

What light do the Welsh Lawcodes shed on virginity, marriage and divorce?

It was claimed that Hywel Dda, who ruled Deheubarth, and later most of Wales, from circa 904 -950, gathered together lawmakers in a conference at Whitland and codified the laws and customs of Wales, the *Cyfreithiau Hywel Dda*. There are no extant written versions of the Laws from this period; surviving manuscripts comprise three written in Welsh: the *Llyfr Cyfnerth* ('Cyfn', for short) associated with Gwent, (after a late twelfth or early thirteenth century lawyer), *Llyfr Iorwerth*, ('Ior'), the version of Gwynedd, *Llyfr Blegywryd* ('Bleg'), the version of Dyfed, together with five Latin redactions, all seemingly dating from the late twelfth and thirteenth centuries.¹ The versions are divided into tractates, dealing with different aspects of the law, one being the Laws of Women or *Cyfraith y Gwragedd*, and although each version is different, they are similar in many respects. T. M. Charles-Edwards has argued that the Laws were primarily an oral tradition, but that it was felt 'to be an embarrassment'² in the twelfth century not to have the laws of a country in written form. He further argues that the Welsh were aware of the divergence between English and Welsh law, and that it became of increasing political importance in the thirteenth century, with Welsh law emblematic of Welsh nationhood. It also differed from canon law, which may have prompted the unverified claim that Hywel had gone on a pilgrimage to Rome and received papal blessing for his laws.³

The Laws of Women, in their various versions, are concerned largely with issues of marriage and divorce, and offer wide ranging legal provisions relating to a woman's relationships with her kin and her husband. In this essay I will explore how norms of behaviour in sexual unions in mediaeval Welsh society is reflected in the Laws. I will discuss how they place

¹ T.M. Charles-Edwards, *The Welsh Laws*, (Cardiff University of Wales Press, On Behalf Of The Welsh Arts Council, 1989), p. 20-21.

² T.M. Charles-Edwards, *The Welsh Laws*, p.14.

³ Ibid. p.11.

virginity as an asset at the heart of marriage and divorce laws, managed by notions of shame and reparation, and the ramifications for a woman's natal family and husband. Looking at a selection of examples from The Laws, I will look at how marriage and divorce were enacted, with the appropriate transactions required, key concepts involved and the rights, conferred on men and women. Finally, although extant literature of the period seems to support the codes as law in practice, they must be read and understood with certain caveats and in conjunction with existing written records of the period, to provide a snapshot of a society with a dynamic moral code, independent of canon law.

Welsh law differed from English and canon law at a fundamental level, in that it is predicated on compensation rather than punishment. Closely bound up with notions of honour and shame, with specified reparations. *Galanas*, or 'life price', was a sum payable for a homicide, and *sarhaed*, or insult price, was payable for a range of offences and injuries, including those between man and wife, which might bring shame or dishonour. Davies states that 'no sections of the law texts...preserve concepts of honour and shame so well as those which concern women and marriage', and I shall draw on some examples of this below.⁴ The amount of *sarhaed* or *galanas* payable was determined by status, with a woman's defined by male status, never in her own right.⁵ Her *galanas* was always calculated as half that of her brother, and her *sarhaed* was a third of her brother's before marriage and half her husband's after.⁶ Nevertheless, women are treated generally comparatively favourably in Welsh Law, (apart from land ownership and inheritance), and divorce was available, unlike in canon law.

The Laws foreground virginity as a valuable commodity that effectively belongs to her kin, and impacts on their reputation. Morfydd E Owen notes that many societies have expected

⁴ Ibid. p.53.

⁵ Morfydd E. Owen, 'Shame And Reparation: Women's Place In The Kin', in *The Welsh Law Of Women*; 2nd.edn., ed. by Dafydd Jenkins and Morfydd E. Owen, (Cardiff: University of Wales Press, 2017), pp. 106-130. pp.44-48.

⁶ Dafydd Jenkins, 'Texts Of The Tractate Of The Laws Of Women,' *The Welsh Law Of Women*; 2nd.edn., ed. by Dafydd Jenkins and Morfydd E. Owen, (Cardiff: University of Wales Press, 2015) pp.151-210.p.188.

norms of behaviour for each sex, with women being required to maintain their purity, which man is expected to protect, and this is a key principle underlying the Laws.⁷ A girl was considered marriageable from the age of 12, although she was not expected to bear children before the age of 14, and there seems to have been some care given to preserving her virginity during this time.⁸ Unlike Irish girls, who might be sent into fosterage from age 12, a Welsh girl was likely to stay within her family, who might be required to attest to her virgin state at a later date.⁹ A young woman was expected to be a virgin (*morwyn*) on her wedding night, and there were consequences for her and her family, in terms of material and reputational losses, if she were not.

When a young woman was given by her family in marriage (and I will discuss the forms of marriage later), a payment known as *amobr* was payable to the feudal lord of the family.¹⁰ This was in effect a payment for past protection of the woman's virginity, as the lord was deemed to be responsible for protecting the virginity of all the young women under his rule.¹¹ Additionally, the bride was promised a payment from her new husband, in return for her virginity, known as a *cowyll*, which was equivalent to the Germanic 'morning gift'.¹² The amount of *cowyll* was determined by the rank of the bride's family, from the daughter of a king downwards.¹³ Jenkins notes that in the *Iorwerth* version, there was a monetary tariff set for *cowyll*, but the texts also suggest that there was room for negotiation, including

⁷Owen, p. 50.

⁸ Ibid. p.53.

⁹ Christopher McAll, 'The Normal Paradigms Of A Woman's Life In The Irish And Welsh Texts', in *The Welsh Law Of Women*, 2nd.edn., ed. by Morfydd E. Owen and Dafydd Jenkins (Cardiff: University of Wales Press,2017). pp.7-24. p. 9.

¹⁰ McAll, p.10.

¹¹ Dafydd Jenkins, 'Property Interests In The Classical Welsh Law of Women', in *The Welsh Law Of Women*, 2nd.edn., ed. by Morfydd E. Owen and Dafydd Jenkins (Cardiff: University of Wales Press,2017). pp. 78-105. p.84.

¹² Ibid. p.87.

¹³ Ibid.p.87.

specified goods, and that these amounts may have represented a standard, should there be no other agreement in place.¹⁴ Crucially, this would not be given until the morning, in case the bride turned out not to be a virgin, but a 'false virgin', or *twyllforwyn*.¹⁵

A young woman's parents could be expected to guarantee that she was a virgin before her wedding night.¹⁶ If the husband detected in some manner that his bride was not a virgin, then he must rise from the marriage bed immediately, with his penis still erect,¹⁷ and inform the wedding guests, or *neithiorwyr*. Failure to do so and wait until morning would invalidate his claim. In the absence of hymeneal blood on the sheets to denote virgin status and be demonstrable to the wedding guests, it must be wondered how the groom could arrive at this conclusion. Certainly the Laws were aware that once a girl reached puberty and had 'the signs of childbearing upon her,'¹⁸ it could not be stated with any certainty whether she was a virgin or not. Therefore, if the bride insisted that she was a virgin (and given the ensuing humiliation if she did not, this would seem to be a desirable course of action), the Laws allowed for seven members of her close family (*cyfneseffaid*) to swear an oath to attest to her status.¹⁹ Thus we see the significance of the young girl remaining with her family, so that they would be best placed to observe her behaviour.

If the bride and/or her family chose not to support a claim of virginity, then the legal remedy allows for a very public shaming of the young woman and her body. The Laws present a sexually humiliating ritual, in which her shift would be cut to expose her genitals, and she would be offered the greased tail of a yearling steer to hold. If she could hold onto it, she

¹⁴ Ibid. p.87.

¹⁵ T.M. Charles-Edwards, 'Nau Kynywedi Teithiauc', in *The Welsh Law Of Women*, 2nd.edn., ed. by Morfydd E. Owen and Dafydd Jenkins (Cardiff: University of Wales Press, 2017). pp.25-43, p.38.

¹⁶ Owen, p.54.

¹⁷ Dafydd Jenkins, *Hywel Dda: The Law*, (Llandysul: Gomer Press, 2000), p.49.

¹⁸ Jenkins, *ibid.* p.49.

¹⁹ Jenkins, *ibid.* p.49.

retained it as her share of *agweddi* (a payment due from her husband if a couple separate within seven years of marriage), otherwise she gets nothing.²⁰ If everything is in order, the *agweddi* is retained, providing a form of material insurance for her.

As Jane Cartwright points out, it is not known to what extent or even whether such punishments were meted out in real life (as opposed to legend).²¹ It is hard to imagine any young woman failing to defend her honour, even if she were already sexually experienced and gambling on her family to support her, than risk such humiliating punishment and reputational injury. We might also wonder at the groom, who, having 'discovered' his bride is no virgin, manages to sustain a state of arousal while he nips back to the marriage feast to make his announcement. Was this intended to be a pre-emptive display of proof of potency, and therefore fending off a counter claim for divorce? Whatever the reasons for a highly performative legal process, we cannot therefore assume that this provision in the Laws sheds much definitive light on actual marriage practices. As R.R. Davies has discussed, the Laws of Women are derived from widely varying sources from differing periods, and 'were written by lawmen for lawmen'; they were 'lawyers' manuals, not guidebooks for social observers'.²² Unfortunately there is, so far, little written evidence which records marriage customs as actually carried out, so we may perhaps take Davies' exhortation for the historian to be mindful of the Laws' 'character and purpose...to instruct him in the ethos and presuppositions of native Welsh medieval society in a way in which his conventional sources...signally fail to do so'.²³ I would argue that virginity is nevertheless of great significance, as it features prominently throughout, and that it is a tool to reinforce women's place in the societal hierarchy, and to manage expectations of behaviour. As a woman's

²⁰ Jenkins, *Ibid.* p.49.

²¹ Jane Cartwright. Virginity And Chastity Tests In Medieval Welsh Prose in *Medieval Virginites* ed. A. Bernau. (Cardiff: University of Wales Press, 2003), pp. 56-79. pp. 63-69.

²² R.R. Davies, 'The Status Of Women And The Practice Of Marriage in Late Medieval Wales'. In *The Welsh Law Of Women*, 2nd edn. ed. by Morfydd E. Owen and Dafydd Jenkins (Cardiff: University of Wales Press, 2017), pp.106-130. p. 107.

²³ *Ibid.* p.107.

status was directly linked to, initially, that of her male kin and then her husband's, her place was 'inevitably one of judicial inferiority'.²⁴ As a future mother of her husband's children and link between kinship groups, her chastity was a highly desirable and valuable commodity in the marriage stakes, managed by her male relatives: they were bound to preserve and protect her virginity or risk shame and material loss. The interest in their 'investment' would surely to a significant extent, function as a policing of her behaviour, and the penalties laid out in the Laws, even if not enacted, suggested that most powerful of deterrents, fear of ridicule and humiliation.

It is worth mentioning here the treatment of a virgin who is raped, contrasted with the rape of a married or sexually experienced woman. It also links in with the various acceptable forms of marriage under the Welsh Laws. According to *Ior*, if a woman is raped (and the man admits) then he must pay: twelve cows to the king, and her *amobr* to her lord.²⁵ If the woman is a virgin then additional payments are due: her *cowyll*, her *agweddi* at the highest amount (payable in the event of divorce before seven years of marriage have passed), her *wynebwerth* literally 'face value' or honour price, and her *dilysrwydd*. This last would seem to mean 'free from claim'.²⁶ For a woman who is a wife, her husband will receive her *sarhaed*, augmented to a half of his value.²⁷

Of course, it must be noted that there are variations across the differing versions of the tractates, with interchangeable terms for honour price and so on, as well as, for example,

²⁴ Morfydd E. Owen, Shame and Reparation: Women's Place in the Kin. In *The Welsh Law Of Women*, 2nd.edn. ed. by Morfydd E. Owen and Dafydd Jenkins (Cardiff: University of Wales Press,2017), pp.44-77. p..44.

²⁵ Dafydd Jenkins. Texts of the Tractates of the Laws of Women in *The Welsh Law of Women*, 2nd edn. ed. by Morfydd E. Owen and Dafydd Jenkins (Cardiff: University of Wales Press,2017), pp. 151-210. p.193.

²⁶ Dafydd Jenkins. Glossary, in *The Welsh Law Of Women*, 2nd. edn.ed. by Morfydd E. Owen and Dafydd Jenkins, (Cardiff: University of Wales Press,2017), pp. 211-247. p.225.

²⁷ Dafydd Jenkins, Texts Of The Tractates On The Law Of Women, in *The Welsh Law Of Women*, 2nd.edn.ed. by Morfydd E. Owen and Dafydd Jenkins (Cardiff: University of Wales Press,2017), p. 151-210.p.194.

mention of castration, and confirmation that there is no castration.²⁸ However, the overwhelming sense across the variations is that the offense of rape is subject to compensation, rather than punishment by restraint, death or other physical retribution. The asset of virginity is demonstrably highly valued, and its irreplaceability of great significance.

Turning to marriage, there is a list of nine mnemonics which appear in two of the Latin versions of the Laws, and in other manuscripts, giving the varieties of marriage, which are essentially legal sexual unions. Editorial reconstructions from textual variations suggest an apparent descending order of status: the *Nau Kynywedi Teithiauc*.²⁹ T.M. Charles-Edwards suggests that the unions 'may be graded along a continuous line, from the most honourable at one end to the least honorable at the other. There is no sharp division between lawful and unlawful...'³⁰ They fall into four approximate categories. The first is where a woman is given in marriage by her kin: firstly *Priodas* (now the usual modern Welsh word for marriage in general), where her *argyfrau* (the goods a woman brings to her marriage)³¹ is equal to at least half of her husband's moveable goods, and secondly *agweddi*, where the goods may be of a lesser value. The second category, according to Charles-Edwards, suggest unions where a woman is not *given* by her kin, but both she and they consent to it. These include *caradas* where a woman does not leave her home but is visited there; *deu lysuab*, a rather obscure category which he interprets as similar to that in *Culhwch and Olwen*, where Culhwch's step-mother proposes he marry her own daughter,³² and *llathlut goleu*, where a couple openly elope to a house that does not belong to her kin. The third category comprises two unions where the woman consents, but kin do not: *llathlut twyll*, a secret

²⁸ Jenkins. *Hywel Dda: The Law*. p.52.

²⁹ T.M. Charles-Edwards. *Nau Kynywedi Teithiauc* in *The Welsh Law Of Women*, 2nd.edn.ed. by Morfydd E. Owen and Dafydd Jenkins (Cardiff: University of Wales Press,2017), pp.25-43. p.25.

³⁰ T.M. Charles-Edwards,pp.39-41.

³¹ Dafydd Jenkins. Glossary,in *The Welsh Law Of Women* , 2nd.edn.ed. by Morfydd E. Owen and Dafydd Jenkins (Cardiff: University of Wales Press,2017), pp.211-247. p.216.

³² Culhwch and Olwen, in *The Mabinogion*, ed.by Sioned Davies,(Oxford: Oxford University Press, 2007),p.180.

elopement, and the quaintly titled *beichogi twyll gwreic lwyn a pherth*, literally ‘a secret pregnancy of bush and brake’, where a clandestine union is conducted outdoors, with the woman living in her own home. Children of this union were legally required to be supported by the father. The final category, perhaps somewhat surprising to modern sensibilities, gives two unions that are legal, nevertheless do not have the consent of either the woman or her kin. These are *kynnywedi ar liw ac aro leu*, which may represent an abduction by force, and *twyll morwyn*, or a virgin who has been deceived, suggesting rape, or intercourse following inebriation. Therefore we have, in the final example, a union that is both lawful and an offense, requiring compensation, as we have seen. The union would be immediately terminated (presumably on payment of the compensation due).

With the caveat that the extant manuscripts of the Laws have been written at different times, may contain errors of transcription and regional variations,³³ and include terms and concepts that are not always fully understood, overall they give a sense that marriage, in all its forms was a relatively easy state to enter into, requiring no sanction from the church to validate it. They also suggest that a woman may have a degree of free choice in her mate. Noting that by the late twelfth century rulers were beginning to take note of canon law on consanguinity and excluding illegitimate offspring from inheritance, Huw Pryce argues that when the Laws were originally written, they ‘gave expression and sanction to customs and attitudes which were very much alive in Wales’.³⁴ This would seem to be substantiated by writing at the time, critical of Welsh marriage, the availability of divorce and inheritance customs, on the grounds of immorality, by such as John Peacham, Archbishop of Canterbury (1279-92), John of Salisbury and Gerald of Wales.³⁵ There are also examples within Welsh

³³ R.R. Davies. The Status Of Women And The Practice If Marriage in Late Medieval Wales. *in The Welsh Law Of Women*, pp.106-130.p.112.

³⁴ Huw Pryce, *Native Law And The Church In Medieval Wales*, (Oxford: Clarendon Press, 1993). p.94.

³⁵ Huw Pryce. *Native Law*, p.82.

mediaeval literature, such as in *Culhwch and Olwen*, mentioned above, and the betrothal of Rhiannon, given by her son Pryderi, in the *Mabinogion*.³⁶

Notwithstanding the dim views of Welsh morality, we have seen that there were high expectations of behaviour, not only before marriage, e.g. regarding virginity, but also after, reinforced by a code of compensation and reparation, epitomised by the concepts of *sarhaed* and *galanas*. If a wife says 'shameful things to her husband, such as wishing a blemish on his beard, or dirt on his teeth or calling him a cur'³⁷ she is obliged to pay him *camlwrw*, (minor financial penalty).³⁸ Alternatively he is permitted to strike her three times with a rod (except on her head), and forgo the *camlwrw*.³⁹ If she commits a 'gross offence', i.e. kissing, fondling or intercourse with another man, then this is *sarhaed* to her husband, and he is to be recompensed on a scale commensurate to the offence, payable by the offending man.⁴⁰ However, in the Bleg version it states that no compensation is payable by the offending man if the woman approves of the act, and that the husband can legitimately leave her.⁴¹ Equally, the wife is also eligible for compensation if the husband misbehaves, and Stacey points out that there are provisions which constitute 'significant rights within marriage' for medieval women in Wales.⁴² If her husband goes with another woman, she is entitled to a payment (*wynebwerth*) from him of 120d. the first time, £1, the second, and entitled to separate from him without loss, the third. If he errs three times and she does not separate, she is not entitled to any further *wynebwerth*, and failure to claim it

³⁶ *The Mabinogion*, ed. by Sioned Davies, (Oxford: Oxford University Press, 2007), p.36.

³⁷ Owen, p.58.

³⁸ Dafydd Jenkins, *Glossary*, p.219.

³⁹ Dafydd Jenkins, *Hywel Dda: The Law*. ed. D Jenkins, (Llandysul: Gomer Press, 2000), pp.45-61. pp.52-53.

⁴⁰ *Ibid.* p.48.

⁴¹ *Ibid.* p.48.

⁴² Robin Chapman Stacey, 'Divorce Medieval Style', *Speculum* Vol.77 No. 4, (2002), 1107-1127 p.1121.

for the three offences render her a 'shameful woman'.⁴³ A woman is also legally allowed to separate from her husband on the grounds that he is leprous, has bad breath or impotent.⁴⁴ However, it must also be noted that in *Ior* a test for proving the a woman's claim that a man is impotent is specified.⁴⁵ Even when a woman has committed some wrongdoing, there are three things, her 'privy things' which cannot be taken from her. With some variation in nomenclature across the versions, these are her *cowyll*, her *sarhaed* and her *argyfrau*.⁴⁶

Gerald of Wales railed against the custom of trial marriages.⁴⁷ This likely referred to the possibility of divorce (contrary to canon law) and the specific arrangements for separation, comprehensively set out in The Laws. Different arrangements can be found for a marriage lasting fewer than seven years and one lasting seven or more. McAll notes that one would expect there to be a 'clear distinction' between three different states of marriage: one in which the couple are 'properly betrothed and married', but for fewer than seven years, one in which the couple has been cohabiting (i.e. not recognised as married) for fewer than seven years, and a union of any kind which has subsisted for seven years or more. However it transpires that the meanings are not always clear, unlike a marriage enacted under canon law, which is legitimate from the outset.⁴⁸ In the case of a separation before seven years, a wife was entitled to her *agweddi*, (which may be used as *argyfrau*),⁴⁹ the amount of which would have been determined by the status of her kin. After seven years, the *agweddi* or goods that were payable to the wife on separation before this would fall into the common

⁴³ Jenkins, *Hywel Dda: The Laws*.p.53.

⁴⁴ Christopher McAll, The Normal Paradigms of a Woman's Life, in *The Welsh Law Of Women* 2nd.edn.ed. by Morfydd E. Owen and Dafydd Jenkins (Cardiff: University of Wales Press,2017), pp.7-24. p.21.

⁴⁵ Texts of the Tractate of the Laws of Women in *The Welsh Law Of Women*, 2nd.edn.ed. by Morfydd E. Owen and Dafydd Jenkins (Cardiff: University of Wales Press,2017), pp.151-210. p.199.

⁴⁶ Jenkins, *Hywel Dda: The Laws*, p.53.

⁴⁷ Stacey, 'Divorce Medieval Style', p.1123.

⁴⁸ McAll, pp.17-18.

⁴⁹ Owen, p.92.

pool. It is noteworthy that The Laws go into significant detail about the division of goods after the seven years (or up to three days short of it) have elapsed), and in *Ior*, the passage dealing with this sits at the beginning.⁵⁰ Stacey suggests that the redactor has deliberately moved the passage to greater prominence in order to highlight its 'ideological significance' for him,⁵¹ and indeed, there seems to be no other logical or chronological reason for its place. The division of household goods indicates on the one hand the man's superiority, in that he is due the pigs, as these are considered more valued than sheep, or the sheep, as these are more valued than goats. Stacey also notes the gendering of certain items, with man being associated with looking after free ranging pigs, and women tending to and milking the sheep. However, the principle of gendering items is not consistent, and as the passage continues an extraordinary division of household equipment unfolds. The man is entitled to the upper quern stone, the woman the lower, the man all the hens and one cat, the woman the rest of the cats, the man the riddle, the woman the fine sieve, the man the fuel axe, the woman the broad axe and so on⁵². It is surely odd that a woman would be apportioned the larger of the axes, also used for defence purposes, but more significant is the fact that the separated households would now find life very challenging. One cat is insufficient to protect the man's hens and corn, but the woman has a lot of cats with no hens and corn to guard. The two quern stones for grinding corn are useless when separated, and both the riddle and fine sieve would be required for processing the corn. As Stacey points out 'whatever lies at the heart of the property division....it is definitely not agricultural practicality'.⁵³ She suggests that this is ultimately an object lesson in the costliness and futility of divorce, with the sexual imagery of the separation of the two quern stones, the

⁵⁰ Stacey, 'Divorce Medieval Style', p.1111.

⁵¹ Ibid.

⁵² Jenkins, *The Laws of Women*, pp.45-46.

⁵³ Stacey, 'Divorce Medieval Style.' p.1116.

bedsheets and various pointed tools employed to emphasise the breaking of the sexual union.⁵⁴ Divorce may be available, but the cost may be prohibitive.

Having explored some of the provisions for marriage and divorce as set out in the Laws of Women, what conclusions can be drawn regarding virginity, marriage and divorce? Despite accusations from ecclesiastical commentators that the Welsh were sexually permissive, the importance of preserving female virginity before (a first) marriage is clear. Failure to do so brings shame not only on the young woman, but also her kin, who were expected to protect her chastity. Virginity's significance is underlined by the custom of the husband giving her a payment in respect of surrendering it to him. I have outlined the provisions obtaining in cases of a suspected *twyll forwyn* on her wedding night, and the shame that ensues if she and/or her kin decline to insist upon her virginity, which must raise the question of how likely was this scenario to be played out? Perhaps the passage functioned as a scare story, intended to keep young women pure. Even so, Welsh women did not generally inherit land, from kin or husband,⁵⁵ and in that sense could not be technically regarded as an heiress.⁵⁶ Therefore perhaps this imbued the asset of virginity with even greater significance and value. If a woman's purpose in marriage was to bear children, (especially male children to inherit wealth and land) then her virgin state would ensure there were no other children lurking in the shadows.

During the marriage it is clear that certain standards of behaviour are expected from both man and wife, and the notion of *sarhaed*, implicit in the reparations for breaches of good behaviour, reinforces a moral code and highlights the importance of societal status. Regarding the nine varieties of marital union, it is difficult to know whether this was a systematic effort to reflect and codify the various ways in which couples actually came

⁵⁴ Ibid.1117-1118.

⁵⁵ Dafydd Jenkins, Property Interests In The Classical Welsh Law of Women, in *The Welsh Law Of Women*. 2nd.edn.ed. by Morfydd E. Owen and Dafydd Jenkins (Cardiff: University of Wales Press,2017), pp.78-105. p.85-86.

⁵⁶ R.R. Davies, p.115.

together, or the inclusion of some archaic customs that may already have died out by the thirteenth century. Whatever the case, some weight must be given to the instances of the Laws in action in literary texts such as *The Mabinogion* and *Culhwch and Olwen*, which suggest that some of the practices must have obtained at some point earlier in Welsh history. Divorce was available, but the extraordinary division of household goods seems to suggest that it was undesirable, at least, for unions of seven years or more – was there a mediaeval equivalent of a seven year itch, to be resisted?

It is noteworthy that women (with a few exceptions), can only possess moveable goods, not land. Not only does this reinforce the dependence on a man for a fixed abode, but also perhaps suggests an inhibition on building power and influence that comes with extensive land ownership.

Finally, it must be reiterated that the Laws, as extant, have many similarities but are not uniformly consistent, and the various terms are not evident in all versions. They were written and copied at different times and in different regions, and still pose some questions of interpretation for the historian. Changing politics of the times would likely have impacted customs, for example shifting towards excluding illegitimate children from inheritance, as well as the increasing influence of the church.⁵⁷ Although I would suggest that all the

⁵⁷ Pryce, *Native Law*, pp.78-79.

provisions in the Laws may not have obtained at any one time, it is likely that they reflect a woman's dependent status in mediaeval society, albeit with a degree of agency and material safeguards, the importance of virginity and status, and are closely aligned with the principle of *sarhaed*. Overall they suggest a fundamental moral code, separate from any religious basis, which underpins both men and women's property rights and obligations before, within, and beyond marriage.

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