, Gaelic and Cymric-Brythonic societies had a stronger transhumant element than in England or most of Western Europe.<sup>172</sup> However, transhumance also coincided with a considerable agricultural element. Gaelic and Cymric-Brythonic societies were semi-sedentary, with some elements practicing transhumance exclusively, some practicing agriculture exclusively, and most mixing both.<sup>173</sup> Furthermore, although these societies shared some similarities with non-European communities, they were culturally, politically, linguistically, and socially more analogous to Western European than non-European societies.

A common legal heritage, literary tradition, and language were the most important aspects in strengthening Welsh, Irish, and Scottish Gaelic communal identities. The professional learned classes were principally responsible for instilling a sense of cultural unity. These classes produced a rich literature, including legal texts, bardic poetry, prose

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<sup>171</sup> Nicholls, "Gaelic Society and Economy," 413-4.

<sup>172</sup> For transhumance among Anglo-Saxon, Gaelic, Cymric-Brythonic, and Anglo-Scandinavian populations in northern England and southern Scotland, see Barrow, *Kingdom of the Scots*, 233-49. Barrow also argues that northern England had many social and structural similarities with Scotland and Wales. See "Northern English Society in the Twelfth and Thirteenth Centuries," in *Scotland and its Neighbors*, 127-53.

<sup>173</sup> For Scotland, see Barrow, *Kingdom of the Scots*, 233-49; Neville, *Native Lordship in Medieval Scotland*, 80-95; Oram, *Lordship of Galloway*, 7-8 and 247-50; and McDonald, *Kingdom of the Isles*, 151-2. For Ireland, see Nicholls, *Gaelic and Gaelicized Ireland*, 131-8; Watt, "Gaelic Polity and Cultural Identity," 129-31; and Nicholls, "Gaelic Society and Economy," 410-7. For a general overview of economic practices in Wales, see Davies, *Age of Conquest*, 152-7. Glanville Jones strongly challenged traditional historical accounts that medieval mostly consisted of semi-nomadic pastoralists in "The Tribal System in Wales: A Reassessment in the Light of Settlement Studies," *Welsh Historical Review* I (1960-1963): 111-33; and "The Distribution of Bond Settlement in North-West Wales," *Welsh Historical Review* 2 (1964-1965): 19-22 and 28-36.

narratives, and historical annals composed in the Welsh and Gaelic vernaculars and in Latin. The poets make a particularly instructive case. According to Davies, the Welsh poets traveled throughout Wales to the numerous princely courts. They delighted in reciting and explaining Wales' place-names and thereby brought an intimacy and cohesion to its geography that belied its political fragmentation.<sup>174</sup> Yet the Welsh poets played a far more powerful role than just being eloquent geographers. Dafydd Jenkins contends that the poets prevented the Welsh language from disintegrating into a mass of dialects.<sup>175</sup> Through this common language, the poets transmitted a mythological lore that provided the community with a historical foundation stretching far into the distant past. The Welsh poets articulated and preserved the memory of the Welsh (or the *Brytaniaid*, the "Britons") as the original inhabitants and rightful rulers of Britain. Indeed, twelfth-century Welsh poets dreamed less of a united Wales than of a united Britain and saw contemporary Welsh rulers as the representatives of those earlier Brythonic rulers.<sup>176</sup> It was not until the later twelfth century that the term *Brytaniaid* ("Britons") fell into disuse and the Welsh started referring to themselves as the *Cymry*.<sup>177</sup> Nevertheless, the vision of a united Britain under Welsh hegemony continued well after the Edwardian Conquest and clearly irritated contemporaries in England. According to the English chronicle, the *Life of Edward II*, the "long-standing madness" of Welsh rebellion against rule English rule stemmed from the Welsh desire to recover sovereignty over all of England.<sup>178</sup>

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<sup>174</sup> Davies, *Age of Conquest*, 17-8.

<sup>175</sup> Dafydd Jenkins, "Bardd Teulu and Pencerdd," in *The Welsh King and His Court*, Thomas M. Charles-Edwards, et al., eds. (Cardiff: University of Wales Press, 2000), 166.

<sup>176</sup> W.J. McCann, "The Welsh View of the Normans in the Eleventh and Twelfth Centuries," *Transactions of the Honourable Society of Cymmrodorion* (henceforth, *THSC*) (1991): 65.

<sup>177</sup> Davies, *Age of Conquest*, 19.

<sup>178</sup> *Vita Edwardi Secundi*, W.R. Childs, ed. (Oxford: Oxford University Press, 2005), 69.

J.A. Watt argues that the Irish poets played a similar role through the Gaelic medium.<sup>179</sup> For example, the fourteenth-century poem *Caithréim Thoirdhealbhaigh* (“The Triumphs of Turlough”) placed regional events within the greater political and cultural realm of Irish Gaeldom. It told the story of a dynastic feud between the Ua Briain of Thomond and also conveyed the Ua Briain relationship with the de Clare family that often acted as their overlords. Yet while the poet chiefly focuses on regional events that highlight the triumphs of his patron, the complexities of Irish politics, and the frequent wars among the Irish factions, it also espouses the cultural unity of the Irish by citing their descent from Milesius the Spaniard, assuming the existence of a high-kingship for all of Ireland, and railing against the tyranny and injustice of the English throughout Ireland.<sup>180</sup> Poets like the author of the *Caithréim Thoirdhealbhaigh* derived their knowledge of Irish mythology from an older corpus of prose literature that stretched back perhaps as far as the seventh century, much of which consisted of heroic cycles and tales from Ireland’s pagan past.<sup>181</sup> Between 1200 and 1400 a great deal of this ancient literature was transcribed and new versions were created.<sup>182</sup> According to Wilson McLeod, Scottish Gaelic bardic poetry also played a crucial role in cementing the Gaelic Scots’ connections to their Irish heritage. McLeod asserts that late medieval bardic poetry demonstrates a growing alienation with the Anglicized portions of Scotland, paid little attention to Scottish matters or history, and concerned itself almost exclusively with Irish history and mythology.<sup>183</sup>

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<sup>179</sup> J.A. Watt, “Gaelic Polity and Cultural Identity,” in *New History of Ireland*, 2: 347.

<sup>180</sup> Ibid., 316 and 346-7.

<sup>181</sup> For a detailed discussion of this literature, see James Carney, “Language and Literature to 1169,” in *A New History of Ireland 1: Prehistoric and Early Ireland*, Dáibhí Ó Cróinín, ed. (Oxford: Oxford University Press, 2005), 1: 451-510.

<sup>182</sup> James Carney, “Literature in Irish, 1169-1534,” in *New History of Ireland*, 2: 689-94 and 700-1.

<sup>183</sup> See below, 456-7.

While common socio-cultural features, values, and institutions helped bind the Gaelic and Welsh communities and reduce regional differences, a profound sense of difference with, antagonism toward, and a perception of oppression by the settler community also molded their communal identities. Contemporary sources reveal these features in the early settlement period. For example, the *Brut y Tywysogion* states that the people of Gwynedd revolted against the Normans in 1096 because they “could not bear the laws and judgments and violence of the French over them.”<sup>184</sup> The Welsh sense of oppression was also manifest in the mid thirteenth century when Henry III established a tighter hegemony over all of Wales. After Llywelyn ap Gruffudd had pierced that hegemony and solidified his position as prince of Gwynedd, the *Brut y Tywysogion* claims that “the nobles of Wales” came to Llywelyn in 1255 saying that “they would rather be killed in war for their liberty, than suffer themselves to be trodden down by strangers in bondage.”<sup>185</sup> However, the English invasions of Wales and Scotland and the mythology of political dominance and conviction of cultural superiority that emerged during Edward I’s reign produced a much more thorough, well-documented, and articulated backlash. The late thirteenth and fourteenth-century literature emanating from Wales, Ireland, and Scotland demonstrates concerted attempts to assert cultural uniqueness and political independence based on an illustrious ancient past and to reject English claims to political and cultural superiority. In Scotland, the literature also reveals the emergence of a more unified “Scottish” identity, albeit a common identity that still recognized ethno-cultural differences within the kingdom.

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<sup>184</sup> *Brut* (RBH), 63.

<sup>185</sup> *Ibid.*, 341.

In October and November of 1282, on the eve of Edward I's conquest of Wales, the Welsh princes of Gwynedd, Powys, and Deheubarth sent numerous grievances and letters to John Pecham about the conduct of Edward I and his officials. After Edward's first invasion of Wales in 1277, English hegemony over the Welsh princes and increasing intrusion into their affairs produced a volatile situation that eventually led to a second war in 1282-1283, a war that Pecham tried to prevent by presenting peace terms to Llywelyn ap Gruffudd in November of 1282.<sup>186</sup> The letters and grievances appear within this political context. Hence, many of them address very specific political complaints. For instance, Gruffudd ap Maredudd ab Owain of Deheubarth complained to Pecham that Edward had seized the commotes of Geneu'r Glyn and Creuddyn unjustly, while Llywelyn ap Gruffudd ap Madog of Powys Fadog protested that the constable of Oswestry had taken his bailiff's horse without justification.<sup>187</sup>

Aside from these specific accusations, however, much larger themes appeared. First, the Welsh asserted their ancient lineage and past glories. In one letter, Llywelyn ap Gruffudd recalled the Welsh descent from the ancient Britons, who themselves were descendants of Brutus of Troy, the legendary first king of Britain. According to Llywelyn, Edward I was trying to usurp the ancient rights that Llywelyn and his predecessors had enjoyed since the time of Brutus and his son Camber.<sup>188</sup> Llywelyn's motives were clearly political. His references to descent from Brutus specifically rebutted Pecham's proposal that Llywelyn cede Snowdonia to Edward and sought to tie

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<sup>186</sup> For more on Pecham's proposals and the political circumstances behind them, see below, 292-4.

<sup>187</sup> AWR, 213-3 and 742-3. Gruffudd ap Maredudd ab Owain (d. 1319) was a member of the Ceredigion branch of the Deheubarth dynasty. Powys Fadog was the northern portion of the former kingdom of Powys, which splintered after the death of Madog ap Maredudd in 1160. Powys Wenwynwyn was the southern principality. For an outline of the events surrounding the partition, see *idem*, 37-41. For more detailed discussions, see Stephenson, "Supremacy in (Southern) Powys of Owain Fychan ap Madog," 45-55; Geraint, 97-106; and J. Beverley Smith, "Dynastic Succession in Medieval Wales," 210-2.

<sup>188</sup> AWR, 626-8.

Llywelyn's suzerainty to an ancient and glorious past. However, his references also reiterated the mythological source of common identity. Second, Llywelyn and the other Welsh princes claimed that Edward had ignored Welsh laws and customs on numerous occasions, despite treaty obligations. Gruffudd ap Maredudd ab Owain lamented that even the "Jews living among the English have their laws" and the Welsh had possessed "immutable laws and customs" until the English suppressed them.<sup>189</sup> Finally, the Welsh accused the English of committing brutal, un-Christian acts. In a letter to Pecham in October of 1282, Llywelyn claimed that the English had burned churches, killed ecclesiastics, murdered women and the infants suckling at their breasts, and committed homicides in cemeteries, churches, and on altars. Llywelyn stated that these crimes were "horrible even to pagan ears" and asserted that the king and his bailiffs and justices had oppressed the Welsh "even more than if they were Saracens or Jews."<sup>190</sup>

Llywelyn ap Gruffudd and the Welsh princes intended to preserve their political and cultural independence against the English crown by citing the ancient origins of their political authority, laws, and customs- even of the Welsh people themselves. In this manner, they were clearly rejecting any claims of English political authority over Wales or cultural superiority over the Welsh people. Yet the Welsh letters appeared before Edward fully articulated his vision of political hegemony over all of Britain and Pecham had composed his accusations against Welsh law in response to the Welsh letters. The first of the Anglo-Scottish wars (1296-1328), which engulfed all of Britain and Ireland, brought forth not only a more articulated vision of English supremacy, but also a greater native reaction against it.

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<sup>189</sup> Ibid., 212-3.

<sup>190</sup> Ibid., 618-20.



One of the more interesting documents emerging from the chaos of the Anglo-Scottish conflicts was *The Remonstrance of the Irish Princes to Pope John XXII*. Penned in 1317 near the end of the Scottish invasion of Ireland, Frame argues that it was composed with the acquiescence of Robert de Bruce and his brother Edward and fell within a larger body of contemporary Scottish propaganda.<sup>191</sup> Domnall Ua Néill (d. 1325), the king of Tír Eógain, wrote the *Remonstrance*. Domnall had allied with the Scots due to Richard de Burgh's (the earl of Ulster) efforts to establish English settlers in Domnall's backyard and de Burgh's repeated support for Domnall's rivals.<sup>192</sup> Hence, Ua Néill summoned Scottish aid and recognized Edward de Bruce as "king of Ireland."<sup>193</sup> The *Remonstrance's* purpose was essentially political. Domnall informed the pope that he was transferring his ancestral sovereignty over Ireland to Edward de Bruce, whom Domnall claimed was "sprung from our noblest ancestors."<sup>194</sup> Domnall claimed that he was "by hereditary right true heir to the whole of Ireland" and traced his descent back 3,500 years to the sons of Milesius who came from Spain.<sup>195</sup> However, most of the document challenged the English kings' right to rule Ireland, arguing that they had exceeded the grant of Pope Adrian IV in *Laudabiliter* and had committed so many abuses that they had relinquished their sovereignty. Domnall was walking a fine rhetorical line. He mirrored Llywelyn ap Gruffudd in claiming that his kingship and sovereignty over Ireland derived from an illustrious and ancient lineage, but also had to acknowledge that the English kings had their own claims to lordship over Ireland that derived from a papal grant. Therefore, before he could grant the high-kingship of Ireland to Edward de Bruce,

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<sup>191</sup> Frame, *Ireland and Britain*, 79.

<sup>192</sup> Simms, "Relations with the Irish," 72.

<sup>193</sup> See Lydon, *Lordship of Ireland in the Middle Ages*, 114.

<sup>194</sup> *IHD*, no. 12, 45-6.

<sup>195</sup> *Ibid.*, 38-9.

he first had to claim sovereignty over all of Ireland, recognize the present practical limitations on that sovereignty, implicitly reject the authority of the popes to grant the English kings lordship over Ireland, and establish a genealogical link between the brother of the Scottish king and the Ua Néill dynasty that claimed Ireland's high-kingship.

The *Remonstrance* is remarkable not only for its elaborate rejection of English claims to sovereignty in Ireland, but also for its hostility to the settler population and its claims of English cultural and moral degeneracy. Ua Néill argued that although Henry II “undertook to extend the bounds of the Irish church” under the “moral vision of that great pontiff” (Adrian IV), Henry engaged in “false and wicked representation” and the English used “every treacherous artifice in their power, to wipe our nation out entirely and utterly to extirpate it.”<sup>196</sup> He referred to the English as animals or with animal-like qualities. The English were “crafty foxes” and “greedy wolves” who had forced the Irish into “doleful slavery.”<sup>197</sup> Even worse, Ua Néill argued, the “bad example” of the English settlers had transformed the Irish from a state of “dove-like simplicity” to one of “serpentine craftiness.”<sup>198</sup> He also asserted that the English had imposed “pernicious laws, beyond measure wicked and unjust” and cited numerous examples of Anglo-Irish lords luring their Irish counterparts with promises of friendship and then murdering, mutilating, or decapitating them and sometimes selling their heads.<sup>199</sup> Domnall stated that these injustices, countless slaughters and recriminations, and the fact that “in way of life and speech they are more dissimilar from us... than can be described by us in writing or

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<sup>196</sup> Ibid., 39-40.

<sup>197</sup> Ibid., 39.

<sup>198</sup> Ibid., 40-1.

<sup>199</sup> Ibid., 41-3.

in words” entailed that “we have a natural hostility to each other” and “we have no inclination to reciprocal friendship in our time or in that of our sons.”<sup>200</sup>

The *Remonstrance*, though specifically Irish in focus, was part of a much larger Scottish propaganda machine that sought to refute English claims to lordship in Britain and Ireland. In the process, it helped mold a unified Scottish identity. According to Broun, the Latin term *Scoti* meant “Irish/Gaels” in Bede’s time and was not used to refer to the inhabitants of the Scottish kingdom *en bloc* until the late thirteenth century.<sup>201</sup> The Latin terms *Scotia* and *Albania* generally referred to the area north of the Forth.<sup>202</sup> However, the Holyrood chronicle considered the area south of the Forth as part of Scotland, while a topographical text dated between 1202 and 1214 defined Scotland variously as the entire area north of the Forth and Clyde (but not including Caithness) or the mainland region north of the Forth, excluding Argyll and Lennox.<sup>203</sup> For most of the period prior to the Anglo-Scottish Wars, a conceptualization existed of a “lesser Scotland” (the region between the Forth, Moray, and the central Highlands) and a “greater Scotland” (the mainland areas north of the Forth and Clyde).<sup>204</sup> By the mid thirteenth century, there is some evidence that all the kingdom’s inhabitants began to refer to themselves as Scots.<sup>205</sup> Nevertheless, Broun attests that the idea of the Scots as a distinct people was not articulated until the Anglo-Scottish Wars.<sup>206</sup>

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<sup>200</sup> Ibid., 44.

<sup>201</sup> Broun, “Defining Scotland and the Scots before the Wars of Independence,” 5.

<sup>202</sup> Ibid., 6. *Albania* derived from the Gaelic word *Alba*, which meant “Scotland.” *Scotia* was also a legal jurisdiction. As Barrow notes, the Scottish justiciarship was divided into three separate branches during the later twelfth and second half of the thirteenth century. There was a justiciarship for *Scotia* (north of the Forth and Clyde), one for Lothian, and one for Galloway. See Barrow, *Kingdom of the Scots*, 81-8.

<sup>203</sup> Broun, “Defining Scotland and the Scots before the Wars of Independence,” 7.

<sup>204</sup> Ibid.

<sup>205</sup> Ibid., 9.

<sup>206</sup> Ibid., 11.

English claims to the Scottish throne and the mythological justification of Edward I's conquests provided the impetus for articulating a common Scottish identity despite the kingdom's ethnic diversity. Between 1296 and 1328 the Scots found themselves continually having to justify their claims to political independence, refute English claims to sovereignty over Scotland before the papal curia, validate Edward de Bruce's claims to the kingship of Ireland, and recruit allies in Ireland and Wales. It was within this political context that the assertions of a common Scottish identity and origin materialize. Two themes from these accounts are particularly important. First, the Scots had to establish that they were an ancient and unified people with a long history of independence and no prior subjection to English rule. Developing a mythological origin of common descent was central to this process, but one that apparently took some time to resolve. Baldred Bisset's *Processus* (1301), for example, claimed that a daughter (named "Scota") of an Egyptian pharaoh landed in Ireland and then quickly proceeded to conquer Scotland.<sup>207</sup> The culmination of the Scottish efforts at Rome, the so-called *Declaration of Arbroath* (1320), proclaimed that the Scots originally hailed from "Scythia the Greater."<sup>208</sup> In his letter to the Irish kings in the winter of 1306-1307, Robert de Bruce focused on ancient connections to Ireland, stating that the Irish and the Scots "free since ancient time, come from the seed of one nation."<sup>209</sup> A more consistent mythological narrative does not emerge until Thomas Grey's *Scalacronica* in the 1360s and John of Fordun's *Chronicon*

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<sup>207</sup> Broun, *Irish Identity of the Kingdom of the Scots*, 120-1. Bisset was a Scottish lawyer at the papal curia. For Bisset's work at the papal curia before 1301, see Barrow, *Robert the Bruce and the Community of the Realm of Scotland* (Edinburgh: Edinburgh University Press, 1988), 154-6.

<sup>208</sup> *Scottish Historical Documents*, 55.

<sup>209</sup> *Cum nos et vos, populus noster et vester, ab olim liberi, ab uno processimus germine nationis*. For the Latin text of this letter, see Ranald Nicholson, "A Sequel to Edward Bruce's Invasion of Ireland," in *Robert the Bruce's Irish Wars*, 160-1. Translation from Lydon, *Lordship of Ireland in the Middle Ages*, 114-5.

*Gentis Scottorum* in the 1370s, both of which drew from an array of Scottish sources.<sup>210</sup> Nevertheless, in Bisset's account, the *Declaration of Arbroath*, and Bruce's letter to the Irish kings, the Scots are portrayed as a singular ethnic entity with an ancient pedigree. That pedigree is further attested to in the *Declaration of Arbroath*, which claims that there had been a continuous succession of 113 kings from "our own native and royal stock."<sup>211</sup>

The second theme that emerges is also common in contemporary Welsh and Irish documents. The Scots sought to portray the English as cruel, unjust, and barbaric aggressors who had wrongfully usurped the native peoples' ancient heritage. For example, the *Declaration of Arbroath* told Pope John XXII that it was impossible to describe the attacks upon "holy persons and religious houses, and a vast multitude of other barbarities" that Edward I committed "without sparing of any sex or age."<sup>212</sup> Similarly, a letter from Edward de Bruce to Gruffydd Llwyd in 1316 stated that the Scots wished to help the Welsh overthrow the "unjust and barbaric servitude" (*innaturalem et barbaricam...servitutum*) imposed by the English and help the Welsh reclaim their rights and heredity. Edward further claimed that the English had sought to destroy both the Scots and the Welsh ever since they arrived in Britain, thereby portraying the English as aggressive and unjust invaders.<sup>213</sup>

The development of a uniquely Scottish identity was only possible with processes that had begun in earlier periods. Fiona Watson argues that the Scottish crown provided

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<sup>210</sup> For a detailed discussion of these sources, see Broun, *Irish Identity of the Kingdom of the Scots*, 109-32.

<sup>211</sup> *Scottish Historical Documents*, 56.

<sup>212</sup> *Ibid.*

<sup>213</sup> J. Beverley Smith, "Gruffydd Llwyd and the Celtic Alliance, 1315-1318," *BBCS* 26 (1974-1976): 478. Gruffydd Llwyd was the sheriff of Merioneth in north Wales and throughout most of his career he was loyal to Edward II. For his career and the circumstances behind his request for Scottish assistance, see *idem*, 463-76. For Gruffydd's letter to Edward de Bruce and de Bruce's reply, see pgs. 476-8.

the political coherence necessary to transform the “looser notions of Scottishness” into a “national identity.”<sup>214</sup> Another crucial factor was that the Scottish crown, despite its invitations to foreign settlers, still identified with its Gaelic past and traditions. For example, Fordun recounts that in 1249 the eight-year-old king Alexander III sat upon the coronation stone at the monastery of Scone and listened as a “highland Scot” recited his royal lineage in Gaelic.<sup>215</sup> The ceremony underscored the Scottish monarchy’s Gaelic heritage and it was a heritage that the Anglo-European elite generally accepted. Indeed, Broun argues that the Gaelic and non-Gaelic *literati* in Scotland continued to identify the Scottish kingdom and its people with Ireland.<sup>216</sup> After 1300, as the Scots attempted to establish themselves as a more distinct ethnic entity, the association with Ireland became more distant. Neither the *Declaration of Arbroath* nor Bisset’s *Prospectus* mention Irish origins, but the Bruce propaganda indicates that the Irish connection to Scottish identity was still active.<sup>217</sup> Indeed, the Irish *Remonstrance* stated that the kings of “lesser Scotia” drew their royal blood from Ireland, the “greater Scotia.”<sup>218</sup> Furthermore, both Grey and Fordun’s accounts of Scottish origins have the Scots originating in Ireland.

Contemporaries often exaggerated the degree of socio-cultural difference between their societies, but their writings indicate the importance of perception in influencing ethnic contact. Perceptions of difference hardened communal attitudes, reduced opportunities for assimilation, and tended to reinforce perpetuated pluralism. However, those same perceptions could also help congeal identities and ameliorate regional

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<sup>214</sup> Fiona Watson, “The Enigmatic Lion: Scotland, Kingship and National Identity in the Wars of Independence,” in *Image and Identity*, 20.

<sup>215</sup> Fordun, 2: 289-90. As Watt notes, the Scottish coronation ceremony was common to the Gaelic world and the genealogical recitation was conducted by the court poet. See Watt, “Gaelic Polity and Cultural Identity,” 319.

<sup>216</sup> Broun, “Anglo-French Acculturation and the Irish Element in Scottish Identity,” 142-3 and 153.

<sup>217</sup> *Ibid.*, 135-6.

<sup>218</sup> *IHD*, 46.

differences within or among ethnic groups. Perceptions of difference were extremely important in structuring ethnic contact, but they were not the only factors.

### **Autonomy and Purity, Assimilation, and Hybridization in the Border Regions**

#### ***Autonomy, Purity, and (Semi)Integration***

The structuring of ethnic interaction in Wales, Ireland, and Scotland followed similar patterns found in the rest of Eurasia in that we see a strong tendency for ethnic groups to perpetuate difference through formal mechanisms such as dual-administration and through territorial separation, which could emerge from political situations tied to the settlement processes and informal decisions among ethnic communities. In addition, we also find legal and institutional mechanisms designed to advance communal integration, reverse deep acculturation, and preserve cultural purity. Nevertheless, despite their similarities to other contemporary Eurasian situations, the contact situations and acculturative processes in the high-medieval British Isles demonstrated numerous unique features.

The desire to preserve socio-cultural difference in Wales helped fashion the most formal system of institutionalized autonomy in the British Isles, which appeared in the formation of “Englishries” and “Welshries.” Englishries and Welshries were administrative divisions that developed in the Marcher lordships and a few Crown territories in the latter decades of the thirteenth century. They were *de facto*, though not *de jure*, ethnic enclaves. By the fourteenth century, we find them at Denbigh, Dyffryn Clwyd, Bromfield and Yale, Maelor Saesneg, Clun, Oswestry, Hay, Brecon, Radnor, Montgomery, Wigmore, Abergavenny, Glamorgan, Gower, Kidwelly, Narberth, St.

Clears, Carmarthen, and Cardigan. In these regions, English and Welsh populations generally retained their own laws, customs, courts, and communal officers.<sup>219</sup> In other areas, such as Llawhaden and the westernmost regions of Wales where settlement was minimal or nonexistent, formal Englishries and Welshries are rarely if ever mentioned, but the same general principles of communal autonomy remained. The rhetoric surrounding Edward I's interventions in Wales demonstrated that Welsh law and custom were key components of Welsh identity and stirred ethnic passions. Englishries and Welshries allowed each ethnic group to retain its separate laws, customs, and institutions, thereby perpetuating socio-cultural difference and restraining violence.

The reasons for their appearance vary from region to region. Max Lieberman, for example, notes that there were many zones of mixed English and Welsh settlement in western Shropshire in the late eleventh century, in contrast to Herefordshire where the Welsh districts of Ewias and Archenfield were clearly separated from the English populations.<sup>220</sup> However, continuing Welsh migration in the twelfth and thirteenth centuries strengthened the Welsh character of certain Shropshire districts and encouraged the Anglo-European lords to utilize Welshries to absorb the influx of Welsh settlers. In addition, the rugged terrain of western Shropshire was attractive to Welsh settlers, but not to the English.<sup>221</sup> In Wales proper, Davies attributed the appearance of Englishries and Welshries to the growth of Marcher power in areas where they had only nominal control before the mid thirteenth century. As in Shropshire, Welsh communities mostly dwelled in the upland regions that best supported a more pastoral economy. The preservation of Welsh political power in these districts during much of the twelfth and early thirteenth

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<sup>219</sup> See below, 274-84.

<sup>220</sup> Lieberman, *Medieval March of Wales*, 42-3.

<sup>221</sup> *Ibid.*, 50-1.



centuries combined with socio-economic preference to advance communal separation. As the Marchers absorbed larger numbers of Welsh tenants, they had to find ways to govern and exploit them. Hence, the Marchers often divided their lordships into Englishries and Welshries, which reflected socio-economic and previously existing political realities and allowed them to apply an administrative framework to those realities.<sup>222</sup> The same principles were also evident in Crown territories such as Carmarthen and Cardigan. The Englishries and Welshries provided a convenient means of administration and avoided antagonizing the Welsh populations by imposing foreign laws and customs upon them.

Englishries and Welshries provided significant communal autonomy, but did not aim to maintain ethnic “purity.” They were neither rigidly enforced nor hermetically sealed territorial enclaves. English populations often acquired properties in Welshries and Welsh populations obtained land in Englishries. It was not altogether unusual for a Welsh person to hold land through English tenure, or vice-versa.<sup>223</sup> Indeed, the Shropshire case mentioned above illustrates that English and Welsh communities sometimes lived amongst each other. Mixed populations were commonplace in areas such as Flintshire, Dyffryn Clwyd, and western Pembrokeshire well into the fourteenth century. Furthermore, the Englishries and Welshries were often very close to each other. Yet the Herefordshire example shows the most common feature of ethnic coexistence throughout Wales: overwhelmingly or exclusively Welsh districts alongside overwhelmingly or exclusively English districts.

The Englishries and Welshries were forms of dual-administration and their standardized structures of communal autonomy were similar to those found in semi-

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<sup>222</sup> Davies, *Age of Conquest*, 281-4.

<sup>223</sup> See below, 282-3 and 386-94.

nomadic states, in Islamic and Christian Eurasia, or among the “cellular” ethno-legal communities that emerged through the *hospes* privileges in Central and Eastern Europe.<sup>224</sup> Like their Eurasian counterparts, the Englishries and Welshries predicated separate ethnic governance on socio-cultural difference, explicitly recognizing that each ethnic community had separate laws and customs and should be allowed to retain those laws and customs while acknowledging one group’s political superiority. There were also some notable differences. Dual-administration in semi-nomadic states was a socio-economic necessity. Nomads could only sustain their way of life in territories whose ecology supported pastoral nomadism.<sup>225</sup> In Wales, socio-economic differences contributed to the development of Englishries and Welshries. Yet those differences were not substantial enough to require separate administration. Like the Jurchens in north China, the semi-sedentary Welsh populations would have had minimal difficulty adjusting to lowland conditions.<sup>226</sup> Additionally, religious difference played no role in establishing separate ethnic administration, the creation of Englishries and Welshries had no discriminatory intent, and administration along ethnic lines was more uniform than the *hospes* systems in Hungary, Poland, and Bohemia.<sup>227</sup>

In my opinion, however, the crucial differences between the Englishries and Welshries and other forms of ethnic administration lay in their development. The other forms of ethnic administration mentioned above coalesced early in the settlement processes. In Eastern and Central Europe, for example, ethnic groups often received autonomy as a condition of settlement. In Inner Eurasian states dual-administration was

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<sup>224</sup> See above, 80-91.

<sup>225</sup> See above, 73-5.

<sup>226</sup> See above, 120.

<sup>227</sup> See above, 83-6.

imposed upon conquest. Englishries and Welshries, however, arose very slowly. The basic outlines of Englishries and Welshries began to materialize in the twelfth century, but Wales' chaotic political environment dictated that those outlines did not stabilize until the thirteenth. Once the Marcher lords were able to assert full control over their Welsh districts, they simply administered the status quo. The slow development of the Englishries and Welshries and the political situations that fostered their emergence coincided with a bicomunal desire to retain communal separation and a bicomunal expectation that each ethnic group could preserve its way of life, laws, and traditions. Indeed, as I will argue in Chapter Eight, the fact that the English and Welsh populations expected and tolerated separate administration and the fact that political and socio-economic reasons had fostered considerable territorial separation were major reasons why the dual-administrative system in Wales was so stable and enduring.

The reasons for perpetuated pluralism and communal autonomy in Ireland had many similarities to Wales, but there were important differences. Physical separation was a major part of it. We have already seen that the survival of Gaelic Irish power and socio-economic preference limited large-scale Anglo-European settlement in many regions. Frame notes, for example, that the parts of Munster under Gaelic control were mountainous regions unattractive to settlers because of their limited agricultural prospects.<sup>228</sup> The same was also true of north-west Ulster (Inishowen aside), the far west of Connacht, the Wicklow regions of Leinster, the bogs of Leix and Offaly, and most of Roscommon, Longford, and Leitrim.<sup>229</sup> However, in the most heavily settled regions of Ireland, the native Irish and the Anglo-European settlers lived very closely to each other.

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<sup>228</sup> Frame, *Colonial Ireland*, 35.

<sup>229</sup> R.E. Glasscock, "Land and People, c. 1300," in *New History of Ireland*, 2: 225-6.

True enough, fourteenth-century evidence shows that the Irish nobility living under Anglo-European rule dwelled on the margins of settler society and generally retained their own way of life. Yet the same evidence indicates that much of the Gaelic population in the lordship were *betaghs* holding a status similar to English villeins and working on their Anglo-European lords' manors. There was also a substantial class of Gaelic Irish living in the towns.<sup>230</sup> Close physical proximity, intermarriage, fosterage alliances, and "gossipred" pacts engendered extensive acculturation.<sup>231</sup> Also, no formal system of dual-administration developed. The Gaelic communities living on the margins of settler society retained some degree of political independence or autonomy and retained their own socio-cultural institutions and ways of life. However, the *betaghs* and those Irish fully integrated into the Anglo-European lordship were not formally administered under Irish laws or customs.

Rather than creating a dual-administrative regime that formalized socio-cultural difference and created *de facto* ethnic enclaves, the settler regime in Ireland established legal mechanisms to limit assimilation and ensure Anglo-European supremacy. Like other discriminatory regimes in Eurasia, legal inequality not only tiered ethnic status and enforced ethnic subordination, but ascriptive discrimination also erected a formal barrier to assimilation because a change in ethnic status required official recognition. Those who could claim English status- entailing the ability to plead according to English law- had clear legal superiority over the Irish. Indeed, Domnall Ua Néill complained bitterly that the English could murder an Irishman, confiscate his property, and relegate him to

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<sup>230</sup> J.A. Watt, "Anglo-Irish Colony under Strain, 1327-99," in *idem*, 2: 393-4.

<sup>231</sup> Fosterage entailed sending children to live among another family. Typically, fosterage meant Anglo-Irish families sending their children to live among Gaels. Gossipred pacts were a form of "blood-brotherhood" alliances into which Anglo-Irish and Gaelic families entered. For more on these alliances, see Seán Duffy, "The Problem of Degeneracy," in *Law and Disorder in Thirteenth-Century Ireland*, 98-103.

serfdom with no legal repercussions simply because he was Irish.<sup>232</sup> Even those Gaelic Irish who lived among the settler populations did not receive protections under English law and had to obtain the right to English law through royal charter. Many urbanized Gaelic Irish successfully obtained English status, but that was not the case for most freemen and *betaghs*, who constituted a large majority of the Irish population in the lordship.<sup>233</sup> Between 1276 and 1280 the archbishop of Cashel and other Irish prelates attempted to persuade Edward I to grant English law to the Irish and even offered 8000 marks for the privilege. Although Edward found Irish law “detestable” and seems to have thought the proposal was a good idea, no such grant ever occurred, likely on account of magnate hostility.<sup>234</sup> English law was granted to the Irish in 1330, but its enforcement also withered.<sup>235</sup>

A succession of settler parliaments in Ireland and royal decrees in the late thirteenth and fourteenth centuries went much further than simply upholding legal disabilities against the Irish. Situations of perpetuated pluralism and legal discrimination had not prevented massive Gaelicization outside the most heavily settled districts and towns of Leinster, Meath, and coastal Munster. The parliaments’ collective reaction to potential assimilation was to increase discrimination against the Irish, define the cultural qualifications of what it meant to be English or Irish, and institute legal barriers against cultural “degeneracy.” For example, the Dublin Parliament of 1297 forbade Englishmen from dressing in Irish garments or cutting their hair in the Irish style.<sup>236</sup> A parliament at

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<sup>232</sup> *IHD*, no. 12, 41.

<sup>233</sup> Frame, *Colonial Ireland*, 107-8.

<sup>234</sup> See Frame, *Colonial Ireland*, 109-10 and Brendan Smith, “Keeping the Peace,” in *Law and Disorder in Thirteenth-Century Ireland*, 57-8. For the document of Edward’s consideration of the Irish prelates’ proposal in 1277, see *IHD*, no. 10, 31-2.

<sup>235</sup> See Watt, “Anglo-Irish Colony under Strain,” 394-5.

<sup>236</sup> *IHD*, no. 11, 37.

Kilkenny in 1310 stipulated that no Irishman could obtain religious orders among the English.<sup>237</sup> A flurry of legislation between 1346 and 1360 went even further. English settlers could not use any form of Irish law, fosterage between English and Gaelic families was forbidden, and marriage between English and Gael could not transpire without royal license.<sup>238</sup> The Statutes of Kilkenny of 1366 were the ultimate expressions of a drive for cultural purity. They decreed that every Englishman had to use the English language, have an English name, and adhere to English customs, including manners of dress and horse riding.<sup>239</sup> Englishmen were not to retain Irish “minstrels” such as poets or harpers.<sup>240</sup> The Statutes also forbade the use of Irish law and the admittance of Irish clergy to church office or benefice.<sup>241</sup> The Kilkenny parliament even condemned traditional Irish games like hurling, stating that the English should practice only “gentle” games such as archery and throwing lances.<sup>242</sup>

The decrees of the settler parliaments in Ireland were a marked departure from the practices found in Wales. Instead of granting one community wide socio-cultural autonomy with no explicit forms of discrimination, the English community of Ireland sought to delineate cultural space, enforce cultural distance, prevent any possibility for assimilation, and even reverse extensive acculturation. Hence, the English settlers tried to create a system that combined legally enforced cultural purity alongside a legally enforced system of ethnic discrimination. Of course, the settlers could only establish this system in areas that they controlled, which were steadily shrinking in the fourteenth century. The settler parliaments did not succeed in preventing and reversing

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<sup>237</sup> *SOAPI*, 273.

<sup>238</sup> See Watt, “Anglo-Irish Colony under Strain,” 386-8 and Frame, *Colonial Ireland*, 132.

<sup>239</sup> *IHD*, no. 17, 53.

<sup>240</sup> *Ibid.*, 55-6.

<sup>241</sup> *Ibid.*, 53 and 55.

<sup>242</sup> *Ibid.*, 54.

Gaelicization, though their fear of complete assimilation into the Gaelic Irish population was never realized.<sup>243</sup>

While legal discrimination in the English lordship shared similar objectives and principles to discriminatory systems elsewhere in Eurasia, circumstances within the lordship and the system's shortcomings made it difficult to accomplish those objectives. We will discuss these circumstances in greater detail below and in chapters seven and eight. For now, a general outline will suffice. The first problem for the settler regime was that many settler districts found themselves surrounded by Gaelic populations, especially in certain areas of Munster and in Connacht. Communal isolation by itself would have placed tremendous acculturative and assimilative pressures on the settlers. However, Ireland's chaotic political environment necessitated cross-communal alliances through intermarriage, fosterage, and gossiped pacts. As the lordship shrank and lawlessness and Gaelic political power expanded, these alliances became even more necessary and Gaelicization accelerated accordingly. Furthermore, legal discrimination against the Irish and the lack of recognition for the legal validity of Irish laws and customs engendered considerable hatred and only exacerbated political instability.

The most successful discriminatory system in medieval Eurasia, namely the Islamic *dhimma* system, recognized that other religious communities' laws had legal legitimacy, even if they were subordinate. Such recognition provided a mechanism to advance communal unity and group separation and made it more likely that the *dhimmī* communities would accept the dominant group's ascendancy. Additionally, the *dhimma* model's religious sanction and the general ability of the Muslim community to maintain its political ascendancy endowed the discriminatory regime with greater stability and

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<sup>243</sup> See below, 216-8 and 415-32.

prevented the chaotic conditions that promoted Gaelicization in Ireland. While the *dhimma* system never succeeded in averting communal “contamination,” its promotion of group solidarity, its legal sanction of socio-cultural difference, and the stability of Muslim rule ensured that purity laws were unnecessary.<sup>244</sup> Had the settler regime actively instituted policies to incorporate the Irish into their community, perhaps its discriminatory policies would have been unnecessary or mitigated, but they never did. Hence, the parliaments’ decrees could not stop Gaelicization because it only addressed the symptoms and not the causes of ethnic hybridization. Indeed, in many respects, the parliaments’ legislation and decrees resemble the mainly unsuccessful attempts of the Jin dynasty in northern China to prevent Jurchen assimilation into the larger Chinese population, which we will discuss at length in Chapter Eight.<sup>245</sup>

Unlike in Ireland and Wales, the Scottish monarchy and its vassals were keen to establish an administrative framework that could mold an ethnically diverse kingdom into an integrated political community. They instituted new political structures such as knight’s fees and new ecclesiastical structures such as bishoprics and foreign monastic orders. The natives who accepted the Crown’s authority adapted to the new arrangements. Even the Gaelic-Norse polities that had not formally come under royal authority until 1266 acclimated quickly to the feudal administration that the monarchy imposed.<sup>246</sup> New institutions, however, did not entail the elimination of native institutions and practices. Barrow notes that David I retained many Gaelic institutions, taxes, and the common obligation of military service. He also states that William I granted charters of knight’s service and sergeantry to native Scots and carved out knight’s fees in the Gaelic

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<sup>244</sup> For the *dhimma* system’s desire to prevent communal “contamination,” see above, 89.

<sup>245</sup> See below, 473-4.

<sup>246</sup> McDonald, *Kingdom of the Isles*, 156-7.



heartland of the kingdom, but there was no widespread persecution or dispossession of native rulers.<sup>247</sup> Many aspects of Scottish law owed to Gaelic influence.<sup>248</sup> Many foreign born lords acted similarly to the Crown. The Comyn earls of Buchan, for instance, retained many traditionally Gaelic offices such as the *judex* and welcomed the native lords (even the sons of the previous Gaelic earls) within a new organizational framework based on feudal tenure.<sup>249</sup>

These efforts were largely successful in achieving political integration and even widespread hybridization, but ethnic assimilation between the Anglo-European and Gaelic communities was another matter. We have already noted that perpetuated pluralism in Scotland principally derived from the fact that the kingdom's northern and westernmost districts received little settlement or remained outside the Scottish kings' power until well into the thirteenth century. Additionally, socio-economic preference often drove Gaelic communities to remain in the upland districts and away from the Anglicized lowlands. Other factors, however, were also extremely important in preventing full assimilation. Indeed, like the Muslim Turks in the Middle East and Central Asia, Scotland presents an excellent example of how ethnic groups could reaffirm their differences even when the formal barriers to assimilation were fairly weak. Hence, although political integration and wars with England had allowed for the emergence of a Scottish identity, that identity did not equate to assimilation between the Gaelic and Anglo-European populations. According to Fordun, Scotland was one *natio* with two

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<sup>247</sup> Barrow, *Scotland and its Neighbors*, 57-62 and 79-80.

<sup>248</sup> *Ibid.*, 114-8.

<sup>249</sup> Alan Young, "The Earls and Earldom of Buchan in the Thirteenth Century," in *Medieval Scotland: Crown, Lordship, and Community: Essays Presented to G.W.S. Barrow*, Alexander Grant and Keith J. Stringer, eds. (Edinburgh: Edinburgh University Press, 1993), 180-1.

separate *gentes*.<sup>250</sup> Indeed, ethnic differences persisted and even strengthened during the fourteenth century and beyond. As I will argue further in Chapter Seven, political integration did not eradicate each community's unique structural features and customs. More importantly, however, linguistic differences remained, each community retained distinct cultural heritages, and those differences contributed to a growing Gaelic alienation from their Anglo-European neighbors.<sup>251</sup>

### ***Assimilation***

Since the next four chapters discuss the acculturative processes that occurred in the British Isles, I will focus on the general causes of much deeper acculturative changes for the remainder of this chapter, namely ethnic assimilation and hybridization. We can make four general observations about assimilation in the high-medieval British Isles. First, as we discussed previously, assimilation among the Anglo-European settler populations in Wales, Ireland, and Scotland seems to have been common and most of these populations seem to have assumed an English identity by the end of our period. Second, we make this postulation because our sources refer to the settlers exclusively as English after c. 1215 and because we often know very little about these assimilative processes. Fordun, for example, stated that Scotland had two ethnic populations, one of which was "Scottish" (*Scotorum*- i.e. Gaelic Scots) and the other "English" (*Anglorum*).<sup>252</sup> How the settler groups became a singular English community, why they assimilated, when they assimilated, or whether Fordun's statement is wholly accurate are all unknown questions.

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<sup>250</sup> Fordun, *Chronica Gentis Scottorum*, 1: 42 and 2: 38.

<sup>251</sup> See below, 436-57.

<sup>252</sup> Fordun, *Chronica Gentis Scottorum*, 1: 42 and 2: 38.

Indeed, the Flemish community in south Wales gives us good reason to question Fordun's statement. Historians have generally assumed that the Flemings adopted an English identity by the fourteenth century and most of the circumstantial evidence confirms that assumption. The Flemish community in south Wales quickly accepted English rule and its political and legal institutions. Higden states that the Flemings all spoke English by the early fourteenth century. Aside from Higden, the last reference to a Flemish community in high-medieval Wales occurs in the *Brut y Tywysogion* in its entry for 1220.<sup>253</sup> Both pieces of evidence indicate that the Flemings were entering the last stages of assimilation by the fourteenth century at the latest. However, Luran Toorians argues that the Flemish language survived in Wales into the sixteenth century, suggesting that a distinct Flemish community was still extant.<sup>254</sup>

Pinpointing medieval assimilation- especially among multiethnic settler communities- is not a problem restricted to studying the British Isles. Medieval sources elsewhere frequently use blanket terms that mask ethnic complications. So, it would seem perfectly normal for the age when a chronicler recording the conquest of Lisbon in 1147 by a motley group from northwestern Europe used the term "Frank" to designate every member of the expedition, but in one sentence stated that the "Franks" constructed separate churches for the "men of Cologne and the Flemings" and for the "English and the Normans."<sup>255</sup> The term "Frank" in this sense was regional and cultural. For the Latin Christian, Western European author, it was not necessarily ethnic. For the Muslim

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<sup>253</sup> *Polychronicon Ranulph Higden Monachi Cestrensis, together with the English Translations of John Trevisa and of an Unknown Writer of the Fifteenth Century*, Churchill Babington, ed., 2 vols. (London: Longmans, 1869), 2: 158-9. *Flandrenses vero, qui occidua Walliae incolunt, dimissa jam barbarie, Saxonice satis proloquuntur. Brut* (RBH), 306-7.

<sup>254</sup> Luran Toorians, "Wizo Flandrensis and the Flemish Settlements in Pembrokeshire," *Cambridge Medieval Celtic Studies* 20 (1990), 115-8. For more on the Flemings, see below, 236-7.

<sup>255</sup> Bartlett, *Making of Europe*, 101-2.

communities of Iberia and the Middle East and for the Byzantines, “Frank” had regional, cultural, and ethnic connotations. The same was true for the communities that came into contact with China. Frederick Mote argues that the concept of a singular Chinese ethnic identity existed even though the term “Chinese” encompassed a variety of peoples, languages, and regional differences. These differences were overcome through travel, through the imperial government’s appointment of regional and local officials who came from all regions of the Middle Kingdom and who all underwent standardized civil service examinations to obtain their positions, and through the ready acceptance of regional variations in speech that were, nevertheless, congealed by a common written language and literary culture. In this way, a powerful and unified Chinese ethnicity could develop and create coherent socio-cultural criteria both to include those who were part of the Chinese cultural orbit and to exclude those who were outside of it.<sup>256</sup>

The formation of a singular English identity had many parallels to the formulation of ethnicity in China, though it was forged in a distinct manner. A common king, a common system of royal government, a common “mother” language (though with considerable regional variations), a common idea of an “English” history, and a common set of cultural values and social structures had created the flexibility necessary to be able to subsume many other identities into a single conceived ethnic entity. At the same time, however, these cultural values and social structures were considered so distinct by the people who called themselves English that it erected rigid barriers to ethnic groups in the border regions of the British Isles. While the term “Frank” was ethnically ambiguous to Western Europeans, “English” was vague neither to the settlers nor to the Gaelic Irish,

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<sup>256</sup> Mote, *Imperial China*, 268-9.

Scots, or Welsh. Even though it could be an umbrella term, that term encompassed explicit ethnic, cultural, and regional designations.

Our third observation is that the absorptive qualities of English ethnicity did not mean that assimilation was quick. The hurdles to assimilation were considerable and those hurdles meant that assimilation was generally a long process. The most famous case of assimilation in the high-medieval British Isles occurred in England, where the Norman-French settler population assimilated into English society. The common dating for this process' culmination (between the end of Henry II's reign and the end of John's reign) indicates that it took well over one hundred years.<sup>257</sup> Assimilation among the settlers in Wales took almost as long. It seems that assimilation among the settlers in Ireland was more rapid, with the Welsh populations excepted.<sup>258</sup> Again, however, our information is quite meager. We have no idea about the process of assimilation among Anglo-Europeans in Scotland.

Finally, assimilation between large portions of the Gaelic and Welsh populations and the Anglo-European settlers in Wales, Scotland, and Ireland was much rarer and usually only transpired in regional pockets. The adoption of an English identity among the settler populations in the British Isles occurred for various reasons, chief among which were the fact that they shared common political loyalties and had few significant socio-cultural differences. Common political allegiances and relatively minor socio-cultural differences coincided with a lack of territorial, legal, and institutional barriers

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<sup>257</sup> See Hugh M. Thomas, *The English and the Normans: Ethnic Hostility, Assimilation, and Identity, 1066-c. 1220* (Oxford: Oxford University Press, 2004), 56-7. Gillingham argues that it was earlier. See below, 236, n. 34.

<sup>258</sup> *The Annals of the Four Masters*, for example, records a Welsh presence in western Connacht in 1266. See CELT: Corpus of Electronic Texts, "Annal M1266.14," in *The Annals of the Kingdom of Ireland by the Four Masters*. Compiled by Myriam Priour. A project of University College, Cork, Text ID Number: T100005C, distributed by CELT online, Cork, Ireland: University College, Cork, 2002, <<http://www.ucc.ie/celt/published/T100005C/index.html>> (12 November 2007).

and the fact that the non-English populations were usually a minority living amongst the English majority. The relationship between the natives and settlers, however, was quite different. The socio-cultural differences were greater, the prejudices often significant, and the settlers entered Ireland and Wales as conquerors. Violence was less common in Scotland, but not absent. Furthermore, the situations of contact between the native and settler groups reinforced perpetuated pluralism and limited the possibilities for assimilation. As long as these communities maintained physical distance, as long as institutional barriers existed, as long as they remained hostile to one another, and as long as they trumpeted their historical and cultural differences, assimilation was a very remote possibility.

Nevertheless, there is some indication that large-scale assimilation might have occurred between the Welsh and Anglo-European populations in the most heavily settled districts in south Wales, though the contemporary evidence presents numerous difficulties to affirming it. We no longer hear of Welsh communities in Anglo-European strongholds in areas such as southeastern Dyfed and many historians have assumed that the contemporary evidence masks the assimilative processes that must have taken place among the settlers and any remaining Welsh populations. Ifor Rowlands, for example, argues that assimilation in Dyfed was a “silent” two-way process.<sup>259</sup> Yet archaeological evidence and shreds of written testimony raise reasonable doubts whether complete cultural assimilation occurred in southeastern Dyfed-Pembrokeshire. David Austin, for instance, asserts that the thorough Anglicization of Pembrokeshire was largely a myth that derived from the political ambitions of Welsh gentrymen such as George Owen of

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<sup>259</sup> Rowlands, “Making of the March,” 146.

Henllys during the Tudor Period.<sup>260</sup> Based on archaeological excavations conducted between 1986 and 1995 in Carew, Austin contends that the landscape patterns around Carew were remarkably consistent with Welsh antecedents and largely remained so into the Tudor era. Small nucleated settlements, so often denoted as the characteristic of foreign settlers, only appear occasionally in the medieval landscape and differed little from others found throughout Wales. From this evidence, Austin concludes that foreign settlement was a piecemeal process that reacted slowly to “tenurial and other circumstances spread over many centuries.”<sup>261</sup> The slow course of foreign settlement may have allowed the Welsh populations to survive. Indeed, *The Black Book of St. David’s* shows many Welsh name forms persisting in the manor of Lamphey in southeastern Pembrokeshire, even though these names lack the traditional Welsh appellative “ap” (“son of”).<sup>262</sup> The Welsh populations in the most heavily settled districts may, in fact, have ethnically assimilated, but they may also have solely undergone political assimilation. As the Scottish case shows, political and cultural assimilation were not necessarily the same phenomena. Welsh communities in south Wales may have accepted Anglo-European rule and its political norms, but we have no idea whether they considered themselves Welsh, English, or hybrids and we have no idea to what extent they might have retained Welsh cultural traditions.

Concrete evidence for large-scale communal assimilation in other cases is also thin. Kevin Down contends that the Norse (often referred to as Ostmen) populations of Ireland became submerged into the Anglo-Irish or Gaelic Irish communities. However,

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<sup>260</sup> David Austin, “Little England beyond Wales: Redefining the Myth,” *Landscapes* 6:2 (2005): 34 and 37-9. Austin claims that place-name evidence is largely unreliable. He uses as evidence the fact that Flemish place-names no longer exist in Rhos even though that is the only widely corroborated evidence we have of extensive foreign settlement in Dyfed.

<sup>261</sup> *Ibid.*, 60.

<sup>262</sup> *The Black Book*, 171-91.

he also notes that a Norse population remained at Wexford as late as 1283.<sup>263</sup> Tracing assimilation among individual families is easier, though still a bit perilous. Emmett O’Byrne, for example, asserts that many Irish noble lineages in East Leinster underwent Anglicization. He cites one family, the MeicGiollamocholmóc of Uí Briúin Chualann, as an example. This family married into the settler aristocracy and took the surname “Fitzdermot.” Yet while alliances with the settlers began shortly after 1171, the family’s full assimilation does not seem to have taken place until the 1290s.<sup>264</sup> Unlike the MeicGiollamocholmóc of Leinster, the family of Herbert son of Godwin in Glamorgan seems to have fully assimilated into native Welsh society. Herbert and his family probably came from Cornwall. Four of Herbert’s six sons had Welsh names (Cynaethwy, Cynwrig, Bleddyn, and Rhydderch) and two had Anglo-European name forms (William and John). All the brothers, however, held their lands in a typical Welsh kindred unit and rendered traditional Welsh payments and services.<sup>265</sup> What spurred Herbert’s sons to assimilate into Welsh society is uncertain, but the MeicGiollamocholmóc demonstrate possible common reasons: intermarriage and practical calculations. Nevertheless, intermarriage does not always signal the beginnings of assimilation. The MacMurroughs of East Leinster (the descendants of Mac Murchada) intermarried and interacted heavily with the settler elite, but never forgot their royal roots and Gaelic identity. They eventually reclaimed the kingship of Leinster.<sup>266</sup>

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<sup>263</sup> Down, “Colonial Society and Economy,” 445.

<sup>264</sup> O’Byrne, 20-4.

<sup>265</sup> See below, 245.

<sup>266</sup> O’Byrne, 27-9. See also his chapters, “The Leinster Wars, 1320-1370” and “Leinster and the Kingship of Art MacMurrough, 1370-1420,” 87-118.



### ***Ethnic Hybridization***

In the previous chapter, we outlined the general features of hybrid ethnic groups and I asserted that the best examples of hybrid ethnic groups during the high-medieval period appeared in the British Isles.<sup>267</sup> At the risk of over repetition, however, it would be appropriate here to review some of those key features. A hybrid ethnic group typically emerges when one ethnic group undergoes extensive acculturation with another ethnic group. The acculturation is extensive enough that the hybrid ethnic group, its parent group, or the group that it has partially assimilated into will develop a conscious sense of socio-cultural difference with its original ethnic compatriots, though the hybrid ethnic group may not always express that sense of difference explicitly. However, the hybrid ethnic group retains some sort of affiliation with its parent group, whether through continuing political loyalty, some enduring sense of cultural affinity, or other factors. Hence, while the hybrid ethnic group may not always explicitly express its socio-cultural distance from its parent group, it will always retain a sense of difference with the ethnic group with which it has acculturated and that group will also retain a sense of difference with the hybrid entity.

Numerous hybrid ethnic groups emerged in the high-medieval British Isles. Some, such as the Cambro-Normans (or Anglo-Welsh) in Wales were relatively short-lived.<sup>268</sup> Some, such as the Anglo-Scandinavian populations of northern England were in the advanced stages of assimilation and largely disappeared by the thirteenth century. Others, such as the Anglo-Irish or the Gaelic-Norse, survived and thrived and those groups are the focus of this section.

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<sup>267</sup> See above, 124-5.

<sup>268</sup> The Cambro-Normans are discussed in more detail in Chapter Four. See below, 240-5.

The Anglo-Irish represent the most famous case of ethnic hybridization in the British Isles and the furthest extent of acculturation among the Anglo-European groups that settled in Wales, Ireland, and Scotland. The exact size of the Anglo-Irish community is impossible to calculate. It seems to have been much larger than the “Cambro-Norman” population that emerged in Wales, though we cannot be certain if it was larger than the Gaelic-Norse communities of the western Scottish seaboard. The Anglo-Irish were particularly ample in Munster and Connacht, away from the core settler region around Dublin that became known later as the “Pale.”<sup>269</sup> We have already mentioned that the late thirteenth and fourteenth-century Irish parliaments expressed horror that their compatriots rode horses like the Irish, dressed like the Irish, and used Irish laws.<sup>270</sup> Yet Gaelicization was a lengthy process that was underway long before these parliaments convened. According to James Lydon, the settler population was becoming bilingual during the thirteenth century and growing familiarity with Gaelic meant that the use of professional interpreters (called “latimers”) gradually disappeared.<sup>271</sup> By the mid fourteenth century the Statutes of Kilkenny indicate that some of the English of Ireland spoke Gaelic exclusively.<sup>272</sup> Intermarriage, informal sexual liaisons that produced offspring, gossiped pacts, and fosterage helped bind Anglo-European and Irish families and cultures. Nicholls points out that many of the Anglo-Irish lineages that emerged after the initial invasions of the late twelfth century formed from the sons of Gaelic Irish mothers.<sup>273</sup> Indeed, the formation of patrilineal kin groups among the Anglo-Irish is one of the most fascinating features of their Gaelicization. The Irish annals were referring to Anglo-Irish

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<sup>269</sup> Duffy, “Problem of Degeneracy,” 103.

<sup>270</sup> See above, 202-5.

<sup>271</sup> Lydon, “Middle Nation,” 13-4.

<sup>272</sup> *IHD*, no. 17, 53.

<sup>273</sup> Nicholls, *Gaelic and Gaelicized Ireland in the Middle Ages*, 16.

families such as the Fitz Geraldts and the de Berminghams as “clans” in the middle of the thirteenth century.<sup>274</sup> A parliament at Kilkenny in 1310 affirms this development, ordering the chieftains of the great lineages to restrain their kinsmen from violence.<sup>275</sup>

Both the Gaelic Irish and the settler population recognized the cultural distinctiveness of the Anglo-Irish, but the Gaels never accepted the Anglo-Irish as part of their community and the Anglo-Irish never relinquished their English identity. The Statutes of Kilkenny saw cultural distinctions among the settlers as a serious communal problem and tried to elide it by forbidding the “English born in Ireland” and the “English born in England” from trading insults such as “English hobbe” or “Irish dog.”<sup>276</sup> As Lydon notes, the Gaelic Irish referred to the Anglo-Irish as foreign *Gall*, but contrasted them with the English of England.<sup>277</sup> Occasionally, the Gaels praised the Gaelicization of the Anglo-Irish. For example, one fourteenth-century Gaelic poet said that the “princely” Anglo-Irish lords “gave up their foreignness for a pure mind.”<sup>278</sup> However, many contemporary Gaels found little to praise in the Anglo-Irish. Domnall Ua Néill, for example, recognized the Anglo-Irish as a “middle nation,” but he wished to clarify the term, saying that “they may be called a nation not of middle, but of utmost, perfidy.”<sup>279</sup>

Despite the fact that the English from England and the Gaelic Irish acknowledged significant Gaelicization among the Anglo-Irish, the Anglo-Irish never relinquished their English identity, their allegiance to the English crown, their sense of cultural superiority,

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<sup>274</sup> For the earliest examples, see the *Annals of Loch Cé*, “Annal LC 1261.5,” found online at <<http://www.ucc.ie/celt/published/T100010A/index.html>>; and *The Annals of Connacht*, “Annal 1261.9,” found online at <<http://www.ucc.ie/celt/published/T100011/index.html>>. In the *Annals of Loch Cé*, the Fitz Geraldts are referred to as the “Clann-Gerald” and in the *Annals of Connacht*, the de Berminghams are referred to as the “Clann Feorais.”

<sup>275</sup> *SOAPI*, 265-7.

<sup>276</sup> *IHD*, no. 17, 53.

<sup>277</sup> Lydon, “Middle Nation,” 7.

<sup>278</sup> Lydon, “Impact of the Bruce Invasion, 1315-27,” 301.

<sup>279</sup> *IHD*, no. 12, 42.

or their enmity for the Gaelic Irish. Very few of the Anglo-Irish ever abandoned their allegiance to the English king and despite considerable acculturation, they equated the Gaelic Irish with wildness and savagery and viewed them as intractable enemies.<sup>280</sup>

According to the *Annals of Innisfallen*, Piers de Bermingham, whose family had become heavily Gaelicized, said “he was not aware that there was a foreigner in Ireland who had not undertaken to slay his Gaelic neighbor, and he knew that they would slay, as he had slain,” after he and his men had murdered three Ua Conchobair dynasts and many of their followers through a ruse.<sup>281</sup> De Bermingham’s statement and the legislation issued in the Irish parliaments demonstrate that there was a clear mental distinction between what was “English” and what was “Irish,” even if those distinctions often blurred in practice. Many Englishmen were alarmed at the Gaelicization of their ethnic compatriots. Nonetheless, even though some may have become *degeneres*, those *degeneres* were still English. Even Englishmen born to Gaelic mothers maintained their legal English status and all the benefits that went with it.<sup>282</sup> Indeed, a series of royal ordinances in 1357 reasserted that the English of Ireland were “true English.”<sup>283</sup> The Innisfallen annalist agreed. The de Berminghams may have been “Clann Feorais” to some of the Gaels, but to the annalist Piers was still a foreigner and a treacherous one at that: “And woe to the Gaedel who puts trust in a king’s peace or in foreigners after that!”<sup>284</sup> No matter the extent of Gaelicization, mental perceptions and political allegiance exerted a powerful influence on identity and prevented complete assimilation.

<sup>280</sup> See Lydon, “Middle Nation,” 17-22.

<sup>281</sup> CELT: Corpus of Electronic Texts. “Annal AI 1305.4,” in *The Annals of Innisfallen*, Seán Mac Airt, trans. Compiled by Beatrix Färber. A project of University College, Cork, Text ID Number: T100004, distributed by CELT online, Cork, Ireland: University College, Cork, 2000. <<http://www.ucc.ie/celt/published/T100004/index.html>> (12 November 2007).

<sup>282</sup> Nicholls, *Gaelic and Gaelicized Ireland in the Middle Ages*, 17.

<sup>283</sup> See Frame, *Ireland and Britain*, 143.

<sup>284</sup> *Annals of Innisfallen*, “Annal AI 1305.4.” <<http://www.ucc.ie/celt/published/T100004/index.html>>.

The Gaelic-Norse populations of the western Scottish seaboard provide another example of a hybrid community. Norse raids along the Western Seaboard began in the late eighth century. Norse settlement was densest in Orkney and Shetland, but also penetrated the Hebrides. Acculturation among the Norse settlers occurred rapidly and by the mid ninth century a new warrior class called the *Gall-Gaidhel* (“the Foreign Gael”) emerged in Ireland and the Hebrides.<sup>285</sup> Oram argues that the *Gall-Gaidhel* established themselves in Galloway, Mann, and Cumbria during the late ninth, tenth, and eleventh centuries.<sup>286</sup> The Western Isles became known to the Gaels as the *Innse Gall* (“the Islands of the Foreigners”), while Oram attests that both Gaelic and Norse sources recognized Galloway as the homeland of the *Gall-Gaidhel* by the twelfth century.<sup>287</sup> The *Gall-Gaidhel* created a powerful political entity that endured in some form into the fifteenth century. Godfrey Crovan established a Norse kingdom over Mann and the adjacent isles in the late eleventh century (though not in Galloway), but it was the Gaelic-Norse lord Somerled of Argyll (or Somerled MacGillebrigte) who expanded that kingdom to include Argyll. After Somerled’s death in 1164, the Kingdom of the Isles survived until 1265, though Somerled’s and Godfrey’s descendants ruled different regions of it.<sup>288</sup> As late as 1318 the *Annals of Loch Cé* were referring to Ruaidrí MacRuaidrí as “king of Innse Gall” and also recognized Alexander MacDomhnaill (MacDonald) as “king of Airer-Gaedhil”

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<sup>285</sup> McDonald, *Kingdom of the Isles*, 29.

<sup>286</sup> Oram, *Lordship of Galloway*, 6-9. Oram also contends that while the Hebrides were the principal zone of origin of the *Gall-Gaidhel* settlers, Gaelic-Norse settlement was also tied to political disturbances in eleventh-century Ireland. See *idem*, 9-22.

<sup>287</sup> See McDonald, *Kingdom of the Isles*, 30 and Oram, *Lordship of Galloway*, 7-8.

<sup>288</sup> For a short summary of these events, see W.D.H. Sellar, “Hebridean Sea Kings: The Successors of Somerled, 1164-1316,” in *Alba*, 190-3. Sedlar also discusses the careers of Somerled’s descendants in *idem*, 200-18. McDonald’s *Kingdom of the Isles* discusses the political events much more extensively. See *idem*, *passim*.

(Argyll).<sup>289</sup> Yet David H. Caldwell notes that these titles are misleading. The region had come fully under Scottish lordship and the Scottish kings viewed these Gaelic-Norse “kings” (Gaelic: *rí*) as simple barons. Somerled’s descendants, namely the MacDonald kindred, referred to themselves as *Dominus Insularum*, establishing a quasi-independent lordship known as the “Lordship of the Isles” (c. 1336-1493).<sup>290</sup>

While Gaelicization was extensive in the Western Seaboard, Scandinavian traditions persisted. Gaelic was the vernacular language of most of the Western Seaboard as early as the tenth century.<sup>291</sup> Oram notes that the *Gall-Gaidhel* settlers adopted (partially or wholly) the Gaelic terminology and summer-grazing system for transhumance pastoralism in Mann, Galloway, and Cumbria.<sup>292</sup> Yet the Scandinavian cultural tradition remained powerful. The persistence of at least nominal Norwegian power certainly contributed, but other factors were important as well. Old Norse and its various dialects survived in the *Innse Gall* well into the thirteenth century and Caldwell posits that many of the administrative features of the later lordship of the Isles contained both Norse and Gaelic elements.<sup>293</sup> A fourteenth-century Gaelic bard called the Mac Suibhnes (MacSweenys) “Norsemen and noble stewards” and other Gaelic-Norse kindreds such as the Mac Leòid (MacLeod) also heralded their Norse origins.<sup>294</sup> The enduring Scandinavian cultural associations of the *Gall-Gaidhel* also made them foreign

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<sup>289</sup> *Annals of Loch Cé*, “Annal LC 1318.7,” <<http://www.ucc.ie/celt/published/T100010A/index.html>> (12 November 2007).

<sup>290</sup> David H. Caldwell, “The Scandinavian Heritage of the Lordship of the Isles,” in *Scandinavia and Europe, 800-1350: Contact, Conflict, and Coexistence*, Jonathan Adams and Katherine Holman, eds. (Turnhout: Brepols, 2004), 72.

<sup>291</sup> McLeod, *Divided Gaels*, 18-9. Andrew Jennings argues that the Norse settlers of Kintyre acculturated into the Gaelic community within a generation or two. See “The Norse Place-Names of Kintyre,” in *Scandinavia and Europe*, 118.

<sup>292</sup> Oram, *Lordship of Galloway*, 8.

<sup>293</sup> Caldwell, “Scandinavian Heritage of the Lordship of the Isles,” 73 and 78-83.

<sup>294</sup> McLeod, *Divided Gaels*, 31-2.

to the Gaelic Irish and Scots, despite their extensive Gaelicization and deep political connections and interests in Ireland. The term *Gall-Gaidhel* indicates that the Gaels recognized their dual heritage, but they were still *Gall* nonetheless. Similarly, McLeod contends that even though the *gallóglaigh* obtained substantial importance within the political structures of native Irish society, they never entirely assimilated. Indeed, as late as the eve of the seventeenth century Gaelic sources still noted the distinctive weapons, clothing, customs, and language that distinguished the *gallóglaigh* from the native Irish.<sup>295</sup>

Why the British Isles produced so many hybrid ethnic groups is difficult to answer conclusively. There are two common trends, however, that could help explain the phenomenon. First, in each instance, the populations that underwent hybridization found themselves physically or culturally isolated. Hence, extensive intermarriage often coincided with extensive socio-cultural borrowing with another resident group. Second, in each instance, their affiliation with the parent group provided some political authority, whether it was because the parent group still wielded some degree of political power or because the parent group's legacy provided the basis for claiming power. Indeed, the decline of Scandinavian political authority in England certainly helped hasten Anglo-Scandinavian assimilation.

### **The Anglo-Welsh Case Study**

In this chapter, we have outlined the ways in which settlement processes, socio-cultural difference, and the structuring of ethnic interactions influenced cultural change

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<sup>295</sup> Ibid., 46-7. We should note, however, that the author does not mention precisely what language the *gallóglaigh* spoke, though it is likely that they spoke Scottish Gaelic.

and ethnic identities in the British Isles. We have seen that the British Isles were home to numerous settlement processes, which occurred through relatively peaceful invitation and violent conquest. Anglo-European settlers initiated the largest and most impactful settlement processes in Wales, Scotland, and Ireland. Yet the exact circumstances of settlement and ethnic contact varied considerably. Indeed, although historians have often highlighted the many similar experiences that Wales, Scotland, and Ireland shared in the high-medieval period, our examination of the Anglo-Welsh border region will demonstrate that the precise circumstances of ethnic contact engendered quite distinct results. In the next three chapters, we will take a more in-depth look into how those circumstances played a role in the complicated dynamics of acculturation, assimilation, and hybridization in the Anglo-Welsh border region by examining three topics that were particularly important markers of ethnic identity: language, law, and social organization—particularly kinship structures. The lessons learned from the Anglo-Welsh case study will then be compared to the situations in Scotland, Ireland, and the rest of Eurasia in chapters seven and eight.

The categories of analysis utilized in the Anglo-Welsh case study are intended to provide the best possible ways to examine interaction at both the broadest and the most intimate levels, to combine detailed local analysis while also revealing the broader regional dynamics, and to study how local and regional forces informed each other. Historians have examined the issue of ethnic interactions in Wales through a variety of lenses. Yet if there is a consistent theme in the historiography concerning the Anglo-Welsh border region, it is that the societies in contact were contrasted by a different language and by unique laws, customs, and cultural traditions. As Robert Bartlett argued,



medieval ethnic groups primarily distinguished themselves thorough their language (*lingua*), laws (*leges*), and customs (*consuetudines*) and these socio-cultural differences established unique *gentes* and *nationes*.<sup>296</sup> The following three chapters will utilize these categories. Hence, Chapter Three focuses on the role of language in formulating communal identities, conceptualizing difference, and permitting, inhibiting, or preventing personal communication. It will examine how language demarcated communities, how people learned to adapt to multilingual environments, how multilingualism impacted the conceptualization of identity, and how individuals could communicate with each other despite linguistic differences. It will also scrutinize the role of written communication in expressing the community's uniqueness, origins, and cultural traditions, most importantly its myths and similar cultural tales. Like most high-medieval border regions, numerous vernaculars existed in Wales, but those vernaculars coexisted with languages of greater prestige. In Wales and Western Europe in general, Latin was the language of the learned classes and a good portion of Chapter Three will concentrate on how Anglo-European scholars used Latin to facilitate the transmission of the Welsh cultural tradition, which they then refashioned to create a mythology in order to justify English dominance throughout Britain.

Chapter Four analyzes the role of law. Law was the mechanism through which communities regulated their affairs and their laws and customs were badges of identification that distinguished them from others. In a contact situation where one community established itself in the domain of another through force, the imposition of

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<sup>296</sup> Bartlett, "Medieval Concepts of Race and Ethnicity," 51-2. I will use the term *gens* (a people; pl. *gentes*) more often than *natio*. *Natio* could also designate a people and was often simply a synonym for *gens*. However, *natio* could also have more of a political element and in that sense was closer to the modern concept of "nation." For more on the differences and similarities between these terms, see Susan Reynolds, *Kingdoms and Communities in Western Europe, 900-1300*. 2<sup>nd</sup> ed. (Oxford: Clarendon Press, 1997), 254-7.

alien laws and customs could produce a powerful backlash and reveal just how important the community's laws and customs were to its identity. The importance of law and custom to communal identity was most evident in Wales during political disputes between Edward I and Llywelyn ap Gruffudd in the 1270s and 1280s. Furthermore, law and custom were crucial in establishing and defining the Englishries and Welshries. Yet the political rhetoric of the late thirteenth century and the role of law and custom in structuring quasi enclaves did not mean that legal acculturation was impossible. Indeed, the spread of jury procedure in Wales highlights how communities could borrow foreign legal traditions without necessarily abandoning their own. Similarly, the laws in the Marcher lordships indicate how Welsh laws and customs could be amalgamated into a legal system that primarily derived from English law.

The chapter's focus on how legal structures fostered the perpetuation of ethnic difference and why acculturation and hybridization occurred within the perception of a strict dichotomy between communal laws and customs forces us to examine the political circumstances of the Anglo-European settlement process and the relationships between the kings of England and the princes of Gwynedd. It also compels us to examine the general characteristics of the Englishries and Welshries and the general concepts and procedures behind English and Welsh law to understand how and why jury procedure was able to spread so quickly among the Welsh populations. However, an examination of the spread of jury procedure also requires that we consider the testimony and opinions of specific individuals and analyze specific legal cases.

The final chapter of the case study examines social organization and particularly focuses on kinship structures by studying a plethora of primary sources pertaining to

districts across Wales. In order for two ethnic groups to assimilate, they needed a common vernacular, common laws, and a common social structure. Examining kinship structures demonstrates the considerable disparities between English and Welsh social structures. Kinship defined lineage and lineage granted an individual a position and status within a community. The individuals who comprised a familial or kinship unit were tied to the larger community through a series of obligations and responsibilities. Those obligations and responsibilities were enshrined within the wider community's laws and customs. Hence, the kinship structure was not simply a matter that pertained to individual families or the local populace. It was deeply embedded within the greater social structure. Indeed, a persistent theme in the medieval historiography of the British Isles is a clash between "feudal" and "kin-based" social systems. The chapter will analyze that supposed clash by considering the ways in which kinship and familial structures informed English and Welsh identities, how and why English and Welsh kinship structures diverged, and how each community learned to adapt to and accommodate each other's social structures.

## Part II: The Anglo-Welsh Case Study

### Chapter 4: Language, Literary Culture, and Ethnicity in Wales, c. 1100-1350 CE

#### Introduction

Language is one of the fundamental markers of socio-cultural difference between two ethnic groups and a key boundary-making mechanism in intercultural contact.

Stephanie Mooers Christelow contends that although many factors contribute to individual and communal identities, the primary determinant is language and dialect.<sup>1</sup>

Robert Bartlett points to medieval evidence to support that claim. According to him, medieval European scholars and ecclesiastics saw post-Babel linguistic separation as the first step to forming distinct peoples. Indeed, Isidore of Seville stated that “Races arose from different languages, not languages from different races.” Another Latin scholar more curtly stated *gentem lingua facit*, or “language makes a people.”<sup>2</sup>

Yet the importance of language to ethnic distinction did not mean it was an impermeable barrier. Judging from the countless examples of linguistic pluralism and multilingual communities across Eurasia, one might argue that language was the most permeable barrier. For some ethnic communities, such as the Mozarabs of Iberia, multilingualism helped define their communal identity. Indeed, Bartlett cites an 1115 document in which two Mozarabs provided their names in both Romance (*latinitate*) and

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<sup>1</sup> Stephanie Mooers Christelow, “Names and Ethnicity in Anglo-Norman England,” in *Studies on the Personal Name in Later Medieval England and Wales*, Dave Postles and Joel T. Rosenthal, eds. (Kalamazoo, MI: Medieval Institute Publications, 2006), 342.

<sup>2</sup> Bartlett, *Making of Europe*, 198.

Arabic.<sup>3</sup> The reasons for such permeability varied considerably from region to region, but there are a few common factors. First, because perpetuated pluralism prevailed in most border regions, the assimilation of entire ethnic communities was rare and, therefore, it was rare for one language to achieve complete mastery over another. Second, because no culture or language was homogenous, significant dialectal differences existed in the spoken languages, accentuating linguistic diversity and making it more difficult for any one language to achieve dominance. Third, because cultural intermixing and intermarriage were common and because border regions were so permeable to outside influences, linguistic diversity of varying extents was the norm. Commerce and trade also helped spur multilingualism. Even when individual did not attain fluency in multiple languages, learning even a small part of the language of another community reduced the cultural gap. Fourth, the realities of cultural pluralism in border regions forced societies to find ways to minimize linguistic barriers, either for practical daily communication or even to acquire the cultural wares of another community. Interpreters could bridge the linguistic divide and the literary tradition of one community could be translated and thereby imparted to another community.

Finally, the commonly spoken languages in virtually any border region were not necessarily the written languages employed by cultural elites and political administrators. Languages of prestige, like Latin, Arabic, New Persian, Chinese, Greek, and Sanskrit, may not have been universally spoken. Nonetheless, they could bring a sense of cultural unity to disparate populations and facilitate the transmission of cultural traditions. In much of Europe, Latin was the language of learning and provided a means of cultural diffusion for a region with many vernacular languages and dialects. Indeed, Jean Sedlar

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<sup>3</sup> Ibid., 201.

argues that as long as Latin remained the chief literary language of Bohemia, Poland, and Hungary, ethnic consciousness and nationalism remained in check.<sup>4</sup> Thomas Glick contends that modern nationalism accentuated the role of language in ethnic ascription. In the ethnically pluralistic societies of medieval Iberia, ethno-religious groups made accommodations to minimize linguistic barriers and the acceptance of Latin and Arabic as a *lingua franca* for the Christian and Muslim communities fostered recognition of variant dialects as “more or less equidistant from the norm.”<sup>5</sup> New Persian helped bring the Turkic rulers of Central Asia, the Middle East, and the Indian subcontinent Islamic legitimacy. André Wink notes that Turkic *ghūlams* in the service of the Ghaznavids rapidly acquired Persian and became the backbone of a Perso-Islamic elite that provided the dynasty with a pre-Islamic Persian heritage and portrayed the former pagan Turks as the defenders of Sunnī orthodoxy.<sup>6</sup> Under the Qarakhanids, a new Turkish language derived first from translation and then from the scholarly and literary recreation of Persian literature, which allowed the new language to become a bearer of Islamic culture into Inner Eurasia.<sup>7</sup>

The complexities of linguistic interaction seen across Eurasia were also apparent in the Anglo-Welsh borderlands. Unfortunately, the contemporary sources present scholars with various obstacles that restrict our understanding of linguistic interactions and acculturation in Wales. The medieval sources rarely address the use of language and

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<sup>4</sup> Sedlar, *East-Central Europe in the Middle Ages*, 402.

<sup>5</sup> Glick, *Islamic and Christian Spain in the Early Middle Ages*, 185.

<sup>6</sup> Wink, *Al-Hind*, 2: 112.

<sup>7</sup> Lapidus, *History of Islamic Societies*, 130. Lapidus’ discussion of the Qarakhanids and the emergence of a new Turkish language is contained within a broader discussion of the emergence of New Persian and the importance of Persian culture in the Islamicate between the ninth and fourteenth centuries. For the full discussion, see *idem*, 126-32. For a more detailed examination of the emergence of New Persian, see Frye, *Golden Age of Persia*, 168-74. Frye also discusses the flourishing of Persian culture under the Sāmānids (pgs. 200-7), Būyids (208-10), Ghaznavids (218-20), Qarakhanids (220-4), and Seljuqs (224-9).

linguistic acculturation explicitly. As Ad Putter explains, contemporaries took such subjects for granted and rarely wrote about them in any significant detail.<sup>8</sup> Hence, we are left to mine kernels of information from numerous sources. Some of these sources, like Gerald of Wales, contain many kernels and even some short descriptions of the Anglo-Welsh borderland's linguistic realities. However, as Putter asserts, most information comes in the form of "oblique references or throwaway remarks, which can often be open to contradictory interpretations."<sup>9</sup> The various scholarly debates over the last century regarding the usage of French and English after the Norman Conquest demonstrate how scholars can derive very different conclusions from virtually the same core sources.

Notwithstanding these difficulties, the contemporary evidence allows us to put forward the following arguments. First, language was a key marker of identity, but its divisive role was far more important in distinguishing the Welsh from the settler community than in creating divisions within the settler community itself. Cultural similarities, political allegiance to the English crown, and differences with the native Welsh facilitated gradual processes of assimilation among the settlers that overcame linguistic differences. These processes led to the conceptualization of a singular English identity and community, with English as its primary language. Second, we have little indication that many among either the settler or Welsh communities were conversant in each others' vernaculars. Granted, bilingualism among the settlers and Welsh was probably more common than our sources indicate. However, the situations that encouraged perpetuated pluralism also curbed extensive bilingualism in the Anglo-Welsh

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<sup>8</sup> Ad Putter, "Multilingualism in England and Wales, c. 1200: The Testimony of Gerald of Wales," in *Medieval Multilingualism in England, France, and Italy: The Francophone World and its Neighbors*, Christopher Kleinhenz and Keith Busby, eds. (Turnhout: Brepols, 2010), 83.

<sup>9</sup> Ibid.

border region. Indeed, linguistic differences were not the principal reasons for perpetuating ethnic difference in Wales. Rather, the lack of extensive bilingualism stemmed from other socio-political forces. With the political stabilization of Wales in the late twelfth century, the development of Englishries and Welshries in the thirteenth, and the accompanying high levels of social segregation and communal autonomy in the border region, the circumstances were not ripe for the fluid communal interaction that might have produced large and lasting multilingual communities and encouraged the development of a hybrid ethnic group. The only truly multilingual group suggested in extant sources survived for a short period at best. Intermarriage still occurred and doubtless there were many people who could speak multiple languages, but the widespread bilingualism and linguistic hybridization that we see in Ireland were largely absent from Wales. Finally, however, linguistic permeability was still evident. French could serve as a common language between the settler and Welsh aristocracies and interpreters served the practical needs of two societies that rarely communicated in the other's language. Furthermore, literary translations in Latin and French could communicate the cultural wares of one community to another.

To explore these arguments further, this chapter is divided into three sections. The first section examines the importance of language in demarcating ethnic groups and explains the circumstances under which the settler community could overcome their linguistic differences and assume an English identity. The second section considers the nature of multilingualism in the border region, including the possibility of a multilingual hybrid ethnic group and the use of interpreters. The final section then analyzes literary



translations, the transmission and refashioning of the Welsh historical tradition, and the role of historical mythology in formulating ethnic identities.

### **Language, Communal Identification, and Assimilation in the Anglo-Welsh Border Region**

#### ***Language and Identity among the Welsh***

In *The Age of Conquest*, Rees Davies artfully captured the chief contradiction of medieval Wales: “Wherever we look at medieval Wales it seems to dissolve into plurality; its history appears to be no more than the sum of its individual parts.”<sup>10</sup> However, he also claimed that plurality did not impede a sense of geographical and cultural unity: “Yet, in spite of all its divisions, Wales had an identity of its own and so did its people. Outsiders had no doubt about that.”<sup>11</sup> The Welsh dwelled within a geographically and socially diverse land where numerous king-princes were often at war. The infusion of foreign settlers only further complicated its political and socio-cultural dynamics. Indeed, the primary historical narrative of high-medieval Wales- namely, the dichotomy of an alien settler society residing next to and conflicting with a native Welsh society- rests upon the assumption that unifying forces were sufficient to bring a uniform identity to the latter.

A shared language was one of these unifying forces among the Welsh community despite dialectical, phonetic, and lexical variances within the language. Gerald of Wales remarked that the Welsh language (*lingua Britannica*) of North Wales was more elegant, distinguished, and preferable because it had less foreign influence, but acknowledged that

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<sup>10</sup> Davies, *Age of Conquest*, 15.

<sup>11</sup> Ibid.

many others felt that the Welsh spoken in Cardigan was more praiseworthy.<sup>12</sup>

Nevertheless, Davies notes that regional differences did not impede the Welsh language and its literary traditions from becoming “badges of national identity.”<sup>13</sup> Indeed, a uniform literary tradition surmounted linguistic variations, which manifested itself in historical literature such as the *Brut y Tywysogion*, in prose tales such as the *Mabinogi*, in a vast corpus of legal redactions compiled between the thirteenth and fifteenth centuries, and in an equally vast translation of religious texts such as apocryphal texts, saints’ lives, prayers, hymns, and even portions of the Bible into Welsh.<sup>14</sup> However, the poets and story-tellers were principally responsible for molding the sense of a historical Welsh community by drawing upon a common supply of lore and mythology.<sup>15</sup> Welsh kings and princes sponsored poets at their courts and Dafydd Jenkins claims that these poets prevented the Welsh language from splintering into a mass of dialects.<sup>16</sup> The poets often traveled from court to court throughout Wales. For example, the twelfth-century poet Cynddelw Brydydd Mawr visited the courts of Gwynedd, Powys, and Deheubarth. Davies asserts that he “regarded the whole of Wales as his literary stage.”<sup>17</sup> A festival that Rhys ap Gruffudd hosted at the castle of Aberteifi in 1176 perhaps best displayed the cultural unity of the Welsh people. According to the *Brut y Tywysogion*, Rhys established two contests, one between bards and poets and the other between harpers, fiddlers, and

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<sup>12</sup> Giraldus Cambrensis, *Descriptio Kambriae*, in *Opera*, 6: 177.

<sup>13</sup> Davies, *Age of Conquest*, 17.

<sup>14</sup> *Ibid.*, 17 and 207.

<sup>15</sup> *Ibid.*, 17.

<sup>16</sup> Dafydd Jenkins, “*Bardd Teulu and Pencerdd*,” in *Welsh King and His Court*, 166. Jenkins notes that language and law were the primary factors in the existence of Wales as a united nation and suggests that it might be no accident that many of the court poets had close relationships with lawyers.

<sup>17</sup> Davies, *Age of Conquest*, 17. For more on the court poets and their role in providing cultural and linguistic unity in Wales, see Ceri W. Lewis, “The Court Poets: Their Function, Status, and Craft,” in *A Guide to Welsh Literature*, A.O.H. Jarman and Gwilym Rees Hughes, eds. 2 vols. (Swansea, Wales: Christopher Davies, 1976), 118-56; D. Myrddin Lloyd, “The Poets of the Princes,” in *idem*, 157-88; Andrew Breeze, *Medieval Welsh Literature* (Dublin: Four Courts Press, 1997), 28-62; and R.R. Davies, “The Identity of ‘Wales’ in the Thirteenth Century,” in *From Medieval to Modern Wales*, 45-8.

pipers. The contestants came from all across Wales and possibly even further afield because the *Brut* states that the festival was announced the year before throughout Wales, England, Ireland, and Scotland (*Prydyn*).<sup>18</sup>

Although linguistic differences did not inhibit the eventual ethnic coherence of the settler community, the Welsh perceived those differences as one of many communal barriers between the *Cymry* and the *estron*, or “aliens.” Indeed, Davies notes that thirteenth-century Welsh poets such as Dafydd Benfras and Llygad Gŵr demonstrated clear contempt for the “alien-tongued people” who dwelt within their midst.<sup>19</sup> During the final years before the Edwardian Conquest, the Welsh language was one focal point for communal solidarity and resistance to an English crown that showed scant respect for Welsh culture, institutions, and traditions. For instance, while laying his claim to the former kingdom of Arwystli before the Crown’s justices, Llywelyn ap Gruffudd claimed that the Welsh, “just as other nations under the dominion of the lord king,” should adhere to their own laws and customs according to their own language.<sup>20</sup> Hence, the Welsh considered language an important factor in shaping communal difference and unifying a socially diverse population in a politically fragmented land.

#### ***Language and Identity among the Settlers***

The settler populations that first entered Wales in the late eleventh century were not ethnically homogenous. Although linguistic differences demarcated the newcomers and natives, those differences could also have splintered the settler community itself. The settler community in Wales comprised three different groups that principally divided

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<sup>18</sup> *Brut* (RBH), 229.

<sup>19</sup> Davies, *Age of Conquest*, 317.

<sup>20</sup> *The Welsh Assize Roll, 1272-1284*, James Conway Davies, ed. (Cardiff: Board of Celtic Studies 7, 1940), 266... *sicut alie nationes predictae sub imperio domini regis constitute suas leges et consuetudines secundum linguam suam habent.*

along linguistic lines: the French, the English, and the Flemings. The settler population's heterogeneity is also evident in the varieties of dialects spoken within each group.

According to Philippe Wolff, dialectical standardization occurred in both French and English from the late thirteenth into the fifteenth centuries, as the Francian dialect of northern France and the east midland dialect of London eventually predominated.<sup>21</sup>

However, the era of dialectical standardization was far removed from the linguistic realities of the high-medieval period. Of course, the term "French" referred to a portion of the settler population that arrived from various regions currently comprising the modern nation-state of France. As Susan Crane asserts, the French speakers of England were not linguistically uniform and came from many different regions of France over many years, which also seems to have been the case in Wales.<sup>22</sup> For instance, while Normans dominated the foreign aristocracy that entered Dyfed in the late eleventh and early twelfth centuries, there were also numerous contingents from Brittany and Maine.<sup>23</sup> Scholars frequently refer to the type of French that developed in medieval England as "Anglo-Norman" and medieval writers often considered it inferior to, and almost unintelligible from, the type of French spoken in mainland Europe. In the *Speculum Duorum*, Gerald of Wales offered the example of John Blund who shunned the

"barbarous" French of England in favor of learning the refined and elegant French

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<sup>21</sup> Philippe Wolff, *Western Languages AD 100-1500*, Frances Partridge, trans. (New York: McGraw-Hill, 1971), 206-13. Wolff claims that the Francian dialect was becoming predominant at the end of the thirteenth century north of the Midi, where Occitan continued to dominate. However, the dominance of the Francian dialect at the royal court contributed to its deeper penetration into the Midi during the fifteenth century. English standardized in the later fourteenth century. Wolff asserts that the London dialect triumphed because it was the most densely populated region of England, was the seat of royal government, and was the region in which England's great universities resided. Furthermore, Wolff argues that Chaucer's (c. 1343-1400) *Canterbury Tales* and the invention of printing also contributed to the London dialect becoming the standard version of English.

<sup>22</sup> Susan Crane, "Social Bilingualism in the Thirteenth Century," in *Thirteenth Century England VI: Proceedings of the Durham Conference, 1995*, R.H. Britnell, et al., eds. (Woodbridge, England: Boydell and Brewer, 1997), 103.

<sup>23</sup> Rowlands, "Making of the March," 146.

spoken in France.<sup>24</sup> Walter Map even commented that “Marlborough French” was synonymous with “barbarized” French (*Gallice barbarizat*).<sup>25</sup> Indeed, while Ranulph Higden’s *Polychronicon* states that the English nobility’s children learned the French of England from birth, Gerald of Wales suggests that an individual had to learn “good” French from learned men or books.<sup>26</sup> As Richard Ingham indicates, however, we need not take at face value the assertion that “Anglo-Norman” was “inferior” to Parisian French or endorse arguments that label it an “artificial” language.<sup>27</sup> Rather, the term “Anglo-Norman” is a convenient scholarly designation that is more indicative of political and geographical realities than linguistic uniformity.<sup>28</sup>

The diversity among French speakers in England and Wales mirrors the diversity of English dialects found in Wales. The English settlers who came to Wales spoke a variety of dialects of Middle English, though late Old English place-names persisted in regions such as the Vale of Glamorgan.<sup>29</sup> As Ann Williams notes, Middle English was not a standardized language and its dialectal diversity- produced from various local vernaculars- is its most striking characteristic.<sup>30</sup> It seems that most of the settlers who came into southeast and southwest Wales during the initial period of settlement hailed

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<sup>24</sup> Giraldus Cambrensis, *Speculum Duorum*, Brian Dawson, trans. (Cardiff: University of Wales Press, 1974), 56-7.

<sup>25</sup> Walter Map, *De Nugis Curialium*, C.N.L. Brooke and R.A.B. Mynors, eds. (Oxford: Clarendon Press, 1983), 497.

<sup>26</sup> *Polychronicon*, 2:158-9. *Item quod filii nobilium ab ipsis cunabulorum crepundiis ad Gallicum idioma informantur*. Douglas Kibbee states that there were a variety of formal means through which English speakers could learn French, including grammatical treatises and manuals. See Kibbee, “Institutions and Multilingualism in the Middle Ages,” in *Medieval Multilingualism*, 72-8.

<sup>27</sup> Richard Ingham, “The Persistence of Anglo-Norman 1230-1362: A Linguistic Perspective,” in *Language and Culture in Medieval Britain: The French of England c. 1100-c. 1500*, Jocelyn Wogan-Browne, et al., eds. (York: York Medieval Press, 2009), 44-5. Ingham argues that Anglo-Norman evolved linguistically in parallel with medieval French.

<sup>28</sup> For the artificiality of the designation “Anglo-Norman,” see Susan Crane, “Social Bilingualism in the Thirteenth Century,” 103 and M.T. Clanchy, *From Memory to Written Record: England 1066-1307*, 2<sup>nd</sup> ed. (Oxford: Blackwell, 1993), 213-4.

<sup>29</sup> See B. L. James, “The Welsh Language in the Vale of Glamorgan,” *Morgannwg* (1972): 17-8.

<sup>30</sup> Williams, *English and the Norman Conquest*, 213.

from Somerset, Dorset, Devon, and Cornwall in south and southwestern England.<sup>31</sup> In addition to some Anglo-Saxon settlements previously established in the Severn Valley along the Shropshire-Powys border region, Max Lieberman suggests that Norman and Flemish colonists stimulated new settlements and English settlers then flooded the region.<sup>32</sup> It is likely that most of these settlers were from nearby regions, but the power of the Welsh kingdoms of Gwynedd and Powys forced most settlers to stay on the English side of the border. Yet some settlers probably came from more distant regions, as happened when the political circumstances changed after the Edwardian Conquest. Llinos Beverley Smith notes that the settlers of post-Conquest Rhuddlan hailed from Yorkshire, Lancashire, Leicestershire, Northamptonshire, and Bedfordshire, not to mention those from the neighboring counties of Shropshire, Herefordshire, and Cheshire. This situation created a dialectical melting pot in towns such as Denbigh, Conwy, Caernarvon, and Carmarthen in the late thirteenth and fourteenth centuries.<sup>33</sup>

The peoples of England developed a singularly English identity by the early thirteenth century (if not earlier, as John Gillingham argues) and, as Michael Clanchy and many other scholars argue, English was the dominant language of the native population

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<sup>31</sup> Pinpointing settler origins is a far more difficult process than locating the origins of the aristocratic lords who led the conquest and settlement process. Rowlands has demonstrated the vital role of settlers from Devon and Somerset (and to a lesser extent, Cornwall) in cementing Anglo-European power in Pembrokeshire and influencing the region's culture (See Rowlands, "Making of the March," 144-50). James also asserts that most English settlers in Glamorgan probably also came from across the Bristol Channel (See James, "Welsh Language in the Vale of Glamorgan," 17). Information for the origins of English settlers in Gwynllŵg is equally scarce. However, Bruce Coplestone-Crow has shown that the Norman conquerors of the ancient Welsh kingdom held lands in southwest England and Sussex and granted the patronage of newly founded abbeys and churches in Gwynllŵg to monastic houses in southwest England and Sussex, indicating that most English settlers came from those regions as well (See Coplestone-Crow, "Robert de la Haye and the Lordship of Gwynllwg," 8-28).

<sup>32</sup> Lieberman, *Medieval March of Wales*, 34-8.

<sup>33</sup> Llinos Beverley Smith, "The Welsh and English Language in Late-Medieval Wales," in *Multilingualism in Later Medieval Britain*, D.A. Trotter, ed. (Cambridge: D.S. Brewer, 2000), 9.

and of the aristocracy by that period as well.<sup>34</sup> However, England remained a linguistically diverse society throughout our period of study. As Bartlett notes, the use of spoken French in England after the Norman Conquest is still a matter of debate.<sup>35</sup> Even after the loss of Normandy and most of the Crown's other territories in France in the early thirteenth century, French continued to be an important language in England and Henry III's attempts to regain former territories in mainland Europe (in addition to his retention of the titles "Duke of Normandy" and "Count of Anjou" in his official diplomatic) demonstrates that the Crown and at least some of the aristocracy had not relinquished the memory of their French origins. During and after the thirteenth century, French continued to be a living spoken language among the aristocracy and increasingly became a literary, legal, and administrative medium. Indeed, Clanchy argues that under Edward I it seemed as though French might replace Latin as the most common written language in England.<sup>36</sup>

Linguistic diversity among the settler community also endured in Wales long after the settlers developed a conspicuously English identity. There is conflicting evidence on how long Flemish survived in western Wales. The *Brut y Tywysogion* records a distinct

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<sup>34</sup> Gillingham, *English in the Twelfth Century*, 140-2. Gillingham argues that the Norman elite considered themselves English by the 1140s at the latest, though he acknowledges on page 140 that "these English men and women felt that they belonged to a Norman-French cultural community, military, secular, and courtly."; Clanchy, *From Memory to Written Record*, 198-200. Most of the modern interpretations about the relationship between French and English in England derive from William Rothwell, two of the most important of which are "The Role of French in Thirteenth-Century England," *Bulletin of the Rylands University Library of Manchester* 58 (1976): 445-66 and "A quelle époque a-t-on cessé de parler français en Angleterre?" in *Mélanges de philologie romane offerts à Charles Camproux* (Montpellier: Centre d'Études Occitanes, 1978), 1075-89. Some of the more important works that follow from Rothwell's interpretations are Ian Short, "On Bilingualism in Anglo-Norman England," *Romance Philology* 33 (1979-1980), 467-79; Cecily Clark, "The Myth of the 'Anglo-Norman Scribe'," in *History of Englishes: New Methods and Interpretations in Historical Linguistics*, Matti Rissanen, et al., eds. (New York: Mouton de Gruyter, 1992), 117-29; Douglas A. Kibbee, *For to Speke Frenche Trewely: The French Language in England, 1000-1600* (Amsterdam: John Benjamins, 1991); and Susan Crane, "Social Bilingualism in the Thirteenth Century."

<sup>35</sup> Bartlett, *England under the Norman and Angevin Kings 1075-1225*, 487.

<sup>36</sup> Clanchy, *From Memory to Written Record*, 201.

Flemish community thriving in Wales as late as 1220, but Higden claimed that the Flemings had lost their mother tongue and had become purely English speakers by the early fourteenth century.<sup>37</sup> However, Laurant Toorians argues that Flemish speakers survived into the sixteenth century, despite the contrary statements of George Owen of Henllys.<sup>38</sup> French also continued to flourish in Wales, though a distinctive “French” community seems to have disappeared by the mid thirteenth century at the latest. The last mention of any distinct “French” ethnic group in the Welsh annals appears in the 1214 entry of the *Annales Cambriae*.<sup>39</sup> Gerald of Wales states that Iorwerth, a Welshman elected as bishop of St. David’s in 1215, filled the vacancies of departed English and French canons with Welshmen when he assumed the episcopal office.<sup>40</sup> Our best evidence for the survival of French as a spoken language in Wales and the Marches comes from a papal delegation that arrived from Rome in 1307 to investigate claims of miracles by Thomas de Cantilupe, bishop of Hereford from 1275 to 1282. To verify these claims, the delegation took written statements from witnesses to the miracles. Michael Richter analyzed two of these miracles. There were nine witnesses for the first miracle, all of whom came from Hereford. Of these, only one gave his testimony in English, while four provided evidence in French. Two individuals testified partly in French and partly in Latin, while two clerics rendered their statements in Latin.<sup>41</sup> For the second miracle, all except two witnesses came from Swansea. The three witnesses all provided their

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<sup>37</sup> *Brut* (RBH), 306-7; and *Polychronicon*, 2: 158-9. *Flandrenses vero, qui occidua Walliae incolunt, dimissa jam barbarie, Saxonice satis proloquuntur.*

<sup>38</sup> Toorians, “Wizo Flandrensis and the Flemish Settlements in Pembrokeshire,” 115-8.

<sup>39</sup> *Annales Cambriae*, 71.

<sup>40</sup> Giraldus Cambrensis, *Speculum Ecclesiae*, in *Opera*, 4: 151.

<sup>41</sup> Michael Richter, “Collecting Miracles along the Anglo-Welsh Border in the Early Fourteenth Century,” in *Multilingualism in Later Medieval Britain*, 57-8.



testimony “in vulgar French” (*in vulgari Gallico*).<sup>42</sup> The delegation also deposed four burghers from Swansea. Only one layman gave his testimony in French (a priest also spoke French), while the other three testified in English.<sup>43</sup> As Richter notes, the witness testimony reveals that Latin, English, French, and Welsh were present in the everyday affairs of the region, though it seems as if French was mostly confined to the upper classes.<sup>44</sup>

Nonetheless, the survival of multiple languages among the settler community did not prevent the eventual materialization of a purely “English” ethnic identity. While charters such as the one that William Fitz Robert (the earl of Gloucester and lord of Glamorgan) addressed to his “French, English, and Welsh” subjects around 1166 were common in the twelfth and early thirteenth centuries, they vanished shortly thereafter.<sup>45</sup> Indeed, linguistic differences were never a significant centrifugal force among the settler populations in Wales. For the settlers, language was a marker of ethnic difference in the early stages of settlement, but the differences were not strong enough to prevent assimilation. Even though English undoubtedly became the primary language of all the settlers during the thirteenth century if not earlier, the assumption of an “English” identity occurred for manifold reasons, which were not solely linked to language. Indeed, Ranulph Higden was struck by the unity and stability of Englishness despite the presence of multiple languages in England and multiple dialects in the English language.<sup>46</sup> A common political allegiance to the English kings, common cultural values and social structures, and perceived differences with the native communities were just as, if not

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<sup>42</sup> Ibid., 18-9.

<sup>43</sup> Ibid., 19.

<sup>44</sup> Ibid., 58 and 60.

<sup>45</sup> *Cartae*, MDLII, 6: 2273.

<sup>46</sup> Andrew Galloway, “Latin England,” in *Imagining a Medieval English Nation*, Kathy Lavezzo, ed. (Minneapolis: University of Minnesota Press, 2004), 60.

more, important in fashioning an English identity among the settlers in Wales and Ireland than a common language.<sup>47</sup>

Hence, while linguistic distinctions remained important markers of ethnic difference between the Welsh and settler communities, they were not as significant among the settlers themselves. Indeed, in a region of numerous ethnic groups, constant conflict, and continuous cultural interaction, overcoming language barriers was essential. One way to overcome those barriers was to learn the other community's language.

### **Multilingualism and Linguistic Acculturation in the Border Region**

Unlike in contemporary Ireland, we have no explicit evidence that large portions of either the settler or Welsh communities were fluent in the other's vernacular(s). Indeed, if we are to believe the testimony of the sixteenth-century antiquarian George Owen of Henllys, the vast majority of Pembrokeshire's English and Welsh inhabitants knew nothing of the other community's language.<sup>48</sup> Owen's statement about Pembrokeshire's linguistic divisions was included within a description of the county's Englishries and Welshries. The prevalence of Englishries and Welshries throughout the Marcher lordships partly explains why we do not hear of extensive bilingualism among the settler and Welsh communities. Indeed, it seems to have been more prevalent in the twelfth century, then declined when the Englishries and Welshries more formally emerged later in the thirteenth century. However, while most members of the English and Welsh communities may have been unable to communicate effectively in the other's language, multilingualism was not absent. Before we analyze the evidence at our disposal

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<sup>47</sup> See above, 172-81.

<sup>48</sup> George Owen of Henllys, *The Description of Pembrokeshire*, Dillwyn Miles, ed. (Llandysul, Wales: Gomer Press, 1994), 50-1.

for multilingualism in Wales, perhaps it is best to define what we mean by that term. Multilingualism entails that an individual has a sound understanding of the spoken or written aspects of more than one language. Being multilingual could involve the ability to communicate effectively through speech, the ability to understand written text, or possibly the ability to write. Hence, multilingualism requires competency beyond just a mere smattering knowledge. However, it does not oblige mastery. With these parameters in mind, we can now examine the instances of multilingualism found in the Anglo-Welsh borderlands, starting with a hybrid ethnic group known as the “Cambro-Normans” or the “Anglo-Welsh.”

Gerald of Wales notes the presence of a hybrid ethnic group in the border regions, some of whose members may have been able to communicate in French and Welsh and possibly even English. In the *Expugnatio Hibernica* Gerald repeatedly references the existence of a hybrid ethnic community that historians often label “Cambro-Norman,” a designation that denotes a mixed Anglo-French and Welsh ancestry. In his works, Gerald demonstrates pride in his dual heritage, but also indicates that it could be a burden. For instance, he boasted of his Welsh ancestry and called Wales his “country” (*patria*).<sup>49</sup> In the *Descriptio Kambriae*, he felt compelled to give the Welsh advice on how they could resist attempted English conquests, after he had spent two chapters explaining how the English could conquer and govern the Welsh.<sup>50</sup> His reasoning for giving both perspectives was quite simple: “Since I have discussed the case for the English thoroughly and in great detail thus far, reason dictates that I must discuss the case for the

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<sup>49</sup> Ibid.

<sup>50</sup> Giraldus Cambrensis, *Descriptio Kambriae*, in *Opera*, 6: 218-27.

other side equally as I am descended from both peoples.”<sup>51</sup> Yet Gerald also states that his mixed descent meant that he was a stranger amongst both the settlers and the Welsh.<sup>52</sup>

This “Cambro-Norman” or “Anglo-Welsh” *gens* derived from successive generations of intermarriage among the Anglo-European and Welsh aristocracy and possibly within the lower rungs of the social order. For example, Gerald’s grandfather, Gerald of Windsor, married Nest, the daughter of Rhys ap Tewdwr, former king of Deheubarth.<sup>53</sup> Davies notes that the children of these mixed marriages often demonstrated hybridization in their names. Gerald of Windsor’s daughter was named “Angharad,” while one of Nest’s sons, Robert fitz Stephen, had a son named “Maredudd.”<sup>54</sup> Angharad, who later married William de Barri, was Gerald of Wales’ mother. “Meilyr fitz Henry” was the illegitimate son of Henry I and the Welsh princess Nest. His forename indicates his Welsh ancestry, while the *fitz* derives from the Old French for “son of.” Another individual, Henri ap Cadwgan ap Bleddyn, was the son of Cadwgan ap Bleddyn, king of Powys (d. 1111), and his wife, the daughter of the Norman lord Picot de Say.<sup>55</sup> Many of the above-mentioned individuals may well have had considerable knowledge and familiarity with multiple languages. However, the name evidence shows a much lesser process of linguistic acculturation at the very least.

Was this “Cambro-Norman” or “Anglo-Welsh” ethnic group also a multilingual community? Unfortunately, the only concrete evidence we have derives from the writings of Gerald of Wales and his testimony indicates that the degree of expertise in multiple languages varied widely. As his sermon to galvanize support for the Third Crusade at

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<sup>51</sup> Ibid., 227.

<sup>52</sup> Robert Bartlett, *Gerald of Wales, 1146-1223* (Oxford: Oxford University Press, 1982), 17.

<sup>53</sup> Giraldus Cambrensis, *Itinerarium Kambriae*, in *Opera*, 6: 91.

<sup>54</sup> Davies, *Age of Conquest*, 102.

<sup>55</sup> Ibid.

Haverfordwest demonstrates, Gerald certainly knew French. According to Putter, it was Gerald's primary language and the primary language of his social circle.<sup>56</sup> Gerald's knowledge of English is open to debate. R.M. Wilson has taken Gerald's rendition of a Cistercian toast in his *Speculum Ecclesiae* to indicate that he spoke English. Indeed, one could cite other instances of Gerald's transcriptions and brief discussions of English words and phrases to support Wilson's argument.<sup>57</sup> However, Putter argues that this evidence is far from conclusive and cites a miswritten English phrase in the *Gemma Ecclesiastica* to suggest that Gerald's command of English was rudimentary at best.<sup>58</sup>

Gerald's writings suggest that he had basic competence in both spoken and written Welsh. In 1200 Gerald addressed a letter to Pope Innocent III, in which he intimated that he was qualified to become bishop of St. David's in part because he was not ignorant of Welsh.<sup>59</sup> Although a literal interpretation of the words "not ignorant" might indicate that Gerald only knew a smattering of Welsh, the context of Gerald's argument shows that he believed his knowledge of Welsh allowed him to communicate effectively with the local population, which an English or French prelate could not do. Gerald never claims that he had mastered Welsh and it seems that he was uncomfortable speaking it in certain circumstances. In the *Itinerarium Kambriae* Gerald mentions on three separate occasions that he and the archbishop of Canterbury employed interpreters to translate sermons to the Welsh population, which is not surprising if the sermons contained complex or technical language or if he did not want a large crowd to witness

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<sup>56</sup> Giraldus Cambrensis, *Itinerarium Kambriae*, in *Opera*, 6: 82-3; and Putter, 98.

<sup>57</sup> R.M. Wilson, "English and French in England, 1100-1300," *History* 28 (1943): 47; for Gerald's mention of the toast, see Giraldus Cambrensis, *Speculum Ecclesiae*, in *Opera*, 4: 208-9.

<sup>58</sup> Putter, 95-7; for the miswritten English phrase, see Giraldus Cambrensis, *Gemma Ecclesiastica*, in *Opera*, 2: 120.

<sup>59</sup> *Episcopal Acts and Cognate Documents Relating to Welsh Dioceses, 1066-1272* (henceforth, *Episcopal Acts*), James Conway Davies, ed. (Cardiff: Historical Society of the Church in Wales, 1948), D. 310, 309.

his less than masterly grasp of Welsh.<sup>60</sup> It is also unclear if the interpreters were intended for the archbishop alone or for both he and Gerald. Gerald also seems to have had a sound, but less than authoritative understanding of written Welsh. Gerald often explains or translates Welsh words or short phrases such as the ecclesiastical appendage *llan* (Welsh: church, parish, or village) or the Welsh phrase for the island of Anglesey, *Môn mam Cymru* (the Mother of Wales).<sup>61</sup> Gerald also explains why the name of the church of Llandaff was an English corruption, during which he shows a basic grasp of Welsh orthography:

...for the real name of the place is Nant Honddu. “Nant” means a stream of running water: and in the Welsh language the place is still today called Llanddewi Nant Honddu by the local inhabitants, that is the church of David on the River Honddu. The English have corrupted the name to Llanthony, whereas it ought to be called either Nant Honddu with an *N* and a *t*, that is the Honddu stream, or else Llanhonddu with an *L* but no *t*, that is the church on the Honddu.<sup>62</sup>

Yet despite his forays into Welsh translation, orthography, and syntax, Gerald admits that his competence had its limits. In the *Expugnatio Hibernica*, Gerald claims that while traveling to Bangor, he discovered a book of Merlin’s prophecies written in Welsh. Gerald states that he had “filled the role of interpreter,” indicating that he understood the text. Nevertheless, to make a proper Latin translation he had to enlist the assistance of

<sup>60</sup> Interpreters were used at Radnor, Usk Castle, and Anglesey. See Giraldus Cambrensis, *Itinerarium Cambriae*, in *Opera*, 6: 14, 55, and 126.

<sup>61</sup> Giraldus Cambrensis, *Itinerarium Cambriae*, in *Opera*, 6: 37 and *Descriptio Cambriae*, in *Opera*, 6: 177. Gerald transcribed the Welsh term for Anglesey as *Monia Mamkembre*. I utilized the modern Welsh transcription found in Thorpe’s translation. See Gerald of Wales, *The Journey through Wales and The Description of Wales*, Lewis Thorpe, trans. (New York: Penguin, 1988), 230.

<sup>62</sup> Giraldus Cambrensis, *Itinerarium Cambriae*, in *Opera*, 6: 37. *Unde et ab Hotheni Lanthotheni dictus: Lan enim locus ecclesiasticus sonat. Exquisitius tamen dici potest, quod propria loci illius nuncupatio Kambrice est Nanthotheni. Nant enim rivus dicitur aquae decurrentis: unde et usque hodie ab accolis locus iste lingua Kambrica Landewi Nanthotheni vocatur, hoc est, ecclesia David super rivum Hotheni. Corrupte igitur Angli Lanthotheni dicunt: ubi vel Nanthotheni, per N et t, id est, rivus Hotheni, vel Lanthotheni, [scilicet] per L sine t, id est, ecclesia Hotheni, dici deberet.* The translation is Thorpe’s. See Gerald of Wales, *The Journey through Wales and The Description of Wales*, 97.

“those who had a wide knowledge of the Welsh language.”<sup>63</sup> This statement, in combination with the above evidence, suggests that Gerald had difficulty with complex or technical Welsh, but grasped the language’s basic spoken and written aspects. We can only speculate as to what portion of the mixed population was multilingual or how far expertise in multiple languages extended. Certainly, not all the children of mixed-marriages were multilingual, especially if they interacted primarily with one community. Some like Gerald, were fluent in one language, but may have had only a rudimentary understanding of another, while others may have been entirely fluent in multiple languages.

The “Cambro-Norman” or “Anglo-Welsh” community to which Gerald belonged acquired its understanding of Welsh through cross-communal marriages that allowed its members to integrate partially into the native community and adopt some of its cultural features. However, settler populations from Cornwall and Brittany were already predisposed to understanding Welsh or acquiring it quickly without intermarriage. Geoffrey Barrow reminds us that Wales was simply the largest region to which the Britons fled to escape Anglo-Saxon domination. The others were Cornwall, Brittany, and Cumbria (both English and Scottish).<sup>64</sup> Despite some divergences, the linguistic correlations between Welsh and its Brythonic cousins were still evident during the high-medieval period. Indeed, Gerald of Wales stated that Cornish and Breton were very similar to Welsh and almost always intelligible to the Welsh.<sup>65</sup> Linguistic commonality, along with other cultural similarities, may explain the rapid assimilation of the family of

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<sup>63</sup> Giraldus Cambrensis, *Expugnatio Hibernica*, 256-7.

<sup>64</sup> Barrow, “Scotland, Wales, and Ireland in the Twelfth Century,” in *New Cambridge Medieval History, Volume 4, Part 2: c. 1024-c. 1198*, 4: 595.

<sup>65</sup> Giraldus Cambrensis, *Descriptio Kambriae*, in *Opera*, 6: 177. *Cornubia vero, et Amorica Brittanica, lingua utuntur fere persimili; Kambris tamen, propter originalem convenientiam, in multis adhuc et fere cunctis intelligibili.*

Herbert son of Godwin. According to Matthew Griffiths, Herbert and his family probably immigrated to south Wales from Cornwall under Robert Fitzroy, the first earl of Gloucester (d. 1147).<sup>66</sup> Herbert had six sons, four of whom had Welsh names (Cynaethwy, Cynwrig, Bleddyn, and Rhydderch) and two of whom had Anglo-European name forms (William and John).<sup>67</sup> Charter evidence also indicates that the brothers held their lands in a typical Welsh kindred unit and rendered a modified form of *gwestfa* service to the lord, demonstrating their rapid assimilation into Welsh society.<sup>68</sup>

Outside of these examples, we have little indication that knowledge of Welsh was widespread among the settler population. However, David Trotter's analysis of the primary-source collection *Calendar of Ancient Correspondence Concerning Wales* and the *Ancient Petitions Relating to Wales* concludes that French was well-known at least among the Welsh aristocracy and the urban Welsh populace. Trotter asserts that the Welsh princes and nobility utilized French to communicate with the English government and Marcher nobility.<sup>69</sup> For instance, in 1274 Hywel ap Meurig wrote a letter in French to Maud de Mortimer informing her of Llywelyn ap Gruffudd's movements in Cedewain.<sup>70</sup> We also have letters from Powysian princes such as Gruffudd ap Gwenwynwyn and his son Owain and two princes from Deheubarth from around the same period, all of whom

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<sup>66</sup> Griffiths, "Native Society on the Anglo- Norman Frontier," 183 and 185.

<sup>67</sup> Ibid., 183-4.

<sup>68</sup> For the charters, see *Cartae*, nos. 227 and 238, 2: 233-4 and 243. Griffiths argues that the *ad coquinam* service mentioned in no. 227 looks like a typical *gwestfa* due. See Griffiths, "Native Society on the Anglo-Norman Frontier," 184. The *gwestfa* was a typical food render owed to a Welsh king. For a thorough discussion of the *gwestfa* in north and south Wales, see Charles-Edwards, *Early Irish and Welsh Kinship* (Oxford: Oxford University Press, 1993), 370-83.

<sup>69</sup> David A. Trotter, "L'Anglo-Français au Pays De Galles: Une Enquête Préliminaire," *Revue de linguistique romane* 58: 231-232 (1994): 466-7.

<sup>70</sup> CACW, 49. Hywel ap Meurig's family hailed from Elfael and were active in the Crown's service. Hywel campaigned for the Crown against Llywelyn ap Gruffudd in 1277, he also became an English knight, and also served as a justice on the Hopton Commission that Edward I appointed to adjudicate cases in Wales after the war of 1277. For Hywel's bibliographic information, see *Welsh Assize Roll, 1272-1284*, 117-20.



wrote in French to English royal officials about various matters.<sup>71</sup> Trotter also contends that a plethora of letters written in French derive from the Welsh inhabitants of towns such as Llanfaes, Cardigan, Denbigh, Conwy, Caernarvon, and Rhuddlan.<sup>72</sup> Conwy serves as an excellent example of the important role that French played in a multi-ethnic society. Created as a borough after the Edwardian Conquest, Conwy contained a majority English and Irish population. Trotter states that French served as a *lingua Franca* for the settler population, but if knowledge of French was widespread among the borough's smaller Welsh population, it could have played a key role in facilitating contact between the resident ethnic groups.<sup>73</sup> Trotter also notes the existence of various letters attributed to freemen and bondmen (Welsh: *taeogion*) in Anglesey and Caernarvon written in French to the English government in the late thirteenth and early fourteenth centuries. While more educated individuals presumably drafted the letters, Trotter argues that we should not assume that the lower classes of Welsh society were ignorant of French. He further contends that the surviving evidence indicates that the use of French was widespread long before the Edwardian Conquest even in northwest Wales.<sup>74</sup> Yet although French may have been well-known among Welsh aristocratic circles and the urban populace, there is little evidence to suggest that it was commonly spoken among most of the population. Urban areas typically were more multilingual than rural districts and although the Welsh urban population was growing after the English conquest, it was still a small element among the greater Welsh population.

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<sup>71</sup> For these letters, see *CACW*, 46, 103, and 122; for Trotter's analysis, see "L'Anglo-Français au Pays De Galles," 466-7.

<sup>72</sup> Trotter, "L'Anglo-Français au Pays De Galles," 467.

<sup>73</sup> *Ibid.*, 465 and 467.

<sup>74</sup> *Ibid.*, 467-8.

Knowledge of English among the Welsh populations is a bit more difficult to determine because our evidence is almost entirely circumstantial. However, contemporary documents indicate that it was less widespread than French in our period. George Owen of Henllys asserted that literate Welshmen and Welshwomen in sixteenth-century Pembrokeshire commonly corresponded in English when writing, but not in speech.<sup>75</sup> Llinos Beverley Smith argues that this practice was also common as early as the later fourteenth and fifteenth centuries, which correlates with English's replacement of French as a documentary language in England.<sup>76</sup> Yet while the percentage of literate Welshmen and Welshwomen in the high-medieval is unclear, it is doubtful that more than half the population was functionally literate. In addition, there is no surviving evidence of Welsh populations writing in English before the late fourteenth century and little indication that the Welsh regularly spoke English. A common marker of English competence among the Welsh was the Welsh appellative *Sais*, meaning "English-speaker" or "Englishman." We usually find the term employed in regions that were close to England, where there was substantial Anglo-European settlement, or where English influence was strong. The appellative, however, is relatively rare. For example, only five individuals carried the appellative in the *Black Book of St. David's* and only five names contain the appellative in the Denbigh survey.<sup>77</sup> None of the appellative's variants appear in the Oswestry survey of 1393, only two individuals' names contain the term in the court rolls of Dyffryn Clwyd for 1324, and only one individual bears the appellative in the

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<sup>75</sup> George Owen of Henllys, 39-40.

<sup>76</sup> Llinos Beverley Smith, "Welsh and English Language in Late-Medieval Wales," 10.

<sup>77</sup> See *The Black Book* (I am referencing here both the Latin text and the English translation), 116-7, 148-9, 196-7, 218-9, 225-7, and 268-9; and *SHD*, 102, 108, 164, 239, 295, and 319. In both of these surveys, *Sais* is rendered as "Seys" or "Says." Many of these individuals are referenced multiple times and I am citing each reference.

extent of Chirk for 1391.<sup>78</sup> Furthermore, the appellation could be misleading. For instance, one son of Rhys ap Gruffud, the famous twelfth-century prince of Deheubarth, was called Hywel Sais ap Rhys. The “Sais” was appended due to his having spent thirteen years as a hostage at the court of Henry II.<sup>79</sup> It is possible that Hywel adopted English customs and the English language while in captivity, but both of his parents were Welsh. His son, Cynan, became known as Cynan ap Hywel Sais.<sup>80</sup> All evidence suggests that he was born in Wales and the “Sais” neither marked ethnicity nor bilingualism.

We can only tentatively assert that the Welsh populations used French more than English until the later fourteenth century because the contemporary sources are largely silent about the region’s acculturative and assimilative processes. For example, B.L. James doubts that Anglo-European settlers displaced the Welsh-speaking population from much of the Vale of Glamorgan, except in some small pockets that eventually became Englishries.<sup>81</sup> Like in southeastern Pembrokeshire, the Welsh-speaking population probably assimilated to some degree. Although a substantial multilingual community might have existed at one point during this process, we have little information about it because it is a population largely absent from the historical record. In addition, since most of the settler population spoke English, any Welsh assimilation into the settler community probably meant adopting English rather than French as a primary language.

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<sup>78</sup> See *The Lordship of Oswestry 1393-1607: A Series of Extents and Rentals*, W.J. Slack, ed. (Shrewsbury: Shropshire Archaeological Society, 1951), 142-71; *The Court Rolls of the Lordship of Ruthin or Dyffryn Clwyd of the Reign of King Edward Preserved in the Public Record Office* (henceforth, *The Court Rolls of Dyffryn Clwyd*), Richard Arthur Roberts, ed. and trans. (London: Chas. J. Clark, 1893), 44; and *The Extent of Chirkland (1391-1393)*, G.P. Jones, ed. and trans. (Liverpool: The University Press of Liverpool, 1933), 73.

<sup>79</sup> Davies, *Age of Conquest*, 103.

<sup>80</sup> For more on the career of Hywel Sais ap Rhys and his son Cynan, see AWR, 9-10.

<sup>81</sup> James, “The Welsh Language in the Vale of Glamorgan,” 18.

Communication between the settler and Welsh populations faced greater barriers than in Ireland or probably England and Scotland for that matter. While a portion of the Welsh population learned and utilized French, we have little indication that any significant segments of the Welsh populations acquired another language from birth and we have no evidence that many in the Anglo-European communities learned Welsh. The Cambro-Norman or Anglo-Welsh *gens* to which Gerald of Wales claimed he belonged was small and short-lived compared to the Anglo-Irish or even Anglo-Norman (or Anglo-French) communities in Ireland and England. In addition, unlike the distinctive Hiberno-English dialect that developed in high-medieval Ireland, we have no corresponding linguistic hybridization apparent in Wales. Nevertheless, there were numerous ways to overcome communication barriers, chief among which was the use of interpreters.

Interpreters played crucial roles in facilitating intercultural communication and appear in various guises in contemporary sources. For example, Gerald of Wales informs us that in April of 1172 an interpreter for Henry II of England relayed the complaint of a Welshwoman to the king about the bishop of St. David's. According to Gerald, because the king could not satisfy the woman's request, she angrily cursed him and shouted a traditional Welsh prophecy that an English king who had recently conquered Ireland would die in Wales after crossing the stone of Llech Lafar over the River Alun in Dyfed. After the interpreter translated the woman's speech to the king, Henry II defiantly crossed the stone and mocked the prophecy.<sup>82</sup> The journey of Gerald of Wales and the archbishop of Canterbury to preach the Third Crusade indicates that clerics often needed interpreters when amongst a multilingual population. F.G. Crowley notes that Welsh monks served as interpreters for Margam Abbey in Glamorgan, which held substantial lands in Welsh-

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<sup>82</sup> Giraldus Cambrensis, *Itinerarium Kambriae*, in *Opera*, 6: 108-9.

dominated districts.<sup>83</sup> Interpreters were also useful for economic transactions. For example, in 1337 an interpreter named Gruffudd Cethin assisted in a transaction between Ieuan ap Dafydd Bychan and Robert de Penres, who was acquiring land in the Welsh district of Cilfái.<sup>84</sup> Interpreters often served overtly political purposes. In 1302, for instance, a royal commissioner received the homage of two thousand Welshmen, who pledged their fealty through an interpreter.<sup>85</sup> The Marcher lords retained interpreters as key officers within their lordships, indicating how essential interpreters were to communicating the lord's authority and the relatively low level of multilingualism in high-medieval Wales.<sup>86</sup> In Ireland, for example, the early settler population utilized professional interpreters extensively, but interpreters gradually disappeared as more and more settlers became bilingual during the thirteenth century and beyond.<sup>87</sup>

Indeed, interpreters retained crucial political functions within the Anglo-Welsh border region due to the relative lack of linguistic familiarity between the settler and Welsh populations and the era's turbulent political environment. Individuals and their families sometimes took advantage of their linguistic expertise to advance their political interests. Two cases from the Shropshire-Powys march illustrate this point. Roger of Powys and his brother Jonas actively served the English crown during the 1160s and 1170s and Frederick Suppe suggests that the brothers even advised Henry II on his

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<sup>83</sup> F.G. Cowley, "Margam Abbey, 1147-1349," *Morgannwg* (1988), 13.

<sup>84</sup> *Cartae*, 4: 1211-1212. Cilfái (Kilvey) was a lordship administered separately from the rest of the Welsh county of Gower (*Gower Wallicana*). See J. Beverley Smith and T.B. Pugh, "The Lordship of Gower and Kilvey in the Middle Ages," in *Glamorgan County History: The Middle Ages*, T.B. Pugh, ed. 6 vols. (Cardiff: University of Wales Press, 1971), 3: 213-5.

<sup>85</sup> *Calendar of Inquisitions Miscellaneous (Chancery) Preserved in the Public Record Office* (henceforth, *CIM*), n.a., 7 vols. (London, 1916-69), no. 1870, 1: 509.

<sup>86</sup> Davies, *Lordship and Society*, 201.

<sup>87</sup> James F. Lydon, "Middle Nation," 13-4.

invasion route of North Wales in 1165.<sup>88</sup> Roger and Jonas hailed from an interpreter family that had been clients of Welsh princely dynasties, but also had extensive landed interests in Shropshire.<sup>89</sup> Roger and Jonas' great-grandfather, Rhys Sais, was an interpreter and intermediary between Gruffudd ap Llywelyn (king of Gwynedd and Powys and ruler of nearly all of Wales until his death in 1063) and Earl Ælfgar of Mercia.<sup>90</sup> Rhys' son Tudur and his grandson Goronwy held land in the Welsh commote of Nanheudwy, but retained close connections with the earls of Shrewsbury.<sup>91</sup> Much like their ancestors, Roger and Jonas showed a deft understanding of the complex political environment in which they lived and keenly exploited the situation for their family's benefit. In return for their service to the Crown and due to their close associations with the Fitz Alan lords of Oswestry and Clun, the brothers gained custody of the castles of Whittington, Chirk, and Overton in Shropshire.<sup>92</sup> However, Roger also married his sons and daughters into the Welsh princely families of Gwynedd and Deheubarth.<sup>93</sup>

Iorwerth Goch, brother of the powerful Powysian king Madog ap Maredudd, acquired lands in Mochnant, Nanheudwy, and Cynllaith.<sup>94</sup> However, after Madog's death, Iorwerth's kin expelled him from Powys. He entered the Crown's service as an interpreter and received the manor of Sutton in Shropshire.<sup>95</sup> Iorwerth's sons, Madog and Gruffudd, continued serving the Crown. David Stephenson argues that their knowledge

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<sup>88</sup> Frederick C. Suppe, "Interpreter Families and Anglo-Welsh Relations in the Shropshire-Powys Marches in the Twelfth Century," *Anglo-Norman Studies* (2008): 206.

<sup>89</sup> *Ibid.*, 212.

<sup>90</sup> *Ibid.*, 196-7.

<sup>91</sup> *Ibid.*, 197-203. Goronwy's career is much less documented than Tudur's. Suppe outlines the political and cultural environment in which Goronwy navigated and explains the possible reasons why Goronwy gave his sons non-Welsh names between pages 197 and 203.

<sup>92</sup> *Ibid.*, 205.

<sup>93</sup> *Ibid.*, 206.

<sup>94</sup> David Stephenson, "Welsh Lords in Shropshire: Gruffydd ap Iorwerth Goch and His Descendants in the Thirteenth Century," *Shropshire History and Archaeology: Transactions of the Shropshire Archaeological and Historical Society* 77 (2002): 32.

<sup>95</sup> *Ibid.*

of both French and Welsh made them important figures in the diplomatic structure of the volatile Shropshire-Powys march.<sup>96</sup> Yet Iorwerth's family also experienced difficulties navigating these troubled waters. Madog ab Iorwerth Goch lost his knight's fee in Kinnerley to Llywelyn ab Iorwerth around 1223 and did not reacquire it until Llywelyn's death in 1240.<sup>97</sup> Eventually, the family split into two branches. One moved deeper into England and lost its Welsh ties. The other remained active in the March and highly conscious of its Welsh identity.<sup>98</sup>

Because the contemporary sources undoubtedly obscure the extent of linguistic interactions and acculturation in Wales, we can only tentatively make the following conclusions. First, if a multilingual Anglo-Welsh *gens* existed, it lasted for only a short period and seems to have encompassed only a small portion of the population. Second, significant linguistic barriers remained between the settler and Welsh populations throughout the period of study. However, these barriers were highly permeable. French could serve as a common oral and written medium and interpreters could also facilitate cross-communal dialogue. In addition, just as interpreters provided a cultural bridge in oral communication, literary translations fulfilled the same function in written media and aid in transmitting one community's cultural inventory to another.

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<sup>96</sup> Ibid.

<sup>97</sup> Ibid., 33-4.

<sup>98</sup> Ibid., 34.

## Literary Translation, Mythology, and Historical Identities in the Anglo-Welsh Border Region

### *Latin, Cultural Transmission, and Historical Identities in the Border Region*

As in the rest of the British Isles and much of Europe, Latin served as the principal language of political and cultural discourse in Wales. French had increasing administrative and legal prestige during the thirteenth century and many of the Welsh legal redactions were originally composed in Welsh. However, French never supplanted Latin as the primary language of governance and the Welsh redactions contained both Latin and Welsh editions. Latin was also the principal transmitter of many Welsh tales and cultural traditions to the Anglo-European populations of Wales and into England. For example, a biography of obscure Welsh saints, now contained in the manuscript Vespasian A. XIV at the British Library, was assembled at Gloucester and probably underwent its final copying at Monmouth Priory.<sup>99</sup> Gerald of Wales informed his audiences about the geography and history of Wales in Latin, while Walter Map told stories of Welsh hermits and kings and discussed Welsh manners, hospitality, and religious devotion in his *De Nugis Curialium*.

Latin also facilitated the transmission and adaptation of the Welsh mythological tradition. Despite its outright hostility to the Anglo-Saxon presence in Britain, the Welsh mythological tradition became well-known throughout Britain on account of Geoffrey of Monmouth, who composed the Latin works of the *Historia Regum Britanniae* (*The History of the Kings of Britain*) around 1136 CE and the *Vita Merlini* (*Life of Merlin*) around 1150. Geoffrey's origins and intentions are obscure. Scholarly consensus holds that Geoffrey was probably of Breton origin, which explains his Breton sympathies and

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<sup>99</sup> Davies, *Age of Conquest*, 106.



Neil Wright's argument that he used Breton sources.<sup>100</sup> Most scholars also agree that Geoffrey had lived in Monmouth in the Welsh March because he called himself *Monemutensis* and also showed a keen interest in the area's geography.<sup>101</sup> However, Wright points out that although Geoffrey called himself a *pudibundus Brito* ("an ashamed Briton"), a "Briton" could refer to someone who was Welsh, Breton, or even Cornish.<sup>102</sup> Indeed, Cornwall is prominent in Geoffrey's works.<sup>103</sup> There is also considerable debate about whether Geoffrey was sympathetic to the Welsh, saw them as inferior descendants of the original Britons, or wrote the *Historia* for his Norman patrons in order to validate Norman rule.<sup>104</sup> Geoffrey utilized a plethora of sources in Old French, Latin, Old and Middle Welsh, and possibly Breton or Cornish. His level of competence in Middle Welsh is debatable, despite Geoffrey's claims of fluency. Yet he knew enough Welsh to utilize Welsh royal genealogies, prophecies attributed to Merlin, and short tales written in Welsh.<sup>105</sup> Geoffrey's rendition of the Welsh/Brythonic mythological tradition was purely

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<sup>100</sup> For a summary of the historiographical arguments concerning Geoffrey of Monmouth's life and works, see Michael A. Faletra, "Narrating the Matter of Britain: Geoffrey of Monmouth and the Norman Colonization of Wales," *Chaucer Review: A Journal of Medieval Studies and Literary Criticism* 35:1 (2000): 61-3. For his possible use of Breton sources, see *The Historia Regum Britannie of Geoffrey of Monmouth*, Neil Wright, ed. 2 vols. (Cambridge: D.S. Brewer, 1985), 1: xvii-xviii. Rachel Bromwich argues that Brittany and the Bretons who came to Britain with the Normans may have been important transmitters of Brythonic lore. See "First Transmission to England and France," in *The Arthur of the Welsh: The Arthurian Legend in Medieval Welsh Literature*, Rachel Bromwich, et al., eds. (Cardiff: University of Wales Press, 1991), 273-5 and 287-90.

<sup>101</sup> *Historia Regum Britannie*, 1: ix.

<sup>102</sup> Ibid.

<sup>103</sup> Ibid.

<sup>104</sup> Gillingham supports the view of G.W.S. Barrow that Geoffrey of Monmouth was a Welshman who tried to secure cultural respectability for his homeland. He also argues that the *Historia* was meant to refute contemporary characterizations in England that the Welsh and other Gaelic and Cymric-Brythonic peoples were barbarians. See Gillingham, *English in the Twelfth Century*, 20 and 39. However, as both Gillingham and Faletra note, many historians consider Geoffrey hostile to the Welsh. See Gillingham, *English in the Twelfth Century*, 19-26 and Faletra, 61-3. Faletra himself argues that despite Geoffrey of Monmouth's methodological and narrative departures from William of Malmesbury's *Gesta Regum* and despite his glorification of Britain's Briton past, the *Historia Regum* (like Malmesbury) legitimizes Norman rule over England and Wales. See Faletra, "Narrating the Matter of Britain," 82.

<sup>105</sup> Faletra, *The History of the Kings of Britain* (Peterborough, Canada: Broadview Editions, 2008), 17. Crawford argued that Geoffrey was fluent in Welsh, but Faletra has serious reservations. He argues that Geoffrey's misspelling of Welsh names and faulty etymologies indicates that he was not fluent in Welsh.

fictional and has little in common with contemporary Welsh works from the sixth to the twelfth century.<sup>106</sup> Yet in one respect Geoffrey maintained remarkable consistency: he predicted the Britons' return to reconquer their ancestral dominion. Geoffrey may have intended this return to have come from Brittany and not Wales, but the twelve fourteenth-century Welsh translations of Geoffrey's work indicate what the Welsh believed. Davies eloquently captures how the return of Brythonic hegemony across Britain was a central aspect of Welsh identity:

The Welsh could hardly have borne their sense of loss had it not been relieved by a prospect of deliverance. The Welsh- or rather the Britons, as they persisted in calling themselves well into the twelfth century- never surrendered the vision of a single united Britain, centered on the crown of London, once more restored to their control.<sup>107</sup>

Indeed, the theme of restored sovereignty was apparent in a twelfth-century poem attributed to a certain Master John of St. David's who proclaimed that the Welsh would preserve their language, regain their land and "crown," and expel the "foreign people."<sup>108</sup>

Geoffrey's use of Latin to convey the central points of Welsh historical mythology allowed that mythology to become popular across Britain. That the *Historia Regum Britannie* and other Brythonic tales helped spawn the Arthurian romances of Chrétien de Troyes is well-known, but the Brythonic mythological tradition's impact on contemporaries in Britain was also profound. The idea that the Welsh desired to overthrow their English overlords and seize all of Britain clearly agitated and unnerved some in England. William of Newburgh at once dismissed any potential Welsh or Breton

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Yet Faletra's acknowledgement that Geoffrey used Welsh sources undermines his argument that Geoffrey's Welsh was "not very good." Geoffrey's misspellings and difficulty with etymologies might be indicative of being a native Breton speaker who had to learn Welsh. See T.D. Crawford, "On the Linguistic Competence of Geoffrey of Monmouth," *Medium Aevum* 51 (1982): 152-62, *passim*; and Faletra, *History of the Kings of Britain*, 15-7.

<sup>106</sup> Faletra, *History of the Kings of Britain*, 15.

<sup>107</sup> Davies, *Age of Conquest*, 79.

<sup>108</sup> Breeze, *Medieval Welsh Literature*, 46.

threat, stating that the Britons “were neither strong in war nor loyal in peace” and scoffed at the notion that they could somehow compare to the virtues of the Macedonians or Romans.<sup>109</sup> Newburgh then devoted nearly seven pages to ridiculing Geoffrey’s history, at one point claiming that he “insolently and shamelessly lies about nearly everything.”<sup>110</sup> Others saw Welsh claims to hegemony as an excellent propaganda tool. While explaining his rejection of the election of Gerald of Wales to bishopric of St. David’s, Hubert Walter (archbishop of Canterbury) informed Pope Innocent III in 1199 that only the censure of the archbishops of Canterbury prevented the Welsh from engaging in perpetual rebellion to try to reclaim Britain.<sup>111</sup> Still others dismissed Welsh mythology as fancifully absurd. Another archbishop of Canterbury, John Pecham, wrote to the bishop of St. Asaph in 1284, telling him that the Welsh should abandon any hopes of future dominion over Britain, calling such hopes the product of “excessive dreams and fanciful visions” (*nimiis sompnis et fantasticis visionibus*).<sup>112</sup> Regardless, the archbishop claimed, the church would call a crusade against the Welsh if they ever seriously threatened England.<sup>113</sup>

Yet Geoffrey’s rendering of the Welsh mythological tradition resonated with the English ruler who came closest to becoming ruler of all of Britain: Edward I. Whether Edward truly believed Geoffrey’s tales and saw himself as Arthur reincarnate is impossible to know. Nevertheless, even before he conquered Wales, Adam of Domerham asserted that Edward was present at the disinterment and reburial of Arthur and

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<sup>109</sup> *Chronicles of the Reigns of Stephen, Henry II, and Richard I*, 11. *Nec veretur, ut verum non taceat, Brito de Britonibus scribere, quod nec in bello fortes fuerint, nec in pace fideles.*

<sup>110</sup> *Ibid.*, 13. *Praeterea in libro suo, quem Britonum historiam vocat, quam petulanter et quam impudenter fere per omnia mentiatur, nemo nisi veterum historiarum ignarus, cum in librum illum incidit, ambigere sinitur.*

<sup>111</sup> *Episcopal Acts*, D. 307, 308.

<sup>112</sup> *Councils and Ecclesiastical Documents relating to Great Britain and Ireland*, 1: 565.

<sup>113</sup> *Ibid.* ...*et deficientibus, Romana Ecclesia, crucis si oporteret exercitu invocato.*

Guinevere's bodies at Glastonbury Abbey in April of 1278.<sup>114</sup> After his conquest of Wales in 1283, Edward confiscated Gwynedd's imperial insignia.<sup>115</sup> According to the *Annals of Waverley*, one of those items was the crown of Arthur and its seizure assured that "the glory of the Welsh was transferred to the English, albeit unwillingly."<sup>116</sup> Furthermore, Edward had been so audacious as to host a roundtable of English and foreign knights at Nefyn in the Arthurian fashion.<sup>117</sup> After Edward's first invasion of Scotland in 1296, Fordun records that Edward appropriated the Stone of Destiny, which had been the Scottish kings' coronation throne at Scone.<sup>118</sup> With all the vestiges of royal authority in the British Isles under his control by 1296, Peter of Langtoft proclaimed that Edward had united all of Britain, much as had the legendary king Arthur:

Ah God! How often Merlin said truth in his prophesies, if you read them!  
Now are the two waters united in one, which have been separated by great  
mountains; and one realm made of two different kingdoms, which used to  
be governed by two kings. Now are the islanders all joined together, and  
Albany united to the royalties of which king Edward is proclaimed lord.  
Cornwall and Wales are in his power, and Ireland the great at his will.  
There is neither king nor prince of all the countries except king Edward,  
who has thus united them; Arthur had never the fiefs so fully.<sup>119</sup>

Unfortunately for Edward, his initial invasion of Scotland did not sufficiently secure its conquest and he had to defend his control of Scotland both militarily and intellectually in the early fourteenth century. In a letter to Pope Boniface VIII in 1301, Edward argued that the kings of Scotland had always been subject to the kings of the Britons or the kings of England. In order to make his case, Edward reminded the pope of Arthur's famous

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<sup>114</sup> Adam of Domesday, *Historia de Rebus Gestibus Glastoniensibus*, T. Hearne, ed. (Oxford, 1727), 587-9.

<sup>115</sup> Davies, *Age of Conquest*, 355-6.

<sup>116</sup> *Annales de Waverleia*, in *Annales Monastici*, 2: 401... *et sic Wallensium gloria ad Anglicos, licet invite, est translata*.

<sup>117</sup> Davies, *Age of Conquest*, 355.

<sup>118</sup> Fordun, *Chronica Gentis Scottorum*, 2:320.

<sup>119</sup> *Chronicle of Pierre de Langtoft*, Thomas Wright, ed. (Wiesbaden, Germany: Kraus Reprint, 1964), 265-7.

feast at Caerleon where the king of Scotland attended as a subject king.<sup>120</sup> Edward then quickly transitioned from Arthurian and Brythonic control over Britain to English dominion, seeking to make an unbroken line of succession without presenting the specifics of that succession. Edward's history lesson may not have convinced the pope, but Edward makes clear towards the end of the letter that historical arguments were merely academic because in fact "the realm of Scotland was subjected by right of ownership to our power."<sup>121</sup>

Edward's embrace and refashioning of the Brythonic tradition highlights the complexities inherent in acculturative processes and the key role of historical mythology in identity formation. These same processes also reveal that although translation facilitated cultural transmission, ethnic groups often utilized those transmissions to reaffirm their own cultural heritage and distance themselves from the other group. These factors perpetuated mental perceptions of socio-cultural difference, thereby reducing the possibility for assimilation. While it might seem odd that Edward utilized a legendary Brythonic figure renowned for his defeat of Saxon invaders to justify English dominion in Britain and Ireland, it might seem odder that later English chroniclers such as Robert of Gloucester and Robert Manning could claim that the Britons were the prestigious *antecessores* of the English and that Arthur, whose routs of the Saxons they acknowledged, was a hero for "Englischemen."<sup>122</sup> Even though the English chroniclers showed some disdain for the pagan Saxons, they asserted that the English had rightly

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<sup>120</sup> *Anglo-Scottish Relations 1174-1328*, 98. The letter's entirety runs between pages 96 and 109.

<sup>121</sup> *Ibid.*, 107.

<sup>122</sup> Thorlac Turville-Petre, *England the Nation: Language, Literature, and National Identity, 1290-1340* (Oxford: Clarendon Press, 1996), 82-4.

inherited sovereignty in Britain, in large part because of the Britons' sins.<sup>123</sup> The Britons not only lost their land on account of their sins, but they also became culturally destitute and "barbarous" while the "noble" English built towns and castles.<sup>124</sup> According to the English chroniclers, the Britons' Welsh ancestors retained the stain of the Britons' fall from grace and stealthily, treacherously, and vainly hoped for Arthur's return in an attempt to recoup their lost sovereignty.<sup>125</sup> The transmission of Brythonic mythology, therefore, served to congeal identities and reinforce communal difference, distance, and prejudices. While Edward might have issued a statute that would govern all of Britain at Carlisle, his invocation of Arthur's legend was solely meant to validate English dominance, not to elucidate how the English, Welsh, and Scots could share in a common past or polity.

Despite Edward's Arthurian feast at Nefyn and his confiscation of the symbols of the Britons' past dominion, the Welsh never accepted Edward as Arthur reincarnate or abandoned their hope for deliverance from English rule and the restoration of their rightful dominion. Indeed, the English conquest was seen as a calamitous event, one that sparked a flurry of historical writing about the Welsh past. Although many of Geoffrey's portrayals of the Welsh were hardly flattering, Welsh authors translated and copied the *Historia* with zeal. As Brynley F. Roberts points out, the Welsh translators and scribes frequently gave Geoffrey's characters Middle Welsh name forms, sometimes inserted epithets from native traditions, occasionally tried to synthesize the *Historia* with their own knowledge, and intermittently noted discrepancies between the *Historia* and native lore. Yet the Welsh largely accepted the *Historia* as the authoritative account of Welsh

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<sup>123</sup> Ibid., 90.

<sup>124</sup> Ibid., 88-90.

<sup>125</sup> Ibid., 85 and 90.

history because it presented a glorious past and the promise of an equally glorious restoration.<sup>126</sup> According to Roberts, Welsh scribes made three translations of the *Historia* in the thirteenth century and Davies asserts that twelve Welsh translations survive from the fourteenth century.<sup>127</sup> The Latin version of the great Welsh historical chronicle, the *Brut y Tywysogion* (the “Chronicle of the Princes”), commenced soon after the English conquest. One Welsh translation in the Red Book of Hergest started from 682 when the Saxons defeated the Brythonic king Cadwaladr, established Saxon rule, and brought about the Britons’ first disaster. Fittingly, it ended in 1282 with the Britons’ second catastrophe.<sup>128</sup> Another Welsh translation, however, extended to 1332.<sup>129</sup> The *Brut y Tywysogion* and others texts such as the *Brenhinedd y Saesson*, the *Brut y Brenhinedd*, and a translation of Dares Phrygius’ *De Excidio Troiae* were intended to provide the Welsh with a coherent historical narrative ranging from Trojan origins to 1282.

That historical narrative was one of the key elements that anchored Welsh identity in the post-Conquest era.<sup>130</sup> Indeed, the post-Conquest period witnessed the continual remembrance that the Welsh were Britain’s original inhabitants, the sense of loss that accompanied conquest, and a hope that the Welsh would be delivered from their current subjection. These themes were evident when the poets Gruffudd ab yr Ynad Coch (fl. 1277-1282) and his contemporary Bleddyn Fardd (fl. 1257-1285) elegized Llywelyn ap

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<sup>126</sup> Brynley F. Roberts, “Geoffrey of Monmouth, *Historia Regum Britanniae*, and *Brut y Brenhinedd*,” in *Arthur of the Welsh*, 111-3.

<sup>127</sup> See Roberts, “Geoffrey of Monmouth, *Historia Regum Britanniae*, and *Brut y Brenhinedd*,” 111 and Davies, *Age of Conquest*, 435. These translations are often called *Brut y Brenhinedd*, or “The Chronicle of the Kings.”

<sup>128</sup> See *Brut* (RBH), 3 and 373. For more analysis, see J. Beverley Smith, “Historical Writing in Medieval Wales: The Composition of *Brenhinedd y Saesson*,” *Studia Celtica* 42 (2008): 56.

<sup>129</sup> This translation is referred to as MS Peniarth 20. The extension up to 1332 was composed at Valle Crucis Abbey c. 1330. See Beverley Smith, “Historical Writing in Medieval Wales,” 81-3.

<sup>130</sup> Davies, *Age of Conquest*, 435.

Gruffudd, lamenting his death and hoping that the Welsh would find the same deliverance as the Trojans did when Brutus landed in Britain.<sup>131</sup> They were evident when Gruffudd Llwyd told Edward de Bruce in 1316 that the English had unjustly expelled the Welsh and Scots from their hereditary rights (*ab hereditatibus vi injuste expellendo destruxerunt*) and had tried to erase their name and memory (*nomen nostrum memoriamque in terries delere conati fuerunt*).<sup>132</sup> They were still apparent later in the fourteenth century when a Welsh scribe noted at the end of a translation of Monmouth's *Historia* that the Welsh "suffer deprivation and pain and exile in their native land" and when a Welsh poet asked for a messianic deliverer from the line of Llywelyn ap Gruffudd.<sup>133</sup>

#### ***French and Cultural Transmission***

While Latin was the principal language of cultural transmission in the border region, French was also an important conduit for the Welsh communities and there were numerous translations of French works into Welsh. Putter and Keith Busby argue that French perhaps "had an even better claim to being the international language of choice than did Latin."<sup>134</sup> Indeed, translations of French materials helped tie the Welsh into a larger pan-European cultural orbit. Examples of Welsh translations of French works include the eleventh-century *Song of Roland*, the thirteenth-century Anglo-Norman romance *Bouve de Haumtoun*, and Arthurian romances such as *Erec et Enide*, *Yvain*, *Perceval*, and others.<sup>135</sup> Furthermore, the *Red Book of Hergest* contained a Welsh history of Charlemagne and *The Pilgrimage of Charlemagne*, both of which were translated from

<sup>131</sup> Breeze, *Medieval Welsh Literature*, 60-1.

<sup>132</sup> J. Beverley Smith, "Gruffydd Llwyd and the Celtic Alliance, 1315-1318," 478.

<sup>133</sup> Davies, *Age of Conquest*, 435-6.

<sup>134</sup> Ad Putter and Keith Busby, "Introduction," in *Medieval Multilingualism*, 2.

<sup>135</sup> Trotter, "L'Anglo-Français au Pays De Galles: Une Enquête Préliminaire," 461-2.



French and Latin sources.<sup>136</sup> Translations of French works may have also provided the Welsh with knowledge of the wider Eurasian world. A.D. Carr, for example, notes the mid fourteenth-century Welsh translation of the *Epistola Presbyteri Johannis*, which described the mythical Central Asian kingdom of the Christian priest-king Prester John. Although the letter was originally written in Latin in the mid twelfth century, it was translated into many other European languages, including French.<sup>137</sup>

Such translations may have lessened the cultural distance between the Welsh and the settler population, but acculturation through translation in Wales was typically a selective process in which foreign cultural wares were filtered through native traditions. As Davies notes, the most famous Welsh versions of the Arthurian romances- namely, *Geraint*, *Owein*, and *Peredur*- probably derive from the early thirteenth century and shared the themes of knightly adventure, courtly love, and *courtoise* with their French counterparts. However, the heroes of these tales remained firmly within traditional Welsh lore and the Welsh versions adhered to vernacular traditions stylistically and linguistically.<sup>138</sup> The Welsh romance *Geraint* provides one example of the filtering process. The poem is a rendition of Chrétien de Troyes' *Erec et Enide* or similar tales in French.<sup>139</sup> The Welsh version supplants the Breton hero "Erec" with Dumnonian Geraint

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<sup>136</sup> *The Red Book of Hergest* was a massive compilation of Welsh verse and prose literature and poetry. The *Red Book* was composed around 1400 by a professional Welsh scribe from Builth named Hywel ap Fychan ap Hywel Goch. For more on the *Red Book*, the material contained within it, and its history, see Breeze, *Medieval Welsh Literature*, 31-3.

<sup>137</sup> A.D. Carr, "Inside the Tent Looking Out: The Medieval Welsh World View," in *From Medieval to Modern Wales*, 33-4. According to Michal Biran, the legend of Prester John probably emerged from Qara Khitai defeat of the Seljuqs at the Battle of Qatwān in 1141. See *Empire of the Qara Khitai in Eurasian History*, 45.

<sup>138</sup> Davies, *Age of Conquest*, 104-5. Davies' analysis is similar to that of Brynley F. Roberts.

<sup>139</sup> Rachel Bromwich argues that the Bretons played a crucial role in transmitting French Arthurian romances, which were then spread orally through Norman French. Chrétien de Troyes himself stated that his tales derived from existing stories and Bromwich concludes that the Welsh redactions might have been based as much on oral as written sources. For these points, see "First Transmission to England and France," in *Arthur of the Welsh*, 273-83 and 289-90.

fab Erbin, whose exploits take place in southwest Britain rather than Brittany. As Brynley F. Roberts and Rachel Bromwich assert, Welsh authors did not translate and adapt every French Arthurian romance. Chrétien de Troyes' *Lancelot*, for example, was never translated into Welsh because it was too foreign for a Welsh audience. The heroes of *Yvain (Owein)*, *Perceval (Peredur)*, and *Erec (Geraint)*, however, related to figures identifiable in the Welsh tradition.<sup>140</sup>

### Conclusions

The complications of human identities and interactions amply reveal themselves in one of the most fundamental aspect of human existence: communicating with another person. A shared language solidified communal bonds and endowed the community with the ability to transmit, codify, and solemnize its customs, laws, and historical and mythological traditions. For the Welsh, who lived in a geographically diverse region plagued by political strife, the Welsh language and the traditions that it transmitted were central to building and maintaining a common identity. For the settler groups linguistic differences distinguished them from each other. Hence, language was a fundamental element in shaping communal identities. Yet language barriers were not bolted doors that barred inter-communal contact or shut out the possibility of acculturation, assimilation, or hybridization. The same settler groups originally differentiated by their linguistic distinctions eventually coalesced into a uniquely "English" community in which

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<sup>140</sup> For Roberts' analysis, see "Tales and Romances," in *Guide to Welsh Literature*, 222-34 and a similar analysis in "The Welsh Romance of the *Lady of the Fountain (Owein)*," in *The Legend of Arthur in the Middle Ages*, P.B. Grout, et al., eds. (Cambridge: D.S. Brewer, 1983), 181-2. For Bromwich's arguments, see "First Transmission to England and France," 282-3. Andrew Breeze also has a long analysis of the Welsh romances in *Medieval Welsh Literature*, 87-95.

linguistic differences remained but were superseded by political loyalties and other cultural bonds.

In addition, although the “hybrid” Cambro-Norman ethnic group was an ephemeral phenomenon and although most among the settler and Welsh communities did not seem to have learned the other’s vernacular, linguistic barriers were highly permeable. French and Latin could serve as common spoken and written media for the settler and Welsh aristocracies and interpreters, through which each community could acquire the historical and mythological lore of their neighbors and enemies. Indeed, linguistic barriers were not the primary forces upholding the regime of perpetuated pluralism in the Anglo-Welsh border regions. Rather, they were a product of those forces, which were principally maintained through law.

## Chapter 5: Law, Ethnicity, and Acculturation in Wales, c. 1100-1350 CE

### Introduction

While language was one of the most obvious markers of socio-cultural difference, its permeability ensured that linguistic differences provided relatively minor obstacles to substantial acculturation or even assimilation. Differences in law and custom, however, presented more formidable barriers. Law upheld, defined, regulated, defended, and even helped create a community's social structure. The community's laws and customs embodied that social structure and, therefore, contributed tremendously to the community's internal cohesion and its sense of socio-cultural uniqueness and solidarity. As we noted at length in Chapter Two, law frequently structured interaction in multi-ethnic border regions. For example, the *dhimma* compacts adopted in Islamic and Christian Eurasia arranged ethno-religious hierarchy, informed each community of its responsibilities and obligations, and defined permitted and forbidden behavior. By allowing each community to retain its laws and customs, the *dhimma* system strengthened communal autonomy and preserved cultural (and even physical) distance and difference.<sup>1</sup> Likewise, the dual and multiple-administrative structures found in Inner Eurasian empires and in Central and Eastern Europe granted each community legal autonomy and defined ethnicity in legal terms.<sup>2</sup>

A dual-administrative regime also existed in the Marcher lordships. There, Anglo-European and Welsh communities gradually separated into "Englishries" and

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<sup>1</sup> For more on the Islamic *dhimma* compact and its Christian variant, see above, 86-91.

<sup>2</sup> For the dual and multiple-administrative structures, see above, 80-6.

“Welshries,” in which each community retained its own laws and customs, maintained its own ethnic courts, and was governed by its own traditional officers. The Englishries and Welshries guaranteed each community substantial autonomy and created a legally sanctioned regime of perpetuated pluralism. They also reinforced the perception that each community’s laws and customs were exclusive property and established ethnicity as a legally defined status. Hence, over the course of the thirteenth century, law came to define more closely the communal space and jurisdiction of each ethnic group and the ethnic community itself.

Dual-administration in the Marcher lordships shared many similarities with other regions in Eurasia. However, law and custom also played a pivotal role in shaping ethnic interactions in the Welsh principalities. Conflicts between the English crown and the Welsh princes demonstrate how central law had become to ethnic identity in the border region. Indeed, the Welsh desire to preserve and protect their communal laws and customs took on a greater emotional aspect in the Anglo-Welsh border region than anywhere else in Eurasia. Law and custom became symbols of independence for a Welsh community threatened by the Marcher lords and an ever-aggressive English crown. The preservation of Welsh laws and customs became a highly emotive issue in the mid thirteenth century and after Edward I’s (r. 1272-1307) first campaign against Gwynedd in 1276-1277. After Edward’s campaign, the Welsh princes attempted to rally support for their cause by appealing for the defense of Welsh laws and customs against an alien people seeking to impose foreign laws on the Welsh. Between 1277 and 1282, legal disputes between the English crown and the Welsh princes only increased communal

tensions and these disputes helped lead to Edward's final campaign against Gwynedd in 1282-1283, which ended with the English conquest and annexation of Wales.

Hence, perpetuated pluralism became a legally sanctioned regime in the Anglo-Welsh border region and ethnicity increasingly became a legal status that classified individuals into two culturally and legally distinct communities. In addition, the contemporary rhetoric surrounding the legal disputes between the Crown and the Welsh princes portrayed two separate peoples utilizing two thoroughly dissimilar and incompatible legal systems. Indeed, the English Common Law and Welsh law diverged in many areas, especially in the realm of land tenure, which is discussed at length in Chapter Six. Tenorial differences ensured that distinct customs of inheritance, personal relationships, and social structures endured. Many in the Anglo-European elite (especially in the clergy) found these Welsh customs distasteful or even abhorrent, which only increased ethnic tensions and heightened the perception of a massive cultural chasm.

Yet English and Welsh law were not entirely incompatible. Both stressed communal participation in legal affairs, an emphasis that fostered the spread of jury procedure and English modes of collective judgment across Wales. In addition, the Marcher lords borrowed certain Welsh customs and procedures, which became embedded in the *Lex Marchiae*, the "Law of the March." Legal borrowing did not entail wholesale transformation, however. The acceptance of jury procedure and certain English methods of collective judgment did not eliminate the role of traditional Welsh jurists. Likewise, while the *Lex Marchiae* embraced a few Welsh laws and customs, the Marcher lords only adopted Welsh customs that conformed to their communal norms or bolstered their prestige and power.

This chapter seeks to demonstrate these arguments by explicating the relationship between law and ethnic identity, elucidating law's role in structuring ethnic interactions, and explaining the circumstances under which each community borrowed and modified each other's laws, customs, and procedures. The chapter is arranged as follows. The first section discusses the Englishries and Welshries and their role in structuring ethnic interaction. The following section then details the political conflicts between the English crown and the princes of Gwynedd and analyzes why those conflicts allowed law to become a prominent badge of ethnic identity and a source of conflict in the Anglo-Welsh border region. The following two sections examine why jury procedure and English methods of communal judgment spread throughout Wales and the effects those introductions had on the Welsh legal system. Finally, the last section focuses on the *Lex Marchiae* and considers its origins, its multicultural influences, and whether it should be considered a hybrid law. Before proceeding to those sections, however, we need to survey the contemporary sources.

### **The Sources**

The contemporary evidence for the function of law and legal acculturation in the Anglo-Welsh border region is much richer than for language. Historians still must mine kernels of information from annals, chronicles, and other pithy sources. Nevertheless, even regional surveys like the *Black Book of St. David's* and document collections like *Carta et Alia Munimenta quae Pertinent ad Dominium de Glamorgan* provide more substantive evidence for law than the oblique references historians rely on to understand linguistic usage and acculturation. For example, the *Black Book of St. David's* was a survey of all the lands of the Marcher lord-bishop of St. David's in Pembrokeshire,

Cardiganshire, Ystrad Tywi, Brecon, and Gower. Completed in 1326, the survey not only details the bishop's lands, but also lists the rents, dues, services, and customs owed in each district and further mentions what courts operated. Other contemporary surveys such as the *Survey of the Honour of Denbigh* (1334), the 1315 extent of Bromfield and Yale, and thirteenth-century surveys relating to the fitz Alan lordships of Clun and Oswestry contain similar information. These surveys are especially helpful for understanding tenurial arrangements and are analyzed at length in Chapter Six. English court records such as the inquisitions *post mortem* and miscellaneous, the close rolls, and the patent rolls offer extremely important information about Englishries and Welshries, ethnic courts, and ethnic laws and customs. Various ministers' accounts and document collections such as the *Calendar of Ancient Petitions relating to Wales* and regional document collections relating to Pembrokeshire, Carmarthen, and Glamorgan provide similar information. Indeed, the documents pertaining to Glamorgan in *Carta et Alia Munimenta quae Pertinent ad Glamorgan* also highlight a mid thirteenth-century legal case that demonstrates how the Anglo-European and Welsh communities could resolve cross-communal conflicts.<sup>3</sup> Early thirteenth-century court cases are contained in a cartulary for Strata Marcella Abbey in Wales, which provide our best source for methods of judgment in Wales prior to the adoption of English modes of communal judgment later in the thirteenth century.<sup>4</sup>

Contemporary sources also provide a clear indication as to why the issue of law became so contentious during the thirteenth-century conflicts between the English crown and the Welsh princes. Historians must rely on a variety of evidence to explain the

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<sup>3</sup> See below, 325-6.

<sup>4</sup> See below, 313-6.



Anglo-Welsh conflicts of Henry III's reign (1216-1272), including Matthew Paris' *Chronica Majora*, the Welsh chronicles, and document collections such as *Littere Wallie* and *The Acts of Welsh Rulers*.<sup>5</sup> However, documentary evidence during Edward I's reign is more plentiful and detailed. For example, *The Welsh Assize Rolls, 1272-1284* contain various court rolls from royal assizes held in the Marches and Wales. The *Assize Rolls* are particularly important because they include the records of the Hopton Commission, established in 1278 after Edward I's campaign against Llywelyn ap Gruffudd, the prince of Gwynedd (r. 1254-1282). The commission's purpose was to hear any cases pertaining to Wales and the Marches and to adjudicate disputes among English and Welsh complainants. One of these disputes centered on the Welsh territory of Arwystli, which Llywelyn ap Gruffudd and another Welsh prince, Gruffudd ap Gwenwynwyn of Southern Powys (an ally of Edward I), claimed. Because Llywelyn ap Gruffudd argued that the dispute should be settled according to Welsh law, because his rival claimed that Common Law should prevail, and because (according to Llywelyn) Edward I initially agreed to proceed according to Welsh law and then reversed his decision, this dispute produced heated ethnic rhetoric and helped lead to a Welsh rebellion in 1282. Edward I crushed that rebellion and conquered Wales in the process.<sup>6</sup>

The dispute over Arwystli produced a source that is critical to understanding the spread of jury procedure in Wales: the Edwardian Inquest. The Inquest was conducted in 1281 by three royal confidants, whose purpose was to determine how the English kings had adjudicated disputes between Welsh nobles. In addition, the three commissioners were to inquire into whether disputes were settled by jury inquisition or by Welsh law

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<sup>5</sup> See below, 286-8.

<sup>6</sup> See below, 288-98.

(*Cyfraith Hywel*- “Keverick” in the text).<sup>7</sup> The Inquest provides testimony from English and Welsh witnesses. It covered the northeastern portion of the Shropshire-Powys-eastern Gwynedd border region, including Chester, Oswestry, Montgomery, the Welsh cantrefws of Rhos, Tegeingl, and Dyffryn Clwyd, and the town of Rhuddlan. It further included parts of south-central Powys (namely, Arwystli and Cyfeiliog), while also extending southwest into the cantref of Is Aeron and the commotes of Perfedd, Mefenydd, Anhuniog, and Geneu’r Glyn. The regional scope of the Inquest is broad enough to provide a composite picture of common legal practices and customs across much of the border region. However, the Inquest also has geographic limitations and one cannot infer that the legal practices and customs outlined in it were common throughout the Marcher lordships and Gwynedd. Furthermore, most of the Inquest’s testimony derives from areas under royal lordship and none was gathered in the Marcher lordships, much of Powys, or in Gwynedd west of the Conwy.<sup>8</sup> Because most of the testimony came from areas under royal lordship and because the Arwystli dispute was a strategically sensitive issue for the Crown, we must also acknowledge the possibility that some testimony might have been coerced. Nevertheless, much of the testimony is consistent with evidence from other sources. Furthermore, the level of detail present in the Inquest and the fact that the witnesses provide inconsistent testimony also lend credibility to the source.<sup>9</sup>

These are the major sources that inform the analysis in this chapter. Another group of important sources are the Welsh lawbooks, also called the Welsh “redactions.”

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<sup>7</sup> See *Calendar of Various Chancery Rolls, Supplementary Close Rolls, Welsh Rolls, and Scutage Rolls contained in the Public Record Office, 1277-1326* (henceforth, *Welsh Rolls*), n.a. (Hereford, England: Hereford Times Limited, 1912), 188 and 190-1. The three commissions were Reginald de Grey, Walter Hopton, and Thomas Bek, the bishop of St. David’s.

<sup>8</sup> J. Beverley Smith, “Judgment under the Law of Wales,” *BBCS* 39 (2006): 71. Beverley Smith points out, however, that evidence from Gwynedd Is Conwy possibly sheds light on procedures in Gwynedd Uwch Conwy.

<sup>9</sup> Beverley Smith also makes similar analyses about the source’s credibility. See *idem*, 71.

The lawbooks emerged between the twelfth and sixteenth centuries and purport to be the laws of Hywel Dda (*Cyfraith Hywel*), a tenth-century Welsh ruler. Most of the lawbooks were written in Middle Welsh prose, but numerous Latin versions also exist.<sup>10</sup> The major Welsh lawbooks are the Cynferth, Iorwerth, and Blegywryd redactions. The Cynferth Redaction was written in the twelfth century in the region of Maelienydd. The Iorwerth Redaction was composed in the early thirteenth century in Gwynedd, while the Blegywryd Redaction was formulated in the later thirteenth century in southwest Wales. The five Latin redactions (A, B, C, D, and E) also had different regional provenances. Latin A probably was composed in south Wales during the mid thirteenth century, but redactions B and C were composed in the north around the same time. Latin D was composed in the mid thirteenth century as well in southwest Wales and formed the basis for the Blegywryd Redaction. Latin E was written in the north around the mid fifteenth century.<sup>11</sup> In addition to the lawbooks, there were other legal materials attached to the redactions. For instance, the *Llyfr y Damweiniau* (“The Book of Happenings”) was attached to the Iorwerth Redaction. It presented a series of hypothetical scenarios to help a judge decide a case or help a teacher instruct a student.<sup>12</sup> There were also legal tractates that addressed pleading in court, the most famous of which was the thirteenth-century *Llyfr Cyngawsedd* (“The Book of Pleadings”).<sup>13</sup>

The Welsh lawbooks present many benefits and challenges. They constitute a massive corpus of vernacular literature that not only provides details about individual laws, but also demonstrates the richness and complexity of Welsh law. Furthermore, the

<sup>10</sup> Huw Pryce, “Lawbooks and Literacy in Medieval Wales,” *Speculum* (2000): 37.

<sup>11</sup> See Pryce, “Lawbooks and Literacy in Medieval Wales,” 38-9 and Pryce, *Native Law and the Church in Medieval Wales* (Oxford: Clarendon Press, 1993), 7-8.

<sup>12</sup> T.M. Charles-Edwards, *The Welsh Laws* (Cardiff: University of Wales Press, 1989), 49-53.

<sup>13</sup> For the origins, similarities, and differences of these texts, see Robin Chapman Stacey, “Learning to Plead in Medieval Welsh Law,” *BBCS* 38 (2005): 107-12 and Charles-Edwards, *Welsh Laws*, 53-67.

lawbooks elucidate the importance of Welsh law to Welsh identity and, concomitantly, also point to some non-native influences that permeated Welsh law since the Norman invasions.<sup>14</sup> However, the lawbooks survive in over forty manuscripts and almost every manuscript differs from the others. Hence, the lawbooks were edited rather than merely copied.<sup>15</sup> This problem, in addition to the manuscripts' regional and linguistic variations, creates numerous difficulties for interpreting the lawbooks.<sup>16</sup> Adding to the problem of interpretation is that the lawbooks contain numerous archaisms, many of which do not reflect contemporary legal practices. In addition, there was no standardization in Welsh law. As Charles-Edwards points out, the "Law of Hywel meant slightly different things to different men."<sup>17</sup> Different jurists, therefore, utilized different sources and created different interpretations. The lawbooks reflect the interpretive flexibility inherent in Welsh law and they were not utilized to reference written law until a relatively late period. Pryce asserts that the early lawbooks were mostly mnemonic devices for training jurists. It was only after the compilation of Latin D toward the end of the thirteenth century that they became necessary references for rendering judgment in southwest Wales.<sup>18</sup> These mnemonic devices appear in the form of triads and other mechanisms that require a detailed understanding of Welsh literature, proverbs, and poetry. Finally, interpreting the Welsh lawbooks properly requires not only laborious and protracted scrutiny of the manuscripts, but also a technical understanding of Welsh that I do not possess. Given these challenges, my own limitations, and the fact that an exhaustive

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<sup>14</sup> For example, Charles-Edwards argues that the *Llyfr y Damweiniau* demonstrates Norman influence. See *Welsh Laws*, 50.

<sup>15</sup> Pryce, "Lawbooks and Literacy in Medieval Wales," 33 and 38.

<sup>16</sup> Charles-Edwards notes that some manuscripts of the Iorwerth Redaction state that the Redaction's compiler utilized books from lawyers in Gwynedd, Powys, and Deheubarth. See *Welsh Laws*, 23.

<sup>17</sup> Charles-Edwards, *Welsh Laws*, 6.

<sup>18</sup> Pryce, "Lawbooks and Literacy in Medieval Wales," 65.

review of the lawbooks is not necessary to make a strong analysis, I have decided to rely on secondary experts to examine the lawbooks so that I may avoid any potential errors.

### **Law and the Structure of Communal Contact: Englishries and Welshries, Ethnic Courts, and Ethnic Customs**

Englishries and Welshries exemplify how law and custom could define the socio-cultural space and jurisdiction of the border region's resident ethnic communities and buttress perpetuated pluralism. Englishries and Welshries were administrative divisions within the Marcher lordships that served as *de facto* ethnic enclaves, in which each community retained its own laws, customs, and communal officers.<sup>19</sup> Hence, Englishries and Welshries allowed each ethnic group to maintain its internal cohesion and socio-cultural differences in relatively autonomous separation from the other group. Indeed, Englishries and Welshries became more territorially rigid during the thirteenth century. However, they never excluded communal contact or ethnic intermixing. As Rees Davies attests, the Marcher lords did not establish the Englishry and the Welshry "to ascertain purity of blood."<sup>20</sup> Rather, Englishries and Welshries were manifestations of administrative convenience, the Marcher lords' wish to prevent conflict with the Welsh communities, and the bicomunal desire to live separately and retain their own laws and customs. They appeared in the thirteenth century, which coincides with the creation of a more stable political situation in the Marcher lordships. During that period, the Marcher lords acquired more direct control over their Welsh populations, who normally resided in the lordships' upland regions. In fact, informal ethnic divisions materialized between the

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<sup>19</sup> The Englishry of the lordship was often referred to as the *intrinsecus* lands, while the Welshry was the *forinsecus* lands. See William Rees, *South Wales and the March, 1284-1415: A Social and Agrarian Study* (London: Oxford University Press, 1924), 29-30

<sup>20</sup> Davies, *Lordship and Society*, 307-8.

Anglo-European and Welsh populations since the early conquests and a “Welsh Hundred” in twelfth-century Glamorgan demonstrates that informal administrative divisions along ethnic lines sometimes existed prior to the thirteenth century.<sup>21</sup> The thirteenth-century Englishries and Welshries, therefore, were the formal confirmation of a previously existing reality.

Englishries and Welshries existed throughout the Marcher lordships and royal districts across Wales. In the Shropshire-Powys-Gwynedd border region, for example, the earl of Arundel and lord of Clun granted hunting rights to his “Welchmen of Tempsett” in 1292, a reference to the Welshry of Tempseter.<sup>22</sup> Adjacent to Tempseter lay the Purslow Hundred, which was the Englishry.<sup>23</sup> Indeed, the lay subsidy roll of 1292 lists the English jurors of the borough of Clun and the Purslow Hundred separately from the region’s Welsh jurors.<sup>24</sup> The Edwardian Inquest of 1281 records a Welshry and Englishry in the hundred of Oswestry and also mentions a land called “Le Gordur” (the Gorddwr), which Welsh rulers and the Corbet lords of Caus contested.<sup>25</sup> In the Inquest, a priest claims that a jury ruled that the Gorddwr was “in the Welshry and outside the county.”<sup>26</sup>

However, immediately adjacent to the Gorddwr was the Chirbury Hundred, which was

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<sup>21</sup> One particularly interesting document indicates the Welsh Hundred acting as a semi-autonomous, unified body, represented by four powerful kindreds. See *Cartae*, 6: 2277-2278. For further discussion on the Welsh Hundred within the greater context of relations between the Anglo-European and Welsh communities of Glamorgan, see Matthew Griffiths, “Native Society on the Anglo-Norman Frontier,” 185-6 and Max Lieberman, “Anglicization in High Medieval Wales: The Case of Glamorgan,” *WHR* (2006): 24.

<sup>22</sup> *A Concise Account of Ancient Documents relating to the Honor, Forest and Borough of Clun*. T. Salt, ed. (Shrewsbury, 1858), 6.

<sup>23</sup> Lieberman, *Medieval March of Wales*, 47. A survey of the fitz Alan earls of Arundel’s lands in Shropshire shows that the manors and boroughs of Barlow, Purslow, Acton-on-Clun, Hope, Hopesay, and others were almost entirely English. See *Two Estate Surveys of the FitzAlan Earls of Arundel*, Marie Clough, ed. (Lewes, England: Sussex Record Society, 1969), 51-9.

<sup>24</sup> “The Subsidy Roll of 1292,” Francis Jones, ed. *BBCS* 13 (1948-1950): 224.

<sup>25</sup> *Welsh Rolls*, 202-4; Lieberman, *Medieval March of Wales*, 46-7. Interestingly, the inquest refers to Oswestry as a cantref and not a hundred. Lieberman states that the inquest’s choice of terminology reflects the fact that the inquest’s conductors saw little difference between the district of Oswestry and Welsh commotes such as Mechain and Cyfeiliog. See Lieberman, *idem*, 212-3.

<sup>26</sup> *Welsh Rolls*, 204.

almost entirely English.<sup>27</sup> Contemporary records indicate that the manor of Overton in Maelor Saesneg was in Welshry, while an early fourteenth-century petition shows that the borough of Overton was overwhelmingly English and had a separate officer.<sup>28</sup>

Englishries and Welshries also developed in the post-Conquest lordships of Bromfield and Yale, Denbigh, and Dyffryn Clwyd.<sup>29</sup>

In the middle march, the lordship of Hay had its own Englishries and Welshries and the neighboring lordship of Brecon also had Englishries and Welshries at Pencelli, Bronllys, and Talgarth.<sup>30</sup> A Welshry is recorded at Halcetor in the royal county of Montgomery and an early fourteenth-century inquisition into the lands of Edmund de Mortimer states that the districts of Knighton, Norton-by-Knighton, and Pullid were in the Welshry of Wigmore.<sup>31</sup> Oftentimes, as at Overton, the Englishry consisted simply of the town and its immediate hinterland, while the Welshry comprised the rural and upland districts. A certain John Palet stated that such was also the case at Abergavenny, where

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<sup>27</sup> See Lieberman, *Medieval March of Wales*, 46-7. Between c. 1315-1318 royal tenants in Chirbury complained to the king that his constable of Montgomery forced them to answer at the Welsh court of Halcetor (Halsetene). In 1318 the king ordered the constable to desist and stated that their lands were held by English law. See *Calendar of Ancient Petitions relating to Wales* (henceforth, *CAPW*), William Rees, ed. (Cardiff: University of Wales Press, 1975), no. 9553, 318-9 and *Calendar of the Close Rolls Preserved in the Public Record Office, 1313-1318* (henceforth, *Close Rolls*, plus dates of volume), n.a., 47 vols. (London, 1892-1963), 37-8.

<sup>28</sup> See *Close Rolls, 1296-1302*, 383; *Calendar of the Patent Rolls Preserved in the Public Record Office, 1313-1317* (henceforth, *Patent Rolls*, plus dates of volume), n.a., 64 vols. (London, 1891-1966), 686-7; *CIM*, no. 1095, 1: 330; and *CAPW*, no. 10081, 340-2.

<sup>29</sup> The Englishry of Bromfield and Yale was mostly restricted to the borough of Holt and certain knights' fees, which received their own bailiffs and court. Outside Holt and Wrexham, the rest of the lordship was overwhelmingly Welsh. See *The First Extent of Bromfield and Yale, A.D. 1315*, T.P. Ellis, ed. (London: Honourable Society of Cymmrodorion), 1924, *passim* and Davies, *Lordship and Society*, 309. For the Englishry in Denbighshire and the Englishries and Welshries in Dyffryn Clwyd, see below, 282-3 and 465.

<sup>30</sup> For the Welshry of Hay (also called "La Hay"), see *CIM*, no. 1870, 1: 509. See also *Calendar of Inquisitions Post Mortem and Other Analogous Documents Preserved in the Public Record Office* (henceforth, *CIPM*), n.a., 23 vols. (London, 1904-), no. 543, 3: 418. William Rees conducted an exhaustive analysis of Brecon's Englishries and Welshries by piecing together evidence from numerous contemporary sources. See "The Mediaeval Lordship of Brecon," *THSC* (1915-1916): 206-12.

<sup>31</sup> For Halcetor, see *CAPW*, no. 9553, 318-9 and *Close Rolls, 1318-1323*, 37-8; for the Welshry of Wigmore, see, *CIPM*, no. 235, 4: 161. The lay subsidy roll of 1292 indicates that the Englishry of Wigmore lay in the valley, while the Englishry of Montgomery chiefly consisted of the town. See "Subsidy Roll of 1292," 223 and 224.

the Welshry was equivalent to the “foreignry,” while the lords of Abergavenny relied on the internal tenants of the township (*intrinseci* or *deinseins*) “to check the felonies of the foreigners (*foreins*).”<sup>32</sup> Indeed, a thirteenth-century minister’s account asserted that the manor of Abergavenny consisted of the “English vill and castle” (*de villa anglica et de castro*) and a letter to Henry III in 1263 stated that the Welshry extended to the confines of Abergavenny.<sup>33</sup>

Englishries and Welshries were also prevalent across south Wales. In Glamorgan, for example, we find Englishries and Welshries across the lordship at districts such as Afan, Ogmore, Coety, Baglan, Meisgyn, Senghennydd, Neath, Cynffig, and near the towns of St. Donat’s and Llantwit Major in the Vale of Glamorgan.<sup>34</sup> In 1322, the English and Welsh communities wrote to the king separately to claim restitution for damages incurred during Edward II’s war with the earl of Lancaster. The Welsh wrote as the “Welshry of Morgannwg,” while the English wrote as the “Englishry of Glamorgan.”<sup>35</sup> Gower was divided into English and Welsh counties.<sup>36</sup> Contemporary documents also referred to English counties at Carmarthen and Cardigan. In Carmarthen, the Welshry comprised all or portions of the commotes of Derllys, Gwidigada, and Elfed, while the

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<sup>32</sup> CAPW, no. 14717, 475.

<sup>33</sup> *South Wales and Monmouth Record Society Publications*, William Rees and Henry John Randall, eds. Nos. 2-3. (Cardiff: William Lewis, 1950-1954), 1: 101; and CACW, 30.

<sup>34</sup> For the Englishries and Welshries of Glamorgan, see *Cartae*, 2: 649-57 and 661-6 and 4: 1256-8; and *CIPM*, no. 538, 5: 332-5 (the inquisition calls most of the Welshries “the Welsh country” [*patria Walensis*]). For further analysis of the Englishries and Welshries of Ogmore, see R.R. Davies, “The Lordship of Ogmore,” in *Glamorgan County History*, 3: 285-6, 291-7. Gilbert de Clare, lord of Glamorgan, incorporated Senghennydd into his lordship in the later 1260s through the mid 1270s. See AWR, 45-7 and *South Wales and Monmouthshire Record Society Publications*, 2: 33-5.

<sup>35</sup> CAPW, no. 7840, 263-4 and no. 7936, 267.

<sup>36</sup> In the early thirteenth century, King John wrote to the English and Welsh of Gower separately (see *Cartae*, 1: 63-4. Both documents are dated to 1208). Whether distinctive English and Welsh counties had already emerged is difficult to determine, however. “Jurors of the English in the land of Gower” and the “jurors of the Welsh in the land of Gower” are referenced in the subsidy roll of 1292 (See “Subsidy Roll of 1292,” 225). An English county was explicitly referenced in early fourteenth-century documents (see *Cartae*, 1: 279-81 and 285). English and Welsh counties are explicitly mentioned in an inquisition dated to 1369 and again in a sixteenth-century inquisition (see *Cartae*, 4: 1326-7 and 5: 1864-70).



Welshry of Cardiganshire included almost all the territory outside the English borough.<sup>37</sup> An inquisition *post mortem* on the lands and estates of Roger de Mortimer in 1282 mentions a Narberth “of the English” (*de Anglicis*). Near this English vill, Mortimer also held a vill in the Welshry (*unam villam Walensem de Walescheria*).<sup>38</sup> The jury that presented evidence for Mortimer’s lands within the Englishry almost all had English name forms, while all the jurors had Welsh names in the Welshry.<sup>39</sup> The same inquisition also claims that Mortimer held “the lordship and foreign demesne of the Welsh” (*de Walensibus*) in St. Clears.<sup>40</sup> Kidwelly also had Englishries and Welshries and Welshries were recorded at Caerleon and Striguil.<sup>41</sup>

Certainly we could add many more regions to this list. Although lordships like Llawhaden did not have clearly referenced Englishries and Welshries, its districts shared similar ethnic dichotomies to other places in the march. The dichotomies were not solely related to territorial space. They were also legal. Indeed, each ethnic group largely retained its own laws, customs, and courts in the Englishries and Welshries. Ethnicity was a legal status in Wales and both communities generally regarded the right to be tried according to their own laws and customs as virtually sacrosanct. Edward II even enshrined the principle via statute when he declared that any complaints between Welshmen or any trespasses touching Welshmen in the Welshries of south and west

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<sup>37</sup> For the English county of Carmarthen and its Welshry, see CAPW, no. 6641, 226 and *Royal Charters and Historical Documents relating to the Town and County of Carmarthen and the Abbeys of Talley and Tygwyn-ar-Daf* (henceforth, *Carmathen Documents*), Alwyn C. Evans, ed. (Carmarthen, Wales: William Spurrell, 1878), 46-7. The English county of Cardigan is referenced in CAPW, no. 4886, 155-6. Aside from the borough of Cardigan, the rest of Cardiganshire was almost exclusively Welsh. For an explicit mention of the Welshry of Cardiganshire (and also to the Welshry of neighboring Cantref Mawr and Iscennen), see CAPW, no. 1870, 50-1.

<sup>38</sup> *Calendar of the Public Documents relating to Pembrokeshire* (henceforth, *CDP*). Henry Owen, ed. 3 vols. (London: Cymmrodorion Record Series, 1914-18), 2: 73-4; and *CIPM*, no. 446, 2: 265.

<sup>39</sup> *CDP*, 2: 73-4.

<sup>40</sup> *CIPM*, no. 446, 2: 266.

<sup>41</sup> For the Englishries and Welshries of Kidwelly, see Davies, *Lordship and Society*, 309. For the Welshries of Caerleon and Striguil, see CAPW, no. 13749, 463-4.

Wales should be adjudicated according to Welsh law.<sup>42</sup> Not surprisingly, we find English courts at Carmarthen and Cardigan and contemporary records indicate that pleas concerning the Welshry were heard at either Cardigan or Carmarthen according to Welsh law.<sup>43</sup> In the Edwardian Inquest of 1281, a witness specifically mentions Welsh and English courts in Montgomery.<sup>44</sup> There are also references to English courts for the commotes of Is Aled and Ceinmeirch in the lordship of Denbigh.<sup>45</sup> In addition, the English marcher lords of Denbigh and Dyffryn Clwyd paid an annual fee to a Welsh judge (*ynad*) who adjudicated according to Welsh law in his courts.<sup>46</sup> English and Welsh courts are mentioned for the Englishries and Welshries of Hope and Hopedale, separate English and Welsh hallmoot courts were extant in the lordship of Clun, and Caus had its own Welsh court as well.<sup>47</sup> Contemporary documents note an English court at Coety and a Welsh court at Tal-y-fan in Glamorgan, while John Palet claimed that the Englishry and Welshry of Abergavenny also had their own ethnic courts.<sup>48</sup> According to *The Black*

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<sup>42</sup> *Statutes of Wales*, 28. The statute was enacted c. 1315-1316 and a similar one was enacted for north Wales.

<sup>43</sup> See *CIPM*, no. 156, 8: 99; *CAPW*, no. 4886, 155-6 and no. 7288, 245-6. See also *Carmarthen Documents*, 46-7 and 53-4. It is likely that each commote and district within the Welshry had its own Welsh court, but the evidence for our period is not explicit. However, a fifteenth-century petition mentions a Welsh court in Gwidigada. See *CAPW*, no. 6008, 203-4. In addition, a charter from Edward I reveals that both English and Welsh suitors heard cases at Carmarthen. See *Carmarthen Documents*, 11.

<sup>44</sup> *Welsh Rolls*, 204.

<sup>45</sup> *CAPW*, no. 10399, 354. The 1334 *Survey of the Honour of Denbigh* indicates that Welsh and English pleas were heard separately in Ceinmeirch. See *SHD*, 49.

<sup>46</sup> See R.R. Davies, "The Law of the March," *WHR* 5:1 (1970): 16. In the Denbigh survey, the *ynad* is referred to with the Latin term *iudex* (*officium iudicis*). The Welsh judge was present in every commote within the lordship of Denbigh. See *SHD*, 48, 152, 209, 270, and 314. A *Curia Anglicorum* was also held at Dyffryn Clwyd. See *The Court Rolls of Dyffryn Clwyd*, 44-5.

<sup>47</sup> For Hope and Hopedale, see *Flintshire Ministers' Accounts, 1328-1353*, D.L. Evans, ed. (Flintshire Historical Society Publications iii, 1929), 29-31. For the Welsh court of Caus, see *The Welsh Assize Roll, 1272-1284*, 296-7. The records for the hallmoot courts of Clun are contained in the Shropshire Public Record Office. For the Welsh court of Tempseter, see SA 552/1/2, 552/1/5a, 552/1/5b, 552/1/7, 552/1/8a, 552/1/10, 552/1/11, 552/1/18. For the English hallmoot in the Purslow Hundred, see SA 552/1/719 and 552/1/720. For further analysis of the ethnic courts in Clun, see Lieberman, *Medieval March of Wales*, 202-8.

<sup>48</sup> For the courts in Glamorgan, see *Cartae*, 4: 1301-2 and *CIPM*, no. 371, 3: 246. For the courts of Abergavenny, see *CAPW*, no. 14717, 475.

*Book of Saint David's*, the inhabitants of Laurenny in the *patria* of Llawhaden were required to hang anyone convicted in the lord's court "at the sound of a horn in the Welsh court."<sup>49</sup> We also find ethnic courts at Kidwelly, Gower, Narberth, and in the lordship of Brecon.<sup>50</sup> There were certainly many other ethnic courts that contemporaries did not explicitly mention because they were the district courts for the Englishry and Welshry.<sup>51</sup>

Contemporary evidence suggests that acts committed within one jurisdiction could not be tried in another. For instance, in the *Roll of the Shropshire Eyre of 1256*, we find the county court unable to prosecute a case of horse robbery, partly because the plaintiff did not appear, but mostly because witnesses testified that the crime occurred "within the Welshry" (*infra Walecheriam*) and, hence, no inquiry could proceed (*Ideo nichil potest inde inquiri*).<sup>52</sup> In the following entry, John son of William accused Fulk Fitz Warin of murdering his brother. However, after checking the coroner's rolls, it was determined that the crime occurred within the Welshry (*infra terram Walliensis*) beyond Oswestry and the court had no jurisdiction. Fulk was thereby acquitted.<sup>53</sup>

The English and Welsh communities typically rendered distinctive customs. For example, an inquisition *post mortem* at Oswestry in 1302 reveals that the earl of Arundel received 25£ 11s 17d from the Welsh customs of "*treth camdion*" and "*treth morcu*" (*trethmorky*) from the Welshries of Tempseter (Temeset) and Oswestry.<sup>54</sup> Thirteenth-century surveys, however, demonstrate that the English in the lordship of Clun rendered

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<sup>49</sup> *The Black Book*, 167. *Et si dampnati fuerint ad sectam domini levato cornu in curia Wallensis eosdem suspendere si ad sectam aliorum prosequentes idem facient.*

<sup>50</sup> For the ethnic courts in Gower, see *Cartae*, 5: 1864-1870. For the courts of Kidwelly, Narberth, and Brecon, see Davies, *Lordship and Society*, 311.

<sup>51</sup> Davies makes this point in *Lordship and Society*, 311, n. 29.

<sup>52</sup> *The Roll of the Shropshire Eyre of 1256*, Alan Harding, ed. (London: Selden Society, 1981), no. 857, 289.

<sup>53</sup> *Ibid.*, no. 858, 289.

<sup>54</sup> *CIPM*, no. 90, 4: 51-2. The disparities in the English and Welsh customs of Clun are readily apparent in the thirteenth-century fitz Alan surveys. See *Two Estate Surveys of the FitzAlan Earls of Arundel*, 51-65.

distinct customary dues such as relief, wardship, and marriage.<sup>55</sup> The Welsh of Denbigh also rendered traditional dues such as *twnc*, *amobyr*, *pastus principis*, while the English free tenants typically owed relief and provided other services that differed from the Welsh.<sup>56</sup> Other common Welsh renders such as the *commorth*, *gwestfa*, and *cylchau* could be found in the Welshries of Carmarthen, Glamorgan, Brecon, Monmouth, Llawhaden, Gower, and Cardiganshire.<sup>57</sup> The Welsh also paid distinct dues at Hope and Hopedale and Bromfield and Yale.<sup>58</sup>

The English and Welsh populations were frequently under the supervision of their traditional ethnic officials in the Englishries and Welshries. On the mesne lordship of Bronllys in Brecon, for example, the English community inhabiting the lowlands was under the supervision of a bailiff, while foresters and a Welsh reeve (*Wallicus prepositus*) and sergeant (*rhingyll*) administered the Welsh population in the pasture and forestlands of Cantref Selyf.<sup>59</sup> Similarly, the reeve of the Welshry of Tempseter was often referred to as a *rhingyll* and a certain Madog ap Gruffudd served as *rhingyll* for the Welshry of Hopedale.<sup>60</sup> The Denbigh survey demonstrates that each commote in the lordship had its Welsh officers, namely the *rhaglaw* (constable of a commote), *rhingyll*, and *cais*

<sup>55</sup> *Two Estate Surveys of the FitzAlan Earls of Arundel*, 51-9.

<sup>56</sup> See *SHD*, *passim* and *CIPM*, no. 279, 5: 158.

<sup>57</sup> For Carmarthen, see *Carmarthen Documents*, 46-7 and 53-4. Welsh and English dues in the Welshries and Englishries of Glamorgan are mentioned in various *post mortem* inquisitions and extents. For some of them, see *CIPM*, no. 435, 4: 322-4 and *Cartae*, 2: 649-66 and 3: 813-49. Welsh and English rents for the various Englishries and Welshries and other regions in Brecon can also be found in a multitude of inquisitions and extents. Examples include: *The Black Book*, 291-329; *CIPM*, no. 552, 3: 426 and no. 55, 8: 28. For Monmouth, see *CIPM* no. 435, 4: 325-7. For Llawhaden and the region around New Mote, see *The Black Book*, 129-69. For Gower, see *The Black Book*, 285-91 and *Cartae*, 5: 1864-1870. For Cardiganshire, see *The Black Book*, 197-241. For further reference to *gwestfa* and *amobyr* in west and south Wales, see *The Statutes of Wales*, 27-8. The page references for the *Black Book* refer to entire regions. The English and Welsh customs are mentioned at so many different places that it is impossible to list them all separately.

<sup>58</sup> For Hope and Hopedale, see *Flintshire Ministers' Accounts, 1328-1353*, 31. Welsh customs like *ebediw* (equivalent to a heriot), *amobyr*, and *twnc* are also mentioned throughout an extent for Bromfield and Yale in 1315. See *First Extent of Bromfield and Yale, A.D. 1315*, *passim*.

<sup>59</sup> Davies, *Lordship and Society*, 308.

<sup>60</sup> Lieberman, *Medieval March of Wales*, 202; and *Flintshire Ministers' Accounts, 1328-1353*, 30.

(sergeant of the peace), while contemporary ministers' accounts show an individual named Henry "Yokesehale" as "bailiff of the English" (*ballivi Anglorum*) for the commote of Ceinmeirch.<sup>61</sup>

Nonetheless, attempts to simplify administration along ethnic lines did not prevent ethnic intermixture in the Englishries and Welshries. For example, the subsidy roll of 1292 lists a certain "Ieuan ap Richard" as juror for English Gower and an early fourteenth-century royal letter also intimates that Welshmen lived within Gower's English county.<sup>62</sup> Turning north to the Shropshire-Powys border region, the main benefactress of lands in Aston to Haughmond Abbey was Amilia of Wootton. Amilia was the daughter of Herbert of Sibdon and Angharad, daughter of Madog. There are numerous other charters mentioning grants from this ethnically mixed family to the abbey involving the Welsh districts of Aston, Wootton, and Hisland in the lordship of Oswestry.<sup>63</sup> Many other charters also suggest that while these areas lay within the Welshry, not all of the inhabitants were purely of Welsh descent. Many names in the witness lists (excluding English lords and officials) contained English forms. Some charters, such as one mentioning a mortgage from a certain Roger le Swon of Aston, demonstrate the probability that some among the English populations had acquired land in the Welshry.<sup>64</sup> Sometimes, the Englishries and Welshries overlapped. Davies, for example, notes that the Englishries of Dyffryn Clwyd and Kidwelly were not geographically separated from the Welshries and the term "Englishry" simply denoted all

<sup>61</sup> *SHD*, liv, 48, 152, 209, 270, 314.

<sup>62</sup> "Subsidy Roll of 1292," 225 and *Cartae*, 1: 279. The Latin for the letter reads: *libere tenentibus et eorum tenentibus tam Anglicis quam Walensibus infra precinctum comitatus Anglicane Gowerie inhabitantibus seu terram tenentibus*.

<sup>63</sup> *The Cartulary of Haughmond Abbey*, Una Rees, ed. (Cardiff: Shropshire Archaeological Society, 1985). The charters include nos. 38-42, 63, 85, 545, 555, 842, and 852.

<sup>64</sup> *Ibid.*, no. 89, 36-7.

the English of the lordships.<sup>65</sup> The Inquest of 1281 also reveals that Englishries and Welshries had some ethnic permeability. An “Einion Du” is recorded as a witness in the Englishry of Oswestry, while in the Welshry we see a witnessed named “Henry Brun.”<sup>66</sup> Admittedly, we are often forced to rely on name evidence, which is not an infallible indicator of ethnicity. For example, the abbey’s bailiff in Aston was often called John of Aston, but he was also referred to as “Ieuan.”<sup>67</sup> However, evidence from other regions confirms the realities that the names forms from Pembrokeshire and Shropshire suggest. Davies asserts that Welshmen were acquiring property in Englishries and Englishmen were returning the favor in Welshries in places like Coety, Ogmere, and Gower during the fourteenth century.<sup>68</sup>

Although Englishries and Welshries were not rigid ethnic enclaves, they provided a mechanism for each community to retain its socio-cultural autonomy and physical distance. The sixteenth-century antiquarian George Owen of Henllys demonstrates the Englishries and Welshries’ effectiveness in maintaining that autonomy and distance. According to him, the people in the Englishries of Pembrokeshire would be so astonished at the sight of a Welshman that they would say “Look there goes a Welshman.”<sup>69</sup> The key feature of communal autonomy was the recognition that each community had its own laws and customs and that each community should be governed according to those laws and customs. Implicit in this recognition were the perceptions that each community’s laws and customs were its exclusive property and inherently incompatible with, and opposed to, the other community’s laws and customs. Indeed, as the English crown

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<sup>65</sup> Davies, *Lordship and Society*, 309.

<sup>66</sup> *Welsh Rolls*, 202-3.

<sup>67</sup> *Cartulary of Haughmond Abbey*, 13.

<sup>68</sup> Davies, *Age of Conquest*, 421-2.

<sup>69</sup> George Owen of Henllys, *Description of Pembrokeshire*, 51.

strengthened its position in Wales during the thirteenth century, the Welsh rallied not to the banner of an individual prince, but to the standard of protecting Welsh law against alien intrusion.

### **Law, Power, and Perception in the Anglo-Welsh Border Region**

#### ***The Role of Law in Anglo-Welsh Relations, c. 1090-1272***

Rees Davies argued that Welsh law had already acquired an “emblematic quality” of ethnic identity and was a source of distinction and tension between natives and settlers since the late eleventh century.<sup>70</sup> For example, the *Brut y Tywysogion* states that the Welsh of Gwynedd revolted against the Normans in 1096 because they “could not bear the laws and judgments and violence of the French over them.”<sup>71</sup> The twelfth-century *Gesta Stephani* also asserts that the Normans had imposed their laws on the Welsh, though the author emphasized that the Normans’ actions had created a peaceful territory whose fertility could rival any other land in Britain.<sup>72</sup> An eleventh-century Welsh poem claimed that the Anglo-European incursions into Dyfed had created a “Dyfed of two laws” (*Dyfed ddwycawn*), thus directly equating ethnic with legal bifurcation.<sup>73</sup> Hence, law was a key factor in distinguishing ethnic groups and the imposition of one group’s laws upon another contributed to ethnic conflict in the eleventh and twelfth centuries. Nevertheless, the eleventh and twelfth-century sources do not convey that law and custom were the most crucial markers of ethnic identity. They were simply one element among many. For instance, the twelfth-century Norman bishop of St. David’s, Bernard

<sup>70</sup> R.R. Davies, “Law and National Identity in Thirteenth-Century Wales,” in *Welsh Society and Nationhood*, R.R. Davies, ed. (Cardiff: Cardiff University Press, 1984), 57.

<sup>71</sup> *Brut* (RBH), 63.

<sup>72</sup> The “*Gesta Stephani Regis Anglorum*,” in *Chronicles of the Reigns of Stephen, Henry II, and Richard I*, 10-11.

<sup>73</sup> Rowlands, “Making of the March,” 153.

(1115-1148), observed that the Welsh differed from the English and Normans “in nation, language, laws, habits, judgments, and customs.”<sup>74</sup>

The bond between law and identity in the Anglo-Welsh borderlands solidified during the thirteenth century, primarily because of political and military conflicts between the kings of England and the princes of Gwynedd. These conflicts reached their crescendo under Edward I and Llywelyn ap Gruffudd, but their precedents appeared much earlier in the century. As the princes of Gwynedd expanded their power across Wales and even extended their influence into western England, their aspirations were partially checked by an English crown that sought to protect the Marcher lords from Welsh attacks and assert its dominance over the native Welsh rulers. By 1201 King John (r. 1199-1216) had forced Llywelyn ab Iorwerth (r. c. 1201-1240) to acknowledge English overlordship. Interestingly, the peace agreement between John and Llywelyn not only established the king of England as the prince of Gwynedd’s liege lord, but it also made a clear distinction between the “law of England” (*legem Anglie*) and “Welsh law” (*legem Wallensem*).<sup>75</sup> This development is significant for three reasons. First, the recognition of two separate legal systems in the region was also an acceptance of two spheres of political authority, a power dynamic that persisted throughout the thirteenth century. In a region of many princes and lords whose power could vacillate tremendously within a short period, the treaty established a precedent by acknowledging two primary regional sovereigns and cementing the sovereigns’ hierarchy. Second, even though numerous local variations in custom and law existed, the agreement officially recognized

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<sup>74</sup> See Pryce, *Native Law and the Church*, 73 and Davies, “Law and National Identity in Thirteenth-Century Wales,” 57.

<sup>75</sup> AWR, no. 221, 372 and 373.



two separate legal systems for two distinct peoples.<sup>76</sup> Third, the agreement introduced the application and the status of Welsh law as important elements in relations between the English kings and the princes of Gwynedd.

During Henry III's reign, the proper application and jurisdiction of Welsh and English law became serious issues of contention between the king of England and the prince of Gwynedd and these conflicts directly foreshadowed the disputes between Edward I and Llywelyn ap Gruffudd. After Llywelyn ab Iorwerth's death in 1240, Henry III attempted to increase royal power throughout Wales and reduce the power of the princes of Gwynedd so that a potent Welsh ruler like Llywelyn could not threaten the Marcher lords or challenge the Crown. Henry immediately sought to exploit Gwynedd's sudden weakness and he used legal mechanisms to accomplish his goals. In August 1241 at Gwerneigron, Llywelyn's son, Dafydd (r. 1240-1246), acknowledged that he must obey the decisions of the king's court.<sup>77</sup> After Henry had secured his overlordship, he even attempted to use Welsh law to divide Gwynedd between Dafydd and his brother Gruffudd. In 1244 Dafydd and many of the other Welsh princes revolted. Dafydd was able to recover significant territory, but he died in 1246 and the heirs of Gwynedd (Owain and Llywelyn ap Gruffudd) signed the Treaty of Woodstock in 1247.<sup>78</sup> The treaty compelled Owain and Llywelyn to cede the Four Cantrefs (the Perfeddwlad) of Rhos, Rhufoniog, Dyffryn Clwyd, and Tegeingl to the Crown, provide 1,000 foot soldiers and 24 knights for royal service, yield the homages of the "barons and nobles of Wales," and

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<sup>76</sup> *Magna Carta* highlights the legal complexity in the Anglo-Welsh border region more clearly by recognizing that there was a "law of the March" that also existed in the region. See *Magna Carta*, J.C. Holt, ed. 2nd ed. (Cambridge: Cambridge University Press, 1992), 466-9.

<sup>77</sup> For these documents, see *Littere Wallie*, J. Goronwy Edwards, ed. (Cardiff: University Press Board, 1940), nos. 4 and 5, 9 and 10 and *AWR*, nos. 300 and 304, 466-70 and 474-7.

<sup>78</sup> For accounts of the royal expedition into Wales, see *Brut* (RBH), 331-3; Matthew Paris, *Chronica Majora*, 4: 481-4 and 486-8; and *Annales Cestrienses*, R.C. Christie, trans. (Chester, England: Record Society of Lancashire and Cheshire, 1887), 65.

abide by royal justice in any case brought against them, though that justice would be decided “according to the laws and customs of Wales.”<sup>79</sup>

However, Matthew of Paris reported that the Crown had subjected the Welsh to English law, a fact the Welsh bitterly lamented:

Wales was reduced to nothing in these days. Cultivation, commerce, and the care of the flocks of sheep ceased and the Welsh began to be consumed with hunger, having been forced unwillingly to bow to the laws of the English. Ancient nobility withered under the arrogance of foreign laws and even the harp of the churchmen was turned into mourning and wailing.<sup>80</sup>

In an entry for 1251, Paris reasserts that Wales had surrendered to English law (*legibus Angliae mancipatur*) and further relates that the justiciar of Chester (Alan de la Zouche) and the bishop of Bangor told the monks of St. Albans the same in 1252.<sup>81</sup> Welsh frustration at having to obey alien laws boiled over shortly thereafter. Llywelyn ap Gruffudd defeated his brothers Owain and Dafydd at Bryn Derwin in 1254. In 1255, the *Brut y Tywysogion* claims that “the nobles of Wales” came to him saying that “they would rather be killed in war for their liberty, than suffer themselves to be trodden down by strangers in bondage.”<sup>82</sup> Between 1255 and 1258 Llywelyn and the other princes of Wales recaptured the Four Cantrefs and Powys, while Welsh forces ravaged the southwest from Cemais to Gower. The Welsh routed an English force under Stephen Bauzan in the Tywi Valley in 1257. Henry’s own expedition in 1257 into north Wales accomplished little and the subsequent opening of the Baronial Rebellion in the following

<sup>79</sup> See *Littere Wallie*, no. 3, 7-8 and *AWR*, no. 312, 483-5.

<sup>80</sup> Matthew Paris, *Chronica Majora*, 4: 647. *Arctabatur Wallia eisdem diebus, cessante eorum cultura, commercio, et pecudum custodia pastoralis, et coeperunt consumi inedia, Anglorum et inviti legibus incurvati. Emarcuit antiqua eorum superba nobilitas, et etiam virorum ecclesiasticorum cithara conversa est in luctum et lamenta.*

<sup>81</sup> *Ibid.*, 5: 227 and 5: 288. *...quod tota Wallia obedienter et in pace legibus subjacent Anglicanis.*

<sup>82</sup> *Brut* (RBH), 341.

year compelled him to sign a truce with Llywelyn.<sup>83</sup> In one entry for 1256, Paris asserted that the Welsh rebelled not only because of the misconduct and oppression of the justiciar of Chester (Geoffrey de Langley), but also because “they were roused to the defense of their country and the use of their own laws.”<sup>84</sup> Indeed, even though Paris refers to the Welsh at one point as “filthy robbers” (*tam sordidos effractorios*), he also lauded their desire to defend their homeland and their laws and wished that the English would do the same in the face of their foreign “oppressors,” namely the king’s Savoyard and Poitevin allies:

Those who had joined for a mutual goal, having sworn upon the Gospels, swore themselves manfully and faithfully to fight to the death for the liberty of their homeland and for their ancestral laws; and they preferred to die in honor than to lead an unhappy life in disgrace. The English rightly ought to blush at such a manly deed. For they submit their necks to every oppressor and this slothful people are compelled to bow to foreigners, as if they were the rubbish of a miserable rabble.<sup>85</sup>

***Law, Ethnicity, and Conquest: Edward I and Llywelyn ap Gruffudd, c. 1272-1284***

Between the battle of Bryn Derwin in 1254 and the death of Henry III in 1272, English attempts to impose the Common Law in Wales are not prominent topics in the contemporary sources because the kings of England were too preoccupied with other matters to impress their political dominance in Wales. Henry III and Llywelyn ap Gruffudd signed the Treaty of Montgomery in 1267, which established peace between the sovereigns, recognized Llywelyn as “Prince of Wales,” and obliged him to perform homage and pay a sizeable fee for his new principality. From 1272 to 1277, Llywelyn’s

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<sup>83</sup> Davies, *Age of Conquest*, 310.

<sup>84</sup> Matthew Paris, *Chronica Majora*, 5: 592.

<sup>85</sup> *Ibid.*, 5: 597. *Qui mutuo confoederati, tactis Evangeliiis, juraverant se strenue et fideliter usque ad mortem pro libertate patriae suae et avitis legibus decertare; et se malle cum honore mori, quam cum dedecore vitam trahere infelicem. In quo virili facto Angli debuerunt merito erubescere; qui submittunt colla omni concultanti, et alienigenis, tanquam popelli meticulosi quisquilliae, segnes incurvantur.*

refusal to perform homage to Edward I overshadowed any concern about applying English or Welsh law. Disputes about Edward's rights to hear cases regarding the principality of Wales occurred within the context of Llywelyn's obligation to perform homage or debates about the rights and responsibilities that came with Llywelyn's title as Prince of Wales. These disputes eventually led Edward to invade Wales in 1276 and he forced Llywelyn to sign the Treaty of Aberconwy in 1277.

English respect for Welsh law attained far more political significance after Edward's campaign in 1276-1277 and the signing of the Treaty of Aberconwy. The Treaty of Aberconwy compelled Llywelyn to relinquish the Four Cantrefs and other territories, pay a huge fine of 50,000 marks, surrender hostages, and perform the homage that Llywelyn had tried to evade. It even required Llywelyn to pay 1,000 marks a year for possession of Anglesey.<sup>86</sup> The Treaty of Aberconwy demonstrated the success of Edward I's expedition against Gwynedd and profoundly altered the geopolitical status quo. Perhaps more importantly, however, Llywelyn acknowledged the king's right to adjudicate any disputes concerning the prince. The Treaty of Aberconwy's thirteenth clause stated that "Disputes between the prince and others shall be settled according to the laws of the March concerning matters in the March and according to the laws of Wales concerning those in Wales."<sup>87</sup>

The Treaty of Aberconwy secured royal dominance in Wales and provided Edward with legal mechanisms to enforce that supremacy. Shortly after the treaty's ratification, Edward established royal commissions to hear cases throughout Wales and the Marches. The most important was the "Hopton Commission," named after the

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<sup>86</sup> For the text of the Treaty of Aberconwy, see *AWR*, 589-94.

<sup>87</sup> *AWR*, 590.

supervising judge Walter de Hopton, a Shropshire magnate. The commission was established in January of 1278 at Oswestry “to hear and determine all suits and pleas both of lands and of trespasses and wrongs in the marches and in Wales, and to do justice therein according to the laws and customs of the parts in which the lands lie or in which the trespasses and wrongs have been committed.”<sup>88</sup> Likewise, Payn de Chaworth and Henry de Bray also received a commission to act as justiciars in West Wales and the royal bailiffs, earls, and Welsh princes of the region received orders to assemble jurors to come before the justices.<sup>89</sup> While the Hopton commission had no jurisdiction over the principality of North Wales, Llywelyn ap Gruffudd was still ordered to appear before the Hopton commission “to propound the suits of himself and his men and to do and receive justice.”<sup>90</sup> The lordships of Brecon, Glamorgan, and Gower were also excluded from the commissions’ jurisdiction.<sup>91</sup> Nevertheless, neither Wales nor the Marches had ever seen such a pervasive assertion of royal power.

Although the royal commissions offered the Crown an opportunity to cement its authority, they also alarmed Llywelyn and the other Welsh princes and allowed them to use Welsh law as a rallying cry against foreign domination. Llywelyn’s defeat in 1277 had as much to do with his deteriorating position in Wales as it did to English power. The Welsh lords’ rapid surrender to Edward suggests that rulers who had traditionally enjoyed independence or considerable autonomy resented Llywelyn’s power. Yet if the other Welsh princes believed that they would acquire more autonomy from an English king residing in distant London, they quickly found that they were mistaken and that

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<sup>88</sup> *Welsh Rolls*, 163.

<sup>89</sup> *Ibid.*

<sup>90</sup> *Ibid.*

<sup>91</sup> *Welsh Assize Roll, 1272-1284*, 87.

realization led the minor Welsh princes to confederate with Llywelyn against the Crown. Indeed, the Treaty of Aberconwy provided Llywelyn ap Gruffudd with the opportunity to restore some semblance of his prestige. To accomplish this objective, Llywelyn portrayed himself as the defender of the Welsh legal tradition, a decision Davies attributed to “self-interested convenience” and strategic considerations. Davies argued that raising the issue of Welsh law could divert attention from the issue of Gwynedd’s feudal subjection to the English crown because the treaty obliged the Crown to respect and utilize Welsh law in cases that pertained to Wales: “It would also divert the argument deftly from the obligations of the vassal (the prince of Wales) to the responsibilities of the lord (the king of England).”<sup>92</sup> Hence, defending Welsh law “was to partake in a national struggle, not merely in a campaign to salvage the pride of the prince of Gwynedd.”<sup>93</sup>

Llywelyn’s strategy and the importance of law and custom to ethnic identity were most apparent in the case of Arwystli. Arwystli was a small territory, a former principality bordering on Cedewain to its east, Deheubarth to its west, and Southern Powys Wenwynwyn to its immediate north. It lay close to both Gwynedd and western England. It had strategic importance for the prince of Powys Wenwynwyn, the prince of Gwynedd, and the king of England and it changed hands between the princes of Powys Wenwynwyn and Gwynedd several times during the thirteenth century.<sup>94</sup> Hence, when Gruffudd ap Gwenwynwyn (the prince of Powys Wenwynwyn and a major ally of Edward I) claimed Arwystli before the Hopton Commission in February 1278, it set off a

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<sup>92</sup> Davies, “Law and National Identity in Thirteenth-Century Wales,” 61 and 62.

<sup>93</sup> *Ibid.*, 63.

<sup>94</sup> For the volatile political situation in thirteenth-century Arwystli, see Anthony D. Carr, “A Debatable Land: Arwystli in the Middle Ages,” *Montgomeryshire Collections* (1992): 42.

complicated and potentially dangerous dispute.<sup>95</sup> Gwenwynwyn claimed in January 1279 that Arwystli lay in the March and was subject to English law. Llywelyn, however, argued that Arwystli was “purely Welsh” (*terra mere est Walensica*) and the case should, therefore, be tried according to Welsh laws and customs.<sup>96</sup> However, Llywelyn went even further. He did not deny that the royal justices had the right to adjudicate the case, but he appealed to a broader principle when he told the justices that each ethnic community was entitled to use its own laws and customs:

And Prince Llywelyn said that although every province established within the dominion of the lord king maintains its own laws and customs according to the manner and use established in those dominions, - just as the Gascons in Gascony, the Scots in Scotland, the Irish in Ireland, [and] the English in England- that fact is rather to the enlargement of the lord king's crown rather than to its diminishment.<sup>97</sup>

The Arwystli case dragged on for two more years until Edward I decided in favor of Gwenwynwyn in 1281. However, the rhetoric surrounding it did not end until the final English conquest of Wales and became part of a general Welsh complaint about the lack of English respect for Welsh laws and customs. Frustration over the Crown's refusal to utilize Welsh law in the Arwystli case contributed to the start of a Welsh revolt in 1282. John Pecham, the archbishop of Canterbury (1279-1292), attempted to quell the rebellion through diplomacy. In October 1282 Pecham sent an ambassador to Llywelyn's court with seventeen peace proposals.<sup>98</sup> Llywelyn and a host of Welsh nobles and princes responded with a series of grievances against the king and his officials. In Llywelyn ap Gruffudd's list of grievances, the Arwystli case was the first and longest article of complaint. Llywelyn charged that before the January hearing at Oswestry in 1279, the

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<sup>95</sup> *Welsh Assize Roll, 1272-1284*, 241.

<sup>96</sup> *Ibid.*, 265.

<sup>97</sup> *Ibid.*, 266.

<sup>98</sup> *Registrum Epistolarum Fratris Johannis Peckham*, 3 vols., ed. Charles T. Martin (London: Longman, 1884), 2: 422. For the proposals, see *ibid.*, 435-7.

king had declared that the case should be judged according to Welsh laws and customs, but eventually reversed his decision and informed Llywelyn that he could only proceed with the case if Llywelyn submitted to judgment according to English law.<sup>99</sup> Llywelyn's brother, Dafydd, and the other Welsh nobles and princes from across Wales complained to Pecham about the conduct and treachery of the king and his officials and asserted that they had failed to honor Welsh laws and customs, contrary to the provisions of the Treaty of Aberconwy.<sup>100</sup> Llywelyn also claimed that the king imposed a jury on Llywelyn's men in Anglesey, even though it was "against the laws of Wales" and "had never been done there in times past."<sup>101</sup>

On November 14<sup>th</sup>, 1282 Pecham responded to the Welsh complaints and caustically sought to invalidate the Welsh accusations by challenging the validity of Welsh laws and customs themselves:

Finally, you say that the [Welsh] people do not wish to accede to the royal grace because the lord king has preserved neither treaties nor oaths nor the contractual obligations of charters made with the prince. And so we ask from whose verdict could that statement be declared except from you. You who usurps judgment for your own sake and convenience and you who breaks the peace at every opportunity. You who slaughters the innocent, devastates with fire, and lays waste royal fortifications for your own power. And that could also be the verdict of the law Hywel Dda, which established such remedies for injuries in its code by the authority that the Devil delegated to it.<sup>102</sup>

It was not the first time that Pecham had accused Welsh law of being at odds with God's law. Pecham sent a letter to Llywelyn in October 1279 during the height of the Arwystli

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<sup>99</sup> AWR, 620-1.

<sup>100</sup> Ibid., 653-4.

<sup>101</sup> Ibid., 621.

<sup>102</sup> *Registrum Epistolarum Fratris Johannis Peckham*, 2: 475-6. *Dicitis demum quod populus non vult ad regiam gratiam convolare, quia dominus rex nec pacta nec juramenta nec cartarum foedera principi conservavit. Et nos quaerimus ex cujus vel quorum istud sit iudicio declaratum, nisi per vos, qui in causa propria iudicium usurpatis, et per singulas lustrales periodos pacem infringitis, innocentes jugulates, incendia facitis, munitiones regias pro viribus vastatis, ac Howelda, qui talia injuriarum remedia in lege sua, quam vidimus, instituit, auctoritate quam ei diabolus delegavit.*



dispute and complained that the prince had violated ecclesiastical rights by ignoring canonical statutes and favoring Welsh law (*Cyfraith Hywel*), which Pecham claimed deviated from the Ten Commandments in numerous points.<sup>103</sup> Roughly a year later, Pecham contended that Welsh law not only contradicted Biblical precepts, but also contained “many irrationalities” (*plura irrationabilia*) that even the Welsh condemned (*quae etiam a vestratibus condemnantur*).<sup>104</sup> It is likely that Pecham’s diatribes on the moral shortcomings of Welsh law in 1279 and 1280 were well-timed to provide Edward I with sufficient justification to rule against Llywelyn in the Arwystli case.<sup>105</sup> Likewise, Pecham’s rejoinder to Llywelyn and the Welsh nobility in 1282 sought to undermine the Welsh rebellion’s moral and spiritual legitimacy. However, Pecham’s letters also struck at a key component of Welsh identity. Llywelyn ap Gruffudd, according to Huw Pryce, had promoted Welsh law as “an emblem of national independence” and a key symbol of ethnic distinctiveness.<sup>106</sup> Yet, as mentioned in Chapter Three and discussed further in the following chapter, the distinctiveness of Welsh laws and customs had disturbed earlier Anglo-European commentators.<sup>107</sup> Pecham’s accusation that Welsh law was a diabolically inspired corpus went much further than Gerald of Wales or John of Salisbury had ventured.<sup>108</sup> Nevertheless, Pecham’s invectives highlight the continuing Anglo-European association of Welsh laws and customs with “barbarism.”

The rhetoric surrounding the Arwystli case portrays an ethnically polarized border region where two distinct legal systems represented the hallowed traditions of two

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<sup>103</sup> *Registrum Epistolarum Fratris Johannis Peckham*, 1: 77.

<sup>104</sup> *Ibid.*, 136.

<sup>105</sup> See Davies, “Law and National Identity in Thirteenth-Century Wales,” 66; and *Welsh Assize Roll, 1272-1284*, 143.

<sup>106</sup> Pryce, *Native Law and the Church*, 72-3.

<sup>107</sup> See above, 176-81 and below, 371-3.

<sup>108</sup> Pryce, *Native Law and the Church*, 73-5.

distinct peoples. However, the case also exposes the ethnic, political, and legal complexities of the region. Arwystli was situated in a region where English and Welsh populations dwelt in close proximity, where the English and Welsh demonstrated an understanding of each other's laws and customs, and where legal diversity prevailed. Indeed, Llywelyn ap Gruffudd and Gruffudd ap Gwenwynwyn were not the only ones to claim Arwystli. Adam de Montgomery, Iorwerth ab Iorwerth, Gruffudd ap Dafydd, Maredudd ab Iorwerth, Llywelyn ab Ieuan, and Hywel ab Ieuan all claimed parts or all of the territory against Gwenwynwyn on the grounds that they were rightful descendants of Hywel ab Ieuf (d. 1185), who had styled himself as king of Arwystli (*rex Arewestli*) in the mid twelfth century.<sup>109</sup> Adam de Montgomery was a loyal subject of the English crown and had been constable of Oswestry, but he could also claim Arwystli because he was the grandson of Hywel ab Ieuf's daughter, Amice.<sup>110</sup> In February 1278, he claimed Arwystli not through English law, but "according to Welsh law and customs," while his Welsh "opponents" skillfully pleaded through Common Law procedure.<sup>111</sup> Here, we see an individual of mixed ancestry perfectly comfortable pleading according to Welsh law and Welshmen who had no problem navigating English procedure. Roger de Mortimer, the English lord of Wigmore, claimed the southern portion of Arwystli as part of his ancestral barony.<sup>112</sup> Mortimer also made his claim according to Welsh law and referenced Welsh law and custom again in 1281 when he challenged Gruffudd ap Gwenwynwyn's possession of thirteen villas along the Powys-Montgomery border. Gwenwynwyn,

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<sup>109</sup> See charters 1 and 2 in *AWR*, nos. 1 and 2, 144-5.

<sup>110</sup> Carr, "Debatable Land," 43.

<sup>111</sup> *Welsh Assize Roll, 1272-1284*, 235. Conway Davies argues that Adam had probably colluded with Gruffudd ap Gwenwynwyn and his son Owain (who eventually received Arwystli) to thwart Llywelyn ap Gruffudd's ambitions. See *idem*, 125-30.

<sup>112</sup> See Carr, "Debatable Land," 44 and *Welsh Assize Roll, 1272-1284*, 281.

however, argued that the plea should proceed according to the Common Law.<sup>113</sup> That diverse legal traditions operated in Arwystli is also apparent in the Edwardian Inquest of 1281. Llywelyn ap Gruffudd claimed to be aware of hereditary Welsh judges operating in Arwystli, while witnesses from the region testify that Common Law jury procedure was pervasive.<sup>114</sup>

The Arwystli case helped spark a Welsh rebellion and spurred Edward I to conquer Wales. In 1284 Edward issued the Statute of Rhuddlan, which formally annexed Wales to the English crown and introduced numerous administrative and legal reforms. The Statute introduced the English shire system (with its attendant sheriffs and coroners), English writs, and various English customs. It declared that all major homicides would be tried under English criminal law and ordered that the courts of Wales be modeled along English lines. The Statute of Rhuddlan also abolished or amended certain aspects of Welsh law. Illegitimate children, for example, could no longer inherit land and women were allowed to inherit an estate if the male line perished.<sup>115</sup> However, Edward saw no need to abolish Welsh law entirely. As Davies notes, the tenurial aspects of Welsh law and its civil procedures survived virtually intact.<sup>116</sup> Furthermore, the Statute of Rhuddlan only applied to the lands under the Crown's direct control. The Englishries and Welshries of the Marcher lordships remained and Welsh law continued to flourish in royal lands. Indeed, the Statute's proscriptions against certain aspects of Welsh law were often ignored. For example, the Welsh custom of *galanas* (compensation payment for

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<sup>113</sup> *Welsh Assize Roll, 1272-1284*, 313-4. The thirteen villis were situated between the rivers Rhiw and Lugg. See *idem*, 173.

<sup>114</sup> *Welsh Rolls*, 195 and 209.

<sup>115</sup> *Statutes of Wales*, 2-27.

<sup>116</sup> Davies, *Age of Conquest*, 368.

homicides) persisted, even though the Statute had stated that English criminal law would regulate such a felony.<sup>117</sup>

The Arwystli case and the Statute of Rhuddlan reveal that the legal situation in the border region was far more complex than the contemporary rhetoric portrayed. English and Welsh understood each other's laws, which were not nearly as incompatible as the contemporary rhetoric depicted. Yet the perception of strict dichotomy and the ethnic exclusivity of legal tradition persisted and overrode a much more complex reality of bi-cultural influence and permeability. The Statute of Rhuddlan never attempted to amalgamate English and Welsh law and it is doubtful that such an outcome was even considered. In the Englishries and Welshries, law and custom continued to define the socio-cultural space and jurisdiction of the resident ethnic communities. Shortly after the issuance of the Statute of Rhuddlan, John Pecham told the bishop of St. Asaph that he should promote peace among the Welsh and the English. Pecham envisioned that one day the Welsh and English could be of "one heart and one mind so that there would be no sense of foreignness among them and the designation of 'foreigner' may perish in a community of mutual affection."<sup>118</sup> Perhaps the archbishop believed that the Edwardian Conquest and the Statute of Rhuddlan could initiate a new era of peace and that diverse laws and customs could eventually be melded into one, paving the way for eventual assimilation. One Welshman even claimed that Edward I had encouraged intermarriage.<sup>119</sup>

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<sup>117</sup> Ibid.

<sup>118</sup> *Councils and Ecclesiastical Documents relating to Great Britain and Ireland*, 1: 565... *sitque in eis cum Anglicis cor unum, et anima una, ut nulla inter eos extranietas nominetur, sed pereat nomen extraneorum per familiare consortium caritatis.*

<sup>119</sup> CAPW, no. 5433, 172.

Yet the Statute of Rhuddlan envisioned no such assimilation and allowed the legalized regime of perpetuated pluralism to remain. In addition, each community still perceived that its laws and customs were fundamentally distinct and incompatible.<sup>120</sup> If anything, perpetuated pluralism and the perception of difference seemed to increase after the Edwardian Conquest. As late as the fifteenth century, a Welsh poet still derided “the law of London,” while George Owen of Henllys remarked in the sixteenth century that the English and Welsh of Pembrokeshire rarely saw each other.<sup>121</sup> Perpetuated pluralism was alive, well, and legally sanctioned.

### **Law and Acculturation: The Jury and Collective Judgment in England and Wales**

#### ***Community and Judgment in England and the Marcher Lordships***

Indeed, the Anglo-European and Welsh populations had often lived physically, socially, and culturally separate lives since the late eleventh century. Yet intermixing did occur and, regardless, there were numerous other avenues for intercultural influence and borrowing. As in most other instances, borrowing in the realm of law and custom was selective rather than comprehensive. Each community selected and modified elements that best conformed to its needs and its communal norms. Because of distinct kinship structures, English and Welsh law diverged most sharply in the tenurial realm, which prevented full amalgamation between the legal systems. However, both English and Welsh law stressed communal participation in legal affairs. Hence, the jury system and other forms of collective judgment found in England spread quickly among the Welsh

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<sup>120</sup> For some examples, see below, 464-5 and 471-3.

<sup>121</sup> See Davies, *Age of Conquest*, 368 and see above, 283.

populations, but not without modifications that allowed traditional forms of Welsh judgment to persevere.

To understand why the jury system spread so quickly among the border region's Welsh communities, we must first track the growth of the jury system in England and the systems of judgment prevalent in the native communities of Wales. As James Masschaele notes, historians have not reached a consensus on the jury system's origins.<sup>122</sup> According to Ralph Turner, in the late nineteenth century Heinrich Brunner challenged the traditional Anglo-Saxon origin of jury procedure and argued that it was Henry II who instituted it, a view that William Stubbs, Frederic Maitland, and Charles Homer Haskins generally accepted.<sup>123</sup> However, Maitland also contended that the Scandinavians had independently developed their own jury system, an argument he based on his observations of the accusing jury of the Danelaw. Paul Vinogradoff further argued for the possibility of the accusing jury's Scandinavian origins in the early twentieth century. Historians wholly rejected his arguments at first, but they later received support from Raoul Charles Van Caenegem and Doris Stenton in the mid twentieth century.<sup>124</sup> Indeed, Van Caenegem has persistently argued that the jury had an amalgam of origins. He asserts that the Normans introduced the use of a jury in royal inquests in England and that the Normans had derived this practice from Frankish precedents. However, he also contends that a tradition of using juries to settle local disputes in Anglo-Saxon times (both within and outside of the Danelaw) facilitated the jury's spread and popularity

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<sup>122</sup> James Masschaele, *Jury, State, and Society in Medieval England* (New York: Palgrave MacMillan, 2008), 19.

<sup>123</sup> Ralph V. Turner, "The Origins of the Medieval English Jury: Frankish, English, or Scandinavian?," in *Judges, Administrators and the Common Law in Angevin England*, *idem*, (London: Hambledon, 1994), 35-6.

<sup>124</sup> *Ibid.*, 37-9.

under the Anglo-Norman and Angevin kings.<sup>125</sup> Since Van Caenegem's study, scholars have tended to emphasize Anglo-Saxon influence on the origin of jury procedure, particularly the social and administrative sophistication of the Anglo-Saxon period and its influence on Norman governance in England. Yet they have also acknowledged direct relationships between Anglo-Saxon and early Norman law and the Common Law that crystallized in the twelfth and thirteenth centuries.<sup>126</sup>

Regardless of jury procedure's origins in England, historians are certain that the jury became a widespread procedure of inquisition and judgment during the twelfth century and its popularity and use exploded during the thirteenth century. Sworn juries had been used throughout England to compile the *Domesday Book* of 1086.<sup>127</sup> Henry I commissioned more than a dozen local inquests during his reign, but the number of inquests conducted probably equaled less than the number of Henry's regnal years (35). In addition, while his Angevin and Plantagenet successors used inquests to bolster their power over local magnates, Henry did not seem to insist that the inquests' results be submitted to him.<sup>128</sup> However, after nearly twenty years of civil war during Stephen of Blois' reign, Henry II faced political dilemmas. He needed to restore order, reassert royal authority, rein in often corrupt local officials, and provide a mechanism of compensation for those who had been wrongly disposed of their property during Stephen's anarchic reign. Yet Henry II also knew that he could not take measures that might foment conflict and possibly recreate the very bedlam that he was trying to remedy. To solve these

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<sup>125</sup> R.C. Van Caenegem, *The Birth of the English Common Law* (Cambridge: Cambridge University Press, 1988), 79. This work was originally published in 1973.

<sup>126</sup> Masschaele, *Jury, State, and Society in Medieval England*, 19.

<sup>127</sup> *Ibid.*, 20.

<sup>128</sup> *Ibid.*, 38-9.

problems, Henry II and his followers created the machinery that became the centerpiece of England's judicial system.

The first piece of this machinery was the *justiciae errantes*, later called the *justiciae in itinere*, or the “justices in eyre,” established in 1166 under the supervision of the justices Geoffrey de Mandeville and Richard de Lucy.<sup>129</sup> Their purpose was to travel across England to hear cases and pleas pertaining to the Crown; that is, those cases of special interest to the king. In the same year, the Assize of Clarendon let it be known that the king's special interests had grown considerably. According to Alan Harding, the Assize of Clarendon transferred the task of prosecuting murders and robbers named by presentment juries from the sheriffs and local justices to the general eyre.<sup>130</sup> Indeed, the scale of the eyre and the business it handled were quite wide. By the later twelfth century, the eyres had become regular visitations spanning the entire kingdom; only the palatinates of Chester and Durham were exempt. In the eyre of 1188-1189, five judicial circuits were established, with between seven and nine judges serving in each. The justices in eyre would arrive in important local centers and remain for a span of one or several weeks, hearing cases ranging from criminal felonies such as murder to wardships, the election of coroners, and the loans of Jews.<sup>131</sup> The sheriffs still retained a significant role in local justice, but mostly dealt with lesser crimes during their twice yearly tours of the hundred courts. However, royal writs were often the source of their judicial inquiries and cases involving the great landed lords of the aristocracy were removed from the jurisdiction of the shire courts and entrusted solely to the royal justices through writs of

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<sup>129</sup> Alan Harding, *The Law Courts of Medieval England* (New York: Barnes and Noble, 1973), 53.

<sup>130</sup> Harding, *Medieval Law and the Foundations of the State* (Oxford: Oxford University Press, 2002), 134.

<sup>131</sup> Bartlett, *England under the Norman and Angevin Kings*, 191.



*pone*.<sup>132</sup> The *justiciae errantes* had provided the Crown with a mechanism for demonstrating the king's judicial power and supremacy, especially in crisis situations. For instance, after the revolt of his son (the "Young Henry") and his followers in 1173, Henry II instituted a general eyre that divided the realm into six parts and administered justice to those whom the revolt had afflicted.<sup>133</sup>

The second piece of the machinery was a series of new writs and assizes involving the justices in eyre. The writs and assizes were designed to settle land disputes arising from the civil wars, supervise local officials, and curtail corruption. Henry II also established a series of so-called "petty assizes," one of which was called the assize of *novel disseisin*, which sought to discover whether a party had been unjustly expelled from his or her land recently during peaceful possession. Ten years later, the Assize of Northampton introduced the assize of *mort d'ancestor*, through which a plaintiff attempted to prove that he or she was the rightful heir to a certain property.<sup>134</sup> These assizes were referred to as "possessory assizes," because they addressed questions of seisin (corresponding to the modern concept of possession, though more elevated because it entailed the ability to transmit possession to an heir), not of right (or ownership).<sup>135</sup> However, the Grand Assize of 1179 expanded its scope to consider questions of right and became popular because it offered litigants the choice of jury verdict over trial by battle.<sup>136</sup> The Inquest of Sheriffs in 1170 inquired into local malpractices and even ecclesiastical misconduct. It also intended to ensure that the eyre system was working

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<sup>132</sup> Harding, *Medieval Law and the Foundations of the State*, 134.

<sup>133</sup> Harding, *Law Courts of Medieval England*, 53.

<sup>134</sup> See Harding, *Law Courts of Medieval England*, 58-60 and Bartlett, *England under the Norman and Angevin Kings*, 192.

<sup>135</sup> Masschaele, *Jury, State, and Society in Medieval England*, 61.

<sup>136</sup> John H. Baker, *An Introduction to English Legal History* (London: Butterworths, 2002), 58. "Eyre" is the French term for the Latin *iter*.

properly.<sup>137</sup> Various other assizes such as the Assize of Arms in 1181 and the Assize of the Forests in 1184 widened the scope of local regulation and granted extensive powers to royal officials to enforce the Crown's verdicts and orders.<sup>138</sup>

Jury procedure lay at the heart of the Crown's expansion of its judicial authority. The Assize of Clarendon's first clause ordered that the sheriffs should receive the oaths of twelve men in every hundred who were to report on felonies and other crimes.<sup>139</sup> Unlike in continental Europe, where judges increasingly heard evidence and decided cases according to the inquisitional methods of Roman law, justice in England increasingly relied upon "lawful" men who took sworn oaths (the *juratores*) to deliver a truthful decision or statement (the *verdictum*) about a particular matter. Under this system, the judge's role was to settle procedural disputes and legal motions so that the jurors could ascertain the facts of the case and proceed to decide relatively simple matters of law, such as guilt or innocence, and provide "yes" or "no" answers. Putting questions to jurors, rather than to royally appointed justices, also provided Henry with a means to avoid conflict with landed magnates who might accuse the king of using the royal courts to seize their lands or endow them to the king's followers. Furthermore, even though people flocked to the royal courts and contemporaries respected the justices' knowledge of the law, many chroniclers and others complained that the Angevin royal justices were more concerned with acquiring money from justice. Hence, utilizing juries lessened the opportunities for individuals to complain about corrupted verdicts.<sup>140</sup>

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<sup>137</sup> See Harding, *Law Courts of Medieval England*, 56 and *Medieval Law and the Foundations of the State*, 135.

<sup>138</sup> Harding, *Medieval Law and the Foundations of the State*, 135.

<sup>139</sup> Masschaele, *Jury, State, and Society in Medieval England*, 47.

<sup>140</sup> Ralph V. Turner, "The Reputation of Royal Judges under the Angevin Kings," in *Judges, Administrators and the Common Law in Angevin England*, 107-9 and 118.

The earliest form of the jury was the inquest jury, which evolved into “presentment” and “possessory assize” juries. The criminal trial jury did not appear on a wide scale until after the Fourth Lateran Council of 1215 banned clerical participation in the ordeal. Presentment juries performed a variety of roles, but their chief function was to “present” information to officials.<sup>141</sup> In criminal matters, presentment juries either endorsed accusations made in a local court or the before the coroner, or they reported their suspicions secretly about criminal activities that had not been addressed.<sup>142</sup> Indeed, the presentment jury’s report served as a formal accusation and indictment, which became the basis for a trial. Before 1215, compurgation or the ordeal settled those trials. After 1215, jury verdicts normally settled trials.<sup>143</sup> Presentment juries quickly became popular throughout England and not only in the royal sphere of justice. By the fourteenth century, they also became widely used in hundred and manor courts as well.<sup>144</sup> Possessory assize juries handled matters of civil law, particularly those issues relating to matters of seisin and right. Although Roman property law and canon law influenced the concept of seisin, English courts elaborated and defined it. Indeed, the possessory assize juries’ contributions to enforcing and clarifying property law were central to the Common Law’s development.<sup>145</sup>

Jury procedure’s rapid spread and its growing popularity among royal officials and the general populace derived in large part from the heavy emphasis on communal participation in legal affairs that was already present in the English realm before both Henry II and the Norman Conquest. According to Harding, compurgation (or “oath-

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<sup>141</sup> Masschaele, *Jury, State, and Society in Medieval England*, 46.

<sup>142</sup> *Ibid.*, 48-9.

<sup>143</sup> *Ibid.*, 46-7.

<sup>144</sup> *Ibid.*, 55-9.

<sup>145</sup> *Ibid.*, 62.

helping”) lay at the heart of the jury system.<sup>146</sup> Before the Normans’ arrival, parties settled legal disputes in Anglo-Saxon England through the ordeal or by producing a group of supporters who could swear to one of the parties’ claims. These supporters, or “compurgators,” were called *juratores* in Latin and usually numbered twelve individuals.<sup>147</sup> Harding even mentions that there was indirect evidence of a “jury of recognition” in a dispute between the abbeys of Ramsey and Thorney over a fen before the Norman Conquest. During this dispute, a group of elders served as a “jury of recognition” and perambulated both abbeys’ estates to determine a boundary dispute.<sup>148</sup> Indeed, elders within a community often helped adjudicate legal quarrels and compurgation continued to be an instrument of dispute resolution well into the period under study. Compurgation was last used in a felony trial in 1276 and endured in the Cinque Ports into the sixteenth century.<sup>149</sup>

The hundred court and the “frankpledge” system were also key elements of communal participation in the law prior to the rapid spread of jury procedure. The hundred developed as a fiscal unit dependant on the royal manor during the tenth century. It consisted of a hundred “hides.” In theory, a hide was the amount of land that could support a family and twelve hundreds made up a shire. Each hundred had its own court and within each hundred there was a peace-keeping group of a hundred men, divided into ten *tithings*.<sup>150</sup> In this manner, the community was responsible for its own supervision and regulation and those tasks required regular and sustained participation from the community to accomplish them. Nevertheless, the hundred was not an autonomous

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<sup>146</sup> Harding, *Law Courts of Medieval England*, 25.

<sup>147</sup> Ibid.

<sup>148</sup> Ibid., 26.

<sup>149</sup> Masschaele, *Jury, State, and Society in Medieval England*, 78.

<sup>150</sup> Harding, *Law Courts of Medieval England*, 17-8.

community and was fully enveloped within the greater system of royal administration, both during the Anglo-Saxon period and after the Norman Conquest. The sheriff of each county regularly visited special sessions of the hundred courts, a visit commonly referred to as the sheriff's "tourn." During these "tours," the sheriff made what was known as a "view of frankpledge."<sup>151</sup> A "frankpledge" was a group of households responsible for maintaining public order. A frankpledge also ensured that its members attended the hundred courts and performed other communal obligations. Most peasants and town dwellers were required to belong to a frankpledge well into the fourteenth century and all newcomers to a community had to enroll in a frankpledge within days of their arrival or face expulsion.<sup>152</sup> By the thirteenth century, the sheriff's tourn not only involved views of frankpledge in each hundred, but also entailed receiving the hundred courts' presentments.<sup>153</sup>

Although a heavy emphasis on communal responsibility was already present before the Normans' arrival and Henry II's judicial reforms, jury procedure expanded communal participation in enforcing and shaping the law exponentially. It also strengthened the bond between local communities and the larger realm, furthering a sense of a common law for a common realm among a common people, despite England's ethnic and regional complexity. As Michael Prestwich asserts, unlike codified Roman law, England's law materialized through the results of litigation and the "procedures and precedents of the courts."<sup>154</sup> Yet litigation, precedent, and procedures (to a lesser extent) were not simply the domain of professional jurists. Increasingly, they stemmed from the

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<sup>151</sup> Ibid., 23.

<sup>152</sup> Masschaele, *Jury, State, and Society in Medieval England*, 55.

<sup>153</sup> Ibid., 55-6.

<sup>154</sup> Prestwich, *Plantagenet England 1225-1360*, 559.

decisions of a coherent political and legal community that defined, clarified, and expanded what the common law of the realm should constitute. Even in Kent where the custom of *gavelkind* formed a distinctive type of land tenure, even in the former Danelaw counties where the wapentakes stood in place of the hundred, and even in the far northern counties of Cumberland, Durham, and Northumberland where the ward and the “shire” (which was a smaller administrative unit and should not be confused with the county shire) stood for the administrative divisions mentioned above, administrative, legal, and customary anomalies did not diminish the idea of belonging to a common realm with a common law for a common people.<sup>155</sup> Indeed, as the need for juries grew greater, more members of the English realm participated in the legal process. By the thirteenth and fourteenth centuries, peasants became more involved in jury procedures and juries often consisted of a mixture of members of the lower gentry, wealthy freeholders, and peasants.<sup>156</sup>

Not surprisingly, the jury system also spread quickly among the English communities in the marcher lordships of Wales. Although the Marcher lords claimed that the royal writ did not run in their lordships, they made their best efforts to create chanceries and issue their own writs within their territories. They also adopted jury procedure rapidly.<sup>157</sup> Suitors (*sectatores* or *iudicatores*) typically rendered judgment and decided upon procedural issues in court. According to Davies, their duty was to declare and define the law extant within the Marcher lordship. Indeed, due to its customary and

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<sup>155</sup> For the governmental integration of the far north of England (especially during and shortly after the reign of Henry II) and its unique administrative divisions, see Paul Dalton, “The Governmental Integration of the Far North, 1066-1199,” in *Government, Religion and Society in Northern England 1000-1700*, John C. Appleby and Paul Dalton, eds. (Stroud: Alan Sutton, 1997), 14-26, *passim*.

<sup>156</sup> Masschaele, *Jury, State, and Society in Medieval England*, 195-7.

<sup>157</sup> Davies, “Law of the March,” 21-2.

unwritten nature, much of this law resided in the suitors' respective memories. However, they did not decide the particular facts in a case, a role left for the jurors.<sup>158</sup>

As in England proper, jury procedure was employed for various purposes in the Marcher lordships. One of the more interesting uses of jury procedure came in the form of inquests. The *Black Book of St. David's* serves as an illustrative example. Jury inquests allowed the English kings to acquire valuable information on the laws and customs, the levels of taxation, and the king's rights in a locality. Royal officials could use this information to highlight the scope of royal power, ensure that the king was collecting his rightful share of revenue, and ascertain whether royal officials were performing their jobs correctly and were not corrupt. The *Black Book of St. David's* demonstrates that the Marcher lords held many of the same concerns and the intricate details presented in the survey indicates the effectiveness of inquest procedure for lords seeking to determine and enforce their rights. Jurors were gathered from fourteen districts to conduct the extent. Twelve jurors performed the inquests in most areas, but the inquest lists fourteen jurors for Pebidiog and only three for Warren (called "Woveran" in the extent). The extent does not mention into what items the jurors were to inquire. Nevertheless, even when solely examining the data for the borough and manor of St. David's (which also included Ramsey Island), we find that inquest procedure could yield an astonishing amount of information and we can ascertain the jurors' subjects of inquiry. For instance, the twelve jurors of St. David's detailed the number and value of buildings and mills and the frequency and value of fairs and markets. They informed the lord about the names of each of the burgesses, how many burgages they held, whether they held their burgesses with or without deed, and the duties each burgess owed to the lord. They also detailed the

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<sup>158</sup> Davies, *Lordship and Society*, 158-9.

lord's demesne land in the area, the names of the tenants on the lord's demesne, how many acres each tenant held, how much rent each paid, and what services each owed to the lord.<sup>159</sup> Similar types of detailed information were provided for the other thirteen areas into which jurors inquired.

### ***Communal Judgment in Wales***

While we have no direct evidence to suggest that Welsh princes employed inquest procedures to determine their respective rights within their territories, we do know that jury procedure became a popular form of proof and procedure among the Welsh populations. Yet before examining the use and spread of the jury system across Wales, it might be instructive first to consider the emphasis placed on communal participation in legal affairs and the types of judgment prevalent among the Welsh communities. As in England, free-born Welshmen were expected to participate vigorously in enforcing the laws and customs of those communities, preventing violence, and regulating disputes between parties. From the evidence at our disposal, we can detect three general categories of community.

The first and usually smallest communal unit was the kindred. However, this community could become quite large and was not a single entity. There were, in fact, two different types of kindred groups. The first and most recognizable was the *cydetifeddion* (*coheredes* in Latin, meaning "joint-heirs"), a four-generation lineage. It was within these four generations that male heirs divided land. Yet the *cydetifeddion* neither disciplined nor cared for its members and there does not seem to have been a head of this descent-

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<sup>159</sup> For the full extent of the borough of St. David's and its surrounding regions, see *The Black Book*, 13-47.



group.<sup>160</sup> Beyond the *cydetifeddion*, there was another, much larger kindred group that could exercise authority over its members (including by force if necessary) and could have a powerful role in a Welsh principality's political affairs. This group was called the *cenedd*. The *cenedd* was an alliance of kindreds cemented through marriage bonds. It encompassed seven generations. The *cenedd* had an inner core, whose kinship could be accounted and traced back to a common ancestor. Beyond the inner core, lay kinsmen whose aid could be called when necessary. The head of the larger kindred unit was the *pencenedl*. The *pencenedl*'s political power could be considerable if he headed a large kindred alliance. He could adjudicate between his kinsmen, he could distribute offices to them, and he could also assist them in various matters such as negotiating marriages, for which he received 24d. from the bridegroom. Nevertheless, the *pencenedl* did not possess absolute authority. He frequently had to cooperate with the "best men" or "elders" of the *cenedd*. These men could also act as the joint heads of the *cenedd* in the absence of the *pencenedl*. In addition, the *pencenedl* could not pass his office to his son and although the lawbooks do not suggest that the prince appointed the *pencenedl*, he paid tribute to the prince.<sup>161</sup>

Kinsmen had a multitude of legal responsibilities. Michael Brown has demonstrated the importance of kinship in providing sureties and pledges in local courts among the kindred of Iorwerth ap Cadwgan in fourteenth-century Dyffryn Clwyd.<sup>162</sup> Brown also provides numerous possible examples of kindreds arbitrating disputes among

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<sup>160</sup> Charles-Edwards, *Early Irish and Welsh Kinship*, 214.

<sup>161</sup> *Ibid.*, 201-5 and 219.

<sup>162</sup> Michael H. Brown, "Kinship, Land and Law in Fourteenth-Century Wales: The Kindred of Iorwerth ap Cadwgan," *WHR* 17:4 (1995): 504-14.

their members.<sup>163</sup> Kindreds were responsible for paying the *galanas* (the compensation payment for homicide- similar to a *wergeld*) and the *sarhaed* (insult price). Again, we must make a distinction between the *cenedd* and the *cydetifeddion*. The northern Welsh redaction *Llyfr Iorwerth* states that the *cenedd* was responsible for *galanas*, while the *cydetifeddion* were responsible for the *sarhaed*. According to Jones-Pierce, it was abnormal for the entire kindred to be held responsible for the *galanas* by the thirteenth century. Indeed, a Welshman in the cantref of Rhos stated that Dafydd ap Llywelyn had eliminated the *galanas* entirely in the region.<sup>164</sup> However, fourteenth-century evidence suggests that kindreds (if not the entire lineage) were often held responsible for the conduct of their members who committed homicides or other felonies. In 1345, an unnamed author wrote to an unnamed recipient that a group of armed Welshmen killed an attorney for the Black Prince near Denbigh. Upon consulting members of the English and Welsh communities about how to handle the perpetrators, a Welsh judge stated that “all the great men nearest to him by blood should be attached and arrested until the felon was taken or would justify himself at law; and this method was in use throughout their time and since then in the time of the other lords.”<sup>165</sup>

The second category of community was the neighborhood. The neighborhood could and often did involve the kindred. However, a kindred (be it the *cenedd* or the *cydetifeddion*) often held lands across multiple villis, commotes, cantrefs, or even principalities. For example, the *Survey of the Honour of Denbigh* tells us that the descendants of Rhahawd ab Asser held their lands in eight separate villis throughout the

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<sup>163</sup> Ibid., 512-4.

<sup>164</sup> Thomas Jones Pierce, “The Laws of Wales, the Kindred and the Bloodfeud,” in *Medieval Welsh Society: Selected Essays by T. Jones Pierce*, J. B. Smith, ed. (Cardiff: University of Wales Press, 1972), 302-4; and *Welsh Rolls*, 199.

<sup>165</sup> CACW, 233-4.

commote of Uwch Aled and the lineage of Edryd ap Marchudd held lands in thirteen separate villas and hamlets spread across the commotes of Is Dulas, Uwch Dulas, and Uwch Aled in the cantrefs of Rhos and Rhufoniog.<sup>166</sup> Furthermore, there were usually multiple lineage groups within a villa and sometimes those lineages consisted of freemen, bondmen, or a mix of both. Hence, neighbors were frequently not kinsmen. While the kindred had its own legal responsibilities and mutual obligations, it was also essential for neighbors to cooperate to settle disputes and maintain peace. Section fourteen of the Statute of Rhuddlan clearly reveals the centrality of the neighborhood in arbitrating and deciding disputes. In the Statute, Edward I granted that any conflicts concerning lands and tenements “may be tried by good and lawful men of the neighborhood, chosen by consent of parties.”<sup>167</sup> Likewise, Edward I also granted that disputes concerning “debts, sureties, covenants, trespasses, chattels, and all other moveables of the same sort... may be proved by those who saw and heard it.”<sup>168</sup> Neighborhoods frequently arbitrated and adjudicated their disputes in public assemblies (Welsh: *cymanfa*) and judicial disputations (Welsh: *dadleuoedd*).<sup>169</sup>

The third category of community was the wider principality and its administrative divisions: the cantref and the commote. In the legal sense, the principality was not only the domain of the prince and his council, but also the hereditary, trained jurist (the *ynad*). According to contemporary evidence, the *ynad* was only present in North Wales. The Edwardian Inquest includes testimony from eight Welsh judges, all of whom hail from Powys or Gwynedd or regions formerly subordinate to those principalities. The survey of

<sup>166</sup> *SHD*, 156-85, 195-8, 227-9, 235, 239, 245-51, 261-6, 275-9, and 294-303.

<sup>167</sup> *Statutes of Wales*, 26.

<sup>168</sup> *Ibid.*

<sup>169</sup> R.R. Davies, “Kinsmen, Neighbours and Communities in Wales and the Western British Isles (c.1100 - c.1400),” in *Law, Laity and Solidarities: Essays in Honour of Susan Reynolds*, Pauline Stafford, et al., eds. (Manchester: Manchester University Press, 2001), 183-5.

Denbigh mentions an “office of the judge” (*officium iudicis*) in each of the lordship’s commotes, namely Ceinmeirch, Is Aled, Uwch Aled, Is Dulas, and Uwch Dulas. In thirteenth-century Gwynedd, the *ynad* was expected to master the lawbooks (especially the Iorwerth Redaction’s Test Book) and had to pass exams to prove his competence.<sup>170</sup> Jurists and judges typically came from families of legal professionals. For example, Robin Stacey states that Iorwerth ap Madog and Cyfnerth ap Morgenau are typically associated with the redactions *Llyfr Iorwerth* and *Llyfr Cyfnerth*, respectively. They were both members of one of the most prominent legal families in Wales, the Cilmin Droetu, which produced many judges and jurists.<sup>171</sup> A chief judge (*ynad llys*) served among a bench of judges in the prince’s court and the prince also appointed judges to the commotes and cantrefs.<sup>172</sup> In the localities, the *ynad* typically adjudicated disputes at his house, but could also do so at the *llys*, the administrative center of the commote or cantref.<sup>173</sup> The typical practice in North Wales (mentioned numerous times in the Edwardian Inquest) involved the *ynad* and the concerned parties in a land dispute traveling to the contested land. The *ynad*, however, could not render arbitrary decisions and worked in consultation with the larger community.

A legal case preserved in the cartulary of Strata Marcella Abbey provides our earliest window into the process of judgment in native Wales and demonstrates one example of communal participation in that process. The hearing probably occurred

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<sup>170</sup> Pryce, “Lawbooks and Literacy in Medieval Wales,” 65-7; and Beverley Smith, “Ynad Llys, Brawdwr Llys, Iudex Curiae,” in *The Welsh King and His Court*, 102-4.

<sup>171</sup> Robin Chapman Stacey, *The Road to Judgment: From Custom to Court in Medieval Ireland and Wales* (Philadelphia: University of Pennsylvania Press, 1994), 23.

<sup>172</sup> Beverley Smith, “Ynad Llys, Brawdwr Llys, Iudex Curiae,” see especially 94-5, 101, and 108. The role of the *ynad* generally declined in the thirteenth century and his judicial roles at court were increasingly taken over by the *distain*. See *ibid.*, 114.

<sup>173</sup> Charles-Edwards, “Gorsedd, Dadl and Llys: Assemblies and Courts in Medieval Wales,” in *Assembly Places and Practices in Medieval Europe*, Aliko Pantos and Sarah Semple, eds. (Dublin: Four Courts, 2004), 96 and 98-9.

around 1216 and concerned a land dispute in Arwystli involving the Hospitallers of Carno, the monks of Strata Marcella Abbey, and the original heirs of the land, who had sold their rights to Strata Marcella and were supporting the monks' claims in court. After two delays, the parties gathered in court and the prince of Gwynedd, Llywelyn ab Iorwerth (who had seized Arwystli), and "the wise men and many nobles" (*cum viris sapientibus et multis optimatibus*) presided over the session. The Hospitallers attempted to delay the proceedings further, but Llywelyn, his nobles, and the other parties objected and the document states that the prince was prepared to hold each party to the verdict (*principe quoque ad tenendam utriusque partis cum iure parato*). Finally, both the ecclesiastical and secular judges conferred. They ruled that the lands rightfully belonged to the heirs, who, with the prince's approval, assigned their hereditary right to the monks.<sup>174</sup> In this instance, final judgment was left to a body of judges, but a much larger legal community was present throughout the process.

In other purely secular cases, however, the process of judgment seems even more communal. According to J. Beverley Smith, the "good men" (*gwyrda*) and the elders (*hynefyddion*) often sat beside the lord or his representatives in court. The *gwyrda* could act as witnesses and hear evidence in certain circumstances and the redaction *Llyfr Cyngawsedd* attributed judgment in boundary disputes to the *hynefyddion y cwmwd* ("elders of the commote"). Indeed, the "elders of the country" (*hynafgwyr y wlad*) often verified a plaintiff's lineage and the "elders of the cantref" (*hynafiaid y cantref*) might determine the boundaries between two townships (*trefi*). Both the *gwyrda* and the

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<sup>174</sup> *The Charters of the Abbey of Ystrad Marchell* (henceforth, *CYM*), Graham C.G. Thomas, ed. (Aberystwyth, Wales: National Library of Wales, 1997), no. 63, 202-3.

*hynefyddion* seemed to have advised the *ynad* in his deliberations, but did not render the final judgment.<sup>175</sup>

Another legal dispute from Arwystli around 1216 demonstrates that the community could take a much more vigorous role in rendering judgment. This case also involved a land dispute, this time between two groups of co-heirs and a group of men referred to in the document as “fettaneit,” a rendition of the Welsh plural *ffetaniaid*, meaning “sack-bearers, freebooters, plunderers.”<sup>176</sup> Llywelyn ab Iorwerth appointed the lord of Cedewain, Maredudd ap Robert, to oversee the proceedings. It is uncertain whether the parties adjudicated the dispute on the land in question, because the document only states that the parties gathered on an appointed day and place, along with many “good men” from Cedewain and Arwystli.<sup>177</sup> From those “good men,” twenty-four arbitrators (*arbitros*) were appointed “from the better men of Arwystli” (*de melioribus viris Arwistili*). Those arbitrators decided in favor of the co-heirs. The *ffetaniaid* immediately appealed the decision.<sup>178</sup> The appeal took place at Llandinam in the presence of “wise men and nobles” (*coram sapientibus et optimatibus*). The *ffetaniaid* received the choice of settling the appeal through “upright men” (*proborum virorum*), but the *ffetaniaid* refused and instead wanted twenty-four nobles (*optimates*) from Arwystli to decide whether they had any rights in the land. However, those nobles said they knew nothing about the case and judgment instead passed to the verdict of “wise men” (*sapientes*), some of whom were named in the document. Those individuals, along with

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<sup>175</sup> Beverley Smith, “Judgment under the Law of Wales,” 67-8.

<sup>176</sup> See *ibid.*, 19 and *Geiriadur Prifysgol Cymru*, University of Aberystwyth, no. 1285.

<sup>177</sup> *CYM*, no. 64, 204. *Conuenerunt itaque ad diem et locum prefixum quam plures boni viri tam de Kedeweinc quam de Arwistili.*

<sup>178</sup> *Ibid.*, 204-5.

“other wise and discreet men from other provinces” (*alii sapientes et discreti de aliis provinciis*), also ruled against the *ffetaniaid*.<sup>179</sup>

Despite a similar emphasis on a mixed process of communal and professional judgment, there was not a common legal system in native Wales. Indeed, evidence from the Welsh redactions and the Edwardian Inquest reveal that the forms and procedures of judgment in Deheubarth differed considerably from those in Gwynedd. At its height under Rhys ap Gruffudd (r. 1155-1197) in the late twelfth century, the principality of Deheubarth covered the regions of Ceredigion, Ystrad Tywi, and parts of Carmarthen and Dyfed that had been wrested from Anglo-European control. However, after Llywelyn ab Iorwerth partitioned Deheubarth in 1216 and after William Marshall’s campaign in 1223 recovered lands in Carmarthen and Cardigan for the Crown, the principality’s power diminished considerably. Legal changes in the twelfth and thirteenth centuries accompanied political ones. Beverley Smith contends that evidence from the redaction Latin A indicates that a council of elders (*henaduriaid gwlad*) had produced a legal judgment (*sententia*) that professional judges (who seemingly were expected to uphold the elders’ decision) deliberated and then reported their verdict to the prince.<sup>180</sup> According to Pryce, however, methods of judgment changed considerably in Deheubarth around the late thirteenth century.<sup>181</sup> Instead of a group of professional judges reviewing the opinion of a council of elders, Latin D elucidates a shift to a more collective system of law. The oath of sworn neighbors (*iuratores*) subject to the jurisdiction of the court now formed the basis for judgment and the final verdict lay with a group of suitors

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<sup>179</sup> Ibid., no. 65, 205-7.

<sup>180</sup> Beverley Smith, “Judgment under the Law of Wales,” 80-1.

<sup>181</sup> Pryce, “Lawbooks and Literacy in Medieval Wales,” 46.

(*sectatores*) who reached their decision by referencing written law.<sup>182</sup> Pryce suggests that Latin D's Welsh transmission, the Blegywryd Redaction, may have been composed as a reference for these non-professional judges, who would have found Welsh easier to read than Latin. Indeed, these judges were often referred to as "judges by privilege of land" because they held their positions by virtue of being landowners, not because of their legal knowledge.<sup>183</sup>

Nevertheless, professional jurists still maintained a place in this system. It was the professional jurists who wrote the redactions upon which the *sectatores* based their verdicts. Unlike in the North, many of the jurists in Deheubarth and other areas of southwest Wales were also clerics or church portioners, which explains the much more prominent influence of canon law in the southern redactions.<sup>184</sup> In addition, the suitor's verdict was subject to the review of a legal expert upon appeal and the judge could incur a fine and a ban from pronouncing further judgments if the expert found fault with his decision.<sup>185</sup> Furthermore, due to the fear of rendering a verdict at odds with written law, Pryce argues that the suitors probably consulted legal experts before making their decisions. There is also the possibility that legal experts could be suitors.<sup>186</sup> Finally, legal experts often acted as arbitrators between parties outside of court.<sup>187</sup>

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<sup>182</sup> Beverley Smith, "Judgment under the Law of Wales," 82.

<sup>183</sup> Pryce, "Lawbooks and Literacy in Medieval Wales," 63.

<sup>184</sup> Ibid., 46-7.

<sup>185</sup> Beverley Smith, "Judgment under the Law of Wales," 74-5. According to Beverley Smith, a litigant's ability to challenge a judge's ruling is also mentioned in northern legal texts and has parallels in Irish legal sources. For example, the late fourteenth-century Chirkland extent states that a high-court (called an "Ughellys" in the text) could overturn a judge's verdict. However, there are key differences in Latin D, chief of which was that the appeal of a judgment had to be based on written law. Pryce points out that native experts in law (who were part of the Welsh gentry and referred to as *dosbarthwyr*) were paid agents of the Crown by the fourteenth century. Litigants were required to bring their complaints to them on appeal. See, "Lawbooks and Literacy in Medieval Wales," 63-4. For the Chirkland extent, see *Extent of Chirkland (1391-1393)*, 60.

<sup>186</sup> Pryce, "Lawbooks and Literacy in Medieval Wales," 61-4.

<sup>187</sup> Ibid., 46.



Testimony from the Edwardian Inquest reveals the changes taking place in Deheubarth and southwest Wales in the thirteenth century. In the cantref of Is Aeron, Trahaearn ap Philip testified that there was no judge in Cardigan except “the lord and the court” (*non est aliquis iudex nisi dominus, et curia*). Philip ap Henry of the same cantref agreed with Trahaearn and added that peers (*pares*) and neighbors (*vicinos*) should investigate and adjudicate disputes concerning land. He also added that there was no *ynad* (“eygnat” in the text) in the region. However, the abbot of Whitland confirmed a professional jurist’s authority. The abbot claimed that if one party accused the court of a false judgment, twelve men would be convened from each liberty. According to the abbot, the twelve men, along with the “judge of Ystrad Tywi” (*judice de Stretewy*), would decide if the court should be convicted of a false judgment.<sup>188</sup> Beverley Smith argues that many changes in Deheubarth were at least partially the result of influence emanating from the county and manorial courts in England, a subject to which we will return later.

The increasingly widespread use and popularity of jury procedure in twelfth and thirteenth-century England arose from political circumstances and a socially ingrained commitment to communal participation in juridical forums. The professional judge retained an important place within the English Common Law. Yet the expertise of the professional jurist (whether the *ynad* of north Wales or the judge who heard appeals in the southwest) and the role of written law remained more essential to the process of judgment in Wales than in England, even if the professional judge’s status diminished somewhat. Arguing that “English” forms of communal judgment increasingly intruded

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<sup>188</sup> See *Welsh Rolls*, 206-7 and *Rotulus Walliae* (henceforth, *RW*), T.P. Bart, ed. (Cheltenham, 1865), 33-4. The *Welsh Rolls* contains an English translation of the Inquest, while *Rotulus Walliae* contains the Latin version.

themselves into the space of the traditional “Celtic” jurist, however, ignores the considerable importance that Welsh society already placed on communal participation in rendering judgment. Indeed, it was this emphasis that allowed the rapid spread of jury procedure and other forms of communal judgment common in England throughout Wales, which altered the processes of judgment in native Welsh society.

### **Law and Acculturation: The Spread of Jury Procedure in Wales**

#### ***The Jury, Mixed Laws, and Mixed Juries***

The Edwardian Inquest of 1281 is our most important source for the spread of the jury system in Wales. Testimony from the Shropshire-Powys- eastern Gwynedd border region reveals that jury procedure was the preferred and sometimes singular method of resolving land disputes. Nevertheless, litigants could also choose Welsh law in many areas. In English regions that had remained fully under the Crown’s control, we not surprisingly find that jury procedure was the dominant method of proof. Witnesses from Chester, for example, stated that jury procedure was the only method of proof present in the region. Testimony from Oswestry also suggests that jury procedure was predominant. Yet the testimony also hints that other methods of judgment could be used. There were also some discrepancies in the testimony between the English and Welsh populations. Ralph, son of Mabel, testified that “whenever there is a plea among them concerning lands and tenements, it will be always determined by inquisition according to the truth of the matter, as well between Welshmen as between Englishmen.”<sup>189</sup> Richard Lestrangle also testified that jury procedure was the common method of determining proof, but he

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<sup>189</sup> *Welsh Rolls*, 202; and *RW*, 31. *Dicit etiam placitum quandocumque fuerit inter eos super terres, et tenementis, semper terminabitur per inquisitionem secundum ipsam rei veritatem, tam inter Walenses, quam Anglicos.*

further added that “when the plea is a great one” (*cum placitum fuerit magnum*), judgment could be rendered “by the whole court” (*per totam curiam*), which probably indicated judgment through suitors.<sup>190</sup> The majority of witnesses in the Welshry testified that jury inquisition was the primary mode of judgment, with Einion ap Madog adding that pleas involving land disputes demanded twenty four jurors.<sup>191</sup> Both he and other Welsh witnesses contended that many disputes were settled by the “whole court” through an inquisition. For example, Osbert Bychan, the bailiff of the Welshry, claimed that “the truth of the matter ought to be known by inquisition and by the whole court.”<sup>192</sup> Einion Du agreed with this statement and also added that it was a “special law among them (i.e. in the Welshry)” (*specialem legem habent inter eos*) that a plea involving land should be adjudicated through the verdict of an inquisition and by the “whole court.”<sup>193</sup>

The English and Welsh witnesses from Montgomery also agreed that jury procedure was the sole method of proof involving land disputes. William Gucele contended that even if the Welsh pleaded according to the “law of Hywel Dda,” the plea was always determined “by the neighborhood by the means of an inquisition.”<sup>194</sup> Likewise, Nicholas Brusebon testified that the Welsh used jury procedure in their courts.<sup>195</sup> Tudor ap Madog, a former bailiff of Ceri and Cedewain (Cadewey), also said that jury procedure was the preferred type of proof in those regions.<sup>196</sup> The Edwardian Inquest and other contemporary sources indicate that jury procedure was extremely popular among the Welsh communities of the Marcher lordships and had become the

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<sup>190</sup> *Idem*.

<sup>191</sup> *Welsh Rolls*, 202-3; and *RW*, 31.

<sup>192</sup> *Welsh Rolls*, 203; and *RW*, 31. ...*dicit, quod rei veritas sciri debet per inquisitionem, et per totam curiam.*

<sup>193</sup> *Welsh Rolls*, 204; and *RW*, 32.

<sup>194</sup> *Welsh Rolls*, 204; and *RW*, 32. ... *sempter discutietur per visnetum, per modum inquisitionis.*

<sup>195</sup> *Idem*.

<sup>196</sup> *Welsh Rolls*, 203; and *RW*, 33.

dominant method of proof in those areas by the end of the thirteenth century. Indeed, the Welsh sometimes demanded the right to jury procedure. In 1292, for example, the Earl of Arundel had to promise the Welsh of Tempseter that they would always have recourse to a jury inquisition.<sup>197</sup> In 1297 complaints from the Welsh of Maelienydd forced Edmund de Mortimer to grant them the right to a jury in all cases, even in cases concerning the conduct of the lord and his officials.<sup>198</sup>

However, when we turn to the regions represented in the Inquest that had the largest Welsh populations and had at one time been under the authority of the princes of Gwynedd or Powys, we observe the increasing popularity and predominance of jury inquisition, but often alongside more traditional forms of judgment common to Welsh law. In the cantrefs of Tegeingl, Rhos, and Dyffryn Clwyd, jury inquisition was the typical procedure and many witnesses preferred it. In Tegeingl a certain Gwion ap Madog claimed that Llywelyn ab Iorwerth had forbidden any procedure other than jury inquisition and Llywelyn ap Gruffudd had maintained that policy.<sup>199</sup> A Welsh judge from Rhuddlan named Tegwared ap John confirmed Gwion's testimony.<sup>200</sup> However, many of the witnesses stated that Welsh law (*Cyfraith Hywel*) was used in certain circumstances and was usually offered to the litigating parties.<sup>201</sup> Furthermore, not all the witnesses agreed that jury procedure was the best method. Cynwrig ap Sais stated that it was the custom in Tegeingl for the lord to seize a disputed property and offer the parties either *Cyfraith Hywel* or jury inquisition.<sup>202</sup> Many other witnesses in Tegeingl confirm

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<sup>197</sup> *Concise Account of Ancient Documents relating to the Honor, Forest and Borough of Clun*, 6.

<sup>198</sup> *Patent Rolls, 1292-1301*, 290.

<sup>199</sup> *Welsh Rolls*, 196-7; and *RW*, 27.

<sup>200</sup> *Welsh Rolls*, 200; and *RW*, 29.

<sup>201</sup> In these cases, the use of jury procedure or *Cyfraith Hywel* is a purely procedural issue. If Welsh litigants chose jury procedure, it does not mean that their cases were determined by English law.

<sup>202</sup> *Welsh Rolls*, 195-6; and *RW*, 26.

Cynwrig's testimony or simply indicate that the lord could grant either *Cyfraith Hywel* or jury procedure without mentioning the lord seizing the land.<sup>203</sup> Yet five witnesses from Rhos stated that the lord or bailiff alone decided whether *Cyfraith Hywel* or jury procedure was the appropriate method of proof, a custom that two Welsh judges argued prevailed in Dyffryn Clwyd.<sup>204</sup> According to most of the witnesses in the above-mentioned cantrefs, *Cyfraith Hywel* was used in situations when jury procedure could not settle the dispute. Einion ap Rhiryd asserted that such a situation occurred when the matter in dispute concerned "old possession" (*de veteri possessione*) rather than "fresh seisin" (*de recenti seisin*).<sup>205</sup> Gruffudd ab Iorwerth, a Welsh judge in Dyffryn Clwyd, and other witnesses across the three cantrefs testified that the use of *Cyfraith Hywel* entailed a judge accompanying the parties to the disputed land.<sup>206</sup> Some of the witnesses, such as Ednyfed ab Ithel of Tegeingl, claimed that the king or prince could not offer jury procedure without the consent of the parties, only *Cyfraith Hywel*.<sup>207</sup> Cynwrig ap Madog went even further and said that jury procedure should never be employed.<sup>208</sup>

Testimony from Cyfeiliog presents one of the more interesting cases of mixed legal practices in the region. Madog Du claimed that "in all the land of Powys, namely in the land of Gruffudd ap Gwenwynwyn, it is the law and custom that all pleas shall be conducted by the court, and this by an inquisition."<sup>209</sup> He also added that there was a Welsh judge in the region, but that the judge did not adjudicate, and he was not a

<sup>203</sup> *Welsh Rolls*, 195-8; and *RW*, 26-8.

<sup>204</sup> *Welsh Rolls*, 198-201; and *RW*, 28-9.

<sup>205</sup> *Welsh Rolls*, 196; and *RW*, 26.

<sup>206</sup> *Welsh Rolls*, 200; and *RW*, 29.

<sup>207</sup> *Welsh Rolls*, 203; and *RW*, 27.

<sup>208</sup> *Welsh Rolls*, 200; and *RW*, 29.

<sup>209</sup> *Welsh Rolls*, 208; and *RW*, 35. *Madocus Au, juratus et examinatus, dicit, quod in tota terra de Powys, videlicet, in terra Griffini filii Wenouwen, est lex, et consuetudo, quod omnia placita expediantur, et hoc per veritatem.*

hereditary jurist. Rather, he acquired the title of *ynad* because he had studied law in Gwynedd.<sup>210</sup> Dafydd Coch agreed with Madog and added that the lord of the court should “enjoin those of the court by the faith in which they are bound to him to adjudge faithfully.”<sup>211</sup> He also said that “the men of the neighboring place that is sought” (*viciniores loci terre, que petitur*) should appear in court and judge with the others.<sup>212</sup> Two other witnesses supported his claims. The evidence from Cyfeiliog suggests that a form of collective judgment similar to that practiced in late thirteenth-century Deheubarth was already established in the region. The exact nature of that judgment, however, is a bit difficult to determine. The testimony clearly gives the impression that a body of judges (probably suitors) presided over the court. Yet that same testimony also endows a significant role to a body of individuals who were not judges to help determine the veracity of the parties’ claims and possibly assist the judges in making their decisions. Perhaps some cases were rendered by jury verdict, while others were adjudicated solely by the judges. Perhaps the jurors or other men of the neighborhood offered their verdict to the judges, who either accepted or rejected them. Regardless, forms of collective judgment were well entrenched across thirteenth-century Wales.

The spread of jury procedure not only modified the procedures of judgment in much of Wales. It also provided a procedural mechanism for resolving cross-communal disputes. Such mechanisms were essential to maintaining peace and preserving the integrity of the dual-administrative regime. When the Marcher lords complained to the king in 1335 that they were forced to answer Welsh inquisitions and were subsequently

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<sup>210</sup> Idem.

<sup>211</sup> *Welsh Rolls*, 209; and *RW*, 35. ...*adiciens, quod dominus curie injunget illis de curia, ut per fidem in qua ei tenentur fideliter judicent.*

<sup>212</sup> Idem.

“wronged” because of such accusations, they also asserted that neither Welshmen nor Englishmen should be constrained to answer accusations made by the other community.<sup>213</sup> The implication was that neither community could be expected to try the other impartially and the perception of bias could engender violence. Additionally, if one community were simply able to accuse members of the other at will and try them according to foreign laws, the legal autonomy that dual-administration endowed would be threatened and the possibility for conflict amplified.

The Edwardian Inquest and other contemporary evidence demonstrate how jury procedure was used to resolve bi-ethnic disputes. Masschaele mentions that mixed juries were often used in England when the parties in dispute were from separate ethnic or religious communities (in this case, usually Jews and Christians), when they were from separate jurisdictions, or when the case centered on jurisdictional rather than territorial boundaries.<sup>214</sup> This practice also took place soon after the Norman Conquest. According to Ann Williams, a jury of twelve Englishmen and six Frenchmen determined the privileges of the archbishop of York. The jurors presented their testimony in their respective languages.<sup>215</sup> Precisely when mixed juries became common in the Anglo-Welsh border region is unclear. Between 1227 and 1231, the king ordered a mixed jury to resolve a claim over a manor in Maelor Saesneg between an English and a Welsh litigant.<sup>216</sup> It is not known if the practice was already widespread, but mixed juries were common by the time of the Edwardian Inquest. Indeed, a certain John de Caretona of Montgomery testified that in any dispute between a Welsh and English lord in the March,

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<sup>213</sup> CAPW, no. 7249, 244-5.

<sup>214</sup> Masschaele, *Jury, State, and Society in Medieval England*, 103-7.

<sup>215</sup> Williams, *English and the Norman Conquest*, 160-1.

<sup>216</sup> *Close Rolls, 1227-1231*, 250.

half of the jurors were assembled from the “confines of the March” and half of them must be Welshmen.<sup>217</sup> Edward II’s royal statute of 1315-1316 formally sanctioned the custom when it ordered that a mixed jury must convene to settle any dispute involving both English and Welsh litigants.<sup>218</sup>

As John de Caretona indicated, mixed juries were especially prominent and important in resolving major political disputes. One particularly interesting use of a mixed jury comes from thirteenth-century Glamorgan. In 1245 Richard Seward, a member of the household of Richard de Clare (the earl of Gloucester and lord of Glamorgan), set off a diplomatic crisis in Glamorgan when he seized some of the followers of Hywel ap Maredudd, who was the lord of the commote of Meisgyn and eventually came to dominate upland Glamorgan. Steward’s actions violated a truce and Hywel retaliated. The earl and Hywel agreed to resolve the dispute in the *comitatus* of Glamorgan through the “decision of twelve upright and lawful men” (*per consideracionem xii proborum et legalium virorum*), half of whom were chosen by the earl and half by Hywel.<sup>219</sup> The jury established the terms for both sides to make restitution, but Seward refused. Eventually the case came before the king in 1248 and Seward lost his castle of Tal-y-fan (Talavan) and his other lands in Glamorgan.<sup>220</sup>

Mixed juries could also provide a mechanism for resolving disputes that crossed jurisdictional boundaries. For example, a case arose before the Hopton Commission at Oswestry in 1279 that pitted John Giffard and his wife Maud de Clifford (Matilda in the assize roll- daughter of Walter de Clifford) against Rhys Bychan. At first, John and Maud

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<sup>217</sup> *Welsh Rolls*, 204; and *RW*, 32.

<sup>218</sup> *Statutes of Wales*, 28.

<sup>219</sup> *Cartae*, 1: 88-90.

<sup>220</sup> *Ibid.*, 1: 90-1.



only claimed Llandovery Castle and the commote of Perfedd against Rhys, arguing that Rhys' grandfather had improperly disseized the said Walter from the disputed lands during war.<sup>221</sup> The case became far more complicated and eventually involved the vill of Llandovery and the commote of Hirfryn, with both sides engaged in suits, countersuits, and pleading. However, the central plea concerned whether the land was held in barony of the king as Giffard and his wife argued (meaning that English common law would apply), or whether (as Rhys claimed) Rhys' "Welsh condition" (*condicionis Wallensice*) and the Treaty of Aberconwy's terms dictated that Welsh law settle the dispute.<sup>222</sup> In December of 1279, the parties agreed to have the question regarding English or Welsh law decided by a jury, whose members were to hail from both the Welsh regions (*per patriam Walensicam*) and the regions and counties neighboring the March (*per patrias vicinas de marchia et comitatu propinquo*). The jury decided that because the land lay within Cantref Bychan, it was held in chief of the king and subject to common law.<sup>223</sup> The parties continued the dispute for two more years before Rhys Bychan joined with Llywelyn ap Gruffudd in rebellion, which rendered further litigation moot. Another example before the Hopton Commission demonstrates a similar phenomenon. This case concerned a dispute between Roger Lestrangle and William Audley over who held the right to the manor of Kinnerley in the Welshry of Oswestry. A mixed jury summoned from the county of Shropshire and from the Welsh regions around Kinnerley decided the claimants' rights.<sup>224</sup>

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<sup>221</sup> *Welsh Assize Roll, 1272-1284*, 261-2 and 268-9.

<sup>222</sup> *Ibid.*, 269.

<sup>223</sup> *Ibid.*, 290-1.

<sup>224</sup> *Ibid.*, 248-9. *Nos assignaverimus vos ad inquirendum per sacramentum proborum et legalium hominum tam de comitatu Salopie quam de hominibus de Walscheria de partibus de Kynardeslege.*

As George Owen of Henllys pointed out in the sixteenth century, mixed juries could create difficult problems. While discussing Pembrokeshire's linguistic diversity, Owen relates that mixed juries often led to lengthy delays in reaching a verdict: "And now this diversity of speech breeds some inconveniences, so that often times it is found at the assizes that in a jury of twelve men there will be one half that cannot understand the other's words, and yet must they agree upon the truth of the matter before they depart, and I have seen two triers sworn for trial of the rest of the panel, the one mere English, the other not understanding any word of English, have lasted out three days upon the matter, the one not able to speak to the other."<sup>225</sup> However, jury procedure- and mixed juries in particular- provided a mechanism to adjudicate cases involving members of each community in a manner that would be acceptable to both and would not deviate too far from each community's legal norms. Hence, the jury, because it could serve as an acceptable legal conduit, also served as a mechanism of interaction, even if in somewhat unpleasant circumstances.

### ***The Influence of Jury Procedure on Welsh Law***

The mixed jury served as a perforating acculturative mechanism and the Edwardian Inquest highlights how the introduction of jury procedure affected the legal traditions of native Wales. I will begin with an examination of the changing role of the *ynad* in north Wales and the Marches and then consider changes in judgment across Wales and possible influence from the English Common Law. The Inquest leaves no doubt that jury procedure had become the preferred method of resolving land disputes throughout much of Wales. However, the Inquest also demonstrates that the *ynad* still

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<sup>225</sup> George Owen of Henllys, *Description of Pembrokeshire*, 43.

retained a role in pronouncing judgment and other sources also suggest that the *ynad* remained a prominent, if not preeminent, figure in the Welsh judicial milieu. The juristic compilation of the Welsh redactions between the thirteenth and fourteenth centuries indicates that there was a vigorous and active professional and hereditary judicial community. In addition, the Inquest and other sources also highlight the fact that the judicial expert was still a highly respected figure in Welsh society and in some regions had the ability to overturn other judges' rulings. Yet the exact role of the *ynad* in the late thirteenth century is somewhat hard to pinpoint. Indeed, it is difficult to determine if the changes that we see in the late thirteenth century were the product of transformations that had been occurring in Welsh society much earlier or were relatively recent. The cases contained in the Strata Marcella cartulary, for example, present conflicting evidence about the role of judges in producing judgment in Arwystli. The first case might suggest that judges still played a role in rendering judgment, but the meshing of secular and ecclesiastical interests might have produced a form of judgment that was relatively rare. The second case, however, might indicate that professional judges did not render judgment. In addition, it is difficult to determine how much legal expertise the "wise men" of Arwystli possessed, or if legal expertise was even a requirement in their selection. Evidence from the Inquest does not enlighten the procedures revealed in those cases. The witnesses from Arwystli and Cyfeiliog indicate that collective judgment was rendered by judicial suitors or juries or both, but not by professional jurists. Indeed, the title *ynad* is only an honorific for someone who studied law in Gwynedd. Yet the Inquest does not say when collective forms of judgment arose in those regions. If there is anywhere we might expect witness coercion, it would be in Arwystli and any lands under

the rule of Gruffudd ap Gwenwynwyn. Llywelyn ap Gruffudd was certain that professional judges existed in Arwystli and Cyfeiliog. He named them and implied a connection between the use of Welsh law and the role of judges in proclaiming that law.<sup>226</sup> Witnesses from those regions rejected Llywelyn's assertion. Nevertheless, it is still possible that those judges existed and had pronounced judgment recently. Indeed, Latin D insisted that an *ynad* provided judgment throughout Powys.<sup>227</sup>

Evidence about the role of the *ynad* in Gwynedd and Powys Fadog is also murky. The Edwardian Inquest suggests that the princes of Gwynedd actively encouraged jury procedure and other evidence also indicates that the *distain* (the chief minister of the prince's court) had usurped the judicial role of the *ynad* at court.<sup>228</sup> It seems likely that the *ynad* of the late thirteenth century saw his role reduced, but the extent of the reduction is open to debate. Beverley Smith invites us to consider whether the Welsh *ynad* might have adopted a similar role to the Irish *brithem* who assigned a penalty after the jury rendered its verdict. Yet he acknowledges that there is no direct evidence that the *ynad* assumed his Irish counterpart's function.<sup>229</sup> Deciphering a possible role for an *ynad* in Powys Fadog is also challenging. On the one hand, in a plea before the king's justices in 1277 two heirs to the patrimony of the remainder of Powys Fadog argued that Welsh law required that a judge chosen by the parties' consent (*coram iudice electo conjuncto*) who "knew the laws and customs and the Welsh language" must adjudicate. The royal justices

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<sup>226</sup> *Welsh Rolls*, 195; and *RW*, 26. Llywelyn ap Gruffudd claimed that the sons of Cynyr ap Cadwgan were the professional jurists present in Arwystli. Cynyr ap Cadwgan was a clerical jurist named as one of the "wise men" in the appeal of the *ffetaniaid* c. 1216. He was called "Kenher filius Kadugan" in the document. See Pryce, *Native Law and the Church*, 34 and *CYM*, no. 65, 206.

<sup>227</sup> Beverley Smith, "Judgment under the Law of Wales," 89.

<sup>228</sup> Beverley Smith, "Ynad Lllys, Brawdwr Lllys, Iudex Curiae," 114. The *distain* was originally the steward of the court, but he gained considerable power in the thirteenth century. See Dafydd Jenkins, "Prolegomena to the Welsh Laws of Court," in *Welsh King and His Court*, 15-6.

<sup>229</sup> Beverley Smith, "Judgment under the Law of Wales," 72.

responded to that claim by arguing that they could not rightfully discharge their jurisdiction to another judge under the tenor of the king's writ.<sup>230</sup> On the other hand, in 1281, the defendant in that case, Llywelyn Fychan, claimed in another case that under Welsh law "trustworthy men of the country" (*fidedigniores patrie*) should be summoned in place of the *ynad* (*quasi loco eygnad*) to render judgment. This case has lead Beverley Smith to conclude that communal judgment was well entrenched in Powys Fadog by the end of the thirteenth century.<sup>231</sup> To complicate matters further, while the Edwardian Inquest relates that there were two options to settle land disputes in thirteenth-century north Wales, it says nothing about criminal cases.

Hence, we can make two tentative assertions about the role of the *ynad* in the late thirteenth century. First, the role of the *ynad* declined with the introduction of jury procedure and other methods of collective judgment, but we cannot say with absolute certainty by how much. Second, the *ynad* and the professional jurist, no matter how much their roles were reduced, were still highly respected. The main impact of the introduction of jury procedure and the spread of collective judgment was to strengthen communal participation in the role of judgment and the process of law, with a continued respect for the professional jurist's decision and expertise.

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<sup>230</sup> *Welsh Assize Roll, 1272-1284*, 247. ...*Predicti iusticarii iudicarent quod per potestatem illam attributionem a domino rege secundum tenorem sue breve potestatem non habuerunt iurisdicionem suam alii committendi...*" In 1160 the kingdom of Powys divided into a number of smaller principalities. The northern principality became known as Powys Fadog. In 1269, the kingdom was again partitioned, though the partition may in fact have been a form of *parage* where the eldest son granted territories of the single patrimony to his younger brothers. However, in 1277 Edward I conquered Powys Fadog and the homages of its former rulers were split between Edward and Llywelyn ap Gruffudd. This court case and the following one involve the heirs to Powys Fadog and a dispute over the division of that principality in 1269. Eventually, the northern portion of Powys Fadog became the lordships of Chirk and Bromfield and Yale. See *AWR*, 39-40.

<sup>231</sup> *Ibid.*, 318; and Beverley Smith, "Judgment under the Law of Wales," 92-3.

While the introduction of jury procedures clearly impacted the process of judgment in Gwynedd and Powys Fadog, more significant changes are evident in Southern Powys and Deheubarth. Many of these changes have already been outlined above, but we have yet to consider their potential sources. Of course, it is possible that the forms of collective judgment in these regions developed solely from native traditions. As we have seen, judgment in twelfth and thirteenth-century Wales was often a collective and communal exercise. No judge, be he an *ynad* or otherwise, acted entirely outside the community's supervision. However, Beverley Smith argues that the more probable source for the changes in Southern Powys and Deheubarth derived from practices in the county and manorial courts of England. Even though jury procedure became the dominant feature of royal justice in the late twelfth and thirteenth centuries, the judgment of court suitors continued to flourish in the county and manorial courts. Indeed, even in the face of the increasing use of jury presentment and trial verdicts in manorial courts in fourteenth-century England, suitors continued to have a role.<sup>232</sup> The influence of these county courts in Deheubarth, Beverley Smith contends, derived from the imposition of Crown authority in the region. In 1241, the Crown created two royal counties centered on Cardigan and Carmarthen. In Carmarthen, the Crown exercised royal jurisdiction in the commotes that formed the royal demesnes, with the commote of Derllys becoming the "English county" and the commotes of Elfed and Gwidigada constituting the "Welsh county." In Cardigan, the chief commote was Is Coed.<sup>233</sup> Within these counties, a county court exercised jurisdiction. In Cardigan, the suitors of the court hailed from royal lordships in the southwest such as Cydweli, while in Carmarthen most of the suitors were

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<sup>232</sup> Beverley Smith, "Judgment under the Law of Wales," 83-4.

<sup>233</sup> Ibid., 84.

major landholders in the commotes.<sup>234</sup> The county courts in Carmarthen and Cardigan closely resembled their counterparts in England, though the county courts' jurisdiction in southwest Wales was wider and the suitors were not drawn from a formally defined group as at Chester.<sup>235</sup> The basis of Beverley Smith's argument resides, however, not so much in the institution of the court, but instead in the influence that the court had over the princes of Deheubarth. According to him, between 1241 and 1257 the princes of Deheubarth owed suit at the county courts of Carmarthen and Cardigan. He believes that the forms of collective judgment prominent in southwest Wales in the late thirteenth century reflect the royal county courts' influence over the princes of Deheubarth between 1241 and 1257 and also influence from the Marcher lordships. He also asserts that the methods of collective judgment evident in southern Powys probably originated from the Marcher lordships and the crown territories of north Wales.<sup>236</sup>

The similarities between the procedures of collective judgment in southwest Wales and southern Powys and those of the county courts and the Marcher lordships support Beverley Smith's argument. Hence, it is most likely that jury procedures and methods of judgment common in England entered into Wales through the power and influence of the English crown and the Marcher lords. However, imposed introduction did not always entail long-term acceptance or partial or wholesale adoption. Indeed, the source for Welsh acceptance of English legal procedures was far more subtle and important. Long after Edward I's conquest of Wales, Welsh laws and customs survived and thrived. Even though the Statute of Rhuddlan sought to introduce English procedures and laws on a much wider scale, it never attempted to abolish Welsh law and it

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<sup>234</sup> Ibid.

<sup>235</sup> Ibid., 85.

<sup>236</sup> Ibid., 85-6 and 100-1.

recognized that there were two separate communities with distinct laws and customs. Indeed, when the princes of Deheubarth attended the royal courts at Carmarthen and Cardigan, they were promised that they would be impleaded and adjudicated according to Welsh law.<sup>237</sup> The border region's Welsh populations only accepted procedural and judicial methods that were consistent with their own beliefs about the community's role in rendering judgment. Well before the introduction of jury procedure, the Welsh community emphasized communal participation in the process of judgment. However, the legal traditions of Wales also recognized a role for the judicial expert. Sometimes those experts received some degree of formal training, but they were just as often semi-professionals, wise men, or "elders" who were knowledgeable in law, but did not hold judicial office. The introduction of jury procedure and collective methods of judgment common to the county courts of England neither eradicated Welsh laws and customs nor eliminated the role, importance, or appreciation of the judicial expert. Jury procedure only enhanced the importance of the community in the process of judgment. Perhaps Maitland best elucidated the significance of the jury verdict: "The verdict of the jurors is not just the verdict of twelve men; it is the verdict of a *pays*, a 'country,' a neighborhood, a community."<sup>238</sup>

Indeed, the obvious foreign influence found in jury procedure and collective judgment in Deheubarth and Powys seemed to have strengthened rather than weakened any sense of a communal bond between the Welsh and "their law." Because processes of collective judgment often demanded references to the written law contained in the Welsh redactions, it is likely that the conceptualization of a Welsh law that was only applicable

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<sup>237</sup> Ibid., 85-6.

<sup>238</sup> Pollock and Maitland, *History of English Law before the Time of Edward I*, 2: 624.



to a Welsh community and distinct from an English law applicable only to an English community increased rather than declined. Regardless of any mutual influence, Englishries, Welshries, and the rhetoric contained in the dispute between Edward I and Llywelyn ap Gruffudd were manifestations of the border region's reality: the perception of great difference and strict dichotomy overrode any recognition of the changes that occurred through ethnic interaction and acculturation.

### **Law and Hybridization: The *Lex Marchiae***

Welsh acceptance of jury procedure and English forms of collective judgment added considerable cultural hybridity to Welsh law. Yet Welsh and English law continued to diverge in many areas and neither would be easy to categorize as “hybrid.” However, the *Lex Marchiae* (“the Law of the March”) showed substantially more intercultural influence. *Magna Carta* recognized the “Law of the March” (*legem Marchie*) as a distinct legal corpus operating in the Marcher lordships, separate from the “law of England” and the “law of Wales.”<sup>239</sup> The “Law of the March” was not a uniform body of law. Each lordship was an autonomous legal entity and practices differed accordingly. Nevertheless, there is sufficient commonality to examine its general features. Davies stated that Marcher law “was a mixed law for a mixed population” and received inspiration from contemporary developments in England and Welsh legal traditions.<sup>240</sup> While English law and procedure had the greatest influence on the *Lex Marchiae*, Welsh law also considerably impacted administration and justice throughout the Marcher lordships, not just in the Welshries. Welsh law's influence is not surprising

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<sup>239</sup> Holt, *Magna Carta*, 466-9.

<sup>240</sup> Davies, *Lordship and Society*, 162.

because the Marcher lords often targeted entire commotes or cantrefs during their early conquests, within which they could lay claim to the rights that their royal Welsh predecessors had enjoyed.<sup>241</sup> Indeed, Richard Seward complained in 1245 that the lord of Glamorgan acted as though he were not only the lord, but also “king and justiciar” (*quasi rex et iudicarius*) within the lordship.<sup>242</sup> The Marcher lord-bishop of St. David’s also demonstrated a link to the previous Welsh rulers when he continued to collect the *commorth* (a traditional cattle render owed to a Welsh ruler) in certain areas of the *patria* of Llawhaden and throughout Cardiganshire, Welsh regions of Gower, and among both the English and Welsh communities in the archdeaconry of Brecon.<sup>243</sup>

Much as they adopted some Welsh forms of lordship and administration, the Marcher lords also retained numerous Welsh laws and customs in their territories. For example, Davies notes that the Marcher lords sanctioned the use of compurgation (*rhaith*) as an alternative to petty jury verdicts. He also asserts that the Marcher lords often recognized and officially sanctioned the procedural delays of Welsh law in land cases, such as alleging an improper summons or a sudden challenge and insisting on the right to summon coheirs and relatives as warrantors.<sup>244</sup> It was not unusual for Englishmen in the lordship of Oswestry and other areas to acquire land through *tir prid* deeds, often referred

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<sup>241</sup> For some examples of selecting commotes and cantrefs as the basis of Marcher lordships and the appropriation of the rights, privileges, and responsibilities of Welsh kings, see Lieberman, *Medieval March of Wales*, 191-2; Coplestone-Crow, “Robert de la Haye and the Lordship of Gwynllŵg,” 3-46, *passim*; R.R. Davies, “Kings, Lords and Liberties in the March of Wales, 1066-1272,” *Transactions of the Royal Historical Society* 5th series 29 (1979): 50-1; and Roger Turvey, *The Welsh Princes, 1063-1283* (London: Pearson Education, 2002), 52-4.

<sup>242</sup> *Cartae*, 2: 554.

<sup>243</sup> For the lands in Llawhaden, see *The Black Book*, 165-9 and for those in Cardiganshire, Gower, and the archdeaconry of Brecon see the pertinent sections between pages 197-329. The *commorth* was not collected in its traditional form throughout Pembrokeshire, except in Narberth and the neighboring Welshries of Amgoed and Pwlliniog. In the bishop’s other domains in Pembrokeshire, his tenants rendered a *collectio bidentium* or “collection of sheep,” which stood in place of the *commorth* and was levied on English and Welsh tenants alike. See the relevant sections from pages 12-195 in *The Black Book* and Rees, *South Wales and the March*, 229-30 and 234.

<sup>244</sup> Davies, “Law of the March,” 17-8.

to as “Welsh mortgages.” Nor was it odd for Englishmen in the lands of the bishop of St. David’s and elsewhere to hold “Welsh knights’ fees.” The terms of a Welsh knight’s fee mostly conformed to English tenure, but it was divisible among all male heirs, as Welsh law demanded.<sup>245</sup>

However, while March law demonstrated some hybridization, it was mostly English law that borrowed certain Welsh procedures and customs and a host of other customs and practices. Certainly, legal permeability pervaded the border region. English and Welsh populations sometimes felt comfortable holding land in another tenure or pleading according to another law. However, the *Lex Marchiae* was designed primarily for the lordships’ settler communities and incorporated aspects of Welsh law that the Marchers found prudent and beneficial. It was not a mechanism to create a cohesive Anglo-Welsh community. For much of the twelfth and thirteenth centuries, the Marcher lords only exercised nominal authority over the Welsh communities that acknowledged their overlordship. Once the Marchers asserted firmer control in the Welsh districts during the thirteenth century, they granted the Welsh wide legal autonomy in the Welshries. The English and Welsh populations expected to be governed according to their own laws and the Marchers did their best to oblige. Also, unlike in Scotland, Ireland, and other parts of Europe, the primary purpose of March law in Wales was not to resolve cross-communal conflicts. The Marcher lords used communal autonomy and separation, along with mixed juries, parleys, and “love days” to reduce violence.<sup>246</sup>

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<sup>245</sup> See below, 394-7.

<sup>246</sup> A parley was a meeting or gathering that took place at the boundaries of lordships, where people exchanged prisoners and cattle and settled other disputes. Love days were days arranged for two parties in a legal dispute to settle their differences out of court. Court records from late thirteenth-century Flintshire, for example, demonstrate numerous love days arranged for English and Welsh litigants. See Davies, *Age of Conquest*, 285 and *Flint Pleas, 1283-1285*, J.G. Edwards, ed. (Chester, England: Flintshire Historical

Instead, the *Lex Marchiae* represented the various law codes and practices utilized to govern autonomous political entities.

In addition, borrowing depended on the existence of compatible legal tenets and political practicalities. The Welsh found jury procedure acceptable because it conformed to their own notions of communal participation in the law. Similarly, compurgation was an accepted part of English procedure at the time of the Marchers' arrival in Wales. Hence, it is not surprising that the Marchers were willing to permit its use in place of a jury verdict. The Marchers were mostly concerned about cementing their political power. Retaining the *commorth* was a practical means of tying the lord's power to the Welsh royal tradition, while the Marchers could benefit financially from *prid* deeds. The Welsh knight's fee also stemmed from practical political considerations and allowed Welsh populations to retain their customs within a tenurial framework that the Marchers could accept. Furthermore, while the *Lex Marchiae* embraced some aspects of Welsh law, unique social structures ensured that English and Welsh law deviated, especially in the tenurial realm. While some members of the English and Welsh communities could permeate legal boundaries, they were not the majority. Indeed, ethnicity became a legal status that distinguished two culturally, and often physically, separate communities. Contemporaries acknowledged that mixed populations existed. Yet there was no recognized mixed law. A person of mixed descent still had to be categorized into one community and one legal jurisdiction, a problem that often vexed Marcher officials.<sup>247</sup> The sense of a coherent ethnic community with its own peculiar laws and customs was the manifestation of strictly perceived dichotomies in ethnic identity, even if those

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Society Publications 8, 1922), 10, 23, 25-6, and 29. For more comparison of march customs between Wales and Ireland, see below, 415-22.

<sup>247</sup> For these complications, see Davies, *Lordship and Society*, 315.

perceptions did not always conform to biological or socio-cultural realities. For although there were certainly many like Gerald of Wales who came from mixed ethnic backgrounds, Gerald's testimony also reveals that his status placed him into a loathed and unrecognized community.<sup>248</sup> Throughout the thirteenth and fourteenth centuries, law increasingly came to sanction and congeal perception by making ethnicity a concrete legal status.

### Conclusion

The legal structures that shaped the creation of Englishries and Welshries and the importance of law and custom in molding ethnic identity and stirring ethnic passions erected stronger barriers to assimilation than linguistic differences. Perpetuated pluralism developed into a legalized regime that maintained communal distance and institutionalized communal difference. However, English and Welsh law were not inherently opposed to each other in the procedural realm or in the process of administering judgment. Indeed, the Welsh populations embraced jury procedure and English forms of collective judgment. In addition, the Marcher lords accepted many aspects of Welsh law and custom, including the Welsh knight's fee, which will be discussed at further length in the following chapter.

The Welsh knight's fee demonstrated a method of bridging the tenorial divide, a divide that had developed among the Anglo-European and Welsh populations since the

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<sup>248</sup> The burgesses of Llanfaes eloquently expressed the complications of identity in a border region and the potential dangers of hybridization. In 1295 they complained to the king that although they were English in "blood and nation" and suffered tremendously during the Welsh revolt of 1294-1295, dwelling among the Welsh had reduced their status in the eyes of their ethnic compatriots: "because, to tell the simple truth, they reside in Wales and among the Welsh, they are reputed Welsh by the English and in consequence are the less favored by them so that they have neither the status of Englishmen nor even that of Welshmen, but they experience what is worst in either condition." See *CAPW*, no. 2803A, 82.

late eleventh century, and a divide that both legal systems perpetuated. The divergences in English and Welsh law, and the preservation of those divergences through dual-administration, also preserved distinctions in the most basic social structure of medieval society: the family. Because tenure governed the conveyance, transfer, and inheritance of land and enunciated, encapsulated, and enforced the family's place in, and obligations to, the wider community, it was arguably the most significant aspect of law for most medievals. Despite mechanisms to lessen tenorial difference, tenure and the unique social structures that it signified remained important demarcations of ethnicity, formed a powerful barrier to assimilation, and is the subject of the next chapter.

## Chapter 6: Kinship, Social Organization, and Identity in Wales, c. 1100-1350 CE

### Introduction

The legal regime of perpetuated pluralism preserved each community's laws and customs and those laws and customs preserved each community's unique forms of social organization. Modern historians of the medieval British Isles have often interpreted the distinct forms of social organization as evidence of a wider cultural clash between the "feudal" society of the Anglo-European settlers and the "kin-based" societies that those settlers found in Wales, Ireland, and parts of Scotland. For instance, in *The First English Empire*, Rees Davies contended that a "feudal pattern" had emerged in England and lowland Scotland, where lordship centered on power over land and where land was held in individual possession. According to him, this pattern was remarkably different than in the western and northern portions of the British Isles, where kindreds controlled land and where lordship was intensely personal.<sup>1</sup>

Indeed, the differences in social structures between the English and Welsh societies were potent and persistent markers of ethnic distinction, which are reflected in a concept that medievalists call "tenure." At the core of tenure lay the concepts of lordship, tenancy, possession, and inheritance, all of which were tied to the notions and structures of kinship that predominated in each society. Tenure helped define ethnicity in the Anglo-Welsh borderlands and demonstrated two distinct conceptualizations of social structure and relationships. As Davies noted, the Marcher lords attempted to enforce tenurial differences as markers of ethnic status. The court rolls of Dyffryn Clwyd, for

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<sup>1</sup> Davies, *First English Empire*, 106.

example, revealed that Welshmen could be forbidden from succeeding to land held by their relatives according to English tenure and Englishmen were prohibited from using Welsh methods for demising their lands.<sup>2</sup> Ethnic distinctions in tenure are evident throughout the contemporary records and were intimately tied to communal laws. For example, when the surveyors of the Lord Bishop of St. David's stated that William ap Llywelyn and his co-tenants held their land according to the "Law of Wales" (*per legem Wallie*) in the Upper Bailiwick of Pebidiog or when they said that Philip Broun and others held knights' fees "divisible according to Welsh tenure (*de tenura Wallie*)," they meant that the territories were divisible among the nearest male heirs and were held in common among a kindred or a group of descendants.<sup>3</sup> Likewise, when the surveyors in the same lordship said that knights' fees were held "by the law of England" (*per legem Anglice*), they meant that the eldest son would inherit the land in severalty; that is, in individual possession.<sup>4</sup> Indeed, toward the end of the thirteenth century, English tenure generally required that people held land as individuals, paid an individual rent directly to their lord, and passed their lands to a single heir, usually the eldest or youngest son. It also stipulated that women could inherit land when no male heirs existed, that free land could be alienated freely, and that illegitimate children could not inherit. Welsh tenure, however, entailed that kindreds held land and paid communal renders as tribute to the lord or prince. Upon the landholder's death, Welsh law sanctioned that the land be divided among male heirs up to the fourth generation. Women could not inherit land

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<sup>2</sup> Davies, *Lordship and Society*, 314.

<sup>3</sup> *The Black Book*, 97 and 161-3.

<sup>4</sup> *Ibid.*, 158-61.



under Welsh law except in special circumstances, land could not be alienated from the kindred except under the *prid* mortgage, and illegitimate children were free to inherit.<sup>5</sup>

The kindred's role in the social sphere lay at the root of differences between the Anglo-European and Welsh societies and created a considerable cultural barrier. In most of England, with Kent being a notable exception, land passed to individuals instead of among a wider familial group. English society was not becoming "individualistic" in the modern sense. Communal and kinship ties were still important and questions of kinship retained a prominent place in the Common Law. However, extended, organized kindreds were not the basis of social organization, nor did they possess significant political power, which belonged to the king and a small aristocratic elite. Welsh tenures, in contrast, reveal a somewhat less hierarchical, more personal society, in which landholding principally fell to large alliances of semi-autonomous familial groups who rendered tribute to a lord, usually the prince. The connection between kin and land was remarkable resilient. Not only could land never be alienated from the kindred, but Welsh society was also willing to face the Church's wrath and allow illegitimate sons to inherit. Indeed, while kinship groups received little legal recognition or social space in England, kin relations underpinned every aspect of Welsh society and law. The key differences in tenure reflected a major structural distinction in each society. Hence, tenurial rights and obligations were part of the legal apparatuses of each community and each community's respective laws regulated the bonds, responsibilities, and relationships among family members.

This chapter is divided into three primary sections and contains three principal arguments. The first section contains two subsections and will detail the chief

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<sup>5</sup> Davies, *Lordship and Society*, 313-4.

organizational principles and differences of each society. The second section contains three subsections. The first will argue that the dual-administrative regime preserved and reinforced those differences and contributed to solidifying perpetuated pluralism in Wales. The second will assert that Anglo-Europeans often considered the centrality of kinship in Welsh society to be a marker not only of ethnic difference, but also a contributing factor in the general “barbarism” of Welsh society. It will also demonstrate that Anglo-Europeans threats to the Welsh kindreds’ landed interests could spark considerable violence.

All of these discussions will provide ample evidence for a clash between “feudal” and “kin-based” societies. The final subsection of section two, however, will begin to challenge that theme by exploring how the relationship between the Welsh princes and kindreds reveals the broad compatibility between the Welsh and Anglo-European societies. Indeed, although differences in tenure and social organization distinguished ethnic groups, contributed to perpetuated pluralism, and could occasionally lead to violence, arguing for a collision between “feudal” and “kin-based” societies ignores the fact that these social structures were not thoroughly incompatible.

The third and final major section of this chapter will continue to analyze the ways in which each ethnic community learned to accommodate, adapt to, or even embrace the other community’s social structures by examining the Welsh knight’s fee and the *tir prid* deed. The chapter’s conclusion will then review the main arguments of chapters three, four, and five and consider the durability of, and breakdowns in, the regime of perpetuated pluralism. Before beginning our analysis of English and Welsh kinship structures, however, we need to discuss the contemporary sources.

## The Sources

Various thirteenth and fourteenth-century extents from the marcher lordships are our most important sources for understanding English and Welsh social structures and customs because they provide detailed information about local landholders and the conditions under which they held their lands. The *Survey of the Honour of Denbigh*, compiled in 1334, is the most impressive. Not only does it detail all the landholders within the lordship and specify their tenurial conditions, but it also notes the distinct English and Welsh tenures and officers and explains the process through which English settlers received their lands. Furthermore, it details the history of the Welsh kindreds in the region, the terms under which they held their lands from the princes of Gwynedd, and the process through which they lost lands or received exchanges in other locales in the lordship after the Edwardian conquest. Other surveys such as the *Black Book of Saint David's* (1326), *The First Extent of Bromfield and Yale* (1315), the *Record of Caernarvon* (1352), and surveys of the fitz Alan estates in Shropshire (1256) offer similar information, though without detailed historical discussions about the kindreds or their tenures. Combined, these sources cover most of the former principalities of Gwynedd and Powys Fadog, Shropshire, western Pembrokeshire, and parts of Cardiganshire, Ystrad Tywi, Gower, and Brecon.

An assortment of other sources complements the surveys. For example, royal inquisitions *post mortem* provide information about legal customs and social organization, as do various ministers' accounts relating to regions such as Abergavenny, Monmouthshire, Flintshire, Maelienydd, Radnorshire, and royal territories in southwest Wales. *Cartae et Alia Munimenta quae Pertinent ad Glamorgan* contains records of

various inquisitions taken in Glamorgan and its charters pertaining to Margam Abbey also elucidate Welsh social organization. Another source, namely the cartulary of Haughmond Abbey in Shropshire, contains records from the thirteenth and fourteenth century that are especially valuable for understanding the use of Welsh *tir prid* deeds among the English populations.

The contemporary sources, therefore, endow us with a fairly clear picture of the social organization of each community, their economic lifeways, and their laws and customs across the border region. Yet the sources also have their problems, chief of which is their frequent lack of specificity. For example, the 1256 Arundel survey does not say whether the Welsh in Oswestry lived in *gwelyau*, but an early fourteenth-century inquisition *post mortem* and a late fourteenth-century survey revealed that *gwelyau* dominated the Welshry.<sup>6</sup> Similarly, the *Black Book* records *gwelyau* in Cardiganshire, Ystrad Tywi, Gower, and Brecon. However, the Welsh co-ownership groups in Pebidiog are not called *gwelyau*, though their features are similar.<sup>7</sup> The problem of specificity is, nevertheless, more prominent among royal records than the surveys from the marcher lordships. Modern historians find themselves at the mercy of medieval officials. One royal official bluntly asserted that he would not list the Welsh holdings because the practice of partible inheritance had made it too confusing to do so.<sup>8</sup> Sometimes royal officials would mention Welsh *gwelyau* specifically. At Radnorshire, for example, an inquisition *post mortem* for 1301 mentioned one *gwely* (*lecto*) containing fifty two

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<sup>6</sup> See below, 366.

<sup>7</sup> The evidence for Pebidiog in *The Black Book* lies between pgs. 13-196. The evidence for Cardiganshire, Ystrad Tywi, Brecon, and Gower in *The Black Book* is mentioned at various points in this chapter and in the previous chapter.

<sup>8</sup> See below, 371.

Welshmen and another containing twenty dwelling in the mountains (*de montana*).<sup>9</sup> In most cases, however, the officials simply gave the number of Welshmen without mentioning whether they held the lands in descent groups. In an inquisition *post mortem* conducted for Radnorshire and dated to 1304, for instance, royal officials stated that thirty three Welsh tenants held a certain vill. Although evidence from the 1301 inquisition makes it seem likely that the tenants dwelled in a *gwely*, the 1304 inquisition is not precise.<sup>10</sup> Royal officials were usually more precise in detailing Welsh customs, but not always. A good example comes from an inquisition *post mortem* for the Monmouth region conducted in 1299, in which the officials mention the “rents of free Welsh tenants” in a certain vill without naming the exact rents.<sup>11</sup>

### **Kinship and Community in the Border Region: English and Welsh Social Organization in the High-Medieval Period**

Although contemporary sources present some difficulties, they allow us to examine the principal divergences in social organization. Any analysis of these divergences, their importance to ethnic identities, the role of dual-administration in perpetuating these divergences, and the methods that each community utilized to ameliorate their differences must begin by explaining the types of social organization in England and Wales. Because the Welsh social organization presents more complications, I will begin this discussion by examining social organization in England and the changes that the Normans introduced to the kingdom.

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<sup>9</sup> *CIPM*, no. 41, 4: 19.

<sup>10</sup> *Ibid.*, no. 235, 4: 160.

<sup>11</sup> *CIPM*, no. 552, 3: 426.

***The Changing Face of Kinship and Community in England***

In volume two of their landmark work, *The History of English Law before the Time of Edward I*, Frederick Pollock and Frederic Maitland made a rather pithy, seemingly unimportant reference note when analyzing the role of family and kinship in English law: “No clans in England.”<sup>12</sup> The term “clan” or “tribe” would not be an appropriate label for the Welsh kindreds. Nevertheless, Maitland and Pollock’s point is clear enough. There were no “corporative” or “cooperative” kindreds in England that owned lands or held substantial political power. By the time of Edward I’s dispute with Llywelyn ap Gruffudd, the association of kindreds with wielding far-reaching legal and political power would have been confined purely to the western and northern regions of the British Isles, not to England. However, Anglo-Saxon kindreds shared many similar features with their Welsh counterparts before the Norman Conquest.

The Anglo-Saxon kindred was not a unitary structure. As in Wales, a smaller group within the broader kindred had the right to inherit.<sup>13</sup> Individuals remembered and celebrated their genealogies. Land was held by the head of the family, not by individuals. Kindreds also prosecuted feuds and kinsmen swore oaths for relatives accused of crimes. A *wergild* price (similar to the Welsh *galanas*) established the compensation for a murdered kinsman and was paid to the entire kindred.<sup>14</sup> Kindreds were also politically powerful. By the tenth century, the English kings seemed to think that the kindreds had become too powerful and their feuds potentially too destabilizing. Æthelstan (r. 924-939)

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<sup>12</sup> Frederick Pollock and Frederic Maitland, *History of English Law before the Time of Edward I* (Cambridge: Cambridge University Press, 1899), 2: 241.

<sup>13</sup> Williams, *English and the Norman Conquest*, 207-8. As Worby points out, however, identifying the exact participants in that closer kindred unit is difficult to determine from texts such as the early eleventh-century *Secular Code of Cnut*. See Sam Worby, *Law and Kinship in Thirteenth-Century England* (London: Royal Historical Society, 2010), 136.

<sup>14</sup> Edward James, *Britain in the First Millennium*, 124-5.

complained that kindreds were so dominant in some regions that he had to employ royal troops to catch a thief in a district.<sup>15</sup> Indeed, growing royal power and intrusion into matters of criminal law seemed to have weakened the kindreds before the Norman invasion. However, traces of feuds and vaguely defined kindreds were still prevalent in late Anglo-Saxon England. Hence, we need to consider other reasons for the decline of corporative kindreds in England.<sup>16</sup>

The primary reason for the kindred's decline was the Norman Conquest and the introduction of a more vertical social structure and system of kinship. This system and new social structure was heavily influenced by the widespread use of primogeniture and, to a lesser extent, even *parage*. In the new model of the English kingdom, all land was held ultimately of the king. The most powerful among the landed aristocracy held their lands directly from the king and they, in turn, parceled those lands to others in the process of subinfeudation. Unlike in Wales or the Gaelic regions of Ireland and Scotland, the aristocracy itself had numerous subdivisions. Of course, this historical model does not necessarily reflect every local complication. Whether the Normans introduced feudalism or whether feudalism existed is a matter of semantics and interpretive preference, one about which we should see no need to quibble here.<sup>17</sup> However, what is certain is that the

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<sup>15</sup> Ibid., 126. Æthelstan's successor, Edmund I (r. 939-946), legislated against the feud. For the settlement of blood feuds among kin and royal concern about limiting those feuds, see Harding, *Law Courts of Medieval England*, 13-4.

<sup>16</sup> Worby, *Law and Kinship in Thirteenth-Century England*, 136-7.

<sup>17</sup> Even though the terms "feudalism" and "feudal" have remained a constant of the medievalist vocabulary, medievalists have become increasingly disillusioned with them. Susan Reynolds argued in *Fiefs and Vassals* that modern models of feudalism rest on a sixteenth-century foundation and that the institutions and concepts that historians enveloped within the feudal system "never existed together anywhere...they are too incoherent, too loosely related, and too imperfectly reflected in the medieval evidence to be envisaged as anything like an ideal type." She further contends that the institutions and concepts behind the notion of feudalism are inherently modern constructs that have no coherent core, the lack of which is important if one intends to use the term "feudalism" to compare different societies. See *Fiefs and Vassals: The Medieval Evidence Reinterpreted* (Oxford: Oxford University Press, 1994), 10-11.

Normans introduced a new type of political community and a political system that radically changed the kingdom's social structure.

The use of primogeniture began with military tenure and knights' fees were no longer partible by the time of the compilation of *Glanvill*.<sup>18</sup> During the thirteenth century, primogeniture spread to most other forms of free tenure. It became recognized as the inheritance of the Common Law for males, while other types of inheritance such as *gavelkind* were customary.<sup>19</sup> Primogeniture was not the only form of inheritance and the Normans also introduced the custom of *parage* into England. According to the rules of *parage*, every son inherited the land, but the eldest was responsible for performing the requisite services to the lord and the younger siblings held their lands directly from the senior line. Therefore, *parage* ensured that the entire patrimony remained intact and reduced the potential for sibling quarrels.<sup>20</sup> As Ann Williams notes, the introduction of Norman customs had profound effects on personal naming, family structure, and inheritance. Because families retained their patrimonies mostly intact, those families' chief estate increasingly supplied the family name. She gives the example of Thorkell of Warwick and his father Æthelwine, sheriff of Warwickshire. Both entered the service of King William I of England. Evidence from 1086 demonstrates that while some of Thorkell's remaining kinsmen held their lands of the king, most held directly from him, which was Norman, not English custom. Thorkell and his family successfully adapted to

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<sup>18</sup> Baker, *Introduction to English Legal History*, 268.

<sup>19</sup> Ibid. *Gavelkind* tenure entailed partible inheritance among the nearest heirs and was confined to Kent.

<sup>20</sup> Daniel Power, *The Norman Frontier in the Twelfth and Early Thirteenth Centuries* (Cambridge: Cambridge University Press, 2004), 186. For the differing uses of primogeniture and *parage* in and around Normandy (and the controversy in applying *parage* or primogeniture in the dispute between John of England and Arthur of Brittany), see pages 184-7.



Norman rule, but many other families did not. More distant kin were excluded from the inheritance and many kindred members forfeited their lands.<sup>21</sup>

Had *parage* become the primary mode of inheritance in post-Conquest England, some corporative and cooperative kinship structures might have survived, though of a kind far less extensive than existed in Wales, Ireland, or parts of Scotland. Indeed, in cases of female inheritance, which alternated between *parage* and equal co-parceny in the twelfth and thirteenth centuries, and under the *gavelkind* system in Kent, cooperative kinship structures emerged and required a longer memory and awareness of kinship ancestry.<sup>22</sup> However, primogeniture became the dominant form of inheritance under the Common Law, a system that many parents may have found unfair to their other children, but conformed to in order to maintain their estates and consolidate their family's position.<sup>23</sup> The use of primogeniture eliminated any rights for distant kinsmen in the inheritance and emphasized individuals' rights over larger groups. Furthermore, the criminal jurisdiction of the king and the Common Law of the realm weakened the feud's social jurisdiction. The elimination or restriction of kinsmen's rights in landholding and the feud limited or annihilated the social space in which a corporative or cooperative kindred could act.<sup>24</sup> The Common Law was not the only source of conceptualizing kinship in England. Indeed, the norms of kinship expressed under Canon Law became foremost among the educated classes in England (though Canon Law did not override Common Law) after 1215 and Canon Law understandings of kinship frequently entered

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<sup>21</sup> Williams, *English and the Norman Conquest*, 208-9.

<sup>22</sup> Worby, *Law and Kinship in Thirteenth-Century England*, 137-8. In addition, to primogeniture, *gavelkind*, *parage*, and co-parceny, ultimogeniture was also practiced, which stipulated that the youngest son received the father's inheritance. This practice was often referred to as "borough English" because it was most often utilized in boroughs. Worby suggests that the practice may have its roots in unfree tenure. See *idem*, 41.

<sup>23</sup> *Ibid.*, 51-3.

<sup>24</sup> *Ibid.*, 135-7.

into Common Law texts.<sup>25</sup> Yet Canon Law also emphasized family connections up to the third degree.<sup>26</sup> The introduction of Norman customs, the emergence of a new socio-political system, and the solidification of those new social norms within the Common Law's formation led to a much more narrowly constructed concept of social role of kin and kinsmen's relationships and obligations.

One should not, however, conclude that kinship was no longer important in English society. As Worby reveals, while the Common and Canon law conceptualized a three-generation family, formal legal rules did not encapsulate the full range of kinship notions and roles. Although the greatest sense of family centered on the three-generation kin group, people in medieval England could recognize and remember much wider familial groups, sometimes up to the sixth degree. Indeed, the community was also supposed to have knowledge of kinship connections across distant relations. Juries had to understand others' kinship connections in order to decide cases about land and witnesses were expected to have detailed knowledge about the kinship of others in their community.<sup>27</sup> Kin also had important legal roles and obligations. Kin were expected to look after the legal interests of heirs and they were important providers of proof, whether it be of a villein's status or of English ethnicity in the Englishry.<sup>28</sup> Of course, kinship ties were also extremely important among the aristocracy for acquiring property and were fundamental to forming political alliances. While the introduction of Norman customs seems to have spelled the corporative kindred's ultimate doom, the importance of belonging to a kindred for the sake of enforcing law and protecting its members was still

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<sup>25</sup> Ibid., 68-9.

<sup>26</sup> Ibid., 129.

<sup>27</sup> Ibid., 125-7. Worby also notes that *Bracton* favored six degrees as the extent of a kindred. See *idem*, 125.

<sup>28</sup> Ibid., 128.

powerful in early twelfth-century England. Early eleventh-century Anglo-Saxon law codes stressed that the king had a responsibility to act as a protector and kinsman for those who did not belong to a kindred, usually either monks or foreigners. The early twelfth-century *Leges Henrici Primi* also enshrined this concept. For example, it claimed that the “King must act as kinsman and protector for all Frenchmen and foreigners, if they have no one else to care for them.”<sup>29</sup>

Yet despite the continued importance of kinship, fundamental changes altered the socio-political landscape of English society. The Norman Conquest introduced a socio-political structure in which power was based on landholding among individuals and their immediate families rather than over large familial groups. Furthermore, the development of a Common Law for a common realm among a common people also provided the basis for a new model of family and social relationships that provided structure for the community of that common people. Within this new structure, the corporative kindred could neither act in concert to acquire property nor exert political power. Hence, it virtually ceased to exist. Instead, that role was largely taken over by the landed aristocracy who held their lands as individual families and ultimately held their power from the king. The English communities of the Welsh marches embraced the new social structures as part of their ethnic identity, expressed in terms of distinctive tenurial norms and laws. Even though Alan Macfarlane may have gone too far in saying that thirteenth-century English society had sowed the seeds of modern individualism, the role of the

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<sup>29</sup> See George Garnett, “‘Franci et Angli’: The Legal Distinction between Peoples after the Conquest,” *Anglo-Norman Studies* (1985):118-9.

individual in England assumed a more prominent place than anywhere else in the British Isles.<sup>30</sup>

***Kinship and Community in Welsh Society***

The socio-political structures that Anglo-European settlers found in Wales were more similar to Anglo-Saxon England, but quite unique from the England that was emerging under the Norman and Plantagenet kings. Nevertheless, we also must account for the fact that the Welsh principalities' socio-political features underwent significant changes between the twelfth and fourteenth centuries. Some of these changes resulted from contemporary developments in England and Western Europe, some were purely native developments, and some were a mixture of both. In addition, while we were able to outline the general features of English society fairly easily despite the kingdom's regional differences, such a task will not be possible for Welsh society. Not only does the contemporary evidence provide numerous challenges, but disagreements among modern historians about the socio-political complications in a region of numerous principalities and variances in regional customs add further challenges. Hence, the outline sketched here is somewhat tentative and, as in England, far from uniform.

The Welsh redaction *Llyfr Blegywryd* categorized Welsh society into three ranks: the king or prince, the noble freemen, and the bondmen (Welsh: sing. *taeog*, pl. *taeogion*).<sup>31</sup> However, we could also add the category of "slave" (Welsh: *caeth*).

Benjamin Hudson states that the slave trade was one of the most profitable mercantile

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<sup>30</sup> Alan Macfarlane, *The Origins of English Individualism: The Family, Property and Social Transition* (Oxford: Blackwell, 1978). Macfarlane ties the beginnings of English individualism to a precocious development of capitalism in the kingdom and the breakdown of wider kinship groups. For these arguments, see 195-8. For a summation of his arguments, see 189-203.

<sup>31</sup> For the reference, see Davies, *Age of Conquest*, 115. In this instance, the Redaction used the term *bilain* (or *bilaen*), corresponding to the English "villein," as the term for a bondman. They are also called *mab aillt* in Welsh and are referred to in the fourteenth-century sources as *nativi* in Latin.

enterprises in the Irish Sea zone in the early eleventh century.<sup>32</sup> Slavery declined in England by the early twelfth century, but John Gillingham argues that its continuance in Wales, Scotland, and Ireland led English writers such as William of Malmesbury and John Salisbury to condemn the practice as a marker of Gaelic-Brythonic “barbarism.”<sup>33</sup> The *Domesday Book* reveals that seventeen percent of the population of the cantref of Tegeingl were slaves (*servi*) or oxmen by the end of the eleventh century.<sup>34</sup> The fourteenth-century surveys show no evidence of a *caeth* class existing in Wales and Richard Britnell claims that there were few vestiges of slavery remaining in the British Isles by the mid twelfth century, except in Ireland.<sup>35</sup>

One rank above the *caeth* was the *taeog*, though Davies suggests that slave raids replenished and added to the ranks of the *taeogion*.<sup>36</sup> The *taeog* was a bondman. While not a slave, the *taeog* was permanently tied to the land and the lord.<sup>37</sup> Indeed, the Welsh laws indicate, and some modern historians have concluded, that many *taeogion* may have originally been foreigners. For instance, Glanville Jones argued that the majority of the population of northwest Wales in the eleventh and twelfth century were *taeogion*, whom he suggests were possibly “natives of non-Celtic blood dominated by a Celtic aristocracy.”<sup>38</sup> According to Charles-Edwards, the *Llyfr Cyfnerth* stated that the “innate noble” (Welsh: *bonheddig canhwynol*) was a Welshman through both his mother’s and father’s lineage and without any slave or foreign blood.<sup>39</sup> Similarly, the *Llyfr Iorwerth* maintains that the status of being a *priodor* (a proprietor with the fullest rights to the

<sup>32</sup> Benjamin T. Hudson, “The Changing Economy of the Irish Sea Province,” in *Britain and Ireland*, 49-50.

<sup>33</sup> Gillingham, *English in the Twelfth Century*, 46-9.

<sup>34</sup> For the *Domesday* references, see Jones, “Distribution of Bond Settlement in North-West Wales,” 31.

<sup>35</sup> Britnell, *Britain and Ireland, 1050-1530*, 230-1.

<sup>36</sup> Davies, *Age of Conquest*, 119.

<sup>37</sup> Charles-Edwards, *Early Irish and Welsh Kinship*, 172-3.

<sup>38</sup> Jones, “Distribution of Bond Settlement in North-West Wales,” 20 and 31.

<sup>39</sup> Charles-Edwards, *Early Irish and Welsh Kinship*, 173.

land) did not demarcate difference between a freeman and a *taeog*, but rather a distinction between a Welshman and a foreigner (Welsh: sing. *alltud*, pl. *alltudion*). Hence, if the *alltud* became a *priodur*, he would have acquired native status.<sup>40</sup> Otherwise, after three generations the *alltudion* became bound to the land and its lords, who were either the king or native-born freemen, and thus acquired a status similar to that of the *taeog*.<sup>41</sup> Descent and ethnicity, theoretically at least, established the basis of servility rather than wealth. Hence, the lawbooks portray a community in which free status indicated ethnic purity. However, Thomas Charles-Edwards claims that it is misleading to conclude that the *taeog* was of foreign blood. According to him, the Welsh laws simply made a distinction between the freeman, the *taeog*, and the alien, a distinction common throughout medieval Europe. The *taeog*'s status, therefore, was not due to foreign descent, but rather derived from the process of a man subjecting himself and his land to a lord or resulted when a man's ancestors were subject to a lord and his ancestors for three generations.<sup>42</sup> The lawbooks made a distinction between native-born and foreign slaves and evidence suggests that freemen who had become impoverished could receive *taeog* status in pre-Norman Wales, though not in the twelfth century or later.<sup>43</sup>

Above the *taeogion* stood the freemen. While most of the Welsh population in the tenth and eleventh centuries may have been *taeogion*, Charles-Edwards contends that this situation changed radically in the twelfth and thirteenth. Because of exploding populations and enfranchisement amongst many *taeog* lineages, freemen not only became

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<sup>40</sup> Ibid., 402-3.

<sup>41</sup> Ibid., 403.

<sup>42</sup> Ibid., 407-9.

<sup>43</sup> Ibid., 395-400. Much of his evidence for the possibility of a freeman falling into poverty and falling to *taeog* status comes from the Lichfield Gospels, charters contained in the *Life of Saint Cadog* (*Vita Sancti Cadoci*), and a charter in the *Book of Llandaff* (*Liber Landavensis*).

the majority, but also acquired most of the land *taeogion* held.<sup>44</sup> In addition, the exclusion of any property qualification to maintain free status also meant that freemen no longer would fall into the *taeog* ranks.<sup>45</sup> Indeed, the numbers of *taeogion* seemed to have declined considerably, especially in South Wales. Davies contends that *taeog* tenure ceased to exist in Ceredigion by the thirteenth century and *The Black Book of St. David's* shows no evidence of bond *gwelyau* in Pebidiog, Cardiganshire, Ystrad Tywi, Gower, or the archdeaconry of Brecon.<sup>46</sup> The medieval sources and modern historians often refer to freemen as “nobles.” Yet as Dafydd Jenkins notes, there was no “noble” status in medieval Welsh law.<sup>47</sup> However, freemen were zealously proud of their status and their boasts of ancestry could lead historians to designate that status to them mistakenly. For instance, in the *Description of Wales* Gerald of Wales claimed that “The Welsh value gentile birth (*generositatem*) and noble descent (*nobilitatem*) more than anything else.”<sup>48</sup>

The Denbigh survey demonstrates that a freeman's status had no connection to wealth or power. The *Survey* relates that Gronw ap Heilin Sais, a descendant of the lineage of Cynwrig ab Iorwerth, held a third part of the vill of Twynnan in the commote of Rhos Uwch Dulas. Gronw ap Heilin Sais had five tenants under him and he held those lands in demesne and through the service of his tenants.<sup>49</sup> Charles-Edwards argues that

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<sup>44</sup> Charles-Edwards, *Early Irish and Welsh Kinship*, 227-8.

<sup>45</sup> *Ibid.*, 395.

<sup>46</sup> See *The Black Book*, *passim*.

<sup>47</sup> Dafydd Jenkins, “A Second Look at Welsh Land Law,” *THSC* (2002): 65. In Welsh, the terms for a freeman were *breyr*, *uchelwr*, and *bonhedding*. In Latin, the Welsh terms were often translated imprecisely as *optimas* or *nobilis*, giving the impression that a Welsh status of nobility existed when it did not. See *idem*, 64-5.

<sup>48</sup> Giraldus Cambrensis, *Descriptio Kambriae*, in *Opera*, 6: 200. *Generositatem vero, et generis nobilitatem, prae rebus omnibus magis appetunt.*

<sup>49</sup> *SHD*, 297-9. Gronw ap Heilin Sais died against the peace and his lands escheated to the lord of Denbigh. The terms of Gronw's holdings and his status as a lord are related on page 297: *Et tertia pars eiusdem ville que fuit Gron' ap Heilin ap Ken' qui obiit contra pacem est escaeta domini simul cum omnibus aliis terris et tenementis que fuerunt eiusdem Gron' tam in dominico quam in servicio seu que fuerunt in manibus suis die quo obiit sive fuerint per viam Tyrpride vel quocumque alio modo, etc.*

his escheated lands were an indication that the entire lineage of Cynwrig ab Iorwerth were once lords.<sup>50</sup> Another branch of Cynwrig ab Iorwerth's descendants, namely that of his grandson Dafydd ab Einion ap Cynwrig ab Iorwerth, were lords over half the free *gwely* of Griffri ap Trahaearn in the vill of Dinorben Fychan in the commote of Rhos Is Dulas.<sup>51</sup> Royal favor seems to have been the key to a free lineage's success in the twelfth and thirteenth centuries. The lineage of Cynwrig ab Iorwerth was part of the greater lineage of Edryd ap Marchudd, whose descendants probably received their lands c. 1100 when the kings of Gwynedd began recovering territory in the Four Cantrefs that had been lost to early Norman assaults.<sup>52</sup> The lineage's holdings gradually expanded across the region's commotes. Despite the territorial breadth of their possessions, the kindred's acquisitions were not piecemeal land grabs, which suggests that they had royal support.<sup>53</sup> Evidence from the lineage of Dafydd ab Einion ap Cynwrig ab Iorwerth supports this interpretation. Dafydd's father and kin originally attained its land and possibly its status in Dinorben Fychan from Llywelyn ab Iorwerth, the prince of Gwynedd.<sup>54</sup> Some within the kindred of Edryd ap Marchudd were lords, but not most. Being a freeman did not automatically equate to being a lord. The lineage of Cynwrig ab Iorwerth was one of

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<sup>50</sup> Charles-Edwards, *Early Irish and Welsh Kinship*, 237-8.

<sup>51</sup> *SHD*, 228. According to the survey, the *progenies* of Dafydd ab Einion ap Cynwrig ab Iorwerth held half of the *gwely in dominico et serviciis*.

<sup>52</sup> Charles-Edwards, *Early Irish and Welsh Kinship*, 234-5.

<sup>53</sup> *Ibid.*, 235.

<sup>54</sup> *SHD*, 228. Whether the lineage of Dafydd ab Einion ap Cynwrig ab Iorwerth were lords of the descendants of Griffri ap Trahaearn directly or simply over the land of the *gwely* and the free tenants within that *gwely* is difficult to determine. The language of the survey seems to indicate the former, but as Charles-Edwards points out, the original holders may have died out or went elsewhere. Dafydd ab Einion's uncle was Ednyfed Fychan, who was the seneschal in Gwynedd and a major advisor to Llywelyn ab Iorwerth and Dafydd ap Gruffudd. Hence, it was an earlier branch of the kindred that acquired its privileges under Llywelyn ab Iorwerth and not Dafydd ab Einion's. Charles-Edwards argues that Dafydd and his lineage were only two or three generations removed from the time of the survey, which would have entailed that he inherited the half *gwely* under Llywelyn ap Gruffudd at the latest. Interestingly, one of the branches of Ednyfed Fychan's descendants acquired the English throne as the Tudors. See Charles-Edwards, *Early Irish and Welsh Kinship*, 233-6.



those branches within the kindred that seemed to have acquired some form of territorial lordship in different commotes, probably from princely favor. Yet the evidence from Twynnan also shows that free lineages that had obtained lordship could also fall into poverty. The effects of partible inheritance could considerably reduce the free lineage's wealth. By the time of the *Survey* in 1334, most of Cynwrig's descendants (aside from Gronw ap Heilin Sais) were not lords and retained only small holdings in the vill of Twynnan. Indeed, the surveyor remarked that the entire vill was in a state of poverty.<sup>55</sup> Yet poor or not, the descendants of Cynwrig ab Iorwerth remained free and owed dues to the prince that marked their status.

Indeed, one of the chief distinguishers of freemen and *taeogion* was the services and dues that they owed to the prince. The Denbigh survey indicates that only freemen owed certain dues such as *pastus principis* (a commutation of lodging the prince's household troops, the *teulu*), while *taeogion* paid other dues such as the *pastus famulorum principis* (a commutation of lodging the prince's household). Some dues were common to both, but the chief service that separated the freeman from the *taeog* was military service. As Davies states, the freemen were the warriors, the *bellatores*, while the *taeogion* were the laborers, the *laboratores*.<sup>56</sup> This distinction blurred a bit in the later thirteenth century, but evidence from the Denbigh survey demonstrates that the distinction between free *bellatores* and unfree *laboratores* still persisted in the fourteenth century. For example, in entries for the hamlet of Gwaenynog Wyntus (Wenennok Wyntus) and the vill of Taldragh (Taldrogh'), the *Survey* states that all freemen were expected "to follow the prince in his army just as other freemen of the commote" of Is

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<sup>55</sup> Ibid., 298-9.

<sup>56</sup> Davies, *Age of Conquest*, 119.

Aled.<sup>57</sup> Similar language occurs in the list of common customs (*consuetudines communes*) for the commote of Uwch Aled.<sup>58</sup> In the lordship's other commotes, military service is mentioned for specific lineages, with possible hints that the commote's other freemen shared those obligations as well.<sup>59</sup> Nowhere, however, does the *Survey* mention *taeogion* (Latin: *nativi*) serving in the prince or lord's army. Sometimes, a lineage performed military service to the exclusion of all other dues, a privilege the prince originally bestowed. For instance, Dafydd ab Einion's lineage in Dinorben Fychan only performed military service to the prince, while Cynwrig ab Iorwerth's descendants had to perform only military service and suit of court in Twynnan.<sup>60</sup>

Despite differences in status, freemen and *taeogion* typically belonged to a kindred, the fundamental organizing unit of Welsh society. Belonging to a kindred meant belonging to a descent group, a lineage, which was central to establishing one's identity, along with his or her social rights, responsibilities, and obligations. Hence, understanding one's descent and place within the kindred was a social necessity. According to Gerald of Wales, not only did Welshmen cherish "noble" descent, but all Welshmen, even a common person, could recite his or her lineage back to the sixth or seventh generation as well.<sup>61</sup> Historians have often labeled Welsh kinship structures as agnatic. That statement is true for matters of inheritance and obligations, which paternal descent determined. It is also true that a person conceived of his position within the kindred through the paternal line. However, both the paternal and maternal lines determined a person's status within

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<sup>57</sup> *SHD*, 88-9 and 145-6. The wording for the obligation is similar for both places. For Taldragh, it states *...sequentur principem in exercitu ut alii liberi de commoto, etc.*

<sup>58</sup> *Ibid.*, 209.

<sup>59</sup> For instances of military service among free Welshmen in other commotes, see pgs. 222, 228, 251, 261 (Is Dulas), and 295 (Uwch Dulas). This service is either mentioned as having the old obligation of following in the prince's army or the new obligation of following in the lord's army.

<sup>60</sup> *Ibid.*, 228 and 297.

<sup>61</sup> Giraldus Cambrensis, *Descriptio Kambriae*, in *Opera*, 6: 200.

the greater community. Kinship could also be reckoned in bilateral terms; that is, from brothers or cousins.<sup>62</sup> Charles-Edwards argues that “different forms of kinship met different needs” and agnatic, cognatic, and bilateral ties could determine a person’s inheritance or status and could be used for political ends.<sup>63</sup> A person’s lineage was central to his or her status within the wider community and helped determine the course of his or her life. It determined whether a person was royal, free, or servile. It determined whether a person would be a prince, a warrior, or a laborer. It also determined the nature of a person’s inheritance and his or her services, dues, responsibilities, and obligations to the other members of the kindred, to the wider community beyond the kindred (such as the neighborhood), and to the prince.

In the fourteenth-century surveys, lineages- which in Welsh are often referred to as *wyrion* or *gwely* (Latin: *progenies* or *stipes*, “stock”)- are shown to be residing in the lands of a descent group, which is also typically referred to as a *gwely* (Welsh: “bed”; the Latin equivalent was *lectum*).<sup>64</sup> The *gwely* (pl. *gwelyau*) usually acquired its name from

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<sup>62</sup> Charles-Edwards, *Early Irish and Welsh Kinship*, 171-2.

<sup>63</sup> *Ibid.*, 469.

<sup>64</sup> The system of lineage holdings in Wales is far more complicated than I am describing here. According to Charles-Edwards, the term *gwely* came to denote a “group of relatives of some kind” c. 1100, but the idea of the *gwely* as the lands of a descent group seems to have evolved later, though when exactly is difficult to determine. Jones Pierce argued that the *gwely* emerged in Oswestry in the middle of the twelfth century and originated along the northeastern borders with England, spreading only later into Powys and Gwynedd [T. Jones Pierce, “Foreword,” in *Lordship of Oswestry 1393-1607*, 8.]. Davies states that most of the descent-group founders’ names appeared in the period between c. 1150- c. 1220 (*Age of Conquest*, 126). In many instances, a lineage holding was further subdivided among its branches. Oftentimes, the subdivision of the lineage holding (the *gwely*) was often called a *gafael* (pl. *gafaelion*). However, in some cases the lineage holding is referred to as a *gafael* and is subdivided into *gafaelion*, while in other cases the lineage holding termed *gwely* is subdivided into *gwelyau*. Charles-Edwards contends that the uses of, and inconsistencies apparent in, the terms *gwely* and *gafael* vary from commote to commote and are tied to the assessment of *pastus principis* and *twnc* (a monetary commutation of the food-render *gwestfa*, which was owed by freemen to the king) upon the lineage within the different commotes (Charles-Edwards, *Early Irish and Welsh Kinship*, 242-52). For the history of the *gwely*, see Charles-Edwards, *Early Irish and Welsh Kinship*, 226-56; various essays in *Medieval Welsh Society*; the following essays by Glanville Jones, “Medieval Open Fields and Associated Settlement Patterns in North-West Wales,” in *Géographie et histoire agraires: actes du colloque international organisé par la Faculté des lettres de l'Université de Nancy*. Nancy, 1959, 313-28; “The Distribution of Bond Settlement in North-West Wales,” 19-37; and “The Tribal System in

the lineage's founder. *Gwelyau* were the typical form of Welsh settlement throughout the regions under native Welsh rule and in the Marcher lordships. In most circumstances, freemen and *taeogion* dwelled in separate *gwelyau* under the tenure of *tir gwelyog* (Welsh: "land shared by *gwelyau*"), by which the kindred possessed the rights to the land and the right to divide it amongst themselves while paying certain dues to the prince or lord.<sup>65</sup> The lands of free kindreds tended to be scattered over wide distances. However, most *taeogion* spent their lives living within the confines of the *tref*, an administrative township in a commote.<sup>66</sup> The *tref* could be the center of a free lineage and it was possible for a single free lineage to dominate one *tref*. Yet, in most cases, numerous lineages dwelled within the *tref*, some free, some not. Indeed, the appearance of more and more mixed *gwelyau* is one of the more notable aspects of the Denbigh survey. For instance, freemen and *taeogion* shared two *gwelyau* in the vill of Eriviat ("Eryvyot") in the commote of Is Aled.<sup>67</sup> The *Survey* mentions twenty-one such split *gwelyau*, which reflects increasing blurred distinctions between freemen and *taeogion* in the later thirteenth century.<sup>68</sup>

The bonds and obligations of kinship were the most powerful forces in the lives of medieval Welshmen and began at birth. The *Llyfr Iorwerth* recognized four stages in a person's life cycle. The first stage was the nine months as a fetus. Birth did not end this cycle until the child received a name, which often included appending a patronymic and

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Wales," 111-33; finally, one may also want to review, Dafydd Jenkins, "A Lawyer Looks at Welsh Land Law," *THSC* (1967): 220-48.

<sup>65</sup> Charles-Edwards, *Early Irish and Welsh Kinship*, 434. We should note that *tir gwelyog* lands were subject to royal escheat and like other lands within a Welsh principality, did not ultimately escape the prince's control. Also, while Welshmen typically lived among their kindred (and other kindreds), they did not necessarily live with them. As in most of Western Europe, the nuclear family was the usual resident group within a home in medieval Wales. See Davies, *Age of Conquest*, 127.

<sup>66</sup> In the Denbigh survey, a *tref* is referred to as a *villata* or *villa*.

<sup>67</sup> *SHD*, 108-9.

<sup>68</sup> For a fuller discussion of the blurring of *taeog* and free distinctions, see Davies, *Age of Conquest*, 121-2.

implied the public recognition of a child's kinship.<sup>69</sup> Marriage was another important step in life, especially for a woman. When a woman married, she entered a kinship no-man's land, in which she belonged to both kindreds, but not fully to either.<sup>70</sup> The marriage helped cement an economic, social, and political relationship between the two kindreds. For families, marriage was an extremely important decision and one that required consultation with the kindred. In the Welsh tale *Culhwch and Olwen*, Olwen had to discuss her marriage with her four great-grandfathers and four great-grandmothers.<sup>71</sup> Welsh custom and the lawbooks recognized marriage by kin-investiture as the highest form of union. In addition to marriage, other aspects of social life such as funerals and festivities were governed through kin consultation and joint responsibility as well.<sup>72</sup>

For a man, the last stage of life was the period in which he became most wholly identified with his paternal lineage and when the importance of kinship reached its fullest extent. When a father died, his land passed to his son and the son fully became a man. However, the son did not hold the land as a single proprietor, nor did he have ownership in the modern sense. The land was the kindred's and the customs of kinship demanded that he share the patrimony with the nearest heirs. He could not lawfully deny a rightful claimant's inheritance and he could never alienate the land from the kindred without its consent. The rights of the heir and the kindred and the responsibilities and obligations that inheritance entailed were encapsulated in the Welsh phrase *ach ac edryf*. The phrase, meaning "kin and descent," signified an action through which an heir claimed title to the patrimony and assumed that patrimony's responsibilities and obligations. For instance,

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<sup>69</sup> Charles-Edwards, *Early Irish and Welsh Kinship*, 175-6.

<sup>70</sup> *Ibid.*, 176.

<sup>71</sup> Davies, *Age of Conquest*, 125. For the poem itself, see *Culhwch and Olwen: An Edition and Study of the Oldest Arthurian Tale*, Rachel Bromwich and D. Simon Evans, eds. (Cardiff: University of Wales Press, 1992).

<sup>72</sup> Davies, *Age of Conquest*, 125.

the *Black Book of St. David's* mentions eight free *gwelyau* (*lecti*) in the *patria* of Llandewi Brefi in Cardiganshire as holding by the “ancient tenure” of *ach ac edryf*. Accordingly, on the death of the parent, each heir was “compelled” (*compelli debent*) to receive the inheritance and fulfill “such services as are owed and accustomed” from that inheritance.<sup>73</sup>

The laws and customs surrounding inheritance demonstrate the intricacy between kinship and law in Welsh society and pervade the fourteenth-century surveys. The blood feud, however, reveals the connection more vividly. According to Gerald of Wales, the Welsh love of descent could quickly turn to violence when a kinsman was injured or insulted:

And so the Welsh cherish birth and descent above everything and they bitterly avenge any injuries or insult to their blood relation. Their minds are stirred to the cruel anger of the avenger and they are prepared to avenge not only new and recent injuries, but old and ancient ones as well as if they had just occurred.<sup>74</sup>

Walter Map relates the story of a man who had sought refuge and hospitality at a stranger's home. On the second day of his stay, the wife of the household insulted him. The guest left the home and upon hearing of his wife's insult, the husband killed her. The husband then found the guest half-dead from a wolf attack. Although the guest forgave the husband before he died and the husband's kin bore no responsibility for the death, the wife's insult set off a long-enduring series of mutual revenges and feuds.<sup>75</sup> Insults, injuries, and killings did not always lead to violence. These disputes were often resolved through compensation payments called *galanas* (for wounds or murder) and *sarhaed* (for

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<sup>73</sup> *The Black Book*, 201-3.

<sup>74</sup> Giraldus Cambrensis, *Descriptio Kambriae*, in *Opera*, 6: 200. *Genus itaque super omnia diligent; et damna sanguinis atque dedecus acriter ulciscuntur. Vindictis enim animi sunt, et irae cruentae; nec solum novas et recentes injurias, verum etiam veteres et antiquas velut instantes vindicare parati.*

<sup>75</sup> Walter Map, *De Nugis Curialium*, 184-5.

insult). Testimony from the Edwardian Inquest indicates that Dafydd ap Llywelyn had abolished the *galanas* in parts of Gwynedd and thereby curbed one aspect of the kindred's extra-judicial power. However, aside from Ceri, there is no evidence that it was banned anywhere else and the practice continued into the fourteenth century.<sup>76</sup> Indeed, a minister's account for mid fourteenth-century Maelienydd recorded that an individual owed a sum for *galanas* compensation and the practice also persevered in the Welshries of Oswestry and Clun.<sup>77</sup>

### **Social Organization, Kinship, and Ethnicity in the Anglo-Welsh Border Region**

Now that we have outlined the chief differences in English and Welsh social organization, we will turn to examining why those distinctions endured, why those differences were factors in differentiating the ethnic communities, and whether those differences derived from a clash between "feudal" and "kin-based" societies. Hence, this section is divided into three subsections. The first subsection will examine the role of the Englishries and Welshries in preserving each community's social structures. The second will then consider how and why structural differences and the greater emphasis that Welsh society placed on kin relations helped demarcate ethnic communities and could even result in violence. The final subsection will consider the extent of any cultural clash by examining the relationship between the Welsh kindreds and principalities.

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<sup>76</sup> Davies, *Age of Conquest*, 124-5. For more detailed analysis of the blood feud, *galanas*, and *sarhaed*, see F.W. Maitland, "The Laws of Wales: the Kindred and the Bloodfeud," in *Collected Papers I*, H.A.L. Fisher, ed. (Cambridge: Cambridge University Press, 1911), 202-29; T. Jones Pierce, "The Laws of Wales, the Kindred and the Bloodfeud," in *Medieval Welsh Society*, 289-308; and Charles-Edwards, *Early Irish and Welsh Kinship*, 181-200.

<sup>77</sup> For Maelienydd, see "Maelienydd, 30-31 Edward III," E.J.L. Cole, ed. *Radnorshire Society Transactions* 34 (1964): 35. For Oswestry, see *CAPW*, no. 4570, 143-4. Max Lieberman argues that Welsh courts still invoked the *galanas* in fourteenth-century Clun, though it may have become a "fossilized survival" from earlier periods. See *Medieval March of Wales*, 204-5.

*Dichotomies in Social Organization in High-Medieval Wales*

The dichotomies in Anglo-European and Welsh modes of social organization were rooted in their distinctive legal systems and it is not surprising that we find the disparities readily apparent along the Englishries and Welshries. Much as the Englishries and Welshries helped congeal ethnic identities by preserving communal laws, they also helped maintain and distinguish each ethnic community's unique forms of social organization. For example, the Denbigh survey shows that the English tenants within the Englishry held in severalty with tenures such as *in feodo*, *hereditarie*, and *per relevium* (or *pro relevio*). However, the vast majority of Welsh tenants held in descent groups according to their customary tenures.<sup>78</sup> One of the *Survey's* more fascinating aspects is that it provides detailed explanations for Welsh inheritance practices and even offers short historical descriptions for individual Welsh lineages when necessary. Indeed, one entry specifies the Welsh inheritance practices for freemen and *taeogion*, the lord's rights and responsibilities under Welsh law, and then states that these rules applied only to the Welsh, not to the English (*hoc intelligendum est de Wallensibus et non de Anglicis*).<sup>79</sup> Likewise, the *Black Book of Saint David's* records that the burgesses in the villis of New Mote and Llawhaden were predominately English and held their plots in severalty.<sup>80</sup> In addition, it was mostly Englishmen who held indivisible knights' fees in Llawhaden's vicinity "by the law of England" (*per legem Anglice*), whereby "the heirs ought to

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<sup>78</sup> The heart of the Englishry was in the Vale of Clwyd and was concentrated near the manor, castle, and borough of Denbigh and its associated English villis that straddled the River Ystrad, which divided the commotes of Rhufoniog Ceinmeirch and Is Aled. The names of these territories are given below on pages 388-90. For the ethnic composition of these territories and the English tenants' terms, see *SHD*, 2-17, 43-5, 50-80, and 88-9. For more analysis of the Englishry of Denbighshire, see D.H. Owen, "The Englishry of Denbigh: An English Colony in Medieval Wales," in *THSC* (1974-1975): 57-76, *passim*.

<sup>79</sup> *Ibid.*, 313.

<sup>80</sup> *The Black Book*, 129-59.



succeed to the entire [inheritance]" (*heredes succedere debent in totum*).<sup>81</sup> Conversely, in neighboring Welsh districts such as the *patria* of Llawhaden, Llan-y-cefn ("Kevyn"), Castle Bugelyn ("Castle Bygelyn"), and "Karennyn" the Welsh freemen held in descent groups "by the tenure of Wales" (*de tenura Wallie*), while descent groups also held "hereditary knights' fees according to Welsh tenure."<sup>82</sup>

Distinctions in tenure were also evident elsewhere in the marcher lordships' Englishries and Welshries. For instance, English elements overwhelmingly dominated the manors, boroughs, and vills east of the River Urk in the Englishry of Clun and a mid-thirteenth-century survey records that all of the tenants in those districts held in severalty. However, west of the Urk lay the Welshry of Tempseter, where most vills were held in common among kin.<sup>83</sup> Although the same survey does not specify *gwelyau* in the Welshry of Oswestry, an early fourteenth-century inquisition *post mortem* mentions them and a late fourteenth-century extent indicates that *gwelyau* dominated the area.<sup>84</sup> Both the thirteenth and fourteenth-century extents illustrate that most denizens of the borough of Oswestry were English and all held in severalty.<sup>85</sup> The early fourteenth-century extent of Bromfield and Yale shows that the borough of Holt near Chester was predominately

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<sup>81</sup> Ibid., 159-61.

<sup>82</sup> Ibid., 161-9. Interestingly, one Welsh knight's fee seems to have been held by a descent group with both English and Welsh elements. See below, 392-3.

<sup>83</sup> See *Two Estate Surveys of the FitzAlan Earls of Arundel*, 50-61. Only three of the descent groups in Tempseter were specifically called *gwelyau*. However, the terms for the *gwelyau* were the same for the parceners in the other vills. The chief exceptions seem to have been the vill of Bicton, the manor of Newcastle, and "Hudecote Minor." The Welsh in Bicton and Newcastle seem to have held in severalty, while Hudecote Minor contained a mixture of individual and familial holdings. See *idem*, 59 and 64-5.

<sup>84</sup> See *idem*, 69-74 and *Lordship of Oswestry, 1393-1607*, 153-73. The inquisition *post mortem* was conducted in 1302. See *CIPM*, no. 90, 4: 51-2.

<sup>85</sup> Oswestry was much more heavily English in the thirteenth century than it was toward the end of the fourteenth. Nevertheless, even in 1393 most of the townspeople's names were Anglo-European in origin. See *Two Estate Surveys of the FitzAlan Earls of Arundel*, 66-8 and *Lordship of Oswestry, 1393-1607*, 143-50.

English and its burgages held in severalty, but the rest of the lordship was almost entirely Welsh and most held their land among kinsmen.<sup>86</sup>

Evidence from other lordships also suggests that most of the English and Welsh populations retained distinctive kinship structures within the Englishries and Welshries. According to the *Black Book*, seven *gwelyau* resided in Llangyfelach in *Gower Wallicana* and a sixteenth-century survey states that lands in the Welshry were heavily parceled.<sup>87</sup> The English tenants of Llanddewi in *Gower Anglicana*, however, all held in severalty.<sup>88</sup> Matthew Griffiths extensively analyzed Welsh landholding patterns in Glamorgan by examining charters containing grants to Margam Abbey. According to him, the Margam charters reveal that Welsh landholding did not follow the typical *gwely-gafael* framework found in much of Wales, but still shows that extended kindreds dominated landholding in the Welsh districts of Afan, Coety, Cynffig, Ogmore, Meisgyn, and Senghennydd.<sup>89</sup> A mid fourteenth-century minister's account distinguished the rents of "English land" in Hopedale from Welsh tenures by stating that the Welsh held "by gavel," that is, by partible inheritance.<sup>90</sup> Evidence from Brecon is more circumstantial. However, the *Black Book* demonstrates that most of the Welsh and English within the archdeaconry lived in separate vills, with all the English holding according to English tenure and most of the

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<sup>86</sup> For the borough of Holt, see *First Extent of Bromfield and Yale*, 38-47. For the Welsh lands, see 59-143. The survey does not call the descent groups *gwelyau*. However, a later fourteenth-century extent does. See *idem*, 13.

<sup>87</sup> *The Black Book*, 285-9 and *Cartae*, 5: 1867.

<sup>88</sup> *The Black Book*, 289-91. For more on the tenorial distinctions between English and Welsh Gower, see J. Beverley Smith and T.B. Pugh, "The Lordship of Gower and Kilvey in the Middle Ages," in *Glamorgan County History*, 3: 210-5.

<sup>89</sup> Griffiths, "Native Society on the Anglo-Norman Frontier," 201-13. The Margam charters are contained in *Cartae et Alia Munimenta quae Pertinent ad Glamorgan*. Rees Davies conducted a similar analysis of the Margam charters and focused solely on Ogmore. He concluded that the Welsh in Ogmore's Welshry also retained their traditional inheritance practices. See "The Lordship of Ogmore," in *Glamorgan County History*, 3: 297.

<sup>90</sup> *Flintshire Ministers' Accounts, 1328-1353*, 30. For the Englishries and Welshries in Hope and Maelor Saesneg, see above, 276 and 279.

Welsh living in *gwelyau*.<sup>91</sup> William Rees asserted that the Welsh dwelling within the Hay, Talgarth, and Pencelli Welshries also lived in descent groups. To support his argument, he cited an inquisition *post mortem* from Pencelli (Cantref Tewdos) in 1299 that stated that three hundred Welshmen held the forest pasture in common and rendered the *commorth* to their lord.<sup>92</sup>

We see the same pattern in the royal counties of Cardigan and Carmarthen. The *Black Book* demonstrates that the vast majority of the bishop's Welsh tenants in Cardiganshire held in *gwelyau* through *ach ac edryf*.<sup>93</sup> Evidence for the royal territories does not explicitly mention *gwelyau*. However, in 1332 royal authorities ordered the justice of South Wales to deliver seisin of lands in the commotes of Perfedd, Mabwnion, and Creuddyn to certain Welshmen according to Welsh law and stated that "the said lands were divisible among the heirs according to the said [i.e. Welsh] law."<sup>94</sup> Similarly, the *Fine Rolls* also record that the king wrote to the justice of Wales in 1309 concerning certain tenements that Llywelyn ab Owain held in Cardiganshire. The royal order stated that Llywelyn held those lands according to Welsh customs and Welsh law, that he owed suit at the Welsh court of Cardigan, and that his lands should be divided proportionally among his sons.<sup>95</sup> Evidence for the royal county of Carmarthen is more circumstantial. A late thirteenth-century extent stated that the Welsh of the commotes of Derllys, Elfed, and Gwidigada rendered the *commorth* in common and also mentions that Welshmen held two parcels in Gwidigada and rendered 7s. 4 1/2d. in common.<sup>96</sup> Furthermore, evidence

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<sup>91</sup> *The Black Book*, 291-329.

<sup>92</sup> Rees, "Mediaeval Lordship of Brecon," 211 and 224. For the inquisition, see *CIPM*, no. 552, 3: 426.

<sup>93</sup> *The Black Book*, 197-241, *passim*. Certain villis, however, were held among Welshmen in severalty. See below, 387.

<sup>94</sup> *Close Rolls, 1330-1333*, 505.

<sup>95</sup> *Fine Rolls, 1307-1319*, 42-3.

<sup>96</sup> *Carmarthen Documents*, 46-7.

from neighboring regions suggests that the Welsh in Carmarthen almost certainly held their lands among kin as Welsh law stipulated. An inquisition *post mortem* for 1307 recorded that two Welshmen in the lordship of Talacharn (Laugharne) held a carucate in Pendine (“Pendyn”) by Welsh law, while fourteen Welshmen held two and a half carucates in Eglwys Cyffig (“Egluskeffig”) according to Welsh law as well.<sup>97</sup> In addition to the evidence from neighboring Cardiganshire and Talacharn, the *Black Book* also confirms that the vast majority of Welsh tenants in nearby Ystrad Tywi held in descent groups.<sup>98</sup> Although the evidence for the holdings of the Carmarthen or Cardigan burgesses or other English tenants in demesne lands is not nearly as explicit or extensive as in the contemporary surveys of the marcher lordships, an inquisition for Carmarthen in 1280 states that the burgesses paid individual sums for their tenements.<sup>99</sup> Indeed, because they were adjudicated according to English law and held their tenements according to English law, it is almost certain that the English of the royal counties held in severalty, as did the vast majority of English tenants in Wales and the marches.<sup>100</sup>

The above evidence highlights a derivative feature of a border region where each community largely maintained its own laws and customs. Indeed, it was law and custom that upheld each community’s distinct tenurial arrangements and their unique kinship structures. Hence, most of the English population lived in Englishries under their own laws and customs and those laws and customs dictated that they would typically hold their lands in severalty and pass them to the eldest son through primogeniture or to the youngest son if they lived in the boroughs. As well, most of the Welsh population lived in

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<sup>97</sup> *CIPM*, no. 64, 5: 33.

<sup>98</sup> *The Black Book*, 241-85, *passim*.

<sup>99</sup> *Carmarthen Documents*, 52.

<sup>100</sup> For the Englishries and Welshries of Carmarthen and Cardigan, see above, 277-8. The kings of England granted and confirmed numerous charters to Carmarthen and none indicate any differences in tenurial holdings. For some examples, see *Carmarthen Documents*, 1-3, 7-9, and 18-23.

Welshries where Welsh laws and customs reigned. Those laws and customs dictated that all male heirs up to the third degree would receive part of their patrimony and the land would be held among kin.

Yet most did not mean all. Wales was not Ireland. There were no laws preventing a person from one community from using the other's laws or holding his or her land according to another tenure. For example, one of the descent groups holding a Welsh knight's fee in the *patria* of Llawhaden contained numerous individuals with Anglo-European name forms.<sup>101</sup> In fact, in lordships such as Dyffryn Clwyd where the Englishry and Welshry were not territorially separated, mixed tenures could create enough administrative inconvenience that the lords felt it necessary to enforce ethnic legal boundaries.<sup>102</sup> Dyffryn Clwyd did not represent the normal state of affairs, but contemporary evidence indicates that tenurial permeability was increasing, a topic we will examine later in this chapter. Still, divergences in social structure and the centrality of kinship to Welsh society demarcated ethnic communities, raised considerable assimilative barriers, and occasionally contributed to violence.

***A Clash of Culture?: Kinship and Ethnic Identity in the Anglo-Welsh Border Region***

Even a brief look at the fourteenth-century surveys reveals that English and Welsh social structures differentiated the ethnic communities. Occasionally, we also catch a glimpse of contemporary Anglo-European perceptions about Welsh social organization that were not simply general statements about Welsh law. Anglo-European attitudes to partible inheritance demanded in Welsh law and the emphasis that Welsh society placed on kin relations varied from curt exasperation to disgust. For example, in 1326 an

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<sup>101</sup> See below, 410.

<sup>102</sup> Davies, *Lordship and Society*, 314-5.

escheator explained why he would not list the Welsh tenants who held Welsh knights' fees from William fitz Martin in Cemais: "All the other fees are in the hand of diverse innumerable tenants, because inheritances are divisible between the male coheirs by the custom of those parts."<sup>103</sup> Indeed, even the Welsh sometimes seemed to have difficulty understanding it. For example, the sixteenth-century Welsh jurors of *Gower Wallicana* stated that the Welsh lands were so parceled that they could not acquire an accurate assessment for each tenant.<sup>104</sup> The sentiments of Tudor authors provide more explicit official feelings about Welsh inheritance practices because the issue of partible inheritance was raised in the 1536 Act of Union, which abolished the practice. According to writers such as George Owen of Henllys and John Wynn, Welsh law entailed extreme partitions of familial estates, which could result in crippling poverty. George Owen of Henllys claimed in the Welsh regions of Pembrokeshire "the whole country was brought into small pieces of ground and intermingled up and down with another, so as in every five or six acres you shall have ten or twelve owners."<sup>105</sup> Wynn also stated that partible inheritance "mangled" estates and even asserted that it led to "the destruction of Wales."<sup>106</sup>

While Anglo-Europeans found the Welsh system of inheritance perplexing and self-destructive, they also believed that the centrality of kinship to Welsh society contributed to its general "barbarism." Church reformers railed against Welsh marriage customs, sexual mores, and inheritance practices such as allowing illegitimate children to inherit property. For example, Gerald of Wales claimed that incest was common among

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<sup>103</sup> *CIPM*, no. 710, 6: 449.

<sup>104</sup> *Cartae*, 5: 1867.

<sup>105</sup> George Owen of Henllys, *Description of Pembrokeshire*, 64.

<sup>106</sup> Cited in Davies, *Lordship and Society*, 367.

the Welsh because they often tried to ameliorate family feuds by marrying close kin and were so concerned with genealogy and descent that they refused to marry outside the church's prohibited degrees of marriage.<sup>107</sup> The church reformers' concerns were not restricted to the lay populations. According to Gerald, kinsmen filled many religious houses in Wales and he also asserted that fathers often passed church benefices to sons, as if they were held by hereditary right.<sup>108</sup> The fathers were usually canons who maintained concubines in the churches. These concubines then had sons. Once the father died, the sons inherited his office. In his *De Invectionibus* Gerald provided the example of the canons of St. David's, all of whom, including the English and French but especially the Welsh, kept concubines within the church.<sup>109</sup> Not only did the sons of these unions inherit the father's office, but the fathers also arranged for the sons to marry the other canons' daughters "so that they are thus joined by the firm bond of blood and right of kinship."<sup>110</sup> Gerald further argued that the "vice of succession" (*successionis vitium*) strengthened in both the clergy and the people of Wales and the acquisition of churches by hereditary right ended up "polluting the sanctuary of God."<sup>111</sup>

The church reformers' comments challenged the cornerstone of Welsh social organization and personal relationships: the bonds and centrality of kinship. No amount of ecclesiastical upbraiding or censure could easily break those bonds. The Welsh were aware of the church's criticism and while they accepted some criticisms as valid, they

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<sup>107</sup> Giraldus Cambrensis, *Descriptio Kambriae*, in *Opera*, 6: 213.

<sup>108</sup> *Ibid.*, 214.

<sup>109</sup> Giraldus Cambrensis, *De Invectionibus*, in *Opera*, 3: 128.

<sup>110</sup> *Ibid.*, 129. *Filiis namque suis statim, cum adulti fuerint et plene pubertatis annos excesserint, concanonicorum suorum filias, ut sic firmiori foedere sanguinis scilicet et affinitatis jure jungantur, quasi maritali copula dari procurant.*

<sup>111</sup> *Ibid.*, 130. *Successionis quippe vitium non solum in sedibus cathedralibus, verum etiam adeo per totam in clero sicut et in populo Walliam pertinaciter invaluit, quia qualis ibi populus, talis et sacerdos, quod post patres filii passim ecclesias et consequenter obtineant, tanquam hereditate possidentes, et polluentes sanctuarium Dei.*

outright rejected others. For example, one version of the thirteenth-century Iorwerth Redaction responded to the church's claim that illegitimate children should not be allowed to inherit:

Church law says that no son is entitled to patrimony save the father's eldest son by the wedded wife (*o'r wreyc pryaut*). The law of Hywel adjudges it to the youngest son as to the eldest, and judges that the father's sin and his illegality should not be set against the son for his patrimony.<sup>112</sup>

The Redaction conflated Canon Law with the Common Law practice of primogeniture, but it is responding directly to canonical directives against illegitimate children inheriting their father's estates. In this case, pressure from the church to alter the laws of kinship in Welsh society was met with an intellectual response. However, when the new monastic orders of the high-medieval church reform movement entered Wales, they often received prodigious land grants. Some of these grants were certainly obtained without the kindred's full consent and angered dispossessed kinsmen. In these cases, the response was given not with the pen, but with the sword.

Assaults on foreign monasteries usually came from kin who claimed land that had come into the monks' possession through lay grants. Most attacks against religious houses were against Cistercian establishments in the Marcher lordships. Attacks against the Cistercians might seem odd when considering that the Cistercian order flourished in Wales and many Welsh rulers patronized Cistercian monasteries. However, in the *Speculum Ecclesiae* Gerald of Wales also claimed that the Cistercians were particularly covetous for land and Davies argues that Anglo-European institutions were the subject of attacks more so because of their large-scale acquisitions of woodlands and pasturelands

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<sup>112</sup> Pryce, *Native Law and the Church*, 98.



than because of their foreign roots.<sup>113</sup> Conflicts with religious houses over land were common throughout Europe, but such acquisitions were especially threatening to a mostly pastoral economy in which free access to forest and grazing land was an economic necessity. The alienation of family land and pasture from the kindred group probably made the Cistercian monastic establishments more susceptible to attack. The fact that Anglo-Norman rulers established the wealthiest Cistercian abbeys in Wales in lordships conquered from Welsh dynasties only raised the chances of attack.

While Margam Abbey in Glamorgan was not the only monastery to suffer violence at the hands of kinsmen, the abbey's extensive records demonstrate the monks were highly concerned about possible kindred vengeance. Gerald of Wales provides an example of why the abbey was so worried. According to him, a young Welshman claimed certain lands that had been donated to the abbey and became so incensed that he burned one of the abbey's granges and roamed the countryside shouting his complaints until his kinsmen restrained him.<sup>114</sup> Margam tried to prevent kindred retribution by enlisting the protection of Welsh lords and ensuring that Welsh land grants to the abbey contained the consent of the grantor and his kin. For example, sometime between 1203 and 1217 Margam reached an agreement with Cadwallon ap Morgan to protect the abbey from the "sons of Gwrgi and their stock" (*contra filios Wrgy et eorum progeniem*).<sup>115</sup>

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<sup>113</sup> Davies, *Age of Conquest*, 141-2; Giraldus Cambrensis, *Speculum Ecclesiae*, in *Opera*, v. 4. Gerald of Wales rails against the greed and avarice of the Cistercians in Wales and Ireland throughout the *Speculum Ecclesiae*, but the majority of his venom is contained in *Distinctio* III between pages 118 and 186. For an analysis of Gerald's portrayal of the Cistercians, see Joseph C. Castora, "The Cistercian Order as portrayed in the *Speculum Ecclesiae* of Gerald of Wales," *Analecta Cisterciensia* 53:1-2 (1997): 73-97.

<sup>114</sup> Giraldus Cambrensis, *Itinerarium Kambriae*, in *Opera*, 6: 67-8.

<sup>115</sup> AWR, no. 173, 301-2. Cadwallon ap Morgan was the third son of Morgan ap Caradog and grandson of Caradog ab Iestyn, who died sometime in the mid to late twelfth century. Morgan and his descendants became lords of the cantref of Afan and nominal subjects of the lords of Glamorgan. Cadwallon himself never became lord of Afan. After his father's death in 1208, power passed to the eldest son Lleision. Demonstrating his junior status, Cadwallon's charter was witnessed by his father, Lleision, and elder brother Owain. See AWR, 18-21.

Between 1217 and 1228 Morgan ap Cadwallon promised to defend certain granges of Margam that were near his lands from the men of Brycheiniog (Brecon) and Senghennydd and against the sons of Seisyll ap Llywarch.<sup>116</sup> A charter of Cynaethwy ap Herbert and his brothers yielding the land of Gallt-y-cwm to the abbey stated that the brothers had agreed to warrant the monks against “all men and all our kin” (*contra omnes homines et omnem parentalem nostrum*).<sup>117</sup> Charters usually contained explicit approval from co-heirs or the wider kindred group. For instance, around 1270 a certain Welshman quitclaimed lands to the abbey and asserted that he had the consent of his sons and his “other kinsmen” (*aliorum amicorum meorum*).<sup>118</sup> On one occasion in the late twelfth century the abbey even made an agreement with four kindreds from the Welsh Hundred of Glamorgan to abjure Margam’s lands forever and to make restitution for damages that the abbey sustained from violence.<sup>119</sup>

Attacks against Anglo-European monastic institutions seem to have diminished over the course of the thirteenth century. In addition, canonical notions of marriage became more widely accepted in Wales. According to Pryce, native marriage customs did not persist as vigorously in Wales as in the Gaelic regions of Ireland and Scotland by the later Middle Ages.<sup>120</sup> However, greater acceptance of canonical norms did not entail emphatic embrace. In November of 1282 John Pecham complained to Llywelyn ap Gruffudd that the Welsh still ignored canonical sanctions on marriage and continued to

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<sup>116</sup> Ibid., no. 190, 319-20. Morgan ap Cadwallon descended from Cadwallon ap Caradog and was also a grandson of Caradog ab Iestyn. He was lord of the commote of Glynrhondda until it was annexed by his cousin Hywel ap Maredudd, lord of the commote of Meisgyn in 1228. See AWR, 19.

<sup>117</sup> *Cartae*, 2: 243. The charter has no date, but it was witnessed by the bishop Nicholas ap Gwrgant, who was bishop from 1148 to 1183. See *Handbook of British Chronology*, E.B. Fryde, et al., eds. 3<sup>rd</sup> ed. (Cambridge: Cambridge University Press, 1996), 293.

<sup>118</sup> *Cartae*, 1: 126-7.

<sup>119</sup> Ibid., 6: 2277-2278. Griffiths dates the charter to before 1183. See Griffiths, “Native Society on the Anglo- Norman Frontier,” 186.

<sup>120</sup> Pryce, *Native Law and the Church*, 82-8 and 111.

allow illegitimate children to inherit.<sup>121</sup> Pryce asserts that although laymen and women across Europe had difficulty reconciling their sexual behaviors and marriage customs with the dictums of Canon Law, Wales presented a particularly acute problem for church reformers because they encountered a vast corpus of secular law whose rules and regulations often differed considerably from church law.<sup>122</sup> Indeed, even though the Statute of Rhuddlan expressly forbade inheritance for illegitimate children in the royal principality of Wales, evidence from the Marcher lordships suggests that the practice endured, though sometimes in a modified form.<sup>123</sup> For example, the late fourteenth-century extent of Chirk explicitly stated that illegitimate free heirs could not share the patrimony with legitimate children without the lord's license. However, illegitimate heirs among *taeogion* could inherit freely, so long as their father accepted him or her in court.<sup>124</sup> Yet in 1299 a Welsh jury from Builth contended that all illegitimate children could accede to the inheritance without stipulation.<sup>125</sup>

The stubborn persistence in disregarding canonical doctrines about marriage customs, sexual behaviors, and passing ecclesiastical offices from father to son, in addition to continued violence against monastic institutions were directly attributed to the importance that Welsh society placed on status and descent, on nurturing the bonds of kinship, and on maintaining and protecting the traditional rights of kinship groups. While the Welsh were amenable to certain cultural influences from England and Western Europe, they did not accept ideas that threatened the core tenets of their social structure

<sup>121</sup> *Registrum Epistolarum Fratris Johannis Peckham*, 2: 474.

<sup>122</sup> Pryce, *Native Law and the Church*, 88.

<sup>123</sup> *Statutes of Wales*, 25-6.

<sup>124</sup> *Extent of Chirkland (1391-1393)*, 61.

<sup>125</sup> R.W. Banks, "On the Welsh Records in the Time of the Black Prince," in *Archaeologia Cambrensis*, fourth series, 4 (1873): 178-80. The patent rolls record the king ordering an inquiry into disputes concerning lands in Builth on 15 June 1299 (See *Patent Rolls, 1292-1301*, 471). However, although Banks states a record of the jury's presentments exists, he does not provide a citation.

and cultural norms. The introduction of jury procedure and methods of collective judgment were amenable to the Welsh because they coincided with their own conceptualization of the legal role that the community should play. However, challenging the kindred's traditional rights or kinship's importance often met with silent, rhetorical, and even armed resistance.

***The Welsh Princes and the Kindreds: Acculturation and Amalgamation without Assimilation***

The preceding discussions present a stark contrast between two societies whose modes of social organization seemed entirely distinct, inherently incompatible, and thoroughly impermeable. Furthermore, the settlers' perceptions of Welsh social organization, church reformers' disparagement of kinship relations' centrality in Welsh society, and Welsh attacks against foreign monasteries lend credence to the argument that a feudal-kindred clash emerged in high-medieval Wales. Yet the feudal-kindred caricature misses two fundamental points. First, although social organizations were distinct enough to differentiate ethnic communities, they were not incompatible and Welsh and English societies were not nearly as different as contemporaries claimed or modern historians often portray. Second, the permeability of social structures is evident in the many instances in which the English and Welsh populations utilized each other's tenures or held land according to both English and Welsh law. It is further evident in the hybrid institution of the Welsh knight's fee and in the English population's willingness to use the *tir prid* deed, or the Welsh mortgage. The second point will be the focus of the next section where we will examine the local processes of ethnic acculturation in detail. However, in order to understand those acculturative processes, it is important to stress that English and Welsh forms of social organization were not vastly different, which

requires analyzing the administrative framework of Welsh society and the relationship between the kindreds and the Welsh princes.

The kindreds' ability to wage their own feuds might reasonably suggest that kindreds could act outside a ruler's jurisdiction and, as semi-autonomous units, pose a major threat to a Welsh principality's stability. However, while the kindreds maintained some ability to operate outside the power of a "state" or a particular sovereign, the Welsh king or prince greatly constricted that ability. Kindreds were not tribes. Unlike in the steppes or among the Turkic confederations in the Middle East and Central Asia, we see little evidence of coalitions of kindreds concertedly acting against their ruler and causing widespread disruption. Indeed, the Welsh princes were increasingly able to manipulate the kindreds to suit their interests.

Contrary to historiographical caricatures, Welsh kings and princes were not simply lords over men. They were also lords over land and their administrative sophistication grew tremendously during the twelfth and thirteenth centuries. Admittedly, most of our evidence comes from Gwynedd, the most centralized Welsh principality. However, administrative centralization was increasing elsewhere as well. Some of these administrative practices were undoubtedly copied wholly or partly from English administration, whether through imitation of the Crown or the Marcher lords. However, many of these developments sprung purely from native wells. Welsh principalities were divided into cantrefs and commotes, with the *maenol* or *maenor* being an intermediate jurisdiction that contained a number of *trefydd* (sing. *tref*).<sup>126</sup> Within these administrative

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<sup>126</sup> There is some debate on the development of these administrative units. John Edward Lloyd posited that the commote was a relatively recent development in high-medieval Wales and the commote increasingly became the center of administrative focus, while the cantref became a relic. Rhys Jones also argues for the development of the commote in Gwynedd in the twelfth century for the purposes of increasing fiscal

units were a bevy of officials who enforced royal orders and ensured that the prince's dues were collected and royal justice implemented.<sup>127</sup> Throughout the twelfth and thirteenth centuries, princes founded towns that helped increase their revenues. While even Gwynedd did not have nearly the level of administrative centralization and sophistication seen in Plantagenet England, the princes of Gwynedd (and for a while Deheubarth under Rhys ap Gruffudd and mid twelfth-century Powys under Madog ap Maredudd) had become potent rulers who were far more powerful than any single Marcher lord, much less a group of disparate kindreds.<sup>128</sup>

The disparity in power is also evident in the control of land. In the final account, the prince controlled the land, not the kindreds. As David Stephenson emphasizes, kindreds obtained their lands in return for certain obligations. Failure to fulfill those

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exploitation in order to combat the Anglo-Norman threat. Roger Turvey states that the cantrefws and commotes appear in the eighth or ninth centuries. He also mentions that the cantref seems to have been the primary focus of administration under Rhys ap Gruffudd of Deheubarth. See J.E. Lloyd, *A History of Wales from the Earliest Times to the Edwardian Conquest*, 3rd edition. 2 vols. (London: Longmans, 1939), 1:300-1; Rhys A. Jones, "The Formation of the Cantref and the Commote in Medieval Gwynedd," *Studia Celtica: BBCS* 32 for 1998 (1999): 169-77, *passim*; and *idem*, "Changing Ideologies of Medieval State Formation: The Growing Exploitation of Land in Gwynedd c. 1100–c. 1400," *Journal of Historical Geography* 26:4 (2000): 505-16, *passim*; finally, Turvey, *Welsh Princes*, 102 and 105-6.

The *maenol* was primarily an administrative division in the north, while the *maenor* developed in the south. The number of *trefydd* varied greatly, though *Llyfr Iorwerth* fixed the number at four. For the corresponding differences between the *maenol* and *maenor* in the north and south, their origins, and the connection between these districts to *gwestfa* renders and *rhandir* ("shareland"), see Charles-Edwards, *Early Irish and Welsh Kinship*, 248-50, 372-3, 382-3, and 444-6; Rhys A. Jones also posits theories for the development of, and differences between, the *maenor* and *maenol* in "Problems with Medieval Welsh Local Administration: The Case of the Maenor and the Maenol," *Journal of Historical Geography* 24:2 (1998): 135-46.

<sup>127</sup> For a summary of local officials in Gwynedd and their obligations, see David Stephenson, *The Governance of Gwynedd* (Cardiff: University of Wales Press, 1984), 40-53; Turvey also has an excellent section on the development of royal power in Deheubarth and Gwynedd, which contains discussions on the role of local officials in expanding the princes' powers. See *Welsh Princes*, 105-22.

<sup>128</sup> One measure of a ruler's power is to look at the number and quality of his household troops. In Wales, that band was known as the *teulu* (literally, "family"). According to A.D. Carr, the *teulu* had developed into a sophisticated fighting force of armored knights, crossbowmen, and siege engines, not to mention their retainers. Turvey maintains that the most powerful twelfth-century princes in Powys, Deheubarth, and Gwynedd could afford a *teulu* of less than 120 men, but that the thirteenth-century princes of Gwynedd could muster that many on average and much more in crisis. Sean Davies places the number of troops in the prince of Gwynedd's *teulu* at 50 men, but this estimate seems overly conservative. The most powerful Marcher lords could command a *familia* of about 30-40 men. Compare to the *familia regis* of Edward I, which contained over 800 men. See A.D. Carr, "Teulu and Penteulu," in *Welsh King and His Court*, 76-7; Turvey, *Welsh Princes*, 137-8; and Sean Davies, *Welsh Military Institutions*, 22-6.

obligations subjected their lands to forfeiture.<sup>129</sup> Though in theory land could never be alienated from the kindred, the *prid* mortgage allowed a member of a kindred to do so by leasing his lands in perpetual mortgages. Yet the *prid* mortgage was subject to the prince's ratification and he often denied it in order to maintain the fees from the kindred's land.<sup>130</sup> The head of the kindred, the *pencenedl*, paid tribute to the prince and his office became wholly integrated into the state's machinery by the later thirteenth century.<sup>131</sup> Stephenson best summarizes the relationship between the kindreds and the princes in Gwynedd towards the end of the thirteenth century: "It does at least seem clear that as a formal institution, the kinship group was offering little resistance to the activity of the state."<sup>132</sup> However, he also adds that "it [the kindred] represented an association which the princes might sometimes exploit but which they could never ignore."<sup>133</sup> Indeed, the princes, like other medieval rulers, could not disregard the community's wishes and the kindreds were a major part of that community. Some offices, such as the *distain* (the chief officer of the state and rendered in the Latin texts as *senescallus*) and the *rhaglaw* (the chief administrative and judicial officer in the cantref and called the *ballivus* in Latin texts), seem to have been held by hereditary right and the princes of Gwynedd generally relied upon the support of about five or six families to maintain their state.<sup>134</sup> Hence, kinship could be an important qualification even at the highest levels of government. Yet most royal offices were not hereditary and royal manipulation and control over the kindreds became increasingly prominent.<sup>135</sup>

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<sup>129</sup> Stephenson, *Governance of Gwynedd*, 190.

<sup>130</sup> *Ibid.*

<sup>131</sup> *Ibid.*, 191-2.

<sup>132</sup> *Ibid.*, 192.

<sup>133</sup> *Ibid.*

<sup>134</sup> *Ibid.*, 16-20 and 188; and Turvey, *Welsh Princes*, 122.

<sup>135</sup> Stephenson, *Governance of Gwynedd*, 187-8.

Indeed, twelfth and thirteenth-century evidence indicates that the princes' power rested in both territory and men and that they manipulated the kindreds and intruded upon their traditional prerogatives to increase their control over both. Hence, while Welsh society was "kin-based" and while power and lordship rested on a more personal level, the Welsh princes were establishing states that were increasingly impersonal and willing to usurp the kindreds' traditional prerogatives. According to Charles-Edwards, the princes of Gwynedd encouraged, if not created, the establishment of deep lineages of freemen. Granting *trefydd* to free lineages guaranteed that princely supporters would be entrenched and also ensured that the obligations placed upon those lineages would continue over generations.<sup>136</sup> Hence, if a prince granted a *tref* or *villata* to an entire lineage, that township's land- and the dues owed from that land- would be divided among the lineage's heirs. Over time, therefore, the dues owed to the prince would be assessed upon the lineage's branches and upon their lands.<sup>137</sup> The kindreds' territorial possessions and traditional rights derived from royal authority and through royal authority those same possessions and rights could be taken away. It is difficult to establish whether the evidence from the Edwardian Inquest indicates that Dafydd ap Llywelyn had outlawed the *galanas* only in the cantref of Rhos, across the Four Cantrefs, or across Gwynedd.<sup>138</sup> Nevertheless, many compensation payments once payable to the kindred had become fines payable to the prince.<sup>139</sup> Far from being a potential threat to the state's stability, the princes found the kindreds useful tools to manipulate. Instead of endowing plots of land to individuals who shared it among their families, as occurred in England, the princes

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<sup>136</sup> Charles-Edwards, *Early Irish and Welsh Kinship*, 254-5.

<sup>137</sup> *Ibid.*, 250-1.

<sup>138</sup> *Welsh Rolls*, 199.

<sup>139</sup> Stephenson, *Governance of Gwynedd*, 188-9.



granted large townships to lineages whose rights to the land were subject to their loyalty and fulfillment of obligations to the prince, including military service. It might not have been “feudalism” as understood in most of Western Europe, but it was not that far removed.

Twelfth and thirteenth-century evidence reveals that the princes’ growing power greatly worried the free kindreds. Two documents in particular demonstrate those concerns. The first comes from twelfth-century Powys. Entitled *Breintiau Gwŷr Powys*, or “The Liberties of the Men of Powys,” it was probably composed sometime between 1170 and 1195 in the context of conflicts between rival descendants of the Powysian king Madog ap Maredudd (d. 1160).<sup>140</sup> In the poem, the poet Cynddelw Brydydd Mawr celebrates a “joint-custom,” in the sense of a “joint-law” (*cynneddf*) through which the king and the men of Powys ruled in concord and through which they were able to resist a Northumbrian invasion in the seventh century.<sup>141</sup> The poem complains about attempts to impose *taeog* obligations on freemen, which threatened the status of the latter.<sup>142</sup> The poet further states that “a sister’s share does not come from [the] men of Powys,” indicating the spread of female inheritance in the kingdom, which Charles-Edwards’ suggests the kings of Powys used to enhance the power of their closest supporters and reduce the power of the other kindreds.<sup>143</sup> The poet then implores the kindreds to resist

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<sup>140</sup> T.M. Charles-Edwards and Nerys Ann Jones, “*Breintiau Gwŷr Powys*: The Liberties of the Men of Powys,” in *Welsh King and His Court*, 192-3 and 201-2. For the political circumstances in which the poem was written and the poet’s loyalties, see 191-204. The original Welsh and an English translation by Nerys Ann Jones is between pages 216 and 220.

<sup>141</sup> *Ibid.*, 206-7.

<sup>142</sup> *Ibid.* See especially *englynion* (an *englyn* is a Welsh poetic meter; *englynion* is the plural) 13-15 and 17-18 on page 220. For Charles-Edwards’ explanation of the Welsh terms and possible meanings, see 208-9.

<sup>143</sup> *Ibid.* See *englyn*, 10, pg. 219. For analysis, 210-11.

the power of the *rhingyll* (a judicial officer, sometimes translated as “sergeant”) and “the injustice done to you.”<sup>144</sup>

Similar protests were also levied in the *Gravamina* against Llywelyn ap Gruffudd, which was a series of grievances against the prince’s rule made in an assembly of representatives of the commotes of Gwynedd in the summer of 1283, after Llywelyn’s death.<sup>145</sup> The fourth article of the *Gravamina* states that the prince had created a “third kind” of man, a mixture of freemen and *taeogion* (*tertium genus de nobilibus et ignobilibus*), with the implication being that the prince was infringing upon the freemen’s rights for his own financial benefit.<sup>146</sup> Article twenty five goes even further, contending that the prince had turned his freemen into mere peasants (*fecit dictus princeps de nobilibus rusticos*).<sup>147</sup> Article fourteen, and a multitude of others, complain about the intrusive and “onerous multitude” (*de onerosa multitudine*) of the prince’s ministers, especially the *rhingyll* (*preco* in the text).<sup>148</sup>

The growing power of the Welsh princes and their increasing exactions on the free kindreds does not suggest that the princes were trying to end the kindreds’ influence or reduce the traditional bonds of kinship in Welsh society. It is doubtful that they could ever conceive of, endeavor to, or much less succeed in, ending the kindreds’ existence. Instead, we see rulers exploiting the dual nature of their lordship. Wales remained a “kin-based” society, but the kindreds’ rights and power were limited. The Welsh princes were, as their counterparts in England or Scotland, lords over land and men who were trying to

<sup>144</sup> Ibid. See *englynion*, 14 and 18. For analysis, 210.

<sup>145</sup> Llinos B. Smith, “The Gravamina of the Community of Gwynedd against Llywelyn ap Gruffydd,” *BBCS* 31 (1984): 159-60. The assembly took place in the presence of the bishop of Bangor. Llywelyn ap Gruffudd died on December 11, 1282.

<sup>146</sup> Ibid., article 4 (56), 173.

<sup>147</sup> Ibid., article 25 (77), 175.

<sup>148</sup> Ibid., article 14 (66), 174. For other complaints about princes’ officers, see articles 11-13 (63-5), 15 (67), 29 (81), and 34 (86), pgs. 173-5.

enhance their ability to exact revenues and resources from their subjects and maximize their territorial control. In a violent political orbit where the English crown, the Marcher lords, and their fellow princes threatened their survival, they needed to explore as many avenues as possible to obtain resources to conquer their enemies or defend themselves.

### ***Conclusions***

The thirteenth and fourteenth-century sources highlight that law defined the conceptualization and perception of ethnic community and tenure was the legal aspect that helped shape a society's social structure and had the most impact on daily lives. At the heart of the distinct Welsh and English tenures lay two distinct notions of the role that kinship played in their respective communities. Divergent kinship structures were powerful assimilative barriers that the legal regime of perpetuated pluralism sustained. Much as both communities maintained their own laws and customs, both communities tried to stay within their general accepted forms of tenure and social organization as much as possible. However, contemporary evidence from the Welsh principalities highlights the fact that Welsh society was not "anti-feudal." The Welsh princes erected administrative edifices that shared many similarities and objectives with their "feudal" counterparts in England and Scotland. The chief differences rested in the scope and relative sophistication of governmental institutions and the political importance of kindred lineages. These instances of cultural accommodation and at least partial acceptance were standard practice for two ethnic groups whose socio-cultural structures and norms were not as drastically different as historians have often portrayed. We do not see a complete socio-cultural clash between these two societies. Welsh attacks against Anglo-European monasteries were not attacks against a social system. Rather, threats to

the landed interests of a kindred group could lead to violence, but the loss of familial lands could also spur violence in “feudal” societies. Furthermore, it is difficult to imagine that the local Welsh populace would have been any more accepting of the monasteries’ acquisitions had they placed Anglo-European kindreds or even other Welsh kindreds onto their former lands simply because they were not “feudal” grants.

### **The Permeability of Social Structures: Accommodation, Acculturation, and Hybridization**

Indeed, the English and Welsh populations generally adhered to their traditional forms of social organization under their own laws and within their own communities. Yet cultural change was an ongoing process, a process that permeated the Englishries and Welshries and even areas where few settlers ventured. The Welsh and English communities found ways to accommodate each others’ social systems. Often, such cross-cultural embraces were selective. Our purpose in this section is to examine the acculturative process and the ways in which each community learned to adapt to and adopt some of the other communities’ social structures. To do so, this section is divided into two subsections. The first subsection will examine “tenurial mobility.” That is, it considers the reasons for which and circumstances under which the English and Welsh populations would utilize the other community’s tenures. It will also consider the potential impact of tenurial mobility on ethnicity. The second subsection will then consider two important forms of tenurial accommodation and mobility, namely the Welsh knight’s fee and the *tir prid* deed, often called the “Welsh mortgage.”

***Anglicization, Cymricization, and Dual-Tenurial Arrangements***

One obvious manifestation of social permeability in the high-medieval period was the spread of English tenure among the Welsh. Although most Welsh families tended to be organized in descent groups, contemporary evidence shows that Welshmen or Welshwomen holding in severalty was not uncommon. For example, the *Black Book* reveals that Ieuan ap Meilyr held an indivisible knight's fee at Jordanston in the Upper Bailiwick of Pebidiog.<sup>149</sup> In the demesne lands outside the borough of St. David's, where most tenants had Anglo-European name forms and held in severalty, we find names like "Philip ap Maredudd," "Maurice ap Daffyd," and "Maurice ap Philip" holding their lands in severalty.<sup>150</sup> We see the same phenomenon in the demesne lands of Pointz Castle and Newtown. In the borough of St. David's and the vill of Llawhaden, we find Welshmen such as "Adam ab Ieuan" and "Ieuan ap Morgan" holding their burgages as individuals.<sup>151</sup> The bishop's estates in the lordship of Brecon also highlight a growing trend of Welshmen holding lands through English tenures. The bishop held the estates and vills of Llanddew, Glascomb, Newton, Aberbran, Wernhir, Trallong, Gilfach, Rhydwernen, "Calvannok'," and Garthbrenky. Aside from the vill of Llanddew, which was almost entirely English, and Newton, which had a mixed population, the remainder of the bishop's estates were wholly Welsh. In the Welsh vills of Glascomb, Wernhir, Gilfach, Rhydwernen, and "Calvannok'," the populace held in *gwelyau*. However, most of the Welsh in Trallong and Garthbrenky held in severalty.<sup>152</sup> Evidence from the *Black Book* is consistent with contemporary developments across the Marcher lordships of

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<sup>149</sup> *The Black Book*, 96-7.

<sup>150</sup> *Ibid.*, 42-5.

<sup>151</sup> *Ibid.*, 18-9 and 148-9.

<sup>152</sup> *Ibid.*, 291-329. The extent does not provide a clear account of the forms of ownership and tenure in Aberbran ("Brane" in the text). See *ibid.*, 311-3.

Wales in the later thirteenth, fourteenth, and fifteenth centuries. As Davies noted, English tenurial arrangements became more popular among the border region's Welsh populations, primarily because English tenure provided economic advantages.<sup>153</sup> Indeed, the switch to English tenure had become so strong in fourteenth-century Dyffryn Clwyd that Welsh tenants began selling their lands in order to receive them back under English tenure and often paid substantial fines to receive English status.<sup>154</sup>

Economic considerations almost certainly drove more Welsh into the boroughs where they received their land in severalty and under the typical burgage tenures of English law. For instance, the town of Abergwili in Ystrad Tywi and the towns of Llandewi Brefi and Adpar in Cardiganshire were either wholly or predominately Welsh, but all the inhabitants held their burgages in severalty.<sup>155</sup> The Welsh inhabitants of the implanted boroughs of Holt and Wrexham in the lordship of Bromfield and Yale also held in severalty.<sup>156</sup> Indeed, Welsh migration into the boroughs increased considerably in many predominately Welsh districts in the fourteenth century. For example, the majority of the burgesses of Ruthin at any one given time up to 1324 were Welsh.<sup>157</sup> By 1307, roughly 43% of Aberystwyth was Welsh and Welshmen came to dominate the town long before the Glyndŵr rebellion.<sup>158</sup> In other heavily Welsh districts, Welsh burgesses filled towns such as Llantrisant in the commote of Meisgyn in Glamorgan and Caerphilly in the former Welsh kingdom of Senghennydd during the thirteenth and fourteenth centuries. A minister's account from 1372 shows that every Welsh burgess in Caerphilly held in

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<sup>153</sup> Davies, *Lordship and Society*, 449-55.

<sup>154</sup> *Ibid.*, 451.

<sup>155</sup> *The Black Book*, 241-51, 197-9, and 219-29, respectively.

<sup>156</sup> *First Extent of Bromfield and Yale*, 39-57.

<sup>157</sup> R.I. Jack, "Ruthin," in *Boroughs of Mediaeval Wales*, 250-1.

<sup>158</sup> R.A. Griffiths, "Aberystwyth," in *idem*, 38-9.

severalty.<sup>159</sup> In the most Anglicized regions of the lordships, the Welsh element in the boroughs was still small at the end of our period. Brecon was still predominately English by the mid fifteenth century, while English elements dominated Cardiff well into the sixteenth century.<sup>160</sup> Late thirteenth and fourteenth-century evidence also indicates that boroughs such as Carmarthen, Abergavenny, Swansea, Monmouth, Cardigan, and the towns of southeastern Pembrokeshire remained overwhelmingly English.<sup>161</sup>

The Welsh populations also became familiarized with holding in severalty through the settlement processes initiated after the Edwardian conquest. An excellent example comes from the lordship of Denbigh. When Edward I granted Denbigh to the Earl of Lincoln, Henry de Lacy, on October 16th of 1282, the earl's first task was to attract English colonists to the new lordship.<sup>162</sup> To accomplish this objective, de Lacy and his successors needed to create a secure military and administrative center of power within the lordship and determine the best course for dealing with the Welsh kindred groups occupying the land. The Denbigh survey of 1334 provides historians with a fairly

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<sup>159</sup> For Llantrisant, see Griffiths, "The Boroughs of Glamorgan," in *Conquerors and Conquered in Medieval Wales* (New York: St. Martin's Press, 1994), 341-2. The names of jurors from an inquisition at Caerphilly in 1295-1296 indicate a significant English population at the end of the thirteenth century. However, the minister's account from 1372 shows that the vast majority of the burgesses were Welsh. See "Records of the Lordship of Senghennydd with the Castle of Caerphilly (from the time of Edward I to Henry VIII)," in *South Wales and Monmouth Record Society Publications*, nos. 4-5, 2: 36 and 41-9.

<sup>160</sup> See Davies, "Brecon," in *Boroughs of Medieval Wales*, 67-8 and D.G. Walker, "Cardiff," in *idem*, 119-20.

<sup>161</sup> For Carmarthen, see Griffiths, "Medieval Carmarthen," in *Conquerors and Conquered in Medieval Wales*, 186-8. A petition from 1327 indicates that the township of Abergavenny was predominately English (see *CAPW*, no. 14717, 475). For Swansea, see W.R.B. Robinson, "Swansea," in *Boroughs of Medieval Wales*, 285-6 (Welsh inhabitants became more numerous by the fifteenth century). For Monmouth, see Davies, *Lordship and Society*, 304. For a summary of the ethnic divisions of Pembrokeshire, see Turvey, *Pembrokeshire: The Concise History* (Cardiff: University of Wales Press, 2007), 37-56. Cardigan is a unique example. It was contested between the Anglo-Europeans and the Welsh until the early thirteenth century when Henry III secured it as bastion of royal power in Wales. By 1268 there was still a sizeable Welsh presence in the town, but by the beginning of the fourteenth century, its burgesses were overwhelmingly English. By 1400, however, Griffiths states that Cardigan "was losing its predominately English character." See Griffiths, "The Making of Medieval Cardigan," in *Conquerors and Conquered in Medieval Wales*, 277-80 and 282-90. Quote on p. 290.

<sup>162</sup> *Welsh Rolls*, 241.

clear picture of how this process occurred, a process that still seemed to be ongoing nearly fifty years after the lordship's establishment. The lord's center of power rested along the borders of the commotes of Is Aled and Ceinmeirch, which the River Ystrad divided. Here, the lords of Denbigh created the manors of Denbigh, Ystrad Owain ("Astret Oweyn" in the text), and Kilform. They also established a castle and borough around the manor of Denbigh, while nearby villis such as Lleweni, Gwenynog, and Segrwyd were either wholly or almost wholly populated with English settlers. There were other manors and boroughs created throughout the lordship, but this region was its central nexus and became the Englishry.

The process of English settlement occurred through three principal means. The first was encouraging English burgesses to settle in the lordship's boroughs.<sup>163</sup> The second means entailed acquiring the lands of Welsh kindred groups through forfeitures, which in the *Survey* are commonly referred to as "escheats" (*escaeta*). An escheat usually occurred because the tenants had died "against the peace" (*ratione tenencium motuorum contra pacem*) or because they had failed to perform the services owed to the lord (*pro defectu servitiorum*). Most of the deaths *contra pacem* probably occurred during the Welsh war of 1282-1283 and the revolt of 1294-1295.<sup>164</sup> The third mechanism of settlement occurred through land exchanges, whereby the lord took the kindreds' lands into his hands and granted them territories elsewhere. For example, the *Survey* records

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<sup>163</sup> The Welsh rebellion of 1294-1295 caused considerable devastation in the lordship and the borough and many burgesses vacated their burgages. However, D.H. Owen contends that by 1305 the number of burgesses increased and suggests that the period between 1295 and 1305 represented a second and more fruitful attempt to create the borough. See D.H. Owen, "Denbigh," in *Boroughs of Medieval Wales*, 169-70.

<sup>164</sup> The exact circumstances surrounding deaths against the peace are never mentioned, but in the vill of Bachymbyd (or Machymbyd; "Maghenbet" in the text) the lineages of Ralph ap Maredudd and Ieuaf ap Maredudd lost their patrimonies because "the tenants rose against the peace in two wars" (*tenentes insurrexerunt contra pacem in ij guerris*, etc.), probably referring to the rebellions of 1282-1283 and 1294-1295. See *SHD*, 33.



that two *gafaelion* of freemen and *taeogion* held the vill (or *tref*) of Denbigh when the princes of Gwynedd ruled (*temporibus Principum*). These two *gafaelion* then further subdivided into numerous other *gafaelion*. All of the lineages' lands in Denbigh came into the lord's hands either because of deaths against the peace or because the lineages received lands elsewhere in the lordship such as in the vill of Ereifiad ("Eryvyot") in Is Aled.<sup>165</sup>

Virtually all the escheated lands of kindred groups in the lordship were granted in severalty to individual holders, whether English or Welsh. In the lordship's core, nearly every tenant who received escheated lands had English name forms, but Welshmen received escheated lands elsewhere. For example, in Ereifiad, kindred groups retained their holdings in five *gwelyau*, three of which were wholly in the possession of freemen, while two were split between freemen and *taeogion*.<sup>166</sup> Yet the kindreds who formerly held lands in Denbigh, as well as in Lleweni, Ystrad Cynon ("Astret Canon"), and Berain ("Beryn") also received exchanges in Ereifiad. Both the escheated lands from the kindreds of Ereifiad and the exchanges were allotted in 106 separate individual holdings, roughly split between people with English, Welsh, or mixed name forms.<sup>167</sup> In overwhelmingly Welsh regions such as Rhufoniog Uwch Aled, Rhos Uwch Dulas, and Rhos Is Dulas the vast majority of escheated kindred lands were endowed to Welsh tenants in severalty.<sup>168</sup>

The increasing instances of Welshmen holding in severalty and seeking English status might suggest growing Welsh assimilation into English society. However, while

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<sup>165</sup> *SHD*, 53-6.

<sup>166</sup> *Ibid.*, 107-9.

<sup>167</sup> *Ibid.*, 109-16.

<sup>168</sup> For examples, see *ibid.*, 164-5, 167-9, 171-2, 175, 179-81, 183-4, 186-7, 190-1, 193-4, 198-9, and 207-8 (Rhufoniog Uwch Aled); 297-8, 309, and 311-4 (Rhos Uwch Dulas); 242-5, 259-62, 265, and 267 (Rhos Is Dulas);

some degree of structural assimilation might be true, the tenurial evidence seems to demonstrate more that dual-administration in Wales did not preclude legal and tenurial mobility. Furthermore, utilizing the tenurial dictums of another ethnic group did not mean abandoning one's own ethnic community. The *Black Book* and the Denbigh survey reveal that it was not unusual for the Welsh to hold in severalty and in common among kin, a phenomenon that Davies argues occurred across Wales.<sup>169</sup> Numerous Welsh free tenants in the Lower Bailiwick of Pebidiog held lands individually and in common. For instance, a certain Llywelyn ap Morys held three separate territories by himself, but also held jointly with Dafydd ap Meilyr in one area and in a larger co-ownership group in another. Henry Bychan and Philip Bychan ("Vaughan"; they are not related) also held one piece of land as individuals and another in co-ownership groups.<sup>170</sup> In Brawdy, Philip ap Cadwgan also held in severalty and in a co-ownership group.<sup>171</sup> The Denbigh survey also provides strong evidence that Welsh individuals could jointly hold territories in severalty or within kindred groups. Indeed, the instances of Welsh individuals possibly holding in severalty and in kin groups in Denbigh were much more common. For instance, in the vill of Segrwyd in Ceinmeirch a certain Gronw ap Heilyn "Ove" held half an acre in severalty and also possessed land in a *taeog gafael*.<sup>172</sup> In the vill of Prion ("Pereyon") in the same commote, Cadwgan ap Einion, Cadwgan ap Dafydd, Madog ap "Ienna," and "Ienna" ap Madog held lands in severalty and as part of a *taeog gafaelion*.<sup>173</sup> This trend was also prominent in other commotes. In Is Aled, for example, many individuals from

<sup>169</sup> Davies, *Lordship and Society*, 451-2.

<sup>170</sup> *The Black Book*, 104-7. Llywelyn ap Morys may also have held in co-ownership groups in the Welsh Hundred and in Brawdy, both of which were in the Lower Bailiwick. See *idem*, 54-5 and 70-1.

<sup>171</sup> *Ibid.*, 70-1. Interestingly, a "Philip Cadigan" or "Philip Cadogan" is also listed as holding knight's fees in the Upper and Lower bailiwicks and a "Philip Cadygan" is listed as a free tenant in possession of two separate lands in the Lower Bailiwick. See *idem*, 96-7, 102-3, and 104-5.

<sup>172</sup> *SHD*, 8-9.

<sup>173</sup> *Ibid.*, 19-20.

the mixed *progenies* of Seisyll ap Cynon in Taldrach held lands in severalty, which was evident among the free and *taeog* lineages in the vill of Prys as well.<sup>174</sup>

Evidence for Anglo-Europeans belonging to typical Welsh kindred or co-ownership units or holding lands under Welsh tenure is far less common. There are two possible explanations for this phenomenon. First, Anglo-European populations tended to stay within districts that the Marcher lords or the English crown controlled. Therefore, they were not as exposed to the same pressures of assimilation to a politically dominant society as were Welsh populations living under Anglo-European lordship. Finally, and most importantly, the barriers to foreign assimilation into Welsh society seem to have been greater due to the stress placed on an individual's lineage and descent, the lower status that Welsh law and custom afforded to foreigners, and the restrictions that Welsh law and custom erected to foreign assimilation.<sup>175</sup>

Nevertheless, contemporary evidence highlights the possibility of Anglo-Europeans enrolling in Welsh descent groups or developing extended kindred units. For example, Gilbert de Roche, John Wogan and his wife Margaret, Thomas de Rossalete and his wife Nest, Llywelyn ab Owain, and John de Sutton sent a petition to the king c. 1294-1296, claiming that they were co-parceners and complaining that the king's bailiff in Haverford prevented them from acquiring their entire inheritance.<sup>176</sup> In the *patria* of

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<sup>174</sup> Ibid., 145-7 and 96-107.

<sup>175</sup> For the discussion of alien descent and matters of descent in Welsh society, see above 167-8. We have very little evidence for the process of assimilation among Anglo-Europeans into Welsh kindreds and how Welsh law and custom handled situations in which the children of mixed marriages claimed land that belonged to the kindred. However, Dafydd Jenkins provides a tantalizing insight when analyzing the *Llyfr Cyngawsedd*, a thirteenth-century Welsh tractate on legal pleading. The *Llyfr Cyngawsedd* addresses a case of a son born from a Welsh mother and a foreign father who tries to claim land in a plea of "mother-right" (Welsh: *mamwys*). See Jenkins, "A Second Look at Welsh Land Law," 29-31. For a more detailed discussion on the origins of the *Llyfr Cyngawsedd*, its Anglo-European influence, and the sophistication needed to plead under medieval Welsh law, see Charles-Edwards, *Welsh Laws*, 53-67 and Robin Stacey Chapman, "Learning to Plead in Medieval Welsh Law," *Studia Celtica* 38 (2005): 107-23, *passim*.

<sup>176</sup> CAPW, no. 15478, 493.

Llawhaden a descent group with the names of “John Tankard, son of Tankard William,” “John Tauke, son of David,” “Adam Bole,” “John Knaytho,” “Cydifor ap Richard,” “Alice, daughter of William, and Mabel, her sister,” held half a hereditary knight’s fee divisible according to Welsh tenure.<sup>177</sup> In Brawdy, we also find a co-ownership group with the names of “Robert Le Zung,” “David ap Walter,” “Philip Day,” and “David Le Proude” holding a carucate of land by deed.<sup>178</sup> We also see evidence of possible Anglo-European name forms such as “John Kyng” and “David Textor” holding in descent groups in the Welsh Hundred and Tydwaldy.<sup>179</sup> A “William Pyketon” held in two descent groups outside of St. Nicholas (“Villa Camerarium”) and a certain “Roger Dean” held lands as an individual and in two co-ownership groups in the *patria* of Llawhaden.<sup>180</sup> Evidence from the late fourteenth-century Oswestry survey also displays Anglo-European names within Welsh *gwelyau*. For instance, individuals with Anglo-European name forms comprised roughly half of a *gwely* in Weston Cotton, while those name forms are also prominent among two *gwelyau* in Llanforda.<sup>181</sup> Davies also noted that Englishmen enrolled as members of *gwelyau* in Dyffryn Clwyd.<sup>182</sup> The case of “Roger Dean” in Llawhaden, however, shows that the permeability of tenurial conditions

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<sup>177</sup> *The Black Book*, 162-3. The name “Tankard” is probably a deviation of the Norman personal name “Tancred.” It should be noted that the scribe did not assign patronymics to the first two individuals, which if they were Welsh speakers, would be a break from standard practice. In most cases when the patronymic is not supplied for a Welsh speaker, it is simply omitted. Adam “Bole” could be a form of the Welsh “Moel,” which is normally transcribed as “Voyl” or “Voil” by Anglo-European scribes. “Alice” and “Mabel” were used by both Anglo-European and Welsh women, but the fact that they are listed as co-owners could be indicative of either a policy among the bishops to allow women to inherit under Welsh tenures or an indication that the women recently were allowed to inherit because of the Statute of Rhuddlan of 1284, which allowed women to inherit throughout Wales.

<sup>178</sup> *Ibid.*, 72-3.

<sup>179</sup> *Ibid.*, 54-5 and 58-9. The name “Textor” (Latin: weaver) is not surprisingly only found elsewhere in heavily Anglicized areas such as among the burgesses of New Moat and among one cottage holder in Wolf’s Castle.

<sup>180</sup> *Ibid.*, 86-7 and 162-5. A “Roger le Dean” is also recorded as a burgess in the vill of the Llawhaden. See *idem*, 142-3.

<sup>181</sup> *Lordship of Oswestry, 1393-1607*, 158 and 163-4.

<sup>182</sup> Davies, *Lordship and Society*, 448.

extended beyond the Welsh populations. Indeed, a certain “Thomas Saltere” held land in the *gwelyau* of Weston Cotton and Llanforda and held at least one burgage in Oswestry in severalty.<sup>183</sup>

***Acculturation and Hybridization: The Welsh Knight's Fee and Tir Prid***

Anglo-European and Welsh populations tended to adhere to their traditional tenurial arrangements and modes of social organization. The evidence of Welsh individuals holding in severalty or Anglo-Europeans holding land in descent groups are deviations from the normal patterns. Yet accommodation and compromise were essential aspects of life in the borderland. The Welsh knight's fee perhaps best demonstrates Anglo-European and Welsh accommodation of each others' modes of social organization and tenure.<sup>184</sup> As A.D. Carr notes, there is no evidence that knights' fees existed in the Welsh principalities.<sup>185</sup> The Welsh knight's fee was limited to the Marcher lordships and royal demesne in Wales and was a mechanism that Anglo-European lords could use to accommodate Welsh social norms within a tenurial framework that they could accept. English and Welsh knights' fees in the *patria* of Llawhaden reveal the chief tenurial differences and similarities between them. Here, four descent groups and one individual held “hereditary knights' fees divisible by Welsh tenure.”<sup>186</sup> The services for the Welsh knights' fees in the *patria* of Llawhaden were similar to the English knights' fees. Each required that the holders perform military service, each owed suit of court, and most

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<sup>183</sup> *Lordship of Oswestry, 1393-1607*, 150, 158 and 163-4. I say “at least” because the survey records a “Thomas Salter” holding two and a half burgages.

<sup>184</sup> As David Crouch notes, the knight's impact in Welsh society was almost wholly restricted to the military sphere. The social trappings and other vestiges of Anglo-European aristocratic culture that accompanied the knight's position were much more limited in Welsh society. See *The Image of Aristocracy in Britain 1000-1300* (London: Routledge, 1992), 159-63.

<sup>185</sup> A.D. Carr, “*Teulu and Penteulu*,” 76-7. Carr suggests that some members of the prince of Gwynedd's *teulu* might have held their land through knight service. Otherwise, however, we have little indication of knights' fees existing outside the Marcher lordships or the Crown's territory in Wales.

<sup>186</sup> *The Black Book*, 160-3.

owed the *collectio*.<sup>187</sup> However, whereas one individual inherited an English knight's fee, a Welsh knight's fee was divided among each heir, who accepted his inheritance upon his father's death, swore homage to his lord, and took individual seisin of his inheritance.<sup>188</sup> In addition, the lord retained no rights to wardship or marriage. Such conditions were also evident in the Usk, Monmouth, and Glamorgan regions where *post mortem* inquisitions show that English knights' fees were held among individuals, while the Welsh knights' fees were shared among parceners who owed neither wardship nor marriage.<sup>189</sup>

The process of social accommodation and acculturation through knight's-fee service is also evident in other examples of knights' fees across the bishop of St. David's lordships. According to the *Black Book*, William ap Llywelyn held an indivisible knight's fee at Patricksford in the Upper Bailiwick of Pebidiog. However, William shared the land with his brothers and they gave the *collectio* jointly, even though he performed suit of court for himself and his brothers.<sup>190</sup> The same William and his brothers also held two pieces of land by "the law of Wales" as free tenants in the Upper Bailiwick. It is difficult to determine whether the free tenants' lands held by "the law of Wales" in the Upper Bailiwick corresponded to knights' fees or were simply Welsh fees, divisible among male heirs, but owing no explicit military service. There were thirty-five such holdings and the extensor calculated them in fees, just as was the case with the English knights' fees.<sup>191</sup>

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<sup>187</sup> Ibid. Military service entailed following the shrine of St. David's in war only so far as they could return within one night. Certain tenants of English knights' fees, such as Roger de Mortimer, were exempt from the *collectio*.

<sup>188</sup> Ibid., 162-3.

<sup>189</sup> *CIPM*, no. 371, 3: 246-7; and no. 538 5:336-7.

<sup>190</sup> Ibid., 94-5.

<sup>191</sup> Ibid., 94-7. Distinguishing between a typical English knight's fee or a partible Welsh knight's fee is often difficult. For example, four Welshmen held a quarter knight's fee in Brecon and three of them were clearly brothers. However, they are not differentiated as holding a Welsh knight's fee. In addition, three other individuals held a total of four knights' fees in common. Two of them were Englishmen and one was Welsh. The rest of the knights' fees were held among single persons. Of course, they may be English

They were not obligated to perform military service, but neither were the holders of knights' fees in Presgili ("Preskely").<sup>192</sup> To make matters more confusing, a certain Adam Blakmon' was also a free tenant who held by the "law of Wales" and "by the ancient tenure," but performed the same services as the holders of English knights' fees.<sup>193</sup> Regardless, the vast majority of the free tenants who held by Welsh law and custom shared their lands with co-owners in descent groups. However, William ap Llywelyn took seisin for the rest of the "co-tenants" and the terms of his holding stipulated that the eldest brother performed suit of court for the rest as the *henaf*, or the "eldest." The terms of William's holdings also applied to the other tenants who held by Welsh law, except for Adam Blakmon'.<sup>194</sup> These tenurial arrangements deviated from the typical Welsh practice of inheritance seen in the Welsh knights' fees in the *patria* of Llawhaden where each individual brother or descendant received the divided patrimony individually.<sup>195</sup> The tenurial arrangements in Pebidiog still conformed to the principles of Welsh law, but they also closely resembled the Norman custom of *parage*.<sup>196</sup> The conditions of William's knight's fee at Patricksford demonstrate how primogeniture and partible inheritance could be reconciled. In addition, the Welsh free tenants' holdings highlight that Welsh tenurial customs were not so markedly different from their Anglo-European counterparts and could be easily accommodated into tenurial conditions more common in England and elsewhere in Western Europe.

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knights' fees held in common, but it is equally possible that the escheator simply failed or saw no need to distinguish them. See *CIPM*, no. 552, 3: 426.

<sup>192</sup> *Ibid.*, 116-7.

<sup>193</sup> *Ibid.*, 96-7. This Adam Blakmon' may be the same individual who held an indivisible knight's fee in the Upper Bailiwick at Wolf's Castle under the name "Adam Blakemon'."

<sup>194</sup> *Ibid.*, 96-103.

<sup>195</sup> *Ibid.*, 162-3.

<sup>196</sup> Rees, *South Wales and the March*, 208.

Hence, the Anglo-European and Welsh communities employed numerous mechanisms to bridge socio-cultural divides. One particularly interesting mechanism was the *tir prid* deed, or “Welsh mortgage,” which both Anglo-European and Welsh communities utilized to alienate land. Welsh law prohibited alienating land outside the kindred without its members’ consent.<sup>197</sup> A *tir prid* mortgage, however, allowed a seller (the gagor) to lease land to a purchaser (the gagee) for a specific number of years until the money was paid, at which time the lease could be renewed. As Michael Brown notes, a *tir prid* mortgage allowed an individual to alienate land from the kindred and avoid any extreme economic repercussions from partible inheritance.<sup>198</sup> Yet the reasons for, and the types of, *prid* mortgages were diverse and there were numerous regional and customal variations and restrictions in their issuance.<sup>199</sup> Restrictions on the mortgages varied, but they generally needed the approval of the prince, the local marcher lord, or the Crown. Indeed, Llinos Smith argues that the restrictions on alienation lay in Anglo-European and Welsh seigniorial interests far more than any pressures that “conservative” kindreds imposed upon their members. Since the Welsh princes, the Marcher lords, or the English crown had to approve alienations from kindred lands and obtained a fee for that license, they had an economic interest in restricting free alienation.<sup>200</sup>

According to Llinos Smith, *prid* mortgages were used mostly in Gwynedd (and also in the successor marcher lordships of North Wales) and in the English border

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<sup>197</sup> In the Edwardian Inquest of 1281, a certain Cynwrig Sais of Tegeingl testified that Welsh law forbade someone from selling or quit-claiming his inheritance. See *Welsh Rolls*, 195. Llinos B. Smith provides a more detailed discussion about the lawbooks’ opinions of alienating land from the kindred in his articles “Tir Prid: Deeds of Gage of Land in Late Medieval Wales,” *BBCS* 27 (1977): 264-5 and “The Gage and the Land Market in Late Medieval Wales,” *Economic History Review* 29 (1976): 539 and 542-3.

<sup>198</sup> Michael Brown, “Kinship, Land and Law in Fourteenth-Century Wales,” 503. This type of mortgage was also common in Ireland. See K.W. Nicholls, *Gaelic and Gaelicized Ireland in the Middle Ages*, 74-6.

<sup>199</sup> For the regional and customal variations, see Llinos B. Smith, “Tir Prid,” 264-6.

<sup>200</sup> Llinos B. Smith, “Gage and the Land Market in Late Medieval Wales,” 539-41.



lordships of Maelor Saesneg, Oswestry, and Whittington.<sup>201</sup> Indeed, although the Denbigh survey records *tir prid* mortgages, Haughmond Abbey's estates in Aston and Hisland in the lordship of Oswestry provide our best and earliest evidence. The earliest types of *prid* mortgages date from September 29<sup>th</sup> of 1278 and involve transactions between English and Welsh individuals.<sup>202</sup> One of these transactions was between Madog ap Ieuan ap "Edenandrec" and Cadwgan Crupel and the lord Richard de la Chambre. Madog and Cadwgan mortgaged thirteen acres in Hisland to Richard for a payment of 60s to Madog and 3£ 9s to Cadwgan over a period of twenty years. The terms of the mortgage stipulated that Madog and Cadwgan or their heirs could recover the land at the end of the term.<sup>203</sup> Of course, they could also renew the lease and thereby perpetuate the mortgage. Hence, they could alienate the land without violating Welsh law because they had not technically surrendered possession or ownership. The evidence from the Haughmond cartulary also indicates that English individuals utilized the *prid* mortgage well into the fourteenth century. The Haughmond cartulary records a certain "Roger le Swon" participating in two *prid* mortgages for lands in Aston and John de Felton (also known as John de Buckley, the mesne lord of Aston) transferred his share of Aston marsh in 1333 to the abbey in the form of a *tir prid* mortgage.<sup>204</sup> The *tir prid* mortgage allowed Welsh tenants to alienate land from the kindred and thereby create a more dynamic land market. Yet it also permitted the abbey to avoid having to acquire a mortmain license

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<sup>201</sup> Llinos B. Smith, "Tir Prid," 265-6.

<sup>202</sup> There are two leases that are recorded well before 1278. The first involved William le Mason and Amilia of Hisland (also called Amilia of Wooton. She was the daughter of Herbert de Sibdon and Angharad mentioned previously on page 223) in 1256. The second involved a certain Ithel Wern of Dendour' c. 1260-1261. According to Una Rees, these transactions were more in the form of beneficiary leases. See *Cartulary of Haughmond Abbey*, 13.

<sup>203</sup> *Cartulary of Haughmond Abbey*, no. 76, 33.

<sup>204</sup> *Ibid.*, nos. 89, 111, and 102, pgs. 36, 38, and 40. For the latter mortgage, see page 14 of the introduction.

because, technically, the land had not been permanently transferred to the abbey.<sup>205</sup> In addition, the English populations of the border region could participate in the Welsh land market more easily.

### **Conclusions: Language, Law, Kinship, and Community**

The fascinating instances of cultural accommodation, permeability, and hybridization seen in the Welsh knight's fee and the *tir prid* mortgage helped bridge two societies that held contrary views of social organization and the role and bonds of the kindred within the community. The differing conceptualizations of community were expressed in distinct forms of tenure. As part of the legal structures of both communities, tenure helped define ethnic identity and legalize ethnic status. Tenure expressed and enshrined the socio-cultural norms of each community within a legal framework. Yet both communities found ways to accommodate the other's socio-cultural norms. Socio-cultural accommodation and tenurial mobility discredit the concept of a "clash" between feudal and kin-based societies, a concept from the historiographical caricature of a clash between one "innovative" and "modern" civilization and a "conservative" one fighting with all its might to retain its traditions.

Yet accommodation and mobility also raise two other important questions. First, do they indicate a breakdown in the structures that perpetuated difference? Second, do they also point to a concomitant increase in assimilation, be it structural or ethno-cultural? Unfortunately, the answers to both questions are not simple. The problem lies in the medieval evidence- or lack thereof. There is simply not enough linguistic evidence to

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<sup>205</sup> Ibid., 14. The two Statutes of Mortmain, enacted in 1279 and 1290, prevented the alienation of land to the church without royal assent and license.

determine the extent of bilingualism and contemporary documentation about intermarriage is sparse. Hence, although we know that more of the Welsh were writing in English and that tenurial divisions blurred during the fourteenth century, it is very difficult to say much for certain about assimilation. There is certainly an argument to be made for increasing structural assimilation. Even though Welsh authors might have iterated their distaste for the “law of London,” the Edwardian conquest solidified English rule and English laws and institutions became ubiquitous throughout Wales, not just in the Marcher lordships.<sup>206</sup> However, ethno-cultural assimilation is another matter. Certainly, the adoption of surnames such as “de la Pole” and “d’Avene” among the Welsh dynasties of Powys Wenwynwyn and Morgannwg, respectively, has often been cited as evidence of assimilation.<sup>207</sup> However, one “de la Pole” dynast told the king that a jury of “good and lawful Welshmen” should decide a case between he and an English litigant.<sup>208</sup> Furthermore, while intermarriage might be the surest pathway to assimilation, it is not a guaranteed route. Marrying a person of another ethnic group does not mean abandoning one’s own or that the other community will accept that person as an ethnic equal. For example, one Welshman complained to the king that the English burgesses of Flint continually harassed him and claimed that no Welshman could inhabit or purchase property in an enfranchised town, even though he had married an Englishwoman.<sup>209</sup>

The efficacy of dual-administration in Wales may have started to wane and some of the structures that upheld it suffered from the natural perforation that accompanies close proximity. However, in many respects dual-administration was alive and well into

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<sup>206</sup> See above, 296-8.

<sup>207</sup> Davies, *Age of Conquest*, 424.

<sup>208</sup> *CAPW*, no. 119, 25-6.

<sup>209</sup> *Ibid.*, no. 5433, 172.

the early modern period. Englishries and Welshries were prevalent throughout Wales into the sixteenth century and even later. The sixteenth-century Gower inquisition shows that ethnic courts survived as well and George Owen of Henllys demonstrated that dual-administration still had a profound effect on ethnic interactions and cultural borrowing. In addition, a major Welsh revolt erupted in 1400 and continued intermittently until 1415. Led by Owain Glyndŵr (c. 1349-c. 1416), a descendant of the princes of Powys Fadog, the rebellion nearly ended English rule in Wales and showed just how powerful Welsh historical mythology remained. Furthermore, the Crown responded to the rebellion with a series of punitive and discriminatory laws against the Welsh, which not only intensified the rebellion, but also dichotomized ethnic identities more stringently.<sup>210</sup> Centuries of acculturation had certainly lessened the socio-cultural distances between the English and Welsh communities. However, John Peckham's dream that the English and Welsh would one day cease to consider each other foreign was still far from reality by the early modern era.

The three chapters devoted to the Anglo-Welsh case study have highlighted the circumstances of ethnic acculturation, assimilation, and hybridization in high-medieval Wales. Yet the processes in Wales did not emerge in a historical vacuum. Foreign settlers entered Scotland, Ireland, and England as well and the interactions between the natives and newcomers had many revealing similarities and differences with Wales. The next two chapters will examine those interactions in other parts of the British Isles and Eurasia more closely and consider how they help us understand the unique processes that occurred in Wales.

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<sup>210</sup> For these laws, see *Statutes of Wales*, 31-7.

### **Part III: Situating Acculturation in Wales in its Regional and Continental Contexts**

## **Chapter 7: Cultural Contact and Change in Wales within the British and Irish Contexts, c. 1100-1350 CE**

### **Introduction**

As we discussed in Chapter Three, historians have increasingly emphasized continuity and inclusivity in the history of the British Isles while abandoning the traditional “four nations” approach. The high-medieval period offers a particularly fruitful opportunity to explore the British Isles’ interconnections and shared historical experiences, which historians such as Rees Davies, Robin Frame, David Carpenter, Robert Bartlett, and many others have elucidated fully. These studies have broadened our understanding of ethnic encounters and how those encounters produced numerous points of political, cultural, social, and economic exchange and transformation. Davies and Bartlett have also emphasized that many of the circumstances, exchanges, and transformations deriving from those encounters had parallels throughout Europe. This study has utilized these approaches and this chapter will continue to do so.

However, this study has also expanded these approaches and offered new points of emphasis. The study has placed ethnic interactions and encounters in a much larger geographical and historiographical framework. The pan-Eurasian perspective highlights how Wales and the British Isles fit within the general patterns of ethnic contact in border regions across Eurasia by examining how and why situations of contact, perceptions of difference, and the ways in which ethnic groups structured their relations encouraged perpetuation, assimilation, or hybridization. In addition, the studies of Thomas Allsen,

Thomas Glick, and other historians' whose work lies outside the scope of the medieval British Isles or Europe have shaped the methods and manner in which the study has analyzed intercultural contact. Instead of listing particular points of socio-cultural exchange, this study has focused on how intercultural contact influenced social change, how ethnic groups filtered and accepted some changes rather than others, how that change was informed by the situations of contact, and how that contact affected ethnic identities.

The three previous chapters have concentrated on the processes of acculturation, hybridization, and assimilation in Wales by looking at socio-cultural exchange and transformation in the linguistic and legal spheres and in the social organization of the societies in contact. These discussions scrutinized interactions at the most expansive and the most intimate levels, incorporating local analysis within broader regional dynamics and analyzing how local and regional forces informed each other. This chapter seeks to conduct similar analyses of how exchange and contact influenced ethnic identification in Ireland and Scotland, and to a lesser extent in England. The goal here is not to shift the focus of inquiry. Rather, I intend to use comparisons with Ireland, Scotland, and England to highlight the unique features and outcomes of ethnic contact in Wales.

Indeed, contemporary historiography typically emphasizes commonality of experience in the high-medieval British Isles. Of course, we observed many commonalities in the circumstances of contact and the formation of border regions in Chapter Three. Undoubtedly, we will also observe many similarities in the processes of acculturation in this chapter as well. Yet the British Isles offer an excellent place to examine ethnic contact precisely because common experiences and circumstances of

ethnic contact and exchange did not equate to common outcomes. Wales, Ireland, England, and Scotland all experienced foreign settlement, though the first three through conquest and the latter through invitation. Nevertheless, although both Wales and Ireland had situations of contact that encouraged perpetuated pluralism, Wales witnessed substantial selective acculturation within a framework that discouraged extensive assimilation or hybridization, while Ireland saw the emergence of a hybrid ethnic group. Perpetuated pluralism and selective acculturation were also common in Scotland. Unlike in Wales, however, political union combined with acculturation to pave the way for the emergence of a common Scottish identity. Yet a common identity did not eliminate ethnic differences, which represents a contrast to England where political unity eventually led to communal assimilation between natives and newcomers. Hence, the British Isles presents a full range of the possible outcomes for ethnic interactions that not only provide many similarities to Wales, but also offer useful variances to understand Wales' unique features.

### **Acculturation, Hybridization, Assimilation, and Perpetuation in Ireland**

We will begin our analysis of intercultural contact in the British Isles by examining Ireland because Ireland and Wales had the most similar circumstances and experiences. Both were politically fractured and volatile regions, both experienced foreign settlement at the point of a sword, both had situations that encouraged perpetuated pluralism, and both regions witnessed substantial bicomunal acculturation. Furthermore, politics and law helped establish the framework for ethnic contact, while distinct modes of social organization, linguistic differences, and unique cultural orientations also distinguished settler and native societies. Yet the role of law functioned

differently and linguistic and literary acculturation had unique features as well. The most important difference, however, was that a hybrid ethnic group emerged in Ireland. To understand the similarities and differences between ethnic acculturation, hybridization, assimilation, and perpetuation in Wales and Ireland, we will begin by examining the role of law in communal contact. Hence, in the first two subsections, we will observe how the denial of English law to the Gaelic Irish affected ethnic interactions and how the emergence of March law both signaled and influenced hybridization. In the final subsection, we will turn our focus to analyzing linguistic hybridization and examine contemporary literature to reveal how and why distinct cultural orientations helped prevent communal fusion in Ireland.

***Law, Identity, Discrimination, and Hostility in the Lordship of Ireland***

While separate legal systems served to differentiate ethnic communities, law also provided a formal framework for ethnic interactions. Dual-administration in the Marcher lordships of Wales, for example, supplied a legal structure for ethnic autonomy that recognized and sanctioned socio-cultural difference. The issue of law also came up repeatedly in relations between the Welsh princes and the English crown and we detailed in Chapter Five how those relations consistently revealed the importance of communal laws to ethnic identity. Legal autonomy in the Marcher lordships, low levels of foreign settlement in the *Pura Wallia*, and the toleration of Welsh law under English rule fostered a climate for the perpetuation of ethnic difference that also contributed to the English and Welsh populations retaining distinct modes of social organization. Welsh populations continued to hold their lands in extended kin groups under traditional Welsh customs, while the vast majority of the English population held their lands as individuals within



their own tenurial framework. Acculturation produced substantial change, but not at the level necessary to induce large-scale assimilation or the formation of a hybrid ethnic group.

Law was also an important marker of difference in Ireland, but Irish law was not formally recognized within the lordship, there was no system of dual-administration, and the settler regime legally discriminated against the native Irish. Legal discrimination raised a formal barrier to Irish assimilation into settler society, which encouraged perpetuated pluralism. However, it also exacerbated political conflict. Political conflict, in turn, combined with communal isolation to induce hybridization among the settlers, evident in the emergence of a hybrid ethnic group, the formulation of a hybrid legal system, and the development of Anglo-Irish kindreds.

The tie between community and law is perhaps best encapsulated in a mid fourteenth-century petition from the mayors and commons of Ireland's boroughs, which explicitly stated that the presence of separate legal systems threatened communal unity:

Since the conquest, there have been two kinds of people in Ireland and there still are, the English and the Irish, and amongst them three kinds of law had been used, each of which conflicts with the other: common law, Irish law, and marcher law; and it seems to us that where there is diversity of law the people cannot be of one law or one community.<sup>1</sup>

Roughly a decade later the Statutes of Kilkenny iterated the same premise, claiming that “diversity of government and diverse laws in one land cause diversity of allegiance” and decreeing that any Englishman who abandoned the common law henceforth was a “traitor.”<sup>2</sup> These documents reveal a time of distress in the English lordship of Ireland, a time when the very bonds holding the English community together were unraveling. The

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<sup>1</sup> Lydon, “Land of War,” 270.

<sup>2</sup> *IHD*, 53.

Statutes of Kilkenny at once proudly and forlornly harkened back to an era when English law governed and ruled the English of Ireland and subjected the Irish *betaghs* to English rule.<sup>3</sup> These statutes aimed to restore the English community's purity, a purity that would allow it to reclaim its power so that "Irish enemies" were no longer "exalted and raised up contrary to right."<sup>4</sup> Reasserting the Common Law's centrality to Englishness and forsaking Irish and March law were key to restoring communal solidarity and once again subjecting the Irish to English rule.

The Common Law of England was the Common Law of the lordship of Ireland and a person who had the right to use it was "English," an *Anglicus*. As in Wales, English law helped foster a sense of ethnic solidarity among a diverse settler population that gradually began to consider itself wholly English. Like in Wales, English law also gave ethnicity a legal status and demarcated the "English" settlers from the native groups in the lordship. Unlike in Wales, however, the lordship's law did not have any Irish borrowings. In fact, Gaelic Irish law had little impact on the Common Law in Ireland, though the Dublin government had to recognize that certain Irish-like practices had infiltrated the English population as Gaelicization deepened. Most unlike Wales, the Gaelic Irish within the lordship were never granted formal communal autonomy and the use of Irish law and customs had no legal sanction. Certainly, the Irish outside the lordship could practice their own laws and customs. Within the lordship, however, Irish law was not legitimate, the Irish had no recourse to English law without special license, and being Irish engendered legal discrimination that the Welsh rarely encountered.<sup>5</sup> In

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<sup>3</sup> Ibid., 52.

<sup>4</sup> Ibid.

<sup>5</sup> Down, "Colonial Society and Economy," 445. The Norse Ostmen also received a special status in the English lordship. For most of the Norse Ostmen, the inability to obtain English status had minimal effect,

Wales, legal autonomy perpetuated socio-cultural difference. In Ireland, legal discrimination barred unlicensed Irish assimilation into the settler society, subjected the Irish to English rule, and fostered further communal antagonism in the most violent border region in the British Isles.

Many Irish were denied access to the Common Law courts because they were *betaghs*, the unfree whose status was equivalent to an English villein's. The *betagh*, like the villein, could not plead in the Common Law courts, but did have access to his lord's manorial court. The Irish *betagh*'s predicament was not much worse than an English villein's or a Welsh *taeog*'s. Yet Irishmen who were personally free also could not access the king's courts and had no legal recourse to protect their lands and tenures because the Crown did not recognize Irish law.<sup>6</sup> In addition, an English defendant could win nearly any case in court simply by proving that the plaintiff was Irish. Richard le Blake, for example, accused Adam le Blunt of attacking and trying to kill him and his Irish servant outside the castle of Kilkenny in 1302. Adam did not deny the accusation, but instead claimed that Richard was Irish and, therefore, he did not have to answer the charge.<sup>7</sup> Although the murder of an Irishman often required a compensation payment to the lord, the crime was not a felony under English law and the Irishman's kin received no redress.<sup>8</sup> Sometimes the Irish received charters granting the right to use English law. In 1295, for example, a certain "John Morice" complained that a certain Benedict and his brother attacked John and spared his life only after John surrendered his horse. Benedict denied

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however. Most avoided servility and Ostman status did not deny them access to the Common Law courts. For examples of Ostmen being able to use the Common Law, see two cases from late thirteenth-century Tipperary in *Calendar of the Justiciary Rolls, or Proceedings in the Court of the Justiciar of Ireland* (henceforth, *CJRI*). James Mills, ed. 3 vols. (Dublin: Stationery Office, 1905), 1: 14 and 59.

<sup>6</sup> Frame, *Colonial Ireland*, 107-8.

<sup>7</sup> *CJRI*, 1: 453-4. A jury later found that Richard was born to an English family and Adam was committed to jail.

<sup>8</sup> Frame, *Colonial Ireland*, 108.

the accusation, claimed that John had given him the horse freely to remit a prior offense against Benedict, and offered to submit to a jury verdict. John denied Benedict's claim and further argued that he should not have to answer Benedict's charges because Benedict was Irish (*hibernicus*) and "has not free law." Benedict, however, produced royal letters patent allowing him and his children the right to use English law and he won the case.<sup>9</sup>

John's claim that Benedict did not have access to "free law" was a common theme echoed in contemporary sources. Indeed, being a *hibernicus* entailed servitude, while being English meant having freedom at law. The issue, in fact, had little to do with whether the person was born free. James Watt asserts that studies of later medieval grants of English law to the Irish (like Benedict had acquired) consistently speak of freeing the recipient, his family, and his descendants from "Irish servitude."<sup>10</sup> Two documents from the late fourteenth century affirm Watt's point and demonstrate that being Irish alone was enough to acquire such servitude. For example, when the Crown granted a certain Thomas Lynch ("Thoma Leynch") the right to use English law, the charter stated that he was henceforth "free and quit from any Irish servitude" (*ab omni servitute Hibernicali liberi et quieti*) and that he could acquire, dispose, and inherit land, goods, chattels, and rents "as if of English birth" (*tanquam Anglici*) and "notwithstanding the fact that he is of Irish condition" (*condicione Hibernicali in aliquo non obstante*).<sup>11</sup> Like the first, the second document contains the same wording and makes no mention if the person was tied

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<sup>9</sup> *CJRI*, 1: 82.

<sup>10</sup> Watt, "Anglo-Irish Colony under Strain," 395.

<sup>11</sup> For the quoted text, see *A Roll of the Proceedings of the King's Council in Ireland for a Portion of the Sixteenth Year of the Reign of Richard the Second, A.D. 1392-1393*, James Graves, ed. (London: Longman, 1877) no. 132, pg. 155. For the other text, see *idem*, no. 45, pg. 50.

to the land or if his servility derived from being a *betagh*. In both cases, servitude derived from the *condicione Hibernicali*.

Hence, ethnic status derived from birth and birth placed someone into a community. In Wales birth also determined ethnicity and ethnicity generally determined the laws and customs that a person would use for his or her life. Sometimes the Marcher lords would prohibit the Welsh or English from using the other group's tenure or laws, such as occurred at Dyffryn Clwyd in 1361. The point was not to discriminate. Rather, the prohibition was an attempt to streamline administration and prevent the frustration that the steward of Dyffryn Clwyd experienced nearly twenty years earlier when overlapping tenures complicated his attempts to determine the ethnic status of his tenants.<sup>12</sup> In Ireland, however, Irish birth was so disadvantageous that calling someone a *hibernicus* was a punishable insult. For example, a merchant sued another man in late thirteenth-century Limerick for calling him a *hibernicus*. The insulter was convicted of committing "trespass" and sentenced to jail.<sup>13</sup> Because the charge of being Irish had serious legal repercussions for the accused, the royal courts inquired into such charges diligently. If someone accused another of being Irish, a jury would need to look into his or her family background and determine the person's birth. If a jury found that the person was not Irish, the person could then proceed to his or her defense or press his or her claim. Sometimes, however, the question of someone's birth might arise on multiple occasions.

In May 1297, for instance, a case came before the royal justiciar at Kildare. The Crown's prosecutor argued that the king should regain a fee that once belonged to a

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<sup>12</sup> Davies, *Lordship and Society*, 314-5.

<sup>13</sup> *CJRI*, 1:18.

certain Philip Benet, who had since died. The Crown asserted that Philip was Irish because he was born among the Ó Tuathail (O'Tooles) in the Wicklow Mountains of Leinster. Therefore, his heir could not inherit the land nor legally grant it to another as his heir, Adam, had done. It had not been the first time that Philip's ethnicity had come into question. During his lifetime, a royal seneschal had confiscated his land. When Philip complained to the royal courts, the seneschal argued that Philip was a *hibernicus* and used Irish laws and customs. Therefore, he was "not of free condition" and the seneschal did not have to answer. A jury later determined that Philip was an *Anglicus* and born of English parents. Philip, therefore, recovered his land. In 1297 the Crown prosecutor had known of the event and still charged that Philip had been Irish. For a short time Philip's son lost seisin, but a rather testy letter from London affirmed his father's Englishness and ordered the justiciar to restore the lands to Adam.<sup>14</sup>

The denial of Common Law to the Irish had two immediate effects on interethnic relations within and outside the lordship. First, while English law congealed a sense of Englishness among the settler population, it raised a barrier for the Gaelic Irish to assimilate into English society because their "Irish condition" distinguished them as social inferiors and legally barred them from the English community unless they could formally alter their condition. As in Wales, a person's paternity determined ethnic status. Hence, when a jury inquired into the ethnicity of a man named William in 1295 at Tipperary, they discovered that William was the son of an Irishman and his father's condition reduced William to servitude. However, his mother was able to obtain Ostman status for him at Limerick and thereafter he was of free condition and could defend

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<sup>14</sup> Ibid., 1: 121-3.

himself in court.<sup>15</sup> Likewise, when Richard le Blake denied Adam le Blunt's accusation that he was Irish, he had to cite his descent from a certain William Cadel to prove that he was English.<sup>16</sup> Unless an Irishman could verify that he was of English paternal descent, he could not obtain "free law" without a charter of liberty. Such grants increased sharply from the early fifteenth century onwards, but they were not particularly widespread before then.<sup>17</sup> An Irishwoman who married an Englishman received protection during her lifetime. However, Domnall Ua Néill claimed that she would lose her dowry once her husband died.<sup>18</sup>

The denial of Common Law to the Irish and the lack of legitimacy granted to Irish law also fostered a sense of oppression that hardened communal attitudes and aided continuous political conflict. Domnall Ua Néill, for example, argued to the pope that the English crown had promised "to shape [the Irish] to good morals and to bring [them] under laws."<sup>19</sup> Instead of fulfilling their promise, Ua Néill claimed that they deprived the Irish of their ancient laws and enacted "pernicious laws, beyond measure wicked and unjust" for their "extermination." He then went on to complain that the Irish could be stripped of their property and life without any access to justice or compensation.<sup>20</sup> Such "tyrannous oppression" would force the Irish to wage constant war to reclaim their rights, he argued.<sup>21</sup> Indeed, it was incomprehensible to the Gaelic Irish that they could be reduced to servitude in their own land. Robin Frame notes, for instance, that the earl of Ulster had obtained a grant of English law in 1320 for Eoghan Ó Madadhan (O'Madden),

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<sup>15</sup> *Ibid.*, 1: 59.

<sup>16</sup> *Ibid.*, 1: 453-4.

<sup>17</sup> Watt, "Anglo-Irish Colony under Strain," 395.

<sup>18</sup> *IHD*, 41.

<sup>19</sup> *Ibid.*, 40.

<sup>20</sup> *Ibid.*, 41.

<sup>21</sup> *Ibid.*, 45.

chief of the Uí Maine (d. c. 1347). Ó Madadhan's court historian stated that the grant gave him "equal nobility" with the English settlers, but lamented that the general state of affairs in Ireland was "that the Gael should be ignoble though a landholder, and that it should be said that the Saxon was noble, though without rearing or lands."<sup>22</sup> The author of the *Caithréim Thoirdhealbhaigh* also expressed his anger at English "injustice," "tyranny," and "oppression," stating that their "excess of rapacity" drove the Gaelic kings to form a coalition under Brian Ua Néill of Tír Eoghain (d. 1260), whom they recognized as high-king of Ireland.<sup>23</sup>

The Dublin government and the Crown were not oblivious to the problems. Edward II, for example, lamented that some English were emboldened "to commit diverse felonies" because even the Irish who had attained the right to English law did not always have personal protection from homicide, a situation that "disturbed" the peace "in many ways."<sup>24</sup> We have already noted that the archbishop of Cashel and other Irish prelates offered Edward I 8,000 marks for the Irish to access Common Law.<sup>25</sup> Edward wrote to the barons of Ireland in 1280, stating that he wanted to make certain he had the barons' consent before making any such grant and asked them to consider the matter and report back to him.<sup>26</sup> Presumably, the barons did not consent and they had good reason to withhold their approval. As Brendan Smith argues, such a grant would threaten their

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<sup>22</sup> Frame, *Colonial Ireland*, 109.

<sup>23</sup> *Caithréim Thoirdhealbhaigh*. CELT: Corpus of Electronic Texts. Standish Hayes O'Grady, trans. Emer Purcell, ed. A project of University College, Cork, Text ID Number: T100062, distributed by CELT online, Cork, Ireland: University College, Cork, 2001. <<http://www.ucc.ie/celt/online/T100062.html>> (12 November 2007), pgs. 2-3. Brian Ua Néill and his Irish allies were later defeated at the Battle of Druim Dearg (Down) near Downpatrick in 1260. Brian and many other Irish chieftains died.

<sup>24</sup> *IHD*, 46.

<sup>25</sup> See above, 202.

<sup>26</sup> Lydon, "Lordship and Crown: Llywelyn of Wales and O'Connor of Connacht," in *The British Isles 1100-1500: Comparisons, Contrasts, and Connections*, R.R. Davies, ed. (Edinburgh: J. Donald, 1988), 52.



privileged position.<sup>27</sup> However, it might also directly threaten their lands and their relationships with the Gaelic kings, since no doubt the Irish could then use the royal courts to claim ancestral lands or challenge the barons when they reneged on their agreements or overstepped their bounds in other ways. Baronial opposition seems to have softened a bit in the fourteenth century as the lordship steadily contracted. In 1319, for example, the earl of Kildare and John de Birmingham (future earl of Louth) asked the king to allow the Irish justiciar and the barons the right to give individual grants of Common Law, which previously only the king could award.<sup>28</sup> In 1328 John Darcy, recently appointed as justiciar, asked the king and his council to approve an extension of English law to all the Irish, without them having to purchase individual charters. Darcy said that the statute would be promulgated in the next parliament and the king asked that he be informed of the barons' opinions.<sup>29</sup> As Watt notes, there is no record of the barons' debates, but it seems that they had become amenable to such a sweeping grant. In 1330 a parliament decreed that the free Irish and English would be granted the same law, except for the *betaghs* whose status would remain equivalent to a villein's.<sup>30</sup> Frame, however, asserts that the decree was only enacted for about two years and then abandoned.<sup>31</sup>

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<sup>27</sup> Smith, "Keeping the Peace," 58.

<sup>28</sup> *Documents on the Affairs of Ireland Before the King's Council*, G.O. Sayles, ed. (Dublin: Stationery Office for Irish Manuscripts Commission, 1979), 90.

<sup>29</sup> The justiciar's petition reads: *Item qe nostre seigneur le roy et soun conseil se assentent qe touz les Irreys Dirlaund eyent la ley Englesche sils voillent par statut a faire de ceo par commun assent en soun parlement en Irlaund, saunz ceo qils eyent mester de purchacer chartres sur ceo*. The King's reply reads: *Soit mande a la justice qe au prochain parlement safforce assaie la volunte des grauntz sils voillent assenter a cel estatuit et certifie le roy*. Text found in James Baldwin, *The King's Council in England during the Middle Ages* (Oxford: Clarendon Press, 1913), 474. For more comment on this matter, see Watt, "Anglo-Irish Colony under Strain," 394-5.

<sup>30</sup> *SOAPI*, 324-5 and Watt, "Anglo-Irish Colony under Strain," 394-5.

<sup>31</sup> Frame, *Colonial Ireland*, 110.

***Law, Social Organization, and Hybridization in Ireland***

The denial of English law to the Irish was a divisive force in interethnic relations, exacerbating conflict in an already violent land. In addition, the Common Law legally distinguished the Irish and the English and erected a formal barrier to Irish assimilation into settler society. Yet the Common Law erected no barrier to Gaelicization among the English. The king's subjects whom the Dublin Parliament of 1297 called *degeneres* were still English by law. Nevertheless, no matter how "English" the settlers might still be, the Statutes of Kilkenny made it clear that a troubling development had manifested in the lordship. English laws had been "put in subjection and decayed" and one of the chief culprits in this subjection was the use of so-called "March law."<sup>32</sup> What exactly March law was, how and why it arose, and the extent to which Irish and English law influenced each other are the main topics explored in this subsection. Although the exact practices of March law are somewhat obscure, it was a combination of Gaelic and English (though mostly Gaelic) customs. In addition, despite numerous attempts to abolish it, Ireland's political circumstances and the Gaels' inability to access the Common Law courts determined that March law continued to survive and contribute to the settler community's hybridization.

Determining exactly what practices constituted March law is a challenging endeavor. When the settlers refer to it, they do not provide specific details and there is no mention of it in contemporary Irish sources. Only a few things about it are fairly certain. First, the Dublin administration and many others in the English community despised it and repeatedly attempted to outlaw it. In 1351 Thomas de Rokeby, the justiciar of

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<sup>32</sup> *IHD*, 52.

Ireland, proclaimed before a council of the barons, prelates, and commonality of Ireland at Kilkenny that the English should use Common Law to settle their disputes and not March law (*la leye de Marche*) or “Brehon” law (*Breawen*), the term settlers used to designate Irish law.<sup>33</sup> In 1360 a royal decree further forbid the settlers from using the *leges et consuetudines marchie*.<sup>34</sup> Richard fitz Ralph, the archbishop of Armagh (d. 1360), even called it the law of the devil (*legem marchie sive dyaboli*).<sup>35</sup>

Second, March law was a set of customs utilized among the English and Irish of the marches to settle their disputes, but the English of these regions increasingly used these customs to resolve intra-communal quarrels as well. Indeed, while the March law of Ireland had similarities to other March laws in the British Isles, it had distinct features as well. For example, as in Scotland and to a lesser extent in Wales, March law attempted to resolve conflicts between neighboring communities that did not share a common political allegiance. However, the March laws of Ireland were neither as ancient as the Anglo-Scottish laws nor as well-defined.<sup>36</sup> There were many marches in Ireland and they were gradually expanding in the late thirteenth and fourteenth centuries. Hence, it is likely that although March law reached enough standardization to be classified as its own legal system, it is equally probable that its forms varied from region to region. In its regional variation, Irish March law resembled the *Lex Marchiae* of Wales. Yet March law in

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<sup>33</sup> *SOAPI*, 388-9.

<sup>34</sup> Smith, “Keeping the Peace,” 62.

<sup>35</sup> Katherine Walsh, *A Fourteenth-Century Scholar and Primate: Richard FitzRalph in Oxford, Avignon, and Armagh* (Oxford: Clarendon Press, 1981), 345.

<sup>36</sup> For the Anglo-Scottish March laws, see Barrow, *Kingdom of the Scots*, 305-6 and “Frontier and Settlement: Which Influenced Which? England and Scotland, 1100-1300,” in *Medieval Frontier Societies*, 20-1; William W. Scott, “The March Laws Reconsidered,” in *Medieval Scotland*, 114-30; Lomas, *North-East England in the Middle Ages*, 86-8; and Norman McCord and Richard Thompson, *The Northern Counties from 1000 AD* (London: Longman, 1998), 70-1 and 76-8.

Ireland did not refer to the law of a recognized political territory and did not reach the same level of standardization or procedural and juridical complexity.<sup>37</sup>

Finally, March law was a distinct legal system because the settlers consistently distinguished between it and Irish law. However, March law mostly consisted of common Gaelic customs to resolve conflict and conduct political agreements. For example, parleys that took place along the communities' borders established cross-communal agreements and settled disputes. Such parleys were also common in Wales, where the peoples of the Marcher lordships arranged "parliaments" or "love days" to resolve tensions and exchange criminals and stolen cattle.<sup>38</sup> Brendan Smith notes that the archbishop of Armagh arranged parleys with Irish leaders along the marches of Louth to mediate disputes and conclude peace agreements between the English and Irish communities.<sup>39</sup> Yet peace arrangements often represented the political interests of a few rather than entire communities. Peace agreements between the English and Irish involved arranging truces and exchanging hostages, often called "pledges." The Dublin Parliament of 1297 denounced these arrangements because the Irish frequently made truces with some English in order to attack their neighbors. This situation also caused those neighbors to watch, "as if exulting in the damage and ruin of their neighbor," as those Irish "felons" made off with their spoils.<sup>40</sup> The parliament tried to remedy this problem by outlawing individual truces and punishing those who did not come to their neighbor's aid. Nonetheless, the practices continued. The council of 1351 also had to forbid parleys conducted without royal officials and compel mutual assistance in times of war with the

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<sup>37</sup> For the *Lex Marchiae* of Wales, see above 334-8.

<sup>38</sup> Davies, *Age of Conquest*, 285.

<sup>39</sup> Smith, "Keeping the Peace," 64.

<sup>40</sup> *IHD*, 34-5.

Irish.<sup>41</sup> The Statutes of Kilkenny even noted that the English were taking each other hostage and reiterated the ban on making separate truces and holding unsanctioned parleys with the Irish.<sup>42</sup>

Other Gaelic aspects of March law included compensation payments for homicides instead of capital punishment, as English law demanded. For example, an agreement between the earl of Ormond and the leader of the Ó Ceinnéidigh clan (O’Kennedy) in 1336 stated that if Ó Ceinnéidigh or his men killed any of the earl’s men, compensation would be paid to the lord and then split with the victim’s kin. Similarly, if the earl or his men killed Ó Ceinnéidigh or his men, the slayer would be surrendered to the lord or the kin and if they could not be found, the kindred would receive compensation.<sup>43</sup> According to Gearóid Mac Niocaill, these provisions generally conformed to traditional Irish law.<sup>44</sup> For example, two petitions addressed to Edward II between 1317 and 1319 complained bitterly that an English subject’s murder could be resolved through simply paying a fine.<sup>45</sup> As Mac Niocaill notes, such practices conformed to Irish law and provided financial incentives for the Anglo-Irish lords and the kin of the slain, who could both recover monetary damages instead of simply hanging the killer.<sup>46</sup>

There are many other Irish customs associated with March law, such as the practice of *cinn comhfhocuis* (Anglicized as “kincogish”), which we will examine further

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<sup>41</sup> *SOAPI*, 378-9. That royal officials often entered into these parleys is evident in the *Justiciary Rolls* when the justiciar was ordered to parley with the Irish of Meath and Uriel on the marches in 1308. See *CJRI*, 3: 51.

<sup>42</sup> *IHD*, 53 and 56-7.

<sup>43</sup> *IHD*, 48-9. The compensation owed to the earl would vary depending on the person’s status.

<sup>44</sup> Mac Niocaill, “Interaction of Laws,” 113. For further analysis, see the same author, “The Contact of Irish and Common Law,” *Northern Ireland Legal Quarterly* 23 (1972): 20-1.

<sup>45</sup> *Documents on the Affairs of Ireland before the King’s Council* (henceforth, *DAIKC*), G.O. Sayles, ed. (Dublin: Stationery Office for Irish Manuscripts Commission, 1979), 99-101.

<sup>46</sup> Mac Niocaill, “Contact of Irish and Common Law,” 20.

below. However, there is one English practice that seems to have become part of March law at least in some areas, namely forms of jury procedure. In the 1336 agreement between the earl of Ormond and Ó Ceinnéidigh, for example, they agreed that an inquisition would determine whether the latter had committed any offenses against the earl.<sup>47</sup> In 1356 the same two parties reached another agreement, under which they decided that four men from each party would adjudicate all offenses committed by their respective men. If those individuals could not reach a consensus, each party would appoint another until they obtained a unanimous verdict.<sup>48</sup> Inquisitions also took place through less formal agreements. For instance, in 1310 a royal justice received instructions to make suitable arrangements for peace between the English of Louth and the Irish of the marches and recover damages for Irish depredations. The justice reported that the Irish and English agreed to parley at the march, where they would appoint representatives to assess the damages and make appropriate reparations.<sup>49</sup>

How could a law that had so many Gaelic influences arise in a lordship where Irish law had no validity and in a lordship where the settler authorities consistently said that Irish law “ought not to be called law”?<sup>50</sup> The reasons are manifold and interconnected. First, the settler communities were more culturally isolated in Ireland than they were in Wales. Aside from parts of Leinster, Meath, and coastal Munster, the settlers were a surrounded minority. Even had they been able to eradicate Gaelic resistance, it is almost certain that their acculturation would have been deeper than in Wales.

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<sup>47</sup> *IHD*, 48.

<sup>48</sup> *Ibid.*, 49.

<sup>49</sup> *CJRI*, 3: 161. For the use of juries in Gaelic Ireland, see Mac Niocaill, “Interaction of Laws,” 106-8.

<sup>50</sup> For this phrasing, see the Statutes of Kilkenny in *IHD*, 53 and the council of 1351 in *SOAPI*, 388-9. Edward I used similar phrasing as well. See *IHD*, 32.

Second, and more importantly, March law was a political necessity. It is true that the Anglo-Irish magnates acted like traditional Irish provincial kings who deposed the native Gaelic vassal kings, inaugurated them, and summoned them to join their hostings. It is also true that by 1300 nearly every Gaelic king owed at least nominal allegiance to an Anglo-Irish overlord.<sup>51</sup> Yet any look at the Irish annals reveals that Anglo-Irish overlordship brought only tenuous control outside the lordship. While the barons could establish their power, they could not establish peace. In mid thirteenth-century Connacht, for example, the de Burghs had cemented their overlordship over the Ua Conchobair kings and some colonists entered western Ireland. While Cathal Ua Conchobair and his successor Fedlimid occasionally attempted to free themselves from their allegiance to the English crown and its magnates, they mostly adhered to the barons' wishes. However, during Fedlimid's reign, his son Áed warred with the settlers, attacked the Irish kings of Bréifne, and joined Briain Ua Néill at Druim Dearg. All the while, the Anglo-Irish magnates were fighting each other, occasionally imposing their will on the Connacian kings, making alliances with other Gaelic kings against the Ua Conchobair, and suffering losses to Irish forces. After Áed's death in 1274, the Anglo-Irish magnates removed and installed various kings, while Irish forces fought against them and each other. By 1301 an inquisition stated that "on account of continued war" certain royal lands in Connacht "were absolutely worth nothing."<sup>52</sup>

Balancing such factionalism and constant war required alliances, which necessitated intermarriage with the Gaelic elite. Intermarriage among the Anglo-European and Gaelic elites began almost immediately after the settlers' arrival, as

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<sup>51</sup> Simms, *From Kings to Warlords*, 14-6.

<sup>52</sup> For a short summary of events in Connacht, see Lydon, "Land of War," 247-51. The quote comes from *CDI*, 4: 367.

Strongbow married Diarmait Mac Murchada's daughter and Hugh de Lacy married the daughter of Ruaidrí Ua Conchobair.<sup>53</sup> The Geraldines and de Burghs married members of the Mac Carthaig and Ua Briain dynasts of Munster, while the *Annals of Ulster* record that Áed Ua Néill "the Tawny" married the daughter of the de Angulos family, who were known among the Gaels as the Mac Goisdealbaigh or the "Mac Costellos."<sup>54</sup>

Intermarriage among the Anglo-European and Welsh aristocracies was frequent in Wales as well. Nevertheless, George Owen of Henllys' sixteenth-century statement that the "meaner sort of people will not, or do not usually, join together in marriage" seems generally accurate for most regions in high-medieval Wales.<sup>55</sup> Yet intermarriage in Ireland extended well beyond the aristocracy, which is evident from royal decrees of 1346-1347 and 1360 that forbade marriages between the English and Irish and a similar prohibition from the Statutes of Kilkenny.<sup>56</sup> The same statutes also forbade fosterage, gossiped pacts, or concubinage. Indeed, it was the combination of intermarriage, fosterage, and the rest that the Statutes of Kilkenny claimed had made the English of Ireland forsake English customs and the 1360 decree stated that the settlers had become "for the most part Irish."<sup>57</sup> Duffy and Lydon note the prevalence of Gaelic epithets among the names of prominent and much less prominent Anglo-Irish families.<sup>58</sup> Lydon highlights one example from the *Justiciary Rolls* as a particularly interesting indication of the extent of Gaelicization among the common people. In 1313 Michael Galgeyl ("Gall-

<sup>53</sup> See above, 154 and F.X. Martin, "Overlord becomes Feudal Lord," 117-8.

<sup>54</sup> *Annals of Ulster*, 1263.22.

<sup>55</sup> George Owen of Henllys, *Description of Pembrokeshire*, 43.

<sup>56</sup> See *IHD*, 53 and Frame, *Colonial Ireland*, 131-2.

<sup>57</sup> See *IHD*, 52 and Watt, "Anglo-Irish Colony under Strain," 387.

<sup>58</sup> See Duffy, "Problem of Degeneracy," 102-3 and Lydon, "Land of War," 269.



Gael”- or “Michael the Foreign Gael”) pledged as a surety for his son John, accused before the justices at Waterford of stealing sheep from a widow.<sup>59</sup>

Just as the political situation necessitated alliances and intermarriage and fostered Gaelicization, it also required the parties to make political agreements. These arrangements contained typical Gaelic practices in part because the settler lords were not able to impose their will and laws and needed to make expedient political accommodations, in part because the settlers were not as hostile to Gaelic customs as some of the contemporary rhetoric indicated, and in part because the Irish could not access the Common Law. As Frame notes, fourteenth-century sources claim that certain Irish dynasties had the right to use English law. However, there is no evidence that they ever used the royal courts in the thirteenth century or received different treatment than the other Irish dynasties that did not have such a privilege.<sup>60</sup> Because the Irish had no recourse to the Common Law, the settlers and the Irish could not settle their conflicts through the royal courts. As royal power retreated and violence increased, the March expanded. Consequently, so did March law and Gaelicization. Indeed, they mutually reinforced one another. Plagued with intercommunal and intracommunal conflict and increasing lawlessness, the settlers and the Irish needed to find ways to make peace, even if those arrangements were only temporary and even if those arrangements often conformed to Gaelic practice. The royal courts were not an option, especially since the availability of Common Law courts dwindled as the March expanded.<sup>61</sup>

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<sup>59</sup> *CJRI*, 3: 300.

<sup>60</sup> Frame, *Colonial Ireland*, 107. These dynasties were the so-called “Five Bloods,” namely the Ua Néill, the Ua Briain, the Mac Murchadas, the Ua Conchobair, and the Ua Maelsechlainn of Meath (or O’Melaghlin- McLoughlin).

<sup>61</sup> *Ibid.*, 134.

The Statutes of Kilkenny and similar late-thirteenth and fourteenth-century legislation addressed the symptoms, but not the causes of Gaelicization and the spread of March law. Nevertheless, they also realized the need to adapt to certain aspects of Gaelicization. The Statutes of Kilkenny, for example, ordered that “any of the lineage, adherents or retainers of any chieftain of English lineage within the land of Ireland whom the said chieftain can chastise commit any trespass or felony the said chieftain... shall cause the said malefactor to be taken and committed to the nearest jail there to remain until he be delivered by the law.”<sup>62</sup> This decree explicitly recognized the emergence of extended kindreds and sought to place some burden of security upon the heads of those lineages while simultaneously preventing those “chieftains” from acting outside of the Crown’s directive.

It had not been the first time that the Crown had tried to make these chieftains responsible for their kinsmen’s actions. In 1297, for instance, the Crown ordered Richard de Burgh to bring two members “of his affinity” before the justiciar to answer for crimes committed in Munster and elsewhere.<sup>63</sup> In 1310 a parliament at Kilkenny commanded the chieftains to punish their members. If they could not do so, the justiciar and “other chieftains” (*des autres cheuetayns*) would.<sup>64</sup> In a 1324 parliament at Dublin, the heads of the de Burgh, de Roche, de Bermingham, Fitz Gerald, le Poer, and other lineages agreed to seize kinsmen who had committed felonies and bring them to the royal courts. In exchange, the Crown agreed not to punish those chieftains for their kinsmen’s actions.<sup>65</sup> The parliaments’ decrees constituted a modified version of the Irish principle of *cinn*

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<sup>62</sup> *IHD*, 56.

<sup>63</sup> *CJRI*, 1: 131.

<sup>64</sup> *SOAPI*, 264-7.

<sup>65</sup> *Ibid.*, 306-8.

*comhfhocuis* (Anglicized as “kincogish”), through which the corporate kindred was responsible for its members’ actions. The Crown had previously sanctioned this principle in its relations with the Irish since at least the late thirteenth century.<sup>66</sup> The agreements between the earl of Ormond and Ó Ceinnéidigh further indicate that it had become a recognized feature of the March law that regulated affairs between the English and Irish by the fourteenth century.<sup>67</sup> However, the Crown did not adopt the full principle of Irish law nor did it recognize the kindreds as legal entities with specific rights and privileges. Instead, the Crown acknowledged that it needed the chieftains’ cooperation to maintain some semblance of law and order and it was willing to use coercion to obtain that cooperation. The Crown still sought to punish the lineages’ “malefactors” as individuals and did not penalize the entire kindred, just their heads, who were usually tenants-in-chief of the king.<sup>68</sup>

The development of extended kindreds among the Anglo-Irish in Ireland is one of the most fascinating aspects of their Gaelicization and represents a stark contrast to Wales where English settlers rarely formed or entered into corporative kindreds. Frame argues that the formation of the Anglo-Irish kindreds reflects the deterioration of security within the lordship that “made the protection afforded by strong leadership and kin solidarity of first importance.”<sup>69</sup> Indeed, when the Irish parliaments mentioned these lineages, they often did so while complaining about the private armies that were ravaging Ireland. These private armies were typically composed of lineages and their English and Irish retainers. Political instability and Gaelicization again accompanied each other.

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<sup>66</sup> For this point, see Mac Niocaill, “Interaction of Laws,” 110-1 and Nicholls, *Gaelic and Gaelicized Ireland*, 53-4 and 62-4.

<sup>67</sup> *IHD*, 48-50.

<sup>68</sup> See Frame, *Ireland and Britain*, 207.

<sup>69</sup> *Ibid.*

These kindreds were “Gaelic” in many ways. They were agnatic and segmentary and contained numerous sub-branches that accepted the leadership of one or two senior members.<sup>70</sup> A kindred’s leader was either referred to as a *cheueteyn* in French or as a *capitaneus* in Latin who headed his own *natio*. Friar John Clyn’s *Annals of Ireland*, for example, called Maurice fitz Gerald “captain of the Geraldines” (*capitaneus Geraldinorum*) upon his death in 1287. The *Annals* further stated that his nephew John fitz Thomas was the “first from his nation” (*primus de hac natione*) to become earl of Kildare.<sup>71</sup> The term *natio* was also typically used to refer to Gaelic kindreds.<sup>72</sup> The Anglo-Irish kindreds often acted like Gaelic kindreds too. A Dublin chronicler, for instance, records the Berminghams of Carbury (*les Bermyngehames de Carberia*) attacking the Ua Conchobair of Offaly and stealing 2,000 cows.<sup>73</sup>

Yet while the Anglo-Irish kindreds shared many features with Gaelic kindreds and while they are a demonstration of Gaelicization and the forces that forged it, they were not Gaelic clans and their development did not signal their final integration into Gaelic society. Indeed, as we shall discuss in the next section, the Anglo-Irish and Gaels retained distinct cultural viewpoints and traditions. In addition, English law continued to serve as a binding agent among the Anglo-Irish. As Frame notes, most of the major Anglo-Irish families held their lands through English tenures and according to English laws as tenants of the English king. Primogeniture continued to endure in the south and east until the Tudor period and the growing tendency to favor male heirs was a

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<sup>70</sup> Ibid., 206-7.

<sup>71</sup> *The Annals of Ireland by the Friar John Clyn*, R. Butler, ed. (Dublin: Irish Archaeological Society, 1849), 10.

<sup>72</sup> For example, the agreement between the earl of Ormond and Ó Ceinnéidigh states that the latter was the head of his “nation.” See *IHD*, 48.

<sup>73</sup> *Chartularies of St. Mary’s Abbey, Dublin: With the Register of its House at Dunbrody and Annals of Ireland*, John T. Gilbert, ed. 2 vols. (Wiesbaden: Kraus Reprints, 1965), 2: 378.

development consistent with trends in fourteenth-century England, rather than indicating adherence to Gaelic custom.<sup>74</sup> Furthermore, mixed marriages did not dilute a legal sense of Englishness. As Kenneth Nicholls asserts, the children of Anglo-Irish fathers and Gaelic mothers received English status at law and its accompanying privileges unquestionably.<sup>75</sup>

Law had a more diverse and even contradictory role in intercultural relations in Ireland than in Wales. While the denial of English law to the Irish raised an assimilative barrier, political instability encouraged the use of the hybridized March law and furthered Gaelicization. Nevertheless, English law could also serve as a bonding agent for the English community, for even the Gaelicized English retained access to English law as the Plantagenet's subjects, while the Irish did not. Indeed, by the sixteenth century, when Gaelicization had made the cultural divide between the English and Irish outside the towns virtually imperceptible, Nicholls asserts that contemporaries claimed the distinction between English and Irish was based on law and descent.<sup>76</sup> Yet law and political affiliations were far from the only obstacles preventing fusion among the Anglo-Irish and the Gaels. Linguistic differences remained and they retained distinct cultural outlooks.

### ***Language, Literature, and Identity in Ireland***

Examining linguistic and literary interplay in Ireland further enlightens the paradoxical nature of the island's ethnic relations. On the one hand, linguistic differences served as primary socio-cultural discrepancies distinguishing the Anglo-European and Irish populations. Indeed, the settlers demonstrated far more antagonism to the native

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<sup>74</sup> Frame, *Ireland and Britain*, 211-2.

<sup>75</sup> Nicholls, *Gaelic and Gaelicized Ireland*, 16.

<sup>76</sup> Nicholls, "Gaelic Society and Economy," 422.

language than was ever evident in Wales. In addition, the Gaelic and Anglo-European populations demonstrated only modest interest in the other's literary culture and the Gaels used their native literary and historical tradition to highlight the settlers' alienness and even erase the alien blight on their history by ignoring the settlers' impact. On the other hand, Ireland also witnessed linguistic hybridization to an extent unseen elsewhere in the British Isles. The purpose of this section is to understand these paradoxes and highlight why linguistic hybridization did not result in communal fusion.

The contemporary sources reveal that the settlers considered Gaelic a mark of incivility and hostility. In 1228 Stephen of Lexington decreed that every Cistercian monk in Ireland had to confess in Latin or French because it was incomprehensible to him how anyone could "love cloister or learning who knows nothing but Irish."<sup>77</sup> He enjoined every Irishman seeking to enter the Order to go to Oxford, Paris, or "other famous cities where they will learn letters and skill in speech and ordered habits."<sup>78</sup> He explained that he did not want to exclude any ethnic group "but only the inadequate, useless, and uncivilized."<sup>79</sup> In the late 1270s the citizens of Cork complained to the king about the appointment of a Gaelic Irishman as the customs collector. According to them, his use of Gaelic made him hostile to the English community because everyone who spoke Gaelic was an enemy to the king and his subjects (*Hybernica lingua vobis et vestris sit inimica*).<sup>80</sup> Finally, in 1285 a governmental commission recommended that Gaelic Irishmen should never become bishops or archbishops because the Irish clergy always

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<sup>77</sup> *Stephen of Lexington: Letters from Ireland 1228-1229*, Barry W. O'Dwyer, ed. (Kalamazoo, MI: Cistercian Publications, 1982), 68. Stephen of Lexington was the abbot of Stanley in England and later became the abbot of Savigny in 1229. He was the abbot of Clairvaux's delegate to Ireland in 1228 and was charged with the task of reforming the island's Cistercian monasteries. For his early life, career, and purpose in Ireland, see *idem*, 3-13.

<sup>78</sup> *Ibid.*

<sup>79</sup> *Ibid.*

<sup>80</sup> *DAIKC*, 28.

preached against the king and the Irish bishops would always choose Irish clergy so that they could maintain their language (*ad sustinendam linguam suam*).<sup>81</sup>

As with the advance of Irish laws and customs, the settler community became increasingly distressed at Gaelic's rapid spread. According to Lydon, the use of Gaelic seems to have become widespread by the latter part of the thirteenth century, if not earlier.<sup>82</sup> By the mid fourteenth century, English authorities perceived the use of Gaelic as a serious threat to the community's survival. The royal decree of 1360 mentioned that the English people of the plains were speaking Gaelic, a principal cause in making them "for the most part Irish" and leading to "the manifest decline of our authority in the land of Ireland."<sup>83</sup> Hence, the decree banned English settlers from speaking Gaelic to each other and ordered every English settler to learn English.<sup>84</sup> The Statutes of Kilkenny reaffirmed this decree in 1366, stating that "every Englishman shall use the English language and be named by an English name, leaving off entirely the manner of naming used by the Irish."<sup>85</sup> Furthermore, the Statutes forbade the English from using Gaelic amongst each other. If anyone disobeyed the ordinance, his or her lands and tenements were subject to confiscation. If that person did not have any lands, he or she would be sent to jail. The return of lands or release from prison were subject to finding a surety who would attest to the person's knowledge of English. The Statutes, however, gave anyone who did not know English until the next Michaelmas to learn it.<sup>86</sup> The fact that the Kilkenny Parliament felt it necessary to provide sufficient time for some English

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<sup>81</sup> The commission's reported is contained in Watt, "English Law and the Irish Church: The Reign of Edward I," in *Medieval Studies Presented to Aubrey Gwynn*, J.A. Watt, et. al., eds. (Dublin: Colmie Lochlainn, 1961), 150-1, n. 71.

<sup>82</sup> Lydon, "Middle Nation," 13-4.

<sup>83</sup> Watt, "Anglo-Irish Colony under Strain," 387.

<sup>84</sup> *Ibid.*, 387-8.

<sup>85</sup> *IHD*, 53.

<sup>86</sup> *Ibid.*

settlers to learn English is a startling testament to the extent of Gaelicization and the widespread feeling that adopting Gaelic signaled assimilation into Irish society. Yet Gaelicization had grown too deep to be reversed through legislation alone. Shortly after the Kilkenny Parliament rendered its pronouncements, Gerald fitz Gerald (d. 1398), the third earl of Desmond, the former chief justiciar of Ireland, and a descendant of one of the greatest settler families, was composing Gaelic love poetry.<sup>87</sup>

Yet the adoption of Gaelic did not lead to assimilation. As noted previously, the Anglo-Irish maintained their allegiance to the English crown and their hostility to the Gaelic Irish. In addition, they also continued to speak English. Many of the settlers were bilingual. No doubt bilingualism extended beyond areas like Munster and Connacht where Duffy claims degeneracy “was all the rage” or increasingly Gaelicizing districts like Meath and Ulster.<sup>88</sup> Some may have needed to learn English in school, but not most. It was a different type of English, which scholars call Hiberno-English, and it had many Gaelic influences. Nonetheless, it was English and it marked a further distinction between the Gaelicized English and the Gaels.<sup>89</sup>

Furthermore, just as the Anglo-Irish never considered themselves fully Irish, the Irish never considered them Gaels. If we were to believe Domnall Ua Néill, the so-called “middle nation” was “of utmost perfidy” and worse in many respects than the English of England.<sup>90</sup> It is true that Gaelic poets often served Anglo-Irish lords and it is true that these poets often dutifully praised their employers. One even went so far as to say that

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<sup>87</sup> James Carney, “Literature in Irish,” in *New History of Ireland*, 2: 697-8.

<sup>88</sup> Duffy, “Problem of Degeneracy,” 103.

<sup>89</sup> The linguistic character of Hiberno-English resembled the Middle English dialects of the southwest and south-west Midland counties of Herefordshire, Gloucestershire, Somerset, Devon, Shropshire, and Wales. For more on Hiberno-English, see Alan Bliss and Joseph Long, “Literature in Norman French and English to 1534,” in *New History of Ireland*, 2: 708-10 and Bliss, “Language and Literature,” in *English in Medieval Ireland*, 37-45.

<sup>90</sup> *IHD*, 42.



Ireland's "own foreigners" had surrendered "their foreignness for a pure mind," though the poet seems to have forgotten that he was still referring to them as foreigners.<sup>91</sup> Yet a Gaelic poet who supposedly praised Richard de Burgh, the conqueror of Connacht, as becoming Gaelic also qualified his statement: "O ye who are become Gaelic, yet foreign."<sup>92</sup> One poet pointedly reminded his patron, the above-mentioned Gerald fitz Gerald, that the earl was still a foreigner and cautioned him not to take his or any other poet's praise too seriously and believe that he would one day vanquish the Gaels:

There are two kindreds for whom poetry is composed in Ireland of the cool springs- the *Gaedhil*, known to fame, and the foreigners of Britain's dewy isle. In poetry for the foreigners we promise that the *Gaedhil* shall be banished from Ireland; in poetry for the *Gaedhil* we promise that the foreigners shall be routed across the sea.<sup>93</sup>

The poet's blunt admission reveals a lingering communal hostility that no degree of acculturation seemed able to heal. While increasing Gaelicization meant that the Anglo-Irish might hear of Gaelic legends and lore, there is little evidence that they embraced these myths or tried to tie themselves directly to the Gaelic past. An Anglo-Irish lord composing Gaelic poetry is unheard of before the end of the fourteenth century. Instead of celebrating the arrival of Milesius into Ireland, the settler aristocracy embraced the French verse chronicle, *The Song of Dermot and the Earl*, which recounted the English conquest of Ireland.<sup>94</sup> Indeed, French remained a more common written language

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<sup>91</sup> Lydon, "The Impact of the Bruce Invasion, 1315-1327," in *New History of Ireland*, 2: 301.

<sup>92</sup> Duffy, "Problem of Degeneracy," 92.

<sup>93</sup> Eleanor Knott, *Irish Classical Poetry* (Dublin: Colm O Lochlainn, 1957), 60. I am using Knott's translation of the poem, but I have translated the term "*Goill*" as "foreigners" instead of as "English."

<sup>94</sup> *The Song* universally refers to the Anglo-European or Cambro-Norman conquerors as "English." Both the original French verse and the English translation were published in 1892 by G.H. Orpen. Both versions can now be found online. For the English translation, see CELT: Corpus of Electronic Texts. *Song of Dermot and the Earl*, Emer Purcell and Beatrix Färber, eds. Compiled by CELT. A project of University College, Cork, Text ID Number: T250001-001, distributed by CELT online, Cork, Ireland: University College, Cork, 2009. <<http://www.ucc.ie/celt/published/T250001-001/index.html>> (12 November 2007). For the French version, see *idem*, Donnchadh Ó Corráin, Tiarnán Ó Corráin, eds. Text ID Number: F250001-001. 2009. <<http://celt.ucc.ie/published/F250001-001/index.html>> (12 November 2007).

among the settlers than Gaelic and French writings subsequent to *The Song* show little knowledge of Irish traditions.<sup>95</sup> French remained an important vernacular among the settlers until the mid fourteenth century, when English and Gaelic consolidated their dominance. French also remained a language of law and administration beyond the mid fourteenth century. For instance, when the Statutes of Kilkenny proclaimed that all Englishmen had to use English and have an English name, the proclamation itself was in French: *Item ordine est et establee que chescun Engleys use la lang Engleis et soit nome par nom Engleys enterlessant oulterment la manere de nomere use par Irroies.*<sup>96</sup>

Just as French writers betrayed little understanding of Irish traditions, Gaelic authors displayed little knowledge of, or interest in, French literature and there is no evidence that the use of French or English was widespread among the Gaelic populace.<sup>97</sup> In addition, even though most Gaelic authors were also competent in Latin, Latin rarely seems to have served as a substantial medium for acculturation like in Wales. No matter what language was in use, the overwhelming impression from the period was a lack of political or cultural accommodation or even acknowledgement. In fact, James Carney has argued that one characteristic of the fourteenth and fifteenth-century Gaelic revival was a desire among Gaelic authors “to recreate Ireland as it was in the past, and as it should be in the present if certain events had never happened. Consequently, families of Anglo-

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<sup>95</sup> Evelyn Mullally, “Hiberno-Norman Literature and its Public,” in *Settlement and Society in Medieval Ireland*, 337.

<sup>96</sup> CELT: Corpus of Electronic Texts. *A Statute of the Fortieth Year of King Edward III., enacted in a parliament held in Kilkenny, A.D. 1367, before Lionel Duke of Clarence, Lord Lieutenant of Ireland*, Myriam Priour, ed. Compiled by CELT. A project of University College, Cork, Text ID Number: F300001-001, distributed by CELT online, Cork, Ireland: University College, Cork, 1998.  
<<http://celt.ucc.ie/published/F300001-001/index.html>> (12 November 2007).

<sup>97</sup> Mullally, 337.

Norman descent are not mentioned and Gaelic Irish families are shown as ruling over territories then under effective colonial control.”<sup>98</sup>

The Irish annalists did not try to ignore the settlers, but their depictions of the *Goill* were rarely flattering. Indeed, the annalists’ frequent use of the term *Goill* demarcated foreignness and reinforced the cultural division between the *Gaedhil* and the “foreigners.” Furthermore, the *Goill* were portrayed as treacherous, deceitful, and even barbarous. While an annalist might occasionally praise an Anglo-Irish baron such as Thomas fitz Maurice (d. 1298) of the fitz Geraldts (or “Clann-Gerailt”) as “modest” and “hospitable,” more often than not the “foreigners” were ravaging Ireland, laying traps for unsuspecting Gaelic kings and nobles, and betraying sworn oaths.<sup>99</sup> We have noted that Piers de Bermingham committed perhaps the most spectacular instance of this offense, but there were many others.<sup>100</sup> For example, the *Annals of Loch Cé* record Thomas de Clare’s son killing an Ua Briain king in 1277 after they had completed a gossiped pact and sworn on relics. The Gaelic king was then drawn by horses.<sup>101</sup> Domnall Ua Néill cited this incident and others in his *Remonstrance*, which led him to charge that the English had “cut out by the root the virtues already planted and of themselves have brought in vices” to Ireland.<sup>102</sup> One annalist even described an act of treachery and plunder committed among the Gaelic Mac Carthaig of Desmond in 1311 as a “foreign-like” deed.<sup>103</sup>

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<sup>98</sup> Carney, “Literature in Irish,” 690.

<sup>99</sup> *Annals of Inisfallen*, 1298.2. For the “Clann-Gerailt” reference, see *Annals of Loch Cé*, 1298.1

<sup>100</sup> Recorded in the *Annals of Inisfallen*, 1305.4.

<sup>101</sup> *Annals of Loch Cé*, 1277.1.

<sup>102</sup> *IHD*, 42.

<sup>103</sup> *Annals of Inisfallen*, 1311.7.

### ***Conclusions***

Cultural hybridization and the preservation of communal distance and hostility arose from the same phenomena. Because the Gaelic polities survived and because of the Anglo-Irish lords' inability or unwillingness to conquer the Gaelic kingdoms, the only way for the barons to exert their authority outside the lordship was to assert overlordship, which immersed them into the extreme factionalism of Gaelic politics and acculturated them to Gaelic laws and political practices and the Gaelic language. Strategic considerations encouraged marriage alliances and fosterage among the Anglo-Irish and Gaelic nobilities. While it is more difficult to ascertain the exact reasons for Gaelicization among the general population with any certainty, communal isolation and the continual violence in parts of Munster and much of Ulster and Connacht are the most likely explanations. In fact, a deteriorating security situation in the late thirteenth and fourteenth centuries directly corresponded with a rise in Gaelic epithets until they became pervasive in those areas. The increasing use of Gaelic names suggests a concomitant rise in intermarriage, fosterage, and concubinage coinciding with a rise in general disorder. The 1360 decree and the Statutes of Kilkenny made the connection between fosterage, intermarriage, and concubinage and Gaelicization explicit. Perpetual violence and the retraction of royal power further encouraged the use of Gaelic customs and laws because the settlers were forced to reach private agreements with the Gaelic communities to arrange truces and cement cross-communal alliances. Yet the same constant war that fostered intermarriage and Gaelicization also nurtured the palpable hostility apparent in the contemporary sources.

Why did such deep hybridization never emerge in Wales, which was also a violent border region with its own deeply entrenched communal hostility? The answer derives from a confluence of factors that ultimately emerged from distinct political situations. Political instability was a characteristic of both Ireland and Wales, but its precise features and effects diverged. Wales remained a land of constant war until the Edwardian conquest. Yet the boundary between the *Pura Wallia* and the *Marchia Walliae* stabilized in the thirteenth century, as did the territorial configuration of, and general ethnic distribution in, the Marcher lordships. Political circumstances encouraged intermarriage among the Anglo-European and Welsh aristocracies and these families show more cultural hybridization than the general population. However, the degree of hybridization among the Anglo-European and Welsh ruling families was never as deep as among the Anglo-Irish in Ireland. We do not hear, for example, of Welsh poets and historians saying that a Marcher lord was becoming Welsh. We do not hear the Crown or other Englishmen lamenting the Marchers' becoming "degenerate." One reason lies in the fact that the Marcher lordships were not as physically isolated from England. Other explanations, however, lay in the political arena. Welsh principalities were stronger and more stable than the Gaelic polities. Furthermore, the princes of Gwynedd and the English crown emerged as the two chief regional powers. Both of these situations gave the Marchers fewer opportunities to meddle in the Welsh princes' affairs and prevented them from engaging in the type of inter-dynastic squabbles that encouraged Gaelicization in Ireland.

The lack of extensive ethnic hybridization among the general Anglo-European and Welsh populations mostly derived from political situations as well. The princes of

Powys, Gwynedd, and Deheubarth limited foreign settlement in the *Pura Wallia*. More importantly, Englishries and Welshries in the Marcher lordships emerged from the Marcher lords' initial loose overlordship in many Welsh upland districts, the lack of foreign settlement in those districts, and the Marchers' decisions to grant those communities considerable autonomy once their authority solidified in the thirteenth century. In addition, both the English and Welsh communities were inclined to grant each other the right to use their own laws and customs and social structures. These factors encouraged communal separation and the retention of distinct laws, customs, and forms of social organization. Of course, there were exceptions to this general state of affairs, exceptions that became more pronounced beyond our period. In the early fourteenth century, Welsh migration into the boroughs had begun and English laws and tenures spread more deeply among the Welsh communities. In the fifteenth century and beyond, according to Davies, distinctions in law, tenure, and social organization eroded, though they certainly did not disappear.<sup>104</sup> However, in the fourteenth century, most lived within their own communities, speaking their own languages, practicing their own laws, and adhering to their own forms of social organization.<sup>105</sup>

The situations of contact in Wales were not conducive to the formation of an enduring hybrid ethnic group. Yet even if they had been, the Irish example indicates that hybridization did not necessarily signal assimilation. The Anglo-Irish might have Gaelicized, but they and the Gaels maintained unique cultural outlooks that buttressed communal difference. Divergent cultural orientations signaled a continued perception of difference, a perception that was crucially important and difficult to overcome.

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<sup>104</sup> Davies, *Lordship and Society*, 318.

<sup>105</sup> *Ibid.*, 314-5.

## **Acculturation, Assimilation, and Perpetuation in Scotland and England**

Indeed, cultural orientation also proved a crucial factor in ethnic relations in Scotland. The framework of ethnic contact in Scotland represents a stark contrast to Wales. The Scottish crown forged a unified political entity and gradually expanded its realm during the twelfth and thirteenth centuries. The Crown invited settlers from England and Europe and incorporated many English governmental and legal features. Furthermore, neither the settlers nor the native groups received communal autonomy. There was to be one law for one kingdom that would embrace all of its peoples. Political unity and legal commonality helped pave the foundation for a uniquely Scottish identity. Yet ethnic differences did not disappear. The goal of this section is to examine why. The first subsection will explore how legal commonality influenced ethnic relations, acculturation, and the development of a common Scottish identity. It will especially focus on the incorporation of foreign laws and customs into the Scottish realm and how Anglo-Europeans and Gaels accommodated each other's laws and social structures. The second subsection will examine how linguistic differences and the failure to fuse cultural heritages prevented ethnic assimilation.

### ***Law, Custom, and Identity in Scotland***

Upon his accession to the Scottish throne in 1124, David I faced a difficult situation. He ruled a small and fractured kingdom that confronted numerous challenges. The Crown could only exert loose sovereignty in Galloway, Moray, Ross, and Caithness and the Gaelic-Norse lords of the western seaboard owed allegiance to the Norwegian kings. These regional threats became apparent shortly after David's inauguration. For example, Scottish, Irish, and English chroniclers record David's victory over Angus, the

*mormaer* (or earl) of Moray in 1130.<sup>106</sup> According to Orderic Vitalis, Moray had “lacked a defender and lord” before David’s conquest.<sup>107</sup> William of Newburgh asserted that a certain Wimund, who had become bishop of Mann and the Isles, claimed that he was Angus’ son and David had unrightfully dispossessed him of his inheritance. He proceeded to ravage the western seaboard and forced David to grant him lands in Cumbria.<sup>108</sup> To his south, David faced a potentially far greater threat. Although David had been raised at the court of Henry I of England and although Henry had demonstrated his favor to the Scottish heir with substantial grants in England and Normandy, David must have been mindful that Scottish relations with the English crown were often tense and that Scotland’s larger and much wealthier neighbor had a habit of imposing its might. For instance, the *Anglo-Saxon Chronicle* records that William I of England had invaded Scotland in 1072, crossed the Firth of Forth, and forced Malcolm III of Scotland (r. 1058-1093) to pay William homage as his liege lord.<sup>109</sup> William Rufus compelled Malcolm’s successor, Duncan II (r. 1094), to pay homage as well and then helped Malcolm’s son Edgar (r. 1097-1107) acquire the throne in 1097.<sup>110</sup> The *Anglo-Saxon Chronicle* states that Henry I of England “granted” Scotland to Alexander I (David’s brother), while

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<sup>106</sup> See *Chronicle of Melrose*, 69; *Holyrood Chronicle*, 118; *Annals of Ulster*, 1130.4; *Annals of Innisfallen*, 1130.5; and *SAEC*, 166-7. Orderic Vitalis, in an entry for 1124, claimed that David also faced two rebellions from an illegitimate son of Alexander I named Malcolm. Historians have often assumed that this individual was Malcolm MacHeth, whose ancestors claimed the Scottish throne from their power bases in Ross and Moray. However, R. Andrew McDonald doubts Vitalis’ account. See *SAEC*, 158 and McDonald, *Outlaws of Medieval Scotland*, 75-9. For more on the Scottish kings’ difficulties in the northern and western districts and their effects on the settlement process, see above, 161-70.

<sup>107</sup> *SAEC*, 167.

<sup>108</sup> *Chronicles of the Reigns of Stephen, Henry II, and Richard I*, 73-6. After he had obtained his lands in Cumbria, the locals soon thereafter blinded and mutilated him. He spent his remaining years in Byland Abbey in Yorkshire. For a modern analysis of Wimund, see McDonald, *Outlaws of Medieval Scotland*, 26-7 and 100-2.

<sup>109</sup> *SAEC*, 95. William was angry at Malcolm welcoming Anglo-Saxon exiles into Scotland, raiding northern England, and taking Margaret of Wessex as his wife. For the accounts of Simeon of Durham and the *Anglo-Saxon Chronicle*, see *SAEC*, 91-4.

<sup>110</sup> *Ibid.*, 117-9. William of Malmesbury claimed that William Rufus appointed Duncan II as king of Scots.



William of Malmesbury records Henry betrothing an illegitimate daughter to the Scottish king.<sup>111</sup> In addition, the Scottish and English kings had not formally resolved their disputes over the possession of Cumberland, Northumberland, and Westmoreland, disputes that reemerged during David's reign and complicated Anglo-Scottish relations until the mid thirteenth century.<sup>112</sup>

As we observed in Chapter Three, David's solution to his quandary was to invite foreign settlers into Scotland so that he could solidify the Crown's authority.<sup>113</sup> Indeed, his earliest surviving charter granted Robert de Bruce the lordship of Annandale.<sup>114</sup> Yet welcoming foreign settlers produced another predicament, namely how to incorporate them into the kingdom without antagonizing the native peoples and without allowing the newcomers to threaten the Crown. The solution in Hungary, Bohemia, and Georgia had been to grant the incoming settlers substantial autonomy within their own ethnic communities in return for serving the Crown. In addition, the Georgian crown had sought to prevent quarrels between the nomadic and sedentary populations by encouraging Qipchaq sedentarization, while the Hungarian crown encouraged Cuman conversions to Christianity.<sup>115</sup> The Scottish crown, however, pursued a very different policy. Instead of allowing the newcomers to maintain their own laws and customs in relative separation, the Canmores imposed a singular legal system that applied to all their subjects, regardless of ethnicity. In the process, they introduced new laws and social structures, but also allowed the continuation of many Gaelic laws and customs. The end result was a tremendous amount of acculturation and the facilitation of the emergence of a Scottish

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<sup>111</sup> Ibid., 128.

<sup>112</sup> For David I's invasion of northern England, see above, 171 and 176-7.

<sup>113</sup> For the settlement process in Scotland, see above, 161-70.

<sup>114</sup> Barrow, *Kingship and Unity*, 38. According to Barrow, the charter probably derived from the occasion of David's enthronement.

<sup>115</sup> See above, 83-6 and 100-1. See Appendix as well, 492-6.

identity. However, the retention of Gaelic traditions and social structures also allowed for the persistence of ethnic difference.

When Edward I and English and Scottish representatives gathered at Westminster in 1305 to proclaim an ordinance for governing Scotland, they ordered that “the good people of the land” would assemble at a future date to “read over the laws that King David made, and also the amendments and additions which have been made since by the kings” in order to reform and amend those laws.<sup>116</sup> That the review of Scottish law was to begin with David I is a testament to his influence on the legal and institutional features of the medieval Scottish kingdom. Indeed, by the fourteenth century David became associated with the foundation of Scottish law. Despite the fact that many of the law codes attributed to him were of later provenance, David’s reign did witness the introduction of new laws, legal procedures, and institutions that transformed the kingdom.<sup>117</sup> According to Barrow, David I “feudalized” Scotland, introducing barons and knights’ fees and establishing that those barons and knights’ fees would be held in fee and heritage through military service to the Crown.<sup>118</sup> David also established the office of the royal justiciar, the Crown’s chief administrative and judicial officer, and the office of the sheriff.

The justiciarship and the sheriff were only two among the many English institutions, laws, and legal procedures that David I and his successors adopted.<sup>119</sup> Hector MacQueen, for example, notes that royal justice in twelfth and thirteenth-century England and Scotland shared many parallel developments, such as the increase in the

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<sup>116</sup> *Anglo-Scottish Relations*, 125.

<sup>117</sup> H.L. MacQueen, *Common Law and Feudal Society in Medieval Scotland* (Edinburgh: Edinburgh University Press, 1993), 86-7.

<sup>118</sup> Barrow, *Scotland and its Neighbors*, 52-3.

<sup>119</sup> Barrow, *Kingdom of the Scots*, 69.

number of royal courts, the use of royal writs to initiate litigation in those courts, and the employment of juries. Furthermore, the Scottish crown linked the local courts to the central administration through a brieve system and the visitation of the justices and chamberlain ayres.<sup>120</sup> W.H. Sellar also states that Scottish succession systems largely conformed to English practice.<sup>121</sup>

The influence of English law on Scotland is perhaps most evident in the legal compilation *Regiam Majestatem*. *Regiam Majestatem* was one of the chief legal books of medieval Scotland and probably composed during Robert de Bruce's reign. Yet most of the treatise is drawn from the English lawbook *Glanvill*.<sup>122</sup> That the Scottish kings would look south to find a model for governing their geographically and ethnically diverse realm is not surprising. Like Scotland, England was also ethnically and geographically diverse and the English crown provided a model for how to centralize royal power.<sup>123</sup> Nevertheless, English and Scottish law and legal institutions did not precisely correspond. As Sellar points out, Scottish kings adopted different English institutions and laws at different times. In some cases, the borrowed laws and institutions quickly developed distinctive features, while at other times they remained unchanged as their English counterparts evolved.<sup>124</sup> For example, the justiciar and the sheriff remained the principal officers of law in Scotland, but their significance in England declined

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<sup>120</sup> MacQueen, *Common Law and Feudal Society in Medieval Scotland*, 50.

<sup>121</sup> W. David H. Sellar, "The Common Law of Scotland and the Common Law of England," in *The British Isles 1100-1500*, 89.

<sup>122</sup> MacQueen, *Common Law and Feudal Society in Medieval Scotland*, 90-1.

<sup>123</sup> Scottish royal justice never achieved the level of centralization seen in England. See MacQueen, *Common Law and Feudal Society in Medieval Scotland*, 252-3.

<sup>124</sup> Sellar, "Common Law of Scotland and the Common Law of England," 88. Barrow argues that the Scottish justiciar had already developed very unique features before the decline of the justiciarship in England. For example, the Scottish justiciar had a wider range of powers, but less legal expertise. In addition, there were three justiciarships in Scotland: one for Lothian, Scotia (i.e. Scotland north of the Forth), and Galloway. According to Barrow, these divisions reflected the peculiar nature of Scotland and the need to heed provincial differences in law and custom. See *Kingdom of the Scots*, 81-8 and especially 108-9.

considerably during the thirteenth century. Furthermore, Scottish brieves of right, succession, *novel dissasine*, and *mortancestry* had parallels in the English writs of right, *diem clausit extremum*, *novel disseisin*, and *mort d'ancestor*, but they developed distinctive features.<sup>125</sup>

The introduction of foreign laws and institutions did not result in the abandonment of Gaelic laws and customs. In fact, MacQueen argues that the Gaelic legal tradition was absorbed into the Scottish common law and Sellar reminds us that Scandinavian and Anglo-Saxon laws were absorbed as well.<sup>126</sup> Despite adopting Anglo-Norman models, the Scottish kings derived their legitimacy from their Gaelic past. Barrow, for example, asserts that David I maintained traditional Gaelic customs such as the universal obligation of all free males to serve in the common army and traditional Gaelic tributes such as the *cain* and *conventh*.<sup>127</sup> Furthermore, Gaelic marriage customs and practices of indemnification persisted, as did Gaelic offices such as the *judex*.<sup>128</sup> The *judex* (Gaelic: *breitheamh*) was a royal official and one or more *judices* were attached to each province. The *judex* had a variety of legal duties, including administering law and justice, preserving the legal customs of their respective provinces, witnessing charters, and perambulating marches. According to Barrow, the role of the *judex* diminished in the thirteenth century. Nevertheless, they are documented consistently throughout Scotland north of Forth in that period and Cynthia Neville argues that they remained important officers in the earldoms of Strathearn and Lennox beyond then.<sup>129</sup>

<sup>125</sup> Sellar, "Common Law of Scotland and the Common Law of England," 88.

<sup>126</sup> MacQueen, *Common Law and Feudal Society in Medieval Scotland*, 85-6. Sellar, "Common Law of Scotland and the Common Law of England," 87.

<sup>127</sup> Barrow, *Scotland and its Neighbors*, 59.

<sup>128</sup> *Ibid.*, 114-6.

<sup>129</sup> For the arguments about the *judex*, see Barrow, *Kingdom of the Scots*, 57-65 and Neville, *Native Lordship in Medieval Scotland*, 61-3.

Political unity and the melding of foreign and Gaelic laws, customs, and institutions created a fertile environment for acculturation. Indeed, in a recent study on legal and social hybridization in medieval Scotland, Cynthia Neville has demonstrated the numerous ways in which natives and settlers accommodated and accepted each other's socio-cultural mores and edifices. For instance, she argues that traditional Gaelic assemblies in places such as Buchan, Strathearn, Fife, Mar, and Galloway evolved into what Latin scribes described as baronial *curiae*. As evidence she notes the similarities between a Gaelic assembly under the earl of Fife in 1128 and a similar gathering under lord Alan of Galloway roughly one hundred years later when Alan proceeded over a "very European-looking act of quitclaim, complete with a ceremony that featured the handing over of 'rod and staff.'"<sup>130</sup> In the mid thirteenth century the earl of Lennox confirmed deeds transferring an estate during an open-air assembly. The men at the assembly were suitors, whose gatherings are traditionally associated with knight's-fee tenure. Indeed, many of the witnesses to the deeds held their lands from the earl under the stipulation that they perform suit of court.<sup>131</sup> In some cases Gaelic assemblies worked "behind the scenes" of the baronial *curiae* at which all who held fees were obliged to attend. In fact, thirteenth-century evidence indicates that the earls of Buchan, Atholl, Strathearn, and Lennox sometimes distinguished the baronial *curiae* from the traditional assemblies.<sup>132</sup>

Gaelic assemblies and the cohesion that those assemblies brought to Gaelic society also provided a medium for accepting jury procedure. The "upright men" (*probi homines*) of a district set themselves to conducting inquests, assessing property for

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<sup>130</sup> Neville, *Land, Law and People*, 21.

<sup>131</sup> Ibid.

<sup>132</sup> Ibid., 23-4.

warrantice, and determining the guilt or innocence of an accused criminal.<sup>133</sup> We have already noted that the communal assemblies could also act as law courts and places of arbitration in Wales and the communal nature of judgment in Welsh society allowed for the ready acceptance of jury procedure.<sup>134</sup> The same was also true in Ireland.<sup>135</sup> Hence, while jury procedure may have been a foreign mechanism of judgment, it was also a method that conformed enough to native mores for the Gaelic communities of Scotland to embrace it.

Anglo-European lords also accommodated native customs, institutions, and social structures. For example, a Comyn earl of Buchan employed a *breitheamh* in his court and acknowledged that his wife could grant the earldom's lands under her own authority, in accordance with Gaelic custom.<sup>136</sup> Robert de Bruce, the successor to the Gaelic earl of Carrick (Donnchadh, d. 1250), was raised in a foster family, as was Gaelic practice.<sup>137</sup> Neville, in fact, argues that Gaelic fosterage was not far removed from common Anglo-European practices and that fosterage between native and settler families could have played an important role in improving social relations.<sup>138</sup> Anglo-European and Gaelic accommodation extended far beyond fosterage to encompass each other's distinctive social structures. For example, Alan Young points out that the Comyn earls of Buchan tied many of their Gaelic tenants and kindreds to them through typical "feudal" tenurial arrangements. However, the Gaelic kindreds survived and the Comyns themselves

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<sup>133</sup> Ibid., 209.

<sup>134</sup> See above, 312.

<sup>135</sup> According to K.W. Nicholls, the Irish usually adjudicated their disputes in open-air assemblies overseen by a judge called a *breitheamh*, or a "brehon." The *breitheamh* was more an arbitrator than a judge and his courts, which took place in the assembly, were arbitration meetings. See *Gaelic and Gaelicized Ireland*, 33 and 52-7. For the jury in Gaelic Ireland, see Mac Niocaill, "Interaction of Laws," 107-9.

<sup>136</sup> Neville, *Land, Law and People*, 22.

<sup>137</sup> MacQueen, "Survival and Success: The Kennedys of Dunure," in *Exercise of Power in Medieval Scotland*, 79.

<sup>138</sup> Neville, *Native Lordship in Medieval Scotland*, 213-4.

developed many “clannish” features.<sup>139</sup> According to John Bannerman, socio-cultural accommodation was also evident in Carrick where the deceased earl Donnchadh’s nephew became head of the kindred, while possession of the earldom went to his eldest daughter, the mother of Robert de Bruce. Hence, while primogeniture would govern the possession of significant political territories, Gaelic laws and customs would still govern the kindreds. Bannerman claims that such a dual system emerged in twelfth-century Fife as well.<sup>140</sup>

The kindreds maintained their primacy in the Gaelic regions of Scotland. Neville argues that not only did Scottish law continue to preserve the terminology of a kin-based society, but contemporary evidence also demonstrates that the kindreds’ leaders remained vigorously involved in the affairs of their kinsmen, tenants, and clients.<sup>141</sup> Whether accommodation of social structures led to widespread structural assimilation is difficult to establish, but the silence from the contemporary sources indicates that it was unlikely. Neville, for example, argues that knight’s-fee tenure in Strathearn and Lennox did not penetrate the upland regions and such careful and narrow introduction of foreign tenures is also evident in Buchan, Mar, Galloway, and Fife.<sup>142</sup> In addition, while evidence from Buchan, Carrick, and Galloway indicates that the foreign aristocracy could integrate well into the Gaelic elite’s extended families, there is no evidence for the development of Gaelic-style kindreds among the Anglo-Europeans of Scotland as there is in Ireland.<sup>143</sup> In this respect, Scotland offers a middle point of acculturation between Wales and Ireland. While the Anglo-European magnates and settlers did not fully adopt Gaelic forms of

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<sup>139</sup> Young, “Earls and Earldom of Buchan in the Thirteenth Century,” 179-82.

<sup>140</sup> John Bannerman, “MacDuff of Fife,” in *Medieval Scotland*, 30-8.

<sup>141</sup> Neville, *Native Lordship in Medieval Scotland*, 209; and *Land, Law and People*, 22-3.

<sup>142</sup> Neville, *Land, Law and People*, 19-20.

<sup>143</sup> For twelfth and thirteenth-century Galloway, see Oram, *Lordship of Galloway*, 203-9.

social organization, they showed more willingness to adapt to native practices than the settler communities in Wales.

Cultural accommodation also took place rapidly along the western seaboard after Scottish suzerainty reached the area in 1263. R. Andrew McDonald asserts that the Gaelic-Norse magnates not only provided military service to the Crown, but one prominent native magnate, Alexander of Argyll (a descendant of Somerled), also served as sheriff and the region's royal representative.<sup>144</sup> McDonald also argues that the Gaelic-Norse magnates adopted other "feudal" conventions such as knight's service, castle construction, and the use of charters to confirm land grants by the time of Robert de Bruce's reign.<sup>145</sup> In addition, Neville contends that jury procedure appeared in the region by the mid fourteenth century.<sup>146</sup> Yet the mercenary activities of the Gaelic-Norse kindreds in Ireland demonstrate that traditional social structures and customs persisted, as did many forms of administration.<sup>147</sup>

As Neville asserts, the key to understanding the interactions outlined above is accommodation rather than assimilation.<sup>148</sup> Indeed, what we observe in Scotland is selective acculturation, but it was acculturation deeper than occurred in Wales, deep enough to provide some sense of commonality. Even if the retention of Gaelic customs and social structures continued to perpetuate ethnic difference, even if Susan Reynolds is right to point out that the Scots lacked a common descent or language and that their union

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<sup>144</sup> McDonald, *Kingdom of the Isles*, 133-5.

<sup>145</sup> *Ibid.*, 142-9.

<sup>146</sup> Neville, *Land, Law and People*, 21-2.

<sup>147</sup> See above, 218-20. For an overview of the Gaelic-Norse kindreds in Ireland and their structure, see Kenneth Nicholls, "Scottish Mercenary Kindreds in Ireland, 1250-1600," in *The World of the Galloglass: Kings, Warlords and Warriors in Ireland and Scotland, 1200-1600*, Seán Duffy, ed. (Dublin: Four Courts, 2007), 86-105.

<sup>148</sup> Neville, *Land, Law and People*, 22.



was purely political, there was enough commonality present for the peoples of Scotland to consider themselves as one community- at least to outsiders.<sup>149</sup>

We have already discussed the political circumstances behind the development and annunciation of a Scottish identity during the Anglo-Scottish Wars and the construction of a Scottish mythology.<sup>150</sup> However, it is also interesting to explore how common laws and customs helped shape the perception of a singular Scottish realm and community. The sense of a common Scottish law is readily apparent in the *Declaration of Arbroath*, which while eloquently stating how the “community of the realm of Scotland” (*tota communitas regni Scotie*) had chosen Robert de Bruce as their king to defend that realm against English tyranny, made clear that Robert’s accession conformed to the Scottish laws and customs that the community and its people “will defend to the death” (*juxta leges et consuetudines nostra, quas usque ad mortem sustinere volumus*).<sup>151</sup> The continuity of Scottish laws and customs are also evident in documents relating to the period between Alexander III’s death in 1286 and Edward I’s selection of John de Balliol as king of Scotland in 1292. For example, the Treaty of Birgham, formulating the conditions under which Edward I’s son was to marry the future Scottish queen Margaret of Norway (c. 1283-1290), reminded Edward that Scotland was a separate kingdom and that no one of that kingdom should be tried contrary to Scottish laws and customs.<sup>152</sup>

Alan Harding argues that the Anglo-Scottish Wars also provide the context in which to understand the *Regiam Majestatem*. He states that the compiler’s objective was to utilize the structure of a lawbook in order to create an image of a Scottish people under the

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<sup>149</sup> Reynolds, *Kingdoms and Communities in Western Europe*, 276.

<sup>150</sup> See above, 192-6.

<sup>151</sup> *The Acts of the Parliaments of Scotland*, T. Thomson and C. Innes, eds. 12 vols. (Edinburgh, 1814-1875), 1: 474-5.

<sup>152</sup> *SHD*, 41. Margaret died before her journey to Scotland. She was the daughter of Eric II of Norway (r. 1280-1299) and Margaret of Scotland, Alexander III’s daughter.

sovereignty of their king at a time when their very identity was threatened.<sup>153</sup> Yet the idea of a common Scottish law stretched back to at least the mid thirteenth century. A royal breve in 1264, for instance, referred to the existence “of an ancient approved custom and common law” (*ex antiqua consuetudine approbata et jure communi*) operating throughout the kingdom.<sup>154</sup>

Undoubtedly, political union and war with its southern neighbor provided the primary contexts for the emergence of a Scottish identity. However, contemporary evidence indicates that a common Scottish law solidified political unity and brought a sense of cohesion absent in Wales. Even the English conquest of Wales and its accompanying governing statutes did not bring legal uniformity or create a sense of common community. Hence, political union did not automatically lead to ethnic assimilation, especially when both communities seemed perfectly content with maintaining their differences. Nevertheless, Scotland’s experience also shares some similarities with Wales. Like the Marcher lords of Wales and the kings of England, the Scottish crown had no interest in eliminating Gaelic customs or social structures, which allowed ethnic differences to persist. Anglo-European and Gaelic customs and social structures still diverged and those divergences were even more conspicuous because the Anglo-European and Gaelic communities typically lived separately.

***Language, Mythology, and the Maintenance of Ethnic Difference in Scotland and England***

Yet contemporary evidence indicates that linguistic differences and separate cultural orientations were more important in preventing ethnic assimilation in Scotland than unique customs or social structures. Hence, despite eloquent annunciations of a

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<sup>153</sup> Harding, “*Regiam Majestatem* among Medieval Law Books,” *Juridical Review* 29 (1984): 97. Cited in MacQueen, *Common Law and Feudal Society in Medieval Scotland*, 91.

<sup>154</sup> Sellar, “Common Law of Scotland and the Common Law of England,” 86.

common Scottish people, communal fissures remained and those fissures even seemed to deepen. John of Fordun provides a glimpse into the tensions evident in the Scottish identity through his account of Scottish origins and his analysis of the kingdom's ethnic and linguistic distinctions. In the *Chronica Gentis Scotorum*, Fordun attempted to present a coherent narrative of Scottish origins to prove that the Scots had inhabited *Alba* from ancient times and had always been free from foreign rule. To make his case, Fordun portrayed the Scots as an ancient and unified people with a common ancestry. Yet the *Chonica Gentis Scotorum* could not mask the kingdom's ethnic divisions. In chapter nine of his second book, Fordun addresses "the divisions of the peoples of Scotland" (*De divisione gentium Scociae*) and claims that fourteenth-century Scotland was split into two cultural camps that deviated along linguistic lines (*Mores autem Scotorum secundum diversitatem linguarum variantur*). According to him, the "Scottish" *gens* spoke Gaelic (*Scotica*) and inhabited the uplands and the outer isles (*montanas inhabitat et insulas ulteriores*), while the English people (*populo Anglorum*) spoke "Teutonic" (*Theuthonica*- i.e. English) and dwelled in the maritime districts and the lowlands (*maritimas possidet et planas regiones*). Indeed, Fordun illustrates the significance of language to ethnicity in Scotland by linking the English *gens* to its language (*cuius linguae gens*) and by describing Gaelic speakers' hostility to the other ethnic group that comprised their own "nation." He alleged that the Gaels were "hostile to the English people and language (*populo quidem Anglorum et linguae*) and, owing to diversity of speech (*propter linguarum diversitatem*), even to their own nation (*propriae nationi*)..."<sup>155</sup> He further asserted that the Gaelic and English populations were entirely distinct in customs,

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<sup>155</sup> Fordun, *Chronica Gentis Scottorum*, 1: 42 and 2: 38.

manners, dress, and temperament, among other things.<sup>156</sup> Scotland, therefore, was a kingdom of one *natio*, but two distinct *gentes*.

There are four prominent issues that Fordun's testimony and his account of Scottish origins raise. The first three concern the role that language played in demarcating ethnic identity in Scotland, the process of linguistic consolidation in Scotland, and to what extent Fordun's depiction of a "Highland-Lowland" divide is accurate. The first is the most complicated, but also the easiest to answer and one that we will examine throughout this section. Although we have little understanding about the attitudes of the non-Gaelic speaking communities, contemporary evidence indicates that Scottish Gaels primarily used linguistic difference to distinguish themselves from the other ethnic groups. Gaelic speakers in Scotland referred to anyone who did not speak Gaelic as a *Gall*, connoting a "foreigner." In the medieval period, this term was applied to English, French, and other non-Gaelic speakers broadly, but was qualified for the Gaelic-Norse by the appellation *Gall-Gaidhel*.<sup>157</sup>

The second issue is very difficult to answer with any certainty and we will not spend much time on it here. Fordun is probably right that English and Gaelic became dominant in Scotland. However, French continued to be commonly spoken among the aristocracy and the Scandinavian dialect of Norn survived in Caithness into the fifteenth

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<sup>156</sup> Ibid.

<sup>157</sup> John MacInnes, "Gaelic Perception of the Lowlands," 93. For the Gaelic-Norse, see above, 219-21.

century and maybe in other regions of the Western Isles.<sup>158</sup> Yet what happened to the Cymric-Brythonic and Scandinavian languages in southern Scotland is uncertain.<sup>159</sup>

The third issue is also difficult to answer conclusively, but Fordun's contention that Scotland's linguistic divisions fell along a strict "Highland-Lowland" divide seems only partly accurate. As we noted in Chapter Three, the Scottish crown did not conquer the western seaboard until the late thirteenth century and Anglo-European settlement in many northern and western regions was minimal. Furthermore, in those areas that underwent significant settlement, Gaelic populations tended to dominate the upland districts while Anglo-Europeans resided in the lowlands. As we might expect, Gaelic maintained its supremacy in the western seaboard and the far north. In areas that underwent considerable settlement, Gaelic predominated in the upland districts and English became ascendant in the lowland regions.<sup>160</sup> However, Gaelic communities were not absent from the lowlands and Barrow demonstrates that Anglo-Europeans did acquire

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<sup>158</sup> Charles Withers, *Gaelic in Scotland, 1689-1981: The Geographical History of a Language* (Edinburgh: John Donald, 1984), 23; and Graham Tulloch, "Lexis," in *The Edinburgh History of the Scots Language*, Charles Jones, ed. (Edinburgh: Edinburgh University Press, 1997), 393-4. Norn also survived in Orkney until the late eighteenth century and in Shetland until the early nineteenth.

<sup>159</sup> The linguistic situation in twelfth-century southern Scotland was highly complex. Barrow, for example, states that although Lothian was a predominately English-speaking district, it also contained Anglo-Scandinavian, Gaelic, and Cymric-Brythonic elements. In addition, southwestern Scotland continued to display the linguistic heritage of the ancient kingdom of Strathclyde, which had dominated much of southwest Scotland and northwest England until the late eleventh century. Strathclyde (Brythonic: Ystrad Clud) had primarily been inhabited by Brythonic peoples speaking Cumbric, a language closely related to Old Welsh. However, Gaelic, Gaelic-Norse, and English settlement both before and during the twelfth century had diluted the prevalence of Cumbric speech and customs. English had begun to dominate the much of the region by the thirteenth century, except for Carrick and Galloway where Gaelic was the primary language. See Barrow, *Kingship and Unity*, 5 and 9-10.

The linguistic diversity of southern Scotland was also apparent in northern England. As W.M. Aird asserts, the Anglo-Scottish border established at the River Tweed and the Solway Firth was an artificial division for a region that shared a common culture. Indeed, not only did English, Scandinavian, Gaelic, and Cymric-Brythonic personal and place names betray the linguistic and ethnic heritage of Northumberland and Cumberland, but Gaelic and Cumbric speakers survived there well into the twelfth century and possibly into the thirteenth. See W.M. Aird, "Northern England or Southern Scotland?," 30-1; and Barrow, "Northern English Society in the Twelfth and Thirteenth Centuries," in *Scotland and its Neighbors*, 131-5.

<sup>160</sup> See above, 167-9.

estates in the uplands on occasion.<sup>161</sup> Indeed, Barrow argues that Gaelic's retreat in eastern Scotland was very gradual and Gaelic language and customs persisted even near Fordun's home district of Mearns into Fordun's time and beyond.<sup>162</sup> Fifteenth, sixteenth, and seventeenth-century evidence from Perthshire, Moray, and Angus indicates that the linguistic divide generally fell upon the upland-lowland dichotomy apparent in the high-medieval period. However, Gaelic was still spoken in parts of coastal Moray and Aberdeenshire in the fifteenth century and seems to have been dominant throughout Carrick and Galloway in the sixteenth century.<sup>163</sup>

This observation brings us to our final point about Fordun's testimony. The formulation of a singular Scottish identity and mythology during the Anglo-Scottish Wars had to contend with a multiethnic and multilingual reality. English claims to Scotland and to dominion throughout the British Isles provided the political impetus for a common mythology to announce a common identity. Yet even before the conflicts with England, the Scottish crown provided the framework for a political unity that could possibly transcend ethnic divisions. In addition, the Crown's continued embrace of its Gaelic heritage and the Anglo-European elite's general acceptance of Scotland's identification with Ireland also aided in ameliorating ethnic differences.<sup>164</sup> However, amelioration did not equate to assimilation. Both Anglo-Europeans and Gaels came to identify Scotland as their homeland and could conceive of themselves as a group distinct from outsiders. Nonetheless, that common identity displayed numerous fissures that the

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<sup>161</sup> Barrow is referring to the Inchmartins, who acquired estates in upland Perthshire. See Barrow, "The Lost Gàidhealtachd," in *Scotland and its Neighbors*, 107-9.

<sup>162</sup> *Ibid.*, 106-7 and 124-6.

<sup>163</sup> For this evidence, see Withers, "On the Geography and Social History of Gaelic," 103-5 and *Gaelic in Scotland*, 25. Perthshire includes the medieval earldoms of Fife and Atholl.

<sup>164</sup> See above, 195-6.

late thirteenth and fourteenth-century origin myths and Gaelic writings before and after that period reveal.

The inherent tensions enmeshed within the Scottish identity prevented socio-cultural assimilation from accompanying political union. The contradictions of political unity and cultural dualism and Scotland's communal frictions are readily apparent in Fordun's account. For example, Fordun called the Scottish Gaels "savage" (*ferina*), "untamed" (*indomita*), "rude" (*rudis*), "continually cruel" (*jugiter et crudelis*), and "given to rapine" (*raptu capax*). In contrast, the English-speaking Scots had "domestic and civilized habits" (*domestica...et culta*). They were "faithful, patient, and urbane" (*fida, patiens et urbana*), as well as "devout," "courteous," and "peaceful" (*civilis atque pacifica, circa cultum divinum devota*). Fordun claimed that the cultural and linguistic disparities represented a cleavage between the old and new Scotland, explicitly stating that the Gaelic Scots displayed the "customs of the ancient Scottish nation" (*mores primaevae Scotorum gentis*). These customs, furthermore, could be directly tied to the Scots' origins in Ireland because the Gaelic Scots resembled the Irish "in all things" (*similis per omnia*). Yet Fordun never completely disassociates the Gaelic Scots from the new Scotland. Despite the fact that the Gaelic Scots could be hostile "to their own nation," they were "faithful and obedient to their king and the realm and easily made to submit to law if governed properly" (*Regi tamen et regno fidelis et obediens, necnon faciliter legibus subdita, si regatur*). They were "of a fierce and savage countenance" (*vultu ferox et torva*), but they could also be "affable and kind" (*affabiles et benigna*). In addition, although Fordun equates the Gaelic Scots' implied "barbarism" with Ireland, he also displayed some admiration for the fact that they, like the Irish, "would almost as

soon die as be enslaved, and account it sloth to die in bed, deeming it manly and glorious to slay, or be slain by the foe in the field.”<sup>165</sup>

Indeed, Fordun does not omit the Scottish connection to Ireland, unlike Bisset’s *Processus* and the *Declaration of Arbroath*. As Dauvit Broun asserts, political reasons could certainly have spurred the latter sources’ omissions.<sup>166</sup> Both Bisset and the royal officials who composed the *Declaration of Arbroath* were attempting to argue that the Scots were an ancient and glorious people whose ancestral homeland was Scotland. Any mention of an enduring connection to Ireland would have complicated their argument. Hence, the *Declaration of Arbroath* alludes to the Scots’ time in Scythia and Spain almost as a brief sojourn before their final destiny in northern Britain. The *Declaration* instead focuses on the Scots’ expulsion of the Picts and Britons, their fierce resistance to Norwegian, Danish, and English invasions, their enduring freedom from subjection, and their ancient and unbroken royal lineage.<sup>167</sup> Fordun’s themes are very similar to Bisset and the *Declaration*. Though he places the Scots’ origins in Greece, like Bisset he also argues that the Scots derived their name from the daughter of an Egyptian pharaoh. In Fordun’s account, however, this daughter does not go on to conquer northern Britain. Instead, she is married to the wayward son (Gaythelos; Gaelic: Gaedel Glas) of a Greek king who had fled to Egypt with his unruly band of warriors to escape his father’s wrath. This group becomes the progenitors of the Scottish people and Gaedel becomes their first king.<sup>168</sup> More importantly though, Fordun also emphasizes the Scots’ ancient possession

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<sup>165</sup> Fordun, *Chronica Gentis Scottorum*, 1: 42 and 2: 38. *Nam gens est levis, non ferox, seviens in hostes, tantum fere mortem diligens, quam servitutem, in lecto mori reputans egnitiem, interfici campo per hostes ut interficiat, gloriam arbitrans et virtutem, gens parci victus, famemque diutius sustinens, et raro ante solis occasum se super cibum effundens.*

<sup>166</sup> Broun, *Irish Identity of the Kingdom of the Scots*, 198.

<sup>167</sup> *SHD*, 55-6.

<sup>168</sup> Fordun, *Chronica Gentis Scottorum*, 2: 6-7. For Bisset’s account, see above, 193-4.



of northern Britain, implies that the Scots had dwelled there for as long as the Britons possessed England, and contends that the kingdom's name had always been *Scotia*.<sup>169</sup> Fordun most diverges from Bisset and the *Declaration* in giving a place for Ireland in Scottish lore, saying that the Scots arrived in the island in three waves.<sup>170</sup> He even claims that the Latin name for Ireland, *Hibernia*, derived from the name of Gaedel's son, "Hyber" (Gaelic: Éber).<sup>171</sup> However, Fordun also discusses the Scots' time in Ireland as if a stopover before their glorious conquest of northern Britain. Although he describes and praises the physical beauty of Ireland and its natural features, he never equates the Scots with the Irish politically or culturally.<sup>172</sup> In fact, he never mentions the Irish specifically at all. Furthermore, he seems to divorce the Scots as much as possible from their Irish political and cultural origins and customs, despite the fact that he later equates the Gaelic Scots with the Irish. According to him, the contemporary Scottish laws had their origins in Greek and Egyptian wisdom, while their practice of successive kingship came during their time in Spain. Hence, the Scots had a deep-seated, if latent, civility that contrasted with a land associated in contemporary European intellectual culture with "barbarism."<sup>173</sup>

If Fordun's history represented a general uneasiness about Scotland's ethnic divisions and cultural associations among the Anglo-European scholarly community, the same apprehension can also be found among the Gaelic *literati*, especially the bardic poets. It is difficult to ascertain the attitudes of the wider Gaelic population towards the incoming Anglo-Europeans. Ailred of Rievaulx records that the Gaelic earl of Strathearn

<sup>169</sup> Fordun, *Chronica Gentis Scottorum*, 2: 6-7.

<sup>170</sup> Ibid., 2: 14-5, 18-20, and 22.

<sup>171</sup> Ibid., 2: 14.

<sup>172</sup> Ibid., 2: 15-6.

<sup>173</sup> Ibid., 2: 16-8. I say "latent" civility because Fordun does state that the Scots were an often troublesome and even "beastly" lot in Spain.

expressed his bitterness to David I that the king seemed to rely on the council of “Gauls” when determining his battle array before the Battle of the Standard in northern England in 1138. Whether “Gauls” in this case was a rendition of the Gaelic term *Gall* or a specific reference to people from France is unclear, but the earl’s irritation was shared by the Gallovidians in David’s army.<sup>174</sup> An early thirteenth-century bardic poem written for the earl of Lennox referred to the Anglo-European magnates as *Goill*.<sup>175</sup> Nevertheless, neither this statement nor other contemporary evidence betrays much xenophobia among the Gaelic aristocracy.

However, Wilson McLeod asserts that Scottish Gaelic bardic poetry shows an increasing alienation from the Anglicized districts of the kingdom from the late medieval period (he defines as c. 1200-c. 1650) onwards. According to him, the bards even paid little attention to Scottish matters or history. Instead, they concerned themselves almost exclusively with Irish history and mythology. They focused on the late eleventh-century *Lebor Gabála Éirenn* (Book of the Taking of Ireland), which recounted Ireland’s early history. Furthermore, they discussed Irish mythological figures such as the legendary warrior Cú Chulainn and the early Irish kings.<sup>176</sup> Even Gaelic works such as the *Duan Albanach* (c. 1093), which recounted the royal pedigree of the Scottish kings, received little attention from the Scottish Gaelic scholarly class, even though interest in the pedigrees continued in lowland Scotland into the later middle ages.<sup>177</sup>

This point raises another unique aspect of acculturation in Scotland. As in Wales, Latin was the principal language of cultural transmission, but the transmission in

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<sup>174</sup> *SAEC*, 199.

<sup>175</sup> McLeod, 25.

<sup>176</sup> *Ibid.*, 115-8.

<sup>177</sup> *Ibid.*, 124-5. The *Duan Albanach* was written in Ireland. Whether its kings’ list came from Ireland or Scotland, however, is less certain. For a thorough analysis of this text, see Broun, *Irish Identity of the Kingdom of the Scots*, 170-2.

Scotland was more unidirectional and narrower. Indeed, Broun's analysis of the Scottish kings' twelfth and thirteenth-century Latin royal genealogies indicates that they were written by men knowledgeable in Gaelic who then transcribed the earlier Gaelic versions into Latin. It was from these Latin texts that Fordun and other authors acquired their knowledge of the royal genealogy and its link to an Irish past.<sup>178</sup> Broun asserts that Fordun's account of the Scots' connections to Ireland derived from three principal Latin texts, roughly datable to the early fourteenth century. These texts showed little knowledge of material contained in the *Lebor Gabála Éirenn* and Irish historiography in general. Also, Fordun's account differs considerably from the same origin legend in the *Lebor*.<sup>179</sup> *The Declaration of Arbroath* and other contemporary sources like the *Liber Extrauagans* also used such genealogies, but omitted any connection to Ireland.<sup>180</sup> Hence, Fordun and other non-Gaelic Scots' interest in the Gaelic traditions centered on origin myths or genealogical lists that could demonstrate the Scots' ancient history as a people and the Crown's enduring and illustrious lineage.<sup>181</sup> Detailing the Scots' connection to Ireland was neither necessary nor always desirable.

While non-Gaelic Scots may have acquired Gaelic traditions through a Latin medium, there is little evidence that the Gaelic *literati* showed much interest in Anglo-French literature or culture in any language, a situation more similar to Ireland than to Wales. For example, Neville points out that while the Gaelic nobility adopted many of

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<sup>178</sup> Broun, *Irish Identity of the Kingdom of the Scots*, 174-93.

<sup>179</sup> *Ibid.*, 128-32. For Fordun's sources and the discrepancies between his account and the *Lebor Gabála Éirenn*, see *idem*, 12-20. I am not arguing that Fordun was entirely ignorant of Gaelic. Indeed, he is alleged to have taken a research trip to Ireland. However, it seems unlikely that he was literate in Gaelic or knew much about the Gaelic literary tradition.

<sup>180</sup> The *Liber Extrauagans* ("Supplementary Book") was the primary source behind material that Walter Bower completed in 1447-1448 as a complement to his *Scottichronicon*. The *Liber* dates to sometime before 1306. It portrays Scotland as the original homeland of the *Scoti* rather than Ireland.

<sup>181</sup> See principally in *idem*, 119-28, 132, and 187-200.

the titular and martial trappings of the chivalric ethos, romance literature never gained much traction in Scotland. This lack of interest was particularly evident in the case of ancestral romance works called *roman lignagères*, which became wildly popular in England shortly after the Norman Conquest. However, only one example of the genre survives from Scotland.<sup>182</sup>

The role of language and literature in fashioning communal assimilation in Scotland raises interesting parallels and divergences with England. Like Scotland, England was linguistically diverse. Like Scotland, the English crown had created a political union that incorporated a diverse group of ethnic elements and thereby paved the way for the emergence of a sense of Englishness that could transcend those differences. The path to assimilation was not easy and the Norman place within the English story often created some consternation. Scotland did not experience a conquest, though historians sometimes portray the arrival of foreign settlers as one. Instead, natives and newcomers shared power within a framework that did not recognize legal disparities between the ethnic groups, did not try to eradicate native institutions, and did not attempt to eliminate a connection to a Gaelic past. Indeed, despite numerous rebellions from Scottish kindreds and the slow pace of the Crown's conquest of the kingdom, the accommodation between newcomer and native was largely successful. By 1290, eight of the thirteen Scottish earldoms were in hands of native families and all but one of the other five foreign families acquired their earldoms through marriage with an heiress of the original family.<sup>183</sup>

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<sup>182</sup> Neville, *Native Lordship*, 218-9.

<sup>183</sup> Barrow, "Lost Gàidhealtachd," 110.

In England, however, the Norman Conquest brought about the advancement of foreign lords and a substantial dispossession of the native elite.<sup>184</sup> Hence, while there were no formal barriers to prevent the native English from assuming positions of power within the kingdom, the overwhelming majority of England's nobility had foreign roots and still associated their prerogatives with the Norman Conquest nearly two centuries later. Indeed, the *Chronicle of Walter of Guisborough* tells the famous story of the Earl Warenne producing a rusty sword before Edward I's justiciars as proof of his right to possess and defend his lands: "For my ancestors came with William the Bastard and conquered their lands by the sword, and by the sword I will defend them from anyone intending to seize them. The King did not conquer and subject the land by himself, but our forebears were sharers and partners with him."<sup>185</sup> Though the story may be fictitious, Michael Clanchy notes that other earls claimed that the rights to their estates also derived from the Conquest. Roughly a century earlier, Henry II's chief justiciar sounded the same theme and reminded the king that the barons were the living embodiments of that Conquest.<sup>186</sup> As Robin Frame points out, thirteenth and fourteenth-century English chroniclers had difficulty melding the legacy of the Norman Conquest into the English mythology. These chroniclers often portrayed the Normans as ancestors of an oppressive government and aristocracy that burdened the English people.<sup>187</sup>

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<sup>184</sup> Williams, *English and the Norman Conquest*, 19-23.

<sup>185</sup> *Antecessores enim mei cum Willelmo bastardo venientes conquesti sunt terras suas gladio et easdem gladio defendam a quocunque eas occupare volente. Non enim rex per se terram deuicit et subiecit sed progenitores nostri fuerunt cum eo participes et coadiutores.* *The Chronicle of Walter of Guisborough*, H. Rothwell, ed. (London: Butler and Tanner, 1957), 216. Translation from Clanchy, *From Memory to Written Record*, 41-2.

<sup>186</sup> Clanchy, *From Memory to Written Record*, 42-3.

<sup>187</sup> Frame, "The Wider World," in *A Social History of England, 1200-1500*, Rosemary Horrox and W. Mark Ormrod, eds. (Cambridge: Cambridge University Press, 2006), 441.

Nevertheless, Frame also notes that the same “foreign” aristocracy could also be portrayed as “patriotic leaders of an English people.”<sup>188</sup> Indeed, the ancestors of the Norman Conquest embraced the mythological heroes of England’s past and the Norman and Plantagenet monarchs worked diligently to highlight their legitimate succession to an ancient royal tradition. Chroniclers such as William of Malmesbury and Henry of Huntingdon interwove the Normans into the English mythology in the early twelfth century.<sup>189</sup> As Hugh Thomas argues, the barons of England perceived themselves as “English of Continental descent” and saw no contradiction in “considering themselves English and taking pride in Norman ancestry.”<sup>190</sup> Matthew Paris depicted the nobility’s sense of Englishness at a tournament at Rochester in 1251. According to him, the English nobility routed the foreigners whom Henry III had welcomed into England and it was on account of this tournament that “resentment and hatred” (*ira et odium*) between the English and the “foreigners” (*alienigenas*) increased.<sup>191</sup>

Many of the English and “foreigners” at Rochester would have shared a similar language and the cultural differences between the English nobility and Henry III’s Savoyard and Poitevin allies were less than between the English nobility and the English peasantry. We have already noted that the French language endured in England among the nobility and even gained legal, literary, and administrative prominence during the thirteenth century and beyond. Nevertheless, English had become the aristocracy’s principal language by the thirteenth century.<sup>192</sup> As Thomas argues, speaking French became a way for the aristocracy to distinguish itself from the rest of the population and

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<sup>188</sup> Ibid.

<sup>189</sup> Ibid., 439.

<sup>190</sup> Thomas, *English and the Normans*, 385.

<sup>191</sup> Matthew Paris, *Chronica Majora*, 5: 265.

<sup>192</sup> See above, 235-6.

the nobility did not see using French as incompatible with being English.<sup>193</sup> Indeed, the aristocracy's adoption of the English language and its acceptance of English lore became vehicles for lessening socio-cultural distance and for creating a singular English community. The overwhelming impression of the thirteenth and fourteenth-century sources was that the English were one people and one community bound together by a common language, a common Crown, and a common law. Not everyone forgot the aristocracy's foreign roots and English chroniclers sometimes referenced those roots to criticize the political class. Thorlac Turville-Petre notes, however, that English chroniclers also had a habit of making heroic Englishmen out of individuals like Simon de Montfort and Thomas Beckett who were certainly not English.<sup>194</sup>

### ***Conclusions***

The Scottish sources depict a kingdom in which war with England had created a common bond against outsiders and an allegiance to a shared Crown. That Crown had done much to generate a sense of unity and its integration of foreign and native practices and institutions had even helped to reduce the socio-cultural divide. However, the divide was never fully bridged and the persistence of linguistic differences and the divergence in cultural orientation that accompanied disparities in language never permitted that fissure to seal. Indeed, unlike in England, the chasm only seemed to grow as time passed and as de-Gaelicization proceeded in the kingdom's south and east. Gaelic bardic poetry indicates that from the sixteenth century onwards, many Gaels complained that foreigners

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<sup>193</sup> Thomas, *English and the Normans*, 385.

<sup>194</sup> Turville-Petre, *England the Nation*, 99-100.

had stolen Scotland and that many Gaels had treacherously abandoned their language and culture.<sup>195</sup>

What made England exceptional was not so much its circumstances. Like Wales and Ireland, it experienced foreign incursion. Like the rest of the British Isles, it was culturally diverse. What made England exceptional was the outcome of ethnic contact. No matter how imperfectly assimilation occurred, it represented the major contrast between England, Scotland, Wales, or Ireland. Many historians have remarked on the importance of England's monarchy, administration, and laws in bringing a sense of cohesion and unity to a diverse kingdom. While those analyses are accurate, the Welsh case demonstrates that political union was not enough to fuse ethnic communities and the Scottish example shows that even political union and common laws were not always sufficient. Not only did a common vernacular have to emerge, but the ethnic communities also had to develop a sense of common belonging, which required identifying with each other's cultural heritage. The fact that a Scottish identity developed in such a fractured kingdom testifies to the Crown's success in incorporating foreign settlers into its realm and also testifies to war's power to forge a sense of unity amidst diversity. Yet Fordun's *Chronica* shows that unity only went so far and that an alignment of all the forces necessary to induce fusion was a tall order.

### **Conclusions: Wales in the British Isles**

The emergence of a common identity in Wales would no doubt have seemed a laughable notion to contemporaries, even after political union with England. According to the burgesses of Caernarvon in 1345, the English continued to suffer from "the

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<sup>195</sup> McLeod, *Divided Gaels*, 20.



malevolence and enmity of the Welsh,” a feeling that the English burgesses of Denbigh, Aberystwyth, and Rhuddlan echoed.<sup>196</sup> Around the same time or shortly afterwards, the English burgesses in North Wales wrote to the prince of Wales, complaining that although Edward I had granted them immunity from the accusations of “foreign persons” (*forinseci*), the prince’s ministers did so. According to them, if Welshmen were allowed to arraign them, there would not “be any Englishman alive in Wales in a short time; or it would be necessary to void the country.”<sup>197</sup> Likewise, the English of Shropshire asked the king to appoint keepers (*gardeins*) to curb “the peril of the Welsh (*Galeys*) adjoining the county.”<sup>198</sup> Royal officials even went so far as to ask the Cistercian general order in 1330 to remove Welsh monks from Strata Marcella Abbey and end its affiliation with Whitland Abbey. According to them, the abbey was not only ruled “by the levity of the Welsh,” but they also claimed that it was a place of “unlawful assemblies to excite contentions and hatred between the English and Welsh.”<sup>199</sup> The two communities not only continued to demonstrate hostility, but they also retained separate cultural orientations, languages, laws, and customs. It was a cultural autonomy preserved both through legal mechanisms and a bicommunal desire to maintain difference and allow the other community to preserve its traditions in separation. Indeed, the justice of Chester reported to the king that the English burgesses of Overton and the Welsh of Maelor Saesneg “as far as possible maintain the state of each other.”<sup>200</sup> The bicommunal choice to preserve and tolerate difference and the formal and informal frameworks that allowed

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<sup>196</sup> *CACW*, 230-2 and *CAPW*, no. 11883, 398.

<sup>197</sup> *CAPW*, no. 13029, 439-40.

<sup>198</sup> *Ibid.*, no. 7077, 239.

<sup>199</sup> *Close Rolls, 1330-1333*, 150.

<sup>200</sup> *CIM*, no. 56, 2: 16.

each community to maintain its laws, customs, and traditions in separation were equally conspicuous features in establishing ethnic dichotomy in Wales.

Just as it was not any one factor that created the regime of perpetuated pluralism in Wales, there was not one particular factor that made the Anglo-Welsh border regions unique in the British Isles. Political and physical separation occurred in Ireland and Scotland as well. The Gaelic communities in both those regions retained separate social structures and in Ireland the Gaelic communities outside the lordship kept their own legal traditions. Linguistic differences persisted and distinct cultural orientations remained. Rather, it was a confluence of factors. Of course, one could point to how law affected ethnic relations differently in Wales compared to Ireland, Scotland, or England. One could note the difference in the extent to which the Anglo-European community borrowed Welsh mythology to justify Anglo-Norman hegemony compared to Scotland or how the Welsh refashioned French cultural traditions in their own mold while the Gaels of Ireland and Scotland seemed to ignore them. One could also point out that sustained hybrid ethnic groups did not emerge in Wales as they did in Ireland or Scotland and that neither the Marcher lords nor the English crown used separate legal status as blatant tools of discrimination.

Yet the most intriguing feature about Wales in the context of the British Isles is the extent of acculturation within perceived, desired, sanctioned, and sometimes enforced dichotomy. The Welsh embraced many aspects of French culture and sometimes held their lands through English tenures. The acceptance of jury procedure and other English modes of judgment was pervasive long before Edward I dined at Nefyn while playing Arthur. Likewise, the English could also adhere to Welsh laws and customs and could

appreciate (even if to amend) Welsh lore. Acculturation was pervasive in Wales. Yet extensive acculturation did not lead to a sense of commonality as it did in Scotland, to assimilation as it did in England, or to the formation of hybrid ethnic groups as it did in Ireland or Scotland. In fact, ethnic dichotomies and the classification of communities according to their descent, laws, and customs only seemed to grow over time. Davies points out that time and again the Marcher lords and their officials were faced with the difficult questions of a multiethnic society. These questions were evident in Dyffryn Clwyd where the English and Welsh populations were closely intermixed. Such intermixture produced so many circumstances of Welshmen holding land through English tenures and vice versa that the lords of Dyffryn Clwyd enacted various policies to prevent it.<sup>201</sup> In a lordship where the Englishry and Welshry were determined by birth and tenure and not clearly demarcated territorially, it was impossible to establish who was English and who was Welsh if status and tenure were ambiguous. In a land where Englishness and Welshness were at the heart of administration and governance, ethnic ambiguities could not be legally approved.

Contemporary evidence also suggests that such policies probably did not arouse considerable resentment. The right of an Englishman to be tried according to English laws and of a Welshman to be adjudged according to Welsh laws was a deeply held bicomunal principle that one's birth ordained. For example, Llywelyn ap Gruffudd not only claimed that his case against Gruffudd ap Gwenwynwyn should be tried by Welsh laws because Arwystli was Welsh land, but also because Gwenwynwyn and his ancestors were of "Welsh condition" (*idem Griffinus et omnes antecessores sue Walensice*

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<sup>201</sup> Davies, *Lordship and Society*, 314-5.

*condicionis fuerunt*).<sup>202</sup> Furthermore, as Davies asserts, denying the rights of birth and trying a Welshman or Englishman according to the other community's laws could provoke considerable indignation.<sup>203</sup> For example, the Welsh of West Wales complained to Edward II that his justices were imposing English laws and customs on the Welsh tenants at the courts of Carmarthen, Cardigan, Emlyn, and Llanbadarn Fawr even though Edward I had affirmed their rights to use Welsh law (*keveretz Howel*).<sup>204</sup> Similarly, Thomas de Wynesbury accused his rivals of arresting and imprisoning him at Chirbury in Shropshire because he would not answer their accusations according to Welsh law despite the fact that he was neither Welsh nor had Welsh lands.<sup>205</sup>

Indeed, it was not that the English and Welsh did not see some hybridity within their midst. There was no need to go as far as the settler community in Ireland did to prevent intermixture. There were no bans on intermarriage. There were no decrees against speaking another community's language. There were no threatened penalties on those who might have become *degeneres*. Although the lords of Dyffryn Clwyd felt compelled to restrict tenurial and legal permeability within their lordship, such restrictions were not common in Wales. Yet some toleration of hybridity occurred within a framework that demanded ethnic categorization and necessitated the perpetuation of perceived unambiguous differences to enforce such classification. In Ireland and Scotland, perceptions of difference prevented assimilation. In Wales, they not only curbed assimilation, but also denied hybridization. A person of mixed descent had no recourse to a mixed law or any other special recognition. Law, custom, tenure, and status

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<sup>202</sup> *Welsh Assize Rolls, 1272-1284*, 265.

<sup>203</sup> Davies, *Lordship and Society*, 311.

<sup>204</sup> *CAPW*, no. 146, 245-6.

<sup>205</sup> *Close Rolls*, 2: 40.

were either “English” or “Welsh.” A person fell into one community or another, no matter how convoluted their ethnic status. It was a perception that ignored the inherent complications of centuries of ethnic intermixture. Nevertheless, it was a perception of dichotomy rooted in legal and often physical division, a perception that both communities vehemently sought to preserve.

## Chapter 8: Wales and the British Isles in the Eurasian Context

By way of conclusion, I would like to build upon the previous chapter and summarize and situate the acculturative situation in Wales within its full Eurasian context. Where appropriate and necessary, I will expand that discussion to include other regions in the British Isles. This concluding chapter will explore two larger thematic issues that emerge from this study. The first concerns what local historical situations can teach us about larger Continental dynamics. Hence, the first part of this chapter will analyze similarities and differences between the acculturative situations in Wales and other regions across Eurasia. The second theme concerns placing the study of border regions into a more central role in global historical inquiry and considering the utility of pan-Eurasian studies.

We begin our discussion by considering what Wales can tell us about other border regions in high-medieval Eurasia and what other border regions in high-medieval Eurasia can tell us about Wales. In many respects this small border region on the very northwestern edge of the Eurasian landmass is highly representative of the broader Eurasian world. Indeed, Wales is more consistent with general trends across the Continent than other border regions in the British Isles. Nevertheless, these consistencies should not lead us to believe that Wales was simply a mirror image of the rest of Eurasia.

The most obvious similarity between the Anglo-Welsh border region and the rest of the Eurasian world was that settlement processes shaped its formation and the nature of ethnic contact in the region. As in China, Iberia, Sicily, the Baltic, Greece, Anatolia, the Levant, the northern subcontinent, and much of Central Asia and the Middle East, settlement in Wales commenced with violence. In Wales and many of these other

regions, violence was endemic and persistent. Chaotic political environments could have a major impact on the nature and circumstances of intercultural contact, though it is not possible to standardize the results. In Wales and Ireland, political instability helped limit foreign settlement, allowed native regimes to survive, and contributed to communal autonomy and a lingering hostility that inhibited assimilation. We see similar tendencies in Iberia and the Baltic.<sup>1</sup> In Anatolia, however, it is unclear what exact effect political instability had on relations between Turkic settlers and native populations. The survival and eventual revival of Byzantine power, the fragmentation of Turkic Anatolia into many sultanates and principalities after the reign of Malikshāh, the Crusades, and the Mongol invasions all contributed to constant war and extreme political fragmentation and unevenly influenced the political and cultural Turkicization of the peninsula. Yet relations between the Muslim Turks and the local Christian populations were generally good, in part because the Christian population was highly heterogeneous. Indeed, Ahmet Yaşar Ocak argues that Byzantine persecution of “heretical” churches such as the Jacobites and Nestorians assisted Turkic settlement in the region.<sup>2</sup> Furthermore, the Turks themselves were highly heterogeneous. While most were Oghuz and Muslim, many Turkic groups were Christians, Buddhists, Manichaeans, and Jews. These religious traditions, in addition to the Turks’ shamanistic background, influenced the spread of religious currents that ran contrary to the Sunnī orthodoxy advocated by the *‘ulamā* and the Seljuq rulers.<sup>3</sup> Heterogeneous religious practices and mystical currents contributed to

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<sup>1</sup> See above, 66-70.

<sup>2</sup> Ocak, “Social, Cultural, and Intellectual Life, 1071-1453,” 382.

<sup>3</sup> M.F. Köprülü, *Islam in Anatolia after the Turkish Invasion (Prolegomena)*, Gary Lesier, trans. (Salt Lake City, UT: University of Utah Press, 1993), 4-6.

many shared cults and pilgrimage sites and often attracted Christians to Islam.<sup>4</sup> The close relations between the Muslim Turks and the non-Muslim population drew rebukes from many Arab Muslims, including the famous Šūfī ‘Ibn Arabī (1165-1240) who complained to a Turkish sultan about not enforcing the *dhimma* restrictions on the Christians.<sup>5</sup> Hence, while endemic violence could encourage communal autonomy and fierce hostility, its results were not uniform.

Another highly evident Anglo-Welsh parallel is in the development of a dual-administrative regime and in the importance of law to structuring communal contact and shielding ethno-religious identities. The general principle that ethno-religious communities could and should retain their laws and customs was commonplace across Eurasia. A formal dual or multiple-administrative regime to protect communal laws and traditions did not develop everywhere. In some situations political circumstances made communal autonomy a *de facto* rather than *de jure* reality. Nonetheless, we see dual and multiple-administration employed in Khitan and Jurchen China and in many other areas where Inner Eurasian peoples established multi-ethnic states. The *hospes* systems that developed in Hungary, Bohemia, and Poland adhered to similar principles, as did the Islamic *dhimma* system and its Christian variants across the Middle East, Central Asia, and Europe despite the fact that they predicated communal autonomy solely on religious difference. The retention of communal laws and traditions were essential assimilative barriers and they were even stronger when institutionalized as a principle of communal contact. Indeed, the Cuman example in Hungary demonstrates that retaining an attachment to communal laws could provide the key obstacle to total assimilation when

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<sup>4</sup> Ocak, “Social, Cultural, and Intellectual Life, 1071-1453,” 401-2.

<sup>5</sup> Ibid., 388-9



linguistic, socio-economic, and organizational differences were no longer substantial or even extant.<sup>6</sup>

Yet although dual-administration in the Anglo-Welsh border region advanced the common, nearly pan-Eurasian, principle of communal autonomy, it developed very differently, which reflects the political situation that emerged both before and after Anglo-European settlers arrived. In every case in which dual or multiple-administration materialized in high-medieval Eurasia a central authority created it, supervised it, or enforced it. However, the Englishries and Welshries did not emerge from central planning or coordination. Wales was already a highly fractured region before Anglo-European settlers arrived and because the English crown allowed its subordinates to carve out semi-autonomous lordships in the border region, Wales' political fissures only increased. Despite the fact that Englishries and Welshries became nearly ubiquitous across Wales and the adjacent English counties, the Marcher lords did not act concertedly to create them. By the time the Statute of Rhuddlan and Edward II's statute of c. 1315-1316 explicitly recognized the Englishry and Welshry as a feature of governance in Crown territories, the Englishries and Welshries had already developed and the principle that each community should retain its own laws and customs under its traditional communal officers was long established.<sup>7</sup> Rather, the Marcher lords and the Crown applied administrative practices to political and ethnic circumstances. Hence, the institutionalization of dual-administrative derived from customary practice rather than central fiat.

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<sup>6</sup> See above, 100-2.

<sup>7</sup> See *Statutes of Wales*, 9 and 28.

The organic development of Englishries and Welshries and the bicommunal desires to retain communal autonomy and live as separately as possible were undoubtedly powerful contributing factors in dual-administration's vitality and stability in the Anglo-Welsh border region and in promoting strict ethno-legal dichotomization. The lack of central planning in dual-administration's emergence might at first seem to be a sure inhibitor of long-term endurance. Indeed, the fact that the Islamic *dhimma* system combined both scriptural basis and official support contributed to its general stability despite intermittent instances of persecution. However, central directive did not always guarantee that dual or multiple-administration could endure. The Jurchens offer a classic example of how elaborate dual-administrative regimes could become untenable regardless of administrative sophistication.<sup>8</sup> In addition, the communal desire to maintain a central authority's system was extremely important. As Glick notes, Muslim revolts, Christian persecutions, and forced conversions severely undermined the Christian *dhimma* variant in Iberia in the later thirteenth century.<sup>9</sup> Christian persecution also helped spur Muslim revolts in Sicily and contributed to the latter community's deportation to Lucera in the thirteenth century.<sup>10</sup>

Certainly, the endurance of English rule in Wales was probably a key factor in perpetuating dual-administration, though Llywelyn ab Iorwerth's acceptance that the English and Welsh populations of Cardigan should be governed under their own laws suggests that Welsh rulers would have applied its principles if they allowed settlers to remain in their territories.<sup>11</sup> Welsh revolts flared repeatedly during the late thirteenth and

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<sup>8</sup> See above, 119-21.

<sup>9</sup> Glick, "Ethnic Systems of Premodern Spain," 163-4.

<sup>10</sup> Metcalfe, *Muslims of Medieval Italy*, 173-5, 184-91, and 275-94.

<sup>11</sup> See AWR, no. 242, 399-400.

throughout the fourteenth century. Yet dual-administration persisted and the fear of Welsh rebellion only seemed to strengthen the Crown's resolve not to upset the status quo. Such concerns seemed evident when Edward II denied the abbot of Whitland's request to utilize English instead of Welsh law and when the same king denied the same request from certain petitioners in North Wales. In the first case the king stated that he did not wish to change the laws and in the second he iterated that he did not "feel himself advised to do away with the ancient customs of Wales."<sup>12</sup> These requests, however, were fairly rare. Far more common were complaints such as those of the Welsh of West Wales who claimed that the English were imposing their own laws and customs or of the Englishman Thomas de Wynesbury who stated that his enemies had imposed Welsh laws on him.<sup>13</sup> Similarly, in 1309 the Welsh of Caerwedros, Gwynionydd, and Mabwnion felt aggrieved that royal constables and bailiffs were introducing new customs and stated that the Welsh should have judgment according to the laws and customs of "their country and of the court."<sup>14</sup> The English of Abergavenny were perplexed as to why they had to answer in the Welsh court and one petitioner claimed that many English burgesses of Rhuddlan left the town because the king had not granted them the law of Hereford and they were instead forced to use Welsh law.<sup>15</sup> Occasionally a community might preemptively remind local and royal officials that they expected their laws and customs to be honored. For example, the lineage of Einion ap Madog told the king in 1291 that royal officials had confiscated their lands in Builth and were concerned that the case would not be settled "according to the laws and usages of the country" at the Welsh

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<sup>12</sup> *CAPW*, nos. 165 and 3179, 27 and 99, respectively.

<sup>13</sup> See *CAPW*, no. 146, 245-6 and *Close Rolls*, 2: 40, respectively.

<sup>14</sup> *Ibid.*, no. 13375, 453.

<sup>15</sup> *Ibid.*, nos. 14717 and 15405, 475 and 491, respectively.

court.<sup>16</sup> Indeed, for the most part, the English and Welsh communities were content to maintain the status quo and the bicomunal support for the dual-administrative regime and the expectation that each group could keep its own laws allowed dual-administration to endure into the early modern period.

The durability and stability of dual-administration and legal autonomy in Wales limited assimilation and assured that purity laws did not emerge. In Jurchen China rapid Sinicization and the centralizing policies of the Prince Hailing (r. 1150-1161) led future Jurchen emperors such as Shizong (r. 1161-1189) and Zhangzong (r. 1189-1208) to institute various policies to arrest and reverse deep acculturation with the Chinese population. Shizong, for example, reemphasized hunting, promoted the Jurchen language, and admonished the Jurchens not to forget their customs. He forbade the translation of Jurchen names into Chinese, banned the imperial guards from speaking Chinese, and ordered the translation of Chinese classics into the Jurchen tongue. In 1188 he also prohibited the Jurchen from wearing Chinese clothes such as silks.<sup>17</sup> Zhangzong also encouraged the use of the Jurchen language, practiced Jurchen rituals, and outlawed the Jurchens wearing Chinese clothes.<sup>18</sup> However, much like the English parliaments in Ireland, Jurchen attempts to promote “Jurcheness” were largely unsuccessful. Of course, the fact that Shizong and Zhangzong promoted Chinese customs and practices while they heralded Jurchen traditions did not help matters.<sup>19</sup> Nevertheless, as in Ireland, the ultimate failure of the “Jurchen revival” occurred because imperial decrees addressed the symptoms and not the causes of Sinicization. Physical and cultural isolation and the

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<sup>16</sup> Ibid., no. 10036, 338.

<sup>17</sup> Tao, *Jurchen in Twelfth-Century China*, 76-8.

<sup>18</sup> Ibid., 85-6.

<sup>19</sup> Ibid., 79-83 and 86-90.

attraction of Chinese political and cultural traditions were simply too much for purity laws to overcome. Indeed, it seems that Zhangzong recognized the futility of revivalist policies when he lifted the ban on Chinese-Jurchen intermarriage in 1191.<sup>20</sup>

Ineffectual policies intended to preserve ethno-cultural purity were absent in Wales because they were unnecessary. With no serious threat of large-scale assimilation and with both groups maintaining their own ways of life while living as separately as possible, there was no need to introduce discriminatory measures or purity laws. That is not to say that the Welsh did not suffer some discrimination. The fact that we rarely see Welshmen in high positions of power in the Marcher lordships is one obvious manifestation of discrimination. Discrimination is also apparent in numerous Welsh petitions submitted after the Edwardian conquest, such as when the Welsh of Uwch Aeron and Is Coed complained about the abuses of royal officials or when Atha ab Einion expressed astonishment that the burgesses of Flint prevented Welshmen from living in the town.<sup>21</sup> Undoubtedly, English official discrimination could make the Welsh feel as though they were second-class citizens in their ancestral land. Nevertheless, discrimination was never a formal policy until the Glyndŵr rebellion in the early fifteenth century and those policies were short-lived and not intended to promote cultural purity. Indeed, legislating against deep acculturation was a doomed proposition.

The Anglo-Welsh border region demonstrates three other acculturative consistencies across Eurasia. First, although territorial separation and institutionalized regimes to promote and maintain ethno-religious difference were generally successful in inhibiting assimilation, communal barriers could not prevent acculturation. Law in dual-

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<sup>20</sup> Ibid., 89.

<sup>21</sup> See CAPW, nos. 7288 and 5433, 246 and 172, respectively.

administrative regimes, in fact, offers an excellent testament to this postulate. In many dual or multiple-administrative regimes, the politically superior community retained the right to hear serious cases such as homicide. The Statute of Rhuddlan introduced this principle to Wales in the Crown territories. Indeed, the Welsh of Cantref Mawr, Iscennen, and Cardiganshire acknowledged that the Crown held the right to hear cases pertaining to homicide, rape, and arson when they complained about royal officials abusing Welsh laws.<sup>22</sup> The Welsh sometimes ignored these restrictions. Nonetheless, it was another manner through which they could become acquainted with English laws and procedures. We can detect this principle in many other regions. For example, the Germans of Prague could retain their own laws, but if a case involved murder, theft, or disturbance of the peace, Bohemian ducal officials intervened.<sup>23</sup> As Glick points out, the dominant political religious groups in Iberia- be they Christian or Muslim- allowed subordinate religious communities to handle civil matters, but reserved criminal cases to themselves.<sup>24</sup> This situation existed across the Islamic world and *dhimmīs* often found themselves in Islamic courts in cases involving Muslims or even using Islamic courts to seek redress against coreligionists.<sup>25</sup>

Indeed, while law often helped preserve ethnic difference, it was rarely ethnically exclusive. English and Welsh populations could use each other's laws. We have already noted that Roger de Mortimer claimed Arwystli through Welsh law and Gruffudd ap Gwenwynwyn utilized English law for the same purpose.<sup>26</sup> There were other cases as

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<sup>22</sup> Ibid., no. 1870, 50-1.

<sup>23</sup> Sedlar, *East-Central Europe in the Middle Ages*, 326.

<sup>24</sup> Glick, *Islamic and Christian Spain in the Early Middle Ages*, 189.

<sup>25</sup> A recent study by Janina M. Safran discusses the judicial relationship between *dhimmīs* and the Islamic courts and how *dhimmīs* could navigate the system at length. See, *Defining Boundaries in Al-Andalus: Muslims, Christians, and Jews in Islamic Iberia* (Ithaca: Cornell University Press, 2013), esp.155-60.

<sup>26</sup> See above, 292 and 295-6.

well. John de Hastings, for example, argued to the king that his father should recover seisin of the castle of Emlyn in West Wales according to Welsh law and asked that Welsh law be used to settle the case.<sup>27</sup> Strategic considerations aided in legal acculturation in all of these instances, a feature that was commonly found in other Eurasian border regions. Charles Higounet, for instance, asserts that Polish church officials and nobles sometimes recruited Slavic colonists with German law or granted German law to existing Slavic villages. According to Higounet, German law was more consistent and gave the lords the advantage of unifying various services and providing one form of jurisdiction for collecting revenues.<sup>28</sup>

Resolving intercommunal disputes was another strategic consideration fostering legal permeability. While autonomy might afford the socio-cultural protection that communities desired, it could also lead to conflict if mechanisms to ameliorate cross-communal disputes did not exist. The Marcher lords of Wales made it clear around 1335 that Englishmen being drug before Welsh courts (and vice-versa) to answer complaints was an intolerable proposition.<sup>29</sup> The English denizens of the boroughs of North Wales were certain that their presence in the region would be ended if they had to answer Welsh accusations before Welsh juries.<sup>30</sup> The existence of mixed juries provided a method for resolving such disputes and allaying communal antagonism, which is why Edward II enshrined it as a statutory principle of governance in the Crown's Welsh territories in the early fourteenth century.<sup>31</sup> From an acculturative standpoint, however, the mixed jury also served to acquaint each community with the legal practices of the other. Hence,

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<sup>27</sup> CAPW, no. 2509A, 71.

<sup>28</sup> Higounet, *Les Allemands*, 219-20.

<sup>29</sup> CAPW, no. 7249, 244-5.

<sup>30</sup> *Ibid.*, no. 13029, 439-40.

<sup>31</sup> *Statutes of Wales*, 28.

when Rhys Fychan and John Giffard and his wife Matilda argued about whether English or Welsh law should resolve their claims over Llandovery, Perfedd, and Hirfyn, the English and Welsh jurors were exposed to different points about English and Welsh laws and procedures.<sup>32</sup>

Mechanisms to resolve intercommunal disputes were prevalent in many other dual and multiple-administrative regimes and also helped foster acculturation. The Khitan, Jurchen, and Mongols regimes in China provide excellent examples. Herbert Franke asserts that Chinese laws were often employed in interethnic cases involving Khitans and Chinese litigants and the Mongols established mixed courts to decide legal issues involving multiple communities.<sup>33</sup> Legal acculturation was not the only byproduct of mixed courts and dual administration more generally. Franke, for instance, notes that the necessities of governing multiple ethnic communities required the Khitan, Jurchen, and Mongol rulers to utilize different scripts and employ interpreters in courts and in the entire administration. Knowledge of multiple languages, therefore, became a key factor in selecting governmental personnel and could encourage multilingualism.<sup>34</sup>

Strategic considerations frequently induced acculturation in other circumstances beyond the legal sphere. The princes of Gwynedd might complain bitterly about English imperial designs or the Crown's lack of respect for Welsh law, but they eagerly embraced aspects of Anglo-French administration and military techniques and technologies that

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<sup>32</sup> *Welsh Assize Roll, 1272-1284*, 162-73, 261-3, 267-70, 277, 289-91, 298, 310-11, 315-7, 319-20, 327-9, 331-2, and 339-40.

<sup>33</sup> See Herbert Franke, "Chinese Law in a Multinational Society: The Case of the Liao (907-1125)," *Asia Major* 5:2 (1992): 114-5; and *idem*, "The Role of the State as a Structural Element in Polyethnic Societies," in *Foundations and Limits of State Power in China*, S.R. Schram, ed. (Hong Kong: The Chinese University Press, 1987), 100-2.

<sup>34</sup> See Franke, "Role of the State as a Structural Element in Polyethnic Societies," 110-11; and *idem*, "The Legal System of the Chin Dynasty," in *Studies on the Jurchens and the Chin Dynasty*, Herbert Franke and Hok-lam Chan, eds. (Aldershot: Ashgate, 1997), 398-9.



could increase their power.<sup>35</sup> Concerns about political and military power also spurred Mongol acculturation with the Chinese and Iranian sedentary communities. According to Thomas Allsen, the merchants, artisans, diplomats, administrators, and soldiers who transferred cultural wares across Eurasia acted as the Mongols' imperial agents. Furthermore, the transfers occurred mostly because they brought economic, cultural, and political advantages to the Mongol elite.<sup>36</sup> The practical calculations of military conquests and governance were central to the Mongols' concerns, as was the fact that the Mongols lacked the specialized skills and personnel to govern sedentary societies.<sup>37</sup> The Mongols recruited foreign astronomers and astrologers to work alongside sorcerers, diviners, and necromancers to establish the most auspicious times to initiate a military campaign or enthrone a new ruler.<sup>38</sup> Likewise, the Mongols' quest for geographical and cartographical knowledge reflected the needs of pastoralists to adapt to the rigorous steppe environment and also provided them with information for their military campaigns.<sup>39</sup>

The translation movement in Iberia and the Normans' adoption of Greek and Islamic administrative methods in Sicily also show how important practical considerations were in the acculturative process. Christian conquerors and scholars in Iberia did not incorporate Muslim scholarship and science solely for the sake of cultural curiosity. Rather, they translated specific works that they found most beneficial for their practical spiritual, political, and economic needs and that conformed to their communal norms. Translations of philosophical and scientific works from Arabic into Latin occurred at numerous centers loosely associated with Toledo in the twelfth and thirteenth

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<sup>35</sup> See Pryce, "Welsh Rulers and European Change, c. 1100-1282," esp. 40-1 and 46-51.

<sup>36</sup> Allsen, *Culture and Conquest in Mongol Eurasia*, 193.

<sup>37</sup> *Ibid.*, 195-9.

<sup>38</sup> *Ibid.*, 206.

<sup>39</sup> *Ibid.*, 208.

centuries and were narrowly concerned with acquiring Islamic philosophical and scientific texts derived from ancient Greek polymaths such as Aristotle, whose concepts generally conformed to the Latin Christians' world view.<sup>40</sup> Aristotelianism was inflected with Neoplatonic concepts to represent a hierarchical chain of being acceptable to Islamic and Christian theology, while Aristotelian, Hippocratean, and Galenic theories in fields such as astronomy, mathematics, and agronomy were similar enough to foster fairly fluid transmission.<sup>41</sup> Christian rulers were also keen to preserve Muslim industries, recruit and retain Muslim artisans, and acquire and utilize Muslim technological advances in agricultural production, paper-making, textile production, and navigation and scientific knowledge in mathematics, agronomy, chemistry, and pharmacology among other things.<sup>42</sup>

Government and administration in Norman Sicily shows a remarkable amount of acculturation to Arabic and Byzantine models and indicates how communities could find ways to incorporate and absorb foreign models within their social structure and use them for their political and economic interests. The royal administration of Sicily and southern Italy was at first headed by chief counselors, who often called themselves "emir of emirs" (sometimes just "emir") or "archon of archontes."<sup>43</sup> The court palace contained eunuchs who were converted Muslims and called *gaitus*, a title derived from the Arabic term *qā'id* (or *caid*; "leader").<sup>44</sup> Until 1127, the vast majority of documents from the comital chancery of Roger II (count from 1105-1130; king from 1130-1154) were written in Greek and the majority of officials in Sicily and Calabria were Greeks as well. Yet the

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<sup>40</sup> Angus MacKay, *Spain in the Middle Ages*, 85.

<sup>41</sup> Glick, *Islamic and Christian Spain in the Early Middle Ages*, 306-8, 313, 316, and 326-7.

<sup>42</sup> *Ibid.*, esp. 252-4, 271-3, 277-81, 297-8, 318-28, and 332-6.

<sup>43</sup> Matthew, *Norman Kingdom of Sicily*, 212.

<sup>44</sup> *Ibid.*, 219.

establishment of the *dīwāns* (Latinized as *duana* or *dohana*) was perhaps the most interesting aspect of governance in the twelfth-century Norman kingdom. The Islamic *dīwāns* originally emerged under the ‘Abbāsīd caliph Hārūn al-Rashīd (r. 786-809). They were administrative bureaus under the guidance of a *vizier*.<sup>45</sup> In Sicily, however, the monarch and his ministers directly supervised the *dīwāns*. According to Jeremy Johns, the Sicilian *dīwāns* were of Fāṭimid influence and their structure in Sicily was probably the work of the Greek chancellor George of Antioch (who titled himself “emir of emirs”) around 1132.<sup>46</sup> However, Johns points out that the Sicilian Arabic administrative system and the *dīwāns* represented a revolutionary flowering of Arabic administration under Roger II, accompanied by a series of sophisticated Arabic royal titles and a foreign Arabic chancery familiar with the secretarial practices of the Islamic Near East.<sup>47</sup>

The adoption of Arabic and Greek models of administration in Sicily demonstrates the Normans’ desire to enhance their power and maximize their revenues and the effectiveness of Arabic and Greek administration made the Normans more willing to accept those models. In addition, the Normans did not adopt the *dīwāns* from the Fāṭimids in their entirety and the *dīwāns* did not signal the implementation of a full-scale Arabic administrative system throughout the kingdom. The Sicilian *dīwāns* concerned themselves chiefly with financial administration and the supervision of local officials, while also granting authority to conduct inquests and audits.<sup>48</sup> The Fāṭimid *dīwāns*, on the other hand, had broader tasks that included military and diplomatic

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<sup>45</sup> Hodgson, *Venture of Islam*, 1: 291-2.

<sup>46</sup> Johns, *Arabic Administration in Norman Sicily*, 257.

<sup>47</sup> *Ibid.*, 268 and 272.

<sup>48</sup> *Ibid.*, 200.

affairs.<sup>49</sup> The *dīwāns* fit well into the Norman structure in their principal responsibilities and centralized model. They provided the monarchs with offices that could watch suspect local officials and handle the large Arabic population's legal business. Furthermore, the professional scribes of the *dīwāns* were familiar with the caliphal styles of the Islamic world and could provide the Norman monarch with greater legitimacy among the Arab populace.<sup>50</sup>

The rather lengthy examples proffered above have been intended to reveal how acculturative change could transpire even in border regions where legal models of communal autonomy or legally ascriptive systems prevailed. Yet they should also show that no community was immune to the cultural influences of its larger environment, no matter how many barriers it erected to protect its uniqueness. The Norman rulers of Sicily may have been devout Latin Christians, but their immediate political and cultural environment was not exclusively Latin Christian. In some cases, wider regional cultural influences could not only induce acculturation, but could also assist in easing the acceptance of foreign settlers into the local population. Michal Biran, for example, asserts that even though many contemporary Muslim authors referred to the Qara Khitai as “infidel Turks,” the Khitans’ use of Chinese imperial practices and titles were one element that helped alleviate religious tensions and provided them with considerable prestige and legitimacy among Muslims.<sup>51</sup>

While Wales’ regional purview may not have been as diverse as the Mediterranean and certainly not as diverse as Central Asia, the cultural currents that

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<sup>49</sup> Paula A. Sanders, “The Fātimid State, 969-1171,” in *The Cambridge History of Egypt*, Carl F. Petry, ed. 2 vols. (Cambridge: Cambridge University Press, 1998), 1:157

<sup>50</sup> For a description and discussion of these titles, see Johns, *Arabic Administration in Norman Sicily*, 268-9.

<sup>51</sup> Biran, “True to their Ways: Why the Qara Qitai did not Convert to Islam,” in *Mongols, Turks, and Others*, 183.

influenced acculturation in Wales came from many directions. For example, Welsh rulers patronized Cistercian, Premonstratensian, and Augustinian monastic orders to increase their political legitimacy and spiritual renown and well-being, but they largely avoided endowing the Benedictine monastic institutions associated with Anglo-European settlers.<sup>52</sup> Being within the ambit of Christian Europe opened Welsh society to many influences prevalent throughout Europe and tied it to the Roman heritage, a heritage that was still evident when Anglo-Europeans established towns in ancient Roman ruins.<sup>53</sup> We would be wise to remember that many of the cultural influences that entered Wales in the High Middle Ages did not emanate directly from England and we would be equally astute to be mindful that many of these changes would have transpired without Anglo-European settlement. Furthermore, although the Anglo-European interest in Cymric-Brythonic historical mythology partly stemmed from a desire to justify the English crown's political ambitions, it also shows that contemporary sources often obscure the importance of Cymric-Brythonic cultural traditions to the wider cultural milieu of Britain and even northern France.<sup>54</sup> Although Welsh and Breton traditions are obviously manifest in Arthurian mythologies, the exact nature of their transmission through local folklore and scholarship is clouded in ethnic chauvinism. Indeed, our understanding of acculturation in Wales and the British Isles as a whole is greatly hindered by our lack of complete understanding of how Cymric-Brythonic and Gaelic culture influenced settler populations. While we see glimpses in the influence of Cymric-Brythonic mythology in Wales, in the influence of Irish saints in England, and in the wide influence that Gaelic

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<sup>52</sup> For this point, see Davies, *Age of Conquest*, 196-202 and Turvey, *Welsh Princes*, 182-91. Both Turvey and Huw Pryce point out, however, that the Welsh were not entirely averse to patronizing Anglo-European institutions. See Pryce, "Patrons and Patronage among the Cistercians in Wales," *Archaeologia Cambrensis* 154 (2007): 82-3.

<sup>53</sup> See Davies, *Age of Conquest*, 90-2. The Welsh also celebrated the Roman heritage. See *idem*, 78.

<sup>54</sup> See above, 253-9.

culture exerted over the English settlers in Ireland, we still have comparatively little understanding of how Gaelic culture influenced settlers in Scotland, how close contact with Welsh populations affected the cultural habits of settlers in Wales, or how and to what extent Irish culture permeated Wales both before and after Anglo-European settlement.<sup>55</sup> Did, for example, Anglo-European magnates who held lands in Ireland and Wales transmit Irish cultural traditions? Unfortunately, we do not know, but we can be certain that the cultural world in which the Anglo-European and Welsh populations interacted not only spanned the English Channel, but crossed the Irish Sea as well.

Another pan-Eurasian consistency evident in the Anglo-Welsh case study is that total assimilation was a difficult feat to accomplish even within the broad temporal expanse that we have analyzed. In the Anglo-Welsh case study and in many of the examples contained in this and other chapters, we have noted that acculturation was a selective process, but selective instances could be quite numerous. Nevertheless, acculturation did not necessarily mean that assimilation was transpiring or was ultimately bound to occur. The hurdles to full communal integration and the resultant change in identification were high. Not only did communities need a common set of laws before assimilation could materialize, they also needed a common vernacular language, common modes of social organization, and a common cultural orientation, which included a

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<sup>55</sup> For Irish saint cults in England, see Bartlett, "Cults of Irish, Scottish, and Welsh Saints in Twelfth-Century England," in *Britain and Ireland*, 68-77; and Oliver S. Pickering, "Irish Saints in Twelfth-Century Shropshire? Middle English and Latin Evidence," *Anglia: Zeitschrift für englische Philologie* 112:1-2 (1994): 115-22. For some general literature on political, economic, and socio-cultural interconnections across the Irish Sea, see Benjamin T. Hudson, "Changing Economy of the Irish Sea Province" and Seán Duffy, "The 1169 Invasion as a Turning Point in Irish-Welsh Relations," in *Britain and Ireland*, 39-66 and 98-113, respectively. See also Colin Breen, "The Maritime Cultural Landscape in Gaelic Medieval Ireland," in Patrick J. Duffy, et al., eds. *Gaelic Ireland: Land, Lordship and Settlement, c.1250-c.1650* (Dublin: Four Courts Press, 2001), 418-35. See also Britnell, *Britain and Ireland*, esp. 120-4. McDonald's *Kingdom of the Isles* gives a good overview of Scottish-Norse-Irish connections along the Irish Sea. See relevant articles in *Regions and Rulers in Ireland, 1100-1650: Essays for Kenneth Nicholls*, David Edwards, ed. (Dublin: Four Courts, 2004); and *Ireland and the English World in the Late Middle Ages: Essays in Honour of Robin Frame*, Brendan Smith, ed. (New York: Palgrave MacMillan, 2009).

common religion. Islam and *sharī'a* law provided a shared religious heritage and greatly reduced any legal difference between Muslim Turkic and Arabic societies. In addition, both societies organized along genealogical lines. However, linguistic differences and divergent cultural traditions separated them. Even if those differences had been eliminated, other factors could have perpetuated ethnic difference. For example, while both Arabic and Turkish societies were ordered along genealogical lines, Turkish units of social organization were based on loyalty to a successful warrior chieftain, a facet not found among Arabic kinship groups.<sup>56</sup> Hence, even slight differences in any one of these spheres could aid in perpetuating socio-cultural distinction. The Anglo and Gaelic Irish of Ireland both used Gaelic, both were Christian, and both had developed approximate modes of social organization. Yet distinct cultural orientations and political affiliations played a major role in preventing assimilation.

Linguistic acculturation provides another example of why acculturative influence did not automatically equate to assimilation. Border regions were multilingual environments and communicating with a member of another community was a necessity that sometimes required learning another language. For example, many Franks in the Levant learned Arabic for political or mercantile reasons. However, very few Arabs learned French or other European languages because it was not necessary.<sup>57</sup> A Welshman might be able to speak or write French or English, but that did not mean he or others considered him French or English. The numbers of Franks who could use Arabic and the numbers of Welsh who could utilize French or English in our period was nowhere near a majority. Yet even if linguistic acculturation was particularly deep, it did not always

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<sup>56</sup> Lapidus, "Tribes and State Formation in Islamic History," in *Tribes and State Formation in the Middle East*, Philip S. Khoury and Joseph Kostiner, eds. (Berkeley: University of California Press, 1991), 33.

<sup>57</sup> Hillenbrand, *Crusades*, 331-3.

signal assimilation. Sidney H. Griffith, for instance, notes that the Christian Melkite, Nestorian, and Jacobite communities underwent considerable Arabization and translated their scriptures into Arabic. However, new compositions in Arabic did not seek to establish a greater cultural association with Arab Muslims. Rather, much like the Mozarabs, these communities utilized Arabic to defend their Christianity against Islam and define their doctrinal positions against Christian adversaries. Hence, while Arabization led to an estrangement with Christians outside the Islamic world, Arabization did not entail relinquishing Christianity or even its traditions. Indeed, the Melkites continued to use Greek for liturgical purposes, while Syriac remained a strong focal point of Nestorian and Jacobite identities.<sup>58</sup>

A final pan-Eurasian consistency that emerges from the Anglo-Welsh case study is that mental perceptions were extraordinarily important in perpetuating difference. A Welsh litigant might find him or herself at a Welsh court in the Welshry where his or her case would be tried before a jury and where English-style suitors would decide procedural questions and render judgment. Despite the obvious influences of English procedure and forms of judgment, it is doubtful that the litigant would consider the court no less “Welsh” or accept having the case tried before an “English” court. It was often difficult for foreign visitors to tell the Anglo-Irish and Irish Gaels apart, but neither accepted the other as belonging to the same community. Another aspect of ethnic identification that inhibited assimilation was the fact that identity is both self-descriptive and ascriptive. Both groups need to acknowledge a common affiliation and even

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<sup>58</sup> Sidney H. Griffith, “The Church of Jerusalem and the ‘Melkites’: The Making of an ‘Arab Orthodox’ Christian Identity in the World of Islam (750-1050 CE),” in *Christians and Christianity in the Holy Land: From the Origins to the Latin Kingdoms*, Ora Limor and Guy G. Stroumsa, eds. (Turnhout: Brepols, 2006), 189-91.



substantial acculturation did not automatically mean that one community would accept another as ethnic brethren. As Richard Von Glahn notes, certain Klao tribes in Sichuan had adopted an agrarian lifestyle, had been thoroughly subjected to Chinese rule, and were entirely surrounded by Chinese settlements, which heavily influenced the Klao's traditional cultural mores. Yet while a thirteenth-century Chinese geographer might remark that the Klao in Sichuan had been influenced by "moral teachings" and had learned "something of ritual and modesty," he did not consider the Chinese and Klao as one community because some of the Klao's unspecified "old customs" were "deeply engrained."<sup>59</sup>

Any discussion of what the Anglo-Welsh case study can teach us about the greater Eurasian world necessitates considering the effectiveness of a local case study for analyzing broader aspects of Continental history. A local case study can be effective in highlighting general trends, patterns, and outcomes, as long as the analysis of those trends, patterns, and outcomes provides enough detail to account for deviations. No pan-Eurasian study can hope to point out every deviation, but pan-Eurasian analysis requires enough understanding of those deviations to avoid the pitfalls that grand-narrative accounts and purely theoretical studies entail. The Anglo-Welsh case study is useful because the patterns and outcomes of contact found in the Anglo-Welsh border region were generally consistent with other situations across Eurasia and the differences provide illuminating contrasts. Indeed, in general patterns of settlement processes, contact situations, and acculturative outcomes the Anglo-Welsh border region and other border regions in the British Isles represent somewhat of a Eurasian microcosm. Foreign settlers came into Wales, Ireland, and England through violence, but came into Scotland through

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<sup>59</sup> Von Glahn, *Country of Streams and Grottoes*, 23-4.

invitation. We find contact situations that promoted perpetuated pluralism in Wales, Scotland, and Ireland, but we also find more integrative features in Scotland and England. In Wales, Scotland, and Ireland the legal and territorial frameworks of contact were extremely important for differing reasons, while divergent cultural orientations also proved essential for perpetuating difference. We also find instances of assimilation in every border region in the British Isles and the formation of hybrid ethnic groups in Ireland and Scotland provides useful points of comparison and contrast to other situations in Eurasia as well.

The model of analysis presented in this study integrates deep contextualization between Wales, Scotland, and Ireland with broader situational and outcome analysis across the Eurasian continent. The pan-British Isles analysis is generally modeled upon the studies of scholars such as Rees Davies and Robin Frame, while the pan-Eurasian analysis conforms mostly to that presented in Thomas Allsen's recent work on royal hunts in ancient and medieval Eurasia.<sup>60</sup> By examining topics such as the connection between animals and state ideology and the correlation between hunting and war, Allsen was able to explore broad Continental patterns to create a history that was both "wide" and "deep." As Allsen stated in his monograph, problems with diffusionist theories and suspicions of the grand-narrative history made scholars wary of accepting large-scale histories. However, he agrees with the position of Andrew Sherratt that local and regional histories are not autonomous and understanding local change requires wider contexts.<sup>61</sup>

Nevertheless, the narrower focus on broad pan-Eurasian situations, patterns, and outcomes in this study has precluded a deeply contextualized case study of the Anglo-

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<sup>60</sup> Allsen, *Royal Hunt in Eurasian History*.

<sup>61</sup> Ibid., 267-8.

Welsh border region with another area outside the British Isles. In part this decision reflected my own scholastic limitations, but it also reflected my estimation that the particular regional dynamics of Wales did not lend itself well to close contextualization either within or outside Europe beyond situational and outcome-based analysis. For example, even though the particular acculturative details, settlement processes, and contact situations in Hungary, Poland, and Bohemia had many similarities with the British Isles, those kingdoms' political and cultural environments had far more divergences than similarities. Indeed, the British Isles may have represented a Eurasian microcosm in acculturative situations and patterns and outcomes of contact, but they also lay at the fringe of the Eurasian trade routes and had neither the ethno-religious nor linguistic diversity of many other Eurasian locales. Central and Eastern Europe were more ethnically, religiously, and linguistically diverse than Wales, Ireland, or Scotland. Likewise, the diversity present in the British Isles paled in comparison to Central Asia, where Muslims, Buddhists, Christians, Jews, and Taoists coexisted and where Chinese, Khwārazmian, Persian, and various Turko-Mongolic groups spoke and wrote Chinese, Persian, Syriac, Arabic, Sogdian, and numerous Turkic and Mongolic languages in the Qara Khitan realm alone.<sup>62</sup>

Close case studies could, however, be applied on a pan-Eurasian scale successfully. Jos Gommans has, for example, shown how the lack of nomadic invasions in Western Europe allowed that region to develop very differently from South India.<sup>63</sup> Case studies could also be utilized to explore topics touched upon in this study. For instance, we noted that Western European and Turko-Mongolic peoples orchestrated

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<sup>62</sup> See Biran, *Empire of the Qara Khitai in Eurasian History*, 127-8, 143-6, and 176-80.

<sup>63</sup> Jos Gommans, "The Eurasian Frontier after the First Millennium A.D.: Reflections along the Fringe of Time and Space," *Medieval History Journal* 1:1 (1998): 125-43.

most of the settlement processes in high-medieval Eurasia. Ronnie Ellenblum has argued that the high-medieval Levant witnessed a collision between Turkish and Frankish frontiers, which resulted in the Turks' ultimate victory. Although Ellenblum's arguments overlook the nature of Turkic power in the western Middle East, it is a useful concept that historians might consider for comparing Western European and Turko-Mongolic interactions in places such as Eastern and Central Europe, the Pontic Steppes, Anatolia, and other regions.<sup>64</sup> The concept's utility could even be stretched into the early modern period. Specific case studies focusing on Christian Europe and the Islamic world would also be useful for exploring how contemporaries conceptualized the relationship between ethnicity and religion. Indeed, a major point of this study and the case studies proposed above is to situate border regions and settlement processes as key engines of global history, which could also assist in incorporating medieval Western European regions into a global framework of analysis without focusing on medieval Western Europe's supposed advance towards exceptionalism or treating it as a peripheral backwater. The high-medieval period offers an excellent opportunity for analyzing global population movements, understanding how those movements spurred prolonged interactions, and exploring patterns and outcomes that emerged from those interactions.

This study intends to be one more step in the historiographical conceptualization of a Global Middle Ages, an intellectual ambition commenced in 2009 by scholars from the University of Texas and Minnesota and one that has gained traction at Oxford and Stanford.<sup>65</sup> It might seem odd that a study on medieval Britain and Ireland could

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<sup>64</sup> See Appendix, 526-7.

<sup>65</sup> For more on the Global Middle Ages Project at Texas and Minnesota, see <http://www.laits.utexas.edu/gma/portal/news.html>. For a similar project at Oxford, see [http://global.history.ox.ac.uk/?page\\_id=663](http://global.history.ox.ac.uk/?page_id=663). For the recently announced Global Middle Ages minor at

contribute to this project. Yet successfully conceiving of a Global Middle Ages requires an inclusive approach, not for the sake of political correctness, but because ostensibly “fringe” regions can tell us much about global circumstances and, conversely, examining global patterns help reveal local experiences in a way that insular studies cannot accomplish.

## **Appendix: Settlement Processes and the Formation of Border Regions in High-Medieval Eurasia**

A border region is not established until two or more ethnic groups enter into sustained contact. Although ethnic groups could come into contact in multiple ways, during the high-medieval period persistent contact typically began in two ways. First, when one ethnic group(s) settled in a region where another already resided or, second, through trade. The process by which that group(s) entered was extraordinarily important in determining the border region's ethnic composition and its structure. It also tremendously impacted the nature and structure of contact between the ethnic groups. Settlement processes involved some mixture of state and private directive and this appendix explores the Eurasian settlement processes through their relative degrees of centralization and decentralization. These processes were extremely complex. While the levels of centralization and decentralization frequently produced certain identifiable patterns, there were no standardized results. This section's purpose, therefore, is to examine patterns in the settlement processes so that we might begin to gain insights into why and how ethnic groups came into contact and why and how the processes through which they came into contact structured their interactions. To do so, we will begin with the most centralized processes and then proceed to the least centralized. Afterwards, we will then examine the Eurasian trade routes and consider their impact on the formation of border regions and ethnic contact within them.

### **Trying to Control the Settlement Process: Invitation and Conquest**

Sovereigns exercised the most control over the settlement process when settlers entered only at their invitation. Inviting settlers allowed rulers to buttress their military,

economic, and sometimes spiritual power against domestic or foreign threats. The Árpád kings of Hungary, for example, encouraged Slavs, Germans, Western Europeans, and even Turkic settlers to enter the kingdom in order to counter potential threats from the Holy Roman and Byzantine empires and various steppe confederations and thwart a rebellious nobility.<sup>1</sup> These settlement processes created an ethnically diverse kingdom that lay at a crucial political and cultural junction. Nora Berend argues that Hungary was a “frontier” kingdom where the nomadic, Latin Christian, and Byzantine zones intersected.<sup>2</sup> The settlement processes also created numerous micro border regions within Hungary itself. For example, German knights received great estates in the Barcaság (Burzenland) near Lower Austria and Styria. Transylvania also became an especially important micro border region. In the mid twelfth century, Géza II (r. 1141-1161) welcomed settlers into Transylvania to defend the crown against intransigent aristocrats and nomadic incursions.<sup>3</sup> By 1224 András II (r. 1205-1235) recognized the *universitas Saxonum* of Szeben in Transylvania as an autonomous community under the authority of a royal count. The waves of settlers arriving in Transylvania continued throughout the thirteenth century and especially quickened after the Mongol invasion of 1241.<sup>4</sup> Indeed, Transylvania was especially important to the Hungarian kings because it was the usual entry point for the steppe nomads. In 1211 András II established the Teutonic Knights in the Barcaság, perhaps due to increased Cuman raids. The Teutonic Knights’ settlement also demonstrates the Hungarian kings’ control over settlement in their kingdom. When

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<sup>1</sup> Many of the non-German Western European settlers in Hungary were given the general designation of *Latini*. This group included Wallonians, Flemings, Italians, and settlers from France. The *Latini* lived in large autonomous groups and received a defined legal position. See Berend, *At the Gate of Christendom*, 105; and Higounet, *Les Allemands*, 204.

<sup>2</sup> Berend, “Hungary, ‘the Gate of Christendom,’” in *Medieval Frontiers*, 196.

<sup>3</sup> Higounet, *Les Allemands*, 198-200.

<sup>4</sup> *Ibid.*, 200.

the Knights tried to acquire autonomy over their Hungarian lands by appealing for papal protection in 1225, András expelled them.<sup>5</sup> The Teutonic Knights' expulsion left the Carpathian passages vulnerable to nomadic raids and the Árpáds tried to solve this problem by welcoming those nomads. On the eve of the Mongol invasion, Béla IV (r. 1235-1270) allowed fleeing Cumans to settle in the kingdom.<sup>6</sup> Due to mutual distrust and the murder of a Cuman chieftain, the first Cuman settlement in Hungary failed. Nevertheless, after the widespread destruction that accompanied the Mongol invasion, perhaps 70-80,000 Cumans were welcomed back permanently into the kingdom.<sup>7</sup>

Eastern European and Caucasian polities also took advantage of the Cumans' military skills. For example, around 1118 the Georgian king Davit II (r. 1089-1125) invited roughly 200-225,000 Qipchaq settlers to protect the kingdom against Turkic nomad incursions, check aristocratic opposition to the monarchy, and create a centralized state fashioned on the Byzantine and early Seljuq imperial models.<sup>8</sup> István Vásáry notes that the Bulgars and Vlachs successfully concluded an alliance with the Cumans in 1186 that eventually toppled Byzantine power and created a new Bulgar kingdom in Eastern Europe (the Second Bulgar Empire).<sup>9</sup> Indeed, the Bulgar Asen dynasty was of Cuman origin and the Cuman horse archers proved essential to defeating the Byzantines and the

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<sup>5</sup> Berend, "Hungary, 'the Gate of Christendom,'" 205.

<sup>6</sup> The Turkic Qipchaq confederation contained various elements and the medieval sources call these nomadic peoples by different names. In Europe they are referred to as "Cumans," in Rus' as "Polovtsians," and in Central Asia either as "Qipchaqs" or as "Qangli." Throughout this study I will refer to them as "Cumans" when discussing Europe and "Qipchaqs" when discussing them in other regions. For their origins and ethnic elements, see Golden, *Introduction to the History of the Turkic Peoples*, 270-3.

<sup>7</sup> Berend, *At the Gate of Christendom*, 70-2.

<sup>8</sup> Peter B. Golden, "Cumanica I: The Qipchaqs in Georgia," in *Nomads and their Neighbors in the Russian Steppe*, XI: 57-9 and 61-2. By "early Seljuq Empire" I am referencing the period before the death of Malikshāh in 1092.

<sup>9</sup> István Vásáry, *Cumans and Tatars: Oriental Military in the Pre-Ottoman Balkans, 1185-1365* (Cambridge: Cambridge University Press, 2005), 42. For the events of the wars between 1186 and 1197, see 42-7. The Bulgar state that emerged in the twelfth century is typically referred to as the Second Bulgar Empire. It lasted until the Ottomans conquered the region in the early fifteenth century. The First Bulgar Empire lasted from the late seventh century until 1018 when it fell under Byzantine authority.



Latin Empire's heavily armored knights.<sup>10</sup> The Mongol invasions of Eastern Europe and the Cumans' expulsion from Hungary in 1241 spurred a new wave of Cuman settlement in Bulgaria in 1237 and 1241. However, the Bulgar emperors were not alone in acquiring their services. The Latins and Byzantine Nikaian emperors were also able to attain Cuman military support.<sup>11</sup>

Foreign settlement through invitation also occurred in Bohemia. In Bohemia settlement was dominated by Germans and Western Europeans, from whom the Přemyslid kings of Bohemia sought military, financial, and spiritual support. The Holy Roman Empire's weakness allowed the Přemyslids to create their own kingdom by the end of the twelfth century. German settlers had already entered Prague by the eleventh century. The pace of settlement increased in the twelfth century and much more so under the reign of Ottakar II (r. 1253-1278).<sup>12</sup> The Přemyslids enticed German and Flemish colonists to clear forest land and Cistercian and Premonstratensian daughter cells of German houses came in their wake.<sup>13</sup> In the early thirteenth century, the Přemyslid king Ottakar I (r. 1197-1230) actively worked with his brother to establish a commandery for the Teutonic Knights in Opava.<sup>14</sup> The Přemyslids encouraged urban settlement by granting newcomers substantial privileges and German law. Settlers were also able to

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<sup>10</sup> Ibid., 41-2 and 55-6. The Latin Empire began with the conquest of Constantinople in 1204 and lasted until 1261 when the Byzantine Empire reemerged.

<sup>11</sup> Ibid., 63-7.

<sup>12</sup> Josef Žemlička, "The Germans and the Implantation of German Law among the Bohemians and Moravians in the Middle Ages," in *The Expansion of Central Europe in the Middle Ages*, 238 and 241.

<sup>13</sup> Higounet, *Les Allemands*, 170-2.

<sup>14</sup> Martin Wihoda, "The Přemyslid Dynasty and the Beginnings of the Teutonic Order," in *The Crusades and the Military Orders: Expanding the Frontiers of Medieval Latin Christianity*, Zsolt Hunyadi and József Laszlovsky, eds. (Budapest: Central European University, Department of Medieval Studies, 2001), 337 and 342-3; and S.C. Rowell, "Eastern Europe," 763. Rowell claims that the Přemyslids recruited the Teutonic Knights to tie Moravia more closely to the Bohemian monarchy.

take advantage of mining opportunities made available by the discovery of silver, iron, and other precious metal mines throughout Bohemia and Moravia.<sup>15</sup>

Invitation to foreign settlement usually allowed for a more peaceful settlement process. That is, ethnic violence was more likely to be sporadic than endemic. Tensions between the Cuman and Christian population flared intermittently in Hungary during the thirteenth and fourteenth centuries and there were some small-scale expulsions of Germans in Bohemia.<sup>16</sup> Peter Golden notes periodic strains in Georgian-Qipchaq relations and mentions a twelfth-century Georgian chronicler's irritation at Qipchaq "treason" to Davit' II.<sup>17</sup> Qipchaqs also found themselves embroiled in quarrels between the Georgian monarchy and the aristocracy during the reigns of Demetrius I (r. 1125-1156), Giorgi III (r. 1156-1184), and Queen Tamar the Great (r. 1184-1213). However, these conflicts derived from political circumstances rather than ethnic tensions and were relatively rare.<sup>18</sup> The same was generally true in the Central and Eastern European kingdoms. Jean Sedlar, for instance, states that the fifteenth-century Hussite Wars (1419-c. 1435) led to considerable German emigration from Bohemia, but ethnic quarrels before then were not frequent.<sup>19</sup>

Invitation to foreign settlement was designed for specific purposes. In Hungary and Georgia, foreign settlers provided those monarchs with an opportunity to check aristocratic ambitions. In Bohemia, German settlers provided the Crown, the nobility, and

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<sup>15</sup> Higounet, *Les Allemands*, 173 and 177-9; and Rowell, "Eastern Europe," 761.

<sup>16</sup> Ethnic tensions involving the Cumans, the Hungarian aristocracy, the Hungarian clergy, and the papacy were particularly apparent during the reign of László IV (r. 1272-1290). See Berend, *At the Gate of Christendom*, 171-83. Oddly enough, even though László IV relied on the Cumans to counteract the nobility, the Cumans assassinated him. For Bohemia, see Leonard E. Scales, "At the Margin of Community: Germans in pre-Hussite Bohemia," in *Expansion of Central Europe in the Middle Ages*, 289.

<sup>17</sup> Golden, "Cumanica I: The Qipchaqs in Georgia," XI: 73-5.

<sup>18</sup> *Ibid.*, 77-84.

<sup>19</sup> Sedlar, 411.

the ecclesiastical establishments with economic opportunities. Another advantage of inviting settlers was that rulers could largely dictate where those settlers resided, which had the effect of creating micro border regions within those territories. German settlers primarily settled in the western regions of Bohemia, in Moravia, and in the towns.<sup>20</sup> Foreign settlers also settled in specific regions in Hungary such as Transylvania and in towns such as Buda and Pest.<sup>21</sup> Invitation further allowed rulers to fashion the structure of ethnic contact, which could reduce possible ethnic tensions and provide a framework through which those settlers could integrate into the kingdom's social fabric. For example, Berend has noted that immigrant "guest" communities (Latin: *hospites*; sing. *hospes*) in Hungary settled in their own territories, retained their own specific obligations and privileges, and received considerable communal autonomy.<sup>22</sup> *Hospes* status was also given to settler groups in Bohemia and Poland.<sup>23</sup> In Georgia, the Crown settled Qipchaqs in specific regions, but went even further in trying to assure their integration into the kingdom. According to Golden, the crown encouraged Qipchaq settlers to sedentarize or at least adopt a modified semi-nomadism that would reduce conflict with the sedentary population.<sup>24</sup>

Settlement via invitation could produce an efficient settlement process that strengthened the inviting party while mitigating ethnic conflict. In many regions of Eurasia, however, armed force initiated settlement. Perhaps the most centralized process

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<sup>20</sup> See Higounet, *Les Allemands*, 169-79 and Žemlička, "Germans and the Implantation of German Law among the Bohemians and Moravians in the Middle Ages," 241.

<sup>21</sup> Higounet, *Les Allemands*, 207-8.

<sup>22</sup> Berend, *At the Gate of Christendom*, 101-4. Often the *hospites* consisted of immigrant communities, but internal migrants also received *hospes* status.

<sup>23</sup> See above, 83-6.

<sup>24</sup> Golden, "Cumanica I," 71-2. Golden notes that the Crown's policy was at least partly based on prior experiences with the Oghuz and that Rus' pressure also induced the Qipchaqs to remain in Georgia and sedentarize.

of conquest and settlement occurred in late-eleventh and early twelfth-century Sichuan under the Song dynasty of China (960-1279).<sup>25</sup> Richard Von Glahn argues that early Han settlement in Sichuan was mostly a private affair, but the Song state became thoroughly involved in the region between 1070 and 1120. Song intervention in Sichuan and other parts of southern China primarily stemmed from economic considerations. The Song wanted to obtain commercial wealth so that they could campaign more effectively against the Tanguts and acquire control over the lucrative Inner Eurasian trade networks that passed through the Gansu Corridor.<sup>26</sup> Furthermore, the Song wanted to protect Chinese settlers seeking economic opportunities from the Sichuan salt mines discovered in the late eleventh century.<sup>27</sup> The Song also extended military support to settlers in Guangxi and Hunan. Persistent Song involvement in the south did not last long. The Jurchen conquest of North China forced the Song to secure its immediate survival. Chinese settlement, though still significant, contracted in Sichuan until the Ming era.<sup>28</sup> Nevertheless, the Song achievements were considerable. According to Von Glahn, Song power was able to unify a fractured settler community and incorporate the Sichuan Basin into the larger Chinese world.<sup>29</sup> The Song established an impressive military-economic bureaucratic apparatus of military prefectures, fortresses, garrisons, and roads. Bridges and fiscal agencies spurred investment and trade in key industries such as tea, salt, iron, and copper.<sup>30</sup> Indeed, Von Glahn maintains that the state was successful in “closing the frontier” in the Southern Lu district of Sichuan and imposed an imposing bureaucracy that stripped power from

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<sup>25</sup> The Jurchens conquered the northern territories of the Song state by 1127. From that point forward the surviving Song state was known as the Southern Song and lasted until the Mongols conquered it in 1279.

<sup>26</sup> Von Glahn, *Country of Streams and Grottoes*, 205-7.

<sup>27</sup> *Ibid.*, 5-6.

<sup>28</sup> *Ibid.*, 208-11.

<sup>29</sup> *Ibid.*, 213-5.

<sup>30</sup> *Ibid.*, 115-6 and 208.

Chinese magnates and indigenous communities. Vigorous Song involvement was a major reason why the border region remained peaceful during the Southern Song period.<sup>31</sup>

The Jurchen conquest of China and the establishment of the Qara Khitai Empire in Central Asia provide two other examples of centralized settlement. The details of these processes and their connection to state formation among Inner Eurasia's semi-nomadic and semi-sedentary communities are discussed at length among Inner Eurasian settlement processes.<sup>32</sup> We need only highlight some of the key features here. First, both the Jurchen and Qara Khitai examples reveal that the unification of Inner Eurasian confederations could spur rapid mobilization and conquest, which frequently entailed a mass migration of peoples. Although Inner Eurasian societies were far less complex than their sedentary counterparts, successful state formation in Inner Eurasia required the emergence of a dominant clan that could persuade or compel other tribal entities to obey its dictums. Indeed, emerging Inner Eurasian states could organize settlement movements faster and on a larger-scale than their sedentary counterparts. In the Jurchen case, the Wanyan clan acquired hegemony over other Jurchen groupings and led the conquest of North China, which created the Jin Dynasty (1115-1234). The Wanyan clan also organized the "Great Migration," involving the settlement of roughly three million Jurchen and other Inner Eurasian tribal peoples in North China. It was the largest single migration in the high-medieval period. In the Khitan case, the Jurchen conquest of North China overthrew the Liao Dynasty (907-1115) and its Khitan rulers. Yelü Dashi (r. 1124-1143), a member of the Liao imperial clan, was able to organize the Khitan remnants not already absorbed

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<sup>31</sup> Ibid., 141.

<sup>32</sup> By the term "semi-sedentary," I am referring to a group for which agriculture is the dominant means of economic production, but also has large segments of the population that practice little if any agriculture. In contrast, most elements in a semi-nomadic society practice nomadic pastoralism, but there might also be some elements that engage in agriculture as a supplementary or even primary means of subsistence. See below, 514.

into the Jin state and lead roughly 40,000 of them into Central Asia where they established the Qara Khitai Empire, also known as the Western Liao.<sup>33</sup>

The Jurchen and Qara Khitai examples illustrate that Inner Eurasian peoples could engage in rapid and centrally coordinated settlement processes. In addition to the Song example, they also further illustrate how central authorities could fashion the structure under which ethnic groups interacted. Minimizing the role of local actors in the settlement process and establishing and enforcing the framework of ethnic contact could create a less chaotic border region with more uniform and stable patterns of ethnic interaction. While central invitation of foreign settlers could reduce ethnic violence, centralized conquest could also diminish local peoples' abilities to resist foreign settlement and thereby lessen the chances for the endemic violence that would complicate ethnic interactions. In addition, the Jurchens and the Qara Khitai were largely able to dictate where and under what conditions settlement occurred. In the Jurchens' case, they erected a legalistic framework for structuring interactions with the Chinese populations, which also occurred in Hungary, Sichuan, and Bohemia.

However, even the most centralized settlement processes did not end in their initial phase and no central authority could completely dictate the process. What we are examining here is a degree of difference in centralization, not exclusive monopolies over settlement. Even during the short period in which the Song state expended massive resources in Sichuan, the sheer expense of maintaining a military presence frequently forced the court to rely on local militias for defense. The Song state even found itself compelled to recognize and favor large native tribal confederations that could control the smaller tribes and was able to assert only marginal authority over the Yi tribes in the

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<sup>33</sup> Biran, *Empire of the Qara Khitai in Eurasian History*, 28-39.

mountains.<sup>34</sup> The Hungarian kings could not prevent locals from killing a Cuman chieftain and the half-Cuman king László IV (r. 1272-1290) could neither prevent ecclesiastics and nobles from allying with the papacy against him and his Cuman bodyguard nor stop the Cumans from launching destructive raids inside the kingdom.<sup>35</sup> Charles Higounet points out that the Bohemian kings did not act alone in recruiting settlers. Ecclesiastical officials, German agents, and other local actors collaborated with the Přemyslids to coordinate and organize German settlement in northern Moravia and the Sudetenland.<sup>36</sup>

Central and local competition and cooperation in the settlement process was particularly evident in Iberia. The Christian kingdoms of Aragón and Castile made steady inroads against their Muslim adversaries between the eleventh and the fifteenth centuries, especially after Christian forces defeated the Almohads at the Battle of Las Navas de Tolosa in 1212. The Aragonese and Castilian kings led the settlement process to a greater extent than in other regions, but that did not sideline other actors such as the papacy, the military orders, nobles, merchants, peasants, and ecclesiastics. Kings such as Alfonso VI (León, r. 1065-1109; Castile, r. 1072-1109), Ferdinand III (Castile, r. 1217-1252; León, r. 1230-1252), and Alfonso X of Castile (r. 1252-1284) and Alfonso I (r. 1104-1134) and James I (r. 1213-1276) of Aragón initiated the conquests of the Muslim *ṭā'ifa* kingdoms, captured key cities such as Toledo, Valencia, Córdoba, and Seville, and eventually overcame the Almoravid and Almohad onslaughts.<sup>37</sup> As Thomas Glick and Angus MacKay demonstrate, the kings of Aragón and Castile could exercise considerable

<sup>34</sup> Von Glahn, *Country of Streams and Grottoes*, 20-6 and 140-1.

<sup>35</sup> Berend, *At the Gate of Christendom*, 146-7 and 171-83.

<sup>36</sup> Higounet, *Les Allemands*, 174-5.

<sup>37</sup> The Caliphate of Córdoba began collapsing in the early eleventh century and after a period of anarchy, roughly two dozen or so "*ṭā'ifa*" ("party") kingdoms emerged in al-Andalus. The *ṭā'ifa* period lasted until the Almoravids entered Iberia in 1086.

control of the settlement process through the procedure of *repartimiento*, through which royal officials working in formal commissions undertook surveys of conquered lands and apportioned them to settlers.<sup>38</sup> MacKay notes that this process was particularly valuable in the complex urban areas that the Christian kings seized from the Muslims.<sup>39</sup>

The Christian kings of Iberia also attempted to secure their newly won territories by recruiting settlers and reaching surrender agreements with Muslim powers. The Aragonese and Castilian kings faced an acute shortage of manpower that threatened their conquests. MacKay and other historians assert that the *fueros*, *cartas pueblas*, or the *cartas de población* established the conditions of settlement in the towns and countryside and were central to attracting settlers.<sup>40</sup> Settlers usually gained considerable freedoms through these charters, though the growth of seignorial lordship from the late eleventh century onwards restricted those freedoms.<sup>41</sup> Settlers also came into Iberia through crusades against the Muslim powers. Most of these settlers hailed from southern France and were referred to as *francos* or “Franks.”<sup>42</sup> Even these measures, however, were not enough to ensure adequate levels of Christian settlement. For instance, Robert Burns mentions that James I of Aragón complained to the town of Barcelona that only 30,000 inhabitants resided there, when security concerns required 100,000.<sup>43</sup> Hence, the rulers of Aragón and Castile reached surrender agreements with local Muslim authorities to ensure their conquests. For example, after capturing the castle of Peñíscola in the kingdom of Valencia, James I of Aragón promised local Muslims that he would protect their religion

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<sup>38</sup> Glick, *Islamic and Christian Spain in the Early Middle Ages*, 100 and MacKay, *Spain in the Middle Ages*, 67.

<sup>39</sup> MacKay, *Spain in the Middle Ages*, 67.

<sup>40</sup> *Ibid.*, 38-43.

<sup>41</sup> *Ibid.*, 41-2.

<sup>42</sup> Glick, *Islamic and Christian Spain in the Early Middle Ages*, 217. Glick states that the term could apply to anyone from north of the Pyrenees.

<sup>43</sup> Burns, *Islam under the Crusaders*, 22.



and guarantee the liberties they enjoyed under Muslim rulers.<sup>44</sup> Even after Christian conquest, many areas of Iberia contained large populations of *mudéjars* (Muslims who remained under Christian rule). Burns states that most Muslims remained in Valencia with “their society and institutions wounded and withdrawn but still omnipresent.”<sup>45</sup> Just as only royal power could overcome powerful Muslim states in Iberia, only royal power could guarantee the Christian kingdoms’ long-term prosperity, which meant protecting the religious and ethnic minorities whose military, commercial, and technical skills were valuable.

However, Iberian kings like James I did not rule unchallenged and could not dictate every aspect of the settlement process. James I had to contend with feudal lords who saw him as a first-among-equals and townsmen who believed that his principle job was to guarantee their autonomy.<sup>46</sup> William C. Stalls argues that traditional Spanish historiography has overemphasized the Aragonese kings’ role in settling the twelfth-century Ebro border region. Instead, he contends that the petty nobility (*infanzones*), who never received royal grants, were the chief agents in an informal settlement process.<sup>47</sup> There are several objections to his thesis, many of which Stalls lists. Nonetheless, his central argument confirms that no medieval state could entirely manage and organize settlement.<sup>48</sup> Indeed, the Cistercian monasteries of Poblet and Santas Creus were energetic colonizers in the twelfth century.<sup>49</sup> The papacy sanctioned royal crusades and was instrumental in attracting warriors for those campaigns. Burns states that military

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<sup>44</sup> MacKay, *Spain in the Middle Ages*, 61-2.

<sup>45</sup> Burns, *Islam under the Crusaders*, 9.

<sup>46</sup> *Ibid.*, 12.

<sup>47</sup> William C. Stalls, “The Relationship between Conquest and Settlement on the Aragonese Frontier of Alfonso I,” in *Iberia and the Mediterranean World of the Middle Ages*, I, 227-8.

<sup>48</sup> *Ibid.*, 228-31.

<sup>49</sup> MacKay, *Spain in the Middle Ages*, 46. Both of these monasteries were located in Catalonia and were founded shortly after the kings of Aragón became counts of Barcelona in 1150.

orders like the Hospitallers, Templars, Knights of Santiago, and the Order of Calatrava held vast estates and could supply “a remarkable international pool of capital for warfare or colonization” in newly conquered thirteenth-century Valencia.<sup>50</sup> In fact, the military orders drew up two of the seven surrender treaties negotiated with Muslim communities in Valencia between 1234 and 1276.<sup>51</sup> Burghers, abbots, bishops, and monastic knights were not powerful enough to act without royal acquiescence. Nevertheless, the kings could not wholly prevent them from taking independent action.

The settlement process in Norman Sicily was perhaps more centralized than in Iberia, but local actors participated vigorously as well. The “Norman” conquest of Sicily was a piecemeal affair that lasted from c. 1060 to 1091. Since the late tenth century, Norman mercenaries had served with Byzantine and Lombard forces and by the 1060s they had become entwined in local conflicts between various Muslim *‘amīrs*. By the 1050s Norman coherence and power increased and Norman forces fell under the leadership of Robert (otherwise known as Robert Guiscard, d. 1085) and Roger de Hauteville (eventually known as “Count Roger” or even “Roger I,” d. 1101).<sup>52</sup> When the Normans entered Sicily and southern Italy, they found a heterogeneous population of Orthodox Christians (commonly called “Greeks” in the sources), Latin Christians, Muslims, and Jews. Indeed, Muslims constituted Sicily’s majority population until the 1220s and possibly the majority of the Norman armies during the eleventh-century conquests.<sup>53</sup> On the mainland, however, Latin Christian Lombards dominated most of Campania, the Abruzzi, northern Apulia, and the northern Basilicata. However, Greek

<sup>50</sup> Robert I. Burns, *Crusader Kingdom of Valencia*, 176.

<sup>51</sup> Burns, *Islam under the Crusaders*, 124.

<sup>52</sup> For detailed discussions about the Norman conquest of Sicily, see Matthew, *The Norman Kingdom of Sicily*, 9-32; and Metcalfe, *Muslims of Medieval Italy*, 88-111.

<sup>53</sup> Alex Metcalfe, *Muslims of Medieval Italy*, 95 and 142. Muslims remained an important part of Norman and later Staufen armies as bodyguards, infantrymen, and elite archers. See *idem*, 95 and 288-9.

Orthodox Christians predominated in the southern Basilicata, that is, the Otranto region of Apulia and Calabria.<sup>54</sup>

Aside from the fact that many of the Norman and French contingents established themselves in southern Italy and Sicily during the conquest, it is very difficult to know their exact numbers. The twelfth-century chronicler Hugo Falcandus indicates that the Norman rulers themselves actively enticed and favored settlers from “north of the Alps.”<sup>55</sup> Yet the Norman-French contingents never seem to have constituted a majority anywhere and documentary evidence from areas like the Tyrrhenian coast suggests that Norman populations were sparse.<sup>56</sup> The most significant process of settlement seems to have occurred in Sicily, but most of those settlers came from the Italian mainland rather than from northern Europe. Contemporary evidence indicates that this settlement process was mostly initiated and directed by the Crown and its operatives. According to Hubert Houben, Roger I and his third wife, Adelaide (c. 1075-1118), actively encouraged Latin Christian settlement in Sicily. Latin Christians from northern Italy (called Lombards or *Lombardi* in the sources) arrived in significant numbers in Sicily in the late eleventh century and the Norman rulers also founded various abbeys on the island.<sup>57</sup> After Roger’s death, Adelaide became regent to Roger II and she and her brother Henry continued to recruit Latin settlers from northern Italy. The Latins primarily settled in the northeastern third of the island, effectively cutting off Muslim settlements in western (the Val di Mazzara) and southeastern Sicily (the Val di Noto) and isolating the Greek community in

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<sup>54</sup> Hubert Houben, “Religious Toleration in the South Italian Peninsula during the Norman and Staufien Periods,” 320.

<sup>55</sup> Graham A. Loud, “Introduction,” in *Society of Norman Italy*, 8.

<sup>56</sup> See Patricia Skinner, “The Tyrrhenian Coastal Cities under the Normans,” in *idem*, 87-9.

<sup>57</sup> Houben, “Religious Toleration in the South Italian Peninsula during the Norman and Staufien Periods,” 323.

the northeast (the Val Démone).<sup>58</sup> While it seems that the Crown oversaw most of the settlement process, other actors were also important participants. Indeed, the abbot of Patti, whose monastery Roger I founded, restricted settlement in Patti to “men of the Latin tongue.”<sup>59</sup>

The settlement process in the Latin Crusader states did not demonstrate the same degree of centralized control found in Iberia or in Norman Sicily. Nevertheless, there were more elements of coordination than were present in the Baltic and other regions where settlement processes were highly decentralized. The Crusades highlighted Latin Europe’s extreme political fractures. Pope Urban II called the First Crusade at the Council of Claremont in 1096 and promised a variety of privileges to those who took part, including the protection of their property in Europe.<sup>60</sup> Bishops and local priests were responsible for advising those wishing to go on Crusade, regulating recruitment, and enforcing the Crusaders’ fulfillment of their vows with the threat of excommunication. In addition, papal legates accompanied the crusading armies. Yet the Latin Church’s machinery was never sufficient for the task and while the papacy always maintained a key role in promoting, coordinating, and regulating the crusading enterprise, it also had to compete with the political ambitions of the Crusades’ military leaders.<sup>61</sup> The First Crusade was under the leadership of various lords from modern-day France such as Raymond of St. Gilles (count of Toulouse), Godfrey of Bouillon (duke of Lower Lorraine), Bohemund of Taranto and his nephew Tancred, Count Robert of Flanders,

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<sup>58</sup> See Metcalfe, *Muslims of Medieval Italy*, 121-2 and Houben, “Religious Toleration in the South Italian Peninsula during the Norman and Staufien Periods,” 328.

<sup>59</sup> Houben, “Religious Toleration in the South Italian Peninsula during the Norman and Staufien Periods,” 323. For a thorough discussion of the settlement of Patti and the Greek, Muslim communities, and Arabized Christian communities near the town, see Metcalfe, *Muslims and Christians in Norman Sicily*, 78-84.

<sup>60</sup> For Urban II’s proclamation of the First Crusade, the recruitment of crusaders, and the privileges and protections issued to crusaders, see Riley-Smith, *Crusades: A History*, 1-23.

<sup>61</sup> *Ibid.*, 47.

Duke Robert of Normandy, and Stephen, Count of Blois.<sup>62</sup> Future crusades, however, were led by kings such as Louis VII (r. 1137-1180), Philip Augustus (r. 1180-1224), and Louis IX of France (r. 1226-1271), Richard I of England (r. 1189-1199), and Frederick II, Holy Roman Emperor and King of Sicily (HRE, r. 1220-1250; Sicily, r. 1198-1250). The papacy could not easily control these leaders' actions, as the Fourth Crusade's conquest of Constantinople and the papacy's quarrels with Frederick II demonstrated.

Perhaps between two and four thousand Latin settlers established themselves in the Levant after the First Crusade. By the thirteenth century those numbers had perhaps swelled to 150,000, with the large majority of settlers living in towns such as Acre, Tyre, and Jerusalem.<sup>63</sup> A considerable majority came from France, but settlers also came from Germany, England, Scotland, Flanders, various parts of Italy, and regions of Iberia. Byzantine and Muslim authors referred to the Crusaders as "Franks" and Latin authors and the settlers who remained permanently in the Levant generally embraced the term. However, the various ethnic subgroups among the Frankish settlers did not completely relinquish their individual identities.<sup>64</sup> In the countryside most of the Frankish villages resembled settlements in southern Europe and in these communities the local lord coordinated the settlement process with an agent called a *dispensator* or *locator*.<sup>65</sup> Indeed, the local Frankish lords in the Latin kingdom were very powerful and enjoyed considerable autonomy.<sup>66</sup> Nevertheless, the kings of Jerusalem were far from powerless and showed that they could wield control over settlement within their territories. For

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<sup>62</sup> For brief biographies of these individuals, see *idem*, 29-32.

<sup>63</sup> *Ibid.*, 66 and 84.

<sup>64</sup> See Alan V. Murray, "National Identity, Language, and Conflict in the Crusades to the Holy Land, 1096-1192," in *Crusades and the Near East*, 107 and 114-7.

<sup>65</sup> See Ellenblum, *Frankish Rural Settlement in the Latin Kingdom of Jerusalem*, 36 and Riley-Smith, *Crusades: A History*, 83.

<sup>66</sup> Riley-Smith, *Crusades: A History*, 90-3.

instance, David Jacoby's analysis of Venetian privileges in the kingdom reveals that the Crown was responsible for coordinating Venetian settlement and granting and restricting the Venetian community's privileges.<sup>67</sup>

"Prospective grants" also demonstrate cooperation between rulers and local actors in the settlement process. According to Robert Bartlett, prospective grants were common only in Europe and were part of a "futures market" for the Western European aristocracy.<sup>68</sup> A prospective grant was an agreement between the granting party (usually a king or prince) and an expansion-minded aristocrat. The grant endowed the aristocrat with future territory and title should he succeed in conquering the land conferred. For instance, in 1150 the king of Castile made an agreement with the count of Barcelona over the remaining Muslim lands in Iberia whereby the count would receive Valencia and Murcia in return for homage to the king.<sup>69</sup> These conquests took another century to complete, but this example reveals that prospective grants could be useful even for rulers who vigorously engaged in the settlement process. Sometimes, however, the granting party was not a royal official, often because no royal authority exercised effective power in the area where settlement was occurring. For example, the Swordbrothers attempted to acquire a third of Livonia from the archbishop of Riga, who rejected the request because he did not possess the lands that the knights sought.<sup>70</sup>

### **Highly Decentralized Settlement Processes**

Settlement processes often took place with little or no state directive. Indeed, bishops, noble families, and others dominated the settlement process in parts of Central

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<sup>67</sup> David Jacoby, "The Venetian Privileges in the Latin Kingdom of Jerusalem," in *Commercial Exchange across the Mediterranean*, V: 155-75.

<sup>68</sup> Bartlett, *Making of Europe*, 90-1.

<sup>69</sup> *Ibid.*, 91.

<sup>70</sup> *Ibid.*, 91-2.

and Eastern Europe and much of the Baltic. Although Holy Roman emperors Lothar II (r. 1125-1137) and Frederick I Barbarossa (r. 1152-1190) could exert hegemony over their eastern neighbors at times, imperial involvement in Eastern and Central Europe was sporadic during the twelfth century and beyond. The Danish kings Valdemar I (r. 1157-1182) and Valdemar II (r. 1202-1241) aggressively asserted themselves in the Baltic and even conquered Estonia. However, the new urban settlement of Tallinn (Reval) and its hinterland largely fell to the archbishop of Riga and Saxon immigrants.<sup>71</sup> Indeed, the bishops' role in the settlement process in Eastern and Central Europe was more prominent than in any other European region. Albert von Buxhövden (1199-1229), the same archbishop of Riga who organized settlement in Estonia, was also largely responsible for creating medieval Livonia. He gathered crusaders from Germany and Götland, established the crusading monastic order of the Swordbrothers in 1202, and even founded Riga itself. Political dominion in the Baltic fell to the archbishop of Riga, the Teutonic Knights, and the Danish kings throughout the high-medieval period.<sup>72</sup> Anselm, the papal legate and bishop of Havelberg, led the crusade against the Wends in 1147. The bishops or archbishops of Bremen, Mainz, Magdeburg, Merseburg, Brandenburg, and Olomouc (Olmütz), and others also participated.<sup>73</sup> Wichmann von Seeburg, archbishop of Magdeburg (1152-1192), recruited settlers from Flanders, Holland, and the western parts of Germany to settle in Magdeburg.<sup>74</sup> In late twelfth and

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<sup>71</sup> Eric Christiansen, *Northern Crusades*, 112.

<sup>72</sup> Christiansen, *Northern Crusades*, 98-9 and Šnē, "Emergence of Livonia," 55-6. The Teutonic Knights absorbed the Sword Brothers in 1236.

<sup>73</sup> Christiansen, *Northern Crusades*, 53-5.

<sup>74</sup> Higounet, *Les Allemands*, 132-3.

early thirteenth-century Silesia, the dukes and bishops of Wrocław (Breslau) both worked to attract German settlers.<sup>75</sup>

German noble families were equally important in attracting German and Western European settlers to Eastern and Central Europe. Albert the Bear (c. 1100-1170) established the Ascanian family in the Nordmark and eventually became margrave of Brandenburg. He conquered numerous lands from various Western Slavic peoples, participated in the Crusade of 1147, and also assisted Frederick Barbarossa in his campaigns against recalcitrant Polish princes.<sup>76</sup> Bartlett states that the Ascanians' ability to recruit and reward vassals was pivotal to their success. By the time their lineage vanished in 1319, the Ascanians had extended their principality two hundred miles east of the Elbe.<sup>77</sup> The Schauenburgs were another important family. Originally from Westphalia, they were enfeoffed in Holstein to check the Danes and some Western Slavic groups. Adolph II (1128-1164) invited settlers from Westphalia, Flanders, and Holland into Holstein. This policy aroused the Danish kings' ire and between 1203 and 1225 the family had to flee the area. The settlers, however, stayed.<sup>78</sup> Henry the Lion (1129-1195), the duke of Saxony and Bavaria, was a vigorous colonizer who established towns, bishoprics, and villages in his territories and brought in settlers from Flanders, Holland, Westphalia, and Lower Saxony. Henry's vast territorial possessions and ambitions brought conflict with other noble families such as the Schauenburgs and the Ascanians and with the emperor, Frederick Barbarossa, as well. Henry was exiled to England and

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<sup>75</sup> Ibid., 182-4.

<sup>76</sup> Ibid., 85-6.

<sup>77</sup> Bartlett, *Making of Europe*, 35.

<sup>78</sup> Higounet, *Les Allemands*, 84-5.



his lands in Westphalia, Saxony, and Bavaria were partitioned and redistributed to his enemies in 1180.<sup>79</sup>

The recruitment of German and Western European settlers occurred over a vast territorial expanse and was often outsourced to agents, variously called *magistri incolarum*, *cultores*, or more commonly, *locatores*.<sup>80</sup> Higounet states that these individuals were usually laymen, probably petty knights or members of the minor nobility. Sedlar, however, argues that they were mostly townsmen.<sup>81</sup> Regardless, most were Germans and they received location acts that authorized the foundation of new villages. The *locator* had to find peasants who were willing to relocate. Once that task was complete, the *locator* established the village and distributed land among its inhabitants. According to Sedlar, the *locator* usually became the village's first head or mayor.<sup>82</sup> *Locatores* operated across Europe. Some ranged far into Germany and Flanders, while evidence exists for *locatores* bringing settlers from Silesia into eastern Prussia.<sup>83</sup>

Piotr Górecki describes two uses of *locatores* in Silesia. In the first case, Duke Henry the Bearded (c. 1165-1238) of Silesia granted a German agent named Menold the task of expanding the periphery of a village called Budzów. While Henry endowed the settlement with a name and defined the rights of the settlers and the agent, it was Menold's duty (*officium*) to recruit settlers, clear the forest area to create arable land, divide the arable land among the settlers, and govern the village on the duke's behalf. In return, Menold received land, tax exemptions, and other privileges.<sup>84</sup> Two years later, the bishop of Wrocław recruited a German *locator* named Walter to establish a German

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<sup>79</sup> Ibid., 86-8.

<sup>80</sup> Ibid., 261.

<sup>81</sup> Higounet, *Les Allemands*, 261 and Sedlar, *East-Central Europe in the Middle Ages*, 99.

<sup>82</sup> Sedlar, *East-Central Europe in the Middle Ages*, 99-100.

<sup>83</sup> Sedlar, *East-Central Europe in the Middle Ages*, 120 and Higounet, *Les Allemands*, 261.

<sup>84</sup> Górecki, *Economy, Society, and Lordship in Medieval Poland*, 212-4.

settlement in the bishop's territory of Ujazd. As in Budzów, Walter was to supervise the settlement process, create arable land, and distribute that land in exchange for certain privileges and exemptions.<sup>85</sup> Not all *locatores* were Germans. Slav *locatores* also operated in Bohemia and Poland, probably with the aim of attracting German settlers to repopulate villages.<sup>86</sup>

The above examples show that settlement processes did not require extensive involvement from a state authority, but they also reveal some level of coordination among local actors. Settlement processes among the Oghuz Turks and certain Qipchaq groupings, however, were much more chaotic.<sup>87</sup> The Seljuq rulers Alp Arslan (r. 1063-1072) and Malikshāh (r. 1072-1092) encouraged Oghuz tribesmen migrating from Central Asia to concentrate their bellicose activities on the Byzantine border regions in Anatolia rather than the Iranian Plateau. However, the migrations were beyond the sultans' control and the raids themselves show little coordination. Golden argues that Turkic conquests in Anatolia were not centrally coordinated and resulted from the raiding of individual tribal groupings, not entire tribes. Perhaps 500-700, 000 Turkic migrants entered Anatolia in the eleventh century, a number that swelled to roughly one million on the eve of the Mongol invasion.<sup>88</sup>

The Mongol conquests in Inner Eurasia further disrupted the nomadic elements and spurred further Turkic migrations into Anatolia. Among these Turkic groups were

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<sup>85</sup> Ibid., 215-7.

<sup>86</sup> Higounet, *Les Allemands*, 261.

<sup>87</sup> See below, 520-7. The Oghuz were a semi-nomadic confederation. It is believed that they originated from the Tien Shan region. Their migrations and predations made their presence felt from Eastern Europe to Central Asia. However, they primarily resided around the Aral Sea, the northern and eastern shores of the Caspian, and the lower reaches of the Syr Darya. For the Oghuz history, their origins, and the ethnic groups within their union, see S.G. Agajanov, "The States of the Oghuz, the Kimek, and the Kipchak," in *History of Civilizations of Central Asia*, 4: 61-9 and Golden, *Introduction to the History of the Turkic Peoples*, 205-11.

<sup>88</sup> Golden, *Introduction to the History of the Turkic Peoples*, 224.

large numbers of Qipchaqs and Qangli.<sup>89</sup> Many of these Qipchaq-Cuman groups became clients to the rulers of Byzantium, Hungary, Georgia, and the Bulgar Empire. However, individual Qipchaq groups followed their tribal leaders and their entrance in the Middle East was far more disruptive than in Eastern Europe and the Caucasus. Faud Köprülü, for example, noted that the Qipchaq contingents allied with the Khwārazm Shāhs prior to the Mongol invasions ravaged Anatolia.<sup>90</sup> Indeed, the Mongols' destruction of the Khwarāzmian Empire unleashed waves of Qipchaq nomads across Eurasia.<sup>91</sup> In 1244 Qipchaq groups ravaged Palestine and sacked Jerusalem on their way to serve the Ayyūbid sultans of Egypt.<sup>92</sup> Qipchaqs under the last Khwārazm Shāh's son, Jalāl al-Dīn, attacked and defeated a Georgian army in 1225, which also included substantial numbers of Qipchaqs.<sup>93</sup>

The Oghuz and Qipchaqs provide rather extreme examples of how decentralized settlement processes could destabilize and complicate border regions. Overall, however, the more centralized processes of settlement tended to create greater uniformity in the nature and structure of ethnic contact because powerful actors could impose their will over conquered native populations or their own subjects and they could then dictate the framework for contact between the ethnic communities to a greater extent. Indeed, the Song, Jurchen, and Qara Khitai were able to establish their rule through force and eliminate or marginalize resistance to it. In the Song case, such marginalization derived

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<sup>89</sup> Köprülü, *Origins of the Ottoman Empire*, 45.

<sup>90</sup> Ibid.

<sup>91</sup> As Golden notes, the Qipchaqs had an uneasy and often troublesome alliance with the Khwārazm Shāhs. See "Qipchaqs of Medieval Eurasia," 225-7. For more on the Qipchaq-Khwārazmian relationship, see Agajanov, 75-6.

<sup>92</sup> See below, 522.

<sup>93</sup> Golden, "Nomads in the Sedentary World: The Case of Pre-Chinggisid Rus' and Georgia," in *Nomads and the Sedentary World*, 51. Golden notes that Jalāl al-Dīn's Qipchaq ancestry, the number of Qipchaqs in his army, and his reminder to them of their former service to his dynasty helped persuade the Qipchaqs to abandon the Georgian forces, which allowed al-Dīn's army to be victorious.

in part from a powerful bureaucracy that severely weakened local powers. For the Hungarian, Bohemian, and Georgian monarchs, however, foreign settlement presented an opportunity to buttress their authority and establish the conditions under which settlement could occur. Medieval border regions always had some degree of volatility and invitation offered the opportunity to decrease that volatility. The Hungarian and Georgian nobilities offered greater resistance to their monarchs' plans than in the other cases mentioned, but the processes were still far smoother than in many other regions.

The most decentralized settlement processes frequently ensured that one group was unable to impose its power fully over another, which further tended to lead to continual violence and wider local disparities in the nature and structure of ethnic contact. In Anatolia, for example, Turkic raids established a foothold for the migrating nomads, but were unable to displace Byzantine power completely. Indeed, the Komnenid Byzantine emperors were able to reassert imperial authority throughout much of Anatolia until the Seljuq princes defeated Manuel I's (r. 1143-1180) army near Myriokephalon in 1176.<sup>94</sup> Turkic raids and migrations and Byzantine counterattacks created a border region that Ralph Brauer says was composed of "numerous dissociated elements."<sup>95</sup>

Decentralized settlement processes, however, did not always result in perpetual violence and chaos. German settlement in much of Eastern and Central Europe occurred with little state coordination and much of it was peaceful. In addition, while decentralized settlement processes usually led to greater disparities in micro border regions, German settlement and ethnic interactions in the above-mentioned regions and the Baltic had many consistencies. German settlers tended to dominate the towns and the merchant

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<sup>94</sup> D. A. Korobeinikov, "Raiders and Neighbours: The Turks (1040-1304)," in *Cambridge History of Byzantium, c. 500-1492*, 708-17.

<sup>95</sup> Brauer, "Boundaries and Frontiers in Medieval Muslim Geography," 53.

trades.<sup>96</sup> Although there were areas of mixed populations, Germans and Slavs usually lived separately, *locatores* often directed German settlement, and German settlers typically established themselves under, and were governed according to, German law.<sup>97</sup> In addition, German settlement frequently brought with it Western European fighting techniques, models of lordship and economic production, and methods of monastic and church organization. Indeed, the terms “centralized” and “decentralized” are only relative and we should not assume that either had standardized features or produced uniform results in an area. What I have portrayed are general tendencies, not dogmatic outcomes.

### **Settlement Processes among Inner Eurasian Peoples**

Most of our discussion so far has focused on sedentary societies in “Outer Eurasia,” that is, in the regions that lay outside the Inner Eurasian steppe zones stretching from the Hungarian steppes to the northern and western borders of China. The peoples who inhabited Inner Eurasia were mostly semi-nomadic pastoralists, though many also practiced some agriculture. Indeed, among the Jurchens and other Manchurian peoples, agriculture was the primary mode of subsistence and, therefore, their societies are called “semi-sedentary.” Settlement processes among “Outer” and “Inner” Eurasian societies had many similarities, but the migration and settlement of Inner Eurasian semi-nomadic peoples and semi-sedentary groups was more intimately bound to the process of state formation. Since space prohibits a lengthy comparison of the different types of states that

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<sup>96</sup> Šnē mentions that crafts were restricted to Germans in Livonia. See “Emergence of Livonia,” 65. Higounet argues that historians should be cautious about determining ethnicity based on name evidence alone and his warning certainly extends to ethnic composition in urban communities. He notes that many Slavs took German names and many towns had large Slavic populations by the fifteenth century, if not earlier. See, 326-7.

<sup>97</sup> Górecki notes that charters issued by Polish dukes indicate that Germans and Poles tended to live separately, but he also notes that German *locatores* often established estates in areas inhabited by Poles or that had mixed populations. See *Economy, Society, and Lordship in Medieval Poland*, 195 and 255.

existed in high-medieval Eurasia (i.e. Western European, Islamic, Chinese, Indian), a discussion of whether the term “state” is anachronistic, the differences between states and empires, and the question of whether pastoralists could form states or if their empires could be considered states in comparison to sedentary societies, I will assert here at the outset that I generally agree with the position of David Christian, who argues that pastoralist empires represent a “minimalist” rather than an “extended” definition of statehood. The “minimalist” pastoralist states were social organizations that wielded considerable power over a large number of people for sustained periods with the ability to employ coercion to enforce their rule. However, they did not take on “extended” forms of statehood such as a clearly defined territory, a control of large surpluses, urbanization, and a complex division of labor that characterizes a society composed of distinct classes.<sup>98</sup> Pastoralist states could conform to more extended definitions, but only when their power-base shifted to agricultural regions, after which they ceased being true pastoralist states.<sup>99</sup> This last statement raises some vexing questions. For example, did Middle Eastern states such as the Seljuqs, a Turkic confederation that came to power on the back of the horse archer, lose all the qualities of a pastoralist state once they grafted their nomadic base to a Persian bureaucracy and once they became less dependent on nomadic levies to govern and coerce their sedentary subjects?<sup>100</sup> Furthermore, to what extent did semi-sedentary Manchurian states conform to the pastoralist model of

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<sup>98</sup> Christian, “State Formation in the Inner Eurasian Steppes,” in *Worlds of the Silk Roads: Ancient and Modern*, David Christian and Craig Benjamin, eds. (Turnhout: Brepols, 1998), 53-4.

<sup>99</sup> *Ibid.*, 54.

<sup>100</sup> For perspectives on the role of semi-nomadic peoples in forming Islamic states during the high-medieval period, see Lapidus, “Tribes and State Formation in Islamic History,” in *Tribes and State Formation in the Middle East*, Philip S. Khoury and Joseph Kostiner, eds. (Berkeley: University of California Press), 29 and 33-4. In the same volume, Barfield also compares the peculiar nature of Turko-Mongolic state organization in the Middle East to their local counterparts. See “Tribe and State Relations: The Inner Asian Perspective,” 153-82.

statehood and were the western Middle Eastern states and empires that emerged in the high-medieval period (such as the Zengids, Ayyūbids, and Seljuq principalities of Anatolia) divorced from the typical pressures found among nomadic polities? We do not have the space here to answer these difficult and complicated questions satisfactorily, but I assert that these latter states were subject to many of the same forces that arose in more purely pastoralist states and, therefore, should be included in any discussion of state formation and settlement processes among Turko-Mongolic and Manchurian groups in China, Central and Inner Eurasia, and the Middle East.

The process of state formation began once individual tribes formed alliances with other tribes. These alliances created “supra-tribal” polities or confederations, which could number in the tens and hundreds of thousands.<sup>101</sup> Tribal confederations had a certain ethnic quality because these confederations often took the name of the dominant clan or tribe. If bound together long enough, those names could become ethnonyms, even though confederations would still contain various ethnic elements. For instance, according to Golden, the Turkic polities of medieval Eurasia included Iranian, Mongol, and other non-Turkic elements. Confederations were not necessarily tightly-bound political organisms. There was a high degree of fluidity in any nomadic polity and because pastoralists were highly mobile, confederations could wax and wane with considerable speed.<sup>102</sup> Therefore, confederations and other types of supra-tribal polities cannot be considered as states.

Because semi-nomadic or semi-sedentary Manchurian states developed from loose confederations of tribal entities, state formation required the emergence of a dominant clan that could unite the tribes into a single state under a *khan* or *qaghan*

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<sup>101</sup> Christian, “State Formation in the Inner Eurasian Steppes,” 60.

<sup>102</sup> Peter B. Golden, *Nomads and Sedentary Societies in Medieval Eurasia*, Michael Adas, ed. (Philadelphia: Temple University Press, 2001), 11-2.

through political or economic incentives or force. Once those confederations were united, semi-nomadic states, or semi-sedentary Manchurian states like the Jurchen who relied on a nomadic-style cavalry, could often execute migrations and settlement in a more centralized fashion, faster, and on larger scales than their sedentary counterparts. However, confederations did not always form into states and often remained loose tribal unions. Hence, individual tribes among confederations such as the Qipchaqs and the Oghuz retained considerable freedom to act independently. These tribes and clans could act as mercenaries for sedentary rulers and possibly settle within their territories. They could also launch their own conquests and raids in regions such as Anatolia and establish a permanent presence. Furthermore, nomadic state formation and its effect on settlement processes did not end with the state's establishment. Indeed, the Seljuq example will show that the peculiar problems of having a state based upon the military power of highly mobile nomadic forces could also greatly affect settlement and the state's stability.

The formation of the Jurchen and Qara Khitai empires demonstrates how state formation in Inner Eurasia could create a highly centralized settlement process. Unlike the Khitans, the Jurchens (both "tame" and "wild") were a semi-agricultural society that dwelled in the forest regions of mountainous northern and eastern Manchuria. The Jurchen population relied on stock-breeding, hunting, and fishing and most lived in fixed villages.<sup>103</sup> However, the Jurchens had also adopted a nomadic-style cavalry from the Khitans, they had no experience with a centralized administration, and the formation of their state also mirrored Inner Eurasian norms. The creation of an Inner Eurasian state usually involved some type of catalyst, which normally came in the form of a political, military, or economic crisis. Although the Manchurian states had a greater mix of

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<sup>103</sup> Mote, *Imperial China*, 211-4.



pastoralist and agricultural or semi-agricultural elements, the need for a catalyst and a unifying element to guide the tribes through the crisis was necessary. According to Thomas Barfield, the immediate catalyst for the Jurchens was the harsh rule of their overlords, the Khitans of the Liao dynasty.<sup>104</sup> Under Aguda (r. 1115-1123), the Wanyan clan united the “wild” (i.e. those tribes only loosely under Liao rule) and “tame” Jurchen tribes and proclaimed the Jin dynasty in 1115.<sup>105</sup> The Jurchen state conquered far more of northern China than had the Liao and the Jurchen state extended all the way to the Huai River. The Jurchens ruled over various tribal peoples, including many Khitans, and a huge Chinese population. The Jurchens constituted only ten percent of the population and they felt that military garrisons and a still incipient administration were insufficient to rule their vast state.<sup>106</sup> Hence, the Jurchen completed the “Great Migration” in order to support the local Jurchen field armies and ensure a continual military presence. It was the largest single migration in the high-medieval period and involved roughly three million people. The Jurchens and other Inner Eurasian groups were resettled throughout northern China beginning in the 1120s and ending sometime between 1133 and 1140. Because the Jurchen leaders had mobilized the Jurchens and other Inner Eurasian tribal peoples into *meng'an* and *mouke* units, the migration was carried out fairly quickly and efficiently.<sup>107</sup>

The Jurchens' destruction of the Khitan state triggered a migration that changed the political landscape of Central Asia. A member of the Liao imperial clan and chief of

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<sup>104</sup> Barfield, *Perilous Frontier*, 177.

<sup>105</sup> Mote, *Imperial China*, 214. Aguda reigned as the emperor Taizu from 1115 to 1123.

<sup>106</sup> *Ibid.*, 223.

<sup>107</sup> *Ibid.*, 224. Tao Jing-Shen notes that a Song source places the end of the Jurchen migration to 1133, while Mote states that it was finished by the 1140s. Tao also mentions that another source claims the Great Migration took place through the movement of whole villages, rather than through the *meng'an-mouke* system. See Tao, *Jurchen in Twelfth-Century China*, 47. According to Barfield, each *mouke* unit consisted of one hundred individuals and ten *mouke* constituted a *meng'an* unit. However, Aguda increased the size of the *mouke* units to three hundred households. See Barfield, *Perilous Frontier*, 179.

military affairs, Yelü Dashi, successfully united the Khitan remnants that the Jurchen state had not absorbed in order to thwart the growing power of the Jin and recoup Khitan losses. After recognizing that supplanting the Jurchen state was a futile endeavor, he led the Khitans west into Central Asia in 1130. It is difficult to estimate how many Khitans accompanied Yelü Dashi, though it was a much smaller migration than the one that the Jurchens undertook. Michal Biran notes that contemporary sources record Yelü Dashi giving a speech to the “seven prefectures and eighteen tribes” of the region at Beiting duhufu in 1124, but it is difficult to determine whether the sources provide the correct names for the prefectures and the tribes listed and how many of those tribesmen joined Yelü Dashi after listening to his speech.<sup>108</sup> Yelü Dashi left for Central Asia in March of 1130. Juwaynī states that after receiving support from Turkic tribes at Emil in 1131 or 1132, Yelü Dashi’s followers had swelled to 40,000 households. Biran interprets this statement to mean that Yelü Dashi had originally left with only 10-20,000 supporters, which included herds and families.<sup>109</sup> Yelü Dashi and his followers reached Balāsāghūn in 1134 and Yelü Dashi had already been proclaimed as *gürkhan* or “universal khan.”<sup>110</sup> Yelü Dashi’s defeat of the Seljuq sultan Sanjar (r. 1118-1153) in 1141 at Qatwān firmly established the Qara Khitai Empire in Central Asia.

The ability of dominant clans or individuals to fuse disparate groups into a unified political and military force, maintain the loyalty of those groups, and mobilize their power effectively so that the entire community could act concertedly explains the Jurchen and Khitan capacity to manage and initiate large-scale and long-distance processes of

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<sup>108</sup> Biran, *Empire of the Qara Khitai in Eurasian History*, 28-9. Beiting duhufu (Turkic name is Beshbaliq) is located in the northeastern portion of modern Xinjiang province.

<sup>109</sup> Ibid., 36 and 38.

<sup>110</sup> Ibid., 38-9.

settlement and migration. These capabilities are all the more astounding because they were so rare. As Golden points out, the bonds holding semi-nomadic confederations together were tenuous and most confederations never coalesced into states.<sup>111</sup> Indeed, confederations such as the Qipchaqs and the Oghuz never formed states on the steppes. Yet the Qipchaqs and the Oghuz played important roles in the settlement and creation of border regions in high-medieval Eurasia, even if their activities do not reveal consistent patterns.

The Qipchaq-Cuman confederation first appeared on the Pontic Steppes in the eleventh century. Their confederation combined Turkic, Mongolic, and Iranian elements and spread from the Danubian frontier to the Irtysh and into Islamic Central Asia. They were primarily composed of three other confederations: the Cumans in the West, the Qipchaq-Qangli in Central Asia, and the Qipchaqs in Western Siberia.<sup>112</sup> According to Golden, the Qipchaqs of the Western Eurasian steppes never formed a state because there was no catalyst to compel them. The neighboring sedentary states (mainly the Rus') were too weak to be a serious threat, they had well-watered and excellent pastures, and they had secure access to the goods of sedentary societies.<sup>113</sup> The Qipchaq-Cumans could be damaging raiders to their neighbors, but they also became important allies, mercenaries, and settlers for the Hungarian, Georgian, and Bulgarian states. Because the Qipchaqs never formed a unified state governed by one powerful tribe or clan, princes, noble families, and individual chieftains shared power and could pursue their own particular interests more freely and sell their services.<sup>114</sup>

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<sup>111</sup> Golden, *Nomads and Sedentary Societies in Medieval Eurasia*, 11.

<sup>112</sup> Golden, *Introduction to the History of the Turkic Peoples*, 278.

<sup>113</sup> Golden, "Qipchaqs of Medieval Eurasia: An Example of Stateless Adaptation," 149.

<sup>114</sup> Golden, *Introduction to the History of the Turkic Peoples*, 279.

The Mongols destroyed the Qipchaq confederation and hastened their pan-Eurasian impact. Prior to the great raid of the Mongol generals Jebe and Sübödei in 1223 that led to the defeat of a combined Qipchaq-Rus' army at the Kalka River, Qipchaq-Cuman groups had already established themselves in Georgia, the Balkans, and Central Asia, as military auxiliaries for the Bagratid kings of Georgia, the Asen rulers of Bulgaria, or the shāhs of Khwārazm. The Byzantine emperor Alexios I Comnenos also hired Cuman troops to protect the Danubian passes against marauding Crusader armies. One Latin chronicler even recorded them as inhabitants of Constantinople, though it is more likely that they dwelled outside the city.<sup>115</sup> The Mongols' annihilation of the Qipchaq confederation as a political force dispersed Qipchaq groups across Eurasia. As already mentioned, Béla IV of Hungary welcomed them into his kingdom before and after the Mongol invasion and they had also arrived in Delhi as *ghūlam* forces prior to the Mongol onslaught. Indeed, the sultan Iltutmish was himself from the Ölberli, a subgroup of either the Qipchaq or the Qangli.<sup>116</sup> However, after the Mongol invasions, Turkish slaves from the Pontic Steppe and the Caspian region filled the markets. They served as slave soldiers not only for the Delhi sultans, but also for the Ayyūbids of Egypt. In 1244 the Ayyūbid sultan of Egypt, Al-Salih Ayyūb (r. 1240-1249), established an elite slave guard of nomadic cavalry called the *Bahriyya*. This group numbered between 800 and 1,000 and most of them were Qipchaqs.<sup>117</sup> In 1244 he recruited a large contingent of nomadic horsemen from the recently destroyed Khwārazmian Empire, most of whom were also Qipchaqs. On their way into the sultan's service, they ravaged southern Syria

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<sup>115</sup> Spinei, *Great Migrations in the East and Southeast of Europe*, 255-6.

<sup>116</sup> Jackson, *Delhi Sultanate*, 62-3.

<sup>117</sup> Robert Irwin, *The Middle East in the Middle Ages: The Early Mamluk Sultanate, 1250-1382* (London: Croom Helm, 1986), 18.

and Palestine and sacked Jerusalem.<sup>118</sup> According to M.F. Köprülü, the Qipchaq remnants of the Khwārazmian army also entered Anatolia and ransacked swaths of territory.<sup>119</sup> Eventually, the Ayyūbids' Qipchaq *ghulam* slaves seized Egypt and established the Bahri Mamlūk dynasty and exacted some revenge on the Mongols. Possibly the greatest of those sultans, Baybars (r. 1260-1277), was a member of the Ölberli clan of the Qipchaqs, was sold into slavery in the Crimea, and was acquired at a slave market in Aleppo for 800 *dirhams*.<sup>120</sup>

The Qipchaq confederation was far more stable than that of the Oghuz. According to S.G. Agajanov, recent research suggests that the Oghuz originated from the eastern Tien Shan region.<sup>121</sup> Agajanov and Golden, using contemporary and later sources, both conclude that the Oghuz confederation consisted of more than twenty tribes.<sup>122</sup> Like all nomadic confederations, they were a multi-ethnic entity, though overwhelmingly Turkic in speech. They were headed by a supreme leader called a *Yabghu*, but the *Yabghu* did not wield qaghanal authority and the Oghuz never formed into a state in the steppes.<sup>123</sup> Golden states that the lack of central authority and the fact that individual tribes seem to have enacted their own “foreign policies” made the Oghuz difficult neighbors. Indeed, Oghuz raids impacted Central Asia, Eastern Europe, and the Pontic Steppes.<sup>124</sup> The confederation's instability was apparent not only during the Seljuq state's emergence in the mid eleventh century, but also during their invasion and settlement of Anatolia in the late eleventh century.

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<sup>118</sup> See Irwin, *Middle East in the Middle Ages*, 18-9 and Hillenbrand, *Crusades*, 222.

<sup>119</sup> Köprülü, *Origins of the Ottoman Empire*, 45.

<sup>120</sup> Irwin, *Middle East in the Middle Ages*, 41. Irwin calls the Ölberli the “Barali.”

<sup>121</sup> Agajanov, “States of the Oghuz, the Kimek, and the Kipchak,” 61.

<sup>122</sup> Agajanov, “States of the Oghuz, the Kimek, and the Kipchak,” 65-6 and Golden, *Introduction to the History of the Turkic Peoples*, 207-8.

<sup>123</sup> Golden, *Introduction to the History of the Turkic Peoples*, 209.

<sup>124</sup> *Ibid.*, 210.

Turcoman raids into Anatolia began in the early eleventh century, but considerably increased during the reign of the Seljuq sultan Alp Arslan (r. 1063-1072). The sultan's administration (under the famous vizier Nizām al-Mulk, d. 1092) considered the Turcoman groups migrating through Central Asia a threat to the state's stability.<sup>125</sup> The labels "Turcoman" or "Türkmen" refer to groups of Turkish tribesmen who had converted to Islam and usually referenced either the Oghuz or the Qarluqs. However, Köprülü states that Oghuz tribesmen comprised the vast majority of the Turcomans.<sup>126</sup> The migrating Turkic tribesmen only entered Anatolia in smaller groupings, which reveals the Oghuz confederation's decentralized nature. Perhaps 500-700,000 Turkic tribesmen penetrated Anatolia in the eleventh century, a number that swelled to around one million by the Mongol invasions.<sup>127</sup> Under Malikshāh (r. 1072-1092) the Seljuq state created some order for the masses of tribesmen venturing into Anatolia when the Seljuqid prince Süleyman established the state of Rūm at Konya in 1081.<sup>128</sup>

The formation and disintegration of the Seljuq Empire demonstrates how the development of semi-nomadic polities greatly affected Turkic settlement. The Seljuq state was born out of desperation and an astounding defeat of the mighty Ghaznavids at Dandānqān in 1040. The resulting Seljuq Empire was a nomadic state grafted on top of a traditional Middle Eastern polity with a Persian bureaucracy.<sup>129</sup> According to Ira Lapidus, the Seljuqs "rekindled the dream of Muslim unity and universal empire," but their rule also came to be based on a "praetorian slave guard" and the exploitation of nomadic

<sup>125</sup> Ocak, "Social, Cultural, and Intellectual Life, 1071-1453," 43.

<sup>126</sup> Köprülü, *Origins of the Ottoman Empire*, 44.

<sup>127</sup> Golden, *Introduction to the History of the Turkic Peoples*, 224.

<sup>128</sup> Köprülü, *Origins of the Ottoman Empire*, 43 and Golden, *Introduction to the History of the Turkic Peoples*, 224.

<sup>129</sup> Golden, *Introduction to the History of the Turkic Peoples*, 220.

tribal forces.<sup>130</sup> The Seljuqs established a sort of paradigm for Turkic rulers in the Middle East by recognizing the overall authority of the ‘Abbāsīd caliphs, relying on nomadic military power, depending on a Persian bureaucracy to govern the state, and forging an alliance with the ‘*ulamā* and other members of the Sunnī elite to staff their bureaucracy and provide them with spiritual legitimacy.<sup>131</sup> Hence, the Seljuqs restored mosques, erected *madrasas* and *kāniqāhs*, endowed *waqfs*, and rewarded members of the legal schools with official positions.<sup>132</sup> Indeed, the Seljuqs erected an impressive governmental apparatus and, for a time, a centralized state.<sup>133</sup> Yet as Morgan notes, the Seljuq sultan relied on both tribal nomadic forces and *ghūlams* to maintain his supremacy.<sup>134</sup> Hence, both the guarantor and the main threat to that supremacy were the Turkic tribesmen.

The Seljuqs had a variety of methods with which to deal with potential nomadic threats. One was to create a slave guard, loyal only to the sultan, to protect the state from unruly tribes. Nizām al-Mulk in his *Siyāsatnāma* (*The Book of Government*) asserted that the Seljuqs had an obligation to their Turkic brethren because of blood affinities and their role in the empire’s creation. According to C.E. Bosworth and A. Sevīm, the nomads were also important for the defense of Khurāsān and the empire’s eastern border regions.<sup>135</sup> To some extent, therefore, the Seljuq’s had to tolerate their disruptions. However, Nizām al-Mulk also recommended training between one and ten thousand

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<sup>130</sup> Lapidus, *History of Islamic Societies*, 117 and 187.

<sup>131</sup> *Ibid.*, 117 and 192.

<sup>132</sup> *Ibid.*, 192.

<sup>133</sup> For a detailed discussion of the Seljuq administrative apparatus, see the relevant parts of Lambton, *Continuity and Change in Medieval Persia*.

<sup>134</sup> Morgan, *Medieval Persia*, 35-6.

<sup>135</sup> A. Sevīm and C.E. Bosworth, “The Seljuqs and the Khwarazm Shahs,” in *History of Civilizations of Central Asia*, 4: 160.

Turcomans as *ghūlams*.<sup>136</sup> Granting the nomads autonomy on tribal lands was another way to attempt to control them. Tribal elders oversaw the nomadic groups and the Oghuz paid taxes to an imperial representative (the *shahna*).<sup>137</sup> A third method was to confer the powerful Turkic military commanders (the *amīrs*) with *iqṭāʿ* grants in order to retain their loyalty and possibly partially or wholly sedentarize them. An *iqṭāʿ* was a grant of revenue. Usually, but not always, the grant was of land. The *iqṭāʿ* was not a fief and was not supposed to become a hereditary possession. Lambton identifies five types of *iqṭāʿ*, but the “administrative *iqṭāʿ*,” which were the type usually bestowed to the *amīrs*, provided some type of administrative autonomy and permission to collect revenues. Theoretically, the sultans could revoke the *iqṭāʿ* and its privileges. However, the decline of Seljuq power in the Western Islamic world after Malikshāh’s death made the *iqṭāʿ* grants *de facto* hereditary possessions, which led to the rise of numerous Turkish amirates and *atabeg* states that stretched from Iraq to Syria.<sup>138</sup>

In the eastern half of the empire, the Seljuq prince Sanjar was able to maintain the state’s power, but he also faced an increase of Oghuz tribesmen. Sanjar’s attempt to assert state power over the nomads shows other possible methods of handling them. Sanjar tried to expel the Oghuz from their pasture lands and this action, coupled with heavy taxation and the high-handed methods of the *shahna* in collecting those taxes, led to an Oghuz revolt.<sup>139</sup> The Qara Khitai attempted to force the Qarluqs to sedentarize and disarm in 1163-1164 by driving them from the pasture lands around Bukhāra and

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<sup>136</sup> Lambton, *Continuity and Change in Medieval Persia*, 9.

<sup>137</sup> *Ibid.*, 9-10.

<sup>138</sup> For a detailed discussion of the *iqṭāʿ* grants under the Seljuqs, see Lambton, *Continuity and Change in Medieval Persia*, 101-12.

<sup>139</sup> Biran, *Empire of the Qara Khitai in Eurasian History*, 140; and A. Sevim and C.E. Bosworth, “The Seljuqs and the Khwarazm Shahs,” in *History of Civilizations of Central Asia*, 4: 166-7.



Samarqand.<sup>140</sup> It is difficult to determine if Sanjar was attempting to tax the nomads into destitution and forced sedentarization, if he was trying to dislocate them to restore the balance between the nomadic and sedentary populations in Khurāsān, or if he was simply trying to pay for his numerous wars. Nevertheless, Sanjar eventually tried to stop the Oghuz by force, but was thoroughly defeated, imprisoned, and humiliated. His death in 1157 rendered Seljuq authority effective only in Jibal and Kirman until 1186.<sup>141</sup>

The Seljuq sultans' inability to constrain their nomadic elements led to the empire's fragmentation and wide disparities in Turkic settlement across the Middle East and Central Asia. On the one hand, the Seljuq period saw the continued and accelerated Turkicization of much of Persia and Central Asia, a process initiated under the Qarakhanids in the tenth century and continued under the Ghaznavids. Here, substantial numbers of Turkic immigrants (not all of whom were nomads) supplemented the power of the Turkic horse archers. Turkic elements were also ample in Azerbaijan, Anatolia, and Syria and included numerous Oghuz elements.<sup>142</sup> Nonetheless, Turkic migration was comparatively small throughout the western portions of the Middle East. In addition, the collapse of effective Seljuq power and the rise of amirates and *atabeg* states led to the emergence of what Marshall Hodgson called the *a'yān-amīr* system. Within this system, local notables (usually Arabs) in cities and villages conjointly exercised power with the local *amīr*'s military garrisons, which were often wholly or partly Turkic.<sup>143</sup> Even the Kurdish Zengid and Ayyūbid rulers employed considerable numbers of Turks. Indeed,

<sup>140</sup> Biran, *Empire of the Qara Khitai in Eurasian History*, 53-4 and 142.

<sup>141</sup> Punitive taxation that reduced nomads to poverty could be an effective way to induce sedentarization. Khazanov and Golden agree that impoverishment frequently led to sedentarization and Golden notes that nomads were loathe to sedentarize because it implied a loss of status. See Khazanov, *Nomads and the Outside World*, 70 and Golden, *Nomads and Sedentary Societies in Medieval Eurasia*, 9 and 20.

<sup>142</sup> Morgan, *Medieval Persia*, 33.

<sup>143</sup> For a detailed discussion of the *a'yān-amīr* system, see Hodgson, *Venture of Islam*, 2: 64-9 and a much longer analysis between pages 91 and 135 of the same volume.

Stephen Humphreys points out that the Kurdish *amīrs* under Saladin were afraid of losing their status to those powerful Turkic contingents.<sup>144</sup> Hence, Ronnie Ellenblum's argument that the Crusaders' entry into the Levant sparked a collision between "Frankish" and "Turkish" frontiers is a useful and perceptive analytical construct that world historians could adopt to explain a high-medieval Eurasian world that witnessed the considerable expansion and settlement of Western European and Turko-Mongolic peoples.<sup>145</sup> However, that construct needs modification to comprehend the fact that Turkic power in the western Middle East was highly uneven, considerably decentralized, did not always appear in the prism of Turkic leaders, and mostly restricted itself to the power of the horse archers rather than the mass migration of nomads.

The Seljuq example demonstrates that the creation of semi-nomadic polities carried with it an inherent degree of instability. Indeed, the foundation of Turko-Mongolic empires usually entailed significant population displacement and nomadic migrations, which could create new settlement processes. At no time in the history of medieval Eurasia was this fact more evident than during the Mongol Empire's formation. The Mongols created the largest land-based empire in world history, stretching from the Pacific Ocean to Eastern Europe and from Novgorod south to the Indus River. The Empire's creation was a centralized act initiated soon after the *quriltai* that recognized the Mongol leader Temüjin as Chinggis Khan (r. 1206-1227). Chinggis Khan and his successors destroyed many of the great states that had dominated Eurasia: the Jurchen Empire of north China, the Song dynasty that dominated the south, the Xi Xia Empire that spanned much of modern Xinjiang, the Khwārazmian and Qara Khitan empires that

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<sup>144</sup> Stephen R. Humphreys, *From Saladin to the Mongols: The Ayyubids of Damascus, 1193-1260* (Albany, NY: State University of New York Press, 1977), 29-30.

<sup>145</sup> Ellenblum, *Frankish Rural Settlement in the Latin Kingdom of Jerusalem*, 286-7.

ruled over most of Central Asia and Iran, the ‘Abbāsid Caliphate and the Seljuq sultanates of Anatolia, the Volga Bulgar khanate, the Qipchaq confederation along the Black Sea steppes, and the Rus’ principalities. This massive shift in Eurasia’s political landscape also initiated numerous settlement processes. According to André Wink, the Mongols sponsored a great migration into the Middle East, with nearly one million men, women, and children and perhaps seventeen million sheep accompanying Turko-Mongolic armies to Anatolia and Iran.<sup>146</sup> Ethnically, most of the migrant groups that accompanied the Mongol armies across Eurasia were Turks.<sup>147</sup>

The settlement processes led by Mongol armies were perhaps less significant than the migrations that Mongol conquests induced. We have already noted that Mongol invasions had an especially monumental impact on dispersing Qipchaq groups across Eurasia, including into the subcontinent where they became the backbone of the *ghulam* regiments. Indeed, the Mongols’ military operations had a significant effect on shaping the ethno-religious composition of the northern subcontinent. The Mongols’ destruction of the Khwārazmian Empire spurred the Khwārazmian sultan Jalāl ad-Dīn to campaign in the subcontinent, which helped establish a Turkic Qarluq kingdom that controlled Ghazna, Bīnbān, and Kurramān.<sup>148</sup> Furthermore, Mongol campaigns also spurred the migration of numerous traders, artisans, bureaucrats, ‘*amīrs*, Islamic poets, Šūfīs, and rulers who fled to places like Delhi and Multan to escape the Mongol onslaught. These groups included Khurāsānīs, Daylamīs, Armenians, Arabs, Afghans, Ghurīs, and various Turkic groups.<sup>149</sup>

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<sup>146</sup> Wink, *Al-Hind*, 2: 167.

<sup>147</sup> See Golden, *Introduction to the History of the Turkic Peoples*, 292.

<sup>148</sup> See Wink, *Al-Hind*, 2: 200 and Jackson, *Delhi Sultanate*, 36.

<sup>149</sup> Wink, *Al-Hind*, 2: 190-4.

## Trade, Ethnic Contact, and Border Regions

Many scholars have pointed out that semi-nomadic groups like the Mongols were dependent on trade and that the creation of semi-nomadic states often sprung from the nomads' desire to obtain wealth from their sedentary neighbors, whether through extortion, peaceful exchange, or both.<sup>150</sup> As Biran argues, the Khitans' desire to gain access to the commercial routes that crossed through Central Asia was a major motivating factor in the establishment of the Qara Khitai Empire.<sup>151</sup> Furthermore, the Qara Khitai *gürkhans* carefully cultivated their eastern trade in order to acquire the Chinese goods that legitimized their claims to rule.<sup>152</sup> Yet while semi-nomadic peoples were more reliant on trade than sedentary communities, trade could have an important impact in encouraging the establishment of border regions and facilitating ethnic contact in both Inner and Outer Eurasia. Indeed, Eurasia had a vast array of trade networks that funneled people and goods across the Continent. Traditionally, scholars have divided the Silk Roads from the European networks. In fact, however, the land routes were interconnected, recognized neither political nor cultural nor ecological boundaries, and were complemented by a series of sea routes.<sup>153</sup>

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<sup>150</sup> See above, 74.

<sup>151</sup> Biran, *Empire of the Qara Khitai in Eurasian History*, 33.

<sup>152</sup> *Ibid.*, 137-8.

<sup>153</sup> The main Silk Road route began in the Chinese cities of Chang'an (modern Xi'an) and Loyang, which often served as capital cities in the various Chinese dynasties of the ancient and medieval eras. It then bifurcated at the oasis town of Anxi (modern Gansu province) into northern and southern routes between the Tian Shan Mountains and the Taklamakan desert. Southeast of the Tian Shan, the northern road traveled through the oasis towns of modern Xinjiang province such as Hami, Turfan, and Kuqa, while the southern road skirted the foreboding Taklamakan and in the process carried travelers through Dunhuang, Hetian (Khotan), and Yarkand. These routes then reconnected at Kashi (Kashgar) and proceeded through such famous Central Asian cities as Fergana, Bukhāra, and Merv, continuing into the Iranian cities of Neyshābūr (Nishapur) and Rey (often Rayy). From Rey, the routes split again. One route went due north to the Black Sea littoral town of Trebizond in Anatolia, while the other went south through Hamadān and Baghdād, before splitting again and branching south to Damascus, while a northerly road cut through Mosul, Edessa, and Aleppo before ending at the Mediterranean coastal city of Antioch. However, from the main road around Kuqa in Xinjiang a traveler could go north through the ancient Sogdian city of

Control over trade routes could be a major impetus in the formation of a border region and the initiation of a settlement process. We have already noted that control over the Gansu corridor was the primary motivation behind the Song government's efforts to extend its control into Sichuan and establish Han settlers in the region.<sup>154</sup> Venetian commercial interests played a significant role in diverting the Fourth Crusade from the Middle East to the Byzantine Empire, which resulted in the sack of Constantinople and the establishment of the Latin Empire.<sup>155</sup> Eric Christiansen points out that rulers in the Baltic region were keenly interested in increasing their share of regional trade, which often led to wars.<sup>156</sup> Indeed, Danish trading interests prompted Danish invasions of Estonia in the late twelfth and thirteenth centuries.<sup>157</sup> Trade could also indirectly

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Balasaghun and Talas, parallel to the Syr Darya and above the Aral Sea, into the southern steppes of the Black Sea and the Caucasus. That same traveler could also follow in the footsteps of the famous Buddhist monk Xuanzang who journeyed through Dunhuang, Hetian, and Balkh before turning south through Bamiyan (Bamiyan) and across the Khyber Pass into the Indian subcontinent.

From the termini of the Silk routes, goods traveled across the Mediterranean into southeastern Europe, Italy, Spain, and southern France to ports such as Venice, Genoa, Marseilles, Barcelona, and even across the Straits of Gibraltar into Lisbon. From these regions merchandise carried on to the fairs of Champagne, into German cities such as Cologne and Hamburg, and to the British Isles. Constantinople was the economic hub of the Black Sea littoral for much of the Middle Ages (even when the Byzantines did not actually conduct much of the commerce), but merchandise was also carried into the Baltic from the Black Sea ports, up the Dnieper through the domain of the Qipchaqs of the southern steppes, and on to Kiev and Novgorod. From Kiev there were trade routes that extended into Central and Eastern Europe and from Novgorod goods could reach the Baltic. The Baltic trade was greatly facilitated with the emergence of the Hanseatic League in the thirteenth century that created a coherent economic network linking all northern Europe.

There were also a series of sea routes that directly complemented and fed into the land networks. From the Chinese ports of Hangzhou, Guangzhou, and Quanzhou goods could travel through the powerful Malay kingdom of Srivijaya and its successor states in the Malay Peninsula and Sumatra, before heading into the eastern Bay of Bengal, to the Chola city of Kollam (Quilon), or to Khambhat (Cambay) and Karachi (in Roman times called Barbaricon). From the western ports of the subcontinent merchants and travelers reached the ports of the Red Sea and the Persian Gulf like Muscat, Hormuz, Basra, and Aden before heading off to Cairo and into the Mediterranean. Land travelers could also access the Levantine ports of Tyre, Acre, and Antioch on then onwards to the Mediterranean ports mentioned above or into North Africa.

<sup>154</sup> See above, 497.

<sup>155</sup> For the conflicting Venetian motivations regarding their commercial interests and their religious devotion, see Marco Meschini, "The 'Four' Crusades' of 1204," in *The Fourth Crusade: Event, Aftermath, and Perception*, Thomas F. Madden, ed. (Burlington, VT: Ashgate, 2008), 36-7. Venice also retained a dominant commercial and political role in the Latin Empire. See David Jacoby, "After the Fourth Crusade," 765-7.

<sup>156</sup> Christiansen, *Northern Crusades*, 43-6.

<sup>157</sup> *Ibid.*, 109.

encourage settlement processes. Glick, for instance, notes that Christian kingdoms were able to extort vast amounts of gold and silver from the Muslim *ṭā'ifa* states that ruled Iberia after the Umayyad Caliphate's collapse.<sup>158</sup> Andalusī wealth principally derived from a lucrative trade that saw Andalusī raw materials such as iron, copper, and mercury and finished goods such as silk exchanged for various materials and goods found in the Islamic world.<sup>159</sup> The Christian kingdoms then used Andalusī riches to fund their war effort against Muslim rulers until the Almoravid invasion ended the flow of tribute.<sup>160</sup>

The lure of trade could also stimulate much more peaceful settlement processes and contribute to the ethno-religious diversity of border regions. Many of these groups were itinerant traders. Xinru Liu, for example, mentions that the *Kārimī* Muslim merchant convoys under Fāṭimid and Ayyūbid rule traveled frequently from Egypt to India and made lengthy stopovers at ports such as Aden. Yet Jewish merchants also frequently accompanied the *Kārimī* convoys and conducted their business within the frame of Islamic networks.<sup>161</sup> Latin Christian merchants from Western Europe also engaged in a brisk trade in Egypt, even during the Crusades. However, these merchants were generally confined to a tightly regulated fondaco from which they could not venture at night.<sup>162</sup> More important for the examination of border regions were those groups attracted to settle permanently in a region due to commercial opportunities. Venetian, Genoese, and Pisan merchant communities, for instance, established themselves in towns like Acre where they received their own quarters in the town with substantial

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<sup>158</sup> Glick, *Islamic and Christian Spain in the Early Middle Ages*, 133-5.

<sup>159</sup> *Ibid.*, 135-40.

<sup>160</sup> *Ibid.*, 134-5.

<sup>161</sup> Liu, *Connections across Eurasia*, 196-201.

<sup>162</sup> For a description of Christian trade with Egypt during the Fāṭimid, Ayyūbid, and Mamlūk periods, see David Abulafia, "The Role of Trade in Muslim-Christian Contact during the Middle Ages," in *The Arab Influence in Medieval Europe*, 6-12; Hillenbrand, *Crusades*, 391-8; and Constable, "*Funduq, Fondaco, and Khān in the Wake of Christian Commerce and Crusade*," 148-50.

autonomy.<sup>163</sup> Derek Keene demonstrates that trading opportunities also attracted various ethnic groups to the towns of Central and Eastern Europe such as Kraków, Prague, and Lviv because these regions lay between consumer markets in Western Europe the trading networks in the Black Sea and the Levant, which handled products from eastern Eurasia and Africa.<sup>164</sup>

Trade and settlement processes combined in the Middle East and Central Asia to create massive border regions. The Middle East and Central Asia demonstrate the futility of always associating border regions with political boundaries. Political entities in these regions appeared and vanished quickly. The Great Seljuq, Qara Khitai, Khwārazmian, Ghūrid, Fāṭimid, Zengid, and Ayyūbid empires were relatively transitory and unstable, as was the Mongol Īlkhānate, not to mention the various Turkic *atabeg* states and *amirates* that emerged. Instability was also a prominent feature of longer-lasting entities such as the Qarakhanid and Ghaznavid states. Furthermore, the myriad states that emerged in Islamdom did not inhibit long-distance trade and population movement. The lack of significant political and institutional barriers to trade made the Islamic world a massive free-trade zone that played a huge role in its ethno-religious diversity. This diversity and the socio-economic conditions of the Islamic world were well-established before the high-medieval period. However, the movements of Turko-Mongolic peoples into Central Asia and the Middle East in the high-medieval era created even more diversity and combined with population movements resulting from trade to fashion two fundamental realities in the ethno-religious map of the Islamic world: extremely diverse ethno-

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<sup>163</sup> David Jacoby, "The Trade of Crusader Acre in the Levantine Context," in *Commercial Exchange across the Mediterranean*, IV: 119. For a detailed description of the Venetian quarters in Acre and their privileges, see Jacoby, "Venetian Privileges in the Latin Kingdom of Jerusalem," V: 155-75.

<sup>164</sup> Derek Keene, "Introduction: Segregation, Zoning, and Assimilation in Medieval Towns," in *Segregation- Integration- Assimilation*, 10-1.

religious environments in the urban communities and heterogeneous sedentary populations living near heterogeneous semi-nomadic populations.

To understand how trade contributed to fashioning the border regions of the Middle East and Central Asia, it might be beneficial to examine some circumstances in the ancient and early medieval periods that contributed to regional diversity. Not surprisingly, the Silk Road networks served as the primary conduit of ethno-religious diversity. According to Richard Foltz, the caravan was instrumental to the extension of religious ideas and customs because traveling through the Silk Road networks was expensive and dangerous.<sup>165</sup> Under normal circumstances, the only people who could afford and cope with the rigors of travel through Central Asia were merchants who attached themselves to caravan groups.<sup>166</sup> Caravans often passed through thriving commercial oases towns such as Samarqand, Merv, Balkh, Bukhāra, and Turfan. Consequently, the oasis towns of Central Asia became melting pots for different theories, traditions, and spiritual beliefs. With the onset of proselytizing religions such as Buddhism, Christianity, and Islam, missionaries joined the merchant caravans and carried their “spiritual goods” across the Silk Road networks.<sup>167</sup> Buddhist, Christian, and Muslim missionaries were particularly successful because, unlike their Jewish and Zoroastrian counterparts, they were willing to preach their message in the vernacular languages of the regions through which they journeyed.<sup>168</sup> Indeed, the long-distance pilgrimage was one of the famous attributes of the Silk Road’s history and two most of the most prominent examples of religious pilgrims came from China. In order to acquire the original Sanskrit

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<sup>165</sup> Richard C. Foltz, *Religions of the Silk Road*, 11-12.

<sup>166</sup> *Ibid.*, 10.

<sup>167</sup> *Ibid.*, 11.

<sup>168</sup> *Ibid.*, 15-7.



sources of their faith, both Faxian (Fa-hsien) and Xuanzang (Hsuang-tsang) traveled along the Silk Road towards India. Faxian began in Chang'an, continued through Turfan, Qara Shar, and Khotan, into the Swat Valley (modern Pakistan), and then into India. Faxian stayed in India between 405 and 411 CE where he acquired and translated Sanskrit texts into Chinese.<sup>169</sup> Inspired by Faxian, Xuanzang traveled from Loyang to the Taklamakan desert and then through Transoxiana and Talas, Tashkent, Ferghana, Samarqand, Bukhāra, and Khwārazm, then to Bactria and finally over the Hindu Kush mountains into India. Xuanzang returned to China with 657 Sanskrit and Pali manuscripts and personally translated many of the texts into Chinese.<sup>170</sup> The mass translation of Buddhist texts, coupled with the active support of the Tang royal family, helped disseminate Buddhism throughout China.<sup>171</sup> It is no coincidence, then, that before the Islamic invasions of the late seventh century CE, the focal point of the Buddhist world was the wealthy cities of Central Asia and the great sedentary societies that surrounded them, namely India, China, and Persia.

Although many merchant communities contributed to the ethno-religious diversity of the Middle East and Central Asia, Sogdian, Iranian, and Jewish merchants were paramount. Foltz argues that Sogdiana was perfectly placed to be the center of heterodoxy. Iranian tribes settled Sogdiana in prehistory, and its location on the eastern and western fringes of the Silk Road networks removed it from the major centers of the great religious traditions.<sup>172</sup> Sogdian merchants were the masters of the Silk Road

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<sup>169</sup> Ibid., 55.

<sup>170</sup> Ibid., 56.

<sup>171</sup> Foltz, *Religions of the Silk Road*, 55-57 and Liu, *Connections across Eurasia*, 139-42.

<sup>172</sup> Foltz, *Religions of the Silk Road*, 68.

networks and their language was the *lingua franca* of commerce.<sup>173</sup> Sogdians were well-acquainted with many foreign languages and often served as translators. Their linguistic skills allowed them to influence the spread of religious cultures in Central Asia. While Sogdians never completely embraced a single religion until the tenth century CE, they were instrumental in scattering religious ideas through business contacts and the translation of texts. Small groups of Sogdian converts to Buddhism and Nestorian Christianity helped extend the respective religions to China. Sogdian converts translated Buddhist, Manichean, and Nestorian Christian texts from Syriac, Middle Persian, Sanskrit, and Parthian into Turkish and Chinese.<sup>174</sup> The influence of the Sogdians was facilitated by their intricate relationships with two of the most powerful nomadic states in the early-medieval period, namely the Türk and Uighur empires. The Sogdians' relationships with these Türk and Uighur *qaghans* were especially important in the spread of Zoroastrianism in China and elsewhere in Eurasia. This fact should not be surprising considering that they were of Iranian origins. In the sixth century CE, the Zoroastrian community in Sogdiana grew considerably and, probably through the power of the Türks, some of whom had become Zoroastrians themselves, Sogdian Zoroastrians carried out their commercial activities in China through the supervision of the Sabao (the Office of Foreign Trade; *sartapao* in Sogdian and derived from the Sanskrit word *sarthavaha*, “leader” or “caravan leader”) and the Xianzheng (the Office of Zoroastrian Affairs).<sup>175</sup>

Iranians and Jewish merchants were also important middlemen and cultural intermediaries along the Silk Road networks. After the collapse of the Greco-Bactrian

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<sup>173</sup> Ibid.

<sup>174</sup> Ibid., 46-47, 68, 78.

<sup>175</sup> Liu, *Connections across Eurasia*, 123-4. For Zoroastrianism among the Türks see Liu, *Silk and Religion*, 180-1.

Empire in the second century BCE, the Parthians (at least partially Hellenized) filtered the silk trade between the Han Empire and Rome. In the process, the city of Merv became a major center of Buddhism and Parthian missionaries such as An Shigao, An Faxian, and An Faqin were instrumental in spreading Buddhism into China.<sup>176</sup> The high quality of Sasanian silks and the other goods such as glassware and ceramics made Iranian traders quite popular in Central Asia where Sasanian motifs have been found on frescoes.<sup>177</sup> However, Zoroastrianism's success in China was supported by Iranian merchants as well as Sogdians and after the Islamization of Persia, the Persian language became the language of Islam in Central Asia.<sup>178</sup> Jewish merchants were established at all ends of the Silk Road networks, from Byzantium in the West to Persia and India and even in China. Their most famous traders were known as Radanites. There is some debate about the Radanites' origins. Foltz asserts that they were originally from Roman Gaul, but Cansdale is more inclined to believe that they hailed from the province of Radhan near Baghdād.<sup>179</sup> Regardless, it is known that they trafficked in many types of goods, including slaves, and according to the ninth-century Arab geographer Ibn Khurdadhbīh they spoke "Arabic, Greek, Frankish, Spanish, and Slav."<sup>180</sup> Even though the influence of Judaism never became paramount along the Silk Road networks, the establishment of Jewish communities throughout the trade circuits of Eurasia added to the religious plurality of the region.

Hence, as the early Arab conquerors expanded their empire, they entered domains that were already highly diverse. Indeed, although we have focused on Central Asia

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<sup>176</sup> Foltz, *Religions of the Silk Road*, 47-52.

<sup>177</sup> Liu, *Silk and Religion*, 80 and also Boulnois, *Silk Road*, 237-8

<sup>178</sup> See Foltz, *Religions of the Silk Road*, 15 and Liu, *Connections across Eurasia*, 123-4.

<sup>179</sup> Foltz, *Religions of the Silk Road*, 101 and Cansdale, "Jews on the Silk Roads," 29.

<sup>180</sup> Cansdale, "Jews on the Silk Roads," 28.

predominately, large Christian, Jewish, and Zoroastrian communities of many ethnic persuasions were extant in the Middle East before the Arab conquests. Commerce played an especially important role in the spread of Islam. In many respects this development should not be surprising. Arabian and Bedouin tribesman made a significant portion of their living through trade and Muḥammad himself was born into the merchant class. In addition, his wife Khadija was the daughter of a wealthy merchant.<sup>181</sup> By the beginning of the ninth century, the Islamic world spread from Spain to the Indian subcontinent and the early development of Islam showed a marked concern for commercial enterprises. According to Patricia Risso, the Qurʿān includes admonitions about fair commercial practices and market inspectors (*muḥtasib*) and moneylenders (*sarrafs*) appeared early in the Islamic world.<sup>182</sup> The *commenda* partnership system developed as a way of entering into risky mercantile contracts without charging interest (*riba*) and Muslim jurists established a system of customs rates, whereby Muslims were to charge each other 2.5% on the value of goods, *dhimmīs* five percent, and non-*dhimmīs* ten percent.<sup>183</sup> The regulation of relationships between merchants became codified in Islamic law, which was established in one form or another throughout the Islamic world. According to Hodgson, *sharīʿa* law was originally designed for the early Arab garrison towns and merchants and the muhtasib obtained the legal strictures for his regulation of the markets through the *qāḍī*.<sup>184</sup> It is debatable as to what extent Islamic customs rates or the more famous *jizya* factored in conversions to Islam. However, Foltz contends that businessmen perceived that converting to Islam could assist contacts with other Muslim merchants and would

<sup>181</sup> Foltz, 89. For a more thorough discussion on the role of Bedouin tribesmen and the Meccans in trade before the rise of Muḥammad, see Hodgson, *Venture of Islam*, 1: 150-7. See also Patricia Crone, *Meccan Trade and the Rise of Islam* (Princeton: Princeton University Press, 1987).

<sup>182</sup> Risso, *Merchants and Faith*, 19.

<sup>183</sup> Ibid., 19-20.

<sup>184</sup> Hodgson, *Venture of Islam*, 1: 347.

benefit from the favorable conditions granted by Muslim officials and from Islamic law.<sup>185</sup> Hence, the early centers of Islamization in Central Asia tended to be confined to urban areas where commercial activity was greatest.<sup>186</sup> Indeed, Hodgson argued that the Islamization of the Middle East and Central Asia coincided with further urbanization.<sup>187</sup>

By the high-medieval period the Middle East and Central Asia were deeply Islamized, but it did not mean that minority communities disappeared. We have already remarked in Chapter One that cities such as Jerusalem, Damascus, Alexandria, Basra, Baghdād, Bukhāra, and Iṣfahān had ethno-religious minorities who typically dwelled within their own enclaves.<sup>188</sup> However, we could add more to this list. Nestorian Christian communities, for example, flourished in Merv, Tus, Samarqand, Kashgar, and throughout Iran, where they and Jews enjoyed the same legal autonomy enjoyed by other *dhimmī* communities.<sup>189</sup> Coptic and Jewish communities continued to thrive in Egypt and across the western Middle East as well.<sup>190</sup> Contemporary records and archaeological evidence indicates that Buddhist communities persisted in Xinjiang, the Tarim Basin, and

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<sup>185</sup> Foltz, *Religions of the Silk Road*, 96.

<sup>186</sup> Ibid.

<sup>187</sup> Hodgson, *Venture of Islam*, 1: 301.

<sup>188</sup> See above, 72.

<sup>189</sup> Ian Gillman and Hans-Joachim Klimkeit, *Christians in Asia before 1500* (Ann Arbor: The University of Michigan Press, 1999), 127-8 and 233.

<sup>190</sup> For the Copts in high-medieval Egypt, see Donald P. Little, "Coptic Converts to Islam during the Baḥrī Mamluk Period," in *Conversion and Continuity: Indigenous Christian Communities in Islamic Lands, Eighth to Eighteenth Centuries*, Michael Gervers and Ramzi Jibran Bikhazi, eds. (Toronto: Pontifical Institute of Mediaeval Studies, 1990), 263-88; M. Brett, "Al-Kazāra al Marqūsīya: The Coptic Church in the Fatimid Empire," 33-60; and Terry G. Wilfong, "The Non-Muslim Communities: Christian Communities," in *Cambridge History of Egypt*, Carl F. Petry, ed. (Cambridge: Cambridge University Press, 1998), 175-97. For a recent general overview of Christian communities and their Arabization in the Middle East, see Sidney H. Griffith, *The Church in the Shadow of the Mosque: Christians and Muslims in the World of Islam* (Princeton: Princeton University Press, 2008).

other regions of Central Asia and Iran.<sup>191</sup> Many Turkic migrants into Anatolia were also Buddhists, while Zoroastrians endured in China, Iran, and Central Asia.<sup>192</sup>

The migrations of semi-nomadic Turko-Mongolic groups added to both regions' diversity and while they inhabited zones that supported pastoral enterprises, they often dwelled sedentary communities and major urban centers. I will not rehash here all the various groups that came into Central Asia and the Middle East since most of them have been already mentioned throughout this appendix. Suffice to say that the semi-nomadic populations were as diverse as the sedentary and urban. Hence, during the high-medieval the Middle East and Central Asia were comprised of hundreds of micro border regions.

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<sup>191</sup> See Foltz, *Religions of the Silk Road*, 100-1; Gillman and Klimkeit, *Christians in Asia before 1500*, 234; and Wink, *Al-Hind*, 2: 349-51.

<sup>192</sup> See Köprülü, *Islam in Anatolia*, 4-5; and Foltz, *Religions of the Silk Road*, 98-100.

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