

SEX AND THE SINGLE WELSHWOMAN: PROSTITUTION AND CONCUBINAGE IN LATE MEDIEVAL WALES

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ABSTRACT

Concubinage and prostitution were common practices in medieval Europe, and evidence for both practices can be found in the native, pre-conquest Welsh law texts. However, while official attitudes towards concubinage and prostitution in the pre-conquest period remain unclear due to the lack of survival of pre-conquest court records, the post-conquest court roll evidence from the Marcher lordships and principality indicates that official attitudes towards concubines and prostitutes changed over the course of the fourteenth century, becoming increasingly negative towards both groups of women, a situation that paralleled developments in European society as a whole.

In the final century of Wales's independence, various scholars in the employ of the English court and church produced numerous claims regarding the backwardness of Welsh society and culture, including marital and sexual practices. According to Gerald of Wales,

‘There is no fear of God before their eyes’, and [the Welsh] have no hesitation or shame in marrying women related to them in the fourth or fifth degree, and sometimes even third cousins . . . In most cases they will only marry a woman after living with her for some time, thus making sure that she will make a suitable wife, in disposition, moral qualities and the ability to bear children.¹

¹ Giraldus Cambrensis, *Opera*, ed. J. S. Brewer, J. F. Dimock and G. F. Warner (Rolls Series, London, 1861–91), VI, p. 213 (*Descriptio Kambriae*, II, vi): ‘enormiter

Similarly, Archbishop Peckham expressed concerns about Welsh sexual customs several times, stating in one case that some aspects of Welsh law were contrary to the Decalogue.² In short, these critics of Welsh society focused their moral outrage on those marital and sexual customs in Welsh society that did not accord with marital and sexual customs accepted in English and European society. Among these discordant practices was, as Gerald of Wales noted, the habit of Welsh princes marrying women barred to them by the rules of consanguinity. In fact, during Gerald's own lifetime there were two such highly visible consanguineous unions, the marriage of Owain Gwynedd to his first cousin Cristin and the union of the Lord Rhys with his niece.³ In addition, instead of observing the rules of marriage dictated by canon law, the Welsh recognized multiple types of marriage. According to T. M. Charles-Edwards, these included a formal marriage similar to that promoted by the Church, as well as unions in secret, unions by abduction and unions by deceit.⁴ This more diverse understanding of marriage allowed for the recognition of certain types of relationships that were regarded as illegitimate in European society. Finally, again in contrast to canon law, native Welsh law allowed couples to divorce. Although it has been argued by Robin Chapman Stacey that the guidelines for divorce in the native law tracts were intended to discourage couples from pursuing divorce, native Welsh law did allow couples to sever their marital ties.⁵ Given these criticisms of Welsh society, and the very real social practices that they were based upon, it is hardly surprising that when Edward I finally gained control of Welsh territory in 1282, one

invaluit, quod in quarto gradu et quinto passim, in tertio quoque plerumque, quia non est timor Dei ante oculos eorum consanguineas ducere nec verecundantur nec verentur . . . Matrimoniorum autem onera, nisi expertis antea cohabitatione, commixtione, morum qualitate, et praecipue fecunditate, subire non solent.' Translation from Gerald of Wales, *The Journey Through Wales/The Description of Wales*, trans. Lewis Thorpe (Harmondsworth, 1978), pp. 262–3.

² *Registrum Epistolarum Fratris Johannis Peckham*, ed. Charles Trice Martin (Rolls Series, London, 1882–5), I, p. 77; II, pp. 737–43.

³ Giraldus Cambrensis, *Opera*, VI, p. 133 (*Itinerarium Cambriae*, II.8). *Brut y Tywysogyon, or, The Chronicle of the Princes, Peniarth MS. 20 edition*, trans. Thomas Jones (Cardiff, 1952), p. 69. The Lord Rhys's relationship with his niece was recorded in 1173, when she gave birth to his child.

⁴ T. M. Charles-Edwards, 'Nau kynywedi teithiauc', in Dafydd Jenkins and Morfydd E. Owen (eds), *The Welsh Law of Women* (Cardiff, 1980), pp. 35–6.

⁵ R. C. Stacey, 'Divorce, medieval Welsh style', *Speculum*, 77 (2002), 1107–27.

of his aims was to enforce European mores on Welsh society by eliminating consanguineous marriages, those marriage unions that did not accord with standard Church practice and, of course, divorce.⁶

Ironically, while English and Church officials were highly critical of the sexual and moral practices of the Welsh, the English and many other European peoples, including members of the Church, readily allowed certain sexual practices within their own borders and cities that did not meet the exacting marital standards of the Church. Prostitution and concubinage were two of these practices. Prostitution had a long history in Europe, particularly in those societies that were highly urbanized, such as ancient Athens and Rome.⁷ Similarly, concubinage – a custom in which a man and a woman would live in a fashion similar to a married couple but without official legal or religious recognition of their union – had been a common sexual and social practice in early European society, in the ancient period as well as in the Middle Ages.⁸ Given the long history of prostitution and concubinage in pre-modern Europe, both practices likely existed in early medieval Wales as well, but there is little evidence for the former in pre-conquest Wales. This lack of evidence is quite likely due to the limited scale of urbanization in early medieval

⁶ R. R. Davies, 'The peoples of Britain and Ireland 1100–1400: III. Laws and customs', *Transactions of the Royal Historical Society*, 6th ser. 6 (1996), 1–23, at 17–18; idem, *The First English Empire: Power and Identities in the British Isles 1093–1343* (Oxford, 2000), p. 141.

⁷ For sources on prostitution in ancient and medieval Europe, see Sarah B. Pomeroy, *Goddesses, Whores, Wives, and Slaves: Women in Classical Antiquity* (New York, 1995); Leah Lydia Otis, *Prostitution in Medieval Society: The History of an Urban Institution in Languedoc* (Chicago, 1985); Ruth Mazo Karras, *Common Women: Prostitution and Sexuality in Medieval England* (New York, 1996); Maryanne Kowaleski, 'Women's work in a market town: Exeter in the late fourteenth century', in Barbara A. Hanawalt (ed.), *Women and Work in Preindustrial Europe* (Bloomington, 1986), pp. 145–66; James A. Brundage, 'Prostitution in the medieval canon law', in Judith M. Bennett et al. (eds), *Sisters and Workers in the Middle Ages* (Chicago, 1989), pp. 79–99.

⁸ For sources on concubinage in ancient and medieval Europe, see James Brundage, *Law, Sex, and Christian Society in Medieval Europe* (Chicago, 1987); Ruth Mazo Karras, "'Because the other is a poor woman she shall be called his wench": gender, sexuality, and social status in late medieval England', in Sharon Farmer and Carol Braun Pasternack (eds), *Gender and Difference in the Middle Ages* (Minneapolis, 2003), pp. 210–29; Ruth Mazo Karras, 'Marriage, concubinage, and the law', in Ruth Mazo Karras et al. (eds), *Law and the Illicit in Medieval Europe* (Philadelphia, 2008), pp. 117–29; Roisin Cossar, 'Clerical "concubines" in northern Italy in the fourteenth century', *Journal of Women's History*, 23, 1 (2011), 110–31.

Wales. Prostitution tended to flourish in those regions of Europe with large population centres, and the lack of such large population centres in Wales would have prevented prostitution from becoming a significant trade for women who sought monetary remuneration for sexual acts. Native law texts do make reference to women ‘of bush and brake’, and one possible interpretation of this phrase is that women so called were prostitutes. However, Dafydd Jenkins has argued that the laws are unclear as to whether such a woman was ‘a whore (*putain*) or whether the expression is merely a euphemism’.⁹ In fact, the only direct reference to prostitution in the native laws is with regard to rape, with a prostitute receiving no legal protection or compensation, a situation that was common in medieval Europe.¹⁰ In contrast, concubinage, as understood and practised in much of Europe, did resemble certain aspects of native Welsh marriage customs, such as a union that was not regarded as official but was consented to by both the woman and her family or a union that was established by the woman’s consent alone, with the women involved in these unions referred to as either *caradas*, *cywyres* or *cywres*.¹¹ However, references to these Welsh concubines are limited in the native laws.¹² *Llyfr Blegywryd* contains a reference to a man’s *cywyres*, but only

⁹ Dafydd Jenkins, ‘Property interests in the classical Welsh law of women’, in Jenkins and Owen (eds), *The Welsh Law of Women*, p. 91, n. 101. Most references to women of ‘bush and brake’ have to do with biological affiliation or inheritance and therefore do not indicate whether the women in question were prostitutes. See Dafydd Jenkins (ed. and trans.), *The Law of Hywel Dda: Law Texts from Medieval Wales* (hereafter *LTMW*) (Llandysul, 1986), pp. 50, 135, 137, and Sara Elin Roberts, *The Legal Triads of Medieval Wales* (Cardiff, 2007), pp. 59, 60–1, 88–9, 128–31, 228–9, 362–3.

¹⁰ See *LTMW*, p. 60, Karras, *Common Women*, p. 34, and Otis, *Prostitution in Medieval Society*, pp. 68–9.

¹¹ For a discussion of the union with consent of the woman and her family, in which situation the woman is termed *caradas*, and the union with consent of the woman alone, see Charles-Edwards, ‘Nau kynywedi teithiauc’, pp. 35–6. For the use of the two other terms for concubines, see n. 13 below.

¹² The three main vernacular redactions of Welsh law are *Iorwerth* (*Ior*), *Cyfnert* (*Cyf*) and *Blegywryd* (*Bleg*). *LTMW* draws most of its material from an early thirteenth-century redaction of *Ior*, MS B (BL Cotton Titus DII): *LTMW*, xxxviii. However, the standard edition of *Ior* is A. R. Wiliam (ed.), *Llyfr Iorwerth* (Cardiff, 1960). The standard edition of *Cyf* is A. W. Wade-Evans (ed. and trans.), *Welsh Medieval Law* (Oxford, 1909; repr. Darmstadt, 1979). The standard edition of *Bleg* is S. J. Williams and J. E. Powell (eds), *Cyfreithiau Hywel Dda yn ôl Llyfr Blegywryd* (2nd edn, Cardiff, 1961). Although these three redactions of Welsh law do contain discussions of *amobr*, a marriage fee that also operated as a fine for illicit sexual

with regard to the fact that if the man's wife struck his *cywyres* that the latter could expect no compensation, even if she died from the attack.¹³ The other collection of native law that refers to concubines, and does so in slightly greater detail, is the 'Anomalous Laws' of Aneurin Owen. There are two books in the 'Anomalous Laws' that discuss concubinage. Book X states that '*caradas*' is one of 'the nine peculiar conjunctions', while book XIV states that '*cywelyogach cyhoeddac*', or 'publick concubinage', is one of the three *amobrau* forfeit to the king because of their 'illegal extractions' and that 'publick concubinage' is the cohabitation of a man and woman without marriage or permission of the woman's kindred and represents 'a woman living in a notorious scandalous manner'.¹⁴ Book XIV draws on material from MS H (Peniarth 164), which has been dated to c.1350 by Angharad Elias, and book X draws on material from MS Q (Wynnstey 36), which has been dated to the fifteenth century.¹⁵ The dating of these two manuscripts indicates that this legal material is quite possibly of post-conquest origin or was influenced by post-conquest society. Regardless of the extent of prostitution and concubinage in pre-conquest Welsh society, the court roll evidence from the first century and a half of the post-conquest era indicates that while the English conquerors of Wales may have espoused a desire to reform native Welsh sexual and moral customs, they also

activity, a topic that will be discussed below, none of them contain detailed discussions of either concubinage or prostitution. Other manuscripts of Welsh law that do touch on these subjects will be discussed below.

¹³ Williams and Powell, *Cyfreithiau Hywel Dda*, p. 116, line 27. Neither the term *caradas* nor the terms *cywyres* or *cywres* appear in the standard versions of *Ior* and *Cyf* or in the Latin redactions, as published in H. D. Emanuel (ed.), *The Latin Texts of the Welsh Laws* (Cardiff, 1967). The three terms for concubine are also absent from National Library Wales Peniarth MS 259B, which Sara Elin Roberts argues dates from the mid-fourteenth century and shows English influence: Sara Elin Roberts, *Llawysgrif Pomffred: An Edition and Study of Peniarth MS 259B* (Leiden, 2011), pp. 17, 21.

¹⁴ Aneurin Owen (ed. and trans.), *Ancient Laws and Institutes of Wales* (London, 1841), II, pp. 346–7, 610–11, X.viii.6, XIV.x.29–30.

¹⁵ For information regarding these manuscripts and their dating, see <http://cyfraith-hywel.cymru.ac.uk/en/llawysgrifau-disgrifiadau.php>, accessed 15 May 2014. A detailed examination of Peniarth 164 can be found in A. Elias, 'Golygiad ac astudiaeth destunol o'r Llyfr Cyfraith yn LIGC, Llawysgrif Peniarth 164 (H), ynghyd â'r copiau ohoni yn Llawysgrifau Peniarth 278 a Llanstephan 121' (unpublished PhD thesis, University of Wales, Bangor, 2007). A PDF version of Elias's transcription of Peniarth 164 is available at <http://www.rhyddiaithganoloesol.caerdydd.ac.uk/cy/manuscripts.php>.

brought both concubinage and prostitution into greater prominence. Consequently, following the conquest, Welsh society not only embraced more spiritually acceptable marital and sexual practices, it also came to accept both prostitution and concubinage as more commonplace sexual practices.

While the native law texts provide a legal context for prostitution and concubinage, it is only in the post-conquest period that examples of both concubinage and prostitution can be seen in the court rolls that survive from the Marcher lordship of Dyffryn Clwyd and also in court rolls from other areas of Wales, including the principality. However, while Gerald of Wales and Archbishop Peckham had been concerned with the sexual misconduct of men in Welsh society, the authorities of the post-conquest period were more concerned with the sexual misconduct of women. In these court records, we see that the post-conquest courts of Wales, following European practice, publically designated women, not men, as concubines and prostitutes and treated them accordingly. In addition, the commotal, borough and Great courts sought to prosecute women for extramarital sexual activity, though that activity was not labelled prostitution. To this end, the courts came to exercise authority over the collection of *amobr*, the fee traditionally paid upon the occasion of a woman's first marriage, loss of virginity or illicit sexual activity.¹⁶ Both this prosecution and the process of labelling women on the basis of their

¹⁶ In pre-conquest native Welsh law, *amobr* was due in three specific instances: 'In three ways *amobr* becomes due for a woman: by gift and transfer, although she be not slept with; and the second, by sleeping openly, although there be neither gift nor transfer; and the third, by her pregnancy': *LTMW*, pp. 54–5. For the Welsh, see Wiliam, *Llyfr Iorwerth*, p. 29 (§51, sentence 10). See also Wade-Evans, *Welsh Medieval Law*, p. 135, lines 3–8, and Williams and Powell, *Cyfreithiau Hywel Dda*, p. 119, lines 8–11. The actual collection of *amobr* is described in the following works: R. R. Davies, 'The twilight of Welsh law, 1284–1536', *History*, 51 (1966), 143–64; idem, 'The status of women and the practice of marriage in late-medieval Wales', in Jenkins and Owen (eds), *The Welsh Law of Women*, pp. 93–114; Matthew F. Stevens, *Urban Assimilation in Post-conquest Wales: Ethnicity, Gender and Economy in Ruthin 1282–1348* (Cardiff, 2010), pp. 208–9, 212–14. Similar fines, known as *leyrwite* and *merchet*, existed in England and have been discussed in the following works: E. D. Jones, 'The medieval leyrwite: a historical note on female fornication', *English Historical Review*, 107 (1992), 945–53; Tim North, 'Legerwite in the thirteenth and fourteenth centuries', *Past & Present*, 111 (1986), 3–16; Judith M. Bennett, 'Writing fornication: medieval leyrwite and its historians', *Transactions of the Royal Historical Society*, 13 (2003), 131–62; Jean Scammell, 'Wife-rents and merchet', *Economic History Review*, new ser., 29 (1976), 487–90; Eleanor Searle, 'Seigneurial control of

sexual relationships allowed the courts to regulate women's sexuality, a common aspect of late medieval European society as well. Indeed, as in European society in general, the regulations regarding women's sexuality in the Welsh courts became stricter throughout the fourteenth and fifteenth centuries.¹⁷

PROSTITUTION

The evidence for prostitution in late medieval Wales comes from court cases of three different types. First, there are cases in which the woman called to court is specifically labelled a *meretrix*. These cases appear in the Dyffryn Clwyd court rolls in the early to mid-1300s and are relatively few in number. Secondly, there are court records in which the woman called to court admitted to sexual transgressions or was named in multiple pleas of *amobr*. These cases appear throughout the course of the fourteenth century and into the fifteenth and are more numerous than those in which the women are officially acknowledged as prostitutes. Thirdly, there are court records, many of them from courts in the principality, in which a male family member asked to be relieved of the obligation of *amobr* payments for a female relative because that female relative was a 'publically known woman'.¹⁸ Because these cases involve

women's marriage: the antecedents and function of merchet in England', *Past & Present*, 82 (1979), 3–43; E. D. Jones, 'Medieval merchets as demographic data: some evidence from the Spalding Priory estates, Lincolnshire', *Continuity & Change*, 11 (1996), 459–70. For the Irish version of *amobr*, see Charlene M. Eska, 'Remarks on the so-called "abad"-gains of the harlot', presented at the 33rd Celtic Studies Association of North America conference, at The Ohio State University, May 2011.

¹⁷ The author first presented this argument in a conference paper entitled "'Kept women" in post-conquest Wales: the politics of colonialism and sexuality' at the 45th International Congress on Medieval Studies at Western Michigan University, Kalamazoo, MI, May 2010.

¹⁸ The majority of the cases examined below are from the Dyffryn Clwyd court roll database. The remaining cases come from published excerpts of other post-conquest court rolls or have been referenced in recent secondary sources on post-conquest Wales. The Dyffryn Clwyd Court Rolls are deposited in The National Archives (TNA) SC 2/215/64 to SC 2/226/16. They were calendared in a computerized database at the University of Wales, Aberystwyth with [British] Economic and Social Research Council support (ESRC award numbers

different aspects of illicit sexual activity in the post-conquest period, it is best to discuss the three types of cases separately.

With regard to the first category of cases, the term *meretrix* was used to indicate that a woman so called was known to be a prostitute or was, at the very least, a woman whose sexual mores were questionable.¹⁹ In the post-conquest period, women who openly engaged in prostitution could escape the payment of *amobr* by embracing the label of *meretrix*.²⁰ In the first half of the fourteenth century, six women identified by the epithet *meretrix* appear in the court roll evidence in the Dyffryn Clwyd database and in the Ruthin borough court rolls. In none of these six cases were the women in court because of their sexual activities, however. Instead, they appeared in court for various petty issues, including debt, theft, assault and forestalling, which entailed purchasing goods and then reselling them for profit.²¹ In 1307, one ‘Meddefus meretrix’ was called to the Great Court of Ruthin and amerced for ‘failing in her warrant’.²² In 1320, ‘Angharad meretrix’ appeared in the Great Court of Ruthin because she had been assaulted by another woman.²³ In the case of ‘Morfudd meretrix extuberatrix’, listed in the court rolls from the borough of Ruthin in 1321, she had been brought to court and fined for forestalling. ‘Generys de Ruthin meretrix’, on the other hand, appeared in the borough court multiple times in the 1340s for debt, while her son appeared in the court rolls of Ruthin borough in the same period for petty theft.²⁴ In 1343, one ‘Lleucu meretrix’ appeared in the court of Ruthin in a case of theft.²⁵ Finally, in 1349, a woman named Dyddgu was

R000234070 and R000232548) as ‘The Dyffryn Clwyd court roll database, 1294–1422’ (1995). A user’s guide for the database has been published as A. D. M. Barrell, *The Dyffryn Clwyd Court Roll Database, 1294–1422: A Manual for Users* (Colchester, Essex, 1997). The database and user’s guide are available in digital format from the Economic and Social Data Service, <http://www.esds.ac.uk/>, accessed 14 March 2011.

¹⁹ Otis states that prostitution had become such an uncommon activity in the early Middle Ages that *meretrix* had gone from meaning a professional prostitute to indicating a woman whose sexual behaviour shamed her family. This is likely the sense of the word as it appears in the Welsh records. See Otis, *Prostitution in Medieval Society*, p. 14.

²⁰ Stevens, *Urban Assimilation*, p. 208.

²¹ *Ibid.* For a discussion of forestalling, see *ibid.*, pp. 179–80.

²² TNA, SC 2/215/69 m. 4.

²³ TNA, SC 2/216/3 m. 23.

²⁴ Stevens, *Urban Assimilation*, p. 213.

²⁵ TNA, SC 2/217/9 m. 11.

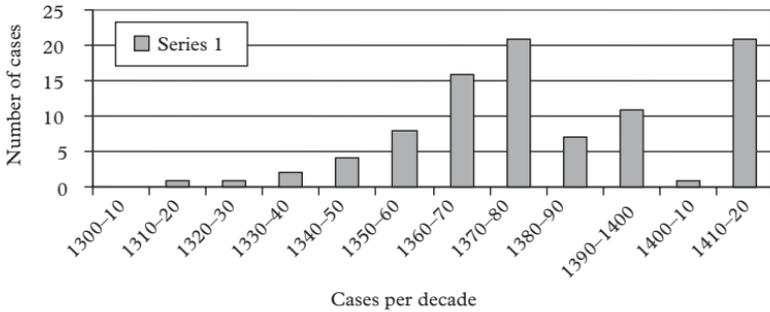
Figure 1. Llannerch *amobr* cases

Figure 1 shows the number of *amobr* cases in the Llannerch court rolls from 1300 to 1422, as recorded in the Dyffryn Clwyd database. Because the Llannerch rolls were the only set of court rolls, aside from the Great Court rolls, that were included in the database for the entire chronological period under study, and because *amobr* cases were more often pursued in the commotal courts rather than the Great Courts, the Llannerch court rolls give a more accurate depiction of the increase in *amobr* cases over time in fourteenth- and early fifteenth-century Wales. Additionally, as discussed in n. 29 below, R. R. Davies stated that there were thirty-seven cases in the Llannerch court rolls from 1440–50 in which men asked to be exonerated from *amobr* payments for their female relatives. That number indicates a significant increase in *amobr* cases twenty years after the end date of the evidence under examination here.

listed as a defendant in a plea of debt against a married couple, but she was excused because she was ‘a common prostitute’.²⁶ In five out of six of these cases, the women were involved in other trades, had committed crimes, or were in debt, situations which either suggest or directly indicate that these women suffered financial difficulties despite their activity as prostitutes. The sixth case, that of ‘Angharad meretrix’, has no obvious financial overtones, but that is not to say that she did not suffer from financial difficulties as did these other women. In fact, embracing public identification as a prostitute merely allowed these women to avoid the payment of *amobr*, which would have been a further drain on their finances.

After 1349, however, the term *meretrix* disappears from the cases included in the Dyffryn Clwyd court roll database; the epithet *meretrix*

²⁶ TNA, SC 2/217/14 m. 33d.

simply does not appear in any of the records in the database from that time onward. This situation might be explained as resulting from decreasing urban populations due to the Black Death or increasing legitimate job opportunities for women who might otherwise take up prostitution. However, a third possible explanation is that it was simply more lucrative for Marcher lords to collect *amobr* rather than allow women to avoid that payment by publicly declaring themselves prostitutes.²⁷ This explanation seems to be the most likely of the three, particularly when one takes into account the fact that *amobr* cases continued to increase in number from the second half of the fourteenth century onward (see Figures 1 and 2). Only by prohibiting women from openly embracing identification as *meretrices* could the Marcher lords collect *amobr* payments on any and all occasions of illicit sexual activity. It seems rather less likely that prostitution would have disappeared altogether from Ruthin and the other towns and vills in Dyffryn Clwyd because the population decrease in Dyffryn Clwyd, particularly in Ruthin, was ameliorated by immigration throughout the fourteenth century.²⁸

The increasing number of *amobr* cases in the fourteenth and fifteenth centuries is, in itself, suggestive of prostitution, if only casual prostitution, becoming a more significant factor in post-conquest Welsh communities. In all, there are 180 cases involving pleas of *amobr* in the Dyffryn Clwyd database from the years 1307 to 1422.²⁹ Thirty-one of

²⁷ Jane Cartwright has argued that a desire for increased revenue from *amobr* payments led Marcher lords to be reluctant to found religious institutions at which women 'could remain perpetual virgins': Jane Cartwright, 'The desire to corrupt: convent and community in medieval Wales', in Diane Watt (ed.), *Medieval Women in Their Communities* (Toronto, 1997), pp. 20–48, at p. 36. In contrast, E. D. Jones notes that the incidence of *leyrwite* fines in Spalding priory accounts decreases significantly after 1348. Jones argues that, rather than indicating an improvement in the status of serfs, the evidence from Spalding priory suggests that the priory simply did not actively collect *leyrwite* after 1348 except from wealthy serfs: Jones, 'The medieval *leyrwite*', 948–9.

²⁸ On the subject of immigration to Ruthin in the pre-Black Death era, see Stevens, *Urban Assimilation*, pp. 32–3, 159, 180–1, 189. On immigration to Shrewsbury following the Black Death, see Diane Hutton, 'Women in fourteenth century Shrewsbury', in Lindsey Charles and Lorna Duffin (eds), *Women and Work in Pre-industrial England* (London, 1985), pp. 83–99, at p. 94. Kowaleski's work also includes a discussion of the connection between immigrant female populations and prostitution: Kowaleski, 'Women's work in a market town', p. 154.

²⁹ Davies, 'The twilight of Welsh law', 155, noted that there were thirty-seven

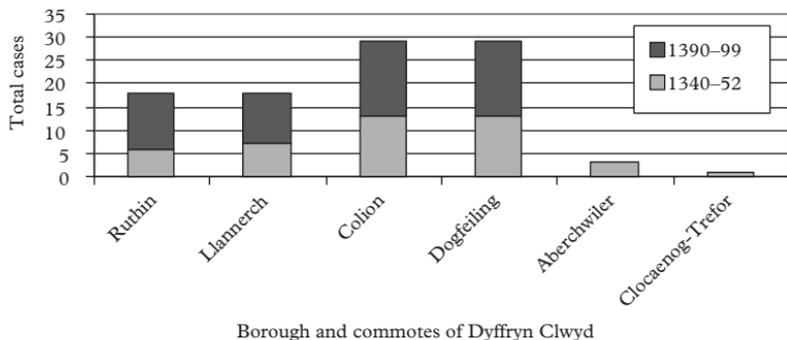
Figure 2. *Amobr* cases, 1340s versus 1390s

Figure 2 shows the increase in *amobr* cases from the period 1340–52 to 1390–99, as recorded in the Dyffryn Clwyd database. The compilers of the database transcribed all legible court records for both Great Courts (Ruthin and Dyffryn Clwyd), the borough court of Ruthin and the commotal courts of Llanerch, Colion, Aberchwiler, Dogfeiling and Clocaenog-Trefor for these two periods. Consequently, it is possible to demonstrate the increase in *amobr* cases from the mid-fourteenth to the late fourteenth century by examining the cases that appeared in the borough and commotal courts. Few cases appeared in the Great Courts, unless they were referred from the commotal courts or borough courts, and cases have been grouped by geographic origin. As the graph demonstrates, there were no cases reported in the Aberchwiler and Clocaenog-Trefor courts in the 1390s.

these cases name married women and their husbands as defendants, which suggests that these were simply cases in which the married couple had not yet made their *amobr* payment. Unmarried or widowed women are named as defendants in 111 of these cases, and thirty-eight name men, most of them brothers or fathers of the women in question, involved in *amobr* claims. However, given that the names listed in court roll entries do not always reflect the actual marital status of the person involved in the case and that, in many of these cases, specific details regarding the whys and wherefores of the *amobr* payment are not described, the cases of greatest interest here are those that have strong

cases of male kin requesting to be exonerated from *amobr* payments in the court rolls of Llanerch during the years 1440–50. Unfortunately, I have not been able to examine these cases for the present article.

circumstantial connections to casual prostitution.³⁰ These are cases in which unmarried women appeared repeatedly as defendants in pleas of *amobr* and cases in which unmarried women admitted in court to improper sexual behaviour, these two circumstances suggestive of casual prostitution.³¹

Cases in which women appeared repeatedly in the court rolls as defendants in pleas of *amobr* are relatively few in number in the Dyffryn Clwyd database. However, the existence of such cases indicates that some women either chose or were forced to make a living by selling sexual favours. The most apparent of these cases are those involving Angharad ferch Hochkin. In August 1361, Hywel ab Ithel was fined for not bringing Angharad to court to answer the *amobrwr* in a plea of *amobr*. In February 1362, this case appears to still have been open because Angharad's goods were to be attached by the *rhingyll* because of her failure to pay *amobr*. Once again in August 1367, Angharad was in court because of a plea of *amobr*, and in this case she applied for a licence to concord with the *amobrwr*. This was not Angharad's last appearance in court for *amobr*, however. That final appearance came in September 1373, though the *amobrwr* appears to have dismissed the case after the first appearance.³² All of these cases were registered in the court of Llannerch, which indicates that Angharad, whose unusual name, 'ferch Hochkin', never varies in form, carried out her extramarital activities in the vicinity of Llannerch over a period of at least twelve years. Given that the average *amobr* payment for a free woman was between 10s. and 20s., and the payment for an unfree woman half that, one would think that this was a woman who would have benefitted from taking the legal status of *meretrix*, rather than having her goods seized by the *rhingyll*, as happened

³⁰ See TNA, SC 2/217/14 m. 2 for a case in which a married woman is given her father's name instead of her husband's, despite the fact that the case names her husband as well.

³¹ I have not included cases in which women were called to court in pleas of *amobr* but were simply too poor to pay *amobr* if there were no references to improper sexual behaviour or if the women appeared only once in such a plea. For an example of such a case, see TNA, SC 2/217/7 m. 18d, in which Gwenllian daughter of Dafydd was unable to make the *amobr* payment and no one was 'to receive or give (*tribuat*) her foods, under penalty of 15s.' until she paid *amobr*.

³² TNA, SC 2/218/9 m. 29, SC 2/218/10 m. 18, SC 2/219/4 m. 22d and SC 2/219/9 m. 23d. In the first case, Hywel ab Ithel is not listed as Angharad's relative, but is listed as her pledge for payment.

in 1362, or being forced to make multiple payments of *amobr*.³³ As already noted, the title *meretrix* does not appear in any of the entries in the Dyffryn Clwyd database from 1349 onward, and the fact that Angharad was not identified with this title, despite these four entries in twelve years, reinforces the theory that it was no longer possible for women to take the title *meretrix* as a means of avoiding *amobr* payments to the lord.

Although Angharad's situation is strongly indicative of a woman engaging in casual prostitution over a period of years, there are other examples of women appearing more than once in *amobr* pleas. For example, in the Llannerch court rolls for June 1361, Susan ferch Ithel ab Einion was listed as owing *amobr* to the lord, and a third party was fined for not having produced her to answer the charge of the *amobrwr*. At the next court meeting, Susan made an appearance and applied for a licence to concord with the *amobrwr*.³⁴ In the following summer, however, Susan was called to court once again in a plea of *amobr*. Once again, she applied for a licence to concord with the *amobrwr*.³⁵ Another woman who may have been involved in casual prostitution was Lleucu Blode. In an April 1375 meeting of the Llannerch court, Lleucu Blode was listed in a court entry as the defendant in a plea of *amobr* and the *rhingyll* was given orders to attach her to answer the plea. In May, Lleucu Blode appeared in court, and she and the *amobrwr* were given a day to settle the case. A subsequent marginal note states that the case was purged, but gives no other details.³⁶ Lleucu Blode's second appearance in the Llannerch court for a plea of *amobr* came twenty-two years later, in July 1397. Unlike the earlier case, this one did not include any statement of settlement in the plea.³⁷ While it may seem unlikely that a woman would be engaged in prostitution over a period of twenty-two years, Lleucu Blode's unusual surname makes her easy to identify in the court rolls, and in neither case is she stated to have a connection to a husband or a less formal partner, which makes it unlikely that she was a newly married woman, and thus

³³ R. R. Davies, *Lordship and Society in the March of Wales, 1282–1400* (Oxford, 1978), p. 137.

³⁴ TNA, SC 2/218/9 mm. 28 and 28d. In the first entry, Madog ap Llywelyn was fined for not producing Susan ferch Ithel ab Einion, whom he pledged to answer to the *amobrwr*.

³⁵ TNA, SC 2/218/10 m. 20d.

³⁶ TNA, SC 2/219/10 m. 17d.

³⁷ TNA, SC 2/220/10 m. 23.

liable for *amobr*, or a concubine. In addition, casual prostitution was usually the result of financial hardship, which could certainly have occurred at any time during a woman's life in the medieval period, even across the span of twenty-two years. Nest ferch Dafydd ap Bleddyn was yet another repeat offender. She appeared in the court of Dogfeiling twice in the space of two and a half years, March 1394 and December 1396, in pleas of *amobr*. In both entries, Nest was listed as owing the lord 5s. for *amobr*, which indicates that she was of unfree status, but Nest did not have the means to pay *amobr* on either occasion and so was sent to prison twice.³⁸ Finally, one Gwerful ferch Gronw was called to appear in the court of Colion twice in three years, in April 1395 and April 1398. On the first occasion, Gwerful was found guilty of having 'detained' 10s. from the *amobrwr* and was amerced. On the second occasion, Gwerful stated that she had no means with which to make the *amobr* payment.³⁹ These women, particularly Nest and Gwerful, seem to have been in situations that led them to engage in casual prostitution in order to earn income. Unfortunately, the penalty for sexual misconduct was often beyond their means, leading them to even greater financial difficulties.

With regard to cases in which women were accused of and admitted to sexual misconduct, some involved unmarried women but at least one case involved a married woman whose husband answered for her behaviour in court. Some of these cases do involve women who appear more than once in pleas of *amobr*, but other cases involve women who only appear once in such pleas. For that reason, it must be borne in mind that the women in question may simply have been engaging in extramarital sex for pleasure, rather than financial gain. However, from the perspective of the *amobrwr*, such behaviour was just as liable to the penalty of *amobr* as was prostitution. In the earliest such case, Erddylad ferch Gronw appeared in the court of Ruthin in January 1349 and acknowledged a payment of 6d to the *amobrwr*. While this entry does not clearly indicate that Erddylad had engaged in casual prostitution, a second, later appearance by Erddylad makes her involvement in casual prostitution seem more plausible. In the court of Dogfeiling in

³⁸ TNA, SC 2/221/1 mm. 12d and 22. In the second entry, her name is given as Nest ferch Dafydd ap Bleddyn Loyt.

³⁹ TNA, SC 2/220/12 mm. 18d and 32. In the second entry, when Gwerful stated that she had no goods with which to pay *amobr*, the judge declared she should have *bravd y diddim*. The ultimate result of this decision was not reflected in the court entry.

September 1352, Erddylad appeared once again and ‘acknowledged that she had misbehaved (*deliquisse*)’ with one Dafydd ap William ap Dafydd. Because she had ‘misbehaved’, Erddylad was required to make yet another *amobr* payment. In addition, because she was guilty of ‘unjust detainee’ of the payment, she was amerced 3d.⁴⁰ Although the language employed in Erddylad’s two appearances at court does not clearly implicate her in acts of prostitution, it must be reiterated that none of the court cases in which women appear repeatedly in pleas of *amobr* from 1349 onward include any direct reference to prostitution or monies gained from selling sexual favours. One aspect of these cases that suggests Erddylad was involved in casual prostitution is that, in her second appearance, Erddylad clearly states that she had ‘misbehaved’, and this can be read as an acknowledgement on her part of sexual misconduct. However, the other possible interpretation of these cases is that Erddylad engaged in extramarital sex simply for pleasure and that it was the officials of the lordship who chose to view her act as prostitution. A similar case appeared in the court rolls of Llannerch in May 1364. In that case, Ithel Blandor was accused of having given livestock to another man despite the fact that the livestock was owed to the lord as an *amobr* payment because of ‘the transgression of his [Ithel’s] wife (*pro delicto uxoris sue*)’.⁴¹ In this case, it is clear that Ithel’s wife was guilty of a sexual transgression, thus the demand for an *amobr* payment despite the fact that she was already married to Ithel. In this case, as in the cases involving Erddylad, there are two possible explanations. The first explanation is that Ithel’s wife had engaged in casual prostitution despite the fact that she was married and that Ithel may, in fact, have been acting as a procurer for his wife. Such a situation would not have been unknown in the medieval period, and as his wife’s procurer Ithel would have been liable not only for her *amobr* payment but potentially a fine for his own activities as well.⁴² The second explanation of the case is that Ithel’s wife

⁴⁰ TNA, SC 2/217/14 m. 31 and SC 2/218/3 m. 16d. In this case, the man’s name is given in the database as *Dd ap Wm ap Dd*. For the sake of the reader, I have given the names in their most common form here. For a list of common Welsh names and their abbreviations in the court rolls, see Barrell, *The Dyffryn Clwyd Court Roll Database, 1294–1422: A Manual for Users*, pp. 25–30.

⁴¹ TNA, SC 2/219/1 m. 18d.

⁴² For a discussion of procurers, see Ruth Mazo Karras, ‘The regulation of brothels in later medieval England’, *Signs*, 14, 2 (1989), 399–433. Karras states (*ibid.*, 406) that procurers were often men or women who acted as ‘go-betweens’ for

had been caught in an adulterous liaison and that Ithel, the cuckolded husband, was still liable for the *amobr* payment. The details of the case do not make it clear whether Ithel had been aware of and responsible for his wife's activities, or if he was simply an unfortunate husband forced to pay the penalty for his wife's infidelity. A third case involving a direct statement of sexual misconduct comes from the Llannerch rolls for February 1412, when Ieuan ap Hywel ap Dafydd was called to court to answer for his daughter's misconduct. The *amobrwr* claimed that Ieuan owed him 10s. for his daughter's *amobr*, but the daughter, who was not named but apparently did appear in court, claimed 'that she did not fornicate after (*ex quo*) last Michaelmas', following which the case was dismissed.⁴³ Here again, there is a clear statement of illicit sexual activity, but, as with the earlier cases, it can be read potentially as casual prostitution or as sex for pleasure. A fourth case in which the woman admitted to sexual misconduct, but without any indication of whether this was sex for financial gain or for pleasure, appeared in the Llannerch rolls in August 1419, when Agnes ferch Ieuan ap Gronw was the defendant in an *amobr* case because 'she fornicated with' Almary ap Ieuan. In this case, Agnes claimed that her father was English and that she therefore owed nothing to the court. Although a following court entry is not specific about the decision in this case, it does note that the *amobrwr* did not prosecute Agnes.⁴⁴

In these four cases, there is a clear admission of each woman's sexual misconduct and a subsequent demand for an *amobr* payment made by the men responsible for collecting that fee for the lord of Dyffryn Clwyd. In the two cases from the early 1400s, the use of the term fornicate suggests that both women had engaged in sex outside marriage. In addition, given that three of these four women were not described as married, this raises the possibility that these women were engaged in casual prostitution. The evidence for casual prostitution is arguably stronger in the case of Erddylad ferch Gronw, who appeared in court for

a client and a prostitute or who served as 'pimps'. Karras also includes references to husbands and wives who acted as procurers: *ibid.*, 407, n. 31 and 417.

⁴³ TNA, SC 2/221/8 m. 5.

⁴⁴ TNA, SC 2/221/8 mm. 31d and 32. Stevens, *Urban Assimilation*, p. 208, states that 'native townswomen' of Ruthin were not required to pay the *amobr* fee. Entries in the Dyffryn Clwyd court rolls, such as this one involving Agnes ferch Ieuan ap Gronw, also indicate that women who could prove that they were of English descent or held land through English tenure were not required to pay *amobr*.

amobr payments twice in three years. As for the other women, each of whom only appeared once in an *amobr* case, their sexual encounters, as noted above, may have been purely for pleasure rather than for economic gain. Nonetheless, they had come to the notice of the *amobrwyrr*, who were quick to claim *amobr* from women who were guilty of sexual misconduct.

The last group of court cases which is suggestive of casual prostitution comes not just from Dyffryn Clwyd but from other areas in Wales, including areas in the principality. This evidence is strikingly different from the evidence discussed above because in none of these cases is a woman the primary actor in court. Instead, these cases all name male kin who appear in court with regard to the issue of *amobr*.⁴⁵ The other striking difference is that these kinsmen were not paying *amobr* for recently married female relatives. They were requesting to be exonerated of the payment of *amobr* because their female kin – whether daughters or sisters – were publicly acknowledged as women of loose morals. The earliest of these cases comes from the March 1326 great turn of the commote of Tal-y-bont, in the principality of Wales. In that case, Hywel ap Addaf repudiated (refutat) his sister Gwenllian because of her sexual misconduct (*suam incontinentiam*), which he was proclaiming publically (*proclamatur publica et communis*) in the court.⁴⁶ Over the next five

⁴⁵ The different collections of native law disagree regarding who was responsible for the payment of *amobr*. *Ior* states that the party who gives the woman in marriage is responsible for her *amobr*, and if the woman gives herself in marriage she is to pay *amobr*: Wiliam (ed.), *Llyfr Iorwerth*, p. 27 (§48, sentence 1). *Bleg* indicates that the father is responsible for paying the *amobr* of a virgin daughter: Williams and Powell (eds), *Cyfreithiau Hywel Dda*, p. 63, lines 3–6. *Llawysgrif Pomffred* states that the father is responsible for paying *amobr* if his daughter ‘allows her virginity to be broken’ whereas a woman who is not a virgin is responsible for paying her own *amobr*. Roberts (ed.), *Llawysgrif Pomffred*, lines 1339–40. Jones, ‘The medieval *leyrwite*’, 949, notes that in Spalding priory most *leyrwite* fines were paid by women, rather than husbands or fathers, and argues that this may indicate that women were expected to be responsible for their own actions. For references to the husband’s payment of *amobr*, see Wade-Evans (ed.), *Welsh Medieval Law*, p. 135, lines 8–10; Wendy Davies, *Wales in the Early Middle Ages* (Leicester, 1982), p. 78; Roberts (ed.), *Llawysgrif Pomffred*, line 1175. See also Sara Elin Roberts (ed.), *The Legal Triads of Medieval Wales* (Cardiff, 2007), pp. 152–3, 168–9, 182–5.

⁴⁶ W. H. Waters, ‘Documents relating to the sheriff’s turn in north Wales’, *Bulletin of the Board of Celtic Studies* (hereafter *BBCS*), 6, 4 (1933), 354–60, at 355: ‘Great turn of commote Talybont held 12th March 1326. [Dyffredan]. Eadem nihil presentat. Eodem die Howel ap adaf refutat gwenllian filiam suam propter suam

months, four similar claims were made in the court of the commote of Ardudwy, also in the principality of Wales, each of them entailing male kin repudiating female relatives, acknowledging them publically as prostitutes (usually phrased as ‘et ipsa in meretricem publicam proclamata est’) and asking to be released from their *amobr* payments. The first of these claims was made in April, by ‘Einion ap David ap Kend’ [*sic*] against his sister ‘Tang[wystl]’.⁴⁷ The second case from Ardudwy appeared in the court rolls for May, with Addaf Bergam making much the same statement against his kinswoman Gwennlian.⁴⁸ In June, David ab Ednywain (*Edenoweyn*) repudiated his daughter Gwerful.⁴⁹ In August, Madog ab Einion ap Iorwerth repudiated his daughter Gwladus.⁵⁰ A later case, from the June 1346 hundred court meeting in the commote of Twrcelyn in Anglesey, involved one ‘Llywelyn ap Iorwerth ap Teg’ [*sic*] who ‘relinquished’ his sister Gwenhwyfar as a ‘common [blank]’.⁵¹ Given that the fathers and brothers of these women

incontinenciam unde proclamatur publica et communis. Nichil compertum est per iuratos.’

⁴⁷ E. A. Lewis, ‘The proceedings of the small hundred court of the commote of Ardudwy in the county of Merioneth from 8 October, 1325, to 18 September, 1326’, *BBCS*, 4 (1928), 153–66, at 160: ‘Eignon ap David ap Kend’ venit in curia ista et refutavit Tang’ sororem suam propter incontinenciam suam et ipsa in meretricem publicam proclamata est, et predictus Eignon de amobragio pro ipsa solvendo per consideracionem curie de cetero exoneratus’. It should be noted that the woman’s name might have been either Tangwystl or possibly Tangwen, though I have opted for the former.

⁴⁸ Lewis, ‘The proceedings’, 162: ‘Adaf Bergam venit in plena curia ista et refutat Wenllian [—] suam propter eius incontinenciam, et ipsa in meretricem publicam proclamata est, et predictus Adaf per consideracionem curie de amobragio pro ipsa de cetero soluendo exonerates est’. Lewis noted that either *sororem* or *filiam* was omitted in the court rolls, leaving the specific identity of this woman unclear.

⁴⁹ *Ibid.*, 163: ‘David ap Edenoweyn venit in plena curia et refutat Wervil filiam suam pro incontinencia ipsius et ipsa in meretricem proclamata est, et idem David de amobragio eius exoneratur’.

⁵⁰ *Ibid.*, 165: ‘Madoc ap Eignon ap Iorwerth venit in plena curia ista et refutavit Wladus filiam suam propter eius incontinenciam, et ipsa in meretricem publicam proclamata est, et ipse Madoc per consideracionem curie de amobragio pro ipsa de cetero soluendo exoneratur’.

⁵¹ G. P. Jones, ‘Anglesey court rolls, 1346’, *Transactions of the Anglesey Antiquarian Society* (1932), 42–9, at 43: ‘[Hundred Court of the aforesaid commote, at Penros, Friday next before the feast of the Nativity of St John the Baptist, 20 Edward III] *Friday June 23rd* Llywelyn ap Iorwerth ap Teg’, in full hundred court, relinquished ‘Gwenhwyfar his sister as a common [blank]’.

were making public statements of the women's sexual misconduct, to the extent of publicly denouncing them as prostitutes, these women must have engaged in casual prostitution, to the detriment of their and their families' reputations if not their finances. Also, it is noteworthy that these cases all took place before 1350, which would place them chronologically in the same span of time as the cases from the Dyffryn Clwyd database that clearly label women as prostitutes.

While the laws of post-conquest Wales focused more closely on women's sexual behaviour and enabled Marcher lords and royal officials to both punish and profit from prostitution, economic and social changes in post-conquest Wales provided the context within which women had the growing opportunity to engage in prostitution. As amply demonstrated in studies on prostitution in other regions of medieval Europe, poverty was the most common denominator among prostitutes, whether professional or casual.⁵² The circumstances in fourteenth- and fifteenth-century Wales that might have driven women and their families into poverty, or worsened their already desperate situations, were numerous. The Great Famine, the Black Death, the Hundred Years' War, which saw many men from Wales serve abroad in the forces of the king and of Marcher lords, the revolt of Owain Glyndŵr and the ongoing political crises in England from 1399 to 1450, which reverberated in Wales not least because many of the men involved in the political struggles held lands and positions of authority in Wales, all served to create what A. D. Carr has called a period of crisis and deterioration in Wales.⁵³ All of these events, from environmental disasters to political struggles, led to social instability and dislocation, which in turn made life more difficult for both men and women in late medieval Wales, but it was the women who were most visibly drawn into prostitution as a means of survival.

⁵² Claudia Opitz, 'Life in the late Middle Ages', in Christiane Klapisch-Zuber (ed.), *A History of Women in the West. II. Silences of the Middle Ages* (Cambridge, MA, 1994), pp. 267–317, at p. 278. Opitz, however, notes that brothel owners frequently charged the prostitutes such high fees for lodging, food and clothing that the prostitutes became little more than slaves in their efforts to pay off their debts. See also Kowaleski, 'Women's work in a market town', pp. 148, 154.

⁵³ A. D. Carr, *Medieval Wales* (London, 1995), pp. 99, 118. Carr notes that the period from 1420 onward was one of high crime and rampant corruption in Wales, with Henry VI's advisors the duke of Gloucester and the earl of Suffolk serving as justiciars in Wales but doing little to maintain law and order.

As to why evidence of prostitution appears in these regions of post-conquest Wales, particularly the borough of Ruthin and the commotes of Llannerch, Dogfeiling, Colion, Tal-y-bont, Ardudwy and Twrcelyn, economic factors specific to these areas provided both migrant and local women increasing opportunities to earn or supplement a living through selling sexual favours. In particular, the Marcher lordship of Dyffryn Clwyd, with its thriving borough of Ruthin, served as a beacon of economic opportunity for many Welshmen and women in the post-conquest period, as has been discussed by both Ian Soulsby and Matthew F. Stevens.⁵⁴ By the late 1400s, Ruthin had its own fullers and weavers' guild, and the local cloth industry and other economic opportunities in Ruthin, such as baking, brewing and other, lesser aspects of the food industry, help to explain why casual prostitution might have been increasingly common in this region of Wales, not just in Ruthin itself but in the associated communities of Llannerch, Dogfeiling and Colion as well.⁵⁵ More importantly, because Ruthin offered economic opportunities at all levels, it attracted people who were unable to make a living elsewhere in Wales, particularly during the period of famine in the early 1300s and after the outbreak of the Black Death in the late 1340s.⁵⁶ Thus, many women who had no means of survival in smaller, more rural Welsh communities, or who had lost their support network to famine or disease, could migrate to Ruthin or nearby vills and hope to make a new start.⁵⁷ This type of immigration would also explain

⁵⁴ According to Ian Soulsby, in 1324 Ruthin had seventy burgesses who controlled 100 burgages; in 1496, the town had ninety burgesses and 209 burgages, respectable growth for a town that was ravaged by the Black Death in 1348 and the political troubles of the 1400s: Ian Soulsby, *The Towns of Medieval Wales: A Study of their History, Archaeology, and Early Topography* (Chichester, 1983), pp. 233–4. It should be noted that Stevens has argued that given the amount of immigration into Ruthin, Soulsby's method of calculating population, by multiplying the total number of burgesses by a mean household size, is not accurate. Stevens, *Urban Assimilation*, pp. 33–4, instead proposes that a more accurate means of calculating a town's population is to multiply the 'known number of burgages . . . by a household multiplier'.

⁵⁵ Soulsby, *The Towns of Medieval Wales*, p. 234; Stevens, *Urban Assimilation*, p. 190.

⁵⁶ The increase in legitimate work opportunities for women, due to the decline in the population of male labourers, has been attested in parts of fourteenth-century England as well: Karras, *Common Women*, p. 49.

⁵⁷ Stevens, *Urban Assimilation*, focuses specifically on the kinds of employment that men and women found in Ruthin during the first half of the fourteenth century,

why so few of the *amobr* pleas from the Dyffryn Clwyd database involve male relatives paying *amobr* for their female kin or asking to be exonerated from such payments, as was the case in the entries from the courts of Tal-y-bont, Arduwly and Twrcelyn.

Whereas Dyffryn Clwyd, and Ruthin in particular, had an economic climate that could provide opportunities for prostitution, as well as alternative work opportunities for women who might participate in prostitution only when they were in financial difficulties, Tal-y-bont, Arduwly and Twrcelyn did not have such apparently robust economic climates. However, each of these locations experienced growth in the post-conquest period, and that growth may have created a demand for prostitution. The court of the commote of Tal-y-bont was held in the town of Dolgellau, which was originally a native Welsh town but, after the conquest, hosted the commotal court, a weekly market and, by the sixteenth century, a burgeoning wool trade.⁵⁸ The cases from Arduwly were heard in the town of Harlech, which boasted one of the larger Edwardian castles in Wales and served as a military and administrative centre. Although the population of the town of Harlech was never very large, the castle garrison itself may have created a demand for sexual services from the local women.⁵⁹ The case from Twrcelyn was included in the presentment made by the community of Penrhos (*Penros*) at the hundred court for the commote of Twrcelyn in Anglesey. While R. R. Davies lists Penrhos as a religious centre associated with the native dynasty of Gwynedd, A. D. Carr indicates that it was demesne land.⁶⁰ Penrhos was also not far from the urban centre of Llannerch-y-medd, which A. D. Carr has described as a trading centre that hosted fairs twice annually, in March and August.⁶¹ While Llannerch-y-medd was a smaller urban centre than some of these others discussed here, these fairs would have offered impoverished women the opportunity to earn money

but also includes some information on the post-Black Death era as well. On the issue of immigration to Ruthin, see n. 28 above.

⁵⁸ Carr, *Medieval Wales*, p. 71; Soulsby, *The Towns of Medieval Wales*, pp. 131–3. Soulsby mentions that Dolgellau had only three taxpayers in 1292–3, but grew to have twenty-three taxpayers by 1543.

⁵⁹ Soulsby, *The Towns of Medieval Wales*, pp. 138–9, states that the town of Harlech had only twelve taxpayers in 1292–3 and, twenty years later, likely did not have a total population larger than 150 people.

⁶⁰ R. R. Davies, *The Age of Conquest, Wales 1063–1415* (Oxford, 1991), p. 237. A. D. Carr, *Medieval Anglesey* (2nd edn, Llangefni, 2011), p. 278.

⁶¹ Carr, *Medieval Anglesey*, pp. 15, 72.

through casual prostitution. Similarly, the ecclesiastical and royal activities at Penrhos may have provided the same kind of small-scale opportunity for casual prostitution.

What is clear from this evidence is that, while the pre-conquest sources do not discuss prostitution in great detail, the post-conquest court rolls shed light on actual prostitution in Welsh communities, whether professional or casual. While some women embraced public acknowledgement as prostitutes, others either chose not to identify themselves as such or, after the mid-1300s, did not have the option to publically proclaim themselves prostitutes in order to escape the financial penalty of *amobr*. The increasing evidence of *amobr* payments in the fourteenth and fifteenth centuries is strongly suggestive of an intentional desire on behalf of legal and political authorities in Wales to punish women for their sexual transgressions and make a profit while doing so. However, it was the difficult social and economic circumstances of the period that drove these women into such desperate straits and made it possible for the rulers of Wales to profit from that desperation.

CONCUBINAGE

The evidence of concubinage is more direct than that of prostitution because court records clearly name individual women as ‘concubine of X’ or ‘*amica* of X’.⁶² The Dyffryn Clwyd court rolls reveal a large number of cases involving women designated as concubines or *amicae*, the earliest of these cases appearing in 1323. As was the situation in other regions of Europe, the concubines that appear in the court rolls of Dyffryn Clwyd are never referred to as prostitutes, and although as sexually active women they, or their partners, were theoretically liable for the payment of *amobr*, there are no *amobr* cases involving concubines until 1388, after which there are multiple cases. While this lack of *amobr* cases from the period before 1388 could be due to the limited survival of records, it is more plausible that the non-appearance of concubines in *amobr* cases before 1388 has more to do with a change in attitudes

⁶² In TNA, SC 2/219/1, m. 27, a woman by the name of Tibot is referred to as the concubine of Dafydd ap Gruffydd. In TNA, SC 2/219/1, m. 31, Tibot is referred to as the *amica* of Dafydd ap Gruffydd. The use of both terms to refer to the same woman indicates that there is an overlap between these two terms, for which reason cases using the term *amica* are included in this study.

towards women's sexuality that occurred in the later fourteenth century, namely that concubinage was becoming less acceptable to both ecclesiastical and secular authorities.⁶³

In the first court case naming a concubine, from 1323, a woman named Gwenllian daughter of Angharad was listed as the concubine of one 'Geoffrey factor bras'. In this particular case, Gwenllian and her mother Angharad were accused of possessing corn and malt that had been taken from the castle of Ruthin by Gwenllian's partner Geoffrey. The entry states that the guilty parties were to be arrested (*capiatur*).⁶⁴ A second early court case naming a concubine appeared in the coroner's roll for 1324. In that case, a woman by the name of Agnes was described as the concubine of John le Scheman, who had been killed in a violent confrontation. Agnes herself was not involved in the homicide, but appears to have been a witness to the crime.⁶⁵ After this case, there are no cases involving concubines that appear in the Dyffryn Clwyd court roll database until 1349, when Alice concubine of Nicholas le Maltmaker was listed in a case that involved the theft of livestock. While Alice was not the thief, she was described as being complicit in receiving the stolen livestock into her partner's house, for which she was to be fined.⁶⁶ Up until 1388, women named as concubines continue to appear in cases such as these and do not appear in cases involving sexual infractions. However, the number of cases naming concubines increases after 1350, and while this increase may be due to the survival of more court rolls overall, it may also indicate that there were more women in Dyffryn Clwyd who were living as concubines than had been the case in the early fourteenth century, quite possibly due to the economic and social crises that followed the outbreak of the Black Death (see Figure 3).

The first court case in which a concubine was named in a plea of *amobr* dates from November 1388. A case from the Llannerch court from that month states that Mali concubine of Dafydd ab Ieuan ap William requested licence to concord in a plea of *amobr* with one of the local *amobrwyrr*, Einion Goch.⁶⁷ A similar case appeared in the Llannerch

⁶³ See below.

⁶⁴ TNA, SC 2/216/4, m. 31.

⁶⁵ TNA, SC 2/216/5 m. 33.

⁶⁶ TNA, SC 2/217/14 m. 4.

⁶⁷ TNA, SC 2/220/6 m. 20d. For more information on the *amobrwyrr* of Dyffryn Clwyd, see Lizabeth Johnson, 'Of *amobr* and *amobrwyrr*: the collection of marriage

Figure 3. Concubinage cases in Great Court rolls

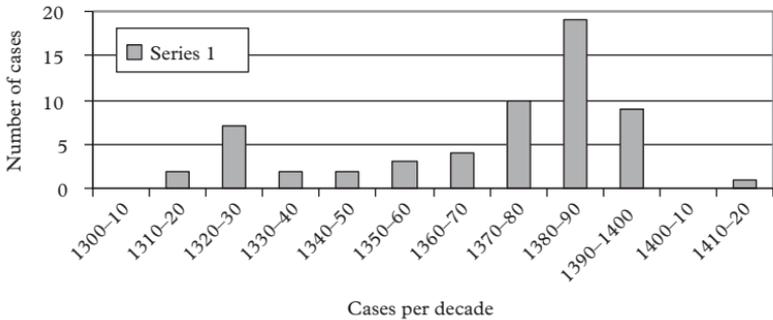


Figure 3 represents the increase in cases involving concubines, as recorded in the Dyffryn Clwyd database. These cases are drawn from both Great Courts, the borough court of Ruthin and the commotal courts. Again, until 1388, concubines did not appear in cases involving pleas of *amobr*, and the earlier cases involve interpersonal suits or prosecution for other crimes.

court in December 1390, when Margaret concubine of Dafydd Bach was listed as the defendant in a plea of *amobr*, with Einion Goch once again appearing as the *amobrwr* and plaintiff.⁶⁸ From 1388 to 1422, the chronological end point of the Dyffryn Clwyd court roll database, there are six definitive cases of concubines involved in pleas of *amobr* in the lordship of Dyffryn Clwyd.⁶⁹ While women named as concubines continued to be listed in cases that did not involve sexual infractions, this transition to concubines being required to pay *amobr*, along with newly married women and morally questionable women, indicates that attitudes towards concubinage had changed in Wales, as in other regions in Europe.

fees and sexual fines in late medieval Wales', *Transactions of the Honourable Society of Cymmrodorion*, 18 (2012), 10–21.

⁶⁸ TNA, SC 2/220/10 m. 2.

⁶⁹ The four other cases not already listed include TNA, SC 2/220/12 m. 26; TNA, SC 2/221/1 m. 25; TNA, SC 2/221/8 mm. 3d and 29. Some of these cases appear multiple times, and some appear first as pleas of debt and only in later entries are specified as debt arising from non-payment of *amobr*. It is therefore possible that other pleas of debt between women listed as concubines and the *amobrwr* may also have been pleas of *amobr*.

Whether we look at cases involving concubines from the period leading up to 1388 or the period following 1388, what we see is that the cases in which women designated as concubines were involved is indicative of the relatively low status of such women in Dyffryn Clwyd. The majority of these cases revolve around women being called to court for assault, both as defendants and plaintiffs, for theft and receiving stolen goods, for selling ale and food illegally (*gwvesters*), for being ‘a common wanderer (*vagatrix*)’ and, in one very notable case, setting fire to a house.⁷⁰ Other cases from the 1360s onward involve concubines, sometimes with their partners, having ‘left the country to serve elsewhere in breach of the statute’.⁷¹ The language used in these later cases strongly suggests that these women were serfs or tenants who were taking advantage of the labour shortage that followed in the wake of the 1348 plague outbreak and subsequent outbreaks. Another case lists nine people, one of them a concubine, as having taken too much ‘salary for their work, in breach of the statute’.⁷² In fact, in all the cases involving concubines, there is only one in which a concubine is listed as having a respectable occupation. In that case, from the Great Court of Ruthin in 1418, Joan concubine of Geoffrey is listed as a brewster. However, she and the other brewers and brewsters listed in the case were all fined for having broken the assize of ale, for which Joan was fined 3d.⁷³ Finally, in all of these cases, only one of the women is listed by a family name as well as by the name of her partner. In 1397, Gwenllian ferch Dafydd Trefor, concubine of Dafydd Duy Tailor, was fined in the court of Ruthin for having, with others, sold ale from Conway in Ruthin ‘to the prejudice of the burgesses of Ruthin’.⁷⁴ The lack of family names suggests that many of these women, along with some of the women that engaged in

⁷⁰ TNA, SC 2/218/6, m. 29d includes a case in which a man struck his concubine and drew blood, for which he was fined 6d. This case indicates that concubines were given the same level of legal protection from domestic abuse that wives were, with drawing of blood being the point at which the abuse was punishable. On spousal abuse in late medieval Wales, see Lizabeth Johnson, ‘Attitudes toward spousal violence in medieval Wales’, ante, 24, 4 (2009), 81–115. For the other cases listed, see, respectively, TNA, SC 2/219/3, m. 39; SC 2/216/4, m. 31; SC 2/220/1, m. 4d; SC 2/219/13, m. 3; SC 2/220/7, m. 4; SC 2/220/7, m. 5.

⁷¹ TNA, SC 2/219/1 m. 27, SC 2/219/10 mm. 26 and 30, and SC 2/219/11 mm. 27 and 31.

⁷² TNA, SC 2/220/2 m. 9.

⁷³ TNA, SC 2/221/11, m. 11.

⁷⁴ TNA, SC 2/220/9, m. 59d.

prostitution, may have migrated to Dyffryn Clwyd in order to find work.⁷⁵ If such were the case, these women would have had little material wealth to their names and no family to look to for assistance or protection, leaving them financially, physically and legally vulnerable in an increasingly volatile social and economic climate.

CHANGE OVER TIME

With regard to both prostitutes and concubines, there is evidence of a change over time in the policies designed to regulate women's sexual activity. As noted in the above discussion of native Welsh law, prostitution is mentioned in native law codes but in such limited detail that it would appear that prostitution was not a common practice in pre-conquest Welsh communities, a situation that was altered by the conquest and is reflected in the appearance of the term *meretrix* in the court rolls. Concubinage is also acknowledged in native law codes and is reflected in the diverse marital practices of pre-conquest Welsh society, but while there may not have been a striking change in attitude towards concubinage in the first few decades of the post-conquest era, a very definite change in attitude towards concubinage came near the end of the first century of the post-conquest era, when concubines became liable for *amobr* payments. As previously discussed, *amobr* is a fine attested in native Welsh law, and it was one policy regarding women's sexual activity that Marcher lords and royal officials preserved in the post-conquest period, largely because they benefitted from it financially.⁷⁶ For that reason, the custom of *amobr* itself did not change except that the post-conquest court rolls provide actual evidence of the fine being levied and collected. The change comes in the fact that the number of *amobr* cases increased over the course of the fourteenth and fifteenth centuries at the same time that the use of the term *meretrix* disappeared from the court rolls and at the same time that concubines were starting to appear in

⁷⁵ On immigration to Ruthin, see n. 28 above.

⁷⁶ According to Davies, 'The twilight of Welsh law', 155, the legal plea of *amobr* was by far the most common plea in late medieval courts in Wales. In a later work, R. R. Davies states that this practice appears in the records from Denbigh, Maelor Gymraeg and Clun: Davies, 'The status of women and the practice of marriage in late-medieval Wales', pp. 111–12. For a more recent discussion of *amobr*, see Stevens, *Urban Assimilation*, pp. 208–9, 212–14. See also n. 16 above.

pleas of *amobr*, with six pleas of *amobr* included in the Dyffryn Clwyd court roll database from 1388 to 1418 involving concubines. This evidence suggests that, while prostitution and concubinage had existed in pre-conquest Wales and had continued or even flourished after the conquest, officials in both the Marcher lordships and the principality were becoming less tolerant of concubinage and of prostitution, whether professional or casual.

This change in attitude has been attested elsewhere in Europe as well. James Brundage states that canon law scholars in the fourteenth and fifteenth centuries were becoming stricter regarding concubinage and that punishing concubines became official policy by the sixteenth century.⁷⁷ In her work on prostitution in late medieval England, Ruth Mazo Karras describes a change in the laws over time, with English cities transitioning from tolerating prostitution to fining prostitutes to banishing them from cities.⁷⁸ Similarly, in her work on late medieval Exeter, Maryanne Kowaleski found one woman who was fined yearly for her activity as a prostitute, when in earlier generations the courts targeted procurers and clients rather than prostitutes themselves.⁷⁹ Barbara Hanawalt has noted that in late medieval London, prostitutes were 'labeled and signified' for their first offence. If they came to the notice of the courts a third time, they were publically shorn and banished from the city.⁸⁰ The changes in secular law described by Karras, Kowaleski and Hanawalt were all aimed at prostitutes, but concubines, as women whose marital unions were not fully licit in the eyes of the Church or state, may have come under greater scrutiny in the secular courts as well.⁸¹ The fact that Welsh terms for concubine appear in sections of Aneurin Owen's 'Anomalous Laws' that have been dated to the fifteenth century and discuss the payment of *amobr*, a fine that was not levied on concubines in the early fourteenth century, suggests a negative attitude towards concubinage was infiltrating native Welsh law as well. Indeed, the 'Anomalous Laws' give a very clear example of that negative attitude in

⁷⁷ Brundage, *Law, Sex, and Christian Society in Medieval Europe*, p. 514.

⁷⁸ Karras, *Common Women*, pp. 19–21.

⁷⁹ Kowaleski, 'Women's work in a market town', p. 154.

⁸⁰ Barbara Hanawalt, *'Of good and ill repute': Gender and Social Control in Medieval England* (New York, 1998), p. 27.

⁸¹ Karras has noted that the *consilia* produced by civil lawyers regarding concubinage did include references to canon law, along with Roman law and the *consilia* of other lawyers. Karras, 'Marriage, concubinage and the law', p. 122.

describing concubinage as ‘a woman living in a notorious scandalous manner’.⁸² Taken altogether, what the Welsh evidence indicates is that English and Marcher officials not only sought to make Welsh marital and sexual practices conform to European practices, but also contributed to social and economic changes that encouraged prostitution and concubinage, at least initially. However, as European standards became stricter over the course of the fourteenth and fifteenth centuries, this led to harsher legal penalties for both prostitutes and concubines.

CONCLUSION

The evidence presented here indicates that native Welsh marital and sexual practices, particularly marriages that were forbidden by the Church’s decree on consanguinity, were viewed as unacceptable by secular and ecclesiastical officials who were aware of and accustomed to European practices. With the conquest of Wales in 1282, English and Marcher officials set about replacing native Welsh marital practices by establishing a stricter understanding of the marital state and prohibiting divorce. However, concubinage and prostitution, both of which are referenced in the native law codes and therefore were presumably practised in the pre-conquest era, were allowed to continue into the post-conquest era, presumably because they were similar enough to the European practices that they did not give rise to a cultural dissonance between conquered and conquerors. The one change that English and Marcher officials did make, however, was to begin enforcing *amobr* payments on both prostitutes and concubines, the former from the 1340s onward and the latter from the 1380s onward, both of these policy changes reflective of broader, and more negative, European attitudes towards prostitution and concubinage. As to what led to this stricter stance on women’s sexual behaviour, the outbreak of the Black Death in the mid-fourteenth century is a potential candidate. According to Brundage, as people sought to explain the epidemic, their attention fell on those who engaged in illicit sexual acts because such acts were viewed as harmful to the entire community.⁸³ Thus prostitutes and concubines, women whose sexuality was not regulated by the bonds of marriage or by

⁸² See n. 14 above.

⁸³ Brundage, *Law, Sex, and Christian Society in Medieval Europe*, pp. 490–2.

religious vows, could easily be viewed as a causative factor in the outbreak that led to such a great loss of life. An explanation that has been offered by Karras is that governments wanted to encourage marriage and, thereby, stimulate the growth of the population as a means of recovery following the outbreak of the Black Death, which meant placing restrictions on sex outside marriage.⁸⁴ A third explanation, and one that focuses more on the downturn in the economy in fourteenth-century Wales, is that the lords of Dyffryn Clwyd and other secular leaders simply needed to find a way to extract more money from their subjects, and fining prostitutes and concubines was one method of doing so. Regardless of which explanation for the increasingly negative focus on women who were sexually active but not married is correct, or whether all are correct, the end result remains the same. Women whose economic circumstances forced them into prostitution or prevented them from entering into an official marriage were made targets for fines, public shaming and even banishment. Whereas the pre-conquest native law texts in Wales had acknowledged that men and women might engage in a wide range of sexual unions, the post-conquest courts of law and legal texts abandoned such flexibility and instead embraced policies that benefitted the state and advanced religious standards but penalized women.

⁸⁴ Ruth Mazo Karras, *Sexuality in Medieval Europe: Doing Unto Others* (2nd edn, London, 2012), p. 87.