

**The ‘Ruin’ of Wales: Re-evaluating the nature and impact of
partible inheritance on the Welsh kingdoms of the twelfth and
early-thirteenth centuries.**

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by

Tom Atkinson

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Introduction

‘Hence arise suits and contentions, murders and conflagrations, and frequent fratricides, increased, perhaps, by the ancient national custom of brothers dividing their property amongst each other.’

Giraldus Cambrensis, c.1200¹

The system of partible inheritance known as *cyfran* (meaning ‘share’ or ‘portion’²), was one adopted across medieval Welsh society that ‘provided equal division’³ amongst male heirs, regardless of legitimacy. When considered against a royal setting, *cyfran* inheritance has been consistently considered by contemporaries and historians alike to be ‘politically debilitating’⁴, causing ‘disputed succession and territorial fragmentation’⁵ and leaving the Welsh especially vulnerable to Anglo-Norman encroachment. Indeed, Giraldus Cambrensis, a man who straddled the borders of the Anglo-Norman and Welsh societies, considered *cyfran* to be one of ‘the three things which ruin[ed]’ Wales⁶.

The aim of this dissertation will be to evaluate Giraldus’ claim by examining how exactly *cyfran* inheritance was applied, theoretically and in practice, at a royal level, and assessing the impact this had on native Welsh survival. The theory behind *cyfran* is captured in contemporary lawbooks and commentaries, yet it is evident across the medieval period in Wales that successions were not always contested, nor kingdoms divided. The twelfth century provides an excellent sample for this, providing both smooth and tumultuous transitions of power. Each of Wales’ three major kingdoms, Gwynedd, Powys and Deheubarth had suffered civil war and division in the twelfth century that carried into the thirteenth, encouraged all the while by neighbouring lords and by the English, who frequently ‘gave

¹ Giraldus Cambrensis, *The Itinerary Through Wales and the Description of Wales [c.1200]*, ed. and trans. by W.L. Williams (London, 1912), p.193.

² ‘Cyfran, cyfri,’ Geiriadur Bangor, Available at: <https://geiriadur.bangor.ac.uk/#cyfran>, Accessed 4 May 2023.

³ Margaret Wren Cole, Llywelyn ab Iorwerth: the making of a Welsh prince’, Core (2012) Available at: <https://core.ac.uk/display/6199814?source=2>, Accessed 24 March 2023. p.20.

⁴ R. Rees Davies, *The Age of Conquest: Wales 1063-1415* (Oxford, 2000), p.70.

⁵ Roger Turvey, *The Welsh Princes: The Native Rulers of Wales 1063-1283* (Abingdon, 2002), p.35.

⁶ Giraldus Cambrensis, *Itinerary and Description*, p.203.

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refuge to dynastic rivals’⁷. Only one of the three kingdoms, Gwynedd, ever managed to reunite, while Deheubarth, just decades after its zenith, disintegrated entirely.

Previous historiography has often concluded that *cyfran* inheritance was ubiquitous across medieval Welsh society, exactly as delineated by the numerous lawbooks. The early studies of T.P. Ellis⁸, for example, used the lawbooks to elucidate how *cyfran* distinguished between clan, or *gwely*,⁹ land and that of an individual, which would prove foundational for further works by Dafydd Jenkins.¹⁰ It was not until the studies of J. Beverley Smith, however, that *cyfran* on a royal scale came into focus as part of an exploration of *cyfran*’s complexities on a wider scale. His work, ‘The Succession of Welsh Princely Inheritance: the evidence reconsidered’¹¹, persuasively argues that it would have been impossible to apply partible inheritance to either the kingly office or royal land. Smith, and his understanding of medieval Welsh law, has been fundamental to explorations of *cyfran*’s functionality, including T.M. Charles-Edwards’ ‘Dynastic Succession in Early Medieval Wales,’ which solidified a foundational understanding of *cyfran* inheritance on a royal scale as being a ‘combination of impartibility for the main royal line with partibility for the cadet lines.’¹²

Historiography concerning the impact of *cyfran* inheritance on Welsh history is lacking, largely confined to passing comments and overviews of the period. J.E. Lloyd’s foundational ‘History of Wales’ is among these. Though written at a time with different and often biased ‘historiographical orthodoxy,’¹³ modern historians still regularly reference Lloyd, in part due to his close reading of the primary sources. R.R. Davies’ *The Age of Conquest: Wales 1063-1415* is one of few works that

⁷ David Stephenson, ‘Empires in Wales: From Gruffudd ap Llywelyn to Llywelyn ap Gruffudd,’ *Welsh History Review*, 28.1 (2016), p.39.

⁸ T.P. Ellis, *Welsh Tribal Law and Custom in the Middle Ages* (Oxford, 1926); T.P. Ellis, ‘The Land in Ancient Welsh Law,’ *Aberystwyth Studies X: The Hywel Dda Millenary Volume* (1928), pp.65-102.

⁹ Ellis, *Welsh Tribal Law*, p.244. For a fuller definition of *gwely*, see p.226.

¹⁰ Dafydd Jenkins, ‘A lawyer looks at Welsh land law,’ *Transactions of the Honourable Society of Cymmrodorion* (1967), pp. 220-248; Dafydd Jenkins, ‘A second look at Welsh land law,’ *Transactions of the Honourable Society of Cymmrodorion*, 8 (2002), pp. 13-93.

¹¹ J. Beverley Smith, ‘The Succession to Welsh Princely Inheritance: the evidence reconsidered’ in *The British Isles 1100-1500: Comparisons, Contrasts and Connections* ed. by R. Rees Davies (Edinburgh, 2021[1988]), pp.64-71.

¹² Thomas M. Charles-Edwards, ‘Dynastic Succession in Early Medieval Wales,’ in *Wales and the Welsh in the Middle Ages: Essays presented to J. Beverley Smith* ed. by R.A. Griffiths and P.R. Schofield (Cardiff, 2011), p.73.

¹³ Huw Pryce, *J.E. Lloyd and the Creation of Welsh History: Renewing a Nation’s Past* (Cardiff, 2011), p.152.

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explicitly and precisely explores the reasons behind the fall of native Wales. Davies labels *cyfran* and its divisiveness as ‘the curse of the native Welsh principalities,’¹⁴ though the simplicity with which the system is treated hampers the argument. Roger Turvey’s studies¹⁵ more convincingly conclude that, due to the threat of dynastic disputes, it was ‘inconceivable’ that princes ‘would not have put measures in place to ensure a smooth succession.’¹⁶ Furthermore, Turvey puts *cyfran* within the context of Welsh royal life, highlighting how other systems, such as that of fostering out royal children, also had an impact. In each of these, though, *cyfran* inheritance is often described without the functional nuances delineated in the studies above. This dissertation will aim to marry studies of *cyfran*’s functionality with those of its impact, and thus re-assess previous beliefs in the destructive essence of Welsh inheritance and its ubiquity by highlighting other factors that led to the Welsh civil wars during a prolonged period of English vulnerability and distraction from the mid-1150s until the reign of Henry III.

To do so, the reigns of Owain Gwynedd, prince of Gwynedd (1137-1170), and the Lord Rhys,¹⁷ lord of Deheubarth (1155-1197), will be used as case studies. The first chapter of this dissertation will examine how *cyfran* inheritance worked in practice, with the two princes serving as excellent case studies due to the contrast between their smooth accessions and chaotic successions. A key primary source for this aspect of the chapter will be the *Brut Tywysogion*,¹⁸ a Welsh chronicle that survives in many forms and may be assumed to have been originally written in Strata Florida.¹⁹ The *Brut*’s focus on Welsh affairs provides a modern historian with contemporary accounts for the major events of the princes’ lives, at least in the consideration of the chroniclers, from their youths to the immediate aftermath of their deaths. Also key to this chapter will be a study of the lawbooks, focussing on a

¹⁴ Davies, *Age of Conquest*, p.50.

¹⁵ Roger Turvey, ‘Owain Gwynedd: Prince of the Welsh’ (Talybont, 2013); Roger Turvey, ‘The Lord Rhys: Prince of Deheubarth’ (Talybont, 1997).

¹⁶ Turvey, *Owain Gwynedd*, p.127.

¹⁷ More properly called Owain ap Gruffudd and Rhys ap Gruffydd.

¹⁸ Anon., *Brut y Tywysogion, or, the Chronicle of the Princes of Wales [c.1290]*, ed. and trans. by John Williams ab Ithel (Cambridge, 2012 [1860]).

¹⁹ ‘Chronicle of the Princes’, The National Library of Wales, Available at: <https://www.library.wales/discover-learn/digital-exhibitions/manuscripts/the-middle-ages/chronicle-of-the-princes>, Accessed 13 March 2023.

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translation of the earliest extant lawbook,²⁰ *Llyfr Cyfnerth* by S.E. Roberts, to understand the theory behind inheritance laws.

The second chapter will then focus on the impact aspect of the research question, for which the context of the princes in a century of ‘Welsh resurgence’²¹ provides an intriguing barometer. Having ruled so ably, Owain and Rhys’ heirs should have been able, with smooth successions, to ‘build upon solid foundations and flourish.’²² However, their rules proved to be turning points in the direction of Welsh history and this amplifies the impact of the dynastic strife between rival sons and grandsons. This chapter will evaluate how the conclusions to the first chapter influence our understanding of the consequent events as described the *Brut*, as well as other chronicles and commentaries, on the smaller scale of the dynastic disputes that fractured both realms, and on the larger scale of the gradual fall of native Wales. The result will highlight that even where *cyfran* did not apply, the cost of its contravention was often problematic, but also that it is necessary to consider the other aspects of succession, such as the grooming of heirs and external interests, to understand how dynastic disputes occurred on such scales.

²⁰ Huw Pryce, ‘Lawbooks and Literacy in Medieval Wales,’ *Speculum*, 75.1 (2000), p. 38.

²¹ John Graham Jones, ‘The history of Wales’ (Cardiff, 2014), p.21.

²² Turvey, *Owain Gwynedd*, p.128.

Chapter One: *Cyfran* Inheritance in Practice

In the quote that opened this dissertation, Giraldus labelled *cyfran inheritance* an ‘ancient national custom.’²³ Certainly, by the twelfth century and the reigns of Owain Gwynedd and the Lord Rhys, *cyfran* seems to have been firmly established as the traditional form of Welsh inheritance, as confirmed by its definition in the lawbooks. Giraldus claimed that Rhodri Mawr began the precedent of partibility when ‘he partitioned the whole principality’²⁴ amongst his sons. In addition to this ‘fiction,’²⁵ Hywel Dda is also considered to have established *cyfran* inheritance.²⁶ It is his law, the *cyfraith Hywel*,²⁷ that these lawbooks supposedly reflect. They are divided into three redactions, ‘groups formed by manuscripts showing similarities in order and type,’²⁸ called *Cyfnerth*, *Iorwerth* and *Blegywyrdd*. As mentioned, *Cyfnerth*, a translation of which will be examined, is held to be the oldest, with Jenkins concluding that ‘proto-Cyfnerth must have existed about 1150.’²⁹ The lawbook that will be studied is dated from the early 1300s but is ‘a version of the *Cyfnerth* text which is closer to the original’ than others.³⁰

The foremost aspect of *cyfran* inheritance is its mandated partitioning. The *Cyfnerth* Redaction states that: ‘three times the land is divided: firstly between brothers, then between cousins, and the third time between second cousins.’³¹ It is commonly held that this does not mean one large partition occurred, but that a proprietor’s heirs could inherit to the fourth generation if the second and third generations had died, meaning that a proprietor’s sons could end up dividing their father’s lands with both cousins and second-cousins.³² The shares, divided by the youngest and then selected in order of

²³ Giraldus Cambrensis, *Itinerary and Description*, p.193

²⁴ Giraldus Cambrensis, *Itinerary and Description*, p.156.

²⁵ Ben Guy, ‘Gerald and Welsh Genealogical Learning’ in *Gerald of Wales: New Perspectives on a Medieval Writer and Critic* ed. by Georgia Henley and A. Joseph McMullen (Cardiff, 2018), p.53.

²⁶ Smith, *Succession to Welsh Princely Inheritance*, p.145-6.

²⁷ Pryce, *J.E. Lloyd and the Creation of Welsh History*, p.142.

²⁸ Sara Elin Roberts, *Llawysgrif pomffred: an edition and study of Peniarth MS 259B* (Boston, 2011), p.1-2.

²⁹ Dafydd Jenkins, Jenkins, Dafydd, ‘The Lawbooks of Medieval Wales’ in *The Political Context of Law; Proceedings of the Seventh British Legal History Conference, Canterbury 1985* ed. by Richard Eales and David Sullivan (London, 1987), p.13.

³⁰ Roberts, *Llawysgrif pomffred*, p.21.

³¹ Roberts, *Llawysgrif pomffred*, p.101.

³² Davies, *Age of Conquest*, p. 126.

seniority, were intended to be equal in most cases.³³ Divisions as detailed above seem to be the norm for noblemen, and thus likely for royal dynasties, but not across society. A precedent existed, if only in townships, for a proprietor’s sons to ‘take the land during the life of their father.’³⁴ Partitions were liable to manipulated but in matters of disputed claims, the matter could be resolved in court with the awarding of ‘a complete share.’³⁵ With regards to distinctions in land ownership, between individual and communal, the Redaction states that ‘there ought to be no retention of joint land, because every place is to be divided.’ In the same segment, however, the manuscript states that ‘land ought not to be sold or settled... without the permission and agreement of brothers, and cousins, and second cousins.’³⁶ This represents the distinctions between clan, or *gwely*, land and that held by individuals. For the former, land was ‘unappropriated’ and ‘undivided’, and would remain so ‘generation after generation.’³⁷ It was the occupation of *gwely* land that was divided as per *cyfran*, but it remained in the ownership of the *gwely* until the clan itself was partitioned.³⁸ Individual land was that won, bought or claimed by an individual during his lifetime. This land was prone to be split immediately on death but could become *gwely* land after generations of successive occupation.

The rules as stated in Roberts’ translation are validated by their similarities with translations of the other redactions as presented in the earlier works of Aneurin Owen, Arthur Wade Wade-Evans and as quoted in T.P. Ellis.³⁹ In a longer study, each of these, and more, would warrant close reading but Roberts’ translation serves well enough for this dissertation. However, while these lawbooks were ‘well-known for preserving archaic practice,’ how closely they resembled the law as practiced has been questioned. Jenkins, for example, claims that these manuscripts record merely ‘what lawyers believed the law was.’⁴⁰ He describes them as ‘digests rather than codes’ and argued they could be

³³ The youngest son could receive a special allotment, according to the lawbooks: Roberts, *Llawysgrif pomffred*, p.101.

³⁴ Roberts, *Llawysgrif pomffred*, p.271.

³⁵ Roberts, *Llawysgrif pomffred*, p.271.

³⁶ Roberts, *Llawysgrif pomffred*, p.223.

³⁷ Ellis, *Welsh Tribal Law*, p.244.

³⁸ Ellis, *The Land in Ancient Welsh Law*, p.69.

³⁹ Owen, Aneurin, *Ancient laws and institutes of Wales: comprising laws supposed to be enacted by Howel the Good, modified by subsequent regulations under the native princes prior to the conquest by Edward the First: and anomalous laws* (London, 1841); Wade-Evans, Arthur Wade, *Welsh Medieval Law: Being a Text of the Laws of Howel the Good* (Oxford, 1909); Ellis, *Welsh Tribal Law*, pp. 224-244.

⁴⁰ Jenkins, *A second look*, p. 19-20.

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altered as and when they needed.⁴¹ R.R. Davies, meanwhile, concludes that the texts were not issued as royally-ordained law, but that they did represent ‘customary law’, which ‘long usage had sanctioned.’⁴²

The lawbooks set provisions for how *cyfran* inheritance should function on a royal scale, in the designation of a single heir, but it did so vaguely, offering ‘no clear law of succession to the throne.’⁴³ Indeed, Walter Map, in the twelfth century, described Welsh succession as ‘elect[ion] by lot.’⁴⁴ As a satirist, though, Map’s description likely represents comic exaggeration of the ‘indeterminate’ nature of Welsh heir-designation.⁴⁵ A ruler could designate an heir⁴⁶ but had no set guidelines or principles upon which to base his decision. Often, the rationale seems to have resorted to primogeniture,⁴⁷ increasingly adhering to Catholic concepts of legitimacy.⁴⁸ For those who were not designated, ‘territorial provision’⁴⁹ was offered in a system known as apanage. Instead of being an alternative to partition, though, Davies states that apanages represented an ‘agreed division,’ with some form of partition necessitated by how ‘deeply ingrained’⁵⁰ in the collective Welsh consciousness partibility had become.

Crucial to understanding this royal system of succession, events from the period form a significant portion of the Welsh chronicle known as *Brut y Tywysogion*.⁵¹ Composed over centuries in monastic houses, these annals are hugely valuable to historians, despite the distance the authors likely had from the events described. The *Brut* forms the cornerstone of much of modern historiography’s understanding of the course of the twelfth and thirteenth centuries in Wales, and as such is an invaluable asset in examining the transitions of power in Gwynedd and Deheubarth. The first

⁴¹ Jenkins, *A lawyer looks*, p.10, 13.

⁴² Davies, *Age of Conquest*, p.133-4.

⁴³ Turvey, *The Lord Rhys*, p.37.

⁴⁴ Walter Map, *De nugis curialium: Courtiers’ trifles [c.1200]*, ed. and trans. by C.N.L. Brooke, M.R. James, and R.A.B. Mynors (Oxford, 1983), p.149.

⁴⁵ Beverley Smith, *The Succession to Welsh Princely Inheritance*, pp.144-5.

⁴⁶ In the law texts, this designated heir is commonly known as either the ‘edling’ or ‘*gwrtyrychiad*.’

⁴⁷ Turvey, *Owain Gwynedd*, p.32

⁴⁸ Thomas Glyn Watkin, *The legal history of Wales* (Cardiff, 2012), p.103.

⁴⁹ Smith, *The Succession to Welsh Princely Inheritance*, p.147.

⁵⁰ Davies, *Age of Conquest*, pp. 58-9, 70.

⁵¹ Hereafter referred to as the *Brut*.

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examples of inheritance on a royal scale in the *Brut*, with regards to Owain and Rhys, are their accessions to power. Though the details differ, both enjoyed smooth transitions into power absent of the significant identifiers of partibility. Owain seems to have ascended to the throne as the older of the two living sons. His older brother, Cadwallon seems to have been heir-designate, as demonstrated by his prominent positioning in the chronicles,⁵² but with Owain next in line after his death, it appears that heir-designation may have already aligned with primogeniture. Owain’s succession to the throne was ‘without immediate challenge,’⁵³ but the sources suggest that this was not a unitary succession. His younger brother, Cadwaladr, must have had some land in Gwynedd by 1143, when the *Brut* has ‘Owain was expelling him from all his territory’.⁵⁴ Later, after Cadwaladr sided with the King of England, he had ‘his territory restored to him’⁵⁵. It was J.E. Lloyd’s conclusion that, though Owain succeeded to ‘the principal portion’ of Gwynedd in 1137, ‘Welsh sentiment’ made it impossible for him to succeed without division with Cadwaladr.⁵⁶ Turvey, meanwhile, in his detailed study of Owain Gwynedd, argued that Cadwaladr’s inheritance of Anglesey and Meirionnydd ‘did not amount to a partition’ and was, instead, the granting of an apanage⁵⁷ that was extended when he was given half of Ceredigion,⁵⁸ which was outside of the realm’s core territory of Gwynedd, as apanages tended to be. Gwynedd, then, was clearly subjected to some sort of landed division. It is less clear if the same occurred with regards to the kingly title. The Anglo-Norman Orderic Vitalis believed that Owain and Cadwaladr shared title as ‘kings of Gwynedd,’⁵⁹ while the *Brut* also refers to them jointly as ‘princes of Gwynedd.’⁶⁰ Having known Owain personally, it is telling that Giraldus also calls them princes of North Wales.⁶¹ Despite this, Cadwaladr himself does not seem to have claimed any such title. For example, he is referred to only as ‘Cadwaladrus frater Owini’⁶² in a grant to Haughmond Abbey, dated

⁵² Turvey, *Owain Gwynedd*, p.32.

⁵³ David Walker, ‘Medieval Wales’ (Cambridge, 1990), pp. 42-3.

⁵⁴ Anon., *Brut*, p.165.

⁵⁵ Anon., *Brut*, p.189.

⁵⁶ J.E. Lloyd, *A History of Wales from the Earliest Times to the Edwardian Conquest*, vol. 2 (London, 1911), p. 469.

⁵⁷ Turvey, *Owain Gwynedd*, p.54.

⁵⁸ Turvey, *Owain Gwynedd*, p.42.

⁵⁹ Turvey, *Owain Gwynedd*, p.51.

⁶⁰ Anon., *Brut*, p.205.

⁶¹ Giraldus Cambrensis, *Itinerary and Description*, pp.136-7.

⁶² Huw Pryce, *The Acts of Welsh Rulers 1120-1283*, (Cardiff, 2010), p. 356.

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between 1140 and 1161. Owain’s ultimate authority over Cadwaladr, with regards to being able to give and seize territory from his younger brother, further indicates that Owain was the sole occupier of royal office in practice.

The Lord Rhys acceded even more simply. According to his relative, Giraldus, he was the youngest son but came to the throne ‘owing to the death of several of his brothers.’⁶³ The heirs of Deheubarth had been united, though, due either to the strength of family feeling,⁶⁴ or ‘the desperate position of native rule in Deheubarth.’⁶⁵ The primary sources support the latter, with all of the *Brut*’s earliest references to Rhys following his campaigns to restore Deheubarth alongside his brothers, particular Cadell and Maredudd.⁶⁶ It is impossible to know whether, had ‘death and injury [not] eliminated any future prospect of discord,’⁶⁷ the unity between the sons of Deheubarth would have sustained but a precedent had been set within the family for joint authority, as with Maredudd and Rhys after Cadell’s injury.⁶⁸ After all, *cyfran* inheritance gave each of Rhys’ five brothers ‘as good a claim as the others to a share in their father’s land,’⁶⁹ and this would have threatened to endanger this unity once their father was gone.

The successions that followed both Owain and Rhys contrast starkly with their accessions. In both cases, disputes over succession and sibling rivalry caused decades of civil war, fratricide and familial purging. For Owain Gwynedd, this purging had begun long before, though, with the *Brut* stating that, as early as 1151, he was eliminating threats to unity by ‘depriv[ing] his nephew, Cunedda... of his eyes and testicles.’⁷⁰ Direct evidence of heir-designation in the *Brut* is lacking but may be implied in an entry detailing the death of Owain’s son, Rhun. In the aftermath, Gwynedd is compared to ‘a ship without a pilot,’⁷¹ although this could also allude primarily to Owain’s

⁶³ Giraldus Cambrensis, *Itinerary and Description*, p.79.

⁶⁴ Turvey, *The Lord Rhys*, p.30.

⁶⁵ Sean Davies, *War and Society in Medieval Wales 633-1283* (Chippenham, 2014), p. 231.

⁶⁶ According to the *Brut*, Rhys was present for Cadell’s conquests of Llanstephan and Gwys, before jointly leading the conquest of Aberavan with Maredudd: Anon, *Brut*, pp. 169-83

⁶⁷ Davies, *Age of Conquest*, p.51.

⁶⁸ Turvey, *The Lord Rhys*, p.37.

⁶⁹ Turvey, *The Lord Rhys*, p.29.

⁷⁰ Blindness made a son ineligible to inherit, while castration prevented any of Cunedda’s sons from pressing the claims that came to them after bypassing their father: Anon., *Brut*, p. 182.

⁷¹ Anon., *Brut*, p.172.

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debilitating grief. Meanwhile, just after detailing Owain’s death, the chronicle states how ‘David, son of Owain, killed his eldest brother Howel;’⁷² this being the opening salvo of the dynastic disputes suggesting that Hywel was targeted early for his position as heir-designate.

The matter of land partition is almost impossible trace here, as it will be when the focus returns to Deheubarth. Seemingly, some of Owain’s sons held land long before his death, with Hywel, despite being heir, being the second beneficiary of the division of Ceredigion alongside Cadwaladr. A more proper partition seems to have occurred after Owain’s death. According to the *Brut*, Dafydd only managed to secure the ‘whole of Gwynedd’ in 1174. In 1175, he imprisoned his brother and ally, Rhodri, for then ‘seeking to obtain from him a share’ of Gwynedd.⁷³ Together, these indicate that for the first five years of the post-Owain period, the brothers had divided Gwynedd⁷⁴ in accordance with the practice of land partition. Giraldus concurs, stating that Owain’s sons had ‘divided amongst themselves all North Wales,’⁷⁵ although it quickly becomes difficult to judge whether lands were divided according to their inheritances or by war and conquest. Lloyd, in his *History of Wales*, details the partition between Owain’s sons, with Maelgwn receiving Anglesey and Cynan ‘Arduwy, Eifionydd and Meirionydd’⁷⁶ among others. Turvey’s belief that Meirionydd, at least, must have come into Cynan’s hand as an apanage⁷⁷ highlights the complexities of assessing land partition according to *cyfran* proper in the face of two other existing sources of division: apanage and war.

The inheritance of the royal office is even more obscure as the claimants contended for the throne, rising and falling from dominance. It is perhaps because of this, and the possibility that multiple contenders could claim the title at any one time, that the *Brut* simply refers to ‘all the princes of Gwynedd’⁷⁸ in the period after a coalition of dissenting family members defeated Dafydd. The intangible nature of royal title poses a significant problem in tracking whether royal office was subject to division in *cyfran* inheritance. Nevertheless, Pryce’s *The Acts of Welsh Rulers* helpfully charts how

⁷² Anon., *Brut*, p.207.

⁷³ Anon., *Brut*, p.225.

⁷⁴ Davies, *Age of Conquest*, pp.238-9.

⁷⁵ Giraldus Cambrensis, *Itinerary and Description*, p. 126.

⁷⁶ Lloyd, *History of Wales*, p.550.

⁷⁷ Turvey, *Owain Gwynedd*, p.59.

⁷⁸ Anon., *Brut*, p.243.

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the various contenders were titled and when. Dafydd, for example, is the first ruler of Gwynedd after Owain to visibly bear title, calling himself ‘David rex’ and ‘David rex Norwallie’ in texts possibly from as early as 1177, and ‘princeps Norwallie’ in the late 1180s.⁷⁹ Gruffudd, a grandson of Owain, used the title ‘Northwallie princeps’ in a grant to Aberconwy Abbey in 1190s⁸⁰ before, heading into the thirteenth century, Llywelyn ab Iorwerth adopted the title ‘princeps Northwall(ie).’⁸¹ This flux in Gwynedd makes tracking the royal title and its division difficult. The material evidence presents a four-part progression, without division, from Owain, to Dafydd, to Gruffudd and finally, to Llywelyn, though this is likely too simple. Tracking the title as a concept, which would have transferred directly from Owain to Hywel on the day of his death, becomes so difficult as to be unhelpful, especially given that, from Dafydd’s overthrow of Hywel, the progression would thus fork off into two: between who had the title in theory, which would be Hywel’s heir, and who had it in practice, which was Dafydd.

The death of Lord Rhys in 1197 sparked civil strife every bit as chaotic as that just ending in Gwynedd, if not more so. It is, however, generally agreed that Gruffydd, Rhys’ oldest legitimate son, had been designated heir,⁸² seemingly confirmed by the *Brut*, which states that ‘Gruffudd succeeded [Rhys] in the government of the dominion.’⁸³ The decision to pass over Maelgwn, the oldest son, marks the first time that a Welsh ruler had made ‘legitimacy a criterion for succession, according to Huw Pryce, ’ likely as part of an emulation or ‘imitation’ of the ‘Anglo-Norman or English models.’⁸⁴

Tracking land partition in Rhys’ succession is difficult for the same reasons as Owain’s previously and, as with Owain, Rhys’ heirs had been landed well in advance of the prince’s death. By the time of Gruffydd’s accession, the *Brut* claims that Maelgwn ‘held’ his father’s dominion, while

⁷⁹ Pryce, *Acts of Welsh Rulers*, pp. 353-363.

⁸⁰ Pryce, *Acts of Welsh Rulers*, pp. 366-7.

⁸¹ Pryce, *Acts of Welsh Rulers*, pp. 252-3, 372.

⁸² Smith, *Succession of Welsh Princely Inheritance*, p.151; Turvey, *The Lord Rhys*, pp.102-3; Lloyd, *History of Wales*, p. 577; Davies, *Age of Conquest*, p.224.

⁸³ Anon., *Brut*, pp. 249-51.

⁸⁴ Huw Pryce, *Native Law and the Church in Medieval Wales* (Oxford, 1993), p.86; Huw Pryce, ‘Welsh Rulers and European Change, c.1100-1282’ in *Power and identity in the Middle Ages. Essays in memory of Rees Davies* ed. by Huw Pryce, et al. (Oxford, 2007), p.40.

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also stating firmly that he did have territory.⁸⁵ Later, the chronicle details how Gruffydd ‘got possession of his share’ from Maelgwn,⁸⁶ indicating that there had already been a partitioning of the lands for Gruffydd to already have his own allotted share. Furthermore, the entry for 1201 has Maredudd ap Rhys in possession of Llanymyddyvri, while the assignment of land for ‘Walter, son of Gruffudd’ provides evidence that Rhys’ grandsons could take equal claim in the absence of their fathers, as per the theory’s inheritance by degrees of relation.⁸⁷ The *Brut* contains a fairly detailed explanation of a repartition in Deheubarth in 1216, though this was orchestrated, and perhaps manipulated, by Llywelyn of Gwynedd. The use of apanages to contravene partible inheritance is displayed perfectly by Rhys, who knew that his realm ‘could best, or indeed only, be maintained if it were to be passed on intact.’⁸⁸ Though Turvey’s claim that Rhys ‘ignored the traditional law of *cyfran*... in favour of primogeniture’⁸⁹ is inaccurate, his conclusion that Rhys was willing to ignore his other sons’ right to partition his lands is convincing. Before his death, Rhys had been granting his sons castles and border regions as apanages to maintain the core of Deheubarth for the heir-designate. Most telling, however, are Rhys’ actions after the death of his ally, Henry II. With his sons Maelgwn and Gruffydd already in conflict, it was apparent to Rhys that his hopes for a smooth succession would fail. For this reason, among many, he began a series of campaigns against his neighbours, using his conquests to enlarge the apanages given to his sons, as with Cemais to Maelgwn and ‘southern Dyfed’ to Hywel Sais,⁹⁰ without corrupting the core territory of Deheubarth. In this sense, it is possible to see the distinctions between individual and *gwely* land in Rhys’ succession. These lands, having been acquired by Rhys himself, were liable to partition, while the core of Deheubarth, land which belonged to the dynasty (here serving as the *gwely*), was not.

Given the ferocity and longevity of the conflict that gripped Deheubarth, it is unsurprising that tracking the title presents difficulties. Gruffydd, like Hywel, was unable to impose himself as the designated heir. Maelgwn, like Dafydd, deposed his brother but, unlike Dafydd, he was unable to

⁸⁵ Anon., *Brut*, pp. 249-51.

⁸⁶ Anon., *Brut*, pp. 253-5.

⁸⁷ Anon., *Brut*, pp. 257, 283.

⁸⁸ Turvey, *The Lord Rhys*, p.103.

⁸⁹ Turvey, *The Lord Rhys*, p.103.

⁹⁰ Turvey, *The Lord Rhys*, p.104.

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dominate the realm or dynasty for any considerable period. There is only one charter in which Maelgwn uses the title ‘princeps Swthwall(ie),’ dated to 1198,⁹¹ immediately after he had overthrown Gruffydd. Hywel Sais, in texts dated between 1195 and 1198, is also presented as ‘H. filius Resi Suthwallie principis.’⁹² The overlap can likely be explained either by shared rule or competing claims. Rhys Gryg also carries the title for some time, according to a grant to Talley Abbey, then so too does Maelgwn Fychan, son of Maelgwn ap Rhys, who called himself ‘principis Sudwall(ie).’⁹³ The evidence, then, provides an unclear conclusion. That there is only one overlap, though, points towards a singular succession of the royal title of Deheubarth, largely in line with the control of the *gwely* heartland. As such, it seems to disappear from the records within fifty years of the Lord Rhys’ appointment as royal justiciar of South Wales.

This dissertation aimed, in its first chapter, to marry the theory of *cyfran* in the lawbooks with the history in the chronicles to better understand how succession functioned in practice on a royal scale. What has emerged is a distinct system of inheritance with a paradoxical duality, presenting both a modified form of *cyfran* inheritance, moulded as to suit matters of kingship, and a form of inheritance designed to contravene the core notions of *cyfran* that were present and increasingly ‘articulated’ across all other levels of Welsh society during the twelfth century.⁹⁴ Equal partition amongst male heirs, the core of *cyfran* inheritance and generally, ‘the hallmark of Welsh tenure’⁹⁵ was not present. Instead, there was what E.A. Watkin labels ‘a tradition of impartible succession.’⁹⁶ The royal title and its de jure territory were the equivalent of indivisible *gwely* land. Rulers achieved this impartibility of the royal *gwely* land by consistently ‘arrang[ing] for the succession of a single heir,’⁹⁷ indeterminately chosen, as evidenced by Owain and Rhys. However, to ensure this, a ruler would enact a controlled form of partition, where lands outside the core territory would be parcelled

⁹¹ Pryce, *Acts of Welsh Rulers*, p.206.

⁹² Pryce, *Acts of Welsh Rulers*, p.213.

⁹³ Pryce, *Acts of Welsh Rulers*, p.224.

⁹⁴ Davies, *Age of Conquest*, p.126.

⁹⁵ Llinos Beverley Smith, ‘Family, Land and Inheritance in Late Medieval Wales: A Case Study of Llannerch in the Lordship of Dyffryn Clwyd,’ *Welsh History Review*, 27.3 (2015), pp.431-2.

⁹⁶ Emily A. Winkler, ‘The Latin *Life of Gruffudd ap Cynan*, British Kingdoms and the Scandinavian Past,’ *Welsh History Review*, 28.3 (2017), p.432.

⁹⁷ Sean Davies, *Edward I’s Conquest of Wales* (Havertown, 2017), p.45.

out as apanages to sate the ambitions of the other sons and heirs. These would often be border regions or those conquered during a prince's lifetime, sometimes expressly to be packaged to a son and avoid a ‘permanent separation’ of territory from the patrimony.⁹⁸ The uncertainty of this model for royal succession, in competition with how ‘deeply ingrained’⁹⁹ the ideals of *cyfran* were across society, especially in equal claim to inheritance, undoubtedly had an impact in causing the dynastic disputes and civil wars that would hamper both Gwynedd and Deheubarth for decades, and bring about the collapse of the latter.

⁹⁸ Smith, *Succession to Welsh Princely Inheritance*, pp. 154-5.

⁹⁹ Davies, *Age of Conquest*, pp.267-8.

Chapter Two: The ‘Ruin’ of Wales?

Having established how *cyfran* inheritance worked in practice, the foundations have now been laid for an evaluation of Giraldus’ description of the custom being one of the ruins of native Wales. Taken at face value, *cyfran*’s partitioning leads naturally to the assumption that it was a particularly damaging practice for the Welsh principalities and historians have often come to the same conclusion. Davies held that partibility caused ‘chronic instability and competitiveness’ and that it was ‘inexorably impoverishing and deeply disruptive’¹⁰⁰ while Geraint Jenkins argued that the ‘internecine strife, tribal feuds and succession practices’ of the Welsh kingdoms left them vulnerable to external hostility.¹⁰¹ To evaluate the impact of partible inheritance with regards to Owain and Rhys, it is necessary first to establish their contexts.

Owain Gwynedd (1137-1170) and the Lord Rhys (1155-1197)¹⁰² had long and stable reigns in their respective kingdoms. Internally, they reduced dynastic strife and political violence,¹⁰³ while externally, co-operation between the two had resulted in the establishment of ‘a tangible sphere of native political influence’ that had come to be dominate Wales.¹⁰⁴ The period in which they ruled then was one of ‘Welsh recovery.’¹⁰⁵ One of the primary reasons for this was the state of the English kingdom and, more precisely, its many distractions. The first of these began as early as 1135, when Henry I died, predeceased by his primary heir and left only with a daughter, Matilda.¹⁰⁶ The *Gesta Stephani*, a contemporary account of the reign of Stephen de Blois, describes Henry I’s death as a

¹⁰⁰ Davies, *Age of Conquest*, p.70.

¹⁰¹ Geraint Jenkins, *A Concise History of Wales* (Cambridge, 2007), pp. 70, 78.

¹⁰² Dates for the reigns both Owain and Rhys according to Dictionary of Welsh Biography: Thomas Jones Pierce, ‘Owain Gwynedd (c.1100-1170), king of Gwynedd’, Dictionary of Welsh Biography, Available at: <https://biography.wales/article/s-OWAI-GWY-1100>, Accessed 13 May 2023; Thomas Jones Pierce, ‘Rhys ap Gruffydd (1132-1197), lord of Deheubarth, known in history as ‘Yr Arglwydd Rhys’ (‘The lord Rhys’),’ Dictionary of Welsh Biography, Available at: <https://biography.wales/article/s-RHYS-APG-1132>, Accessed 13 May 2023.

¹⁰³ Davies, *War and Society*, p.230.

¹⁰⁴ Jones, *History of Wales*, p.22.

¹⁰⁵ Davies, *Age of Conquest*, p.51.

¹⁰⁶ Having been, at one time, married to the Holy Roman Emperor, Matilda commonly bore the name Empress Matilda.

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‘grievous calamity’ that left England ‘troubled and utterly disordered’¹⁰⁷ and Welsh chroniclers concur that this marked ‘the collapse of English power in Wales.’¹⁰⁸ Stephen was crowned instead of Matilda and this began a prolonged period of civil war, in which the Welsh, ‘broke their compact with [the English] utterly’ and sustained an ‘insurrection’ throughout the conflict.¹⁰⁹ The Marcher Lords on the Welsh borders were uniform in their support of Matilda and this ‘diverted the attention of the leading Norman barons away from Wales,’¹¹⁰ to such an extent that prevented them from considering ‘any scheme of reconquest’ after Welsh gains.¹¹¹ This civil war was a ‘catalyst for a substantial recovery of native Welsh power’¹¹² but it would not prove to be the only opportunity for such. From 1163, Henry II began an ill-fated quarrel with Thomas Becket that destabilised the kingdom and ‘emboldened Owain... to join Rhys’ in taking offensive action.¹¹³ The actions of the Marcher families in Ireland, shortly after, prompted Henry to invade. More than a distraction, Henry’s dissatisfaction with his Marcher Lords represented a turning point for royal policy in Wales,¹¹⁴ which would later establish Rhys, a former enemy of Henry, as his appointed justiciar in South Wales. Later plagued by a rebellion by his sons,¹¹⁵ Henry II’s ‘very brief attention’ on Wales¹¹⁶ was more than was offered by his eastward-looking successor, Richard, of which the Welsh took advantage.¹¹⁷ John, Richard’s brother, did turn his focus to England and Wales, but did so with an ‘unbridled tyranny’ that would result in a revolt by his barons, joined by the Welsh and French.¹¹⁸

Another key reason the Welsh were successful during this period was that, even when the English were active in Wales, their actions were plagued by failures. Henry II’s invasion of Wales in

¹⁰⁷ Anon., *Gesta Stephani [c.1150]*, ed. and trans. by K.R. Potter and R.H.C. Davis (Oxford, 1976), p. 3.

¹⁰⁸ Turvey, *Owain Gwynedd*, p. 42.

¹⁰⁹ Anon., *Gesta Stephani*, pp. 15, 17.

¹¹⁰ Davies, *Age of Conquest*, p. 47.

¹¹¹ Lloyd, *History of Wales*, p. 479.

¹¹² Davies, *Edward I*, p. 10.

¹¹³ Lloyd, *History of Wales*, p. 514.

¹¹⁴ Lloyd, *History of Wales*, p. 541.

¹¹⁵ Lloyd, *History of Wales*, p. 544.

¹¹⁶ Davies, *Age of Conquest*, p. 53.

¹¹⁷ Lloyd, *History of Wales*, p.573; Richard ‘the Lionheart’ ruled England from 1188-1199 but spent his early reign as a leader of the Third Crusade (1189-92) and was later imprisoned in Austria on his return journey. Even after his return, Richard’s focus was more on English continental domains, such as Aquitaine. For more information see: Geoffrey Wallis Steuart Barrow, ‘Richard I, king of England’, Encyclopaedia Britannica, Available at: <https://www.britannica.com/biography/Richard-I-king-of-England>, Accessed 13 May 2023

¹¹⁸ Lloyd, *History of Wales*, pp. 642-7.

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1165, for example, ‘ended in disaster.’¹¹⁹ Having assembled ‘a vast army of the choice warriors’ from across his kingdom, according to the *Brut*,¹²⁰ Henry was met by Welsh coalition who ‘united their defensive strength under Owain’s leadership.’¹²¹ Harried by Welsh guerrilla tactics and hostile weather, Henry retreated without major battle, failing to secure the submission of Wales.¹²² In the aftermath, Owain would extend his territory, ‘culminating in the expulsion of English garrisons from Rhuddlan and Prestatyn in 1167.’¹²³ His earlier invasion in 1157 ended similarly. An invasion by land was bested through a series of minor engagements, while a naval invasion of Anglesey was defeated, leaving Henry II’s illegitimate brother, Henry, dead ‘beneath a shower of lances.’¹²⁴ Owain would submit in the aftermath but undoubtedly faced lesser demands. A further invasion was defeated in 1196 ‘by a Welsh alliance under the leadership of the Lord Rhys,’¹²⁵ while John’s desire to dominate Wales was hindered by his ignorance of ‘the special difficulties of Welsh warfare.’¹²⁶ Across the period, English failures in Wales, punctuated by a series of abortive invasions, were more common than successes. Even where the successful Welsh submitted, this usually confirmed Welsh gains over their neighbours, both native Welsh and Marcher Lord. Despite this, Welsh successes in the twelfth century were undone by the chaos in Gwynedd and Deheubarth’s interregna until, under a century after Rhys’ death, all Wales was conquered.

The primary charge put against partible inheritance has been that it caused kingdoms to divide and fragment. Indeed, many historians have made such arguments that partibility could ‘only have contributed towards the division rather than consolidation of power.’¹²⁷ This dissertation’s first

¹¹⁹ Max Lieberman, *The Medieval March of Wales: The Creation and Perception of a Frontier, 1066-1283* (Cambridge, 2010), p. 121.

¹²⁰ Anon., *Brut*, p.201.

¹²¹ Patricia Malone, “‘Se Principem Nominat:’ Rhetorical Self-Fashioning and Epistolary Style in the Letter of Owain Gwynedd,’ *Proceedings of the Harvard Celtic Colloquium*, 28 (2008), pp. 171-2.

¹²² Lieberman, *Medieval March*, p. 121.

¹²³ Stephenson, *Empire in Wales*, p. 29.

¹²⁴ Lloyd, *History of Wales*, p. 499.

¹²⁵ Lieberman, *Medieval March*, p. 124.

¹²⁶ Lloyd, *History of Wales*, p. 635.

¹²⁷ Andrew Seaman, ‘The Multiple Estate Model Reconsidered: Power and Territory in Early Medieval Wales,’ *Welsh History Review*, 26.2 (2012), p. 185.

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chapter, however, pointed towards a system of royal inheritance without formal partition.¹²⁸ Instead, apanages were carved from fringe lands so as to ‘not imperil the integrity of the patrimony.’¹²⁹ Whether or not this singular succession was thus achieved successfully, the creation of apanages was not without risk. As fringe lands, these apanages were prone to grow increasingly distant from the core and ‘lower into virtually independent kingdoms;’¹³⁰ autonomy that the designated heir might have allowed to keep claimants from pressing their claims. Furthermore, if these parcels of land did not sate a disinherited son’s ambition, they threatened to serve as ‘powerbases’ from which they could ‘mount military challenges for the kingship’¹³¹ and it is not difficult to see how any autonomy granted might fortify these bases. Whether by partition or division, then, it seems that *cyfran* inheritance as applied to kingly office would, in theory, often result in some degree of fragmentation.

Again, it is necessary to validate this conclusion with some historical foundation. Here, though, the accessions of Owain and Rhys will be taken together due to the seeming absence of fragmentation within them. In Deheubarth, the matter is simple. As Rhys was the only potential heir, there was no possible partition that could occur; ‘death and injury had eliminated any future prospect of discord.’¹³² In Gwynedd, Owain acceded to the throne with one brother, resulting in division. How Cadwaladr came into his lands, whether as an apanage or in a partition, is unclear, but his expulsion by Owain suggests that he had no real autonomy from central rule. In his study of Gruffudd, Owain and Cadwaladr’s father, J. Beverley Smith argues that, when Henry II demanded Owain allow Cadwaladr’s return to Gwynedd, he was able to do so ‘without compromising the integrity of Gwynedd,’¹³³ and indeed Cadwaladr’s absence from hostilities with Owain from then on supports the notion that Cadwaladr had neither significant autonomy nor a threatening base of operations in his apanage. Evidence of *cyfran* inheritance fracturing the Welsh kingdoms is clearly lacking from the accessions of Owain Gwynedd and the Lord Rhys.

¹²⁸ Patrimony here is used interchangeably with previously used terms such as core territory or *gwely* land.

¹²⁹ Smith, *Inheritance to Welsh Princely Succession*, p. 147.

¹³⁰ Davies, *Age of Conquest*, pp. 58-9.

¹³¹ Davies, *Edward I*, pp. 45-6.

¹³² Davies, *Age of Conquest*, pp. 50-1.

¹³³ Smith, *Biography of Gruffudd*, p. 369.

According to Giraldus, it was soon after Owain’s death, or even ‘while he was dying,’¹³⁴ that his sons began what would become a prolonged conflict, leaving Gwynedd fractured by ‘dynastic strife.’¹³⁵ According to the *Brut*, in 1170, almost immediately after Owain’s passing, Dafydd killed Hywel, his father’s heir-designate, and attempted to secure sole control of Gwynedd, seizing Anglesey ‘after he had banished his brother, Maelgwn’ in 1173.¹³⁶ The aforementioned and disillusioned Rhodri would later gain his desired share by seizing Anglesey from Dafydd.¹³⁷ It was in this state of affairs that the chronicle referred to ‘all the princes of Gwynedd;’¹³⁸ the chronicler’s inability to distinguish a single ruler in Gwynedd emblematic of the fragmentation of the realm. The *Brut* itself makes it clear that the cause of this conflict was not only contested leadership but the princes desiring their fair share. Dafydd’s actions, and indeed those of Llywelyn, who would rise to singular prominence around the turn of the century, display that there was a desire for united inheritance but the actions of the disinherited clearly portray a mindset where the proliferation of *cyfran* had ‘rubbed off on notions of royal succession.’¹³⁹ Whether by compromise¹⁴⁰ or conquest, post-Owain Gwynedd was ‘divided and redivided.’¹⁴¹ Davies definitively concludes that this ‘debility,’ which lasted three decades, was due to ‘the custom of partibility,’¹⁴² and while his conclusion focuses too narrowly, the evidence does support this statement. That the heirs of Owain engaged ‘intermittent conflict’¹⁴³ seems to disallow the potential for the physical division of Gwynedd to not also be considered fragmentation. Thirty years of such conflict in Gwynedd endangered the forwards momentum achieved by Owain Gwynedd and risked the kingdom’s future. Indeed, the *Brut* relates how, in 1210, King John marched on Gwynedd ‘with the view of utterly destroying it,’ and, so deep was the fragmentation, that ‘Howel,’ Owain’s great-grandson through Cynan, marched with him.¹⁴⁴ Yet, under Llywelyn, Gwynedd would endure,

¹³⁴ Giraldus Cambrensis, *Itinerary and Description*, p.126.

¹³⁵ A.J. Roderick, ‘Marriage and Politics in Wales, 1066-1282’, *Welsh History Review*, 4.1 (1968), p. 13.

¹³⁶ Anon., *Brut*, pp. 207, 223-5.

¹³⁷ Anon., *Brut*, p. 241.

¹³⁸ Anon., *Brut*, p. 243.

¹³⁹ Susan M. Johns, *Gender, nation and conquest in the high Middle Ages: Nest of Deheubarth* (Manchester, 2013), p. 21.

¹⁴⁰ Though the *Brut* points most strongly towards conquest, Lloyd states that Dafydd ‘agrees to a partition’ with Rhodri: Lloyd, *History of Wales*, p. 552.

¹⁴¹ Davies, *Age of Conquest*, pp. 238-9.

¹⁴² Davies, *Age of Conquest*, p. 239.

¹⁴³ Turvey, *Owain Gwynedd*, p. 128.

¹⁴⁴ Anon., *Brut*, p. 267.

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and it is perhaps telling of how contemporaries thought of *cyfran* that he would seek to ‘transform the Welsh custom with regard to the inheritance,’ with ‘English primogeniture replacing Welsh partibility.’¹⁴⁵

If the events in post-Owain Gwynedd did not definitively evidence damaging fragmentation, then those in post-Rhys Deheubarth leave no room for doubt. Whatever provisions Rhys put in place to secure singular succession, his sons were so influenced by *cyfran* inheritance that ‘the dismemberment’ of the kingdom¹⁴⁶ would prove inevitable. There is evidence of this devotion four years prior to Rhys’ death, when the *Brut* states that Anarawd blinded two of his brothers ‘from a desire of worldly territory,’¹⁴⁷ reducing the number of sons, originally ‘eight legitimate sons and seven bastards,’¹⁴⁸ eligible to inherit. The situation erupted after Rhys’ death. Having imprisoned Gruffydd and ‘sent him to the prison of Gwenwynwyn,’¹⁴⁹ Maelgwn proceeded to take heir-designate’s lands in Aberteivi and Ystrad Meurig until, in 1201, Gruffydd returned and took from Maelgwn ‘all his dominion.’¹⁵⁰ The conflict would endure as the tangle of dynastic strife was complicated by external allies and the shadow of the English crown, who later sent Rhys Gryg and Maelgwn to ‘compel’ Gruffydd’s grandsons to surrender.¹⁵¹ Central authority in Deheubarth disintegrated and all the kingdom was made vulnerable. As late as 1213, the rights to partition enshrined in *cyfran* were causing fragmentation and conflict, with more of the Lord Rhys’ heirs were coming forwards to demand their share. The *Brut* relates how Rhys Ieuanc requested the Crown’s aid in gaining his share from Rhys Gryg but the latter ‘would not divide a single acre.’¹⁵² With the Crown’s backing, Rhys Ieuanc gathered an army to take this share by force and Deheubarth fell further into ‘turmoil.’¹⁵³ This cycle continued until Llywelyn oversaw a formal partition of Deheubarth, which thus lost its form and

¹⁴⁵ Watkin, *Legal History*, pp. 98, 103.

¹⁴⁶ Turvey, *The Lord Rhys*, p. 105.

¹⁴⁷ Anon., *Brut*, p. 239.

¹⁴⁸ Walker, *Medieval Wales*, p. 90.

¹⁴⁹ Anon., *Brut*, pp. 249-51.

¹⁵⁰ Anon., *Brut*, pp. 253, 261.

¹⁵¹ Anon., *Brut*, p. 269.

¹⁵² Anon., *Brut*, pp. 273-5.

¹⁵³ Brodie, Hugh, ‘Commerce, Cash and Politics: Economic Development and the Behaviour of Deheubarth’s Welsh Lords in the Thirteenth Century,’ *Welsh History Review*, 30.3 (2021), p. 328.

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devolved into ‘a collection of petty principalities.’¹⁵⁴ Decades of civil war and dynastic in-fighting, at the ‘heart’ of which was ‘the custom of partibility,’¹⁵⁵ had damaged Deheubarth so badly as to prevent its reparation.¹⁵⁶ In both Deheubarth and Gwynedd, then, periods of restoration concurrent with the long reigns of Owain and Rhys, ended sharply with their deaths. In place of the smooth succession that heir designation intended, both realms collapsed into decades of conflict, as heirs determined to have the share owed to them according to *cyfran* inheritance clashed with those who sought singular dominance. The result was fragmentation so complete that Deheubarth, which had as late as 1189 been royally recognised as the leader of all South Wales, formally disintegrated in 1216.

To measure the impact that *cyfran*, in particular, had on this fragmentation in the late twelfth and early thirteenth centuries, it is necessary to assess the role played by other factors and appreciate the context this provides for *cyfran*. The system of fosterage, for example, naturally interlinked with *cyfran* and its dynastic strife. Turvey describes fosterage as ‘a key feature of medieval childbearing’ for the Welsh, and it is explained briefly by T.P. Ellis, who stated that children would not be fostered ‘with anyone but an inferior.’¹⁵⁷ It is this system, according to Turvey, that caused Owain and Cadwaladr’s ‘strained and often fractious’ relationship.¹⁵⁸ He also argues that it was the Lord Rhys’ commitment ‘to the divisive tradition’¹⁵⁹ of fosterage that enabled the relationship between Gruffydd and Maelgwn to break down so completely. With Maelgwn having been ‘brought up according to custom by foster parents,’¹⁶⁰ the fraternal bond between the two was weakened. Thus, when Rhys chose Gruffydd, preferred either for his person or his legitimacy, any jealousy and resentment stirred up in Maelgwn was unchecked. The lack of familial affection between the two most likely heirs and rivals would become damaging. As early as 1189, the *Brut* records Maelgwn being imprisoned by Rhys ‘by the advice’ of Gruffydd.¹⁶¹ When describing the granting of Lanhever Castle, which had

¹⁵⁴ Davies, *Age of Conquest*, p. 227. For details regarding the specifics of the partition, see: Lloyd, *History of Wales*, p. 469.

¹⁵⁵ Davies, *Age of Conquest*, p. 224.

¹⁵⁶ Smith, *Inheritance of Welsh Princely Succession*, p. 149.

¹⁵⁷ Turvey, *Owain Gwynedd*, p.31; T.P. Ellis, ‘Legal references, terms and conceptions in the “Mabinogion,”’ *Y Cymmrodor (1900-1951)*, 39 (1928), p. 138.

¹⁵⁸ Turvey, *Owain Gwynedd*, p.31.

¹⁵⁹ Turvey, *The Lord Rhys*, p. 114-5.

¹⁶⁰ Turvey, *The Lord Rhys*, p. 103.

¹⁶¹ Anon., *Brut*, pp. 235-7.

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been seized at Gruffydd’s instigation, to Maelgwn, Giraldus suggests that Maelgwn was ‘the man in the world [Gruffydd] most hated.’¹⁶² Even when Rhys attempted to unite his sons against a common foe, Gruffydd and Maelgwn seized the ‘opportunity of having their war-bands on hand to resume their feud’ so totally that Rhys’ siege of Swansea was compromised.¹⁶³ In fact, with Gruffydd and Maelgwn unable to be controlled, Deheubarth was already tearing itself well in advance of Rhys’ death, with the prince himself even drawn into the dispute.¹⁶⁴ The Lord Rhys’ death would only cement the rivalry between the two. The ‘bitterness that characterized their feud’¹⁶⁵ was so strong that, in 1200, Maelgwn opted to sell Aberteivi, the importance of which the *Brut* emphasizes by referring to it as ‘the key of all Wales,’¹⁶⁶ to the Crown rather than lose it to Gruffydd. It was the effect of fosterage to remove ‘the affection of brethren,’¹⁶⁷ and this allowed the rivalry between Gruffydd and Maelgwn to develop. Characterised by ‘flagrant hate and hostility,’¹⁶⁸ this rivalry shaped the civil wars in Deheubarth, in which the heirs of Rhys split roughly into two factions accordingly, pro-Gruffydd and pro-Maelgwn. Thus, though fosterage alone did not cause fragmentation in the medieval Welsh principalities, the evidence suggests that it certainly aggravated the divisions and tensions that resulted from *cyfran*’s partitioning. It also had the potential to draw external parties into the conflict and it was in this context that Giraldus included fosterage as the second flaw that was the ‘ruin’ of Wales. It was his opinion, or experience, that the foster families would attempt, ‘by every possible means’ to ‘enforce the succession of [their] own foster-brother.’¹⁶⁹

Foster families were not the only outside parties that would involve themselves in these dynastic disputes. In his works, Giraldus advised interested parties to ‘divide [Welsh] strength, and by bribes and promises endeavour to stir up one against the other,’¹⁷⁰ suggesting that contemporaries considered

¹⁶² Giraldus Cambrensis, *Itinerary and Description*, p. 103.

¹⁶³ Turvey, *The Lord Rhys*, p. 105.

¹⁶⁴ The Lord Rhys was defeated and imprisoned by his sons, Maelgwn and Hywel Sais, in 1194: Lloyd, *History of Wales*, p. 578.

¹⁶⁵ Turvey, *The Lord Rhys*, p. 102.

¹⁶⁶ Anon., *Brut*, p. 255.

¹⁶⁷ Lloyd, *History of Wales*, p. 550.

¹⁶⁸ Lloyd, *History of Wales*, pp. 576-7.

¹⁶⁹ Giraldus Cambrensis, *Itinerary and Description*, pp. 193-4; Giraldus Cambrensis in Turvey, *The Lord Rhys*, p. 33.

¹⁷⁰ Giraldus Cambrensis, *Itinerary and Description*, pp. 198-9.

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this the soundest strategy for managing the Welsh. From the English kings to the Marcher Lords,¹⁷¹ foreign lords ‘with an interest in keeping the Welsh domains weak and divided’¹⁷² could back any potential heir to pursue their claims as established by *cyfran*. It was in the king’s interest, for example, to offer assistance to Welsh dissidents ‘who might one day disturb the supremacy’ of the Welsh rulers.¹⁷³ The *Brut*, for example, relates how Gruffydd ap Rhys was released from captivity and given an army ‘with the intention of pacifying the Welsh.’¹⁷⁴ During his reign, John took advantage of Maelgwn’s rivalry with Gruffydd, offering royal support in order to peacefully secure Aberteivi and Cardigan Castle, securing ‘vital footholds in Wales.’¹⁷⁵ While external interests were pursued in Gwynedd, it was in Deheubarth that these dynastic rifts were most effectively ‘exploited to the advantage of others,’¹⁷⁶ not just the English Crown. Gwenwynwyn’s patronage of Maelgwn¹⁷⁷ undoubtedly served Powysian interests in some regard. In 1222, when Llywelyn partitioned the land of Rhys Ieuanc (who himself had been backed by William Marshal)¹⁷⁸ between Owain, his only brother, and Maelgwn,¹⁷⁹ the latter inherited in an expression of favouritism by Llywelyn towards his ally. This chapter of the dissertation sought to evaluate the impact of *cyfran* inheritance as a period of stability spectacularly collapsed. The conclusion seems to be that *cyfran* did weaken the Welsh principalities, but the extent of these vulnerabilities displayed by the case studies was not simply due to partibility, but due to its interplay with other social features, such as fosterage. The frequency of external intervention completes the picture, providing actors to prevent resolution. Had Deheubarth suffered less frequent intervention as in Gwynedd, for example, perhaps a dominant leader, a Deheubarthian Llywelyn, might have emerged. Instead, interested actors took advantage of the

¹⁷¹ ‘The Normans were always prepared to use other means besides military force in order to achieve their ends: they exploited rivalries between Welsh princes’: Roderick, *Marriage and Politics*, p. 7.

¹⁷² Davies, *Edward I*, p. 45.

¹⁷³ Stephenson, *Empire in Wales*, p. 39.

¹⁷⁴ Anon., *Brut*, pp. 216, 253.

¹⁷⁵ Davies, *Age of Conquest*, p. 226.

¹⁷⁶ Davies, *Age of Conquest*, p. 226.

¹⁷⁷ Brodie, *Commerce, Cash and Politics*, p. 332.

¹⁷⁸ William’s brother, Gilbert, would later support Maredudd ap Rhys Gryg as the conflict entered the 1240s: Davies, *Age of Conquest*, p. 226.

¹⁷⁹ Anon., *Brut*, p. 312.

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vulnerabilities created by *cyfran* and fosterage, of their unity against Welsh disunity, and ensured that Deheubarth was effectively dissolved within twenty years of the death of the Lord Rhys.

Conclusion

It was the intention of this dissertation to build upon the current historiography and achieve a better understanding of how the traditional Welsh custom of partible inheritance, known as *cyfran*, functioned in practice at the uppermost levels of the kingdom, with regards to kingly office and crownlands. While contemporary lawbooks detailed the theory of *cyfran* inheritance, the current historiographical opinion that the texts represent juristic ideals as opposed to functional systems seems well-founded. Older studies, particularly those by Dafydd Jenkins, into the application of partible inheritance provided a solid foundation but it was the later studies of J. Beverley Smith, in particular, that asserted that Jenkins’ conclusions could not have applied to the kingly office. Smith argued that *cyfran* did not apply at the royal level. The law allowed for the designation of a singular heir in place of equal inheritance, and the giving of apanages, Smith argues, proves that they intended to pass on the royal patrimony singularly. While this does seem to be well-founded, the evidence suggests that it is difficult to pinpoint the exact functioning of *cyfran* inheritance because it was never applied or understood uniformly. Cadwaladr’s inheritance of Anglesey, for example, cannot represent an apanage so much as a partition, due to the importance of Anglesey¹⁸⁰ in Gwynedd’s history. The conclusions of this dissertation are that the apportioning of apanages does indeed represent partition, and an adaptation of *cyfran* inheritance for an unsuitable royal setting. The royal patrimony, the de jure territory attached to the royal title, should have been indivisible as part of the clan, or *gwely*, land, but *cyfran* on a royal scale loosened the understandings and definitions of *gwely* land by shrinking it, allowing for more land to be partitioned on a ruler’s death than that which he had come to acquire in his own lifetime.

It was also the intention of this dissertation to re-evaluate the impact of *cyfran* in accordance with the new understanding provided by the conclusions above. Partible inheritance had been widely considered a major flaw in Welsh society by external contemporaries, with Giraldus Cambrensis

¹⁸⁰ Aberffraw had the ‘eisteddfa arbennig (principal seat)’ of Gwynedd: ‘Aberffraw, Isle of Anglesey (2955 ha; 608 inhabitants)’, The Welsh Academy Encyclopaedia of Wales, Available at: https://search-credoreference-com.libezproxy.open.ac.uk/content/entry/waencywales/aberffraw_isle_of_anglesey_2955_ha_608_inhabitants/0, Accessed 14 May 2023.

labelling it one of three things which were the ‘ruin’ of Wales. This was an opinion fortified across centuries, entering early historiography, such as that by J.E. Lloyd, almost unchanged. However, it has become clear that the impact of *cyfran* inheritance has been overestimated by historians who have often failed to appreciate the interlocking systems of which it was a part. Davies and Turvey are particular exceptions to this, with both acknowledging the whole array of factors, although the former attached too much blame to *cyfran*, and Turvey too little. This dissertation’s second chapter, however, concluded that the partitions that came with *cyfran* inheritance, whether by design or inspiration, were undoubtedly damaging when there was a greater number of heirs, as demonstrated by the contrasting accessions and successions of our case studies, Owain and Rhys. Whether by apanage or partition, the divisions of land not only reduced a kingdom’s de facto size, but it also provided rival claimants with a powerbase from which to stage their rebellions. However, it is not entirely clear if jealousies over a designated heir and mere ambition would have consistently been enough of a catalyst to spark decades of civil war as in the case studies. The system of fosterage, considered to be a flaw of equal consequence as *cyfran* by Giraldus, severely hindered a sense of family unity within the royal dynasties. As such, familial loyalties were looser, unfamiliarity and personal distaste was more common, and rivalries rose to more furious heights. A combination of divided lands, contesting claims and uninhibited rivalries ended Welsh growth but it was the interference of external parties that began a decline, particularly in Deheubarth. The English Crown perpetuated civil strife by strategically offering and withdrawing support to claimants and the plurality of claims allowed the English to support many lords at once. Thus, foreign involvement amplified the impact of both *cyfran* and fosterage by taking advantage of the divisions the two customs caused in combination.

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