Offa's Dyke Journal

Aims and Scope

Offa's Dyke Journal is a peer-reviewed venue for the publication of high-quality research on the archaeology, history and heritage of frontiers and borderlands focusing on the Anglo-Welsh border. The editors invite submissions that explore dimensions of Offa's Dyke, Wat's Dyke and the 'short dykes' of western Britain, including their life-histories and landscape contexts. *ODJ* will also consider comparative studies on the material culture and monumentality of frontiers and borderlands from elsewhere in Britain, Europe and beyond. We accept:

1. Notes and Reviews of up to 3,000 words
2. Interim reports on fieldwork of up to 5,000 words
3. Original discussions, syntheses and analyses of up to 10,000 words

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Offa's Dyke Journal

A Journal for Linear Monuments, Frontiers and Borderlands Research

Volume 4 for 2022

Special issue: Borders in Early Medieval Britain

Edited by Ben Guy, Howard Williams and Liam Delaney

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Offa's Dyke Journal

Volume 4 for 2022

Special issue: Borders in Early Medieval Britain

Borders in Early Medieval Britain:
Introducing the Special Issue

Ben Guy

The contents of this special issue comprise the proceedings of a conference held over Zoom on the weekend of 11–12 July 2020. The event was originally planned to take place in Cambridge, but, as the unforeseeable events of 2020 began to unfold, it was soon realised that it would be necessary either to cancel the event or move it into digital space. The latter path was taken, making this conference part of the first wave of academic Zoom events that we have subsequently become so accustomed to. It was a steep learning curve, but hopefully a valuable learning experience for all concerned!

The name of the conference was 'The Borders of Early Medieval England', reflecting the original intention to hold a multi-disciplinary event that would consider the nature of 'borders' around and within England during the early medieval centuries. The event was planned as the culmination of my research fellowship in Robinson College, part of the purpose of which was to conduct research into Anglo-Welsh interaction in the region of the River Dee in the Middle Ages. The intention was to study processes of political, cultural and linguistic interaction in a regional border zone as a cohesive unit, moving beyond consideration of these areas as merely places where the boundaries or 'frontiers' of larger polities or cultural groups collided. There is a well-established historiography on this subject that Dr Lindy Brady helpfully recounts in her contribution to this issue, but studies of the Anglo-Welsh border (and of the other political/cultural borders of early medieval Britain for that matter) have not always kept pace with it. As it transpired, this research led me to reconsider the history of the entire Anglo-Welsh border zone in the early Middle Ages, along with the nature of the Anglo-Welsh interaction that took place not so much across it, but within it. My hope for the original conference was that it would help to put some of this work in perspective, allowing the experience of the early medieval Anglo-Welsh border to be compared with the experiences of other borders and borderlands around and within Anglo-Saxon England, from a range of historical, archaeological and linguistic perspectives. The speakers achieved this goal admirably and it proved a stimulating event.

For the purposes of this special issue, the conference title has been altered to 'Borders in Early Medieval Britain', which was felt to convey more accurately the resulting contents after some of the original speakers decided not to publish their papers in this context. All the papers published in this issue began as presentations at the conference, with the exception of the excellent 'response' by Dr Lindy Brady which was commissioned to accompany the collection and provides reflection on it. I am grateful to Dr Brady for rising to the challenge and writing a thoughtful piece.

In addition to the contributors, I would like to thank the speakers at the conference whose work is not represented in this issue, but who made such insightful contributions to the event: Dr Ben Allport, Dr Robert Gallagher, Dr Charles Insley, Dr Tom Lambert, Jacob O'Neill, Dr Richard Purkiss, Dr Rebecca Thomas, Dr Alex Woolf, and especially Dr Chris Lewis, who delivered a fascinating plenary lecture on 'England's boundaries 1066–1086 and the Limits of Domesday Book'. I would also like to express thanks to my fellow co-editors and especially Professor Howard Williams, who initially agreed to take on the project and who has been a fantastic collaborator throughout its production. It is a privilege to be able to publish work like this in the *Offa's Dyke Journal*, which maintains the rigorous standards of academic publishing while remaining freely accessible to the public. I am deeply indebted to Robinson College, and particularly the Senior Tutor, Dr David Woodman, for supporting the research that underlies my contribution to this issue as well as providing financial backing for the conference itself. Lastly, I am very grateful to my wife, Dr Rose Guy, for teaching me how to use Zoom in Spring 2020 and for acting as a moderator during the event.

Cambridge, 17 August 2022

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The Fluidity of Borderlands

Lindy Brady

This introduction to the special issue considers the central themes raised by the volume's contributions as a whole, focusing on their collective interest in the political and cultural — as opposed to geographical — fluidity of borderland zones in early medieval Britain. To highlight these important points, two case studies from the Anglo-Welsh border region are discussed: the Old English legal text known as the Dunsæte Agreement *or* Ordinance *concerning the* Dunsæte *and the tradition preserved within some Welsh law texts that legal reforms were enacted by the Welsh ruler Bleddyn ap Cynfyn (king of Gwynedd from 1064 to 1073), both of which underscore the fluidity of frontiers on a political level.*

Introduction

Two examples from medieval Welsh legal texts illustrate a standard narrative of how boundaries and borderlands are most commonly understood to have functioned in early medieval Britain. The first reads: *Os avon avyd not yr6g tired deudyn adyg6yda6 der6en ar tra6s yr auon perchenn ytir ytyfuo yprenn ohonna6 bieiuyd yprenn ac a berthyno y wrtha6* ('If a river be the boundary between the lands of two persons, and an oak should fall across the river; the owner of the land out of which the tree grew has a right to the tree with what may pertain to it', *AL*: DC II.xxiii.41). This elegantly practical solution to what could clearly otherwise have been a common and divisive genre of dispute between neighbours reflects the perception that boundaries in the early medieval period were largely immutable, drawn from fixed features in the landscape — rivers, lakes, swamps, mountain ranges — that naturally divided stretches of land, whether family estates, or distinct political (e.g. kingdoms) or 'ethnic' (e.g. *gentes*) entities from one another.

Another representative mention of boundaries in the Welsh legal material likewise envisions them as fixed lines in the landscape, but alludes to their dangerous potential for manipulation in cases where they are not enforced by geographical features as above. This text refers to one of *tri g6eithret yssyd ar bra6f* ('three deeds that rest upon proof') as *llafur kyureitha6l neu aghyureitha6l ar tir megys torri ffin neu wneuthur ffin neu lauur arall* ('lawful or unlawful work upon a land, such as the breaking of a boundary, or the making of a boundary, or other work', *AL*: DC II.viii.81). Here too a boundary is understood to be a line of demarcation between properties, but the possibility that such boundaries could be illegally altered to the advantage of one party has clearly been taken into account. Elsewhere in the corpus of Welsh legal texts, mentions of physical boundary markers

(*AL*: GC II.xxxii.4) or the testimony of witnesses about land divisions (*AL*: DC II.viii.66.) convey the same impression. By and large, this has been the primary understanding of boundaries and borders in the early medieval period: whether they were fixed or fluid, the concept has largely been viewed through a geographical lens. Although recent scholarship has carried out an evolving and increasingly nuanced conversation about the varied and multifaceted forms that frontiers and borderlands across the early medieval world could take (Anzaldúa 1987; Bartlett and MacKay 1989; Baud and van Schendel 1997; Power and Standen 1999; Abulafia and Berend 2002; Power 2004; Curta 2005; Klusáková and Ellis 2006; Muldoon 2009; Katajala and Lähteenmäki 2012; Brady 2017), the discussion has still largely been framed in terms of geographical regions and the shifting nature of boundaries or borderland zones within them. In other words, boundaries themselves may have moved, but the entities demarcating them are perceived to have remained the same: an individual border could shift when the territory associated with a particular family or kingdom contracted or expanded due to its changed fortunes.

The articles in this special issue take the conversation in a different direction, offering a fresh approach to how we think about boundaries and borderlands in early medieval Britain. Rather than a primary focus on their precise geographical limits, these studies explore the shifting political associations of borderlands and frontier zones, whose identities and affiliations are seen to fluctuate with the passage of time and alongside changed political circumstances. Rory Naismith's '*Bige Habban*: An Introduction to Money, Trade and Cross-Border Traffic' examines the realities of cross-border trade in early medieval Britain and on the Continent, surveying a wide range of evidence to conclude that practicality, rather than politics, was the driving force behind cross-border trade, with borders themselves being negotiable and porous. Neil McGuigan's article 'Donation and Conquest: The Formation of Lothian and the Origins of the Anglo-Scottish Border' provides an exhaustive examination of the evidence for the emergence of the border region known as Lothian, claimed at various points to be part of England, Scotland, and an ancient British kingdom. Oliver Padel's contribution on 'King Æthelstan and Cornwall' 'provides a study in miniature of a region which became a border area and then ceased to be one' (Padel, this volume, 66) as the British border kingdom of Cornwall was absorbed into Anglo-Saxon England during the tenth-century reign of King Æthelstan.

The volume's focus then shifts to early medieval Wales. Ben Guy's study of 'The Changing Approaches of English Kings to Wales in the Tenth and Eleventh Centuries' explores the ways in which politically savvy families in the Anglo-Welsh borderlands exploited allegiances for personal gain, shifting power from centralised governmental policy to individual families and thus forming an important precursor to the post-Conquest March of Wales. David N. Parsons's investigation of 'Place-names and Offa's Dyke: The Limits of Inference' examines place-name evidence to conclude that the area surrounding Offa's Dyke can best be described as a mixed Anglo-Welsh zone on either side, with evidence that individual locations shifted from Welsh to Anglo-Saxon or Anglo-Saxon to Welsh, with no consistent patterns of takeover from either east or west. Keith Ray's article,

'The Organisation of the Mid-Late Anglo-Saxon Borderland with Wales: Two Cases with Clues to Frontier Depth, Breadth, and Communications', takes the same region as its focus from an archaeological perspective, compiling evidence that the area around Offa's Dyke was a militarily managed frontier zone. Finally, Rachel E. Swallow's 'Shifting Border, Shifting Interpretation: What the Anglo-Norman Castle of Dodleston in Cheshire Might Be Trying to Tell Us About the Eleventh-Century Northern Anglo-Welsh Border' re-examines an older archaeological survey of Dodleston Castle to draw fresh conclusions that this fortification's identity shifted from British, to Anglo-Saxon, to Norman control.

The bulk of these articles focus on the Anglo-Welsh frontier zone, with additional contributions exploring the Scottish and Cornish borderlands as well as trade across borders more widely. Despite their relatively focused contents, the theoretical and methodological conclusions elucidated here are applicable to broader studies of borderlands throughout the Middle Ages and beyond. One common issue that emerged strongly from these essays is that the spaces discussed here are best understood not as boundary lines, but as porous and flexible borderlands or frontier zones. The articles stress the multifaceted realities of movement across early medieval borders, from the practicalities of trade, to the shifting nature of political alliances, to the fluid identities of groups living in borderland regions, whose broader affiliations were malleable over time.

The fluidity of these borderland spaces is also reflected in another consistent theme within these papers, namely, the necessity of using comparative evidence to access the realities of early medieval frontier zones. This special issue makes clear that understanding key pieces of information about borderland regions — such as when they emerged as cohesive communities, how they were perceived by their neighbours, and what the realities of daily life within them were like — can prove challenging due to the fact that most surviving written records were produced in the centres, rather than on the peripheries, of early medieval nations and kingdoms. The articles here thus examine as wide a range of source material as possible in reaching their conclusions, drawing together textual, archaeological, linguistic, place-name, numismatic, genealogical, ecclesiastical, legal, and diplomatic evidence from multiple languages and time periods in order to create the most complete picture possible of the borderland zones they study. In doing so, this volume emphasises that the most important factor in defining borderlands in early medieval Britain was not geography, but identity. The same physical region could be considered British, Anglo-Saxon, or a borderland depending on the given political circumstances and chronological background. All of the pieces in this collection reflect the shifting nature of boundaries in early medieval Britain. But these shifts were not physical, as in our earlier example from Welsh law of someone illegally moving boundary markers to their own advantage. They were shifts in identity, as a given group's affiliation was transposed from one allegiance to another.

The fluidity and mutability of boundaries and borderlands across the early medieval world has come under increasing attention in recent studies (E. Roberts 2018; Insley

2021; Heath *et al.* 2021). To illustrate some of the key themes raised throughout this volume in a focused way, I will consider two brief case studies from the Anglo-Welsh border region. The first is an Old English legal text known as the *Dunsæte Agreement* or *Ordinance concerning the Dunsæte*, which is also discussed in the articles by Guy, Naismith, and Ray. The second is a tradition preserved within some Welsh law texts that legal reforms were enacted by the Welsh ruler Bleddyn ap Cynfyn, who became king of Gwynedd in 1064 and died in 1073. (He also features in Guy's contribution.) The passages discussed here underscore the extent to which the frontiers of early medieval Britain shifted on a political, as opposed to geographical, level. The *Dunsæte Agreement* evinces flexibility over time in the political and administrative affiliations of Anglo-Saxon peoples and kingdoms. References to Bleddyn's reforms in the Welsh legal material suggest that individual parties could choose the system under which they wished to be judged, reflecting not only regional variation in Welsh law but also flexibility in the legal alignment of individuals with broader regional identities.

The 'Dunsæte Agreement'

Fairly little can be stated with certainty about the text known as the *Dunsæate Agreement*, which appears to be an unofficial memorandum of understanding drawn up within a community rather than an official royal law code. This document is usually referred to as the *Dunsæte Ordinance* or *Ordinance concerning the Dunsæte*, but I am calling it the *Dunsæte Agreement* because 'Ordinance' gives the impression of an official law code when this was actually a memorandum of understanding drawn up within a community. It is written in Old English and preserved in one copy in Cambridge, Corpus Christi College MS 383, an important early twelfth-century compilation of Anglo-Saxon legal material, and it later became one of the many Old English legal documents translated into Latin as part of the *Quadripartitus* (Wormald 1999: 228–244). This brief document outlines a series of mutually agreed-upon procedures for addressing cattle theft and its aftermath[1] in a community comprised of an ethnically mixed Welsh and Anglo-Saxon population, through which a river ran. The *Dunsæate Agreement* was dated to the first quarter of the tenth century by Felix Liebermann and most subsequent scholars (Wormald 1999: 232–233, 381–382 and 388; Foot 2011: 163–164), but George Molyneaux has recently argued for a late tenth- or eleventh-century date instead (Molyneaux 2012). The approximate location of the territory of the *Dunsæte* can be narrowed down to the region west of the River Wye between Monmouth and Hereford from the *Agreement*'s final clause (*Duns*: 9,1), which I shall discuss further below (Charles-Edwards 2007: 53; Gelling 1992: 112–119; Lewis 1988; Lewis 2007).[2] Michael Fordham,

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[1] Carole Hough notes that procedures for cattle-tracking are also outlined in the Anglo- Saxon law codes II Edward 4, V Æthelstan 2, III Edmund 6 and VI Æthelstan 8,4, with further continental parallels (Hough 2000).
[2] Margaret Gelling's discussion of the geography of this territory concludes: 'The district, place, or natural feature called *Dun*, from which the Dunsæte took their name, has defeated all attempts at identification. It is not likely to be the Welsh word meaning 'fort', as that would have given **Din*. It is most probably the Old English word *dun*, modern down, perhaps used in the sense 'mountain'; but it would be very difficult to identify a suitable mountain' (Gelling 1992: 118). However, C.P. Lewis has suggested a link between the *Dun* element and the hundred of Dinedor in south-western Herefordshire (Lewis 1988; Lewis 2007).

Tom Lambert, and I have all considered the ways in which this unique text reflects both shared legal obligations and a series of practical steps to keep the peace within a borderland community (Fordham 2007; Brady 2017: 1–6 and 16–19; Lambert 2018).

The final clause of the *Dunsæte Agreement* states that: *Hwilon Wentsæte hyrdon into Dunsætan, ac hit gebyreð rihtor into Westsexan, þyder hy scylan gafol and gislas syllan. Eac Dunsæte beþyrfan, gif heom se cyning an, þæt man huru friðgislas to heom læte* ('At one point the *Wentsæte* belonged to the *Dunsæte*, but that territory [that of the *Wentsæte*] belongs more rightly to the West Saxons. They [the *Wentsæte*] ought to give tribute and hostages there [to the West Saxons]. Even so, the *Dunsæte* think it necessary — if the king will grant it to them [the *Dunsæte*] — that at least hostages for peace [from the *Wentsæte*] may be permitted to them [the *Dunsæte*]', *Duns*: 9,1). The *Dunsæte Agreement* clearly states at several points that this territory contained a mixed Anglo-Welsh population — e.g. *Þis is seo gerædnes, þe Angelcynnes witan and Wealhþeode rædboran betweox Dunsetan gesetton* ('this is the agreement which the advisers of the English and the counsellors of the Welsh put in place among the Dunsæte', *Duns*: Prologue) and *XII lahmen scylon riht tæcean Wealan and Ænglan, VI Engliscne and VI Wylisce* ('twelve lawmen shall proclaim what is just for Welsh and English: six Englishmen and six Welshmen', *Duns*: 3,3) — and as noted above, this document has therefore been much-discussed as a reflection of the borderland community that produced it.

What I would like to focus on here is another group of people — the *Wentsæte* — mentioned in this text, who have been less frequently characterised as a borderland kingdom, but whose representation in the *Dunsæte Agreement* illustrates the fluid nature of frontier zones that has been so comprehensively elucidated by the articles in this volume. As the *Wentsæte* are described in the *Dunsæte Agreement*, their territory and identity as a people have remained unaltered, but their wider political allegiance has shifted. Formerly, we are told, the *Wentsæte* were considered part of the territory of the *Dunsæte*, but now they 'more rightly' (*rihtor*) belong to the West Saxons, to whom their tribute and hostages must be sent. The case of the *Wentsæte* in the *Dunsæte Agreement* is a perfect illustration of a borderland that shifts not geographically, but politically.

Almost every study to examine the *Dunsæte Agreement* in depth has understood the *Wentsæte* to be the people of Gwent, including most recently Guy's article below. (Although, as Margaret Gelling has pointed out, '*Wentsæte* has been interpreted, reasonably, as meaning "people of Gwent". It could, however, be "people whose territory adjoins Gwent"', Gelling 1992: 118). Following the consensus view that the *Wentsæte* are indeed the people of Gwent pushes these conclusions even further because Gwent was a Welsh kingdom (Aldhouse-Green and Howell 2004). In other words, the Welsh *Wentsæte* have not only switched from one over-lordship to another, they have also shifted from being a client territory of a mixed Anglo-Welsh territory (the *Dunsæte*) to a client territory of an Anglo-Saxon one (the West Saxons), illustrating the fluidity of political identity that this volume has emphasised within borderland regions. The *Wentsæte*, within living memory of when the *Dunsæte Agreement* was written, shifted their

broader political affiliation from belonging to the territory of the *Dunsæte* to that of the West Saxons.

This article's larger argument that early medieval boundaries were as rooted in politics and identity as they were in geography is further underscored by the fact that the language of the *Dunsæte Agreement* assimilates the Welsh kingdom of the *Wentsæte* to an Anglo-Saxon naming pattern. If the existence of Gwent was not known from other sources, there would be no way to tell, from the way that the *Dunsæte Agreement* is written, that the *Wentsæte* were actually a Welsh kingdom. The lessons of the *Dunsæte Agreement* offer an important illustration of how the ethnic and political divisions that we have in mind when we imagine the past are conditioned by medieval languages of power and authority, as well as by our modern presuppositions about how the geographical and political landscape of early medieval Britain may have looked.[3]

Legal reforms of Bleddyn ap Cynfyn

My second case study comes from the corpus of Welsh law texts. A substantial amount of vernacular legal material survives from medieval Wales. All extant Welsh legal manuscripts post-date the Norman Conquest; nonetheless, 'they together constitute almost all the information we have on native law in Wales before the Conquest' (Stacey 2010: 1182). There is good evidence that the surviving Welsh law texts are an extension of an earlier tradition (Charles-Edwards 1989), but that tradition was a living one: as Robin Chapman Stacey writes, 'they were teaching texts, composed by and for lawyers and judges, rather than laws issued by kings…most of all they are literary compositions rather than legislation or objective accounts' (Stacey 2010: 1182). Although the Welsh law texts appear very different from Anglo-Saxon legal material like the *Dunsæte Agreement*, there are also significant parallels in how these documents can be interpreted from a modern perspective. Both the Welsh law manuscripts and the *Dunsæte Agreement* are texts that represent an idealised vision of how laws and legal agreements ought to work in the societies that produced them. In both cases, it is impossible to tell whether or not the conditions described in principle within these texts were adhered to 'on the ground' in early medieval society. But the Welsh law texts, like the *Dunsæte Agreement*, do tell us something about how people within the cultures that produced these documents understood or imagined the law to function. That, in turn, can tell us something about how borderlands were perceived, when they are the subject of the legal texts in question.

Some Welsh law texts preserve a tradition that legal reforms were enacted by the late eleventh-century ruler Bleddyn ap Cynfyn. References to these reforms appear to suggest that individual litigants could choose the legal system under which their case would be judged. This reflects both regional variation in Welsh law and flexibility in the alignment of individuals with wider political identities, again emphasising that

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[3]   I am grateful to Ben Guy for articulating this point.

the fluidity of borderland zones did not always materialise in a geographical sense. Welsh ruler Bleddyn ap Cynfyn, alongside his brother Rhiwallon, was a major driving force behind the Anglo-Welsh borderland rebellions of 1066 to 1073. Within Wales, Bleddyn and Rhiwallon were sovereign kings who had no need to rebel against anyone, but they lent significant support to rebellions within England after the Norman Conquest, particularly in the borderlands region (Brady 2017). After his death, Bleddyn was remembered also as a reformer of Welsh legal tradition. As Sean Davies, who has written the most recent and comprehensive study of Bleddyn's reign and achievements, notes: 'the codification and standardisation of [Welsh] law is traditionally attributed to Hywel Dda (d. 950) and Bleddyn is one of only two rulers associated in the lawbooks with changes, the other being the twelfth-century ruler of Deheubarth, Rhys ap Gruffudd (the Lord Rhys, d. 1197)' (S. Davies 2016: 41). Davies also argues that references to Bleddyn's legal reforms are likely to be legitimate, because 'linking legal reforms to Bleddyn would not have redounded to the glory of the later Gwynedd dynasty, increasing the likelihood that they were included when Llyfr Iorwerth was compiled because they could be reliably attributed to him' (S. Davies 2016: 43). (However, as Ben Guy has noted, there is good evidence that Llywelyn Fawr emphasised his descent from Bleddyn and the Powys family on his mother's side in court poetry and genealogies, Guy 2020: 202–203 and 215.)

We do not know the full extent of Bleddyn's legal reforms because they are only mentioned sporadically in surviving Welsh legal manuscripts. Medieval tradition credited the codification and standardisation of Welsh law to Hywel Dda in the tenth century, but there is no definitive evidence for this attribution (Charles-Edwards 1989; Stacey 2018; S.E. Roberts 2022). The texts of medieval Welsh laws are preserved in lawbooks — working copies used by medieval Welsh lawyers — whose manuscripts survive from the thirteenth century onwards (Jenkins 2000). The Welsh laws (known as *Cyfraith Hywel*) are preserved in five Latin versions and three Welsh redactions, known as Cyfnerth, Blegywryd, and Iorwerth. References to Bleddyn's role as a reformer of the laws are preserved in five sections of Llyfr Iorwerth, which is regarded as 'the most developed form of the laws that is associated with thirteenth-century Gwynedd' (S. Davies 2016: 43). Most references to Bleddyn's reforms occur offhandedly and sporadically, and the reforms themselves appear largely as alterations to the amount of compensation or punishment due in certain types of cases (particularly, theft and land/agriculture). These mentions of Bleddyn are so irregular that it is difficult to understand the comprehensive agenda, if any, that stood behind them. However, Davies has argued that the details of Bleddyn's reforms which do survive paint a picture of a ruler with a 'reputation as a merciful reformer' (S. Davies 2016: 46).

Although a comprehensive enumeration of Bleddyn's reforms does not survive, what does is a statement that these reforms were significant enough that litigants were given the choice between the pre- and post-reform legal systems. A passage in Aberystwyth, National Library of Wales, Peniarth 35 (G), which dates from the mid-fourteenth century,

states: *O deruyd y dyn dywedut bot due kyfreith, kyfreith Hywel, a kyfreith Bledyn agal6 o hona6 am y neill, abarnu or ygnat herwyd y llall; ef aeill rodi y 6ystyl yn erbyn yr ygnat barnu cam o hona6 can enwis ef y kyfreith, abarnu o hona6 herwyd y llall* ('If a person say that there are two laws, the law of Hywel and the law of Bleddyn, and call for one of them, and the judge adjudge according to the other; he can give his pledge against the judge as judging wrong, since he named the law, and he [the judge] adjudged according to the other', *AL*: CC.viii.xi.4; *LC*: 30–31). The ability for a litigant to select their preferred (presumably more favourable) legal system can be understood in light of this volume's discussion of the fluidity of political identities in early medieval Britain. This reference to the laws of Hywel and Bleddyn indicates that the choice between the two belonged to the litigant and was not dictated by either their political affiliation or the location where the proceedings took place.

Additionally, our understanding of this reference to Bleddyn's reforms is dependent on thinking about borders due to his strong affiliation with north Wales and Hywel Dda's equally strong affiliation with the south. Bleddyn was king of Gwynedd and Powys, and as noted above, surviving references to his legal reforms are preserved in northern recensions of the Welsh laws. Hywel Dda, a powerful king in the first half of the tenth century, was strongly identified with the southern Welsh kingdom of Deheubarth because while he would eventually come to rule over almost all of Wales, it was there that his reign began (Carr and Jenkins 1985). Therefore, a litigant's choice between the legal systems of Bleddyn or Hywel would also appear to be a choice between two regional variations of law, a northern and a southern. An argument for a distinction — or, that is, a perceived distinction — between northern and southern Welsh legal traditions has also been made by J. Fife in the context of the deer-hunting scene that opens the First Branch of the *Mabinogi* (Fife 1992). He argues for the presence of regional legal differences in this text, which may allude to 'a possible on-going rivalry between the Northern and Southern tradition' (Fife 1992: 78). The legal systems associated with Bleddyn and Hywel, then, were not only perceived as being distinctive from one another, but they also appear to have had regional affiliations with northern and southern Wales, respectively. However, a litigant could choose which system of law was applicable to their case, regardless of where they lived or where their case was being judged — another illustration of the fluidity of borderlands in early medieval Britain. When it came to choosing between two legal systems, the border between 'northern' and 'southern' Wales was not a geographical one, but rather, a choice of individual identity.

Conclusions

A similar legal flexibility is evident in one of the best-known frontier zones in medieval Britain, the post-Conquest March of Wales (Lieberman 2010). The most important defining feature of this region was its recognised status as legally exceptional (R.R. Davies 1970; R.R. Davies 1987: 285) — even in Anglo-Norman literature, as Ralph Hanna has recently noted, the March is depicted as 'cowboy country' not because of lawlessness per se, but because of its 'specific unique legal status' (Hanna 2011: 338).

Clause 56 of the Magna Carta famously states that 'English law shall apply to holdings of land in England, Welsh law to those in Wales, and the law of the Marches to those in the Marches' (*MC*: (56)). Yet what defined 'the law of the March', in turn, appeared to be legal flexibility (R. R. Davies 1970). As R.R. Davies has written, 'marcher lordships were frequently divided into Englishries and Welshries, into areas of English and Welsh land tenure, into communities of those under the Welsh tongue and those who were not, into districts under the jurisdiction of English courts and Welsh courts. Nor was this division purely one of racial origin, for Welshmen could and did acquire English status and English land and thereby claimed the benefits of English law' (R.R. Davies 1970: 25).

References to the option for litigants to choose between Bleddyn's laws and Hywel's laws are notable because they mirror the legal peculiarity evident in the post-Conquest March of Wales, which has been widely discussed as a borderland or frontier zone. But the March of Wales was the frontier between Wales and England, whereas the division between the laws of Hywel Dda and Bleddyn ap Cynfyn's legal reforms was a regional one, between southern and northern Wales. By and large, borders, borderlands, and frontier zones have been understood as 'external' to a given people or region, and the focus of most studies of these areas has been centred upon locations where two peoples were perceived to come together. Yet as the case of Bleddyn's reforms illustrates, spaces within the same kingdom or territory, but with different cultural norms, could also function as borderlands. As the articles in this volume attest, flexibility of identity was one of the most important defining characteristics of borderlands in early medieval Britain.

Yet such fluidity of identity was by no means unique to early medieval Britain, as continental parallels illustrate that a similar degree of flexibility was evident elsewhere across the early medieval world. In the case of Bleddyn's legal reforms, legal cultures that were understood to have bases in different territories could nevertheless coexist within a single judicial system, such that a single litigant, in a single place and time, could choose one or the other. In the March of Wales at the time the Magna Carta was written, on the other hand, a single judicial system was now identified with a single territory (the March) that had a single law, even if the latter was in practice flexible and hybrid.[4] These examples, especially that of Bleddyn's reforms, chime notably with developments in parts of continental Europe where *professiones iuris* — the statement by a litigant of the (ethnically-labelled) law by which she or he wished to be judged — appear extensively in the documentary record, particularly in Italy (Faulkner 2016: 11–13; Esders 2018: 329). There, explicit professions of ethnic law that had formerly — and counter-intuitively — been rare, became much more common in the documentary record from the late tenth century onwards (Bougard 1995: 295; Ascheri 2013: 94). As in late eleventh-century Wales, in the tenth- and eleventh-century Italian kingdom a single judicial system had potentially to cope with more than one (in Italy, multiple)

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[4]   R.R. Davies makes it clear that there was no single 'law of the March', but that its sole defining feature was its distinction from Welsh and English laws (even though in practice, it encompassed varying degrees of both) (R. R. Davies 1970).

sets of legal norms, and individual litigants were given the flexibility to declare which of these legal systems they understood to be fitting to their circumstances.

The articles below underscore the mutability of boundary spaces in early medieval Britain, but the issues raised here are profitable for thinking about similar regions across the early medieval world as a whole. Recent scholarship on boundaries and borderlands has shifted away from the 'frontier-as-barrier' concept and towards an understanding of frontiers as important zones of cultural exchange (Curta 2005: 1–9). It has emphasised that these regions help us to better understand the individual cultures that populated them, as we can see what is emphasised or ignored when two or more peoples come into contact with one another. These essays shift the conversation forward by demonstrating the degree to which the concepts of identities and territories were flexible in the first place. They have ranged from the practical reality that traders would always permeate boundaries (Naismith), to the fluid political identities of individual territories (McGuigan, Padel, Parsons, Swallow), to the shifting nature of political alliances (Guy), and the practical logistics of managing daily life in a frontier zone (Ray). This special issue underscores the role of boundary spaces and borderlands carving out flexibility and negotiability for territories and identities.

Acknowledgements

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