

## JENKINS, DAVID ARWYN (DAFYDD) (1911 - 2012), barrister and historian of Welsh law

**Name:** David Arwyn Jenkins  
**Date of birth:** 1911  
**Date of death:** 2012  
**Spouse:** Gwyneth Jenkins (née Owen)  
**Child:** Rhys Owen Jenkins  
**Parent:** Elizabeth Jenkins  
**Parent:** William Jenkins  
**Gender:** Male  
**Occupation:** barrister and historian of Welsh law  
**Area of activity:** Law; History and Culture; Literature and Writing; Education  
**Author:** Richard W. Ireland

Dafydd Jenkins was born in London on St David's Day, 1 March 1911, the son of William Jenkins, a bank clerk who had been born in Bermondsey but who had, and retained, Welsh roots (he was of Cardiganshire stock and was Secretary of the Welsh Jewin Chapel in London) and Elizabeth Jenkins who was born in Aberystwyth. He was christened David, but later adopted the Welsh form Dafydd. His sister, Edith Nancy Jenkins ('Nansi') was born in 1908. Dafydd was educated at Merchant Taylors' School and Sidney Sussex College, Cambridge. At the latter he began by reading Natural Sciences before changing to Law, which discipline he followed, being called to the Bar as a member of Gray's Inn in 1934 and practising on the South Wales Circuit from his own chambers in Carmarthen.

Thus far Dafydd's life was rather orthodox, but his contribution to Welsh public and literary life over his long lifetime was prodigious and extended across a wide range of areas of interest. His literary career began in the mid-1930s, sometimes using the pseudonyms 'Myrddin Gardi' or 'D. Meurig Rhys', and he was one of the inaugural editors of the periodical *Heddiw* which was launched in 1936. His subjects were varied, but an important volume, *Tân yn Llŷn: hanes brwydr gorsaf awyr Penyberth*, was published in 1937 in the wake of the arson at the site of the bombing school and the subsequent trial of the defendants **Saunders Lewis**, **D. J. Williams** and **Lewis Valentine**. An English language translation by Ann Corkett was published as *A Nation on Trial: Penyberth 1936*. His literary efforts continued thereafter, with his history of the Welsh novel, *Hanes y Nofel Gymraeg*, winning the Prose Medal at the National Eisteddfod held at Mountain Ash in 1946.

Dafydd's commitment to Welsh politics and culture extended beyond the literary. As 'a fine organizer and an excellent speaker', he was appointed Secretary of the National Language Petition of 1938 which gathered over 365,000 signatures in an effort to reverse the prohibition on the use of Welsh in the courts introduced by Henry VIII and secure equality for use of the language in that setting. He moved to Aberystwyth in consequence. The subsequent Welsh Courts Act of 1942 fell short of the latter objective, but remains a significant piece of legislation. Jenkins's politics more generally were on the left of the nationalist spectrum. He was, as a pacifist, a conscientious objector during the war, which led to his working in agriculture in Trawsnant, Cardiganshire. The interest in farming led to an interest in, and involvement with, the co-operative movement in Welsh agriculture, as well as teaching extra-mural classes at Aberystwyth. It also informed his interests in the academic study of Welsh Law and led to his publication of *Law for Co-operatives* in 1958.

It was through the involvement in co-operatives that Dafydd visited Scandinavia, about which he published two further books *Ar Wib yn Nenmarc* (1951) and *Ar Wib yn Sweden* (1959), but his interest in the languages and history of other countries resulted in more than travel books. Throughout his academic career his embrace of comparative dimensions of legal history remained evident, not simply passively as informing his own knowledge but also actively, in transmitting the Welsh legal experience to a wider international audience. In this he was assisted by a facility with languages which enabled him to attend the German Legal History Conferences. It may be that the judgment of a Swedish colleague, that Dafydd 'spoke an exotic - almost medieval - Swedish with a Welsh accent' would have pleased him.

His scholarly visits to the National Library of Wales were no doubt enlivened by the presence of a member of its staff, Gwyneth Owen, whom he married in 1942. Gwyneth died in 1962. Their son Rhys went on himself to an academic career.

It was in this field of academic legal study, which was underwritten by his appointment to a lectureship in Law at the University College of Wales, Aberystwyth in 1965 and then to a Personal Chair ten years later, that Jenkins made arguably his greatest contribution. His primary, but not exclusive, research interest was in Welsh medieval law, Cyfraith Hywel, and his work on various aspects of that area remains unparalleled in its scope and influence. He had edited the text of *Llyfr Colan* in 1963, and produced the volume *Cyfraith Hywel* in 1970, revising the edition in 1976 before producing *The Laws of Hywel Dda* for an English readership in 1986. Such works established a scholarly basis for study, but Dafydd's interests led to over fifty contributions on the medieval laws. Some of these underlined that Dafydd's interest was practical rather than merely textual, he wanted to know the people involved with the laws and what the provisions actually meant to people. He wanted others to know too, sharing ideas and authorship with other interested scholars and occupying a pivotal position in the series of seminars on Cyfraith Hywel which continue to this day. This desire to spread knowledge of Welsh law was not, however, restricted to those already converted to its importance: his work and his enthusiasm took the subject well beyond Aberystwyth, making it more difficult for legal historians working on other jurisdictions to ignore it. He founded (though he was always careful to say that it was not entirely an individual effort) what was to become the British Legal History Conference, the initial meeting being held in Aberystwyth in 1972. That conference continues to convene every two years and has evolved into the most prestigious forum for scholarship in the discipline. His academic work was rewarded by the award of a D. Litt. from Cambridge and an honorary Doctorate from Würzburg.

Dafydd retired in 1978. He was a teacher remembered and respected by his students for his enthusiasm. He retained a willingness to challenge orthodoxy in teaching, astonishing his colleagues with a decision to teach the Law of Contract 'backwards', that is by beginning with the remedies available to a party rather than with a discussion of the rules for contractual formation, yet here again the approach was guided by practical rather than the theoretical concerns.

Jenkins continued to work, to write and to engage in discussion long into his retirement, indeed almost to the very end. It was with delight that the British Legal History Conference in 2011 heard that he was attending the centenary celebration of the National Library of Wales, although it was younger than he was. His longevity resulted in him being the subject of three volumes of tribute, the last of which *Canmlwyddiant, Cyfraith a Chymreictod*, published after his death, contained many personal reflections and a list of his publications. He died on 5 May 2012 at Blaenpennal and was buried at Capel Penrhiw, Joppa.

Dafydd Jenkins led a long, full and varied life, of which the above synopsis can only hope to give an outline. He remains a significant figure in modern Welsh history, not least because he revealed so much about that history itself.

### Author

Richard W. Ireland

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