

THE IORWERTH TRIADS

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Cyfraith Hywel, the law of Hywel, was the system of law followed in Wales throughout the Middle Ages; attributed to Hywel ap Cadell (Hywel Dda), d. 949 or 950, it survives in some forty manuscripts dating from the mid-thirteenth century to the fifteenth century.¹ It was a native legal system, distinct from both English law and Canon Law; had the system survived to this day, it would be a third class of law in the United Kingdom, a *Volksrecht*-system to join the Scottish civil law tradition and the English common law.²

The manuscripts of Welsh law divide into three Welsh groups or redactions, named after eminent lawyers noted in the prologues of each redaction: Iorwerth, Blegywryd and Cyfnerth.³ The Latin manuscripts form a separate group.⁴ There are eight manuscripts in the Iorwerth redaction, and they take up the first letters of the alphabet in the sigla assigned to them by Aneurin Owen. They are: Aberystwyth, National Library of Wales, Peniarth 29 (The Black Book of Chirk, Owen's *A*); London, British Library, Cotton Titus D.ii (*B*); BL Cotton Caligula A.iii (*C*); NLW Peniarth 32 (*D*); BL Additional MS. 14931 (*E*); NLW Peniarth 35 (*G*); NLW Peniarth 40 (*K*); and NLW Peniarth 39 (named *Lew* by William Maurice, it was not known to Owen).⁵ Llyfr Colan, NLW Peniarth MS

¹ D. Jenkins, ed. and trans., *The Law of Hywel Dda: Law Texts from Medieval Wales* (Llandysul, 1986), xxi.

² T. Jones Pierce, 'The Law of Wales - the Last Phase', *THSC* (1963), 7-32, at 20 (reprinted in *Medieval Welsh Society: Selected Essays by T. Jones Pierce*, ed. J. B. Smith (Cardiff, 1972), 369-89, at 379).

³ T. M. Charles-Edwards, *The Welsh Laws* (Writers of Wales; Cardiff, 1989), 17-21. *ALW* presents edited texts for each of the four redactions, but more recent studies of individual redactions are available: for Blegywryd, M. Richards, ed., *Cyfreithiau Hywel Dda yn Ôl Llawysgrif Coleg yr Iesu LVII*, rev. edn (Cardiff, 1990), and see also S. J. Williams and J. E. Powell, ed., *Llyfr Blegywryd* (Cardiff, 1942); for Iorwerth, A. Rh. Wiliam, ed., *Llyfr Iorwerth* (Cardiff, 1960); for Cyfnerth, *WML*.

⁴ H. D. Emanuel, ed., *The Latin Texts of the Welsh Laws* (Cardiff, 1967). The Latin texts were treated as one redaction by Aneurin Owen, but in fact there are five Latin redactions, labelled Latin A-E by Emanuel; cf. Charles-Edwards, *The Welsh Laws*, 31-5.

⁵ *ALW* vol. I xxv-xxxii (x-xiii in the folio version). Welsh law manuscripts are commonly referred to using the siglum designated to each manuscript by Aneurin Owen. A more up-to-date list can be found in Charles-Edwards, *The Welsh Laws*, 100-2; the Iorwerth manuscripts are discussed separately in *Llyfr Iorwerth* (Wiliam, ed.), xix-xx. For William Maurice and his use of the Welsh law manuscripts, see D. Jenkins, 'Deddfgrawn William Maurice', *National Library of Wales Journal* 2 (1941), 33-6. A facsimile copy of Iorwerth *A* is available in J. G. Evans, *The Chirk Codex of the Welsh Laws* (Llanbedrog, 1921), and the main printed text for the redaction is *Llyfr Iorwerth* (Wiliam, ed.), an edition of Iorwerth *B*. Aneurin Owen's main text for Iorwerth was from

30, is a revised version of the Iorwerth redaction.⁶ The Iorwerth redaction is from north Wales and includes some of the earliest manuscripts of Welsh law; the text itself can be linked to the kingdom of Gwynedd during the time of Llywelyn ap Iorwerth and Llywelyn ap Gruffudd.⁷ Of the Welsh redactions, this is perhaps the only one that was accurately located by Aneurin Owen, who named it the 'Venedotian Code'. The first – and to date, only – full study of the Iorwerth redaction was undertaken by Aled Rhys Williams and was published as *Llyfr Iorwerth* in 1960.⁸ Iorwerth contains many of the same tractates as Cyfnerth and Blegwyrd, and may be derived at least in part from an early version of Cyfnerth; the third part of *Llyfr Iorwerth*, named *Llyfr Prawf* 'the Test Book', is a section unique to this redaction which may have been the outcome of reworking and reordering of legal matter by Iorwerth ap Madog.⁹

Legal triads are a common feature in all Welsh law manuscripts.¹⁰ The basic form is a simple sentence consisting of a heading, and with three 'limbs' giving the three items in the triad,¹¹ for example, *Teyr ford y serhey y urenhynes: vn ev o torry y navd; eyl ev o tarav dyrnant arney: trydyd yv o grypdeyllav peth o y llav*.¹² The original purpose of the triad form may have been as a mnemonic, although it developed to become a literary convention;¹³ they usually set out legal rules or parts of a legal discussion in sets of three, and can either summarise a section of legal text or add detail to it.¹⁴ Of the forty or more manuscripts of medieval Welsh law, every single one of them includes triads at some point. However, a distinction needs to be made between the triads which are found within the tractates, which are inserted at relevant points or on the same topic as the surrounding text, and triads found in the main triad collection. The triad collection could be classified as a tractate, and it was seen as a separate entity at least by some redactors.¹⁵ Manuscripts of the Blegwyrd and Cyfnerth redactions usually have one large triad collection – the triad-tractate – and also have thematically linked triads included as one element within a tractate on a certain topic. The editions presented in *The Legal Triads of Medieval Wales* were an attempt to present all of the triads within the law manuscripts, and, while the study did consider all legal triads, the editions presented the triads found in the Blegwyrd and Cyfnerth redaction manuscripts only, with a focus on the triad-tractate.¹⁶ The triads in the Iorwerth redaction and also in NLW Peniarth 164 (Owen's *H*) were

Iorwerth *A*. Diplomatic texts of Iorwerth *A*, *B*, *C*, *E* and *Colan* are available in *Rhydaiath Gymraeg o Lawysgrifau'r Ileg ganrif*, ed. S. Rodway and Graham R. Isaac (CD-ROM, Aberystwyth, Bangor, Swansea and Cardiff, 2003).

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D. Jenkins, ed., *Llyfr Colan* (Cardiff, 1963), xxvi; Jenkins, *The Law of Hywel Dda*, xxvi.

7 D. Jenkins, 'The Significance of the Law of Hywel', *THSC* (1977), 54–76.

8 Charles-Edwards, *The Welsh Laws*, 16–28.

9 *Ibid.*, 29–30.

10 S. E. Roberts, ed. and trans., *The Legal Triads of Medieval Wales* (Cardiff, 2007).

11 *Ibid.*, 7–9.

12 'In three ways *sarhaed* is done to the queen: one is to break her protection; a second is to strike her a blow; a third is to snatch something from her hand': *Llyfr Iorwerth*, §3/6 (ed. William, 2).

(References are in the format § section/sentence.)

13 Triads also occur in other Welsh genres: see Roberts, *Legal Triads*, 4–5.

14 *Ibid.*, 7–9.

15 Emanuel, *Latin Texts*, 369; the section is labelled *De Trinis* in Latin *D*.

16 See, for example, the discussion on the triads in Iorwerth in Roberts, *Legal Triads*, 12–13; the triad collection in manuscript *K* is also discussed, 13–14.

presented, although they were discussed.¹⁷ For the purposes of the edition, in case of manuscript *H* space was an issue; for the Iorwerth triads the problem was fitting the material in with the Blegwyrd and Cyfnerth material. This study will examine the Iorwerth triads separately and is an attempt to complete the picture of the legal triads in the Iorwerth redaction.

While all law manuscripts include triads, it has been seen as striking that the Iorwerth redaction has so few triads. Aled Rhys Williams noted that Iorwerth contains 'about thirty-five legal triads', and he attributed this low number to the fact that it is an earlier manuscript and 'accretions are most numerous and detailed in the latest MSS'.¹⁸ He did not see triads as a part of the basic texts of Welsh law, but as later additions; he then noted that Iorwerth *K*, which he dated to 1469, has fifty-seven triads. It turns out, however, that Iorwerth *K* is a special case, as it has a tail of additional material, including a southern triad collection witnessed in two other (Blegwyrd) manuscripts.¹⁹ William's comment on the number of triads in Iorwerth *B* is correct but, rather than attributing this to the fact that Iorwerth *B* is an earlier manuscript, it may be more accurate to say that this is a phenomenon of the basic Iorwerth texts, and in fact Iorwerth *B* has the highest number of triads in any complete Iorwerth manuscript: Iorwerth *D* has thirty-two triads, and Iorwerth *E* has thirty. Iorwerth *A* has twenty-six but is missing a section of text including land law; the Iorwerth main-text sections in Iorwerth *G* include fourteen triads, and Iorwerth *C*, which is fragmentary, has five triads. *Lew* is also incomplete but the Iorwerth sections which survive include seven triads. So, while Iorwerth *B*, with its thirty-five triads, may have a low number for a law manuscript, it is not because it is an early manuscript; the number is low only when compared with the other redactions. By contrast, BL Cotton Cleopatra B. v (Cyfnerth *X*) has a total of seventy-six triads, and basic Blegwyrd texts have a total of 156.²⁰ The Latin texts have more variety – Latin *A* has fifty, Latin *B* seventy-two and Latin *E* ninety-two, and there is a large collection of forty or more triads in each; Latin *D* has 155 with a collection which becomes the main Blegwyrd collection, but Latin *C*, which is the closest of the Latin texts to Iorwerth, is fragmentary and the surviving sections include only four triads.²¹ While it is true that later manuscripts have higher numbers of triads (for example, Blegwyrd *Q*, NLW Wynnstey 36 has 262), the explanation for the low number of triads in total in the Iorwerth manuscripts reflects a difference in the structure and arrangement of the redaction. The crucial factor is that the Iorwerth redaction does not include a large triad collection.

The Iorwerth manuscripts, in fact, show reasonable uniformity in their numbers of triads (see Table 3). Iorwerth *B* has more triads than the other manuscripts,

17 C. James, Review of Roberts, *Legal Triads*, *Studia Celtica* 42 (2008), 176–8. The triads in *H* have been examined elsewhere, and a complete text of the manuscript is found in G. A. Elias's thorough work: 'Golygiad ac Astudiaeth Destunol o'r Llyfr Cyfraith yn LIGC Lawysgrif Peniarth 164 (H), Ynglyd â'r Copiau Ohoni yn Lawysgrifau Peniarth 278 a Llanstephan 121' (unpubl. PhD dissertation, Bangor University, 2007); see also S. E. Roberts, 'Law Texts and Their Sources in Medieval Wales: The Case of *H* and Tails of Other Legal Manuscripts', *Welsh History Review* 24 (2008), 41–59.

18 *Llyfr Iorwerth* (ed. William), xxi.

19 Roberts, *Legal Triads*, 32–4.

20 *Ibid.*; see the Blegwyrd collections; the combined text in *Llyfr Blegwyrd* (ed. Williams and Powell) represents a Blegwyrd text without a tail of additional material.

21 Roberts, *Legal Triads*, 421–7, 414–18, and 24–9; Emanuel, *Latin Texts*, 276–90.

Table 3: The triads in the manuscripts of the *Iorwerth* redaction.²²

No.	Iorwerth triads	B	A	C	D	E	G	K	Lew	Col
1	O teir ffordd y gwneir sarhad i'r brenin	3/2	2	—	1v	2	—	—	—	—
2	O teir ffordd y sarheir y frenhines	3/6	3	—	2r	2	—	—	—	—
3	Tri anhebeor brenin	42/2	29	—	80v	22	—	—	—	—
4	Tri anhebeor breyr	42/3	29	—	80v	22	—	—	—	—
5	Tri anhebeor taegog	42/4	29	—	80v	22	—	—	—	—
6	Tri pheth ni dele y brenin cyfran a neb	42/5	29	—	80v	22	—	—	—	—
7	Tri rhwyd brenin	42/6	29	—	81r	22	—	—	—	—
8	Tri rhwyd breyr	42/7	29	—	81r	22	—	—	—	—
9	Tri rhwyd taegog	42/8	29	—	81r	22	—	—	—	—
10	Tri chorn cyweithas	42/9	29	—	81r	22	—	—	—	—
11	Tair telyn cyfreithiol	42/10,11	29	—	81r	22	—	—	—	—
12	Tri pheth ni eill taegog y gwerthu	42/12	29	—	81r	22	—	—	—	—
13	Tair celfyddyd ni eill taegog	42/13	29	—	81r	22	—	—	—	—
14	Tri pheth ni dily y brenin rhannu ac arall	43/8	30	—	81v	23	—	—	—	—
15	Tair agweddi cyfreithiol	48/9	36	—	21v	27	93v	—	—	—
16	Tri prifurey gwreic	51/1	27	—	22v	28	94r	—	—	—
17	Tri gorsaf gwreic	51/11	38	—	23r	94v	—	—	6	—
18	O tri modd y dilyyr amobr i wraig	51/12	38	—	23r	29	95r	—	—	7
19	Teir gwragedd a dele y mebyon vamwys	53/5	39	—	—	30	96r	—	—	—
20	Tri anghyfarch gwr	55/14	—	—	26r	98v	—	—	40	—
21	Tri anghyfarch gwraig	55/15	—	—	26r	98v	—	—	[40]	—
22	Tair ofer fechni	65	47	160rb	30r	38	26r	76	19v	111
23	Tri pheth ni dilyyr nawdd rhagddunt	71/1	51	164rb	33v	42	29v	84	26r	—
24	Try gorsedauc esyd	83/10	—	—	43v	54	43r	103	—	—
25	Tri ryw dadannudd	84/1	—	—	43v	54	43r	103	55r	566

²² References to *B* are to section/sentence in the printed edition (*Llyfr Iorwerth*, ed. William), references to *A* are to page numbers in the printed facsimile, and references to *Colan* are to sentences in the printed edition (ed. Jenkins). Other manuscripts are referred to by folio or page in the manuscript. — denotes a hiatus in the manuscript, whereas blank cells show missing triads where the surrounding text is in that manuscript. For the division between tractates, see below, p. 159.

26	Tair gwragedd a dily eu meibion tir o fam	86/5	—	171vb	45r	55	44v	106	57v	—
27	Tri thlws cenedyl	88/2	—	—	46r	57	46r	108	60v	—
28	Tri dygyngoll	101	—	179va	54r	67	—	123	65r	—
29	O teir ffordd y serheir y frenhines	110/6	—	—	—	—	—	—	—	—
30	O teir ffordd y serheir bob dyn	110/10	—	—	—	—	—	—	—	—
31	Try than ny diwygir	118/1	62	185va	65r	78	—	38	39r	430
32	Tryded hele ryd	135/7	71	—	71r	83	107r	48	—	—
33	Tri gwaed ni diwygir	147/1	82	—	75r	89	—	57	—	—
34	Tri arberigyl dyn	147/3	81	—	75r	88	—	56	—	—
35	Tair craith gogyfarch	147/10	82	—	75r	89	—	57	—	—

but in each Iorwerth manuscript the same triads are found at the same point in the text. In other words, we have the same triads in all the texts but with omissions, and additions in Iorwerth *B* only. This classification makes a distinction between triads which are not included in the text and triads which are in a text hiatus in a manuscript: where a manuscript is missing text, such as the law of women in Iorwerth *C*, for example, it will necessarily be lacking the triads within that section.

The triads in Iorwerth are a pair of triads on the *sarhaed* (insult value) of the king and the queen (numbers 1–2 in the table) found in the first part of the Laws of Court, then eleven triads (3–14) in a collection at the end of the Laws of Court²³ – these triads occur in all the manuscripts containing the Laws of Court.²⁴ This cluster of triads might well prove to be significant and is discussed more fully below. There are seven triads in the laws of women (15–21), two in the suretyship tractate (22–3), four in land law (24–7) and three in the value of limbs section (33–5). The section on children, the Three Columns of Law and the value of wild and tame have one triad each (28, 31 and 32 respectively). The additions in Iorwerth *B* are a pair of triads, 29–30, on the king and queen's *sarhaed*, placed in a section discussing *sarhaed*.²⁵ These occur only in Iorwerth *B* and are variant versions of the two triads in the Laws of Court, but the wording is strikingly similar to the pair of triads found in the Laws of Court in Blegywryd and Cyfnerth, so the pair of triads may have originated in those redactions. It seems that this addition was made by the redactor of Iorwerth *B* but not by the others.

Turning to the omissions, manuscripts Iorwerth *A*, *C* and *E* are missing a pair of triads, 20 and 21, on *tri anghyfarch gwr/gwraig*, 'the three unclaimable things of a man/woman', in the laws of women, although the surrounding text found in other Iorwerth manuscripts is included; the pair of triads is found in Iorwerth *D* and Iorwerth *G*, which suggests they were part of the basic Iorwerth text, as

²³ There is a run of eleven triads, nos 3–13 in Table 1, above, but triad 14 is found after the *wyrlh* *pyrfarch* 'eight packhorses', the following section, and is not part of the collection.

²⁴ *Llyfr Iorwerth*, §42, §43/8 (ed. William, 22–3); see also the conspectus of editions, xliii–xliv.

²⁵ *Llyfr Iorwerth*, §110/6, §110/10 (ed. William, 73).

they occur in the same position in more than one manuscript. This pair of triads features in only one branch of the textual tradition (so were added at α , or alternatively removed at β in the other branch), and this supports Charles-Edwards's stemma of the laws of country in Iorwerth.²⁶ According to that stemma we would also expect to see the triads in Iorwerth *Lew*, but that portion of text is missing in Iorwerth *Lew*. These triads also occur in *Colan*, but are combined to create one longer sentence without the triad headings.²⁷ Iorwerth *E* has also omitted triad 17 in the laws of women, but there is no explanation for this omission; the omissions give Iorwerth *E* a lower total of thirty triads.²⁸ Iorwerth *D* is one triad short of the total of thirty-three, missing triad 19 in the laws of women.²⁹ The text on either side of the triad is present, so this may be a deliberate omission (the triad is rather long for it to be eye-skip), although it is difficult to explain why this triad in particular was omitted. The text in Iorwerth *D*, however, does appear to have been tidied up in places.³⁰ The other Iorwerth manuscripts are not complete. The fact that all complete Iorwerth manuscripts contain the same triads suggests that these triads cannot be considered to be additions to the text, or 'floating sections', to use Enoch Powell's term.³¹ The triads were part of the tractates, not to be separated from the text, and may have been an integral part of the text from an early date. This is probably true of all of the redactions – triads were a recognised and useful form in which to present legal data. The main triad collection, however, was treated in the same way as the other tractates: it could be copied in its entirety, but it was a fixed section of law and the rearranging or omitting of triads, or the moving of them around, did not tend to happen.³²

Assuming that the triad collection is the main difference, some interesting results appear on comparing the three redactions. Without the triad collection (and disregarding the 'tails' of any texts), Blegywryd manuscripts have forty-three triads at relevant points in their tractates. The Cyfnerth manuscripts are far less uniform, and the texts are far more fluid. The triad-tractate tends to occur at the end of the manuscript, before any additional material forming a tail, such as is found in NLW Peniarth 259B (Owen's *Z*), or *Llyfr Damweiniâu*, 'The Book of Eventualities' (NLW Peniarth 37, Owen's *U*);³³ the triad-tractate in each manuscript starts with the same triad and follows a similar order. Cyfnerth *X* and *U* have thirteen triads outside the triad collection (but they are not the same thirteen and the manuscripts are not related); the Bodorgan manuscript (*Mk*, privately owned (Bangor University, MS 21108 is a photostat of it)) has twenty; BL Harleian 4353 (*V*) has eighteen; BL Cotton Cleopatra A xiv (*W*) has sixteen; and Cyfnerth *Z* has eight.

²⁶ *Coleg yr Iesu LVII*, xxi, Fig II.

²⁷ *Llyfr Colan*, §40, §41 (ed. Jenkins).

²⁸ *Llyfr Iorwerth*, §51/11 (ed. William, 29).

²⁹ *Llyfr Iorwerth*, §53/5 (ed. William, 30).

³⁰ See below, p. 162, n.36.

³¹ J. E. Powell, 'Floating Sections in the Law of Hywel', *BBCS* 9 (1937–9), 27–34; for discussion of this concept, see Roberts, *Legal Triads*, 11–5.

³² The exceptions are Manuscript *Q*, and Latin *D*; see Roberts, *Legal Triads*, 28.

³³ *Llyfr Damweiniâu* is a lengthy book often appended to the Iorwerth manuscripts, and which consists of a series of sentences stating 'If it happens that X, then Y'; Charles-Edwards, *The Welsh Laws*, 49–52; a recent study of the Book of Damweiniâu is found in Robin Chapman Stacey, 'Legal Writing in Medieval Wales: *Damweiniâu I*', in *Wales and the Wider World. Wales in an International Context*, ed. T. M. Charles-Edwards and R. J. W. Evans (Donington, 2010), 57–85.

The same triads do not occur at the same points in all three redactions, but then the texts are too different for this to be the case. However, the tractates which contain triads in Iorwerth also contain triads in Blegywryd and Cyfnerth – and there are some tractates which do not include triads in any redaction. In all the redactions there are two (four in Blegywryd) triads in the king's section in the Laws of Court on *sarhaed*. Several triads occur in the land law section – nine in Blegywryd – and also in the law of women, and there are triads in the surety tractate in each redaction, but a higher number in the Blegywryd and Cyfnerth redactions. It is striking that every one of the Cyfnerth manuscripts has at least one triad within these tractates. Blegywryd has long sections at different points in the manuscripts on the justice and judgements, and these sections have a high number of triads (at least eleven). In contrast, some sections have very few or no triads: the value of wild and tame has one triad in Blegywryd and Cyfnerth (the same triad) and a different triad in Iorwerth; the Laws of Court, at least in the descriptions of the officers, do not include triads; and the Three Columns of Law have no triads in Cyfnerth, one only in Blegywryd (the *tri dygyngoll* 'three dire losses' triad which is found in the triad collection in Cyfnerth but in the family law section in Iorwerth³⁴) and Iorwerth has the triad on the unlawful fires which is found in the triad collection in Blegywryd and Cyfnerth.

There are then long sections in the law manuscripts which do not include any triads at all. This suggests that it was more usual to include triads in some tractates and not in others, where perhaps the subject matter was less amenable to triadic arrangement. The Laws of Court is the longest tractate which does not have many triads. The remainder of the Blegywryd and Cyfnerth manuscripts are comprised of the laws of country, but the latter part of Iorwerth texts are divided into the laws of country and the justices' test book.³⁵ And a striking point is that the tractates which include triads in Iorwerth (excluding the collection of triads at the end of the Laws of Court) are all in the laws of country – the Laws of Court and the justices' test book are sections without many triads, apart from the odd one or two.³⁶ There are no triads in *cyfar*, joint ploughing or the corn damage section, the value of wild and tame has only one triad, and likewise the Three Columns of Law. This is revealing, and may show that the lawbooks did not originate as one text, but in sections; the Laws of Court may have had a separate origin and so at a later stage in Iorwerth did the justices' test book, and the inclusion of triads (or not) in each section was a habit which was carried through the redactions – no triads were added where they may not have been originally.

This gives us a different picture of Iorwerth. It is not the case that the Iorwerth redaction does not have triads, or has hardly any triads; but rather triads are mainly confined to the laws of country. This is very similar to Cyfnerth, with some triads embedded in the tractates in certain areas of law. The difference between the Cyfnerth and Blegywryd texts on the one hand and the Iorwerth texts on the other is the inclusion of a tractate of triads in the former – the triad collection, which accounts for the high number of triads in Blegywryd and Cyfnerth.

³⁴ S. E. Roberts, 'Tri Dygyngoll Cenedl: The Development of a Triad', *Studia Celtica* 37 (2003), 163–82.

³⁵ *Llyfr Iorwerth* (ed. William), xxi; Charles-Edwards, *The Welsh Laws*, 27–9.

³⁶ The short Iorwerth triad collection occurs towards the end of the Laws of Court in Iorwerth, but is a separate collection; see below, p. 162.

