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# CONFEDERATION NOT DOMINATION: WELSH POLITICAL CULTURE IN THE AGE OF GWYNEDD IMPERIALISM

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In a typically revealing passage in his biography of Llywelyn ap Gruffudd, Beverley Smith analyses the 'final concord' made in 1263 between Llywelyn and Gruffudd ap Gwenwynwyn, the ruler of southern Powys. On the one hand, he observes, it clearly recorded a relationship between a lord and a vassal, Gruffudd doing homage to Llywelyn and receiving his land from him. Yet, on the other hand, it also witnessed to a rather different type of relationship, that of 'confederation and union, *confederatio et unio*', between two equal rulers.<sup>1</sup> Such confederations 'were capable of being developed into a relationship between lord and vassal' (and doubtless Llywelyn felt that had indeed happened), but they 'could equally exist quite apart from such a relationship'.<sup>2</sup> It is this perception of Beverley Smith which forms the point of departure for this paper. It suggests that pacts of 'confederation' could exist not merely apart from, but also as an alternative to, and indeed in conflict with, relationships based on lordship. In an age when Llywelyn ap Gruffudd was asserting his domination over the other native rulers, they offered a different and perhaps better way forward for Wales.

Comparatively little attention has been given to confederations in this period, which is perhaps an example of how history tends to be written from the point of view of the victors. To be sure, Llywelyn ap Gruffudd was no ultimate victor, but nonetheless for the twenty years before the war of 1277, he was remarkably successful in developing and enforcing his vision of a Gwynedd-dominated Wales. That vision, conceived but never thoroughly enforced by his grandfather, Llywelyn ap Iorwerth, was fully set out in the 1267 treaty of Montgomery. Only the ruler of Gwynedd, with the title of prince of Wales, was to do homage to the king of England. All the other native rulers, 'all the Welsh barons of Wales' as the treaty put it, were to do homage to the prince and hold their lands 'in chief' from him. This created for Llywelyn a position of great potential power, for his subject rulers owed him military service, had to attend his court and might forfeit their lands if they were disloyal.<sup>3</sup>

Llywelyn's plan for Wales, transmitted through his grandfather, was clearly derived from the 'feudal' structure of England, and probably had its origins in King John's demands for homage from the native rulers.<sup>4</sup> It is thus a good example of the phenomena, recently analysed by Huw Pryce, in which Welsh rulers borrowed from Anglo-French examples in order to impress their own people and increase their power and status within their own polity.<sup>5</sup> As such, it was always possible for those at the wrong end of the Gwynedd scheme to stigmatize it as an alien construct which cut across an older and more indigenous way in which the Welsh might achieve 'unity', namely through confederation.

Confederation could take a variety of forms. At its most basic it might simply be an alliance between two rulers, in which they agreed to fight together and share the spoils of a particular campaign. When extended, it could involve significant numbers of rulers sworn together to resist an invasion by the king of England, in which case the alliance could involve the choosing of a single leader at least as first among equals. The implication was obvious. Any more permanent and authoritarian structure was unnecessary. The Welsh could band together to meet an external threat and, having seen it off, could, if they wished, go their separate political ways. There was no need for a Gwynedd-dominated principality of Wales.

The making of a confederation is revealed in the *Brut's* account of the events of 1114. Faced with Henry I's invasion of Powys and his supposed intention to exterminate the Welsh, Owain ap Cadwgan sent messengers to Gruffudd ap Cynan of Gwynedd and his son begging them to make peace with each other and common cause against the external enemy. 'And they made a solemn pact together that not one of them without his fellow was to make peace or agreement with their enemies.'<sup>6</sup> Faced with Henry II's invasion of 1164, there was a confederation on a larger scale, at least according to the *Annales Cambriae*: 'all the leaders of Wales took an oath as one against King Henry'.<sup>7</sup> It was the same with John's invasion of 1211. According to the *Cronica de Wallia*, 'the Welsh took an oath against the king of England and resisted him vigorously with one mind'. On this occasion, one can see the confederates electing a leader: 'and they set up for themselves one head, namely Llywelyn prince of North Wales'.<sup>8</sup> Llywelyn's leadership stands out in the text of his 1212 alliance with Philip Augustus, but so also does the collaborative basis of his authority. Thus, Llywelyn says, 'I and all the princes of Wales' (clearly he is not the only prince) are 'confederated together unanimously', Llywelyn having brought them all together '*communi assensu*'. It is likewise 'all the princes of Wales demanding' that Llywelyn asks Philip to make no separate peace.<sup>9</sup> This federal approach was very much in line with the language found in Llywelyn's 1209 charter to Cymer abbey in which

he confirmed grants *a conprincipibus nostris*, here apparently referring to the rulers of Merionydd, whom he described as 'princes' later in the document.<sup>10</sup>

Llywelyn was wise to adopt this approach for there was certainly hostility to any claim to greater authority. Indeed, in 1212 Madog ap Maelgwn ap Cadwallon of Maelienydd, in a charter to Cwm-hir abbey, stated that his nobles had sworn never to endure the 'dominium' of a prince over them, a clear reference to Llywelyn.<sup>11</sup> Yet while the latter was clearly trying to overawe Madog, he remained cautious over the terms in which he did so. In a remarkable letter, probably also from 1212, which hints at the tensions between dominion and cooperation, he struck, as Huw Pryce has noted, 'a magisterial tone', addressing himself not merely to Madog, his brothers and his associates but also to 'everyone else throughout Wales, both known to him and strangers'.<sup>12</sup> Yet Llywelyn left open how far he could command as opposed to simply request: 'I pray you earnestly and urgently demand, and all those whom I can order, I firmly order'.<sup>13</sup> If Madog and his associates ignored his petition (not his order), Llywelyn went on, then they would lose his *familiaritatem et amicitiam*. As for Madog himself, he should not return evil for good (having been brought up and promoted by Llywelyn), but should respect Llywelyn's honour and receive counsel and aid in return. All of this, if couched in masterful terms, still echoed the language of reciprocity and confederation, rather than that of outright lordship and service.

The concept of confederation survived in the period when Llywelyn was asserting a greater mastery. The *Cronica de Wallia* described the division of Wales at Aberdyfi in 1216 as taking place 'in the presence of Llywelyn, at that time nearly holding the monarchy and princeship of all Wales'.<sup>14</sup> Yet the *Annales Cambriae*, in the same year, have Llywelyn attacking Rhos 'with the leaders (*duces*) confederated to him'.<sup>15</sup> Likewise in 1228, the resistance to Henry III's invasion of Ceri is painted, this time by the *Cronica de Wallia*, simply as a confederation with Llywelyn as the favoured leader: 'the magnates of Wales came together with prince Llywelyn, whom they favoured unanimously'.<sup>16</sup>

Under Llywelyn ap Gruffudd, too, as he sought to establish his homage-based principality, concepts of confederation remained obstinately present. In 1258, the Red Book of Hergest version of the *Brut* has 'an assembly of the magnates of Wales' giving an 'oath of allegiance' to Llywelyn.<sup>17</sup> Yet, the Peniarth version says merely that 'all the Welsh made a pact together, and they gave an oath to maintain loyalty and agreement together', without mentioning Llywelyn at all.<sup>18</sup> Significantly, in both versions, the penalty for breaking the agreement was not forfeiture, as would have been the case in any breach of allegiance to a lord, but

excommunication which, as we shall see, was how confederations between equals were enforced.<sup>19</sup> All this is much in line with the well-known alliance between the magnates of Scotland and Wales in March 1258. Although Llywelyn appears as 'prince of Wales', he seems no more than *primus inter pares* with the twenty-six other magnates named as making the pact. Thus, the Scottish nobles agreed to make no peace with England not simply without the consent of the prince but 'without the common consent and assent of the prince and the magnates'. Whereas the text, as here, has eight references to 'the prince and *the* magnates', the form 'the prince and *his* magnates' appears but once.<sup>20</sup>

From the period in the 1250s, before Llywelyn's ascent to principedom, there also survive, as Beverley Smith has appreciated, remarkable individual agreements of a cooperative nature, which probably put into writing the kinds of confederations which had long been prevalent amongst the Welsh rulers, and out of which confederations for more general action could grow. Thus, in November 1250, Llywelyn ap Gruffudd and Gruffudd ap Madog of Bromfield agreed that 'both shall be, as long as they live, of one confederation and of the same union against all men'. Both submitted themselves, in case of any breach, to excommunication and interdict.<sup>21</sup> This agreement was similar to one made in the following year when, again under pain of excommunication, Llywelyn and his elder brother Owain, on the one side, and Maredudd ap Rhys Gryg and Rhys Fychan ap Rhys, on the other, pledged to help each other maintain and recover their rights, giving mutual aid against '*omnes viventes*' as if they were brothers.<sup>22</sup>

There are also two striking agreements from the period of Llywelyn's power, one again with Maredudd ap Rhys Gryg, and the other, referred to at the start of this paper, with Gruffudd ap Gwenwynwyn. In them, Llywelyn subjected both rulers to his new homage-based order, yet both agreements also testified to the strength and persistence of the old federal concepts. The agreement with Maredudd in 1261 made it very clear that he had received his lands from Llywelyn, owed him service, and would suffer forfeiture for any breach of faith. That was a far more menacing penalty than excommunication, which still featured in the agreement but now only as a threat to Maredudd not to Llywelyn as well. The agreement was thus very different from that of eleven years before, yet it also described a pact about the spoils of war, of a kind which was probably centuries old, when it regulated the relations between Maredudd and Maredudd ab Owain. If the latter wished it, the two were to be 'of one war, counsel and aid . . . to conquer their right and inheritance in the land of Dyfed and . . . whatever they are able to acquire by common counsel and aid shall be divided between them'.<sup>23</sup>

The concord between Llywelyn and Gruffudd ap Gwenwynwyn, from December 1263, affirmed at the start that Gruffudd had done homage to Llywelyn for his lands, and went on to regulate the ways in which he might be punished if Llywelyn made charges against him.<sup>24</sup> Yet the concord equally testified to ideas of mutual confederation, which Gruffudd evidently still struggled to assert. Thus both he and Llywelyn were still to be excommunicated if either broke the agreement; here they remained completely on a par. They likewise appeared on a par in the ringing declaration that 'Each of the said lords, Llywelyn and Gruffudd, will hold themselves faithfully together so that they shall be of one war and of one peace, and they will make a confederation with no one, the one without the other.'<sup>25</sup>

This, then, is an extraordinarily evocative document, which encapsulates the struggle for Wales, not between the English and the Welsh but between the Welsh themselves. On the one hand was the vision of Wales united as a homage-based principality under Gwynedd's domination, and on the other an older vision of unity achieved through confederation either between individuals or, if necessary, between a wider body of rulers. The contrast between this agreement and Llywelyn ap Iorwerth's 1212 letter to Madog of Maelienydd is instructive, showing how far the power and pretensions of the rulers of Gwynedd had advanced between the two periods. In the 1212 letter, as we have seen, there was certainly a tension between Llywelyn's magisterial tone and the independence claimed by Madog and his associates, but Llywelyn carefully avoided any unqualified claim to authority. In the 1263 concord, Llywelyn ap Gruffudd made his authority absolutely explicit.

Beverley Smith has pondered whether Llywelyn ap Gruffudd's principality might have been more sustainable had it been confined to 'lordship over the lands of those magnates who were men of the Welsh nation' (essentially his demand in 1258), as opposed to including areas also claimed by marcher barons, as eventually happened under the treaty of Montgomery in 1267. It was, after all, quarrels arising from his broader assertion of authority, often in seemingly peripheral areas, which did much to bring Llywelyn's principality to the ground.<sup>26</sup> Can one, perhaps, go a little further than this and ask whether the whole concept of a homage-based principality of native Wales was flawed, unity through confederation, where unity was necessary, offering a better way forward?

One advantage of confederations was that they were compatible with the participants doing homage to the king of England, something which would appeal both to the king and to many of the Welsh rulers. True confederations could be aimed against the king, as we have seen. Indeed, as Goronwy Edwards noticed, the 1250 pact between Llywelyn and Gruffudd of Bromfield conspicuously failed to except the king of England from the 'all men', *omnes*

*homines*, against whom they were allied.<sup>27</sup> Yet there was nothing in this which explicitly denied the claim of the king to the homage of the Welsh rulers, as the vision of a homage-based Gwynedd state certainly did. For that reason confederation had far less potential to provoke the king of England. It might also appeal to those Welsh rulers, threatened by Gwynedd's domination, who felt they derived both status and protection from their direct relationship with the English crown.

Another advantage of confederation was its looseness. It lasted as long as the participants desired it to last, and then could fall apart without any secular penalties, without, that is, the forfeitures and worse associated with breach of faith in a relationship based on lordship. The sanction, as we have seen, was excommunication.<sup>28</sup> Now it would be wrong to dismiss this as mere form. The Welsh rulers were acutely sensitive to the power of spiritual things, hence Maredudd ap Rhys was to come unprotected by relics when summoned before Llywelyn to answer any charge.<sup>29</sup> The form of the excommunication was also, on the face of it, more pointed than that which, at this time in England, was the sole means of enforcing Magna Carta. In the Charter's case, the excommunication was a general one, pronounced in advance by the prelates against all who might in the future breach its terms. This relied essentially on individuals moderating their conduct for fear of falling under the sentence.<sup>30</sup> There was no mechanism for them being excommunicated by name *after* any transgression. In the Welsh agreements, by contrast, this was precisely what was supposed to happen. It is at this point, however, that the impracticality of the whole process emerges. In the agreement between Llywelyn and Gruffudd ap Madog of Bromfeld, it was the pope, on the complaint of either party, who was empowered to put excommunication and interdict into effect 'against him who has presumed to infringe the confederation'. Given the distance between Wales and Rome and the difficulties of prosecuting business at the papal court, both Llywelyn and Gruffudd must have known that the penalties could not possibly arrive within any relevant timescale. In all probability, they also knew that the chances of the pope acting at all in such a case were pretty well non-existent. In the agreement between Llywelyn and Maredudd ap Rhys Gryg and Rhys Fychan ap Rhys, by contrast, the excommunications were at least to be launched by the 'greater and lesser' prelates in Wales. Those prelates within the land of the party remaining faithful to the agreement were to promulgate the penalties against the party who resiled from it. Here there was nothing impossible about penalties flying about in all directions if the prelates in each land supported their own rulers, but this mutually assured excommunication had hardly the same deterrent effect as the nuclear age's mutually assured destruction. Such excommunications were never (as far as is known)

promulgated, not because they were so feared but because they were not feared enough, the exact opposite of the reason why (so far) there has been no nuclear war.<sup>31</sup>

In practice, therefore, the spiritual sanctions in these Welsh agreements were designed to enhance their solemnity rather than secure their enforcement. That was a strength rather than a weakness since it meant that confederations lasted as long as both parties wished them to do so. In their flexibility, both in terms of their duration, and in terms of their ability to embrace any number of participants, if necessary with one as *primus inter pares*, such agreements were far more in tune with the kaleidoscopic nature of Welsh politics and the reluctance to submit to a single ruler than the alternative structures developed by the princes of Gwynedd. Was this something that Llywelyn ap Iorwerth appreciated? While he clearly visualized a homage-based state, he never strove officiously to bring it about. Thus he never adopted the title 'prince of Wales', realizing that this would raise the hackles of the other native rulers as well as of the king of England.<sup>32</sup> For much of the time his 'aim . . . was to create a federation under his presidency'.<sup>33</sup> If it is right to say that the claims of the English state disabled it 'from reaching out effectively and constructively to the other peoples and power centres of the British Isles',<sup>34</sup> one might equally wonder whether the claims of Gwynedd under Llywelyn ap Gruffudd disabled it from reaching out effectively and constructively to the people and power centres of Wales.

## NOTES

- <sup>1</sup> *AWR*, pp. 529–33; Smith, *Llywelyn*, pp. 287–9. I am most grateful to John Gillingham and Huw Pryce for commenting on a draft of this paper.
- <sup>2</sup> Smith, *Llywelyn*, p. 288; and see *LW*, p. xlii, where Goronwy Edwards comments on how Llywelyn's 'friends' and 'confederates' became his 'vassals'.
- <sup>3</sup> Smith, *Llywelyn*, pp. 108–13, 122–4, 180; R. R. Davies, *Conquest, Coexistence and Change: Wales, 1063–1415* (Oxford, 1987), pp. 246–7, 293–4, 319–20, 414–15. I have tried to sketch something of this myself in *The Struggle for Mastery: Britain, 1066–1284* (London, 2004), pp. 321, 384, 386. For the text of the treaty of Montgomery, see *AWR*, pp. 536–42.
- <sup>4</sup> Davies, *Wales, 1063–1415*, pp. 293–4; Smith, *Llywelyn*, pp. 17–19.
- <sup>5</sup> H. Pryce, 'Welsh rulers and European change', in *Power and Identity in the Middle Ages: Essays in Memory of Rees Davies*, ed. H. Pryce and J. Watts (Oxford, 2007), at pp. 45, 50–1.
- <sup>6</sup> *Brut y Tywysogyon or The Chronicle of the Princes: Red Book of Hergest version*, ed. T. Jones (Cardiff, 1955), pp. 79–81. For Gruffudd ap Cynan refusing a later offer of confederation, see pp. 104–5.
- <sup>7</sup> *Annales Cambriae*, ed. J. Williams ab Ithel (Rolls Series, 1860), p. 50 note 1, from the C text: 'Omnes duces Cambriae in unum contra regem Henricum conjuraverunt.'

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- <sup>8</sup> T. Jones, "'Cronica de Wallia'" and other documents from Exeter Cathedral Library MS. 3514', *BBCS*, 12 (1946-8), 34; '*coniuraverunt Walenses contra regem Anglie et uno animo ei viriliter resisterunt . . . et consistuerunt sibi capud unum, scilicet Lewelinum principem Nortwallie.*'
- <sup>9</sup> *AWR*, pp. 392-3; see R. F. Treharne, 'The Franco-Welsh treaty of alliance in 1212', printed as ch. 11 of his collected essays, *Simon de Montfort and Baronial Reform: Thirteenth Century Essays*, ed. E. B. Fryde (London, 1986).
- <sup>10</sup> *AWR*, no. 229 (p. 380). Huw Pryce kindly drew my attention to this charter and that referred to in the next note.
- <sup>11</sup> *Ibid.*, no. 113.
- <sup>12</sup> *Ibid.*, no. 234, with the quotation at p. 391: '*omnibus aliis per Walliam constitutis tam notis sibi quam extraneis.*' The letter was essentially a letter of protection in favour of Llywelyn's kinsman, Walter Corbet.
- <sup>13</sup> '*precor vos obnixius et expostulo, et illis omnibus de vobis quibus possim precipere, firmiter precipio.*'
- <sup>14</sup> 'Cronica de Wallia', p. 36: '*coram Lewelino, tunc temporis tocius Wallie monarchiam fere atque principatum tenente*'; Davies, *Wales, 1063-1415*, p. 243; Smith, *Llywelyn*, pp. 18-19.
- <sup>15</sup> *Annales Cambriae*, p. 72: '*cum ducibus sibi confoederatis.*'
- <sup>16</sup> 'Cronica de Wallia', p. 37: '*convenientes itaque cum principe Lewelino . . . magnates Wallie qui sibi unanimiter favebant.*'
- <sup>17</sup> *Brut: Red Book of Hergest version*, p. 251.
- <sup>18</sup> *Brut y Tywysogyon or The Chronicle of the Princes: Peniarth MS.20 version*, ed. T. Jones (Cardiff, 1952), p. 111.
- <sup>19</sup> As an example of where both lord and vassal were liable to excommunication, Huw Pryce has pointed out to me the agreement of 1240 (*AWR*, pp.457-60) where both King Henry and Dafydd subjected themselves to ecclesiastical censure imposed by the legate Otto if they failed to accept the terms of his arbitration on matters in dispute. This is rather different from the lord-vassal relationship itself being underpinned by mutual excommunication, but I still find it surprising that Henry III agreed to it. It may be an example, one among many, of his reverence for Otto.
- <sup>20</sup> *AWR*, pp. 499-501: '*sine communi consensu at assensu principis et magnatum.*' For Beverley Smith's discussion of this evidence from 1258, see *Llywelyn ap Gruffudd*, pp. 108-13.
- <sup>21</sup> *AWR*, pp. 495-6: '*ambo erunt quoad vixerunt unius confederacionis et eiusdem unionis contra omnes homines*'; Smith, *Llywelyn*, pp. 68, 288, and, for the date of the agreement, p. 68 n. 123 and Pryce's commentary on the text in *AWR*, p. 496.
- <sup>22</sup> *AWR*, pp. 488-9; Smith, *Llywelyn*, pp. 68, 288.
- <sup>23</sup> *AWR*, pp. 519-21: '*unius were, consilii et auxilii . . . ad conquiendum ius et hereditatem suam in terra De Dyvet et . . . quicquid poterunt communi consilio et auxilio conquerere inter ipsos dividetur*'; Smith, *Llywelyn*, pp. 292-3.
- <sup>24</sup> *AWR*, pp. 529-33; Smith, *Llywelyn*, pp. 287-9, 293-4.
- <sup>25</sup> *AWR*, p. 532 [xvi]: '*Uterque vero dictorum dominorum L[ewelini] et G[riffini] fideliter adinvicem se tenebunt ita quod sint unius gwerre et unius pacis, et nullis se confederabunt alter sine altero.*'
- <sup>26</sup> Smith, *Llywelyn*, pp. 123-4.
- <sup>27</sup> *LW*, p. xxxix.



- <sup>28</sup> For procedures connected with excommunication as evidence for the knowledge of canon law in Wales, see D. B. Walters, 'The renunciation of exceptions: Romano-canonical devices for limiting possible defences in thirteenth-century Welsh law suits', *BBCS*, xxxviii (1991), 119–28.
- <sup>29</sup> *AWR*, p. 521.
- <sup>30</sup> For Henry III and his barons seeking absolution in case they had incurred the sentence, see *Roberti Grosseteste Epistolae*, ed. H. R. Luard (Rolls Series, 1861), pp. 230–1.
- <sup>31</sup> As we have seen in the case of the 1261 agreement between Llywelyn ap Gruffudd and Maredudd ap Rhys, excommunication could feature as a penalty for a vassal's breach of faith, but, as there, it is accompanied by very clear secular penalties: *AWR*, p. 521. A parallel is found in the convention of 1237 under which Thomas of Savoy did homage to Louis IX of France for the county of Flanders. He was to be excommunicated by the pope if he broke the agreement. He also had to provide written undertakings from large numbers of his subjects that they would rise up against him if he did so: *Layettes du Trésor des Chartes*, xii, ed. A. Teulet (Paris, 1866), nos. 2584–605, 2611–91.
- <sup>32</sup> For Llywelyn's title, see H. Pryce, 'Negotiating Anglo-Welsh relations: Llywelyn the Great and Henry III', in *England and Europe in the Reign of Henry III* (Aldershot, 2002), pp. 13–29, at p. 20. See also the discussion of titles in C. Insley, 'From *Rex Wallie* to *Princeps Wallie*: charters and state formation in thirteenth-century Wales' in *The Medieval State: Essays Presented to James Campbell*, ed. J. R. Maddicott and D. M. Palliser (London, 2000), pp. 190–4.
- <sup>33</sup> Davies, *Wales, 1063–1415*, p. 245. But see also Smith, *Llywelyn*, pp. 17–19.
- <sup>34</sup> R. R. Davies, *The First English Empire: Power and Identities in the British Isles, 1093–1343* (Oxford, 2000), pp. 201–2; Rees Davies adds 'except possibly on its own terms'. See also the comment on p. 199.