"HEDDWCH! HEDDWCH!"
SPORT AND CULTURAL IDENTITY IN EARLY MODERN WALES

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ABSTRACT

In a popular and remarkably detailed narrative of life in seventeenth-century Pembrokeshire, Wales, chronicler George Owen took particular pains to describe a sport "rare to hear, troublesome to describe and painful to practise (sic)." Played during many of the dozen annual festival days in Wales, the game was particularly violent, as hundreds of players on opposing teams attempted to get a leather or wooden ball either into a goal or across a determined end line (customarily the parish boundary) by any means necessary. Thrown, carried, or struck with a club, the ball and its pursuers would careen wildly through the Welsh countryside.

The game was called *Cnapan*. It found its way to Wales through an adaptation of an earlier game played in Cornwall, and before that, in France. Although the basic sport would be familiar to fans of modern-day games such as rugby or football, early modern cnapan was purely a local Welsh pursuit. The communal nature and method of play of the game, and its ferocious intensity were not found elsewhere in western Europe, and certainly not in the British Isles, where sport was beginning to undergo a transformation towards more organized, "respectable" sports, and Welsh cnapan aroused suspicion in England. The sight of thousands of half-naked Welshmen roaming the countryside met with an official English response, and in the county of Pembrokeshire, the response was criminal prosecution of cnapan players, ostensibly on a charge of rioting. The English desire for order and legislation manifested itself in the weapon of legal action in the Courts of Quarter Sessions.

Can the development of this peculiar Welsh sport and the English legal response it engendered answer larger questions about the nature of the early modern Anglo-Welsh

relationship? Through the sport and its opposition I will examine a particular facet of that relationship – the development of an early modern Welsh cultural identity. Similar to the expressions of Welsh bardic poets and the Cymric language itself, cnapan was a distinct element of Welsh identity, despite the arguments of English scholars that any sense of Welshness was subsumed very quickly in the years after the Tudor Acts of Union of 1536 and 1543.

Cnapan and its uniquely Welsh character contradicts that argument, and may force historians to refocus their arguments away from nationalist-centered stories – which have tended to marginalize Wales – towards broader examinations of the interactions of cultural identity. Historians have long identified a strong link between sport and national identity, and such a link has been particularly identified in other parts of the Celtic fringe. I will argue that Cnapan was a vibrant and heretofore marginalized facet of that identity, and will also attempt to challenge existing historiography to open new avenues of discovery for England's western neighbor.

ACKNOWLEDGEMENTS

NOTE ON TERMINOLOGY

The sport at the center of this thesis is known by a variety of spellings, including "cnapan", "knappan", and "knappen." The most famous of accounts, George Owen's 1603 *Description of Pembrokeshire*, refers to "knappen," but most historians have since concluded that because early modern Welsh did not use the letter 'k', Owen's usage was either his own transcription of the word or a later, Anglicized translation of his text.

Welsh historians agree for the most part that "cnapan" is the proper spelling of the word, and was the one used in later centuries to commemorate the memory of the game in Wales. For the purposes of this paper, I have chosen to use that spelling, except when it was used differently in a direct quotation, or when specifically referring to variations of the game which were variously spelled depending on where they were played. For a further discussion of the issue of nomenclature see Brian John's pamphlet *The Ancient Game of Cnapan* (Trefelin: Greencroft, 1985).

According to sources at the Museum of Welsh Life in Cardiff and the National Library of Wales in Aberystwyth, the proper pronunciation of the word is **ke-nap`-ân**, with the c hard rather than silent.

CHAPTER 1

Introduction

In his remarkably detailed narrative of life in seventeenth-century Pembrokeshire, Wales, chronicler George Owen took particular pains to describe a sport "rare to hear, troublesome to describe and painful to practise (sic)."[1] Played during many of the annual festival days in Wales, the game was chaotic, violent, and involved almost every able-bodied male in the area. A leather or wooden ball, soaked in tallow, was placed between two teams of players of indeterminate number – from a few dozen to as many as one thousand per side. From the opening cries of the players – "Cadw ôl!" ("look well!") – the teams attempted to get the ball to a goal, usually a parish monument such as the church door, by any means necessary, singing traditional songs as they went and generally tearing up the countryside.[2] Horsemen with cudgels roamed the field of play, menacing the ball carriers and prompting pleas of "Heddwch, heddwch!" ("Peace, peace!") from players on foot.[3] Thrown or carried, the ball and its pursuers would careen wildly through the Welsh countryside, interrupted only at nightfall.

The game was called c*napan*. It reportedly had its origins in an earlier game played in Cornwall, and before that, in Brittany, in western France.[4] The basic run of play might appear familiar to a devotee of modern-day games such as rugby or Australian Rules football, but in its time cnapan was played nowhere else than Wales. Similar games developed elsewhere on the Celtic fringes of the British Isles – Cornish hurling, "Haxey-hood" in Lincolnshire, the game of shinty in Scotland, and more familiar Irish games –

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[1] Dillwyn Miles, ed., *The Description of Pembrokeshire by George Owen of Henllys* (London: Gomer, 1994), 208.

[2] Gareth Elwyn Jones, *Modern Wales* (Cambridge: Cambridge University Press, 1984).

[3] Iorwerth C. Peate, *Tradition and Folklife: A Welsh view* (London: Faber & Faber 1972).

[4] Robert W. Henderson, *Ball, Bat and Bishop: The Origin of Ball Games.* (Urbana: University of Illinois Press, 1947). The French game was called *la soule*, and was limited to Brittany.

but in its heyday in the years from 1580 to 1620, the wild affair of cnapan was played

nowhere else but the western counties of Wales.[5]

Although Wales had been assimilated into the administrative realm of England by

Tudor statute in 1536-43, it remained in many ways a foreign country to Englishmen, and

such a peculiar and distinctly Welsh pursuit engendered suspicion in London. Despite the

apparent civility that the Tudor Acts had imposed on Wales, the threat – real or imagined

– of an uprising from the western fringe of the British isles always lurked in the English

mind. After all, they supposed, Welshmen were dishonest, fickle, hostile and conniving –

"in war, cowards, and not to be trusted in times of peace."[6] Cnapan reinforced the English

image of an unruly and uncivilized Wales, and was distasteful to both the Tudor

monarchy and the emerging Puritan movement.

The Tudors (predating the Victorian sentiment) believed sport to be a character-

building and even virtuous exercise - if it followed clearly defined rules and

prohibitions.[7] Domination over nature, for instance, in the form of hawking, hunting and

closely regulated tournaments, were admirable for their vigor but also for their alleged

upstanding character. Cnapan was precisely the opposite; frenzied, disordered and reliant

only on the players' honor, rather than a written set of standards. Many religious

enthusiasts were vocal opponents of almost all sports and games, less out of concern for

public order and more for religious reasons. Puritan pamphleteer Phillip Stubbes, for

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[5] See M. Peacock & H.F. Jacob, "The Hood-Game at Haxey", *Folklore*, Vol. 8, No. 1 (Mar. 1897), 72-75, and John Sugden and Alan Bairner "Northern Ireland: Sport in a Divided Society", in Lincoln Allison, ed., *The Politics of Sport* (Manchester: Manchester University Press, 1986).

[6] Giraldus Cambrensis, *The Journey Through Wales* and *The Description of Wales*, translated with an introduction by Lewis Thorpe (London: Penguin, 1978), 245.

[7] For a discussion of the development of "models" of sport, see Lincoln Allison, ed., *The Politics of Sport* (Manchester: Manchester University Press, 1986), particularly Allison's introductory essay, "Sport and Politics," 1-27.

example, published *An Anatomy of Abuses* in 1583, which denounced many aspects of popular culture, including football: "a friendly kind of fight [rather] than play or recreation, a bloody and murdering practice [rather] than a fellowly sport or pastime. Any exercise….which withdraws us from godliness, either upon the Sabbath or any other day, is wicked, and to be forbidden."[8] Naturally, the assembly of hundreds of half-naked Welshmen for their violent pastime caused consternation to English authorities who had not forgotten the revolt of Owain Glyn Dŵr two centuries earlier, or more recent disturbances in the fringes of the Isles.[9]

In the western counties of Pembrokeshire and Carmarthenshire, the English response to cnapan was criminal prosecution of many of the players, each time on charges of alleged rioting or riotous assembly.[10] Three cases, between 1598 and 1604, have been documented as specific efforts to stop cnapan, and there are likely others as well; all part of a larger effort to prevent the game from spreading. As I shall discuss, the underlying reason came from desire for order and assimilation, with a hint of fear of Welsh rebellion.

Cnapan and the English legal response it provoked highlight the fact that law and administration, not military force, was the most important English weapon used to keep order within the realm and suppress a separate Welsh cultural identity. Welsh historians have increasingly relied on social history to illuminate their subject, and placed the focus on the idea of a cultural identity – not merely within Wales, but as Wales related to the

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[8] Phillip Stubbes, *Anatomy of the Abuses in England in Shakespeare's Youth,* Part II (London: Child's and Sons, 1583); also noted in William J. Baker, *Sports in the Western World* (Totowa: Rowan and Littlefield, 1982), 80-82.

[9] Among the histories of Owain's revolt, R.R. Davies' *The Revolt of Owain Glyn Dŵr* (Oxford: Oxford University Press, 1995) is the most comprehensive.

[10] Gareth Elwyn Jones, *Modern Wales* (Cambridge: Cambridge University Press, 1984), 326.

entirety of Britain.[11] In addition, enforcement of central legal codes over a foreign periphery bolsters the case for considering another useful historiographical approach, the notion of a "postcolonial" Wales. Such new approaches will advance the knowledge of truly distinct Welsh cultural traditions, and provide examples of the value of studying such traditions, including the cnapan players of early modern Pembrokeshire.

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The Acts of Union brought two court systems into force in Wales. The Court of Great Sessions was established in 1543, with one session sitting for each of the twelve newly formed Welsh circuits.[12] The Court was authorized by the Act to hear pleas in civil proceedings, chancery disputes, and the same manner of criminal trials as the courts in England. The Court was beset by long delays in procedure (the court sat only twice yearly, for six days each session) corruption, and insufficient and inferior judges, who could not be removed or pensioned except at the pleasure of the Crown.[13]

As a court of appeal, the Star Chamber, founded in 1487, was given wide-ranging jurisdiction in Wales. Judgment was rendered by appointed justices, not a jury; evidence only needed to meet a lenient standard of reliability, and the notorious means by which the Chamber could extract testimony – up to and including torture, but stopping at death

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[11] Two notable examples are Kirsti Bohata, "'For Wales, See England? Suffrage and the New Woman in Wales," *Women's History Review*, Vol. 11, No. 4 (2002), 643-656, and Neil Evans, "Writing the social history of modern Wales," *Social History*, No. 17 (1992), 479-492. Evans does fall into the trap of considering Wales merely as a region of Britain, rather than a country with a distinct identity. It is true, as he claims, that "[w]elsh historians were pioneers of the regional scale of analysis" (p. 479), but their motives were much more concerned with illuminating a sense of social identity rather than simply examining micro-histories.

[12] The Welsh legal circuits created were Chester, North Wales, Brecon and Carmarthen; each comprising roughly a fourth of the territory of Wales; though the population (then and now) was heavily concentrated in the latter two southern districts. Glyn Parry, *A Guide to the Records of Great Sessions in Wales* (Aberystwyth: National Library of Wales, 1995), iv.

[13] Benjamin Heath Malkin, as quoted in *Parliamentary Papers*, 1829, (ix), 446.

– is well documented. In both courts the new English legal machinery mystified Welshmen, to their obvious detriment.

Perhaps the most important aspect of the Union was the requirement that English was the only language to be used in court proceedings, not Welsh. Despite the fact that over 80% of the Welsh population spoke only Welsh, their language was no longer legally valid. The message was clear – English was the language of authority, with Welsh to be marginalized.

The success of the legal conquest of Wales was mixed, though one contemporary claimed in 1576 that the Welsh were "as civil and obedient to law as are the English in England."[14] The legal suppression of cnapan, as we shall see, demonstrates the use of law as a means of societal, cultural and class control by English authorities, and informs larger questions about the nature of the early modern Anglo-Welsh relationship. I will argue that the legal treatment of cnapan adds to a growing shift in the understanding of that relationship as troubled and challenged, rather than the peaceful Union which typifies British historiography regarding England and Wales.

Scholars who have questioned that union have noted the legal marginalization of the Welsh language, but have spent far less effort on other aspects of cultural identity. Cnapan was an integral part of that early modern Welsh identity, similar to the expressions of Welsh bardic poets and the Cymric language itself. English scholars suggest that most meaningful dimensions of Welshness faded rapidly in the years after the Tudor Acts of Union of 1536 and 1543, folding Wales neatly into Britain, so closely

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[14] J. Gwynfor Jones, *Early Modern Wales* (Hampshire: St. Martins, 1984), 106.

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that an encyclopedia entry noted "For Wales, See Britain."[15] Even scholars promoting "New" British history, dedicated to the notion of a multi-polar British Isles, deem Welsh history as inconsequential; a nationality without a nation.[16] Such interpretations downplay a separate Welsh identity, until its "reinvention" in the late nineteenth century, tied closely to the development of Welsh rugby.[17] The history of cnapan helps to reveal that aspects of Welsh culture were persistent. That the sport faced opposition from England only reinforced its Welsh character, and challenges Linda Colley's assertion that sport was used by gentry to "assert its status as arbiter and guardian of culture" only beginning with the hunts of the mid-eighteenth century.[18]

While historians have identified distinct Welsh artistic traditions such as the *eisteddfod* (a festival of Welsh literature and music dating to the twelfth century) and the work of early modern bardic poets as examples of distinct cultural identity,[19] sport belongs within the same framework. Historians and sociologists have identified a strong link between sport and cultural identity. Clifford Geertz' theory of "deep play," in which the games and pastimes of a community reflect its core values, explains why sports in neighboring and similar communities may develop in entirely different directions, and

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[15] See Kenneth O. Morgan, "Welsh Nationalism: The Historical Background", *Journal of Contemporary History*, Vol. 6, No. 1 (1971), 153.

[16] According to Linda Colley, for instance, the Welsh "rarely defined themselves" against the English, and their place in the sense of national identity is unclear at best. Colley, *Britons* (New Haven: Yale University Press, 1992), 13-16.

[17] Many general histories of British sport make this argument, see for example Richard Holt, *Sport and the British,* 8-9.

[18] Colley, *Britons*, 172.

[19] Some have taken it further, suggesting that even the earliest Welsh poets and bards were expressing strong anti-colonial sentiments, pre-dating the Edwardian conquest. Jane Aaron, "Bardic Anti-colonialism", in Jane Aaron and Chris Williams, eds., *Postcolonial Wales* (Cardiff: University of Wales Press, 2005), 137-158.

speaks to their importance as cultural, not merely recreational, traditions.[20] Sport's role in preserving and promoting "cultural nationalism" has been demonstrated in other parts of the Celtic fringe, and in Europe with the French game of *la soule*, a direct antecedent of cnapan, whose players met with similar resistance in Brittany from the French center.[21]

Suppression of cultural characteristics leads to the question of whether the Anglo-Welsh relationship can be considered colonial. The question of colonial interaction within the British Isles has opened some fascinating discussions. Ireland has received the most attention, with a lively debate as to whether colonialism is a constructive lens with which to study Irish history.[22] For Wales, the debate has been much quieter – true of most issues when comparing Welsh and Irish historiography.

Michael Hechter's work *Internal Colonialism* was one of the first to demonstrate the potential of thinking about the Celtic fringe as a model of in-house empire building. Regardless of where it occurs, internal colonization, according to Hechter, was the "political incorporation of culturally distinct groups [on the periphery] by the core."

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[20] "Sport is much more than a pastime or recreation and is an integral part of a society's culture," Harold Perkin, "Sport and Society: Empire and Commonwealth", in J.A. Mangan, ed., *Sport, Culture and Society: international, historical, and sociological perspectives* (London: E&F.N., 1986), 3. See also Clifford Geertz, *The Interpretation of Cultures* (New York: Basic Books, 2000), and the introduction to Richard Holt, *Sport and the British*. With regard to cultural nationalism, see the work of John Hutchinson;, for instance, *The Dynamics of Cultural Nationalism* (London: Allen & Unwin, 1987). Despite sporting pastimes being typically outside of the arena of Hutchinson's humanist intellectuals, sport, particularly locally distinctive sport, meets the more important qualifications of cultural uniqueness and historical memory.

[21] Even in Cornwall, which was not a separate kingdom, the brand of rugby played there is distinctly Cornish, becoming "integrative in the sense of creating wider shared experiences and thus collective identities." Andy Seward, "Cornish Rugby and Cultural Identity: A Socio-Historical Perspective", *The Sports Historian*, No. 18, 2 (Nov. 1998), 91, and L. Gougaud, "La Soule en Bretagne – Jeux similaires du Cornwall et du pays de Galles", *Annales de Bretagne*, Vol. 27 (1911), 571-604.

[22] The primary work is Stephen Howe, *Ireland and Empire: Colonial Legacies in Irish History and Culture* (Oxford: Oxford University Press, 2000). Howe attempts to debunk the colonial interpretation of Irish history, brought to bear, he argues, by Catholic nationalists, but even Howe is forced to admit in his conclusion that Ireland has "[a] colonial past, yes; though one that took unique hybrid forms, involving extensive integration and consensual partnership as well as exploitation and coercion." (p. 232) For a broader comparison see David Lloyd, "Ireland after history" in Henry Schwarz and Sangeeta Ray, eds., *A Companion to Postcolonial Studies* (Malden, MA: Blackwell Publishers, 2000) and Robert J.C. Young, *Postcolonialism* (London: Blackwell, 2001).

Hechter's analysis included Ireland, Scotland and even Brittany, whose relationship to France is the closest corollary to the Anglo-Welsh interaction.[23]

Regarding Wales, Hechter argues that the situation is more a process of "anglicanization" than what was previously considered union or assimilation. He begins his work chronologically with the year of Henry VIII's first Welsh unification statute. The situation in Wales had to be changed for the Tudors to achieve their goal of internal unification; therefore the Union "robbed [Wales] of potential sovereignty," and with success – Wales "had ceased to exist as a political problem for London."[24] Most recently, Welsh historians Chris Williams and Jane Aaron have edited the collection *Post-Colonial Wales*, which uses post-colonial theories of Frantz Fanon, Edward Said, Homi Bhabba and others to scrutinize Welsh politics, demographics and culture, in order to pose questions concerning the Welsh connection to colonization.[25]

Besides strengthening the case for the persistence of Welsh cultural and ethnic tradition, the study of the prosecutions of cnapan players must cause us to question the real place of Wales within British historiography. The emerging shift from a purely "English" history to a "British", or even "British Archipelago" scheme of analysis has not yet properly incorporated Wales, meaning that the 'new' British history is more of the old, at least in terms of its analysis of Wales.

To understand cnapan and contemporary reaction to it, we must examine the state of Wales when the conflict over cnapan arose, around 1600 in the westernmost counties

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[23] Michael Hechter, *Internal Colonialism* (Berkeley: University of California Press, 1975), 9-10.

[24] Hechter, *Internal Colonialism,* 67-69. Hechter goes further to place part of the motive behind annexation in the desire for agricultural land and foodstuffs, a contention which has been disputed since – see the review by R.C. Michie in *The Journal of Economic History*, Vol. 38, No. 3 (Sep. 1978), 779-780.

[25] Aaron and Williams, *Postcolonial Wales.* I am grateful to Dr. Williams for the opportunity to read the pre-publication manuscript.

of Pembrokeshire and Carmarthenshire. Half a century had passed since the biggest

political event in Welsh history, which "united" Wales with England. A century earlier,

Henry Tudor's triumph over Richard III at Bosworth in 1485 was met with delight and

anticipation in Wales. Henry's blood ties to Wales were extremely strong – he was born

and spent his youth in Pembroke, and his famous ancestor was the Welsh hero Henry V,

whose Welsh archers defeated the French at Agincourt. Returning from Brittany, Henry

landed in Pembrokshire at Mill Bay in August 1485, and after unfurling his flag – the

Red Dragon which is the current Welsh standard – he marched across England and

captured the throne.[26]

Henry VII was initially generous with favors towards Wales, or at least the Welsh

gentry who came to him for support. Substantial aid and reform for Wales, however, was

disappointingly slight, as Henry proved to be far from the reincarnation of King Arthur

that Welshmen had hoped, and his son, Henry VIII, similarly failed to live up to the

promise he made his father to take "special care for his own nation and countrymen."[27]

Caught between inattentive sovereign control and economic hardships, Wales (in

the eyes of the crown) was a place in desperate need of order and attention. In May of

1532, Thomas Phillips, an English gentleman traveling in north-east Wales, described

Wales in a letter to Thomas Cromwell as "a country in great decay; that the King's

representatives there took fines for felony and murder and used the money for their own

purposes." Phillips described a general lawlessness where "counterfeit money was

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[26] Prys Morgan and David Thomas, *Wales: The Shaping of a Nation* (Newton Abbot: David and Charles 1984), 69-70, and Gareth Elwyn Jones, "Tudor Wales", in Trevor Herbert & Gareth Elwyn Jones, eds., *Tudor Wales* (Cardiff: University of Wales Press, 1988), 1-9.

[27] Wendy Hughes, *The Story of Pembrokeshire* (Gwynedd: Gwasg Carreg Gwalch, 1993), 52-3.

extremely common." [28] It is clear that there were problems with enforcement of law in Wales during the beginning of the sixteenth century, mostly stemming from a confusing mix of mutually exclusive jurisdictions – wrongdoers at times merely had to cross from the plantation boroughs of the English shires into a Marcher lordship in Wales to escape prosecution. And there were some in Wales who lobbied for the adoption of a more stringent legal code, modeled on the more established code of England.[29] Wales was not, however, as chaotic as English observers made it out to be. Courts held sessions, even in the most rugged areas of North Wales, and sheriffs administered law locally with efficiency. The majority of legal complaints in Wales dealt with unlicensed alehouses and gambling, not rampant disorder and violence.[30]

Thomas Cromwell, the King's loyal minister, held jurisdiction over matters concerning Ireland, Wales and Scotland.[31] His reaction to reports of the lawlessness of Wales was the drafting of a 1536 statute, "An Act for Laws and Justice to be Ministered in Wales in Like Fourme [sic] as it is in this Realm." [32] The legislation had two practical objectives – first, to bring the Welsh entirely under the English system of law, "intending to reduce them to the perfect Order," primarily by replacing the Welsh penal system,

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[28] *Letters and papers, foreign and domestic, of the reign of Henry VIII.*, J.S. Brewer, ed., (London, 1887), vol. v, no. 991.

[29] Peter Roberts, "The English Crown, the Principality of Wales and the Council in the Marches, 1534-1641," in Brendan Bradshaw and John Morrill, eds., *The British Problem, c. 1534-1707* (New York: St. Martins Press, 1996), 118-47.

[30] Gareth Elwyn Jones, *Modern Wales*, 70, and W. Ogwen Williams, *Calendar of Caernarvonshire Quarter Sessions Records,* xxxi.

[31] Roger Merriman, *Life and Letters of Thomas Cromwell* (Oxford: Clarendon, 1902). I:143.

[32] The Acts are commonly referenced as 27 Henry VIII. c. 26 (1536), and 34 & 35 Henry VIII. c. 26 (1543), and are reproduced in W.H. Rees, "The Union of England and Wales with a transcript of the Act of Union*"*, in *The Transactions of the Honourable Society of* Cymmrodorion, 1937 Session, London, Cymmrodorion Society, 1937, 81-101, and in Ivor Bowen, *The Statutes of Wales* (London, 1908), pp.75-93. It was not until 1801 that the Acts were labeled "Acts of Union", by historian Owen Edwards – a name with which many historians, including myself, would not agree as being entirely applicable.

which he believed had become increasingly ignored or ill respected,[33] and re-organizing the existing Welsh marcher lordships into English counties and offices. The thirteen existing Welsh counties were shired into four judicial circuits – not always reflecting existing boundaries or loyalties.[34]

No matter what Cromwell and Henry's intent, the legislation had permanent and formative effects on Wales. As early as 1556 Englishmen were congratulating themselves for a process where a people previously "rude and savage despising all civility and good order" were "reduced to civility" due to the Acts.[35]

Most English historians assumed the Welsh acquiesced serenely to the Tudor revolution. The Tudor Acts wrought no political revolutions in Wales; and G.R. Elton has concluded that since there were no significant pieces of legislation introduced by Welsh members in the House of Commons, then all was calm in Cymru.[36] Historians here confuse a lack of a Welsh project for political separation with an adoption of a combined, Anglicized identity.[37] Simply because Welshmen did not pursue a separate political identity does not mean that they did not firmly maintain a separate cultural and social identity. A crucial illustration of this is the commencement of an effort, introduced into the commons by a Welsh MP, for an authorized translation of the Bible into Welsh. This

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[33] J. Gwynfor Jones, *Wales and the Tudor State: Government, Religious Change and the Social Order, 1534-1603* (Cardiff: University of Wales Press, 1989), 1-3.

[34] All Welsh counties were combined into new English shires except Monmouthshire, which was incorporated into the English circuit in Oxford. As a result it has remained an enigma of Anglo-Welsh history. Source: *Guide to the Department of Manuscripts and Records: The National Library of Wales* (Aberystwyth: National Library of Wales, 1994), 18.

[35] *Early Chancery Proceedings*, 1454/100-1 (1556).

[36] Geoffrey Elton, "Wales in Parliament," in *Welsh Society and Nationhood*, ed. R.R. Davies, R.A. Griffiths, I.G. Jones and K.O. Morgan (Cardiff: University of Wales Press, 1984), 108-121.

[37] See for instance John Morrill, "The British Problem, c. 1534-1707", in Bradshaw and Morrill, *The British Problem*. Morrill argues that because of two factors – the recognition that the Welsh shared a common British ancestry with England, and the lack of revolutions characteristic in Scotland and Ireland – the Welsh "embraced English law and English religion" and other aspects of English society.

was rewarded in 1567 with the publication of a Welsh New Testament, and in 1588 with the entire Bible. This reaffirmation of Welsh identity through language was as powerful as any political separation could have been.

Wales by 1600, therefore, was a land of contradictions. A proud legacy of cultural difference was overlaid by an omnipresent English legal authority. Wales had been "tamed," but it remained a foreign and devious country to the English, and would remain so for centuries. The difficulty of comprehension was neatly expressed in the nineteenth century by a native of Snowdonia:

> It would be endless to point out the absurd conjectures and misrepresentations of those have of late years undertaken to describe this country…travelers from England, often from want of candor, and always from defect of necessary knowledge, impose upon the world unfavorable as well as false accounts of their fellow subjects in Wales.[38]

Historians have neglected to take much note of Tudor and Stuarts anxieties towards their Welsh neighbors. The English, in fact, were less satisfied than many historians that Wales had been administratively annexed into England and therefore prevented from being a land of troublemakers. According to many in England, the Welsh belief and faith in prophecy made them a constant threat in their assurance that they would someday overthrow the English occupation. A primary motivation behind the execution of the rebellious Rhys ap Gruffydd in 1531 by Henry VIII was reportedly Gruffydd's belief in the prophesy of a return of an ancient Welsh king.[39]

This overactive imagination was in spite of the fact that the Welsh themselves kept rather quiet through the remainder of the sixteenth century, ironically in large measure due to the ascension of "Harri Tudur," who was a fulfillment of a prophecy of a

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[38] *The Cambrian Tourist, or A Post-Chaise Companion through Wales* (London: Edwards, 1821), 244.
[39] Glanmor Williams, *Renewal and Reformation: Wales, c. 1415-1642* (Oxford: Oxford University Press, 1993), 256.

Welsh prince ascending the throne.[40] A magistrate's handbook from the period instructs that "if a man lives idly or vagrant, it is a good cause to arrest him upon suspicion, if there have been any felony committed."[41] What, then, to do with an entire land full of supposed vagrants? The answer was to attack those elements of culture which were not properly "English," through their newly implemented legal system.

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Cnapan was played almost exclusively in the western counties of Wales, in Carmarthenshire and Pembrokeshire, so it is worthwhile to examine the area where the prosecutions took place. Pembrokeshire was unusual; remote and isolated, but strategically vital to England. Like the later settlements of Edward I in North Wales, Pembroke was founded as an English town, with a large number of English émigrés. Its Norman castle, Penfro, was considered "the most frightening thing in Wales," a constant reminder of the English presence in the area and an example to the rest of Wales of English rule.[42]

Pembrokeshire was granted charter by Henry I in 1100, just ten years after the castle was established – an unusually short time compared to other localities which saw a gap of a century or more between castle and charter.[43] The reason was Pembrokeshire's

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[40] Few Welshmen believed that Henry V through VIII represented a return to Welsh independence, but were in high spirits for the fact that a king of Welsh bloodline had reached the throne. For an excellent discussion of the initial Welsh response to the Tudor dynasty, see chapter 1 of Philip Schwyzer, *Literature, Nationalism and Memory in Early Modern England and Wales* (Cambridge: Cambridge University Press, 2004).

[41] Michael Dalton, *The Country Justice* (5th edition, 1628), as cited in Cynthia Herrup, *The Common Peace: Legal Structure and Legal Substance in East Sussex 1594-1640* (Ph.D. dissertation, Northwestern University, 1982), 124.

[42] Jan Morris, *The Matter of Wales* (Oxford: Oxford University Press, 1984), 67.

[43] Brian Paul Hindle, "Medieval Pembroke", *The Pembrokeshire Historian*, No. 6 (1979), 76-80.

defensive importance to England – those who feared invasion from continental Europe always cast a first nervous eye towards the western sea.

The county is split almost directly in half, through a dividing line which runs through the town of Narberth:

> The northern half of the county, speaking almost literally, is as Welsh as Cardiganshire in blood and speech. The southern half in both particulars is as English as Hampshire…across this line there has been no social trafficking, no intermarriage, no sympathy of any kind to speak of…a deep-rooted prejudice…has been going on for eight centuries.[44]

Southern Pembrokeshire was (and remains) more fertile, temperate, and metropolitan, and was considered one of the most Anglicized parts of Wales; English residents would refer to south Pembrokeshire as their "little England beyond Wales." Economic progress was limited to the south; the "great rebuilding" which took place at the end of the sixteenth century passed the Welsh areas by, as there are fewer architectural examples from this period than anywhere else in Wales.[45] The areas were separated culturally as well. A variation of cnapan was played in the more English south, but the play was regulated by written rule - the ball could be kicked, or hit with sticks, and contained much less of the free-wheeling action – and, though this is just conjecture, the passion – of the northern sport.[46]

Pembroke was difficult to control administratively or tax from London. Although considered a palatinate, its privileges and autonomy as such were not the same as others in Wales. The king kept a tighter reign on legislation, fines collected in the county went

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[44] A.G. Bradley, *Highways and Byways in South Wales* (London: Macmillan, 1914), 287.

[45] Joan Thirsk, ed., *The Agrarian History of England and Wales*, Volume IV (Cambridge: Cambridge University Press, 1967), 789.

[46] Elinth Roselle Griffiths. "The reaction of English Pembrokeshire to the Social and Intellectual Movements of Wales Since 1689" (M.A. Thesis, University College of Swansea, 1927), 1-3.

directly to Westminster, and the crown reserved the right to grant town charters, something normally handled locally.[47] Henry VIII passed three statutes dealing with the status of Haverfordwest, the largest town in Pembroke, granting and then revoking the power to appoint Justices.[48] Despite these measures practical problems of administration remained. Thomas Cromwell depended in large part on infrequent and often inaccurate reports from the local bishops.[49] "In consideration of the remoteness of these parts," wrote a Haverfordwest councilor in 1626, "[and] the hazard of conveying the money to London and of the second trouble of raising the rest of the money in months hence," the Privy Council in London was asked for another extension of time to collect revenues, to their continued frustration.[50]

Pembrokeshire suffered a double distrust at the hands of the English. Its remoteness (the westernmost location in Wales, and therefore the furthest from London), and its uneasy allegiances with various English rulers made it seem mysterious and threatening.[51] That sense of threat finally resulted in legal challenges which drove cnapan underground and painted it as an undesirable pastime for a civilized culture. As a result, what we know about the sport is gathered from elusive sources, but they do paint a

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[47] Francis Green, "Mayors of Pembroke", *West Wales Historical Records*, Vol. 5 (1915), 113-132.

[48] Christopher Cobbe-Webbe, *Haverfordwest and Its Story* (Haverfordwest: Llewellyn Brigstocke, 1882), 65.

[49] The Bishop of St. David's, William Barlow, lobbied Cromwell that the seat of the upcoming shire-town be set in Haverfordwest, and not Pembroke, in part because of the difficulty of traveling through Milford Haven; a placid crossing which the Bishop oddly and incorrectly claimed "was sometimes too stormy to be crossed." *Letters and Papers, Henry VIII*, Cal. 570-71.

[50] *Calendar of the Records of Haverfordwest*, 228, month and date unknown, 1626.

[51] Although the Glyn Dŵr revolt of 1400 was centered in the border counties in the north, word reached the king in 1404 that a Welshman from the town of Tenby, David Perrot, was raising a rebel navy in Pembrokeshire, one which was quite successful in besieging the castles of Aberystwyth and Harlech on the western Welsh coast. R. K. Turvey, "David Perrot: A Pembrokeshire Squire in the Service of Glyndwr", *Transactions of the Honourable Society of Cymmrodorion*, 1990, 65-82.

picture of a truly remarkable and lasting local custom, one which helped shape Welsh

identity.

CHAPTER 2

The Game of Cnapan

Cilgerran Castle, in Pembrokeshire, Wales, was a twelfth-century fortress, valuable for not only for its imposing masonry walls but also for its location. Situated on a rocky cliff face overlooking the Teifi River, the castle provided an ideal vantage point to survey the entire valley below. Its strategic importance was crucial for centuries. For example, English troops and Welsh rebels fought bitterly for control of Cilgerran during both the uprisings of Llywelyn in 1200 and Owain Glyn Dŵr in 1400.[52]

It was from this vantage point, at the turn of the seventeenth century, that a Welsh antiquarian, poet and constable of the castle, Dr. Thomas Phaer, witnessed an extraordinary contest taking place in the valley below, stretching to the north to the town of Cardigan. Hundreds of men, stripped except for light breeches, careened through the valley in a seemingly mad and confused scramble, in pursuit of a small, wooden ball which passed from hand to hand after the threat, or the realization, of physical violence against the current possessor.[53]

The game was not for the faint of heart or the weak of constitution. It "demanded great physical strength and a fierce competitive spirit, and those involved had to be prepared to suffer bleeding noses, bruises and even broken limbs."[54] According to another witness, the action resembled ancient warfare, "when hand-to-hand fights

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[52] See J.E. Lloyd, *A History of Wales* (London: Longmans, 1939), and R. Allen Brown, "A List of Castles, 1154-1216," *The English Historical Review*, Vol. 74, No. 291 (Apr., 1959), 265.

[53] Phaer is better known as the "father of English pediatrics", but managed beside his medical career to write many scholarly works, including a highly regarded translation of Virgil's *Aenied* (referenced below). See Vivian Nutton, review of *Thomas Phaer and the Boke of Children,* Rick Bowers, ed., *Isis*, Vol. 92, No. 1 (March, 2001), 165-66.

[54] W. S. K. Thomas, *Stuart Wales 1603-1714* (Llandysul: Gomer Press, 1988), 191-2.

decided the fate of nations."[55] The players in this scramble were enthusiastic, loud and boisterous, with complete disregard for their own safety, or the safety of the other players. Cries of both "*Cadw Ol*!" ("look out!"), and "*Heddwch, Heddwch*!" ("Peace! Peace!") rang through the walls of the narrow gorge between the river and the cliff face. Phaer found the fierce competitiveness of the players surprising, given the lack of any prize or reward for the winning team, and another contemporary chronicler agreed. "They contend not for any wager or valuable thing," wrote George Owen in 1603, "but only for glory and renown, first for the fame of their country in general, next every particular to win praise for his activity and prowess."[56]

Based on Phaer's eyewitness account (and others), we have historical record of cnapan, the curious folk game of early modern Britain.[57] Dr. Phaer later learned more of the game, from a closer perspective, but his original vantage point – later referred to by local residents as *Gardd y Cnapan* ("Cnapan Garden") – allowed a panoramic appreciation of this exclusively Welsh sport.[58] There were other games played across Wales, many resembling cnapan in some way, or the developing game of folk football that was more common in England. The game of *bando,* or *bandy*, is rarely mentioned but apparently was also played with "immense vigor and not a little violence" between rival parishes in the north of Wales.[59] Cnapan, however, was unique in the sense that it

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[55] Christopher Cobbe-Webbe, *Haverfordwest and Its Story*, (Haverfordwest: Llewellyn Brigstocke, 1882), 131-32.

[56] George Owen, *The Description of Pembrokeshire* (Llandysul: Gomer Press, 1994), 210.

[57] The word itself (an Anglicization of the ancient Welsh term cnapan), dates back to a 1557 translation of Virgil's Aeneid, where its meaning is given as 'sphraeromachia', or playing at ball games.

[58] Tecwyn Vaughan Jones, "Chwarae Cnapan," *Llafar Gwlad*, No. 13 (1986), 9. Jones' article contains a photograph (also contained in the collection of the National Museum of Wales) of the cliff and the likely spot in which Phaer was able to view the surrounding valleys.

[59] Glanmor Williams, ed., *Glamorgan County History*, Volume IV, (Cardiff: Glamorgan County History Trust, 1974), 137.

was limited only to western Wales, and while it shared elements with the folk game of Cornwall, was otherwise unknown outside that small area.

How did Welsh *cnapan* originate? Historians of sport have argued that its similarities to two other concurrent folk games in Brittany and Cornwall suggest that its roots can be traced to those areas. Brittany, in western France, had been a battleground for various English and French conflicts throughout the late middle ages, and in the fifteenth century it shared an uneasy separate-yet-connected relationship with France, not unlike the Anglo-Welsh "union." The game of *la soule*, or simply *soule* was played in Brittany in the mid-fifteenth century. Accounts of the game describe a free-wheeling sport very similar to *cnapan*, though without the horsemen who roamed the Pembrokeshire fields.[60] Sides were chosen from large groups in the vicinity, either parish versus parish, or other groupings such as single versus married men or highlanders versus lowlanders. Games were played on the Mid-Lent, or Shrovetide festival day, and oftentimes Easter or Christmas day. It was also a rough game, labeled "dangerous and pernicious" by church leaders.[61] The link between *la soule* and cnapan, according to one chronicler, is "remarkable, for there are apparently no traces of it in other parts of France or in England."[62]

There were royal attempts to prohibit the playing of *soule* in France throughout the fourteenth century, but were unsuccessful – judging by the fact that these proclamations continued until the French revolution.[63] An English clergyman, Henry

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[60] E. L. Barnwell, "On Some Ancient Welsh Customs", *Archæologia Cambrensis*, Vol. III (Fourth Series), 1872, 337-38.

[61] Henderson, *Ball, Bat and Bishop*, 39-40.

[62] Barnwell, "On Some Ancient Welsh Customs", 337-38.

[63] Eric Dunning, Dominic Malcolm and Ivan Waddington, eds., *Sport Histories: Figurational studies of the development of modern sports.* (London: Routledge, 2004), 37.

Bourne, writing in 1725, examined the prohibitions against contemporary holiday sport, and came to the conclusion that although the medieval prohibitions handed down from French theologians regarding *la soule* had accompanied the game across the Channel, "there is nothing sinful in <u>lawful </u>recreation."[64]

The game may have crossed the English channel to Cornwall and Wales sometime in the fifteenth or sixteenth century. Robert Henderson has argued for the close relationship between the various Britannic sports, and credits *la soule* as being the father of the Cornish and Welsh games, as well as a Scottish game, called *shinty*.[65] The evidence for a steady progression of the game through Brittany and Cornwall is compelling, if not entirely convincing. George Owen's account, discussed in detail below, claims that the game had been popular since "great antiquity," its popularity for the ancient Britons a consequence of its value as physical training for war.[66] It is safe to assume that the game did not just spring from thin air in 1580; like its competing game in Cornwall, it likely developed domestically over the century or more from the late 1400's. Therefore despite the certainty with which some historians hope to make the geographic and chronological connection, a causal link between the games has yet to be definitively proven.

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[64] Henry Bourne, *Antiquitates Vulgares*, Ch. 24 (London, 1725).

[65] Henderson, *Ball, Bat and Bishop,* 86. *Shinty* has an interesting and somewhat ambiguous history, as it bridges the gap between the "carry" games like *cnapan* and the "ball-and-stick" games such as Irish hurling; and its roots are often argue to reach back to Roman times, rather than a relationship to the Bretonic games. See for instance Steve Craig, *Sports and Games of the Ancients* (Westport: Greenwood Press, 2002).

[66] Emma Lile, "Cnapan", in Tony Collins, ed., *Encyclopedia of Traditional British Rural Sports*, (London: Routledge, 2005), 66-67.

Our best source of information about how Welsh cnapan was played comes primarily from one source. George Owen (1552-1613) was a country landowner who adored his county – this "very embodiment of a shining local patriotism"[67] – carefully described Pembrokeshire, down to its geography, geology, culture and local social customs. Owen is considered one of the most important chroniclers of early modern Wales, and was lauded for being unusually aware of and sympathetic toward the conditions of life for the common man, which perhaps led to his fascination with cnapan. Owen devoted the last four hundred lines of his *Description* to the details and folklore of the game. (Owen played the game himself, may have been badly injured in a game around 1595, and wrote in his *Description* that he had "often felt the smart" of playing.[68]) The well-traveled Owen begged his readers' pardon for spending so long describing the game, but did so, he said, "for the rarity thereof," which suggested that outside of southwest Wales no one was likely to have heard of it.[69]

Most subsequent accounts of *cnapan* relied either directly or obliquely on Owen's report. A 1795 article of Welsh "curiosities" repeats Owen's account verbatim, though with a fascinating footnote regarding Pembrokeshire:

> …where the genuine British character and spirit, notwithstanding the Norman and Flemish intrusion, maintained its ground to the last, and is to this day discovered in greater purity, both with respect to the language, and the manners of the inhabitants, that in any other district of the county.[70]

The danger of such a dependence on a single source is clear. Can we trust Owen's account of this somewhat mysterious and specialized game? By almost all accounts,

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[67] Glanmor Williams, review of *Description of Pembrokeshire* by George Owen, Dillwyn Miles, ed., *The Journal of the Pembrokeshire Historical Society*, No. 6 (1994/95), 93.

[68] Wendy Hughes, *The Story of Pembrokeshire* (Gwynedd: Gwasg Carreg Gwalch, 1993), 91. Hughes notes the rumor without attribution. Owen's quote is on 219 of the *Description of Pembrokeshire*.

[69] George Owen, *The Description of Pembrokeshire*, 208

[70] *The Cambrian Register for the year 1795*. (London: E. and T. Williams, 1796), 168*n*.

Owen was a careful and meticulous historian, fueled by his nature as a polymath – his interests and knowledge ranged widely through a variety of subjects, making him ideally suited to write a general account. His diligent research was fueled in part by the fact that he was involved in a number of disputes regarding ownership and tenancy of his property at Henllys, finding supporting evidence in Domesday records and other antiquarian sources.[71] Owen's parish of Nevern was the center of activity of history and genealogy, and one contemporary asserted that Owen "formed a link between the old Welsh bardic tradition and the flourishing antiquarian and historical studies of the Elizabethan and Jacobean period."[72] His "Treatise of Lordships Marchers in Wales" remained the authoritative volume on the subject for three centuries.[73]

Despite his admiration for Welsh customs, Owen's view was not colored by the fierce Welsh allegiances of many of his contemporaries. In *A Dialogue of the Government of Wales*, published in 1594, he effusively praised the Tudor assimilation. Henry Tudor was "a Moses that delivered us from bondage" by enforcing English order and good government.[74] We may take his description of cnapan, therefore, not as fulsome pride in a purely Welsh pursuit, but as a measured account of the strange custom.

George Owen's account of Pembrokeshire was not the only local chronicle to attract a large audience in its time, as it appeared at a time of renewed interest in local

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[71] Dillwyn Miles, in his introductory notes to *The Description of Pembrokeshire,* xxviii.

[72] E.D. Jones, *Pembrokeshire Historian*, Vol. 6 (1979), p.58.

[73] See Henry Owen, "Report on 'Owen's Pembrokeshire'", *Transactions of the Honourable Society of Cymmrodorion*, Session 1893-94, xv-xvi, and Dillwyn Miles, "An Exquisite Antiquary: George Owen of Henllys (1552-1613)", *Transactions of the Honourable Society of Cymmrodorion,* New Series, Volume 5 (1999), 5-24.

[74] George Owen, *A Dialogue of the Government of Wales*, 1594, as quoted in Trevor Herbert and Gareth Jones, eds. *Tudor Wales* (Cardiff: University of Wales Press, 1988), 6.

histories in Wales.[75] It followed the publication of a remarkably similar volume that chronicled the life of Cornwall. Richard Carew's 1602 *The Survey of Cornwall* was as far-reaching and detailed as Owen's of Pembrokeshire. Carew's 1602 account of Cornish "hurling to the country" describes a game very similar to Owen's *cnapan*. There was no question of limiting players per side; there was "neither comparing of numbers no matching of men." The game was played with a silver-coated ball similar to the cnapan ball, on which, it is recorded in one parish, was inscribed the Cornish phrase "*Gware wheag yeo gware teag*" – "Fair play is good play." For a contest between Lelant and St Ives, the object was to throw the ball through the door of the parish church, with the losing team saddled with the cost and task of creating a new ball. This particular contest became one-sided over the years due to the larger population of St. Ives, and eventually the Lelant players refused to take part.[76]

Carew's game involved carrying, not kicking, the ball, and was accompanied by much the same enthusiastic aggression as in Wales. The object was to carry out the task "by force or slight," and by any means necessary.[77] Carew writes:

> I cannot well resolve, whether I should more commend this game, for the manhood and exercise, or condemn it for the boisterousness and harms which it begets: for as it makes their bodies strong, hard, and nimble, and puts a courage into their hearts to meet an enemy in the face: so it is accompanied by many dangers, some of which do ever gall to the players share. For proof whereof, when the hurling is ended, you shall see them retiring home, as from a pitched battle.[78]

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[75] Authors like Humphrey Lloyd (*Commentarioli Brittannicae Descriptionis Fragmentum*, 1572), David Powel (*Historie of Cambria*, 1584) and William Camden's multi-volume *Brittania* (1586) influenced Owen, and in many cases made use of his scrupulous research in western Wales. See Dillwyn Miles, in his introductory notes to *The Description of Pembrokeshire*, xxxvi.

[76] Robert Hunt, ed., *Popular Romances of the West of England: The drolls, traditions, and superstitions of old Cornwall* (London, Chatto and Windus, 1903).

[77] Dunning, *Sport Histories*, 34.

[78] Richard Carew, *The Survey of Cornwall*, F.E. Halliday, ed. (London: Andrew Melrose, 1953).

Just as in Pembrokeshire, the traditional game in Cornwall had two variations; besides "hurling to the country", which resembled North Pembrokeshire, or Welsh, *cnapan*, there was a second variant, "hurling to goals", was played with a much smaller ball, which was hit with sticks, rather than kicked or carried. This variation eventually developed into the hurling which remains tremendously popular in Ireland.[79]

From Owen and Carew's descriptions, and the extraordinary similarities between the Britannic games, there can be little doubt that *cnapan* and Cornish hurling share the same ancestry. It is not entirely certain which developed first, or whether the games evolved independently. They spread to other counties by the 17th century (a 1648 pamphlet refers to an upcoming hurling match between Devon and Cornwall[80]) but remained confined to the west of Britain.

Reliable accounts of cnapan can be found in Wales by the middle of the sixteenth century. The first appearance of the word in surviving literature is in 1557, written in the margin of a translation of Virgil's *Aeneid* by Welshman Thomas Phaer. Remarking on the similarity between a game he observed in Wales and a game described by Virgil, Phaer wrote "This play is used in Wales and is called 'Knappan'".[81] The game was centered in western Wales and was played regularly, and we have more detailed accounts from Pembrokeshire between 1580 and the time of Owen's book in 1603.

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[79] Irishmen played hurling to goals, using curved bats, in great numbers in 1775, in the fields behind the British Museum in London. Joseph Strutt, *Sports and Pastimes*, 92.

[80] From *Hamilton's* Papers, as quoted in Joseph Strutt, *Sports and Pastimes*, 93.

[81] Virgil's game (via Phaer's translation) is not described in detail, though it is certainly reminiscent of cnapan; a "whirling ball" is pursued by great numbers "through cities midst the towns", and describes the force and vehemence of the players in pursuit. Quoted in George Owen, *The Description of Pembrokeshire* (Llandysul: Gomer Press, 1994), 216, and n300. Henderson may have the founding sport: an ancient Greek game called "a game called episkyros. In this game a number of young men gathered in a large arena covered with sand or dust…and each team gathered on its own boundary. At a signal both sides rushed to gain possession of the ball. Episkyros is quite different from all other Greek or Roman ball practices, and is seldom mentioned in ancient literature, but it is so characteristic of ball ceremonial contests that it must bear some relation to them." Henderson, *Ball, Bat and Bishop*, 21.

The game of *cnapan* takes its name from the ball with which it was played. The ball measured "a reasonable quantity, so as a man may hold it in his hand and no more" according to Owen,[82] but ranged in size among different parishes. Some accounts differ from Owen's, describing a ball close to the size of a modern soccer ball, while others agree that the ball was "just small enough to be grasped with one hand."[83] A ball preserved in a museum in Carmarthenshire is hardly bigger than a modern softball.[84] It was assembled from swaths of leather tied into a ball; though some accounts claim the ball was made from a soft wood such as box or yew. Whatever the material, great care was taken to create the ball, and it was usually done by a particular parish craftsman, which explains the variation in size. To increase the difficulty of play, the ball was usually "greased"; Owen recommended that the ball should be boiled in tallow, but this also was subject to local variation.[85]

The game was played on festival days throughout the west of Wales. The competition on *Dydd Mawrth Ynyd* (Shrove Tuesday) between Newport and Nevern was the best known, since that particular festival was associated all England and Wales as a time for games and sport.[86] The largest early modern *cnapan* contest, however, was the annual Corpus Christi Day affair between the men of the Hundred of Emlyn in North Pembrokeshire and a loose collection of men from Cardiganshire and Carmarthenshire,

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[82] Owen, *The Description of Pembrokeshire*, 211.

[83] Emma Lile, "Cnapan", in Tony Collins, ed., *Encyclopedia of Traditional British Rural Sports*, (London: Routledge, 2005), 66-67, and Jonathan Ceredig Davies, *Folk-Lore of West and Mid-Wales* (Aberystwyth: The Welsh Gazette, 1911), 86.

[84] Photo 78-950-60, Collection of the National Museum of Wales.

[85] Emma Lile, "Cnapan", 66; George Owen, *Description of Pembrokshire,* 211, and Jonathan Ceredig Davies, *Folk-Lore of West and Mid-Wales* (Aberystwyth: The Welsh Gazette, 1911), 86.

[86] Ronald Hutton, *The Stations of the Sun: A History of the Ritual Year in Britain* (Oxford: Oxford University Press, 2004), 167.

with 1,000 players and horsemen on each side.[87] Other games included a Sunday match between the parishes of Penrhydd and Penbedw, and a monthly meeting between Meline and Eglwyswrw. Some portrayals have claimed there was organization and a reasonably regular schedule, with games between different parishes always occurring on certain days,[88] but in reality the occurrence of matches appears to have been haphazard and unscheduled.

The game typically began between noon and two o'clock in the afternoon, after the morning service. The entire town would anticipate the coming match:

> Early in the forenoon, ladders would be placed against the house-fronts and a general barricade of windows throughout the place proceeded with. [A stranger] might have fancied that….a Lady Godiva was about to proceed through the streets, and that the inhabitants were shutting themselves out from the view of a procession, which propriety forbade them to look upon.[89]

Nothing was further from the truth – the townsfolk were boarding up in anticipation of the game to follow. After a signal, an official (customarily a prominent figure in the parish or county, such as a mayor or leading landowner) would throw the ball high in the air to begin a match, and a mad scramble followed.

The game was contested between teams representing, in most cases, a geographic boundary – parish against neighboring parish, or areas more loosely defined than strict "political" borders. The residents of Llanwennog in South Cardiganshire would divide up

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[87] Jonathan Ceredig Davies, *Folk-Lore of West and Mid-Wales,* 86, and Hilarie M. Waddington, "Games and Athletics in Bygone Wales." *Transactions of the Honourable Society of Cymmrodrion* (1953), 84-100. A.G. Bradley claims the Corpus Christi games were an annual occurrence for decades, but it is not confirmed that the match was as structured and regular as that. A.G. Bradley, *Highways and Byways in South Wales* (London: Macmillan, 1914), 319.

[88] Hilarie M. Waddington, "Games and Athletics in Bygone Wales," 89.

[89] Christopher Cobbe-Webbe, *Haverfordwest and Its Story*, (Haverfordwest: Llewellyn Brigstocke, 1882), 130-31.

into teams from the high- and low-lands, the "Bros" (from the nickname "Paddy Bros", given to the highlanders, mostly of Irish descent), and "Blaenaus", respectively.

> Then the whole of the Bros and Blaenaus, rich and poor, male and female, assembled on the turnpike road…the ball was thrown high in the air…and when it fell Bros and Blaenaus scrambled for its possession. The whole parish was the field of operations…in the meantime, many kicks would be given and taken, so that on the following day the competitors would be unable to walk.[90]

One historian claims the first game was played at the parish of St. Meugan in Cemais, in Denbyshire, and *cnapan* appears to have been limited to the southwest of Wales, also in the shires of Pembrokeshire, Cardiganshire and the southern part of Carmarthenshire.[91] The rural nature of Wales lent itself well to games; though there are recorded instances of play throughout town streets as well. Play ranged over two miles or more, and while most of the company was on foot, the presence and skill of horsemen was critical – many games ended with a horseman breaking away from the pack, carrying the *cnapan* until he exhausted the foot pursuit.[92]

There were very few rules to the game, and the path to victory was rather simple, with two variations. In games in more isolated areas, the game ended when one team carried the *cnapan* so far into their own region that it precluded the other team from recovering and running it back to theirs before evening came. When played in territories which included towns or well-known sights, the game was concluded when a team managed to reach a predetermined landmark, such as the church door of the parish, while carrying the ball. St. Mary's Church in Haverfordwest, for example, was used as a goal

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[90] Eric Dunning, Dominic Malcolm and Ivan Waddington, eds., *Sport Histories: Figurational studies of the development of modern sports.* (London: Routledge, 2004), 35.
[91] Wendy Hughes, *The Story of Pembrokeshire*, 91, and Hilarie M. Waddington, "Games and Athletics in Bygone Wales," 89.
[92] George Owen, *The Description of Pembrokeshire*, 213-15.

for cnapan games, as its history makes mention of a significant area next to the church used for markets and festivals, and documented damage to the church door during this period is very likely to have come from either the ball or the vigor of its pursuers.[93]

The manner in which the ball carried indicated the type of cnapan that was played, as there existed two varieties in Pembrokeshire, reflecting the geographic and demographic division of the county between the northern Welsh and the Anglicized south. The Welsh game, from north Pembrokeshire and southern Cardiganshire, was the focus of Owen's attention, and was much more chaotic and violent. The distance between the goals could be up to several miles, and running or throwing were the only means allowed to convey the ball towards the goal.[94] This difference in playing "rules" did not imply, however, that a lengthy series of rules existed, or were even consistent among competing parishes. Aside from the man who opened the proceedings, there was no referee, so games quickly became chaotic and disordered, especially considering the lack of a defined field of play.

If there was a single element which caused *cnapan* to appear a foreign game to England, it was the role violence played in the game. A modern drawing shows the fearful *cnapan* holder prone on the ground, clinging to the ball as more than 20 men rain various blows on him, as spectators look on with what might be characterized as a fascinated revulsion. Owen's earlier description does not contradict this illustration - the look of cnapan is more of combat than of athletic pursuit.[95] Though the illustration dates from 1898, it is consistent with Owen's description. A Christmas Day cnapan match from

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[93] Fred J. Warren, *The History and Antiquities of S. Mary's Haverfordwest* (Letchworth: Arden Press, 1914).

[94] Jonathan Ceredig Davies, *Folk-Lore of West and Mid-Wales*, 86.

[95] Photo 35/31, 733, Collection of the National Museum of Wales, Cardiff.

the late seventeenth century between Llandyssul and Llanwenog began peacefully

enough, until a lunchtime break which featured plentiful amounts of beer. The afternoon

was more contentious:

> Soon after play began again in the afternoon they [the players] began to
> quarrel and swear and kick each other. Some of them were drunk, and the
> rest had taken too much, and it was a fearful sight….Evan Bwlch Gwyn
> had drunk too much to be able to defend himself and would have been
> half-killed if Sioned, his sister, and I had not dragged him away.[96]

Cnapan players on horseback added an extra measure of danger. They often

carried an enormous cudgel, from one to four feet in length, and could strike a player

carrying the *cnapan*, as long as three requests were first made for the player to relinquish

the ball; which most undoubtedly did.[97] Despite the damage that could be wrought by the

horsemen, they were restricted in one way – the cudgel was measured through a sizing

ring, to keep the weapons to a size which could "harm, but not mightily hurt" a person.

Strangely, players on foot were not similarly restricted, and were allowed to throw stones

or anything else at hand at other players.[98]

Such violence in folk football games was not uncommon. Descriptions of

contemporary village football usually are accompanied by accounts of players often

being maimed or killed; a chronicler in 1581 took an odd delight in relating that

> sometimes their necks are broken, sometimes their backs, sometimes their
> legs…but whosoever scapeth away the best goeth not scot free, but is
> either sore wounded, crazed and bruised, so that he dieth of it, or else
> scapeth very hardly.[99]

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[96] From David Salmon, "Life in Rural Wales Two Hundred Years Ago", *Notes and Queries*, May 16, 1931, 347-49.

[97] George Owen, *The Description of Pembrokeshire*, 212, and Emma Lile, "Cnapan", 66-67.

[98] George Owen, *The Description of Pembrokeshire*, 212.

[99] Written by Phillip Stubbes, as quoted in M. St Clare Byrne, *Elizabethan life in town and country*, (London: Metheun, 1961), 241. See also Gareth Elwyn Jones, *Tudor Wales* (Llandysul: Gomer Press, 1986), 37.

Instances of such severe injuries or deaths may have been much less common than folk legend indicates, at least as indicated by court reports. And in the midst of this violence in Wales is the most surprising and revealing feature of the game: that the players themselves, at least in Wales, concluded each match "laughing and merrily jesting at their harms…all this in good mirth, without grudge or hatred", bearing no animosity towards their opponents.[100]

Though cnapan was an exceptionally fierce sport, violence was an inherent part of folk games throughout Britain and Europe. How then can the Welsh lay claim to a unique cultural sport, when we have seen examples of similar games which made their way throughout western Europe? The answer lies in the communal spirit and shared cultural heritage of the game. Customs such as *cnapan*, argued one 16th century Welsh antiquarian, are "genuine relics of Celtic times and manners."[101] Manners which, to be fair, were quite rough, in contrast to English sportsmen who were turning to much more regulated and sophisticated entertainments. A more significant contrast with English sports was the way in which games involved the entire community, not just a social or economic subset of the population. It was a game in which "ordinary people participated," but the gentry played right alongside as well.[102] A illustration drawn from sixteenth-century accounts displays two men – one clearly a poorer working-class farmer, carrying a cudgel, riding alongside a well-dressed but unarmed member of the gentry, both contesting for the cnapan.[103] The illustration provides an interesting clue to the wild

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[100] George Owen, *The Description of Pembrokeshire*, 215.

[101] E. L. Barnwell, "On Some Ancient Welsh Customs", *Archæologia Cambrensis*, Vol. III (Fourth Series), 1872, 337-38.

[102] Hilarie M. Waddington, "Games and Athletics in Bygone Wales.", 89.

[103] Photo 35/24, 108, Collection of the National Museum of Wales, Cardiff.

and inclusive nature of the sport; horses in Pembrokeshire were owned almost exclusively by the gentry, which leads to the conclusion that in this game a wealthy rider was dismounted and the farmer took his place; an inversion which would provoke harsh penalties anywhere else but on the playing field. Such blurring of class distinctions would not have been well understood by an outside observer, particularly in the rigid class distinctions of England.

Unlike English folk football, the game was not restricted entirely to men – women joined in as well. At a match in South Cardiganshire not only did men strip down to prepare for the game, but women discarded their gowns, "and sometimes their petticoats."[104] Women were also active spectators, though our modern sense of separation between player and spectator was nonexistent in early modern sport. The games involved almost every able-bodied male of each parish, and the spectacle occupied the town for the duration, and entrepreneurs set up stalls to sell food and drink alongside the action.[105] One constantly risked becoming caught up in the action at a moment's notice. Owen explains:

> Neither may there be any looker on at this game, but all must be actors, for so is the custom and courtesy of the play. For if one that comes with a purpose only to see the game, be he foot or horse, when the multitude shall enclose him in…then the looker on, being in the midst of the troop, is made a player… by lending him half a dozen cuffs if he be on foot.[106]

In these games, "community identity took precedence over individual identity."[107] One could not be a free agent, nor does there appear to be much desire to be so.

[104] *Owestry Observer*, March 2, 1887.

[105] Hilarie M. Waddington, "Games and Athletics in Bygone Wales," 89.

[106] George Owen, *The Description of Pembrokeshire*, 214

[107] Eric Dunning, Dominic Malcolm and Ivan Waddington, eds., *Sport Histories: Figurational studies of the development of modern sports.* (London: Routledge, 2004), 37.

Allegiance to one's team or group was given with enthusiasm, and the shame of losing or the joy of winning was shared and multiplied by the winning community.

Like many folk and rural games, *cnapan* gradually faded from view over the course of the seventeenth century. The English prosecutions of cnapan players in Pembrokeshire greatly and understandably reduced the popularity of the game, and it also fell victim to the English trend towards regulation. Sport in Britain was undergoing a process of transformation as games and their rules were standardized, which continued in the eighteenth and nineteenth centuries. A similar process occurred in almost every phase of social, legal and cultural life, placing sporting culture firmly within the cultural discourse of early modern Britain.[108]

By the nineteenth century, a small number of folk games still were being played, particularly in the fringes of the British Isles, Ireland, Scotland, Cornwall and Wales. Cornish hurling survived, and was played with particular vigor by teams from central Cornwall parishes. An account of an 1896 game reported that after a St. Columb victory – indicated by a Mr. Stephens "calling up" the ball in the Market Strand in St Columb Major – "great indignation was expressed….that St Columb men acted in a vindictive spirit towards the Newquay hurlers."[109] The violence and danger unruly games contributed to their demise. Two players were killed at a match in Suffolk in 1892, generating popular outrage against the remnants of the early modern sports.[110]

In Wales, *cnapan* survived in some of the more rural parishes, but mostly escaped from view - it is rarely, if ever, included in contemporary listings of early modern

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[108] Eric Dunning, *Sport Matters: Sociological studies of sport, violence and civilization* (London: Routledge, 1999)

[109] *Royal Cornwall Gazette,* November 26, 1896.

[110] Joseph Strutt, *Sports and Pastimes*, 93.

sports.[111] A Shrove Tuesday game in Laugharne, Carmarthenshire survived, however, at

least until 1838, when local magistrates suppressed it by having the two "ringleaders"

brought to court.[112] The latest extant instance of a true game was played in 1884 in the

central Welsh town of Neath, where on Shrove Tuesday "all shutters are put up and the

principal thoroughfare is given over to the players."[113] The game apparently retained both

the fervor and violence of the early modern version, as children were discouraged from

attending, and preparations for the game lasted for months. Finally, in 1922, the

unruliness became so great that "the whole business was transmuted into a

Sunday School festival which still flourishes."[114] The games had changed significantly

from their disorderly and popular roots, and had been supplanted by orderly sports.

Traditional cnapan disappeared from view, along with other pastimes that were

considered part of an earlier, more anarchic plebian culture – bear-baiting, throwing at

cocks (a Shrove Tuesday affair in which unproductive hens were trapped and used as

target practice), and sports which appeared to follow no set rules.[115]

 Cnapan was unique not only in its manner of play but also in the manner in which

it was dealt with by nervous English authorities. Prohibitions and prosecutions for folk

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[111] See for instance a reference such as Joseph Strutt's *The Sports and Pastimes of the People of England* , *op cit.*, reprinted Detroit, Singing Tree Press, 1968), which contains no mention of either cnapan or its antecedents.

[112] *Gentlemen's Magazine*, 1938, 599, and cited in Martin Johnes, *A History of Sport in Wales.* (Cardiff: University of Wales Press, 2005), 7.

[113] Andrews, David L. "Welsh Indigenous! And British Imperial? – Welsh Rugby, Culture and Society 1890-1914." Journal of Sport History, Vol. 18, No. 3 (Winter, 1991), 341.

[114] *Manchester Guardian*, December 1, 1959.

[115] See Iorwerth C. Peate, *Tradition and Folklife: A Welsh view.* (London: Faber & Faber, 1972). A modern-day cnapan-ish game survives on the isle of Orkney each Christmas and New Years'. The free-for-all game is played between the "Uppies" and the "Doonies", referring to areas of the town. The goal of the "Doonies" is to immerse the ball in the salt water of Kirkwall bay, while the "Uppies" must touch the ball against a wall on Main Street. Much is at stake depending on the victor – besides the local honour bestowed on the winners, a Doonie success will bring good fishing, while an Uppie win foretells a successful harvest. See Charles Tait, Orkney Guide Book (C. Tait Photographers, 1997), and Brian John, The Ancient Game of Cnapan. Trefelin: Greencroft Books, 1985, p. 6.

games, especially football games, were common in early modern Britain and continental Europe. Two centuries before the arrival of the Puritans, a ban on football games by Edward III in 1365 forbade the sports because the players should instead be concerned with bringing "honour to the kingdom and advantage to the King in his actions of war."[116] Four cases of football-related deaths were investigated between 1567 and 1599 in Essex county.[117] In England, these prohibitions shared a common trait – the link between the prohibition and a religious or military imperative. Games were rarely banned because they were unruly, or were seen to constitute a threat, but rather when they were held – on Festival days and Sundays – or what other pursuits they took men away from.

In Wales, English legal authorities often dealt with cnapan harshly, and for different motives altogether, and couched their repression in the guise of public safety. They did not understand the game, and to them cnapan represented the chaos and disorder of wild Wales. The repression of cnapan was part of a larger process of internal colonization through cultural hegemony, and began with an 'incident' during a cnapan contest in late sixteenth-century Haverfordwest. This legal maneuver provided a cultural weapon for the continued English domination of Wales.

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[116] As cited in Morris Marples, *A History of Football* (London: Collins, 1954), 181-82.

[117] F.G. Emmison, *Elizabethan Life: Disorder* (Chelmsford: Essex County Council, 1970).

CHAPTER 3

"You Surely Riot!"
The English Response

The village of Llandebie (now called Llandybie) was small even by the standards of early modern Wales. During the seventeenth century, it contained as few as nine households, although the population of the town fluctuated, and grew somewhat toward the end of the century. Situated north and inland of Swansea, and on the western edge of the immense coal fields which would provide so much of the fuel for the English Industrial Revolution, Llandebie was wholly unremarkable. It was, however, geographically ideal for a wide-ranging sport which required a good bit of uninterrupted flat territory. The common area of the parish lay in a flat valley, flanked by Mynydd Mawr ("Big Mountain") on one side, and the lower slopes of the Black Mountain on the other. Two bridges crossed the river Marlais, separated by approximately a mile.[118] Considering the sparse population, it is not surprising that the area became a popular meeting place for games of cnapan. An annual game between the nearby parishes of Llandyssul and Llanwenog was played on Good Friday until at least the early nineteenth century, and appears to be one of the larger regular games played during the period.[119]

Word of the curious sport of cnapan spread to London from Englishmen traveling in Wales during the early modern era. In 1588, a "great match" of cnapan was played in view of the sea and the Spanish navy just off the coast. An English mariner sailing past asked about the conflict and was alarmed to hear it was just sport, reportedly exclaiming: "If this be playe, I could wish the Spaniards were here to see our plaies in England, certes

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[118] Gomer M Roberts and Ivor Griffiths, *Hanes Plwyf Llandybïe* (*The History of the Parish of Llandybie*)

[119] The scarcity of records and documents concerning the games means that some conjecture is necessary to locate exactly where the matches were played. In this case, considering the proximity of the towns and the descriptions of the game, Llandebie would almost certainly have been traversed during play and contains ideal terrain for the players. See also Jonathan Ceredig Davies, *Folk-Lore of West and Mid-Wales* (Aberystwyth: The Welsh Gazette, 1911), 86.

they would be in bodily fear of our warre!"[120] Accounts of gatherings of hundreds or

thousands of able-bodied Welshmen for a war-like sport caused apprehension at court. It

certainly did not fit in with the developing Tudor sensibilities and notion of civilized

behavior, particularly concerning what a proper sport should be. An Act of Henry VIII in

1541 had strengthened earlier prohibitions against 'tables, tennis, dice, cards, bowls' and

other 'unlawful games,' including games such as folk football,[121] and according to one

chronicler, had Henry not died a few years later he would have created legislation

specifically barring cnapan, though no such statute was ever enacted or even reached

determined discussion.[122]

Instead, the English government found other ways to deal with the sport, and

relied on two means to do so. One was through the means of law, as cnapan players were

first threatened, then actually charged with riot or riotous assembly. As we shall see, this

was a curious and unusual use of that charge, which had in England been limited to acts

of political expression and/or violence. The second, and perhaps unintended factor was a

consequence of redistribution and enclosure of land. Evidence suggests that enclosure

began earlier in Wales than in England, particularly in the lowlands from Gwent to

Pembrokeshire.[123] The Court of the Exchequer heard complaints of illegal enclosure, of

which very few if any received recompense.[124] As they encountered ever more numerous

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[120] A.G. Bradley, *Highways and Byways in South Wales* (London: Macmillan, 1914), 323.

[121] 33 Hen. VIII, c.9, as cited in David Underdown, *Revel, Riot and Rebellion. Popular Politics and Culture in England 1603-1660.* (Oxford: Clarendon Press, 1985), 70.

[122] Brian John, *The Ancient Game of Cnapan* (Trefelin: Greencroft Books, 1985), 13.

[123] By the time of a 1622 survey of the vale of Glamorgan was made, virtually all of the land on the survey had already been enclosed. J. Gareth Thomas and Harold Carter, "Settlement Patterns – Rural and Urban", in E.G. Bowen, ed. *Wales: A Physical, Historical and Regional Geography.* (London: Methuen, 1965), 151, and John Davies, *A History of Wales*, 67.

[124] See for instance two suits brought against a Morris Walter of Haverfordwest; three years after being the action of a suit alleging illegal enclosure, "depriving about 30 or 40 residents" of common land, the unrepentant Walter was again a defendant in an almost identical action three years later alleging

hedges, walls and fences constructed by landlords, cnapan players had two choices – play through the obstacles, with much difficulty, or find other spaces. For a wide-ranging sport other options were limited to beaches, or on smaller tracts owned by gentry who would allow the sport. Not surprisingly, few gave their permission.

The legal actions taken against cnapan, however, were the primary barrier to the game. In 1582, a riot action was brought in Carmarthenshire against David Howell and David Owen, and "unnamed others," in relation to a game of cnapan which had been played through Llandebie. The charge specifically cited the men, presumably the organizers of the game, for "[u]nlawful assemblies, assaults and forcible entries upon meadows, wood and pasture."[125] The 'unlawful assembly' was the crowd of players, the assaults the invariable blows exchanged during play, and the "forcible entry" occurred as the players careened through the fields.

Unfortunately, the record of the eventual disposition of the charge is not extant Two other cases, in 1591 and 1604, contain similar charges, against a small group of men deemed responsible for the game. In both cases (one again in Carmarthenshire and another in Pembrokeshire), rioting or riotous assembly was alleged, though there is no corollary note of damage or severe injury to players. There are likely other cases of charges against the Welsh game, difficult to locate because their indictments are couched behind charges of riot such as those brought against Owen and Howell. A series of indictments brought in Abergavenny and Usk within two months in 1576 are almost certainly prosecutions for game playing. In each indictment, fifteen to twenty men, of

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displacement on nearby lands. P.R.O. 62/2 (27 Eliz.) and 62/10 (24 Eliz.), as recorded in *Exchequer Proceedings (Equity) Concerning Wales: Henry VIII – Elizabeth*, (Cardiff: University of Wales Press Board, 1939), 297 and 301..

[125] Public Record Office, *Star Chamber Proceedings*, Elizabeth B 24/19 and 110/16.

different occupations and social status, are charged with "diverse trespasses, riots and contempts," and while similar riot charges describe an act of violence or an intended victim, these contain no further details and are instead remarkably similar to the 1582 prosecution.[126]

Obviously the threat of riot prosecution had a dampening effect on the game's popularity. Reports of matches decreased by 1600, and by George Owen's account in 1603, the game had become "rare to hear," except for the "standing Knappans" which were associated with the largest festival days.[127] Although prosecutions and prohibitions of ball games were not restricted to Wales, but were common in early modern England, only in Wales was the mere playing of sport deemed "riotous", as there are significant differences in the way both the charges of riot and prohibitions of sport were legally managed.

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Legal action had been brought against players of comparable games in England, but only when resulting in damage to property, or death or severe injury to the players, not simply for playing the game itself. Sport historian and sociologist Eric Dunning has identified more than 30 proscriptions against football in England between 1314 and 1660 by both local and crown authorities. In addition, evidence of legal action against players can be found in many English counties in the same time period. A typical presentment to a grand jury at Easter Sessions in 1562 complained of residents of Stondon and Kelvedon playing football during Midlent Sunday.[128] A young troublemaker named John Sewell

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[126] Abergavenny nos. 12, 14 and 16, and Usk nos. 14 and 17, held in Session of the Peace, 1576/77, quoted in Ben Howell, *Law and Disorder in Tudor Monmouthshire*, (Cardiff: Merton Priory Press, 1995), 54-55.

[127] George Owen, *The Description of Pembrokeshire,* 214.

[128] F.G. Emmison, *Elizabethan Life: Disorder* (Chelmsford: Essex County Council, 1970), 36.

was presented with a list of charges in 1599, one of which (and certainly the least serious) was playing 'the football.' Along with charges of assault, affray and libel, Sewell was fined 12 shillings, approximately the value of £100 today.[129]

The difference between charges brought in England and in Wales is both in the type of charge presented, and the motives behind it. Whereas the proceedings in Wales were specifically directed at halting cnapan itself, concurrent legal actions in England had little to do with forbidding the game itself, but only from other incidents which arose, involving damage or injury, or from ecclesiastical or military considerations. John Sewell would not have been charged had his offense of game-playing not been accompanied by other acts – including assaulting a constable who attempted to break up the game.

The most common early modern legal actions against English sports were meant to protect life and limb, as well as prevent damage to property, and were not actionable except when injury or an affray resulted. A 1576 prosecution in Middlesex charged seven men

> with unknown malefactors to the number of one hundred assembled themselves unlawfully and played a certain unlawful game called football, by means of which there was amongst them a great affray, likely to result in homicide and serious accident.[130]

Seven years later, on Evanes Field in Southmyms, an argument during a game of "foote-ball" resulted in the death of one John Ludford, dealt a mortal blow in the chest after Ludford made to interrupt an afternoon game.[131]

When church property was involved, the complaints were more pointed. "[U]nruly young people" of Exeter played ball games in the Cathedral cloisters, for

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[129] Emmison, *Elizabethan Life: Disorder*, 153.

[130] *General Sessions Peace Roll,* Easter, 18 Elizabeth, 26 March 1576, Elias and Dunning, "Folk Football", 118.

[131] *Gaol Delivery Roll*, 25 Elizabeth, 15 April 1583.

example, "thereby endangering their own souls and breaking the windows."[132] A proclamation in Manchester in 1608 banned football 'in ye streets of ye sd towne", because players had been "breaking many men's windows and glasse at their pleasures, and other great enormities."[133] In Wales, damage to property did not necessarily occasion legal action - the Talachddu Parish register for 1617 notes payment of 14d. for repairs to the Church door, such damage likely caused by ball-playing, but no record exists of any prosecution or attempt to obtain recompense for it.[134]

Curiously, although actions against cnapan mentioned the danger of the sport, injuries and deaths caused by folk football in England very rarely led to official action beyond civil restitution for the loss. During a match played in West Ham in 1582, yeoman Thomas Turner threw a laborer named John Ward to the ground so violently that Ward died shortly thereafter. Thomas was hauled into court, but was acquitted, to no one's surprise, as apparently was the norm in such cases.[135] Another fatal collision that same year at Stony Field in Gosfield resulted in the death of goalkeeper John Pye. The jury verdict was that the collision and death were accidental.[136]

The well-known case of Anne Gunter, who famously accused three local women of witchcraft, had as its genesis two murders during a football match in North Moreton in 1598. The accused, Anne Gunter's father, admitted striking both men with a dagger during a melee on the pitch, but was never formally charged, despite the fact that three of the men at the match gave evidence against Gunter. The free-wheeling nature of the

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[132] Christina Hole, *English Sports and Pastimes*. (London: Batsford, 1949), 40.

[133] James Sharpe, *The Bewitching of Anne Gunter* (London: Profile, 1999), 14-16.

[134] *Historical Memoranda of Breconshire*, volume 2, (London: Bedford, 1904), 96.

[135] Public Record Office, Home Circuit Assize Indictments; P.R.O. ASSI 35/24/2/41. Also noted in Sharpe, *The Bewitching of Anne Gunter*, 16.

[136] Emmison, *Elizabethan Life: Disorder*, 153.

action and the general unreliability of witnesses on the pitch enabled Gunter to walk

away from the homicides, helped also by Gunter's status as a wealthy (though extremely

disliked) gentleman of the parish.[137]

A vehement objection to sport in England was its playing on Sundays and

Sabbath days. Contemporary writers loudly decried the practice of any sort of amusement

on the Lord's day. In 1579, a popular pamphleteer wrote that sportsmen, actors and the

like were to be condemned "because they are permitted to play every Sunday, they make

four or five Sundays at least every week."[138] The complaints such pamphlets advanced

were widespread at the end of the sixteenth century, and the authorities responded to

local complaints of playing on the Sabbath. "Many unknown persons," it was reported,

played an unlawful game of football on the Sabbath day at St. Andrew's in Holborn in

1603. On that occasion the complaint was noted but the players were not pursued or

identified.[139] There is irony in Shrovetide games bringing legal action in Wales,

considering the documented medieval and early modern custom in England that assaults

taking place on certain annual holidays might be exempted from prosecution, perhaps

owing to the exuberance of the festival day.[140]

English officials also complained that folk games diverted preparation time from

the more valuable skills developed in military pursuits such as archery. Statutes

throughout the fifteenth and sixteenth centuries specifically noted that games such as

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[137] Sharpe, *The Bewitching of Anne Gunter*, 14-16.

[138] Stephen Gosson, "School of Abuse", published in 1579, as noted in Joseph Strutt, *The Sports and Pastimes of the People of England*. (London: Methuen & Co., 1903), xlvii.

[139] *Gaol Delivery Roll*, 10 James I, 13 August 1603.

[140] G.G. Coulton, *The Medieval Village* (Cambridge: Cambridge University Press, 1925), 27.

football left young men ill-equipped to deal with the more serious matter of arms training.[141]

Typically, despite Puritan protests, English prohibitions were limited to areas where there existed the possibility of disturbance to trade or traffic, mostly in the larger towns. The local officials of London continuously battled football playing within the narrow streets of the city, with mixed success. At the request of the justices of London, an edict was issued by Queen Elizabeth in 1580 which forbade all "heathenish" recreations on Sabbath days in London. This restriction, however, applied only to the rather small territory under the jurisdiction of the lord Mayor of the city, saying nothing about such amusements just outside the limited area. In Southwark, therefore, games continued with impunity.[142] Clearly this prohibition was not for reasons of religion or control, merely for the inconvenience such amusements caused within the city limits. Again in 1604, an "order touching Foot-Ball" was issued:

> Whereas greate disorders and tumults doe often arise and happen within the streetes and lanes neere adjoyninge to ye Cittye of London by playinge at the foote-ball: It is now ordered that henceforthe all Constables doe from tyme to tyme represse and restrayne all manner of Foote-ball-playe in the lanes and streets.[143]

The ineffectual order had predictably fruitless results. A description of London in 1634 complained of the inconvenience of football in the city streets, "especially in such

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[141] A proclamation of Edward III to the Sheriffs of London was typical: "[E]very able bodied man of the said city on feast days when he has leisure shall in his sports use bows and arrows or pellets and bolts…forbidding them under pain of imprisonment to meddle in the hurling of stones, loggats and quoits, handball, football…or other vain games of no value." Morris Marples, *History of Football.* (London: Secker & Warburg, 1954), 181-2.

[142] Joseph Strutt, *The Sports and Pastimes of the People of England.* (London: Methuen & Co., 1903), xlviii-xlviv.

[143] *Sessions of Peace Register*, 12 James I, 13 January 1604, as cited in John Cordy Jefferson, ed., *Middlesex County Records (Old Series)*, Vol. II (London: Greater London Council, 1974), 107.

irregular and narrow roads as Crooked Lane."[144] When actions were brought against sport

in England, it appears as though even those limited prohibitions were rarely actually

enforced.

While sport prosecutions in England were brought in response to significant

injury, to appease religious sensibilities, or prevent damage or loss of commerce in the

cities, in Wales, prosecutions were brought to prevent the playing of the game itself.

Authorities in England meant merely to drive folk games from the towns to the

countryside. In Wales, they went to the countryside in search of the game itself. It was

not the violent nature of cnapan which offended English sensibilities – violence and

cruelty were evidently common in a large number English games. Boxing, cudgeling, and

all sorts of violent combat between men, and bear- and bull-baiting and other similarly

barbaric (by modern standards) pastimes and games were common in urban and rural

England. The varieties of ball games that were played may not have reached the level of

ferocity of cnapan, but they were by no means tame: a local handbook from Workington

explained that local football has but one rule: "to get the ball into the opponent's goal by

any means short of murder."[145]

Rather, the official complaint centered on the disorder and disorganization of

cnapan. Englishmen never tried to understand or make sense of the apparent chaos of the

game, they merely saw the sport as a display of Welsh barbarism.[146] But without specific

legislation against it, how could local authorities contain cnapan? The answer lay in the

charge of rioting. The offense of riot in early modern England was not clearly defined

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[144] Hone's *Table-Book*, as quoted in Joseph Strutt, *The Sports and Pastimes of the People of England.* (London: Methuen & Co., 1903), 96-7.
[145] Christina Hole, *English Sports and Pastimes*, 50.
[146] Richard Holt, *Sport and the British* (Oxford: Clarendon, 1989).

until the mid-sixteenth century, when it was described as "the committing of an unlawful act by three or more persons assembled for the purpose."[147] This vague definition allowed meant that riot prosecutions were a catch-all; any and all offenses, petty and not, could be gathered together and prosecuted under this offense. A collection of twenty laborers were indicted in 1576 for "riot and unlawful assembly," as they "did…take and detain in a house at Denham a certain Katherine Prichard."[148] The alleged offense would certainly not fall under any modern perception of riot; perhaps lacking proof of kidnap or sexual assault the justice relied on the riot offense to charge that something was going on. A justices' instructions to a Maidstone jury in 1581 gave clear expression to the English attitude towards dealing with disturbance. "What they [the rioters] meant hereby God and themselves do not know," wrote the justice. "But we may well conjecture that they sought, like giants and centaurs more than like Christian or civil men…to satisfy their mischievous lusts.[149] To English justices, those who disturbed the peace could be transformed into mythical monsters, and dealt with severely.

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The use of prosecutions for riot or riotous assembly to prohibit sport was unique to Wales. Riot actions in England were limited to punishing acts of political unrest, mob violence (either directed against a particular individual or group), or, on rare occasions, to

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[147] Ben Howell, *Law and Disorder in Tudor Monmouthshire*, (Cardiff: Merton Priory Press, 1995), lxxxvii. For an expanded 1581 judicial definition, which introduced the concept of three stages of rioting, see J.A. Sharpe, *Crime in seventeenth-century England* (Cambridge: Cambridge University Press, 1983), 71.
[148] Session of the Peace at Cryck, 13 February 1576, noted in Ben Howell, *Law and Disorder in Tudor Monmouthshire*, (Cardiff: Merton Priory Press, 1995), 49.
[149] Conyers Read, ed., *William Lombarde and Local Government* (Ithaca: Cornell University Press, 1962), 156.

target repugnant public behavior. Rioting was "the most common and effective form of popular politics," and examples are prevalent in English history.[150] Welsh political uprisings, by contrast, were extremely rare; from the revolt of Glyn Dwr in 1400 to the Rebecca riots of the 1840's there were hardly a half-dozen popular political disturbances, and those were localized and short-lived. Even the enclosure movement in Wales failed to bring about the sort of popular protest and demonstrations which were widespread in the rest of Britain.[151]

Riot prosecutions in Britain often relied on weak or questionable rationales. A group of men who "assembled themselves riotously in warlike array," attacked the storefronts of a group of shopkeepers in London in 1608, and a decade later, in Middlesex, an indictment was brought which named 48 men and women for acts of violence and rioting that were directed against a rival town. Prosecutions for riot in England were not always characterized by a large, organized mob. The accusation was often levied against simple assaults which involved as few as three people.[152] A survey of five decades of criminal court records in seventeenth-century East Sussex shows prosecutions of riot, rout and illegal assembly were 30 percent of cases brought for violent crimes, an extremely high rate, considering that the area at the time was under no significant upheaval which would cause armed assemblies. Cynthia Herrup's extensive study of crime and punishment in early seventeenth-century Britain concludes that the popularity of riot as a charge coincided with the Crown's use of social pressure to enforce

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[150] Randall McGowen, review of *Riots and Community Politics in England and Wales, 1790-1810*, by John Bohstedt *Journal of Interdisciplinary History*, Vol. 15, No. 1 (Summer, 1984), 138-140

[151] See Sharon Howard, "Crime, Communities and Authority in Early Modern Wales: Denbighshire, 1660-1730", Ph.D thesis, University of Wales, Aberystwyth, 2003.

[152] J.A. Sharpe, *Crime in Seventeenth-century England* (Cambridge: Cambridge University Press, 1983), 72. Sharpe focused his research in Essex county but illustrated that it was representative of seventeenth century England as a whole.

moral standards – a gathering of a group of men, whatever their benign or malicious intent, could be reported and many folk were encouraged to do so.[153] Many of these instances demonstrate the use of riot as social control, such as the "suspected whore" who was charged with being one of many who "riotously assembled at the Red Crosse in St. John's Streete to daunce for a garland."[154] Riot as a weapon of social control was even more effective because of corollary protections; statutes indemnified anyone who attempted to disperse a riotous crowd from prosecution, even if they killed members of the crowd.[155] A Chief Justice sentenced a Cornish rioter not only to be executed but to "hang in chains," a particularly brutal and rare extension of capital punishment.[156]

Riot in England, therefore, was a legal charge centered around a violent dispute, used to control a sector of the population, but was never employed against a group of men engaging in sporting activity. Rarely if ever did accusations of riot and illegal ball-playing mix in England; records searched in three English counties did not reveal a single prosecution of riot involving game players. Actions were brought against "riotous" people at festival times, including Shrove Tuesdays, but in no case was mention made of ball-playing, but rather drunken or lewd conduct.[157] Charges of riot leveled against an assembly of men at a performance of a play was blamed for a riot at Blackfriars allowed

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[153] Cynthia Herrup, *The Common Peace: Legal Structure and Legal Substance in East Sussex 1594-1640*, Ph.D. dissertation, Northwestern University, 1982, 176 and Appendix II, 412-3. There were 425 accusations (29%) and 365 indictments (31%) brought during the study sample period, out of 1442 and 1167 total, respectably. Herrup's appendix contains another slightly smaller sample, but there again, riot accusations ran to 29 percent of the total.

[154] *Sessions of Peace Register,* 22 James I, November 8, 1625.

[155] 3 & 4 Edw. VI cap. 5; 1 Mary Sess. 2 cap. 12. Also see J.A. Sharpe, *Crime in seventeenth-century England* (Cambridge: Cambridge University Press, 1983), 71. The Riot Act of 1715 adopted this legislation almost without change.

[156] Douglas Hay, "Property, Authority and the Criminal Law," in Douglas Hay, ed., *Albion's Fatal Tree* (New York: Pantheon, 1979), 50.

[157] Typical is an entry from 1620: a man named John Crowe was made to "answere for assemblinge himselfe with divers other Ryottous and disorderlye and lewd people vppon Shrove Tewsdaye last past." *Gaol Delivery Roll*, 18 James I, 30 March 1620.

the Privy Council to punish the "rioters", and also to prohibit any further performances at the playhouse.[158] Indictments for rioting in England rarely distinguished between types of rioting and assault, often lumping together as many members of an affray as could be prosecuted without distinction. A gang of armed men who surrounded a house in Walthamstow in 1567, imprisoned, tortured and destroyed the property of the unfortunate victim as part of a long-running feud were fined according to the riot statute.[159] A group of Justices of the Peace were charged with investigating the destruction of enclosures in Essex, with instructions to rely on statutes against rebellion if necessary.[160]

In Wales, this reliance on the riot statute was likely driven by the fact that cnapan was seen as threatening, and overall, the game suggested a militaristic exercise. Competition for territory, reward for incursions into rival areas, and of course, physical violence provided that impression on the surface. The idea that cnapan was somehow training for war, however, fails when considering how the teams were chosen, or rather how they were not. While sport historian H.J. Massingham argues that the ritualistic grouping of two parties into teams was what made the game militaristic, in Wales, sides were often formed with a definite community allegiance, centering around rival parishes, an age or social group or profession, more often this "ritual duality" was absent – teams were as often chosen haphazardly and by simple coercion than by any long-standing allegiance. [161]

[158] Carol Rutter, ed., *Documents of the Rose Playhouse*, (Dover: Manchester University Press, 1984).

[159] F.G. Emmison, *Elizabethan Life: Disorder* (Chelmsford: Essex County Council, 1970), 103.

[160] Emmison, *Elizabethan Life: Disorder*, 101.

[161] H.J. Massingham. *The Heritage of Man*. (London: Cape, 1929), 220. Massinghame refers to ball games as "mimic warfare," and points out that skirmishes leading to actual violence were more common than peaceful play. Also see Brian John, *The Ancient Game of Cnapan*, 18.

Another English prejudice against the game was that it was a lower-class pursuit. "Oh, fools," remarked one observer in 1587. "They would, I warrant you, strive mightily if there were a penny loaf of bread cast among them who should have it."[162] Folk football in England was a sport of commoners, and that image was falsely projected onto the similar game in Wales.

What the suppression also reveals is the prevailing English assessment that the peoples of the fringe were to be viewed with suspicion. Fear of rebellion and a possible uprising was a preoccupation of the Tudors even prior to the Acts of Union. Some of the emergency legislation passed to deal with the rebellious Owain Glyn Dŵr remained on the books, and there were specific provisions which enabled the King to override Marcher customs and enact Parliamentary legislation when he deemed it necessary – essentially, the English crown held a blank check to deal with any real or imagined threat from Wales.[163] A letter to Cardinal Wolsey sent from a minister in Haverfordwest in 1528 warned of 20,000 Irishmen who had passed into Pembrokeshire; all, it was claimed, were "rascals."[164] Bishop Rowland Lee, former President of the Council in Wales, used the excuse of threat of overseas invasion to systematically cleanse Wales of what he considered to be dangerous elements. Lee was seen by his charges as "a hanging judge and a great despiser of Welshmen", and John Davies dismisses Lee's 'policy' as "little more than the hanging of wrongdoers publicly and frequently."[165]

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[162] George Owen, *The Description of Pembrokeshire*, 219.

[163] Peter Roberts, "The English Crown, the Principality of Wales and the Council in the Marches, 1534-1641," in Brendan Bradshaw and John Morrill, eds., *The British Problem, c. 1534-1707* (New York: St. Martins Press, 1996), 118-47, at 119-20.

[164] Letter from R. Gruffyth to Wolsey, dated 8 July 1528. *Letters and Papers, Henry VIII,* Cal., 1962.

[165] Dafydd Jenkins, "Law and Government in Wales before the Act of Union", in *Welsh Studies in Public Law*, J.A. Andrews, ed. (Cardiff: University of Wales Press, 1970), 28, and John Davies, *A Hiatory of Wales* (London: Allen Lane, 1990), 230. Welsh historian Gwynfor Jones also notes that Wales "in Bishop

Perhaps Lee felt that his ends justified the means; there were no Welsh revolts like those in Yorkshire in 1536 or Cornwall in 1549. Any uprising which contained any hint of Welsh involvement was quickly and ruthlessly dealt with. In 1605, there was an outbreak of violence among Catholics in Herefordshire, a county which bordered Wales to the east. Six weeks of lawlessness was finally quelled by the Crown, made urgent by the fear that the riot may spread across the border, with the fear that one prominent resident of the East Midlands "hath conjured all the devils here with his Welsh tongue."[166] Prohibition of "threatening" activities and tournaments, fueled by fear of rebellion, were not new phenomena in Britain, but the Tudors made such anxieties a special concern. From the mid-sixteenth century, the Tudors dealt with the threat of rebellion with social and cultural control, from the courtroom and the pulpit.

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Any discussion of the cultural morals of the early modern era must include the influence of the Puritans, who cast a long shadow on discussions of society and religion at the beginning of the seventeenth century. In their quest to discipline popular culture, the Puritans were firmly opposed to any activities which they considered to be frivolous, and acted against the cruelty of animal sports and "the idleness, drinking and profanity associated with sport and the alehouse."[167] The strongest Puritan objection to recreation was the correlation between game-playing and seasonal festivals and holy days. Easter, Christmas, Shrove Tuesday, May Day, and various saints' days were all enticements to play any number of games; football, quoits (a stationary target form of jousting), as well

Rowland's time such a strait [sic] place of punishment as the common people termed it a hell." Gwynfor Jones, *Wales and the Tudor State* (Cardiff: University of Wales Press, 1989), 8.

[166] Roland Mathias, *Whitsun Riot* (London: Bowes and Bowes, 1963), 56.

[167] Richard Holt, *Sport and the British* (Oxford: Clarendon, 1989), 29.

as wrestling and other contests. The connection to pagan and Catholic rituals was too

close for Puritan comfort. Recreation was also an evil in itself, the sin of idleness, and did

not fulfill the goal of completing one's physical and spiritual work. Game players were

castigated as men who "live by no calling, but spend their time in eating, drinking,

sleeping, and sporting."[168]

In terms of prohibition of sport, however, the Puritan influence proved limited in

practice. James I, despite his personal aversion to ball games,[169] took issue with the

Puritans and their interference with sport. In 1618, he authorized certain games (such as

archery, which, to be fair, he would have vested interest in, seeing that its practice only

made better British soldiers) and lifted bans on Sunday game-playing. His successor

Charles I kept up much the same course, indicating that England would be healthier with

an element of sport beyond the Puritan proscription, and in 1633 strengthened the

Declaration by ordering ministers to read it during church services.[170] He evidently

recognized that most common folk, working six days out of the week, had little spiritual

objection to spending the seventh in recreation.

In Wales, Puritan influence was generally limited, particularly in the west. For

example, the Welsh largely ignored Puritan proclamations regarding the sin of idleness,

and in turn were not targeted. At the turn of the seventeenth century, so-called vagabonds

and vagrants became targets for prosecution. A study of English counties from 1598 to

1639 found that out of 1,500 vagrants arrested and returned to their place of origin, a

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[168] William J. Baker, *Sports in the Western World* (Totowa, NJ: Rowan and Littlefield, 1982), 77. Also, for a more detailed discussion of Puritan influence see William Hunt, *The Puritan Moment* (Cambridge: Harvard University Press, 1983).

[169] In his *Basilicon Doron*, written in 1598-99, James dismissed football as a means for laming rather than proper exercise. Christina Hole, *English Sports and Pastimes*, 4.

[170] Arthur Cross, *A Shorter History of England and Greater Britain* (New York: Macmillan, 1931), 310, and Richard Holt, 29

mere 30 were Welshmen.[171] Early sports in Wales also relied on church lands themselves – land owned by the church or rented to wealthy landlords was frequently dedicated to folk sports except during harvest times, indicating the close relationship between Welsh leisure and the Church.[172]

Responsibility for the suppression of cnapan, therefore, developed more through monarchical than Puritanical zeal. The Tudor monarchy who arrived with the promise of advantage to Wales, ended up transforming the Celtic fringe in a desire for a united Britain. The basis for this transformation was what historians have recognized as the desire to establish a fixed social and legal order as a means of asserting sovereignty, and nowhere is this project clearer than in Wales.[173]

The Tudors spent the last half of the sixteenth century ensuring that their own judicial system was enacted and maintained, oftentimes destroying existing legal custom. In Haverfordwest, for example, control of local government after the Acts of Union passed not to resident Welshmen but to émigré Englishmen who quickly remade the town's legislation according to their own requirements. The parish council was warned in 1554 that slow or careless responses to official summons would no longer be tolerated; upon summons of the mayor the council would appear "upon an hour or a day's

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[171] Paul A. Slack, "Vagrants and Vagrancy in England, 1598-1664", *The Economic History Review*, New Series, Vol. 27, No. 3 (Aug., 1974), 379. The three counties for which the most reliable data were found were Salisbury, Colchester, Kent, Sussex and Essex. The numbers for the western counties of Devon and Cornwall found even less Welsh vagrancy; 9 out of 270.

[172] William J. Baker, *Sports in the Western World* (Totowa: Rowan and Littlefield, 1982), 45-50.

[173] For a discussion see W. Gordon Zeeveld, "Social Equalitarianism in a Tudor Crisis," *Journal of the History of Ideas*, Vol. 7, No. 1 (Jan., 1946), 35-55. Though many historians (including G.R. Elton, John Morrill, David Underdown and Gareth Elwyn Jones) have since investigated the Tudor transformation of Britain in detail, they have not, I would argue, shaken the idea that bringing about social and legal order was at the heart of their methodology.

warning", and for every default a fine of 3s 4d. would be levied upon their goods and land.[174]

The Tudors believed that control could be maintained through social order, which was under pressure from the economically- and religiously-motivated uprisings of the mid- to late-sixteenth century.[175] Yet unlike the Cornishmen, the Welsh did not pick up arms or throw down enclosures in violent response. There was no Kett's Rebellion, where frustrated farmers and pasturemen tore down hedges built by absentee landlords. Perhaps, however, the destruction of enclosure barriers via games of cnapan was an expression of civil disobedience that articulated anger against both the physical restraints placed on the game, and the economic controls placed on Wales by absentee English landowners. In keeping with their philosophy, Tudor England attempted to reshape Wales along cultural lines. During a Trinity Day fair in Treswell, Pembrokeshire, in 1538, English officers attempted to levy tolls and fines on fairgoers, which "occasioned many frays" among the perturbed Welsh merchants and sellers.[176] Other local customs met with interference as well, no doubt to the dismay of the natives.

Sport in particular had long been critical to the cultural identity of Wales. A Welsh custom dating to pre-Norman times, for instance, was the mastering of twenty-four games – *Y pedair gamp ar hugain* – and no young man was considered accomplished without becoming a master of them all. Some, like Bardism, singing and the playing of chess or dice were non-athletic pursuits, but at least half were tests of athletic skill –

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[174] *Haverfordwest Borough Records*, no. 2140, ii, October 20, 1554.

[175] Anthony Fletcher, *Tudor Rebellions* (London: Longman, 1968), 62.

[176] Letter from Roger Barlo to Edward Waters, auditor, *Letters and Papers of Henry VIII*, vol. 13, pt. 1, No. 320 (February 20, 1538).

wrestling, fencing, running, leaping, and the like, were all considered essential to the development of character.[177]

Combined with English marginalization of the Welsh language and the introduction of cultural norms which chipped away at Welsh tradition, the effect of the suppression of sport on the Welsh collective psyche and its sense of identity was substantial. Scholars have suggested that sport was essential in the maintenance and projection of Welsh identity, both inside and outside Wales.[178] Eric Hobsbawm neatly describes the significance of sport to cultural identity: "the imagined community of millions seems more real as a team of eleven named people."[179] For a nation within a nation, or a nation that was thought of as a proper nation, that imagined community can become even more important. In Wales, when the team involved almost everyone in a parish community, the bonds between team and community were even stronger, meaning that an attack on sport was an attack on the core Welsh identity of the local community. The local, rather than the national community, was the "imagined community" for early modern Welsh people, and was directly threatened by the legal mechanism imposed by the Tudors and its use to suppress sport.

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[177] The best source of description of the games and their Welsh terms is in Samuel Rush Meyrick, *The History and Antiquities of the County of Cardigan,* (London: Bensley, 1810), cxlvii – clxxx, though other scholarship has also discussed the significance of the games. Also see. Hilarie M. Waddington, "Games and Athletics in Bygone Wales." *Transactions of the Honourable Society of Cymmrodrion* (1953), 86.

[178] Martin Johnes, "Eighty Minute Patriots? National Identity and Sport in Modern Wales", *The International Journal of the History of Sport*, Vol. 17, No. 4 (Dec. 2000), 94.

[179] Eric Hobsbawm, *Nations and Nationalism since 1780* (Cambridge: Cambridge University Press, 1990), 143.

CHAPTER 4

A Postcolonial Wales?

"Let not England forget her precedence of teaching nations how to live."
John Milton, *The Doctrine and Discipline of Divorce*

The English ability to suppress cultural practices in Wales such as cnapan, combined with the marginalization of the Welsh language, contributed to subjugation in Wales. Welsh historian Gwynfor Jones wrote that during the centuries after the Tudor revolution,

> it was England that lived purposefully; in Wales all feeling of purpose was finished, apart from serving its neighbor. A host of Welshmen received personal advancement but their country deteriorated and gradually decayed."[180]

Such decay can be attributed to a process which is customarily seen in colonial occupation, and I shall argue that Wales fits this model – the internal colonization of a peripheral territory, similar to the experience of empire in later centuries. The suppression of cnapan helps delineate a postcolonial Wales, a perspective which may be entirely more useful for examining Wales than prior historical approaches. As a starting point, a striking comparison may be drawn between the imposition of early modern English law in the Celtic fringe, and later as part of imperial and colonial conquest.

William Blackstone's 1765 *Commentaries on the Laws of England* was long regarded as the definitive statement of English law. The *Commentaries* were a comprehensive account the law of early modern Britain, and in its time was considered second only to the Bible in terms of its importance as a repository of knowledge. In four books, Blackstone set out the current state of law as it applied in England, and by extension, to Wales.[181]

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[180] Trevor Herbert and Gareth Elwyn Jones, eds. *Tudor Wales* (Cardiff: University of Wales Press, 1988), 7.
[181] William Blackstone, *Commentaries on the Laws of England* (1769), reprinted Chicago: University of Chicago Press, 1977), and Ian R. Christie, *Stress and Stability in Late Eighteenth Century Britain.* (Oxford: Clarendon, 1984), 13.

Blackstone was ebullient in his praise of the Tudor Acts of Union. "[B]y destroying some counties palatine, and abridging the unreasonable privileges of such as remained, added dignity and strength to the monarchy" Wales had been "conquered into the enjoyment of true liberty…..a generous method of triumph, which the republic of Rome practiced with great success."[182] The resulting legal relationship was quite straightforward to contemporary English observers: "The conscious absorption of one of the archaic legal systems in the British Isles."[183] was carried off without a hitch. England had civilized Wales legally, and both parties were the better for the arrangement.

This legal relationship found a parallel a century later, when another English lawyer argued for the establishment of active British legal rule in another peripheral area – newly occupied India. Lord Macaulay argued that Britain must "give good government to a people to whom we cannot give a free government."[184] Representation in colonial India would simply not be effective without that most important instrument of British control – the English rule of law. Later in 1833, Macaulay would be charged with codifying the law in India – bringing various jurisdictions, local regulations and various secular and Hindu, Muslim and Islamic law under one orderly – and British – system.[185]

It may seem perplexing to connect an episode of legal development of early modern Britain to an imperial colony two hundred years later. What does Wales have to do with India? "English" and "Imperial" histories have remained separate; the first

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[182] Blackstone, *Commentaries,* 96-103, and 424.

[183] Richard S. Tompson, *Islands of Law: A Legal History of the British Isles* (New York: Peter Lang, 2000), 13.

[184] Thomas Babington Macaulay, Lord Macaulay, *The Miscellaneous Writings and Speeches of Lord Macaulay* (London: Longmans, Green & Co, 1889), and Barbara Harlow and Mia Carter, eds., *Imperialism and Orientalism* (Oxford: Blackwell, 1999), 20-23.

[185] For a discussion of Macaulay's mission, as well as the "intertwined" history of legal codification and colonial empire, see Elizabeth Kolsky, "Codification and the Rule of Colonial Difference: Criminal Procedure in British India", *Law and History Review*, Fall 2005, Vol. 23, No. 3, 631-683.

looking inward at the archipelago itself, the second turning outward towards imperial

conquests and from there the individual histories of commonwealth nations.[186] Macaulay

claimed later in his speech that England "found society throughout [India] in a state to

which history scarcely furnishes a parallel."[187] He was also a prominent English historian,

and had he looked carefully inside that history he would have found a parallel between

early modern Wales and nineteenth-century India, linked by how law was used as the

instrument of colonization. The mechanism used by the center to control and subjugate

the periphery – whether the Tudor annexation of Wales, or the later conquest of India –

was the same, and the imposition of a foreign legal system was central.

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England used law to suppress the game of cnapan in the late sixteenth century, but

it was hardly the first time the English legal system had been used to suppress a Celtic

practice the English thought distasteful, or simply to punish rebellion or assert

sovereignty and uniformity. The Statutes of Kilkenny, enacted in 1367, prohibited any

alliance between English and Irish men and women, ostensibly to protect Englishmen

living in Ireland who might otherwise be tempted by the "Irish enemies."[188] A series of

laws passed in the fifteenth century prohibited Welsh gentry from holding office in

service to the Crown, and, even more damagingly, from fully participating in the market

for land.[189] Such penal laws would be a consistent English instrument, used to effect also

in Ireland and Scotland. Later, to quell the Welsh, and particularly the Welsh gentry, the

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[186] J.G.A. Pocock, "The Limits and Divisions of British History: In Search of the Unknown Subject," *The American Historical Review*, Vol. 87, No. 2 (Apr., 1982), 330.

[187] Barbara Harlow and Mia Carter, eds., *Imperialism and Orientalism* (Oxford: Blackwell, 1999), 20-23.

[188] A.J. Otway-Ruthven, *A History of Medieval Ireland* (New York: Barnes and Noble, 1968).

[189] P.R. Roberts, "The Welsh language, English law and Tudor legislation," *Transactions of the Honourable Society of Cymmrodorion* (1989), 19-75.

English crown turned to their most commanding weapon – the Court of Star Chamber. It is hard to imagine a western court of law as powerful and unchecked by outside influence as the Star Chamber, particularly the Tudor era. Henry VIII strengthened the already powerful influence of the Chamber, which held wide powers via its statutory creation in 1487, with a series of measures meant to quell potential appeals and provide a wider jurisdiction.[190]

The Stuarts followed the approach towards Wales, assisted by the Tudor statute, which proclaimed that future monarchs could alter the terms of the Union with Wales "as to his excellent wisdom," and without the consent or consultation of Wales or the English parliament.[191] James I – who already believed that law was solely the responsibility of the monarchy – endorsed this autocratic discretion, as he himself held little trust for the legal system – his expressed desire was to change the judiciary to fulfill his own vision of the purpose of law, and that included ignoring common law cases when it suited him, and neglecting to instruct his courts (including the Councils in the north and in Wales) of any legal developments.[192] The result was flagrant abuses of judicial power in Wales. Star Chamber proceedings were initiated against Welsh landowners for every kind of extortion, misconduct and fraud possible, and, while these were not always successful,

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[190] "Star Chamber Act," *Statutes of the Realm*, II, 509 f.: 3 Henry VII, c. I (1487), "Act Concerning the Court of Star Chamber," 21 Henry VIII, c. 20 (1529), "Act in Restraint of Appeals," 24 Henry VIII, c. 12 (1533). Also see Ben Howell, *Law and Disorder in Tudor Monmouthshire*, (Cardiff: Merton Priory Press, 1995), ciii.
[191] Cited in Henry Owen, *The Administration of English Law in Wales and the Marches.* (London: privately printed, 1900), 12.
[192] J.S. Cockburn, *A History of English Assizes, 1558-1714* (Cambridge: University Press, 1972), 226. Also see Hart, 62-70.

they caused upheaval and blemished reputations, opening the door for English speculation in Wales.[193]

The sport of Cnapan provides one of the clearest examples of forced suppression of indigenous culture and/or the institution of new culture from above. Historians long dismissed the impact of sporting culture, preferring to focus on more elite pursuits, but fortunately, beginning around the mid-1960's, some realized that sport reflected community identity.[194] "Only recently has sport become the subject of serious study rather than just existing as a thing apart, in isolation."[195]

In Britain the appreciation of sport as a measure of character and cultural worth was extremely strong. Joseph Strutt's famous survey of sports and pastimes in England begins "In order to form a just estimation of the character of any particular people, it is absolutely necessary to investigate the Sports and Pastimes most generally prevalent among them."[196] The English legal suppression of cnapan left no doubt about what they considered the proper character to be. Folk games in England were becoming increasingly regulated and non-violent, and though folk football games continued, their popularity decreased along with the availability of rural unenclosed lands on which to pursue them. The games were not legally challenged, as in Wales, but discouraged; local

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[193] See Owen, Edwards, ed. *A Catalogue of Star Chamber Proceedings Relating to Wales* (Cardiff: University Press Board, 1929), and J. Gwynfor Jones, *Early Modern Wales* (New York: St. Martins, 1994), 105-06.

[194] See the contrasts in Charles H. Page, review of *Sports in American Life,* by Frederick W. Cozens and Florence Scovil Stumpf, *The American Journal of Sociology*, Vol. 59, No. 6. (May, 1954), 582, and Charles H. Page, review of *Sport: Readings from a Sociological Perspective*, by Eric Dunning, *American Journal of Sociology*, Vol. 79, No. 2 (Sep. 1973), 474-76.

[195] Richard Holt, *Sport and the British* (Oxford: Clarendon, 1989), 2.

[196] Joseph Strutt, *The Sports and Pastimes of the People of England*. (London: Methuen & Co., 1903), p. xv.

officials were pressured to discontinue a traditional Christmas day game in Lancashire.[197]

In later imperial conquests, the role of sport has already attracted much attention. England sought to form an English character in India through sports such as cricket; *Blackwood's* magazine remarked quite accurately that "[t]he Englishman carries his cricket-bat with him as naturally as his gun-case," and viewed both as equally effective weapons of colonial influence.[198] J.A. Mangan argues persuasively that the games taught in upper-class schools provided the ideological basis for empire, using as evidence the almost intact transfer of those games to imperial outposts.[199] Along with Macaulay's laws, English sports were transplanted to the fields of India. Polo too was used as a "means of moral instruction."[200] A similar game was played in India, but with no fixed boundaries, nor a proscribed number of players. Two decades after the British arrival, polo was rediscovered by the English as a way to demonstrate proper sport and sporting character. They established a demarcated field of play, restricted the number of players, and assigned clearly defined roles.[201] Order was brought to the backwoods via sport.

The pursuit of order which began in earnest in the Tudor sixteenth century continued through the Stuart seventeenth, and furthered the difference in power between

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[197] A.R. Wright, *British Calendar Customs*, vol. 3 (London: Folk-Lore Society, 1936), p. 260.

[198] Holt, *Sport and the British*, 5.

[199] See J.A. Mangan, *The Games Ethic and Imperialism: Aspects of the Diffusion of an Ideal*, (New York: Viking, 1986), and Michael Rosenthal, *The Character Factory* (New York: Pantheon, 1986).

[200] P.J. Cain and A.G. Hopkins. *British Imperialism, 1688-2000.* (Harlow: Longman, 2002), 288.

[201] Robert W. Henderson, *Ball, Bat and Bishop: the origin of ball games.* (Urbana: University of Illinois Press, 1947), 30. See also Brian Stoddart, "Sport, Cultural Imperialism, and Colonial Response in the British Empire." *Comparative Studies in Society and History*, Vol. 30, No. 4 (Oct., 1988). "The types of sports to be introduced would be monitored closely so that desirable rather than undesirable social characteristics would be engendered amongst the subject populations." (656).

England and Wales, and the existence of that difference leads to the suggestion of an interesting historical viewpoint on the Anglo-Welsh relationship.

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The English use of law to accomplish Welsh annexation fits the model advanced by prominent post-colonial scholar Partha Chattergee. Chattergee's "rule of colonial difference" refers to the insistence of a controlling power on retention of difference even as it promised to provide universal ideals and power to both sides.[202] As institutions are overlaid to the periphery, those institutions are not meant to be equalizing, but to further illuminate extent differences. Through unequal treatment, English justices demonstrated that Wales was exactly the lawless, untrustworthy place their fears imagined it to be. Welshmen were singled out by the Star Chamber for singular punishment, as though to increase the menace implied and the danger anticipated by the crown. Of many examples, in 1572, "divers wild lewd desperate riotous and evil disposed Welsh rogues and persons" were brought before the Court after a dispute with the local sheriff of Kinnersley.[203] A 1595 Monmouthshire indictment names "A Riotous assembly of *Welshmen*," as though the defendants were foreigners even in their own new English shires.[204]

The argument for a "colonial" Wales has been made, and persuasively, when considering the thirteenth through fifteenth centuries. The Edwardian conquest was "planned, state-sponsored immigration," and Welshmen who had established the land were turned out in place of English settlers. (Edward, to create new towns, often simply

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[202] Partha Chattergee, *The Nation and Its Fragments: Colonial and Post-Colonial Histories* (Princeton: Princeton University Press, 1993).

[203] Public Record Office, Star Chamber Proceedings, Elizabeth D 27/12 (1572).

[204] Emphasis added. Public Record Office, Star Chamber Proceedings, Elizabeth D 15/3 (1595).

appropriated the lands of Welsh free settlers.)[205] Through this one-sided relationship, and

Chattergee's rule, we can open the question of whether the Welsh situation can be

considered "colonial" in the same sense as British North America, India, Barbados or the

Philippines. There are enough similarities to make the question worth exploring. The

"policy of containment" followed by the English in Wales has recently been described as

colonialism.[206] Historian P.B. Ellis argues that the Celtic nations were subjugated nations,

and the 1536 Act of Union was an act of "colonial annexation."[207] The Tudor desire was

for order and uniformity within the British Isles, and the same impulse drove the quest for

empire:

> [E]mpire was perceived in the first instance as union; in the second, as
> those great administered provinces, in India and elsewhere, that are
> misnamed "colonies" because their populations were not established by
> the processes of colonization and settlement.[208]

The suppression of unique cultural practices is an important component of that

containment, and the case of cnapan allows us to consider the relationship between

sixteenth-century England and Wales to contain many aspects of colonizer and colonized.

This hypothesis allows for the positioning of aspects of early modern and modern

Welsh history within a new historiographical framework of post(-)colonial theory, which

since its establishment has generated a host of models. The work of Michel Foucault,

Franz Fanon, Gayatri Spivak and others has become essential reading for any work

regarding national and regional interactions.[209] The critique assumes "a politics of

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[205] R.R. Davies, "Colonial Wales." *Past and Present*, No. 65 (Nov. 1974), 3-23, at p.4 and pp. 9-10.

[206] Sarah Barber, "A State of Britishness?", in Steven G. Ellis and Sarah Barber, *Conquest and Union: Fashioning a British State, 1485-1725* (London: Longman, 1996), 306-311.

[207] P. Berresford Ellis, *Wales: A Nation Again!*, (London: Tandem, 1968), 55-60.

[208] J.G.A. Pocock, "The Limits and Divisions of British History," 332.

[209] An excellent and comprehensive collection is Robert J. C. Young, *Postcolonialism: A Historical Introduction* (Oxford: Blackwell, 2001).

opposition and struggle, and problematizes the key relationship between center and periphery."[210] Before taking up the case of the potential for a postcolonial Wales, however, it is necessary to note important differences in terminology which are relevant to applying the colonial framework to Wales; the difference between "post-colonial" and "postcolonial," and the distinction between internal and external (or imperial) colonization. The terms, far from being indistinguishable, signify important differences.

"Post-colonial" – literally, "after colonization" – refers to a chronological time period or epoch. It is the final stage of a linear process beginning from pre-colonial, through colonial, finally to post-colonial, when the previously subjugated entity is released or separates from the colonizing power. Post-colonial scholarship attempts to examine how that relationship shapes colonized peoples long after occupation. Such an approach has been criticized as revolving too closely around an axis of binary opposition, rooted firmly in time and relating always in opposition to the colonizing power.[211] Such histories also vary wildly between nations, making comparisons and contrasts more difficult than some theorists seem to allow for.

"Postcolonial" (unhyphenated) scholarship deals with the more abstract relationship between the dominant and dominated, the center and the periphery, the empire and the colonized. Focusing on "forces of oppression and coercive domination," scholars interested in these dynamics examine diverse interactions of culture, economics and identity. In this manner chronology is less important than the dynamic of colonialism

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[210] Vijay Mishra and Bob Hodge, "What is post(-)colonialism?" in Patrick Williams and Laura Chrisman, eds., *Colonial Discourse and post-colonial history* (New York: Columbia University Press, 1994), 399.
[211] Anne McClintock, "The Angel of Progress: Pitfalls of the Term 'Post-Colonialism," *Social Text*, No. 31/32 (1992), 85.

itself, and is a better fit for a place like Wales, where the chronology of colonization is either uncertain or difficult to demonstrate.

External colonization, such as the British acquisitions of India and African territories offers a familiar pattern, and such dynamics have been extensively studied, particularly with regard to the loss of voice of the colonized peoples and the imposed definition of such cultures by the dominant force; Edward Said's *Orientalism* and the writings of Gayatri Spivak are the defining works in the historiography.[212] On the other hand, the notion of an *internal* colonization is less explored, having been used to characterize such diverse groups as African-Americans, Mexican immigrants in Texas as Basques in Spain.[213] Internal colonization, it is argued, occurs when a dominant part of a collective nation "treats a group or region as it might a foreign country."[214]

Michael Hechter's 1975 book *Internal Colonialism* addressed this colonial circumstance within the British archipelago. Hechter argued that "the situation of the Celtic fringe in the British Isles is analogous in several respects to that of the less developed countries in the world system."[215] Hechter's argument revolves around economic differences, and he argued that England had an "instrumental" role in relation to the Celtic fringe; that it used Wales, and to a lesser extent Ireland and Scotland, for its own ends. Historian Rees Davies went further in 2000, arguing that the English desire for

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[212] Edward Said, *Orientalism* (New York: Vintage, 1979), and Gayatri Spivak, "Can the Subaltern Speak?," in Cary Nelson and Lawrence Grossberg, eds., *Marxism and the Interpretation of Culture* (Urbana: University of Illinois Press, 1988), 271-313.

[213] See for instance Franz Fanon, *The Wretched of the Earth* (New York: Grove Press, 1968), Robert Blauner, "Internal Colonialism and Ghetto Revolt," *Social Problems*, Vol. 16 (Spring 1969), 393-408, and Albert Memmi, *The Colonizer and the Colonized*, (Boston: Beacon Press, 1967). Before Michael Hechter's groundbreaking work, the only author to use "internal colonialism" in terms of Britain was sociologist John Rex, *Race, Colonialism and the City* (London: Routledge, 1973). See also Bud B. Khleif, "Ethnic Boundaries, Identity and Schooling: A Socio-Cultural Study of Welsh-English Relations," N.I.E. study, University of New Hampshire, 1975.

[214] Anne McClintock, "The Angel of Progress," 88.

[215] Michael Hechter, *Internal Colonialism* (Berkeley: University of California Press, 1975), 130.

control was founded by a cultural "fault-line" in the Isles, which separated "Sweet Civility" from "Barbarous Rudeness," and gave England the justification to exploit the barbarous periphery.[216]

Recently, a new collection by Jane Aaron and Chris Williams has brought Wales deeper into the postcolonial debate. Chris Williams argues that while Wales cannot be considered literally to have been "colonized," it can, however, be usefully examined through postcolonial theory. His argument relies in part on the position of the Welsh gentry, who quickly adopted English norms and took advantage of opportunities afforded by the relationship, while the poorer "Welshries" were left in a subjugated and hardly equal position.[217] Williams applies postcolonial concepts of ambivalence, hybridity and post-nationality to Wales.

I will follow Williams, and Said, and suggest a slightly different model. Sociologist Robert Blauner proposed a test of four features for internal colonization. Briefly examining each of these tests in turn – with strong evidence coming from the experience of cnapan – provides support for Hechter and Williams' theories. Blauner's first test deals with the manner of initial control - "colonialism begins with a forced involuntary entry, a conquest."[218] This usually refers to physical colonization, subduing a neighboring or remote territory through advantage of strength, but there are other means of entry: historians have identified situations where an overall effort involving native "institutions and representations" was a powerful influence in establishing colonial

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[216] R.R. Davies, *The First English Empire: Power and Identities in the British Isles* (Oxford: Oxford University Press, 2000)

[217] Chris Williams, "Problematizing Wales: An Exploration in Historiography and Postcoloniality", in *Post-Colonial Wales, 10-13.* See also J. Gwynfor Jones, *Early Modern Wales,* for a discussion of how the Welsh gentry embraced and celebrated the 1543 Acts of Union.

[218] For a discussion of Blauner's model as it applies to Britain see Khleif, "Ethnic Boundaries."

control,[219] and constituted a hegemony over a conquered territory. This entry through social and cultural institutions is no less powerful in terms of subjugation than by force of arms.

In the case of Wales, the forced entry came in two main stages; through force of arms in the thirteenth century, and force of law in the sixteenth. The Edwardian conquest of Wales in 1284 was a direct military occupation of an ungoverned territory, and the network of armaments and castles removed any possibility of successful nationwide rebellion – a lesson learned by Owain Glyn Dŵr and his followers in 1408. Davies calls the conquest "colonization by racial resettlement."[220] Native Welshmen were turned out in place of English settlers, and to create new towns, Edward often simply appropriated the lands of Welsh free settlers.

The legal subjugation of Wales was heightened by the activities of the Star Chamber. The Star Chamber exercised authority without question, appeal, or precedent, nor did it allow others to question its judicial reasoning.[221] It also took a wide range of jurisdiction, as allowed by statute, which gave it validation to intervene in all manner of disputes, and is credited with a likely tenfold increase in cases between 1550 and 1625.[222]

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[219] For a convincing though not widely cited article on the phenomenon, see Nicholas Thomas, "Hunting Heads: Colonialism as Culture", *Age Monthly Review* (Melbourne, Australia), Dec/Jan., 1989, 30-32.
[220] Davies, R.R. "Colonial Wales." *Past and Present*, No. 65 (Nov. 1974), 3-23, at 9.
[221] In a typical case brought to the Star Chamber against Dr. John Bastwick, in 1637, the unfortunate defendant was refused both counsel and the opportunity to present evidence himself, then unsurprisingly found guilty and sentenced to have his ears cut off as well as pay an astonishing fine of £5,000. This blatantly unfair conviction was too much even for the Stuart crown, who conducted an inquiry into the case three years later – one year after that, the Star Chamber was abolished. *The confession of the faithfull witnesse of Christ, Mr. John Bastwick doctor of physick*, (London: H.W., 1641), and Leonard A. Parry, *Some Famous Medical Trials* (Fairfield: Augustus M. Kelley, 1976), 277-79, and Thomas G. Barnes, "A Cheshire Seductress, Precedent, and a 'Sore Blow' to Star Chamber, in Morris S. Arnold, ed., *On the Laws and Customs of England* (Chapel Hill: University of North Carolina Press, 1981), 359-82.
[222] Derek Hirst, *England in Conflict, 1603-1660*, (London: Arnold, 1999), 14. Hirst's study focuses on the Stuarts, who used the Chamber until such time as they realized that its unchecked power had become untenable.

It used its discretionary power, including the wide-ranging charge of riot, to control all manner of "objectionable" practices in Wales.[223]

Blauner's second test argues that once entry has been achieved, the colonizing power implements a policy of suppression or destruction of indigenous values or way of life. The story of cnapan and its suppression, along with other projects such as the marginalization of Welsh language, supports the case. The Tudors were allowed to "intimidate, oppress, and trick a monoglot people, harassed by changes in land tenure and law, bewildered by the changes in religion and by the dissolution of the monasteries, and harassed by a strange official language.[224]"

The forcefulness of the English effort is also demonstrated in the persistence (though diminished) of those Welsh cultural elements which were targeted. Welshmen strove to retain independence, but what they sought was typically cultural rather than political autonomy. One of the dictates of the Tudor reformation was that services and scriptures be read in English only. In 1549, the Book of Common Prayer was sent to every church, with orders from Edward VI and the Archbishop of Canterbury that the scriptures would be read in each service – in English. The consequences for the Celtic fringe were substantial. Cornishmen complained that the new English services were "incomprehensible to them as a Christmas game."[225] Efforts to create a translation were pursued with earnest and finally successful in 1567, under the direction of William Salebury and Richard Davies. Davies was born in North Wales and educated at Oxford, and his introduction, *Epistol at y Cembru,* is a clarion call to preserve Welsh heritage:

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[223] Christina Hole, *English Sports and Pastimes.* (London: Batsford, 1949), 43.

[224] Ifan ab Owen Edwards, introduction to *A Calendar of Star Chamber Proceedings Relating to Wales* (Cardiff: University Press Board, 1929), p. iv.

[225] Prys Morgan, *A Bible for Wales* (Aberystwyth: National Library of Wales) 1983.

> It grieves me to see thee, Wales, which was at one time foremost, but now
> the last in such as glorious triumph as this. Awake now thou lovely
> Wales…do not denationalize thyself [*paid ath ddigenedlu*].[226]

Davies continues, decrying the subjection of Wales "by force of arms," and the loss of priceless and irreplaceable works of Welsh history by careless and malevolent destruction by the English.

The third of Blauner's requirements is that the colony is administered from outside, rather than from within, a requirement that is easily demonstrated in Wales by the dominance of English absentee landlordships established by Tudor gentry eager to acquire Welsh lands suddenly thrown into questionable status by the new English land laws. Welsh tenants were at a distinct disadvantage when land disputes arose, resulting more often than not in the English landlord using the familiar English law to his advantage.[227] They felt justified by the continuing influence of English prejudice, such as an allegation made by Gerald of Wales that the Welsh were known to hide or obstruct boundary lines, move fences and encroach onto adjoining property. English attempts to claim Welsh land account for the disproportionate number of actions against Welsh agrarian property owners in the early modern period. In 1604, the Council in Wales had ordered a Welshman to relinquish possession of a piece of property at the center of a dispute, even though the matter had not been taken up by the local court of jurisdiction. The man refused and was imprisoned for disobeying the Council.[228]

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[226] Philip Schwyzer, *Literature, Nationalism and Memory in Early Modern England and Wales*, (Cambridge: Cambridge University Press, 2004), 91. Schwyzer discusses the use of the term *paid ath ddigenedlu*, which he indicates translates most accurately as "denationalize", though as he admits, the term is out of place in a sixteenth-century text, and that "degenerate" was the author's intended sentiment.

[227] See for instance P.R.Roberts, review of *Patriarchs and Parasites: The Gentry of South-West Wales in the Eighteenth Century* by David W. Howell, The Economic History Review, New Series, Vol. 41, No. 1. (Feb., 1988), 152-153, for an account of such disputes in the economically disadvantaged Tewfi valley.

[228] James S. Hart, Jr., *The Rule of Law 1603-1660.* (Harlow: Pearson, 2003), 39.

Native tenants were repeatedly forced to appeal to the Courts to protect their

tenure against English absentee landlords. The landlords had used a bit of legal trickery

in the applications for renewal of the grants to the Exchequer, omitting the key phrase "to

the use of the native tenants," thus precluding the Welsh tenant from claiming their lease

under the old system. The forfeited lands would then be offered to the highest bidder for

significantly more money, often claimed by the unfortunate "ancient tenants"

themselves.[229] "Few know the meres and bounds of the freehold land except the

[defendants] and they have bound themselves not to disclose their knowledge," was the

complaint of Robert Lewys and Evan Lloyd, English landlords, in a suit against their

Welsh tenants. The Exchequer, citing the Welsh "pretence of possession....disinheriting

the Crown," summarily expelled the Welsh tenants.[230]

Wales was also thought of as anything from a dumping ground for undesirables to

an area of exploitable natural resources. Henry I evicted a community of Flemings from

England and established them forcibly in Tenby, thence "ridding his dominions of an

encumbrance, and curbed the insolence of then rebellious Cambrians."[231] The copper

mines of Wales were not an economic boon to the Welsh, but funneled as profitable

investment money to England, even helping English speculators recover from disastrous

enterprises such as the South Sea Bubble.[232]

Finally, Blauner contends that the process must be either driven or accompanied

by an "ideology of racism."[233] This point may be the most difficult to consider

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[229] T. Jeffreys Jones, Introduction to Exchequer Proceedings Concerning Wales, In Tempore James I (Cardiff: University of Wales Press, 1955), xvi.

[230] Public Record Office, 150/51/7 James I.

[231] *The Cambrian Tourist, or Post-Chaise Companion through Wales*, (London: Edwards, 1821), 87.

[232] See Malcolm Balen, *The Secret History of the South Sea Bubble* (London: Fourth Estate, 2002).

[233] Robert Blauner, *Racial Oppression in America* (New York: Harper and Row, 1972).

empirically, considering that Welsh and English have been interconnected from ancient times. But longstanding prejudice and preconception can be just as influential, and the negative English prejudgment of the Welsh dates to Norman times. In March of 1188, the Archbishop of Canterbury and his travel companion Giraldus Cambrensis, later known popularly as Gerald of Wales, traveled extensively throughout Wales to enlist support for the Third Crusade. Gerald was a prolific writer, who recorded in detail his impressions of the landscape, the language and particularly the people. He admonished caution for dealing with the Welsh; painting a picture of a lawless, greedy and generally sinful peoples:

> A formal oath never binds them…and truth means nothing to them. It is the habit of the Welsh to steal anything they can lay their hands on and to live on plunder, theft and robbery, not only from foreigners and people hostile to them, but also from each other. In war they are cowards, and cannot trust them in times of peace.[234]

Such prejudices towards the Welsh persisted among the English for centuries. Fifteenth-century statutes disallowed Welshmen from owning land within any English commercial town, or even to transact business in it. In a border town such as Shrewsbury, the result was that "even when those Acts fell into abeyance the race enmity between English and Welsh would make the Shrewsbury trading companies very wary of admitting any Welshman to their fellowship."[235] The wariness extended to the entire Celtic fringe. "Give an Englishman or a Scotsman four acres to himself, and see if he finds nothing to do," wrote George W. Steevens, who also famously claimed that the Irish famine of the

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[234] Reportedly the campaign went without much success in Wales. See Gerald of Wales (Giraldus Cambrensis), *The Journey Through Wales and The Description of Wales*, translated with an introduction by Lewis Thorpe. (London: Penguin, 1978), 256. The quoted passage was written in 1215.
[235] George Laurence Gomme. *The Village Community* (London: Walter Scott, 1896), p. 247.

nineteenth century was merely Celtic hysteria and political maneuvering.[236] And Irish and Celtic settlers, rather than the indigenous population, were considered the "principal internal enemy" by English planters in Barbados.[237]

The most valuable result of viewing Welsh history in light of post-colonial studies is that it refocuses the question. Simply because Wales failed to revolt politically against England did not mean that it did not strive to protect aspects of culture such as Welsh sport, and a postcolonial structure shifts the focus from traditional, nationalist questions of identity to cultural and social elements. Even though the Welsh were politically subsumed to England, Welsh identity was not absorbed into a neutral Englishness or Britishness. Welsh identity becomes in this postcolonial discussion more secure; as its cultural status and difference are inherent rather than under constant pressure from external forces.

This identity takes a number of forms, but can be foremost distinguished by the strong sense of community, much more so, it may be argued, than English or British. Medieval Welsh law dealt specifically and fairly with disputes between neighbors. The laws of Hywel Dda give specific guidance to enforcement of cooperation in the plough fields, such laws being designed to foster cooperation and community – the exact opposite urge to enclosure and separation which characterized later English law.[238] Pressure on communal games and sports put substantial pressure on that identity.

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[236] Quoted in H. John Field. *Toward a Programme of Imperial Life: The British Empire at the Turn of the Century*. (Westport: Greenwood Press, 1982), 192.

[237] Hilary McD. Beckles, "A 'riotous and unruly lot': Irish Indentured Servants and Freemen in the English West Indies, 1644-1713." *The William and Mary Quarterly*, 3rd Ser., Vol. 47, No. 4. (Oct., 1990), 504.

[238] Ffrancis G. Payne, "The Welsh Plough Team to 1600," in Geraint Jenkins, ed., *Studies in Folk Life* (London: Routledge, 1969).

The measure of success of the Tudor efforts evoked disputes among contemporary chroniclers, just as it does in current historiography. Beneficiaries of the new order, almost exclusively the landed gentry, were effusive in their praise. The "miserable and lamentable" state of pre-Tudor Wales had been changed by the "happy reforming…by reducing the same into shires and providing sweet and wholesome laws for the government thereof."[239] George Owen expressed much the same sentiment in 1603, but that may have been due to his dominant position in county affairs.

The opposing view is much more critical, but it is by most accounts supported by evidence. The Acts of Union "were a deliberate attempt to cast Wales in oblivion – its laws, customs, society and above all, language, an act of unparalleled vandalism in attempting to destroy an ancient nation."[240] Despite this attempt, Welsh culture, and sporting culture, persisted, though in a diminished form – and its reincarnation in the late nineteenth century coincided with both a resurgence of Welsh identity, and the Welsh adoption of a sport which harkened back to the fields of sixteenth-century Pembrokeshire.

Cnapan-like sports continued in Wales until the mid-nineteenth century, though those later games existed only as a mythic and nostalgic recollection of the past. Great Britain's largest Celtic folk festival - *Gwyl Werin Y Cnapan* – was held annually in the town of Ffostrasol in South Cardiganshire.[241] But the end of the nineteenth century in Wales saw a resurgence of political and cultural identity, and in

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[239] Written by Rice Merrick of Glamorgan in 1578, as quoted in Ben Howell, *Law and Disorder in Tudor Monmouthshire* (Cardiff: Merton Priory Press, 1995), xlvii.
[240] Trevor Herbert and Gareth Jones, eds. *Tudor Wales,* (Cardiff: University of Wales Press, 1988), 5.
[241] Glanville Price, ed., *Languages in Britain and Ireland* (London: Blackwell, 2000), 106.

attempting to retrench that identity, Welshmen reached back centuries to the neglected sport of cnapan.

The three decades between 1880 and 1910 have been called both the "zenith of the modern Welsh nation."[242] Culturally and political institutions were formed during these years which would reinforce Welsh cultural identity. The University of Wales (1893) and the National Library in Aberystwyth (1907) were founded and grew from this period of Cymric national resurgence. The era also saw the first legislation to apply distinctly to Wales, as opposed to all of Britain. While the effects of the 1881 Sunday Closing Act may have applied only to pubs and ale-houses, the significance of a law which treated Wales as a distinct entity was not lost upon the Welsh.[243]

Sport played a fundamental role in this expression, in the form of the newly introduced game of rugby. Invented, or at least adapted, in the mid-nineteenth century by the master of Rugby School in England, the game found its way to Wales in the 1870's and Welshmen quickly took to it. Rugby became known as "characteristically Welsh,"[244] for the rough and tumble style of its play, and its emphasis on communal team effort rather than individual achievement. A Cardiff newspaper attributed an astounding win over the New Zealand team in 1905 to the basis of Welsh character itself "The great quality of defense and attack in the Welsh race is to be traced to the training of the early period when powerful enemies drove them to their mountain fortresses."[245]

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[242] David L. Andrews, "Welsh Indigenous! And British Imperial? – Welsh Rugby, Culture and Society 1890-1914," *Journal of Sport History*, Vol. 18, No. 3 (Winter, 1991), 337.

[243] R. Merfyn Jones, "Beyond Identity? The Reconstruction of the Welsh", *The Journal of British Studies*, Vol. 31, No. 4 (Oct. 1992), 330-357, at 336-37.

[244] John Bale, "Sport and National Identity: A Geographical View," *British Journal of Sport History*, Vol. 3 (May 1986), 18-41.

[245] *South Wales (Cardiff) Daily News,* December 18, 1905. Also noted in David L. Andrews, "Welsh Indigenous!", 339.

The Welsh adoption of rugby was instrumental reestablishing a lost Welsh

cultural identity, and in carving it out of the assimilation of centuries earlier – followers

of Welsh rugby believed that "[t]o win at the game, especially against England, is as

important as gaining victory in the long war Wales began fighting for its independence

centuries ago."[246] How, then, to prove that rugby had a Welsh heritage? Welsh historians

looked back and found cnapan. A widely read edition of George Owen's *Description of*

Pembrokeshire, published in 1892, created in many Welshman's minds the pedigree for a

sport at which the Welsh seemed unusually skilled. The similarities to the early modern

game, including the manner in which the *cnapan* was conveyed up and down the hills,

generated a natural connection to rugby, despite arguments that the early modern game

was far from the late nineteenth-century regulated game, leading some historians to

accuse the Welsh of "genealogical fantasizing." [247] Here, too, the conflict between

political and local identity came into conflict, even among those who fought for a sense

of Welshness. Kenneth Morgan decried the interest in a Welsh heritage for rugby,

claiming it was the "bread and circuses" to distract Welshmen from the more serious

business of establishing an independent Welsh political body.[248]

Whether the cnapan-rugby connection was real, imagined or invented, the reliance

on the game by Welsh nationalists in the late nineteenth century supports the persistence

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[246] George Ewart Evans, *The Strength of the Hills: An Autobiography* (London: Faber, 1983), 59.

[247] Welsh historian Gareth Jones is decidedly unconvinced. "Because the 'ball' was thrown it has sometimes been thought that rugby came from this game, but it does not resemble modern rugby any more than the football of those days is like today's soccer." Gareth Elwyn Jones, *Tudor Wales* (Llandysul: Gomer Press, 1986), 38, and personal interview, December 9, 2005, at the University of Glamorgan. Jones, while being recognized as the foremost authority on the history of rugby in Britain, fails, in my estimation, to acknowledge exactly how much the sports do have in common, at least in the overall structure and goal – remove the delineated playing field, the referees and scoring system, all English inventions, and what is left but the goal of conveying the ball across territory by whatever means necessary? See also Andrews, "Welsh Indigenous!", 341.

[248] Kenneth O. Morgan, *Rebirth of a Nation: Wales 1880-1980* (Cardiff: University of Wales Press, 1981), 134.

of sport and culture as essential elements of Welsh local identity – elements which survived, at least in mind if not in reality, English efforts to weaken them. Too often, historians of Britain assume that the lack of Welsh political autonomy is accompanied by a lack of meaningful cultural identity. Cnapan advances the argument that underneath dominant questions of state formation lie stories which hold much more relevance for Wales. Unfortunately, as we shall see, recent advances in British historiography have not left much room for understanding Welsh difference, implying that a new model for Wales – possibly following the postcolonial framework – is valuable.

CHAPTER 5

Historiographical Essay:
"For Wales, *Now* See Britain"

When was Wales?, by Welsh historian Gwyn Williams, assessed Wales'

relationship with England and its historical place within Britain. As the title suggests,

Williams argued against the general perception that while the concept of Wales existed

only in the realm of romantic nostalgia, a united Britain was a fixed reality, making the

notion of a separate Welsh history problematic. The book is proud but pessimistic –

retaining an individual Welsh identity, Williams writes, is not simply a matter of being

born Welsh, but instead has represented an active and stubborn act of choice.

> A majority of the inhabitants of Wales are choosing a British identity
> which seems to require the elimination of a Welsh one….[t]here are roads
> out towards survival as a people, but they are long and hard and demand
> sacrifice and are at present unthinkable to most Welsh.[249]

Today, half a millennium after the sixteenth-century Tudor assimilation, the Welsh

people continue to resist the loss of identity within the larger English/British state, and

however symbolically. In May 1999, the establishment of the *Cynulliad Cenedlaethol*,

the National Assembly of Wales, was met with great fanfare, celebration, and speeches in

both Cymric and English. Its celebrants, however, ignored the fact that the Assembly

would conduct 80% of its affairs in English, would have barely more responsibility than

the former English administrative Welsh Office, have its budget set by the British

government, and would be inferior in power in most ways to the Scottish Parliament

established at the same time.[250]

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[249] Gwyn A. Williams, *When Was Wales?* (London; Black Raven Press, 1985); quote at p. 333. Also see Neil Evans, "Writing the social history of modern Wales," *Social History*, No. 17 (1992), 479-492, for an interesting discussion of Williams' approach. Evans considers Williams' continual reshaping of identity to be an "existential Marxism – prophecies of doom unless [Welsh historians] mobilize."

[250] Keith Robbins, "More Than a Footnote? Wales in British History," *North American Journal of Welsh Studies*, Vol. 1, No. 1 (Winter 2001), 20-24. Somewhat sarcastically, R. Merfyn Jones wrote of the coming European Union as well-suited for the nation without a nation: "Wales slips into Europe as another political unit, not as a single national identity; as a place with citizens, not a cause with adherents. Wales is an

As evidenced by cnapan and the English treatment of it, any distinctive Welsh identity has been developed in relation to centuries of governmental and social control by England, as well as economic, geographical and ideological fragmentation. The historiography of Wales and the Anglo-Welsh relationship has followed much the same arc, both because of the subordinate position of Wales within Britain, and an established pattern of reluctance of historians to incorporate Wales, and the rest of the Celtic fringe, into classic English and British history.

J.G.A. Pocock noted quite correctly that "[a]n entity without a history does not exist in history."[251] Classic historiography of the British Isles finds the Welsh folded firmly within "English" history. A.J.P. Taylor, for example, who has argued that "English history" and "British history" were essentially identical, cared little for any difference between Wales and England and considered the two to be indistinguishable after the Acts of Union.[252] A study of social mobility in Britain in the sixteenth and seventeenth centuries folds Welshmen anonymously into English statistics, though actual Welsh social mobility was limited in comparison to English.[253] G.R. Elton's influential monograph on the Tudor monarchy devotes just two of his four hundred pages to Wales. According to this line of reasoning, Wales, if it ever even existed, was effectively absorbed with barely a protest.[254] The few writers who distinguished Welsh experiences

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identifiable place, but the Welsh are hardly a people with a distinct, shared, and immutable identity. They should make good Europeans." R. Merfyn Jones, "Beyond Identity? The Reconstruction of the Welsh", *The Journal of British Studies*, Vol. 31, No. 4 (Oct. 1992), 357.

[251] J.G.A. Pocock, "The Limits and Divisions of British History: In Search of the Unknown Subject," *The American Historical Review*, Vol. 87, No. 2 (Apr., 1982), 311-336, at 312.

[252] A.J.P. Taylor, *English History 1914-1945* (Oxford: Oxford University Press, 1965).

[253] Lawrence Stone, "Social Mobility in England, 1500-1700", in Paul S. Seaver, ed., *Seventeenth Century England: Society in an Age of Revolution* (New York: Franklin Watts, 1976), 25-69.

[254] G.R. Elton, *Reform and Reformation: England 1509-1558* (Cambridge: Harvard University Press, 1977), 203-205.

from English were Welsh historians; others treated the country as a separate entity only when discussions of nationalist politics or war required it, or on those rare occasions when local stories of culture, religion and local governments were too compelling to ignore. A somewhat more politically correct approach was to incorporate Wales within England, but apologize for the over-simplification – not wishing, as one historian wrote, "to antagonize our Welsh friends."[255]

This approach has continued to the present, even as Celtic historians clamor for a more inclusive British history. Early modern historian John Morrill has spent most of his career focused on England rather than Britain, but recently acknowledged that "historians of England need to accept that the expansion of the English state is part of a much larger issue," and must include the interactions of Irish, Welsh and other peoples and historiographies.[256] Yet Morrill and others continue to frame that larger history with England placed firmly in the center and their stories in the archipelago remain peripheral. Considering the relative power of the component nations this may be an understandable bias (historians are by nature creatures of rationality), but it often leads to misinterpretations.[257] Morrill's claim that Englishmen were ready and willing to accept a bilingual Wales after the Acts of Union is refuted by the evidence of historians who have focused on local Welsh communities. And Morrill sees early modern Welsh identity simply in terms of opposition – "Wales," he argues, "was bleakly defined by the shared

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[255] J.R. Wordie, "The Chronology of English Enclosure," *The Economic History Review*, Vol. 36, No. 4 (Nov. 1983), 484.

[256] See John Morrill, "The British Problem, c. 1534-1707", in Brendan Bradshaw and John Morrill, eds., *The British Problem, c. 1534-1707: State Formation in the Atlantic Archipelago* (New York: St. Martins Press, 1996), 1-38.

[257] My thanks to Dr. Paul Townend for providing this insight.

experience of resisting the English."[258] Morrill's observation goes to the heart of the

misunderstandings that can develop when historians fail to study cultures individually.

Whatever the nature of early modern Welsh identity, it was not subsumed into mere

resistance and opposition, as Morrill would claim.

Just two years ago, R.R. Davies expressed his frustration with Welsh history:

"Wales has largely surrendered any sense of its own historical identity."[259] This despite

the fact that within the last decades possibilities have arisen within British historiography

which held great potential better incorporating Wales. The most significant, and yet

disappointing, of these efforts proposed not just a change to British history, but a "new"

subject altogether.

In part because of issues raised from the Celtic fringe, recent decades have

produced a shift in British historiography. In a 1975 article, J.G.A. Pocock called for a

"new" British history – pluralist, rather than a merely English, which he argued was

necessary both for the understanding of individual identities in Britain and the concept of

"Britain" itself.[260] According to Pocock, greater emphasis should be placed on the

comparisons and interactions between the nations, kingdoms or polities of the British

Isles. The construction of British history as a story of "conflict and consent over

sovereignty and the terms of association between several nations" meant that events

needed reexamination, turning the lens not only toward the periphery, but toward places

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[258] Morrill, "The British Problem," 7.

[259] R.R. Davies, "On Being Welsh: A Historian's Viewpoint", *Transactions of the Honourable Society of Cymmrodorion*, New Series, Vol. 9 (2003), 36.

[260] J.G.A. Pocock, "British History: A Plea for a New Subject", *Journal of Modern History 47,* No. 4 (1975), 601-628.

where the core and periphery interact.[261] The benefit of such a construction is that customs and events which were otherwise ignored, such as cnapan, gain importance for what they can reveal about the interactions across those borders.

The early modern era seems the ideal historical period to do this. The Tudor desire for uniformity and the Puritan zeal for reform brought issues of conflicts of culture and power within the archipelago to the forefront, and while Wales was the most politically marginal of the British kingdoms, it was also the most closely intertwined. For historians of Wales, the genesis of a "new" British history would seem to represent a great opportunity. Certainly a more open, less Anglo-centric approach could only improve the understanding of Wales and its place within the British Isles and British Empire. Pocock's framework advocates a more heterogeneous British history, instead trying to find the comparisons and contrasts can be made among the various elements.

In the decades that followed Pocock's plea, historians of the British Isles have grappled both with his concepts and one another's efforts.[262] John Morrill, for example, has encouraged Pocock's project but has done little to further it in his own work. David Armitage suggested that Pocock merely rewrote British history as imperial history, and that the fruit of Pocock's plea was only a restatement of theories of state formation and resistance to the inclusion of Atlantic histories, a characterization that Pocock reacted to

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[261] J.G.A. Pocock, "The New British History in Atlantic Perspective: An Antipodean Commentary," *The American Historical Review*, Vol. 104, No. 2 (Apr., 1999), 493.

[262] There are many useful collections which discuss Pocock's model in depth, and two are particularly revealing. The 1993 volume *Three Nations – A Common History? England, Scotland, Ireland and British History c. 1600-1920,* Ronald G. Asch, ed. (Bochum: Universitätsverlag Brockmeyer, 1993), contains, among other works, a treatment by Linda Colley extends the arguments from her influential *Britons*, as well as dissenting voices of Nicholas Canny and John Morrill. Six years later, an *American Historical Review* forum provided both useful examples of new British scholarship as well as commentary still questioning whether the proposition was valid; see *American Historical Review,* Vol. 104, No. 2 (Apr. 1999), and below for discussion of examples by David Armitage and Jane Ohlmeyer.

with some indignation.[263] Some English historians have been more candidly hostile;

A.J.P. Taylor haughtily dismissed the suggestion that there were historically interesting

cultural variations within Britain:

> I feel less warmly or less tolerant over Pocock's suggestion that British history could be handled as a common cultural experience, even if the common experiences were often only rivalries. This is not true. The culture is and always has been exclusively English, with some contributions from the outposts that are on a very small scale.[264]

Despite the absurdity of Taylor's argument for the absolute dominance of English

culture within Britain, his dismissal of the need for a British history, or even a broadened

English history is shared in practice by many others. The repositioning of the English

Civil War into a "British" civil war, for instance, has led to many of the same conclusions

as before, and even worse, it is argued, "has in practice threatened to have a very limiting

effect," to the frustration of historians who expect such a relocation to unlock hidden

truths.[265]

Morrill, Armitage and other influential British historians have wrestled to

successfully answer Pocock's plea, but within this "new" British history Wales continues

to remain marginal. Nicholas Canny enthusiastically claimed that new British History

"will [treat] development within the three kingdoms of England, Scotland and Ireland as

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[263] David Armitage, "Greater Britain: A Useful Category of Historical Analysis?", *The American Historical Review*, Vol. 104, No. 2 (Apr. 1999), 432, and J.G.A. Pocock (1999), 492. It is also useful to note a review by J.C.D. Clark of a series of Celtic histories; he notes in conclusion that "historians of Ireland, Scotland and Wales are evidently no more interested in an inclusive British dimension than their English colleagues." J.C.D. Clark, "English History's Forgotten Context: Scotland, Ireland, Wales", *The Historical Journal*, Vol. 32, No. 1 (Mar., 1989), 228.

[264] A.J.P. Taylor, "British History: A Plea for a New Subject: Comments", *The Journal of Modern History*, Vol. 47, No. 4. (Dec., 1975), 622-23.

[265] Ethan Howard Shagan, "Constructing Discord: Ideology, Propaganda, and English Responses to the Irish Rebellion of 1641," *The Journal of British Studies*, Vol. 36., No. 1 (Jan., 1997), 4-34.

but parts of a single process."[266] Jane Ohlmeyer provided a superb summary of Pocock's

central theme: new British history should "abandon the narrow, nationally centered

approach that had traditionally characterized the study of British history", and instead

scrutinize "the plural history of a group of cultures situated along an Anglo-Celtic

frontier." She specifically argued, however, that Pocock made his call to Irish, English

and Scottish historians; presumably studies of the Welsh would continue in obscurity, or

be remain encompassed within English history.[267]

Perhaps it is because Wales' absorption into the English state was so "complete",

at least according to pre-existing English historiography, that to many Wales fails to be

historically interesting. On the surface the Anglo-Welsh relationship appears

straightforward – the Welsh, with the aid of the Welsh gentry, were subsumed to England

in two stages; Edwardian conquest in 1284 and Tudor legislation in 1543. While the

situation was more complex, the break was undemanding enough that the history of

Wales after the early 16th century could be lumped into England's; including the

notorious encyclopedia entry "For Wales, See England."[268]

Pocock himself did not devote much attention to Wales. He argues that to

properly answer his historiographical call, we must be familiar with the notions of three

senses of identity: the secure English, romantic Irish, and tangential Scottish. Welshmen,

however, like "Orangemen and Orkneymen have not developed complex

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[266] Nicholas Canny, "The Attempted Anglicization of Ireland in the Seventeenth Century: an exemplar of "British History", in Ronald G. Asch, ed., *Three Nations – A Common History? England, Scotland, Ireland and British History c. 1600-1920.* (Bochum: Universitätsverlag Brockmeyer, 1993), 49. The collections' reference to the number of nations and the time period are again instructive.
[267] Jane Ohlmeyer, "Seventeenth-Century Ireland and the New British and Atlantic Histories", *The American Historical Review*, Vol. 104, No. 2 (Apr. 1999), 446-47.
[268] See Kenneth O. Morgan, "Welsh Nationalism: The Historical Background", *Journal of Contemporary History*, Vol. 6, No. 1 (1971), p.153.

historiographical traditions of their own," and therefore are relegated to a position of minor importance along with dozens of sub-groups within Britain, defined by geographic, ecclesiastical and social boundaries.[269]

Even a cursory read through Welsh history challenges that historiographical assumption. Consider the unique nature of Wales itself; a geographically fractured, non-unified culture which had little historical aspiration towards national unity, at least between the richer coast and the upland agrarian Welshmen. Even the revolt of Owain Glyn Dŵr, the largest (and last) rebellion in Wales, did not involve all Welshmen – rather, the geographical fragmentation of Wales produced localized power structures, and the actions of local lords were never unified.[270] Many of the rebels who had fought alongside Owain quickly supported Henry V when he fought France, suggesting they had little difficulty assuming the English allegiances on top of their own Welsh identity.[271] In recent history, Wales has remained fragmented; historians have argued convincingly that there is a "British Wales", a "Welsh Wales", and a "Cymru." Only in the third are there hints of Welsh nationalism, as it is currently understood; which itself can be delineated into three distinct camps: separatist, linguistic protectionists and cultural pluralists[272].

Welsh identity lacks a nationalist element, at least in comparison to Scotland and Ireland. The bonds which held Welsh identity together were essentially, and historically,

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[269] Pocock (1975), 607. Pocock treads carefully around his characterizations of the various parts of the Celtic fringe, so does not entirely support his definitions, but rather treats them as implied and time-honored.

[270] See R.R. Davies, *The Revolt of Owain Glyn Dŵr* (Oxford University Press, 1995), 197-228.

[271] Keith Robbins, "More Than a Footnote? Wales in British History," *North American Journal of Welsh Studies*, Vol. 1 (Winter 2000), 20.

[272] See R. Merfyn Jones, "Beyond Identity? The Reconstruction of the Welsh", *The Journal of British Studies*, Vol. 31, No. 4 (Oct. 1992), 333, and D. Balsom, "The Three-Wales Model", in John Osmond, ed., *The National Question Again: Welsh Political Identity in the 1980s* (Llandysul: Gomer Press, 1985), 1-17.

"local and genealogical, rather than national and unitary."[273] And even though Pocock

argues that what he advocates is "highly antinationalist,"[274] his discussion of competing

identities is firmly grounded in national stories, state formation processes, and is framed

in relation to historiographies themselves rooted in nationalist ideologies. In his 1982

attempt to define the "limits and divisions" of his construction, even Pocock conceded the

difficulties inherent in state-focused history:

> When the desire to write history upon premises to which the state is not
> central, the "new history" will be in tension with history that continues to
> be written along the older lines.[275]

He goes further in suggesting new British history pushes against state-centered

narratives:

> We have envisaged the writing of a "British history" along "Braudelian"
> lines, which emphasize the historical geography of economy, society, and
> culture; and it would be exciting to explore this possibility further. But it is
> notorious – although it does not seem to be necessary – that in such a
> perspective the role of the political becomes problematic.[276]

From these and other writings, Pocock's marching orders clearly suggest that much

valuable history lies beyond the political realm, but remain as hints only. He argues that

British history needs to be "reinvested with meaning," but does little to avoid placing

political and national conflict points at the top of the agenda.[277] Where is the place in

"new" British history for a discussion of a people who attempted to retain a distinctive

cultural identity without rejecting political union as such with a larger, dominant polity?

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[273] R.R. Davies, "On Being Welsh: A Historian's Viewpoint", *Transactions of the Honourable Society of Cymmrodorion*, New Series, Vol. 9 (2003), 36.
[274] J.G.A. Pocock (1975), 622. Further on in this article he discusses at length the *"loci"* of the formation of the Anglo-Norman and Scottish kingdoms; and draws Ireland into the discussion through the lens of how it has dealt with questions of romantic nationalism.
[275] Pocock, (1982), 315
[276] Pocock (1982), 317.
[277] Pocock (1975), 603.

The story of the efforts of early modern cnapan players to continue a tradition may belong to social, rather than political history, but it goes to the heart of what is actually *meant* to be and remain Welsh within the British state. Pocock's state-formation focus implies that such Anglo-Welsh tensions, while intriguing, lie beneath the surface of typical state struggle, and are therefore less worthy of historical attention because of the lack of a proto-nationalist project. In consequence, it cannot incorporate a useful understanding of Wales, or, indeed, of the full experience of early modern Britishness.

Ieuan Gwynedd Jones once wrote "I write as a social historian: the historian of Wales can be no other."[278] What Jones realized, and too many other British historians – even "new" ones – have not, is that there are significant areas of historical understanding, including the nature of legal regimes and their relationship to daily life, that do not derive their importance from either state formation or nationalist resistance. And as the modern Welsh sense of identity fades over time, there is a real danger that the historical significance of Welsh difference will continue to be ignored, and stories such as the conflict over cnapan and other cultural and colonial conflicts shall remain neglected.[279]

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What would the state of British historiography be now, without Pocock's plea? It has been argued that the traditional Anglo-centric viewpoint was on its way out in any case. Enough historians had apparently recognized that long-established structures which ignored the interactions and integrations of the various elements of Britain could no

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[278] Quoted in Neil Evans, "Writing the social history of modern Wales," *Social History*, No. 17 (1992), 479-492, at 480.

[279] My thanks to Dr. Paul Townend for his articulation of this argument.

longer be considered comprehensive.[280] For Wales, the situation has improved: a survey of Welsh historiography concluded that "[i]n Wales, as in Scotland and Ireland, the new histories have swept away a good many of the cobwebs of myth that had accumulated over a century and more."[281] Forefront in this effort were Welsh historians such as Glanmor Williams, R.R. Davies and Kenneth O. Morgan, who have synthesized Welsh history into more general volumes.[282] Pocock wrote that he considered the popular term "Wars of the Three Kingdoms" inadequate, since it did not allow for a Welsh history to be considered.

In reviewing a series of histories of Scotland, Ireland and Wales, J.C.D. Clark writes of the difficulty of integrating those local and national stories into a larger framework. The initial efforts have come from the dominant English historiography, while Celtic historians, "each with a clear national location, explore the unfamiliar historiographies of their neighbors."[283] A useful means of drawing together these divergent histories is through the role and the use of law as it crossed those histories. The imposition of the unified legal system upon Wales was a high priority for Henry VIII and Thomas Cromwell's desire to bring uniformity to the British Isles. The traditional story is that it went along without much difficulty; the 1543 Act of Union solidified the legal

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[280] David Cannadine, "British History as a 'new subject': Politics, perspectives and prospects", in Alexander Grant and Keith J. Stringer, eds., *Uniting the Kingdom? The making of British History* (London: Routledge,1995), 17.

[281] Philip Jenkins, "A New History of Wales", *The Historical Journal*, Vol. 32, No. 2 (Jun. 1989), 387-393, at 387.

[282] In 1989, Glanmor Williams edited a six-volume standard history of Wales, with volumes by Davies, Morgan and Geraint Jenkins, a landmark in Welsh historiography.

[283] J.C.D. Clark, "English History's Forgotten Context: Scotland, Ireland, Wales", *The Historical Journal*, Vol. 32, No. 1 (Mar., 1989), 212.

bonds and brought order to "wild Wales."[284] Welsh land laws were abolished, English

justices appointed, and Welshmen were granted equality of citizenship – though that

status was only worthwhile to those uncommon Welshmen who could speak English, as

one of the requirements of the Acts was that all law and administration would be

conducted solely in English.

It has often been contended that that the English Crown appears to have used

county and appellate courts to attack cultural differences systematically, such as the

foreign sport of cnapan. In fact, one legal historian wrote that the "assimilation of

England and Wales concluded the conscious absorption of one of the archaic legal

systems in the British Isles."[285] Sixteenth- and seventeenth-century Welsh court records

reveal quite a different story.[286] Despite official efforts and proclamations, absorption and

understanding of English legal practice in Wales was slow and inconsistent, and was

quite disruptive and problematic.[287] Also, Wales was not anarchic prior to the Tudor

revolution, but was home to one of the most complete codifications of law of the

medieval world – "a powerful symbol of their unity and identity, as powerful indeed as

their language."[288]

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[284] See G.R. Elton, *Reform and Reformation: England 1509-1558* (Cambridge: Harvard University Press, 1977), 205. To Elton, regardless of the success of assimilation (Wales), or the difficulties and fierce resistance (Ireland), the center remains firmly in England.

[285] Richard S. Tompson, *Islands of Law: A Legal History of the British Isles* (New York: Peter Lang, 2000), 13. Tompson gives similarly brief treatment to Scottish and Irish legal systems.

[286] It must be admitted, however, that such records are not always complete. According to J. Gwynfor Jones, the only complete records that exist for the century between the Acts of Union and 1640 is from the Quarter Sessions of Caernarfonshire; any conclusions drawn then must be seen in that light, as certainly the situation regarding law and order in that northern shire differs greatly from the Anglicized south. See J. Gwynfor Jones, *Early Modern Wales* (London: St. Martin's, 1994), 111-127.

[287] J. Beverley Smith has argued this point in various articles; see in particular the article in R.R. Davies, ed., *The British Isles, 1100-1500: Comparisons, Contrasts, and Connections* (Edinburgh: John Donald Publishers, 1988).

[288] John Davies, *A History of Wales* (London: Allen Lane, 1990), 87.

Research into the eighteenth and nineteenth centuries suggests that the problem continued, and was rooted in the stubborn persistence of a Welsh identity that acknowledged sovereignty but also insisted on difference. The Court of Great Sessions attracted numerous litigants in Wales for defamation and slander – litigation which, considering the central component of language, the court was not always prepared to deal with. In 1886, an appeal was made to a Chancery Court in Wales to appoint a Welsh-speaking examiner for assistance to appoint a Special Examiner, "that as some of the evidence would probably be given [by the witness] in Welsh it was desirable that the proposed Special Examiner should be appointed, he being a fit and proper person and acquainted with that language."[289] The request was denied, undoubtedly affecting the outcome of many cases.

Welsh historians have long argued that the persistence of the Welsh language was a marker for the failure of assimilation; the Welsh disconnections in education, society and economy have all been traced to Cromwell's requirement of English as the language of authority. The effect of the imposition of English law has been less researched. Incidents like the suppression of cnapan demonstrate that law was not brought to Wales as a matter of convenience, but rather as an instrument of control, attacking a sense of separate Welsh identity when it could find it, in the alehouses, the *eisteddfod*, and on the playing fields.

A fundamental divergence also remains in the historiography.[290] A 2001 monograph purporting to be a complete analysis of the Glorious Revolution includes separate chapters on Scotland and Ireland, whereas Wales receives only five lines in the

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[289] *Marquess of Bute v James*, 33 Ch D 157 (1886), 159.

[290] For a larger analysis of the increase in Welsh historiography by non-Welsh historians, see A.D. Carr, review of *The Welsh Kings* by Kari Maund, *Welsh History Review*, Vol. 20 (2000/01), 182.

text. To be fair, significant events in Wales were less numerous or essential than elsewhere, but the Jacobite influence in Wales had been found to be influential and distinct prior to 2001.[291]

An example of even more recent scholarship is illustrative. Clare Kellar has written a thorough study of the effects of the Reformation in Britain, arguing persuasively that the Reformation shared many more elements between England and Scotland than have previously been revealed, with English fear of Scottish clerical insurgency matched by Scottish willingness to harbor English clergy fleeing from England.[292] Kellar's book is praised by a reviewer for its adoption of the new British history: "[t]he story becomes an interactive process in which the inhabitants continually redefined themselves and one another."[293] The characters in her story, however, are limited to England and Scotland. She argues that the period of the Reformation saw "two autonomous kingdoms sharing a single island form, making the northern border an immensely significant flashpoint for religious tensions."[294] Ireland is included when useful, but no distinction is made between England and Wales. Here is a striking example of the focus on violent conflict inducing historiographical myopia. Because of its tensions with England, Reformation Scotland is interesting, but Wales is not. In contrast, Glanmor Williams argues that the Welsh response to British religious reform was every bit as distinctive, with particular social,

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[291] Stuart Handley, review of *The Glorious Revolution* by Eveline Cruickshanks, *Welsh History Review*, Vol. 20 (2000/01), 190-92. See also in particular Glanmor Williams, *The Welsh Church from Conquest to Reformation* (Cardiff: University of Wales Press, 1962), and Chapter 7, "The claims of the confessional state: local realities", in Michael J. Braddick, *State Formation in Early Modern England, c. 1550-1700* (Cambridge: Cambridge University Press, 2000).

[292] Clare Kellar, *Scotland, England and the Reformation, 1534-1561* (Oxford: Oxford University Press, 2003).

[293] Arthur Williamson, "Review of Clare Kellar, *Scotland, England and the Reformation, 1534-1561*," H-Albion, H-Net Reviews, October, 2004, 1.

[294] Kellar, *Scotland, England and the Reformation,* 1-9.

economic and geographic strata, and gentry loyalties to the Tudor kingdom creating a fractured dynamic quite unlike what prevailed in Scotland.[295] The role of language in Wales was crucial to the Welsh response to the Reformation; despite other similarities to England, the paucity of English speakers in Wales delayed the popular success of the Reformation in the sixteenth and seventeenth centuries – a dynamic absent elsewhere in the British Isles. Clearly any social history of the Reformation which fails to account for Welsh peculiarities must be considered incomplete.[296]

What is most problematic, therefore, about work which makes no Anglo-Welsh distinction is that the "easy" political assimilation of Wales stands in for the assumption of assimilation in other areas as well. Kellar writes, "[t]he impact of reform upon Wales is also impossible to ignore," yet she does anyway. Historians such as Glanmor Williams agree that politically, Wales and England were very much united after the Acts of Union, but they argue that one cannot therefore fold all of Welsh history into England's. Local histories may hold the key to finding the narratives into which Wales has something important to tell British historians about the cultural contours of Britain as a whole.

The postcolonial narratives described in the previous chapter, pioneered for Wales by Williams and Aaron, also hold promise. The shift from "post-colonial" to "postcolonial" reflects a necessary shift from a political history of Britain located in time and place, to a history focused on relationship and interaction.

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[295] Glanmor Williams, *Wales and the Reformation* (Cardiff: University of Wales Press, 1997).

[296] A 2005 article brilliantly illustrates the potential of building on Williams' work; examining the effect of the Reformation on the Welsh-English frontier, with the conclusion that the conditions necessary for the success of Reformation in Wales were distinct from England. Gianetta M Hayes, "Ordination Ritual and Practice in the Welsh-English Frontier, circa 1540–1640," *Journal of British Studies*, Vol. 44, No. 4 (Jan. 2005), 713-727.

Any discussion of the troubled historiography of Wales must also mention a significant obstacle. Source materials are scarce and often in poor condition, particularly for the early modern period. The holdings of the National Library Of Wales in Aberystwyth, for instance, are impressive both for what they hold and for what is known to be missing, including the early modern records of entire shires of Wales.[297] The quality of record keeping in England, exemplified by the Domesday books, did not exist in Wales, and what was recorded was often treated poorly by English administrators. "[S]ince Oliver Cromwell was made Protector," lamented a Carmarthen official, "his soldiers coming to St. David's made havoc of what they found remaining in the treasury."[298] A large share of the blame must be cast on the Tudors, for in their desire to enforce English as the sole language of government, many records not written in English were simply not preserved. In addition, records dealing with landownership were highly sought after by ambitious Tudor and Stuart gentry who came to Wales hoping to seize available land. Records which enforced the claims of Welsh gentry were discarded; in Caernarvon, an ambitious Humphrey Jones, the keeper of the Prince's records, simply took a collection of deeds home so that he could go through them and dispose of any which he cared to.[299] Parish registers, church listings and many other primary sources which in England are accessible become elusive when considering Wales.[300]

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[297] *Guide to the Department of Manuscripts and Records: The National Library of Wales.* (Aberystwyth: National Library of Wales, 1994), 10.

[298] Letter from Nathaniel Morgan to Adam Ottley, Esq., April 30, 1715. From Brian E. Howells and K. A. Howells, eds., *Pembrokeshire Life: 1572-1843* (Pembrokeshire Record Society, 1972), p. 59. The letter was in response to a request for pre-Reformation county documents.

[299] W. Ogwen Williams, introduction to *Calendar of the Caernarvonshire Quarter Sessions Records*, (Caernarvonshire Historical Society, 1956), at xxi.

[300] For a fuller discussion see Nick Woodward, "Crisis Mortality in a Welsh Market Town: Carmarthen, 1675-1799," *Welsh History Review*, Vol. 22, No. 3 (June 2005), 432-462, at 434-35.

Research in Wales in this period also suffers from a confusion of place names. Parishes were shired and redrawn arbitrarily by Tudor administrators, and Welsh place-names of the sixteenth century rarely survived. In Pembrokeshire, the medieval *gafael* of Rhos and Cemais kept their names when shired, but the western county of Pebidiog became Dewsland, and Penfro – part of the "little England beyond Wales", kept nothing of its originally Welsh terminology and was split into the mystifying *Castlemartin* and Narberth, the second name which still survives today.[301] The end result of this source difficulty, according to R. I. Jack, is that "Welsh historians have achieved less than their potential."[302]

The accusations and prosecutions present problems which are special both to legal research and the early modern period in England in particular. First, in many cases we are limited to indictments themselves, which are merely a portion of the record – not all crimes were prosecuted, nor were all indictments actual crimes. Historians tend to equate "accusations with transgression and sentences with punishments, thereby transforming defendants into criminals," when they may not necessarily be so.[303] And court records often only illustrate court mechanisms, rather than the circumstances of the crimes themselves.[304]

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[301] See maps on pages 306-307, and the introductory discussion of the orthography of Welsh place-names in Melville Richards, *Welsh Administrative and Territorial Units*. (Cardiff: University of Wales Press, 1969).

[302] A.G. Veysey, ed., *Guide to the Flintshire Record Office* (Flintshire: Flintshire County Council, 1974), xi. The author wrote at a time when various local repositories within Wales began a significant effort to catalogue and index their holdings.

[303] Cynthia Herrup, *The Common Peace: Legal Structure and Legal Substance in East Sussex 1594-1640*, Ph.D. dissertation, Northwestern University, 1982, 14.

[304] J.M. Beattie develops this argument in "Towards a Study of Crime in Eighteenth-Century England", in Paul Fritz and David Williams, eds., *Triumph of Culture: Eighteenth-Century Perspectives* (Toronto: Hakkert, 1972).

Despite these obstructions, tackling the history of Wales and the Anglo-Welsh relationship from a legal and cultural perspective has already had productive results. From the religion of the Victorians, to the influence of Welsh literature upon the formation of nationalism in the Tudor period, studies which broaden the British Isles into their component parts inevitably reveal new conclusions.[305] Returning to Davies, the inclusion of the Celtic fringe is inarguable:

> The absurdity [of ignoring Scotland, Ireland and Wales] is not that of injustice…but of the intellectual folly of missing an opportunity to question some of the assumptions or perceptions upon which the edifice of British history syllabuses have been built and to do so from the often contrasting historical experience of those peoples who have often shared these islands with the English.[306]

In a country which has always been described in terms of England - internal colony, limited partner, annexed territory, or as a "dependant periphery"[307] – mere political history will not suffice. The characteristic of the Welsh, argues Kenneth O. Morgan, is in their "artistry in the uses of power" rather than direct confrontation.[308] It must be left to those willing to explore the artistic, cultural, legal and social interactions of power to include Wales within a truly "new" British history.

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[305] For excellent recent examples see Philip Schwyzer, *Literature, Nationalism and Memory in Early Modern England and Wales* (Cambridge: Cambridge University Press, 2004), and K.D.M. Snell, *Rival Jerusalems: The Geography of Victorian Religion* (Cambridge: Cambridge University Press, 2000).

[306] R.R. Davies, *Celts and Saxons* (Cardiff: University of Wales Press, 1975), p.25.

[307] Neil Evans, "Internal colonialism? Colonization, Economic Development and political mobilization in Wales, Scotland and Ireland, in Graham Day, ed., *Regions, Nations and European Integration: Remaking the Celtic Periphery* (Cardiff: University of Wales Press, 1991).

[308] Kenneth O. Morgan, *Modern Wales* (Cardiff: University of Wales Press, 1995), p. 24.

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