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The Ancient Laws of Cambria: book review

By David Kopel

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These days are a golden age for the legal historian. Not only are many original sources becoming available on the Internet, publishers of “p-books” (on paper) continue to bring many old titles back into print. Some of these modern reprints are mediocre scans, published as glue-bound paperbacks with generic covers for print on demand. These are certainly better than nothing, but they are often difficult to read. In contrast, [The Lawbook Exchange](#) (Clark, N.J.) publishes high-quality modern editions of legal texts. One such effort is the 2005 edition of the 1823 book [The Ancient Laws of Cambria: Containing the Institutional Triads of Dynwal Moelmud, the Laws of Howel the Good, Triadical Commentaries, Code of Education, and the the Hunting Laws of Wales; to which are added The Historical Triads of Britain](#). With a green cloth hard cover, and gilt lettering on the spine and front, this book will look great on a lawyer’s bookshelf. The book contains William Probert’s translation of various Welsh legal texts.

The book will make you realize that in some ways you live richer than a king used to. By far the largest part of the book is the laws of Howel the Good, who ruled Wales in the first half of the tenth century. The laws are likely a codification and elaboration of established practices. The first major part of the law sets forth the duties and rights of the king’s 16 officers and the queen’s 8. One of them has to gather straw weekly for the king’s bed. All the officers receive new clothes three times a year—woolen clothes from the king and linen ones from the queen. There is an elaborate system of who gets whatever money comes into the royal court, as well as who gets which parts of various domestic or wild animals consumed by the court, who gets the hand-me-downs (e.g., bed linens, horseriding gear) from the king or queen, and elaborate specifications of duties. Among the most interesting are that the queen’s “groom of the rein... must walk pretty near the king.” Whereas the queen’s foot holder “must hold the king’s foot in his lap from the time he begins to sit at the banquet until he goes to sleep; and he must rub the king.”

The rights of the queen’s torch bearer show that there courtyard is in no position to waste anything. He is entitled to “the tops of the candles he bites off with his teeth, as well as the remains of all the candles. He is entitled to the broken bread and broken fragments which fall from the queen’s plate.” It would be probably be nice to have a chaplain, physician, cook, bard, mead-brewer, foot-rubber, and butler always ready to serve one’s household; but it’s also nice to have innerspring mattresses rather than straw, and electric lighting rather than torches.

Like the U.S. Constitution, Howel’s Laws put limits on executive war powers: the king “ought not to march with his army to a neighboring kingdom [England], except once a year.”

The second half of Howel's code contains generally applicable rules for the public. There are highly specific rules for the division of property in case of divorce (e.g., the husband gets the upper layer of bed-clothes, and the wife the lower; the wife gets almost all the dishes, the husband all the drinking vessels). The wife's property rights are greater if she leaves her husband for cause: "if her husband should be leprous, have bad breath, or be unable to perform his marital duties."

The criminal laws, like those of England during the same period, are primarily based on fines which the offender must pay to the victim or the victim's survivors, with heavier fines for "insults" (interpersonal crimes) against persons of higher rank. The laws do not specifically define the offenses of murder, "fire" [arson], theft and so on, presumably because the nature of the crime is common knowledge. But the laws do carefully define the related crimes of what we would today call "accessory" or "aiding and abetting." For example, among "the nine participations in murder" are to counsel the murder, to go with the murderer to the village in which the person is killed, or "to detain a person until the murderer come to kill him."

Among the highest-level of participation crimes is "to see him murdered in his presence without defending him." In other words, Welsh law, [like Jewish law](#), imposed an affirmative duty for a person to defend a victim against a murder attempt.

"Foreigners from beyond sea, or from another country with a barbarous language" [English] were exempt from punishment for theft and for many other offenses during their first three days in Wales, at least partly on the presumption that they would not yet know the laws of Wales.

There are lot of laws about hunting, and it is very clear that, unlike in the period following the Norman conquest of England and (later) of Wales, hunting was allowed by everyone, not just the aristocracy. Indeed, a hunter was allowed to enter another person's property when in pursuit of a roe-buck, a fox, or an otter. The hunter safety rule was that no shooting or pursuit was allowed for game on a road, unless the hunter "be skillful." (For a modern version of this, see Colo. Rev. Stats. sect. 33-6-126, outlawing discharge of a firearm or release of an arrow "from, upon, or across any public road.") Also like modern game laws, Howel's laws forbade shooting any game "whilst it is reposing in its resting place."

For pure literary enjoyment, the best unit of *Ancient Laws of Cambria* is the "Triads of the Isle of Britain." The oldest manuscripts for this date back to the 13th century, and they appear to assemble various legends and stories from Welsh history. In this Welsh nationalist version of things, the Welsh were the first humans to settle Britain. Their problems began when the "Caesarians" [the Romans] invaded for revenge after a Welshman rescued a woman whom the Romans had kidnapped; the Romans only won because the Welsh allowed them to land, for the Welsh considered it more honorable to meet them in open combat. Unfortunately, some Welsh traitors allowed the Caesarians to prevail. The Welsh finally got rid of them after four centuries, and were wisely ruled by King Arthur. But later, the Saxons, led by Hengist and Horsa invaded, and once again traitors allowed the invaders to succeed, so that the Welsh were driven from most of the island, except for the southwest.

In this history, every section begins with a triad. For example, “The three bards who committed the three beneficial assassinations.” All three of the assassins killed cannibals who were in the habit of daily killing and eating two Cambrians. The third of the cannibals, Gwrgi, would kill and eat four people on Saturday, “that he might not kill on the Sunday.”

Ancient Laws also includes the “Triads of Dynwal Moelmud,” a legal code promulgated by the Welsh king approximately 400 BC. All the laws are presented in triadic form, perhaps for easier memorization by the bards. For example: “There are three common persons against whom naked arms must not be presented: a man without arms, a youth before he arrives at manhood, and a female.”

Unfortunately, at the time *Ancient Laws* was first published in 1823 scholars were under the influence of the skillful forger [Iolo Morganwg](#) (1747 – 1826); a famous antiquarian, Morganwg collected and sold authentic Welsh manuscripts, but created forged manuscripts with his own original content. Accordingly, it is possible that some of the triads in *Ancient Laws* may not be authentic. If any commenters know of a source which separates the sheep from the goats, I would be grateful for the information. The bulk of *Ancient Laws*, namely the Laws of Howel, appears to be an accurate conglomeration of surviving authentic manuscripts.

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