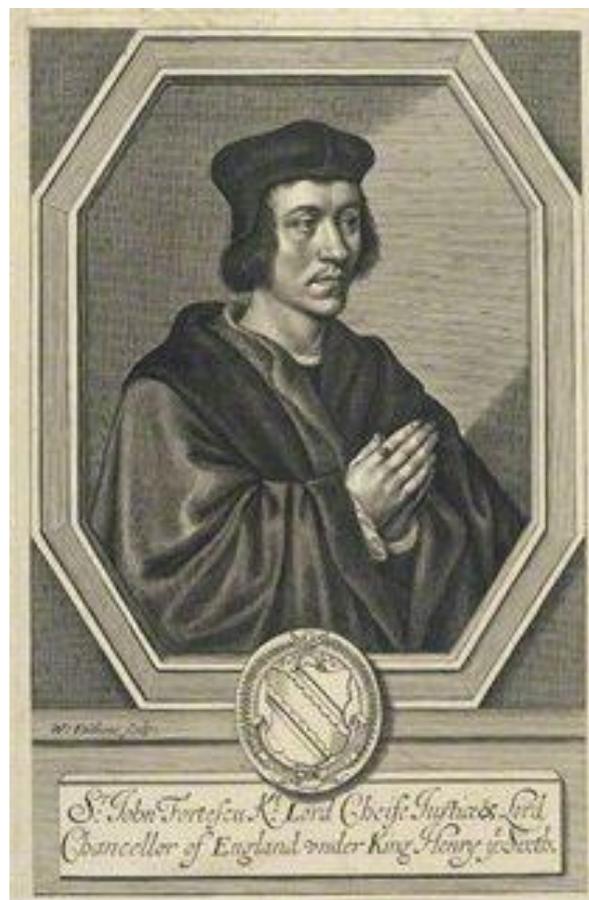


# The Language of Sir John Fortescue

A critical discourse analysis approach to  
fifteenth-century polemical works

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Section 1:  
**Introduction**

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# Chapter 1 Introduction

In the year 1461, Sir John Fortescue published the first of his six polemical works on the succession of England, i.e. in a time of political upheaval and many shifts in power.

Nowadays John Fortescue is primarily known for his many works on the politics and governance in England, as well as his ideas about natural law; but in his own time he was most famous for being the Chief Justice of England, and he was recognised as being an important member of the Lancastrian regime. One of the main ideas for which Fortescue was known was the concept of parliamentary rule. Fortescue suggested that a king should not rule alone, but that he needed a parliament consisting of the King, Lords and Commons to do right by the kingdom (Wilkinson 202). The aforementioned polemical works, which were published in 1461, consisted of three shorter English works, and three, more elaborate, works in Latin. In modern times he is most recognised for his Latin works, which deal with the question of natural law and legitimacy, while his English works have always only played a supporting part in research that has been carried out regarding his writings. Of these English works, two are especially interesting. The first of these is *Of the Title of the House of York*, which was written and published in Scotland in 1461. At this time, Fortescue followed King Henry VI and Margaret of Anjou with their followers to Scotland, following their defeat to Edward of York, later King Edward IV. *Of the Title of the House of York* was written to be distributed in England, in an effort to convince the people that Edward IV's claim to the throne was illegitimate and that they should not accept his rule over Henry VI's rightful claim.

In 1471, Henry VI was defeated for a second and final time, after regaining the throne for a short time, and Fortescue had no choice but to turn to the Yorkist regime. Edward IV was not inherently opposed to this idea, as Fortescue's "concept of parliamentary rule was

more acceptable to the earlier Yorkists than to the later Lancastrians, in spite of his fidelity to the Lancastrian cause” (Wilkinson 202). His political ideas may be the reason for why Fortescue was given the opportunity to retract his earlier works written during his time in Scotland, rather than being executed for treason. This work was *The Declaracion made by Sir John Fortescu Knight upon Certayn wrytinges sent oute of Scotteland Ayenst the Kinge’s Title to hys Roialme of Englonde*, and this is the last of his polemical works published. In fact, this work acted as a refutation of the claims made in his earlier works, and was written in an effort to get back into King Edward IV’s good graces. An interesting feature of this work is that it is presented as a dialogue between Fortescue and “a lernid man” (Fortescue, *Declaracion* 523), which gives Fortescue the opportunity to really explain his previous statements and downplay previous arguments. As can be seen, the ultimate goal of these two texts are quite different, as the earlier one is aimed at “the people” (Gill 339) in an effort to gain support for the cause of the deposed king Henry VI, and the latter text is aimed at King Edward IV and his council in order to gain forgiveness for the earlier texts.

Whereas John Fortescue’s works have received some attention from a literary-political perspective (e.g. Litzen 1971; Doe 1990), the linguistic perspective has been overlooked so far. Norman Doe, in his book *Fundamental Authority in Late Medieval English Law*, approaches Fortescue’s work mainly from the literary-political angle, but briefly discusses Fortescue’s use of the Latin terms *lex* and *ius*, which he describes as “a curious feature of Fortescue’s treatment of law” (40). However, this discussion spans only 3 paragraphs and seems to be a one-off. Despite the little attention this angle has received, the linguistic approach has the potential to uncover new insights into the way Fortescue used or manipulated language in order to achieve the goals set for each individual work. As pointed out above, not all of his works appear to have been written with the same goal in mind, which is especially true when we look at his longer, Latin texts. Usually, when Fortescue’s works

are discussed, the focus lies on works like *De Natura Legis Naturae* (On the Nature of Law), a work in which he once more discusses female authority, succession through a female line and the Yorkist claim, or *De Laudibus Legum Angliae* (Commendations of the Laws of England), which was “the most famous of all his works” (Hazeltine ix) and was a highly influential treatise on English law, written to instruct Prince Edward of Lancaster in the laws of England. As these examples show, however, most attention goes out to Fortescue’s Latin works, rather than his works in the English language, i.e. with one exception: He wrote one work on English law in English rather than Latin, called *The Difference between an Absolute and a Limited Monarchy*, which was first published posthumously in 1714. This work was later republished as *The Governance of England* by Charles Plummer in 1885, and this is the name under which it is primarily known now. This work deals mainly with the differences between the French and the English system of governance, but Fortescue’s ideas on this topic will be further discussed in chapter 3.

Fortescue’s English polemical works have received surprisingly little attention, especially if one considers the supposed influence that Fortescue held in the Lancastrian government. When investigating the aforementioned works *Of the Title* and *Declaracion* from a linguistic angle, it might provide answers to previously unasked questions. One particular question which will be investigated in this study is the following:

**Q: In what way do selected writings of Sir John Fortescue represent the power struggles of the Wars of the Roses?**

In order to answer this question, it is imperative to look at several aspects of his works. As these works were written with a clear goal in mind, which was to convince people of the truth in his writings, whether they were Lancastrian supporters or Yorkist kings, the way in which Fortescue tries to convince, or even manipulate his audience, will be scrutinised. A clear, but

simple example of this can be found in the way in which Fortescue refers to King Edward IV and his claim to the throne. In *Of the Title*, whenever he speaks of the fact that Edward has proclaimed himself king by right, he speaks of the “pretended title” (Fortescue, *Title* 497; 499; 501), whereas he says about the ascent to the throne by Henry VI that it “was the deed of God” (Fortescue, *Title* 501). Ten years later, however, it is apparent that instead of speaking of Edward IV’s “pretended title” (Clermont 497), Edward IV is referred to as “the Kinge oure foueraigne lorde Edward the fourth” on several occasions (i.e. Fortescue, *Declaracion* 523; 525; 528; 529). When we look at the way in which Henry VI was referred to in the earlier work, this is not nearly as strong as Edward IV is referred to in the *Declaracion*. The only instance in which the collocation “foverayne Lord Kinge of Englande” is found is when Fortescue speaks about the oath Edmund, Duke of Lancaster and Earl of March, swore to Henry V. It is noteworthy that he never refers to King Henry VI in this manner. This difference is representative of an inherent difference between the two texts, which will be further explained in chapter 7.2.

In order to answer the main question posed in this study, the texts will be put into context by using a framework originally devised for the analysis of the discourse in modern texts, but adapted by Johanna L. Wood to be applicable to fifteenth-century texts as well. This model is known as the three-dimensional framework for critical discourse analysis, first suggested by Norman Fairclough in 1996. As part of this framework, the texts will be placed in a distinct historical context, in which it is important first to consider the social practices of fifteenth-century England, and then to reconstruct the discursive practices, before the texts themselves can be analysed. Using this method, the exact features of the text that will be scrutinised will be based on the outcome of the first two dimensions of this model.

## 1.1 The Wars of the Roses

Before we turn to the empirical study, it is important to briefly outline the series of conflicts that made up the Wars of the Roses. The first open conflict between the Houses of York and Lancaster took place on 22 May 1455, the first Battle of St. Albans. This may be considered the start of the Wars of the Roses when the concept of war is perceived as a series of armed conflicts between the two houses. In this counting the Wars of the Roses formally ended in 1487, when the Battle of Stoke Field marked “the first and last time King Henry VII’s throne was seriously challenged” (Bramley 20). If these Wars are defined by “the start and end of serious political and military conflict” (Bramley 20), these wars started half a decade prior to the first Battle of St. Albans, namely in 1450 with Jack Cade’s rebellion. This uprising of the people marked the first instance of King Henry VI being in danger of losing the throne of England since his ascension in 1422. For the purpose of this investigation, 1450 will be marked as the starting date of the conflict, as this year also marked the moment that Richard, Duke of York, started going down the road of power and reform, which would eventually lead to his death and the ascension of his eldest son as King Edward IV. It is important to note that the Wars of the Roses were not a time of continuous military action. They were marked by short periods of military action, followed by long periods of relative peace. Peter Bramley identifies the following four distinct phases which best summarise the conflict<sup>1</sup>:

- **The Descent into War - 1450-9**

This phase is marked by the Duke of York’s rise to power, and the weakening of Lancaster’s hold on the throne as a result of Henry VI’s periods of mental instability. He suffered two nervous breakdowns that lasted for extended periods of time (Bramley 23-4), and as a result of the first breakdown, which lasted from August 1453 to early 1455, the Duke of York became Lord Protector in February 1454, which made him King of

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<sup>1</sup> This list is adapted from Peter Bramley’s *Guide & Companion to the Wars of the Roses*, p. 20.

England in all but name (Bramley 23). The second breakdown occurred in May 1455, shortly after King Henry VI's recovery from his first nervous breakdown, when he was injured in the neck during the First Battle of St. Albans. His mental state never fully recovered from this episode, and from this moment onwards he was more a figurehead for the Lancastrian government than an active ruler (Bramley 24). During his brief moment of recovery, however, he managed to counteract many of the decisions made by York during his regency, and he deprived him of the title Lord Protector. Margaret of Anjou also became increasingly involved in the conflict following the deterioration of her husband's mental state, and she replaced the Duke of York as acting regent following the Battle of St. Albans. The Lancastrian government entered into an uneasy truce with York and the Nevilles, who were a rich and influential family and York's greatest supporters, following the birth of Edward of Lancaster, who then became the official heir to Henry VI's instead of the Duke of York. The Duke of York was previously named the heir apparent in 1452, as Henry and Margaret's marriage remained childless and he was the closest relative who could garner the required support for kingship.

- **The Wars of Succession – 1460-5**

This phase marked a definite turning point for the Lancastrian cause and was important as it signalled the rise of the Nevilles. The Duke of York was executed by Margaret of Anjou on or days after 30 December 1460, following the defeat of the Yorkist army at the Battle of Wakefield. As a result of this, Richard Neville, Earl of Warwick, became the most important commander in the Yorkist faction, and he was instrumental in the accession of the Duke of York's eldest son, Edward, to the throne of England on 4 March 1461. The people that remained of the Lancastrian court were forced to flee to Scotland, and later dispersed to the continent in an effort to garner support for their cause abroad. During this time, the Lancastrian faction attempted to gain a foothold in Wales and

Northumberland, but these efforts were dealt with by the Nevilles, and in May 1464 “the Lancastrian residence in England was ended” (Bramley 44) and Henry VI was captured and imprisoned shortly after. Another event that had severe repercussions for the continuation of these conflicts, was Edward’s secret marriage to Elizabeth Woodville, which took place at Grafton Regis in May 1464. Despite taking place in May, the wedding was not announced until September of that year, during a Council meeting in Reading (Bramley 44). This event is often believed to be the cause of the deterioration of the bond between Edward IV and the Nevilles, although that statement is debatable (i.e. Hicks 1998).

- **The Destruction of the Nevilles and of Lancaster – 1469-71**

The building conflict between Edward IV and Warwick finally comes to a head during this time, and this phase marks the brief return of the Lancastrian regime. In 1469, Warwick is joined by Edward’s brother George, Duke of Clarence in an open rebellion against Edward IV. Edward was briefly imprisoned by Warwick in 1469, but was released after Edward’s supporters started a rebellion against Warwick (Bramley 45). At first Warwick attempted to depose Edward in favour of George, on account of Edward’s supposed illegitimacy, but when that plan failed, he allied himself with Margaret of Anjou to return the House of Lancaster to the throne of England. Edward was forced to flee to Burgundy in October 1470, after which Warwick reinstated King Henry VI to the throne. In March 1471, Edward returns to England in an effort to recover his throne, and the following month his brother George switches allegiance back to Edward. Edward manages to regain control of London, and on 14 April 1471 he defeated Warwick during the Battle of Barnet. The house of Lancaster was finally ended on 4 May 1471, when Edward and his army defeated the Lancastrian army during the Battle of Tewkesbury. During this battle Edward of Lancaster, son of Henry VI, was killed and Margaret of

Anjou was captured. King Henry VI, who was still imprisoned in the Tower of London at this point, died or was murdered shortly after the battle, thus ending the rule of Lancaster. This marked the beginning of a time of relative peace. Another notable event was that during Edward's exile, Queen Elizabeth, who claimed Sanctuary in Westminster Abbey when Edward was forced to flee, gave birth to a boy, the future King Edward V, which meant that Edward finally had a male heir and, as far as they were aware, secured his line.

- **The Rise of Henry Tudor – 1483-7**

The final phase began with the unexpected death of Edward IV on 9 April 1483 as a result of a sudden illness. He was succeeded by his twelve-year old son Edward V, and had named his brother Richard, Duke of Gloucester, Lord Protector during the minority of the new King. What follows remains unclear to this day. What is known is that shortly after the death of Edward IV, Richard secured Edward V and his brother Richard of Shrewsbury and took them to the tower, where they disappeared in June 1483. Shortly after their disappearance Richard was crowned King Richard III. What happened to the Princes in the Tower remains a mystery, but they are presumed murdered by an unknown assailant. Richard III's reign was never fully secure, as he had to fight rumours and civil discord, as well as a final Lancastrian heir, Henry Tudor. This final conflict came to a head at the Battle of Bosworth Field, where Henry Tudor defeated King Richard III, to become King Henry VII and to unite the houses of Lancaster and York by marrying Elizabeth of York, eldest daughter of the late King Edward IV and Queen Elizabeth. In 1487, Henry VII defeated a final uprising of Yorkist supporters, which finally ended the dynastic struggles that made up the Wars of the Roses.

## Chapter 2 Theoretical Framework

This investigation attempts to understand the manner in which Sir John Fortescue constructed his arguments in an effort to get a political point across to his audience, and the way in which this represents the power struggles that took place in late fifteenth-century England. In order to do this, this study will focus on the style of the use of style in Fortescue's discourse.

While the term 'style' seems unproblematic, as it is used frequently in everyday discourse, it is important to define what this means in the context of language. Peter Verdonk defines style in language as "distinctive linguistic expression" (4), which is studied through the field of stylistics. Verdonk defines stylistics as "the analysis of distinctive expression in language and the description of its purpose and effects" (5). Mick Short, however, offers a slightly amended definition of this term. According to him, stylistics is "an approach to the analysis of (literary) texts using *linguistic* description" (3). As a result of this, he observes that "stylistics can sometimes look like either linguistics or literary criticism, depending upon where you are standing when you are looking at it" (3). This approach allows for the interpretation of a text based on linguistic markers, to see how a text gets its meaning. This can be done by e.g. comparison between the normal and abnormal paradigms, to see how the deviation affects the understanding of a line (Short 9). By deviating from the linguistic norm, certain information gets placed in the foreground, thus making it more noticeable and important.

In addition to drawing on the field of stylistics, this investigation heavily draws on the field of discourse analysis in order to study the material. As demonstrated by Alan Partington et al., the terms 'discourse' and 'discourse analysis' are not easily defined. They identify three classic definitions of the term 'discourse'. The first of these is the "structural" approach (2), which is best illustrated by Joanna Thornborrow and Shân Wareing's definition of discourse as "used to refer to any piece of connected language, written or spoken, which contains more

than one sentence” (240). The second classic definition is the view of discourse as a way to distinguish spoken from written language. R. Carter describes that “[s]ome linguists use discourse in a loose way to distinguish speech from writing. ‘Discourse’ is used when talking about speech, whereas ‘text’ is used when discussing writing” (qtd. in Partington et al. 2). This distinction was made as speech was seen as more interactive, and it was an attempt to “stress the study of discourse is the study of language in interaction” (Partington et al. 2). The final classic definition, which Partington et al. call “the functional definition” (2) is explained by the definition of discourse analysis by Brown & Yule (1983) as “the analysis of language in use” (qtd. in Partington et al. 2).

However, Partington et al. correctly observed that these definitions of discourse are so narrow, that the material used for a study might not be considered discourse by the time it is ready for analysis, as it is no longer doing what it was originally intended for (2). They describe this state as “once-was-discourse” (2). It morphs into a different product, ‘text’, which is “the product, the linguistic record or trace of discourse action” (Partington et al. 3) and, as Stubbs (2007) stated, “[s]ince only text is directly observable, this is the basic data for corpus linguistics” (qtd. in Partington et al. 3). This is especially true when investigating historical texts, as written documents are in most cases the only source of older forms of a language, and historical linguists have no choice but to turn to the written word as evidence of discourse action. An alternate point of view regards discourse analysis as “studying the set of norms governing how activities are normally conducted using language, what kinds of language behaviour are normally permitted and not permitted and are normally frequent or infrequent, in a certain social setting” (Partington et al. 3). This view ties in with the idea that a large number of human social activities are conducted through language, and that each social setting has its own set of norms, or its own discourse. This amalgamation of different points of view finally leads to a simplified, inclusive definition of discourse analysis, which is

that “discourse analysis studies how language is used to (attempt to) influence the beliefs and behaviour of people” (Partington et al. 5), which is the point of view that will be adopted for this investigation.

## **2.1 Norman Fairclough’s three-dimensional framework for critical discourse analysis**

As was previously mentioned, for the analysis of the data this study will utilise a framework for critical discourse analysis which was first implemented by Norman Fairclough, and later adapted by Johanna L. Wood to test the applicability of this model for a historical dataset.

This chapter sets out to explore this model as it was first devised by Fairclough, as well as its place in the field of critical discourse analysis in the early 1990s.

### **2.1.1 Norman Fairclough**

In 1992, Fairclough noticed a renewed interest in “the ways in which changes in language use are linked to wider social and cultural processes” (1) by different fields of study. Scholars increasingly started to appreciate the importance of language analysis “as a method for studying social change” (1). Unfortunately, Fairclough also had to conclude that a method of language analysis which was “both theoretically adequate and practically usable” (1) was not yet in existence, which hampered the development of the study of discourse in the field of social studies.

What contributed to the divide between social studies and language studies, is that language studies, at least at the time, was isolated from the other fields, as “linguistics [was dominated] by formalistic and cognitive paradigms” (Fairclough 1). In addition to this, Fairclough concluded that the other social sciences suffered from a “traditional lack of interest in language” (2), and social scientists tended to “see language as transparent” (2). They used language data in large amounts in the form of interviews, and completely overlooked the

importance of the language used by the people in order to get to the social data contained within their discourse. Although this attitude towards the study of language was still prevalent in the field of social studies at that time, Fairclough also observed a changing attitude towards the synthesis of language and social studies starting in France and Great Britain in the 1970s, albeit with limited results<sup>2</sup>. The main problem with these early attempts was that the researchers had difficulties finding the right balance “between the social and linguistic elements of the synthesis” (Fairclough 2). Whereas M.A.K. Halliday’s strength was the linguistic analysis, his integration of social theory and the proper discussion of the terminology adopted in the study were lacking. Michel Pêcheux et al.’s research, on the other hand, had a very strong basis in the use of social theory, but their linguistic analysis “is treated in very narrow, semantic terms” (Fairclough 2). Additionally, Fairclough noticed that both studies were “based on a static view of power relations” (2), and they both focused on the reproduction of existing power relations, rather than study the transformation power relations undergo, and “the role of language therein” (2). Another element that was seen as problematic was the attitude towards texts in discourse analysis. Generally, discourse analysis was considered to be the analysis of spoken language, and a distinction was sometimes made between discourse as only spoken dialogue, which was used in contrast with written ‘texts’ (Fairclough 3). As was mentioned before, however, discourse was also often used in linguistics “to refer to extended samples of either spoken or written language” (Fairclough 3). In Pêcheux et al.’s and Halliday’s investigations, Fairclough observed one issue that remained in the attitude to texts, and that was the tendency to look at text only as a finished product (2). “[L]ittle attention [was paid] to processes of text production and interpretation, or the tensions that characterise these processes” (Fairclough 2). These factors contributed to the failure of the synthesis that was attempted by Pêcheux et al. and Halliday, as they made “these attempts

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<sup>2</sup> See Michel Pêcheux et al. (1979) and M.A.K. Halliday (1978) for these early attempts.

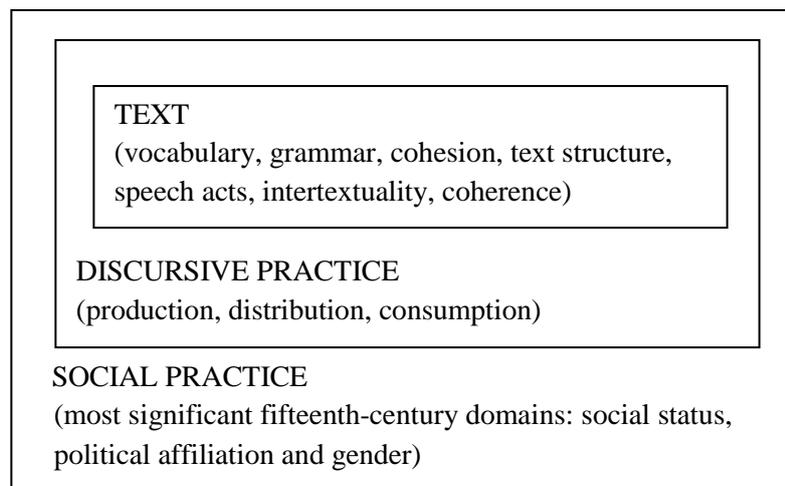
at synthesis [...] not suitable for investigating language dynamically, within processes of social and cultural change“ (Fairclough 2).

In his work *Discourse and Social Change* (1992), Fairclough attempted to devise a new method which allowed for a more linguistic approach in fields of study which were usually attributed to the social sciences, and previously did not necessarily study language to come to conclusions about social change. Fairclough’s approach devised in his work was centred around “‘discourse analysis’ and the concept of ‘discourse’” (3). He places discourse in a distinct social-theoretical context, by viewing discourse not just as an element which “reflect[s] or represent[s] social entities and relations” (3), but as a way to “construct or ‘constitute’ them” (2). He combines this social-theoretical sense with the “‘text-and-interaction’ sense [found in] linguistically-oriented discourse analysis”. In order to cover these different senses, Fairclough proposed a three-dimensional approach to discourse analysis, in which he sees “any discursive ‘event’ (i.e. any instance of discourse) [...] simultaneously as a piece of text, an instance of discursive practice, and an instance of social practice” (Fairclough 4). This approach allows for an inclusive approach in which the context in which a piece of discourse exists is also considerably taken into consideration.

### **2.1.2 The revised model for a historical dataset**

While Fairclough does not offer any examples of his method in action for historical data, a great example can be found in the work of Johanna L. Wood. In her 2004 paper she set out to “investigate whether Fairclough’s (1992) approach to critical discourse analysis may be adapted for use in a historical context” (229). In order to do this, she investigated the form and content of Margaret Paston’s letters from the fifteenth century. While the Paston letters had been studied before, Wood raised some concerns with the use of historical data in general, which primarily arose from “an attempt to be systematic and unbiased in analysing the data”,

but also “to situate the data within the context of fifteenth-century England” (Wood 229). The reason why she opted to work with Fairclough’s model, was that it offers “a systematic methodology for analysing text in context” (Wood 230), as well as the intent of Fairclough to incorporate” issues of power into his model on a macro scale” (Wood 230), as “hegemonies within particular organisations and institutions and at a societal level are produced, reproduced, contested and transformed in discourse” (Fairclough 10). In addition to this, she also notes that “this method [...] is intended to be a method for historical analysis and for change” (Wood 231), and it has the potential to reveal things about the text that have previously gone unnoticed. As Wood points out, Fairclough believes that “text analysis should not be done in isolation” (233), which is at the basis of his model. This model is represented in Figure 2.1:



**Figure 2.1: Fairclough's three-dimensional model as found in Wood (2004: 233).**

## Chapter 3      Sir John Fortescue

At the time the two volumes of *The Complete Works of Sir John Fortescue* were published, very few facts could be pieced together about the life of this political theorist. Lord Clermont describes the materials that were available to piece together the life of Fortescue as “most scanty”, and the biography featured in his edition contains “all the facts which I have been able to get together calculated to throw light upon his remarkable and eventful career” (Clermont xxiv). Since then, scholars have been increasingly successful in finding new facts about this once Chief Judge of England, so his life can be described in more detail than was possible in 1869. Despite this advance in scholarship, many details about Fortescue’s life are still subject to debate, and will likely never be determined with any great accuracy. One of the main difficulties in determining details about the earlier years of Fortescue’s life is that it cannot always be determined whether a piece of information found in the records concerns Sir John Fortescue or his father, John Fortescue the Elder. In addition to the confusion in the records, the autobiographical references found in Fortescue’s work are often ambiguous, which offers no help.

John Fortescue was born the second son of Sir John Fortescue of Holbeton in Devon, and Clarice (Ives), who might have been a daughter and heiress to William Norris of Norris, which is thought to have been Fortescue’s place of birth, although “of the place of his birth there is no positive mention” (Clermont 4). E.W. Ives mentions no surname for Clarice. Sir John Fortescue’s date of birth is another detail which seems to be unclear, as his birth date was never recorded (Ives). One hypothesis, and the most conventional one, is based on autobiographical references that indicate that “he started his legal education c. 1402 (Ives). As legal training often started in the mid-teens, this would indicate that Fortescue’s date of birth would be c. 1385 (Ives). E.W. Ives indicates, however, that this means that “he was passed over for appointment as a serjeant in 1425 and not promoted until his mid-fifties, each of

which is highly unlikely.” Additionally, he offers an alternative hypothesis. Records show that a John Fortescue was elected MP for Tavistock in May 1421, which Ives believes to be “undoubtedly” John Fortescue the Younger. This would indicate that Fortescue was born no later than 1399-1400. If, however, John Fortescue the Younger was the Fortescue appointed to the commission of the peace for Devon in 1418, he would have been born no later than c. 1397 (Ives). Lord Clermont offers his own hypothesis as to the date of birth of his famous ancestor. He bases his hypothesis in a passage in *De Laudibus Legum Angliae*, wherein Fortescue describes the degree of Sergeant-at-Law, and notes that the students are “for the most parts youths” (Clermont 4). Based on this, Clermont’s reasoning goes as follows:

Now, Fortescue was made a Sergeant in Michaelmas Term, 1430, and consequently must have become a student of the law, at soonest, in the year 1414, so that if he was then eighteen years old, he was born in 1396, if twenty, as is perhaps more likely, then 1394 was the year of his birth (4).

As Ives has shown that 1385 is likely to be a wrong estimation, it can be said that the most likely date of birth for Sir John Fortescue lies roughly between the years 1394 and 1399.

John Fortescue’s personal life was fairly eventful. He first married Elizabeth, daughter and coheir of Robert Brytte of Doddiscombe in Devon in 1423, but she died without issue three years later (Ives). He remained a widower for a number of years, but Clermont estimates that “he was certainly a married man in the end of 1435 or early in 1436”, as the Deed of 14 Henry VI already refers to “Isabella, wife of said John” (qtd. in Clermont 6). Isabella was the daughter of John James of Norton St. Philip near Bath (Clermont 6; Ives), and this marriage brought forth a son, Martin, and two daughters, Elizabeth and Maud (Ives; Clermont 7). Clermont thinks that by 1436 he had already been married for “some two or three years, for

his only son, Martin, who died in 1472<sup>3</sup>, left at his death a son and heir aged twelve years” (Clermont 6).

### 3.1 Early Career

Fortescue’s education started at Exeter College, Oxford (Clermont 4), and he was afterwards “called to the Bar” at Lincoln’s Inn (Clermont 4; Ives). Education at university level was still an exclusively male privilege (Cobban 1), and this masculine character was reinforced by a “monastic ethos that for centuries had so permeated education” (Cobban 2). As part of their education, these men would have attended classes on the rhetoric, arithmetic, grammar, logic, astronomy, geometry and logic. It is possible that he did not start his training right away, as he might have been away at the war in France initially (Ives). Details about his life during his studies are unknown, unless we were to read the description of law-student life in *De Laudibus* in an autobiographical manner (Clermont 4). This would indicate that Fortescue was one of “an (sic) hundred or more men” that were all of good standing with a comfortable income (Clermont 4). The Inns of Court, where Fortescue spent his years of training, was not just a place where parents sent their sons to study law. It was also a place where they learned “singing and all kinds of music, dancing and other such accomplishments [...] as are usually practised at Court” (Clermont 4), as well as “the study of history, sacred and profane” (Clermont 4). They were also taught manners and how to present themselves the best they could. Vile behaviour was punished with expulsion, which meant that they would never be allowed into any other Society for the remainder of their lives, “thus there is constant harmony, and the greatest friendship and freedom of conversation” (Clermont 4). In 1424-5, 1425-6 and 1428-30 Fortescue served as Governor of Lincoln’s Inn (Clermont 5; Ives), which indicated that he was giving law readings and that he had joined the inn bench. After that point his reputation as a lawyer steadily improved, and he started to become involved in the

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<sup>3</sup> Ives claims Martin died in 1471 instead of 1472.

business of more and more powerful people. By 1432, he was retained by the duchy of Lancaster, and this royal employment led to a position at court as counsel to Walter, Lord Hungerford and treasurer of the exchequer between 1426-32 (Ives). He sat in parliaments for different Devon boroughs from 1421 to 1432, and in 1437 he was elected as county member for Wiltshire (Ives). With these positions came increased wealth, which is indicated by his “loaning the crown £40 to support military initiatives in France in 1436” (Ives).

In 1438 Fortescue was called to become a serjeant (Ives) and he was invested in the White Silk Coif (Clermont 5). The White Silk Coif was the chief badge “with which serjeants at law on their creation are decorated” (Cohen 368). Clermont mentions that “[a]fter Fortescue’s promotion to be serjeant, the Year-Books are no longer silent concerning him, but make frequent mention of his arguments” (7). Only a few years later, in 1441, Fortescue became a king’s serjeant. This was a promotion “that secured his professional services for the crown” (Ives). Where there is usually the intermediary position of Junior Judge between being a king’s serjeant and Chief Judge, this was not the case in the career of Sir John Fortescue. A year after being promoted to king’s serjeant, he was raised to the position of Chief Justice on 25 January 1442, after Sir John Hody died and left a vacancy (Clermont 8; Ives). This was testimony to his reputation as a man of the law, and he continued in this position for eighteen years. Fortescue was knighted at the time of his appointment or shortly thereafter (Clermont 8). During his time as Chief Justice, Fortescue was also an occasional member of the king’s council, and managed to gather a great amount of property with the annual income he received from the government (Ives).

### **3.2 A Man of Lancaster**

From the moment Fortescue took office as Chief Justice, he increasingly became known as one of the most stalwart defenders of the Lancastrian regime. Early on in his time as chief

justice he carried out special tasks for the council and, as mentioned earlier, he even sat on the king's council himself on occasion. Throughout the 1450s, when the struggle between the houses of York and Lancaster really started, Fortescue was very much a Lancastrian. He even admits to this in his own work, years after the fact. In the *Declaracion*, the Lernerd Man says to Fortescue about his time in Scotland with Henry VI that "ye [were] no Jugge, but a parcyall man, seruant to him for whos fauour ye made the arguments" (Fortescue 532). Fortescue was heavily involved in securing the attainder of the Yorkists at the parliament in Coventry in 1459, and he was even named as one of the executors of King Henry VI's will (Ives). When the tides turned for the Lancastrian cause, Fortescue continued to act as Chief Justice (Clermont 14; Ives; Wilkinson 200). He was trusted enough to be listed "among the justices consulted on the claim of Richard of York to the throne" in 1460 (Ives). Life continued in this manner until the battle of Wakefield, after which the Duke of York and his son Edmund were executed by Margaret of Anjou and her troops. This was a decisive moment in which people were forced to openly take side in the conflict. Fortescue travelled up north to join Queen Margaret of York (Ives). Clermont identifies this moment as the end of Fortescue's legal career, as he would never work as a judge after this moment (14). Fortescue was present at several of the battles, including Towton, where Edward VI defeated the Lancastrians, and later at the Lancastrian counter-attack that was thwarted at Ryton and Brancepeth in June 1461 (Ives; Clermont 15). After this final defeat, Fortescue retired to Scotland together with the Royal party. In Scotland, he was appointed to be Lord Chancellor to Henry VI and even aided the king financially (Ives; Clermont 15). Fortescue's decision to remain true to the Lancastrian cause did not come without consequences, as in November 1461 Edward VI called his first Parliament in Westminster, and during this session they "proceeded to pass a most sweeping Act of Attainder against Henry the Sixth, his Queen, and his Son" (Clermont 19), as well as many other people of rank and property, including Sir John Fortescue.

During his time in exile, Fortescue quickly developed into one of the main propagandists for the Lancastrian cause, and even somewhat of a “bogyman for the Yorkist regime” (Ives). Ten of Fortescue’s works may be classified as Yorkist propaganda, one of which will be discussed in this paper. His activities while in exile were varied, but of vital importance for the way in which the Wars of the Roses progressed. He sought out the support of the French King Louis XI in 1462, and his efforts spanned several years with mixed results (Ives; Clermont 20; Wilkinson 200). He was also a tutor to the Prince of Wales and adviser to Margaret of Anjou, even after Henry VI was taken prisoner in 1465 (Ives; Clermont 20). Fortescue was also a driving force behind the alliance between Margaret of Anjou and the Earl of Warwick in 1470, which restored Henry VI back to the throne (Ives; Wilkinson 200).

After the Lancastrians were defeated in 1471 and Edward VI was restored to the throne, Fortescue was captured by the Yorkists. Whereas “popular expectation was that Sir John would lose his head at last”, Edward VI decided against this and “required him instead to produce a refutation of the writings he had published attacking the Yorkist claim on the throne” (Ives). This became *The Declaracion made by Sir John Fortescu Knight upon Certayn wrytinges sent oute of Scotteland Ayenst the Kinge’s Title to hys Roialme of Englund*, and Edward VI lifted his attainder and reinstated Fortescue as a royal counsellor (Ives). Sir John Fortescue died shortly before 18 december 1479, and “a painted stone tomb effigy survives in St. Eadburga’s Church, Ebrington” (Ives; Clermont 44).

### 3.3 Works and Political Theories

Arguably, Sir John Fortescue’s most famous work is *De Laudibus Legum Angliae* (Hazeltine ix), which was probably written during his time in exile with Queen Margaret of Anjou, “certainly before April 1471” (Wilkinson 200). This work deals with the laws of England, and was first published posthumously in 1543. Fortescue was also known for his polemical

writings which dealt with the issue of succession. With the exception of the work *De Natura Legis Naturae*, a late-medieval legal text in which he focuses on philosophical argumentation, his polemical writings were exemplary “of fifteenth century mudslinging” (Gill 347). These texts include *Of the Title of the House of York*, and *The Declaracion made by Sir John Fortescue Knight upon Certayn wrytinges sent oute of Scotteland Ayenst the Kinge’s Title to hys Roialme of Englund*, the texts which will be studied for this thesis.

What makes Fortescue stand out from among his contemporaries is that his writings give us great insight into “the legal thought of the second half of the fifteenth century”<sup>4</sup> (Hazeltine xiv). The difference between him and other judges and lawyers from his time is that Fortescue’s contemporaries paid special attention to the “formal and technical aspects of the system of common law” (Hazeltine xv) while Fortescue also concerned himself with this traditional approach of the law. He also managed, together with Sir Thomas Littleton (d. 1481), to lay a new basis in the way legal thinking worked, by discovering and documenting “the forms, processes and practices of the law” (Hazeltine xv). They did this by constructing a doctrine within their own “chosen province of enquiry”, which “explained and illuminated a fundamental part of the common law” (Hazeltine xv). Whereas Littleton chose to focus on the land law, Fortescue focused his efforts on devising a theory concerning public law. Public law dealt with “the constitution of the kingdom and the law upon which it was founded” (Hazeltine x). However, Harold Dexter Hazeltine points out that Fortescue focused on more than just English public law (xii-xiii). He also made contributions to the literature dealing with administrative reform (*Governance of England*). One of the distinctive elements of Fortescue’s work is the inclusion of “jurisprudential and political theories respecting the difference between an absolute and limited monarchy” (Hazeltine xiii). Fortescue’s theories have been the focus points for political theorists for well over half a century. Hazeltine

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<sup>4</sup> Fortescue shares this honour with Sir Thomas Littleton, another influential figure in English law (Hazeltine xiv).

already identified this trend in his general preface to S.B. Chrimes' edition of *De Laudibus Legum Angliae*, first published in 1949 (xiii), but Fortescue's theories have been important for more recent publications regarding Medieval English law as well (Wilkinson 1964; Doe 1990).

The focus of these scholars was mainly on Fortescue's "doctrine of English kingship as *dominus politicum et regale*, a limited monarchy" which was seen in contrast to "the French kingship as *dominium regale*, an absolute monarchy" (Hazeltine xiii). Norman Doe, however, pays attention to Fortescue's ideas in the context of the populist thesis, in which Fortescue argues that "popular consent is the basis for law in the form of parliamentary legislation" in a collaborative effort by the "king and the community" (Doe 7). Where Hazeltine only identifies two different doctrines, Doe adds a third one: the *dominium politicum* (8). This stands for "government carried on by a ruler who acts according to laws created by the community" (Doe 8). Fortescue's views on *dominium politicum et regale* combine "[combine] rule incorporating power supreme, thus befitted the head of the state, and power to be exercised only in conjunction with his people as befitted an English king" (Wilkinson 199). In this system, consent served as the basis of legislation (Doe 8). Doe describes this concept as simply a "device" used to describe one of the ways in which laws were made in Medieval society (12). Whereas within this system the community is important in the process of law-making, "the community cannot make laws alone without the authority of the king" (Doe 12). On the other hand, "the king cannot change the law or deprive the people against their will" (Doe 13). While some of his contemporaries agreed with Fortescue's ideas on the power of the community, other judges claimed in 1460 that "the king's high estate and regality were above the law and past their learning" (Wilkinson 198), and they felt that what the king desired was more important than adhering to the law of the land and being true to the subjects of the king.

While at first sight the system of *dominium politicum et regale* might seem to be an arrangement which empowers the people and limits the power of the monarch, in reality this is not necessarily the case. B. Wilkinson points out that whereas the Fortescue's monarch "might at first sight seem to be limited" in his powers, his powers were in fact absolute (200). The only restraint posed on the king was the law, "and this was not law made in parliament but the law of nature or reason" (Wilkinson 201). The populace signed away their power the moment they elected to make one man king, which happened in "the time of the legendary Brutus" (Wilkinson 201). However, when attempting to find evidence of this point of view in Fortescue's work, there seems to be none. He argues that the English king is different from the French king, as he does not levy taxes or makes laws without the people's consent. He never, however, claims that the people gave up their share in the government of the land they made Brutus their king. In his work it is stated that "the English monarch had to rule with the agreement of his subjects in parliament" and that the subjects would not stand for a different way of government (Wilkinson 201). In Fortescue's eyes, the Commons were just as integral to parliament as the Kings and the Lords, as "consent there was 'of the whole realm', not of a part" (Wilkinson 202). Wilkinson states that Fortescue's expression of the importance of the Commons "reflected one of the most important political developments of his age" (204) and led to a "broadening of political allegiance without a dilution" (204), as allegiance was no longer at the cost of personal political freedom and the middle-classes gained more political power.

Hazeltine argues that Fortescue's work displays a number of modernistic features, which were present largely due to the influence of "the early renaissance and the reformative spirit already current in England" (xviii-xix), and in certain aspects it may be said that Fortescue was against authority. While he did not oppose to all types of authority, he felt strongly about the ineffectiveness of "the sole authority of kings who ruled their realm on the

principles of the civil law of Rome” (Hazeltine xix). Fortescue certainly felt that the French system was vastly inferior to the English system, as the monarch did not have full power in England after the introduction of parliament. Hazeltine lists the modernistic features of Fortescue’s work as “the methods which he employed in his studies of law and government: observation, criticism and comparison” (xix). These methods were first introduced by the Italian poet Petrarch in the fourteenth century, and Fortescue seems to have been influenced by him in his political and legal writing. What Fortescue is known for is that he did not just criticise the constitutional and legal institutions that were in place at the time of writing, but he “advocated certain measures for their reform” (Hazeltine xix).

### **3.4 Views on succession**

In the fifteenth century, a king could reign by three different rights: by conquest, by election and by inheritance (Hicks 40). Conquest usually happened on the battlefield, as was the case with Henry VII in 1485. Election was a formality, as it was traditionally a part of a coronation ceremony, although Hicks notes that “it mattered and was carefully orchestrated at usurpations” (40), as was the case for Henry IV in 1399. The most commonly accepted manner of succession was succession through inheritance. This proved to be fairly uncomplicated, as long as the king had a surviving male heir who was of age at the time of the monarch’s death. “The king was the king” (Hicks 40). This did not pose a problem until 1399, when the hereditary succession was upset at the abdication of Richard II and the accession of Henry IV. His right to reign was based on conquest, and, as previously mentioned, reinforced by the right to elections, and great care was taken to formalise this process. Despite the formalisation of Henry IV’s ascent, the events of 1399 had great consequences 60 years later, when the conflict between the Duke of York and Henry VI, grandson to Henry IV, gained a dynastic element when the Duke of York asserted that his claim was stronger than the Lancastrian claim. After King Henry VI lost his throne to Edward IV, John Fortescue stepped

up as one of the main defendants of the Lancastrian claim, and published many pamphlets and longer works on this subject, like the aforementioned *Of the Title of the House of York*, and many others. Ives has provided a list of all of Fortescue's works of Lancastrian propaganda:

*De titulo Edwardi comitis Marchie; Of the Title of the House of York; Defensio juris domus Lancastrie; A defence of the title of the house of Lancaster, or, A replication to the claim of the duke of York; Opusculum de natura legis nature et eius censura in successione regnorum suprema; the ascribed Somnium vigilantis, or, A Defence of the Proscription of the Yorkists, and lost works on the succession in English and Latin, a genealogy of the house of Lancaster, and a related genealogy of James II of Scotland.*

*De titulo* was written after the coronation of Louis XI of France on 15 april 1461, and the rest of the works listed before July 1463 (Ives).

Fortescue's views on succession show tension on several different levels, and Paul E. Gill even suggests that Fortescue was aware of the weaknesses in his defense of the Lancastrian claims (338). This defense primarily revolved around the inability of women to inherit the throne of England, nor would her sons be able to inherit through a woman, as women were "further disqualified on account of her sex from transmitting the right to a male heir" (Gill 339). Fortescue used three bases of argumentation: "natural law, historical evidence and practical considerations" (Gill 339). While *De Natura Legis Angliae* is not considered to be Lancastrian propaganda, this is the work in which he sets forth the majority of his theories on succession and natural law. The question that is central to this work is what happens with the succession when a king dies without sons, leaving only a daughter, a grandson through the daughter and a brother. This question is also discussed at length in *Opusculum de natura legis* (Chrimes 151). While this question does not, at first hand, seem directly applicable to the English situation, considering that the Yorkist claims runs through a

woman, it was relevant in the legitimacy of their claim. The claim of York runs through Philippa, daughter of Lionel and if grandsons cannot claim the throne through their mother, this claim would have been “null and void” (Gill 339). It is important to mention, however, that the official claim of Henry VI runs through Blanche of Lancaster and is thus also invalid using this line of reasoning, a fact which “Fortescue conveniently forgets” (Gill 339).

One of the reasons Fortescue gives in *De Natura* as to why a woman would not be able to inherit is that nature has not given her “fitting instruments to rule” (Gill 340). Her physical characteristics greatly influence her ability to be a good ruler, as she is built differently than a man and is not as physically strong. She does, however, have physical characteristics that allow her to bear and raise children. Fortescue argues that “[s]ince there is no living animal, fish or bird which does not by its organs, form, or powers signify the office for which nature created it, it is therefore the duty of man to rule and woman to bear and nurse children and to look after the concerns of the household” (Gill 340). What can be asserted from this conclusion is that “infants, decrepit old men and men suffering from disease” (Gill 340) should not be allowed to rule either, as they do not possess the physical characteristics that would give them the ability to rule properly. For this reason, however, the king would be able to use deputies. After all, this is what happened when Henry V died and Henry VI succeeded him to the throne when he was nine months of age. The only way a woman would be allowed to rule other men is “if she herself [would be] under the rule of some man” (Gill 341). However, as the king knows no superior in the realm, there would be no way in which this would be a viable option.

This line of reasoning establishes why Fortescue felt that women were not able to rule a kingdom, although the reason why a grandson should not be able to inherit the throne has not been established. As this is the manner of succession on which the Yorkist claim is based, and was also an important element in the original Lancastrian claim, it would be beneficial to

explore Fortescue's theories on this subject. The brother from the original question in *De Natura* argues that "a woman whom nature suffers not to reign, cannot transmit to her son the right of reigning, for the rule of Law states that no one leaves to an heir a greater interest than he had himself" (qtd. in Gill 341), which the grandson rejects. The grandson claims that his mother is merely a "medium" through which his grandfather's kingdom is transferred to him "by the law of nature" (qtd. in Gill 341). She is like "glue, [which] although it is not wood, fastens pieces of wood together" (qtd. in Gill 341). However, a counterpoint to this is the assertion that a woman is "attainted by the law of nature", and similar to how the heirs of attainted noblemen are not allowed to inherit, the offspring of that woman has no rights to the throne because of her lack of rights (Gill 341). Through this reasoning, Fortescue believed he completely refuted the Yorkist claim to the throne.

In his other, more polemical, works, Fortescue did not base himself on the argument of natural law, but mostly on historical and practical arguments, although the chronicles he based himself on were sometimes false and inaccurate. Fortescue used these chronicles to illustrate his arguments concerning natural law with situations of succession from English history (Gill 343). Fortescue argues that, when a king leaves no heir, the lord and commons must elect an heir (Doe 9), which is what happened at the death of Henry I in 1135. His only son predeceased him, and as became clear that he would have no more children he proclaimed his daughter Matilda heir to his throne. At his death, however, the nobility refused to accept either Matilda, or her young son Henry as their monarch, and elected Stephen of Blois instead, "maintaining that it was contrary to the laws and customs of England for a woman or her heir to succeed to the English throne" (Gill 343). Matilda's son Henry would eventually succeed Stephen as King Henry II, but only by election and not because of his hereditary rights, as he had none (Gill 343). Fortescue also deals with the concept of prescription in his argument in favour of the Lancastrian claim. This argument was based on the fact that the

Lancastrians had been on the throne for sixty-two uninterrupted years as anointed kings, and this “exceeded the longest prescription limit in the laws of the church applicable to secular kingdoms” (Gill 344). Gill points out that never before had any of the Yorkists challenged the rule of “the three Henrys before 1460s”, and that oaths had been sworn to the Lancastrian royals. After the death of Richard, Duke of York, his son Edward, the future Edward IV, inherited the title and lands of his father. As he was now the Duke of York, he had to swear an oath of allegiance to the king to show his loyalty and support of the existing line. In *Of the Title of the House of York*, Fortescue argued that

saide Edwarde late Erle of Marche is forcluded and barred by all lawes used amonge Kinges, or princes personnes, and namely within the realme of Englande, and also by naturall reason, to clayme the Kingdome of Englande, for the which and all title to the same his forsaide ancestors that lie claymeth by, and also he himselfe, have so cleerly barred and concluded themselfe, and all ther heires after them, by matters of recorde (501).

By pledging his allegiance to King Henry VI, Edward once more openly admitted that he and his family had no claim to the throne, as they recognised the superiority of the Lancastrian claim. In the end, their legitimacy was not their main claim to the throne, as they got the right to the throne through conquest and popular support.

## Chapter 4 The Edition

In this investigation I decided to study Sir John Fortescue's works based on an edited version of his writings rather than the original manuscripts. The reason for this is that the originals are difficult to access and survived in fragments rather than a single manuscript. The edition of the texts that will serve as the basis of this corpus can be found in volume 1 of *The Complete Works of Sir John Fortescue*, published in 1869 by Thomas Fortescue, Lord Clermont, one of Fortescue's descendents. In this volume both *Of the Title of the House of York* and *The Declaracion made by Sir John Fortescu Knight upon Certayn wrytinges sent oute of Scotteland Ayenst the Kinge's Title to hys Roialme of Englond* (this will be referred to as *Declaracion*) can be found. These two texts deal with the question of succession and legitimacy of the claims of York and Lancaster on the throne of England. Both of these texts are considered to be part of Fortescue's polemical works (Gill 334) and, as Fortescue gained position in both factions during his lifetime, might reveal interesting information about the discourse used in favour of the Yorkist and the Lancastrian cause.

This is not the only reason why this investigation will be based on the works by Sir John Fortescue, but, as Gill describes, "[Fortescue's] writings on the succession question comprise nearly all of his extant works and reveal a great deal about the role that political propaganda played in fifteenth century England as well as the form such propaganda often took" (333). In other words, based on the works discussed here, it might be possible to make some generalisations about the form that fifteenth-century propaganda might have taken. What has to be kept in mind though is that only two out of six works dealing with the succession will be considered in this corpus, as three of them are in Latin, and of the third English work (*A Defense of the House of Lancaster*), less than a page has been preserved. These texts in particular were chosen because one text was written in favour of the

Lancastrian cause (*Of the Title*), and the other was written in favour of the Yorkist king (*Declaracion*). A more detailed description of both texts will be provided below.

Lord Clermont explains that, while he is no expert in the “legal and historical antiquities of England and of the Continent in the fifteenth century” (xxiii), he felt that it was important to somehow preserve the “manuscript copies of the unprinted works” (xxiii), as they were “rare, and in some cases, unique” (xxiii). That is why he proceeded to “save those that remain from the extinction to which they have been exposed, by printing a few copies” (xxiii) to be distributed among members of the Fortescue Family and extra copies were “to be placed in the chief public and private libraries of the country, there to await the annotations of some more learned editor” (xxiii).

Clermont expressed that he was very concerned with the correctness of the texts in his edition. In an effort to reach the most achievable level of correctness, collations were made from the different manuscripts “by experienced hands” (xxiii). This was a collaborative project, and the transcriptions were carried out by archivists of the archives in which the texts could be found and collected and collated by Lord Clermont. Among his assistants are archivists who work for the British Museum and the Bodleian library, archivists from local archives and a professor from Oxford, all of whom had years of experience working with fifteenth-century manuscripts (Clermont xxiii). In this edition he is very careful about describing which manuscript formed the basis for the text, and which passages he inserted from other manuscripts. He also provides annotations regarding source texts for the writings of Sir John Fortescue, but these will not be included in the corpus.

Despite Clermont’s concerns about correctness it is important to take into account the flaws in his method. Harold Dexter Hazeltine notes in the general preface to S.B. Chrimes’

edition of *De Laudibus Legum Anglie* (1949), which historically follows the edition created by Clermont in his *Complete Works*, that

textual criticism has made a remarkable advance, alike in standards and in methods, during the last seven decades [since Clermont's edition has been published]. The result is, therefore, that the older editions of Fortescue's masterpiece, even though they are still valuable for purposes of reference on many points of inquiry, no longer fully answer the requirements of present-day scholarship (x).

Textual criticism has taken another leap in the almost seven decades since Hazeltine made these claims. What also needs to be taken into account is that the mistakes might have been made in the collation of these texts, as there is no way to assert the level of experience Lord Clermont had with editing medieval texts. While Clermont graduated from Exeter College, Oxford, with a Bachelor of Arts, very little about his further intellectual endeavours and experience with medieval manuscripts and texts can be determined (Peerage). What also requires ample consideration is that at the basis of this edition lie copies that are made of copies, which only increases the chances that mistakes have been made.

Another point of consideration regarding the editions is that the copies Clermont had to his disposal were all sixteenth-century copies. While it is not uncommon to use later copies of fifteenth-century texts, particularly because the originals do not always survive, it is important to consider the situation in England in the sixteenth century. The ruling family at that time was the Tudor family, who first claimed the throne after the death of King Richard III in 1485. Interestingly, although Henry VII was considered to be the last Lancastrian heir, the legitimacy of his claim came from his marriage to Elizabeth of York, Edward IV's eldest daughter, as his own claim came through the Beaufort line. The Beaufort family were descendants of the children of John of Gaunt and his long-time mistress and later third wife,

Katherine Swynford. These children were born out of wedlock and thus illegitimate, although they were legitimised as adults with approval of the Pope by Richard II in 1396 after John of Gaunt and Katherine got married. However, despite the legitimisation, their half-brother King Henry IV added a clause to the legitimisation act to bar them or their descendants from ever inheriting the throne (Hicks (2010) 44). Considering the fact that Henry VII's own claim was so controversial, it was in the Tudor regime's best interest that Edward IV's, and Elizabeth of York's, claim was irrefutable. While there is no way of knowing if anything was changed in the sixteenth-century copies, especially the copies of *Of the Title of the House of York*, it is important to entertain the idea that these copies might have been adjusted by Tudor scribes, as questioning the line of descent might have caused further social unrest. This line of thinking might be more likely when the copies are early sixteenth-century copies. As the Tudor rule would have been steady enough near the end of the sixteenth century, changing the content of these works would not have been as important anymore.

Unfortunately, despite all the reservations against this edition, it is impossible to turn to the original manuscripts to create this corpus. In some cases not all copies of the manuscripts containing these works have survived the 145 years since Lord Clermont created his edition. This means that for the transcriptions we have to rely on the work of people who are long gone and whose expertise in textual scholarship cannot conclusively be determined. The lack of the original manuscript means that it is impossible to check the transcription for mistakes, with one exception: Clermont has provided a facsimile of the first page of the *Declaracion*, which offers the opportunity to check at least part of the transcription in an effort to determine whether the transcribers have kept to the original text or standardised certain spelling and punctuation elements.

## 4.1 Problems with the Edition

A preliminary comparison of the edition against the original shows some interesting findings.

In terms of layout it becomes apparent that Lord Clermont has stayed relatively close to the original. In terms of the structure of the text nothing has changed and the marginal notes are all included and placed in the same place in the margin. In an effort to increase the readability of the text for a nineteenth-century audience, Clermont made the title more pronounced. Additionally, he only added one embellished letter at the very start of the text, rather than at the start of every paragraph. As is common practice in editing, Clermont has expanded all of the abbreviations without indicating that they are expansions in the edition. In terms of spelling the transcription is also very true to the original. A problem that this edition poses, however, is the typeface used by Clermont. Whereas the distinction between an /f/ and an /l/ can be highly problematic in the English chancery hand, it can be quite challenging in the typeface used for this edition as well. Even in the transcription, the /f/ and the /l/ are often indistinguishable, which may account for a higher number of mistakes. A comparison between the facsimile and the transcription has proven fruitless, as the quality of the scan does not allow for a distinction of these two orthographical elements in the original script. For the purpose of this corpus, the decision has been made to look at the context in cases where the orthographical element is ambiguous, and decide whether an /f/ or an /s/ would be the most logical option. As this is a judgement call, mistakes might have been made regarding the text as they are in the original manuscripts or even in the edition.

Another element which needs to be taken into account for this dataset is that Clermont has not indicated whether words were inserted or not. The single page of the manuscript already shows that the scribe forgot a word about three lines into the text, and it was not just any word. In the sentence “while ye were in Scotelande with Henry fomytyme king of this

lande in dede” (Fortescue, *Declaracion* 523), the word “king” was originally omitted or simply forgotten when writing the text, and was later inserted above the line. Unfortunately, the quality of the scan is lacking, and it is impossible to determine (by looking at the ink quality) whether this mistake was spotted fairly early on or whether the word was added later. The omission of any indication of whether single words were later added to the text might have an influence on the results that come from this corpus. However, when text is purposefully added from other manuscripts in the collation process, Clermont does provide a footnote indicating which passages were added from which manuscript.

## 4.2 Of the Title of the House of York

*Of the Title of the House of York* was written shortly after Fortescue had to flee to Scotland with King Henry VI’s court in 1461, after Edward Plantagenet had taken the throne as King Edward IV. Clermont indicates that this and other similar tracts were written

with the intention that being sent into England and there circulated, they should prepare men’s minds to receive him back again when his Queen’s negotiations with the French and other foreign sovereigns should have secured such assistance as might enable him, with his English adherents, again to take the field against Edward (493).

This text has survived only as a fragment. In the footnotes to the text, Clermont indicates that “the reference to this fragment is Brit. Mus. Cotton MS. Julius F. Vi.” (497), which was “discovered in the British Museum by the perseverance of Sir Richard Sims” (493). In addition to this manuscript used by Clermont, S.B. Chrimes, provides a list of manuscripts of Fortescue’s known works, and on that list three additional manuscripts are listed as containing fragments of *Of the Title*. The manuscripts listed are the following:

MS. Reference	Date	Remarks
<b>Yelverton 4</b>	15 <sup>th</sup> century	The Yelverton MSS. Are now in the possession of the Hon. Lady Anstruther-Gough-Calthorpe, of Elvetham Hall, Hants.
<b>B.M. Cottonian Vesp. F ix</b>	15 <sup>th</sup> century (?)	Fragmentary
<b>B.M. Cottonian Julius F vi</b>	15 <sup>th</sup> century (?)	Fragmentary
<b>B.M. Lansdowne 205</b>	16 <sup>th</sup> century	A preliminary note, dated 1581, states this was copied from ‘certayne leves of a booke...found in a bookbynder’s shoppe, wheras the said book ignorantly had been putt to profane uses’ (Chrimes)

**Table 4.1** Overview of manuscripts which contain fragments of *Of the Title*

Interestingly, however, when looking at the list of contents of the Yelverton 4 manuscript in the British Library (now known as Add MS 48003), it does not seem to contain any work by Sir John Fortescue. The manuscript seems to contain documents dealing primarily with Anglo-French relations between 1499 and 1559, so the relevance for Fortescue’s work is unclear. It is a possibility that Chrimes simply made a mistake in listing this document as containing a version of *Of the Title*.

The work is written in English, with some Latin and contains 2418 words. The division of English / Latin is as follows: 2391 words are in English, 27 words are Latin. This work is divided up into three parts: the first part deals with the question of the legitimacy of a woman’s claim to the throne, the second part deals with the issue in the context of natural law, and the third part deals with this issue in the context of God’s law.

This text has only one speaker, which can be assumed to be Sir John Fortescue himself, although it is unclear whether the manuscripts this edition is based on were in his own hand and have gone unaltered, as the dating of B.M. Cottonian Julius F vi is still unclear. The chance that this is an autograph is, however, highly unlikely, as the manuscript this

fragment is found in contains a variety of material, from Roman inscriptions to correspondence by Mary, Queen of Scots.

### 4.3 The Declaracion made by Sir John Fortescu Knight upon Certayn wrytinges sent oute of Scotteland Ayenst the Kinge's Title to hys Roialme of Englund

The *Declaracion* was written shortly after the ultimate defeat of the Lancastrian faction from the line of King Henry VI led by Margaret of Anjou in October 1471. By this time Sir John Fortescue had been readmitted to the Privy Council, but was still under attainder since he had been an important member of the Lancastrian faction. King Edward IV had given him the opportunity to have his attainder revoked if he would post a treatise in which he retracted what he claimed in earlier writings. This piece can be considered to be pro-Yorkist from the historical context.

The work is written in English and Latin and has 9604 words. The division English / Latin is as follows: it contains 8990 English words (~93,6%) and 614 Latin words (~6,4%). The majority of the Latin phrases are quotes from chronicles and law texts. A closer examination of the sources will be made in this paper to determine the goal of including these passages in their original form rather than in a translation.

Clermont indicates that five separate manuscripts were used in the collation of this work for his edition. They are the following:

1. Harleian MSS., 1757, folio, on paper at the close of the sixteenth century.
2. Harleian MSS., 537, small 4to., on paper of the seventeenth century. This MS. breaks off abruptly before the middle.
3. Royal MSS., 17. d. xv., thick 4to., on paper of the seventeenth century.
4. Lambeth MSS., 262, f. 129
5. Holkham MS., in the possession of the Earl of Leicefter.

(Clermont 521)

The first three manuscripts were in possession of the British Museum in 1869. For this edition, Clermont has followed Royal MS. and collated it with the two Harleian manuscripts. The Lambeth MS was used to clear up many illegible words from the three museum manuscripts, and the Holkham MS served the same purpose. As can be seen from this list of manuscripts, the copies that survived in 1869 were all later copies of Fortescue's works. The earliest that was identified is Harleian MSS., 1757, which is from the late sixteenth century. This means that the earliest copy of this work that is still in existence was created over a century after the work was first written. The other copies that were dated are all written on seventeenth-century paper, which means that another layer of transference exists that needs to be taken into account in the final analysis of any linguistic phenomena that might occur in these texts.

Interestingly, Chrimes lists 10 different manuscripts in which a copy of *The Declaracion* could be found in 1949, of which 9 were still in existence at that time. One unfortunately perished in the Cotton library fire in 1731. This list is as follows:

MS. Reference	Date	Remarks
<b>[Cottonian Otho B 1]</b>	15 <sup>th</sup> century	Burnt 1731.
<b>Yelverton 21</b>	16 <sup>th</sup> century	See note Yelverton 4.
<b>Yelverton 86</b>	16 <sup>th</sup> century	See note Yelverton 4.
<b>Lambeth 262</b>	16 <sup>th</sup> century	
<b>B.M. Harleian 1757 (bis)</b>	16 <sup>th</sup> century	
<b>Bodl. Digby 198</b>	16 <sup>th</sup> century	
<b>Huntington, Ellesmere 1131</b>	16 <sup>th</sup> century	
<b>B.M. Royal 17 D xv</b>	17 <sup>th</sup> century	
<b>B.M. Harleian 537</b>	17 <sup>th</sup> century	
<b>Holkham MSS. 677</b>	16 <sup>th</sup> /17 <sup>th</sup> century	

**Table 4.2** Overview of manuscripts which contain versions of the *Declaracion*

It is important to note that the exclusion of these four remaining copies, namely Yelverton 21, Yelverton 86, Bodleian Digby 198 and Huntington, Ellesmere 1131 might have had a stronger

influence on the contents of the text, as these copies might have been more complete and truer to the original.

This work is structured as a narration of a dialogue between Fortescue himself and a figure that is identified as *the Larned Man*. The text consists of a number of paragraphs, and each of these paragraphs contains a marginal note summarising the function of that particular passage. After the introductory paragraphs, in which it is described how the Larned Man first came to Sir John Fortescue, each paragraph has a header denoting who is speaking at that point in time. What is remarkable about this text is that in the Fortescu paragraphs no indication is being made of this being part of a “spoken” discussion; but upon closer inspection these indications can be found in the paragraphs attributed to *the Larned Man*. In several instances, the first sentence of the paragraph contains a phrase similar to the following phrases: “Wherypon the forfaid larned man than fayd in this maner” (540) or “than faid this larned man” (537).

While it is doubtful that this text is an actual representation of a dialogue that has taken place, the addition of a second voice in this text, which was so important to Fortescue’s future in the government of the country, does offer an interesting perspective in terms of the discourse that is being presented here. It may also indicate that the Fortescue in this text is not simply a character of the same name, but that he is an actual representation of the author of the text.

Section 2:

# Social and Discursive Practices

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## Chapter 5 Social practice

According to Norman Fairclough, the dimension of the 'social practice' covers "issues of concern in social analysis such as the institutional and organisational circumstances of the discursive event" (4), and the effects of these circumstances on the discourse presented in the texts. For the purpose of this investigation, three topics will be explored within the domain of social practice: education and the rise of vernacular literacy, succession and allegiance.

In order to fully understand why John Fortescue formulated his arguments in the way that he did, it is important to understand the way argumentation was taught and generally used in the fifteenth century. This will be done by looking at the way young men were educated, as well as the education lawyers generally received. What is also of major importance for the impact of the works that will be scrutinised in this investigation is the rise of vernacular literacy, which will be discussed in combination with the educational system. The rise of vernacular literacy had a severe impact on the way in which the government communicated with its subjects. Additionally, it is important to understand that Fortescue, by arguing the illegitimacy of the ruling monarch, challenged one of the cornerstones of the medieval English political system: the concept of allegiance. All loyal subjects had to pledge allegiance to their king to show their loyalty and acceptance of his rule. To break this oath was considered treason. During the Wars of the Roses, this concept became problematic, as the tension between the two sides of allegiance – allegiance to the king on the one hand and the kingdom on the other hand – caused people to question their loyalties. Finally, the subject of the different traditions surrounding the succession to the English throne will have to be considered. While Fortescue argues mainly from a hereditary point of view, this was not the only way to the throne. It was also possible to claim the throne on the grounds of conquest or by nomination (Hicks 2002, 40). As these different points of view prove important for the different claimants to the throne during these conflicts, and Fortescue only tends to focus of

succession through a hereditary line, it is important that these other points of view are explored as well to provide a well-rounded overview of the way succession was handled in fifteenth-century England.

## 5.1 Education in fifteenth-century England

In order to gain a better understanding of the influences that Sir John Fortescue might have had in terms of his writing style, it is imperative to gain a greater understanding of the way in which the educational system worked. What is particularly important is to look at the education that lawyers received, that knowledge will have influenced the way in which Fortescue regarded the law.

In Medieval England, formal education started at a grammar school, where the focus lay primarily on the acquisition of Latin, first through French, but in the fifteenth century French had been replaced by English in the classrooms (Hanna 182). In addition to grammar schools, similar education was available in song schools, which aimed to train choristers, “monastic almonry schools, and from private tutors in the great houses of the kingdom” (Hanna 175). The age at which youngsters started their education was roughly at seven years old (Harold and Lawson 49), though Hanna states that eight- to ten-year-old boys started attending grammar school, of which “the course was expected to run for three to five years” (176). John Lawson and Harold Silver, however, write that “seven years must have been the time considered necessary to become proficient in grammar,” as pupils generally started university at around age fourteen (49). They also note, however, that “boys no doubt left earlier or stayed longer according to their needs” (49), which indicates that a wide variety of different ages might be found at a grammar school. While it was possible to gain some formal certification, this was not the most important reason to attend grammar school. Ralph Hanna points out that “the learning process” (176) was a more important reason, as this would help

them achieve certain goals in life. The curriculum of these grammar schools focused on the acquisition of Latin in order to get a greater understanding of grammar, and reading skills.

John Lawson states that schools run by parish priests had a very specific goal in mind, as

the primary purpose [...] was to teach boys to sing the choral parts of the liturgy in order to help out the parish services, but to do this some reading would have to be taught as well, if with little understanding, since the texts were in Latin (...).

This was especially the case in almonry schools, although additionally this type of school “afforded much the same educational opportunity to boys in the area as the schools of the great secular churches (Lawson and Silver 43). Schoolmasters were trained at university, but as the priorities of the universities shifted from grammar to logic and philosophy, it became more difficult to find trained schoolmasters who mastered the skills required to teach at a grammar school (Lawson and Silver 47).

After grammar school there was an option for pupils to continue their education at a university. As was mentioned above, in the late fourteenth and early fifteenth century a shift took place in the focus of the universities from the teaching of grammar to the teaching of logic and philosophy. Despite this shift, all of the traditional seven liberal arts were still being taught: rhetoric, arithmetic, grammar, logic, astronomy, geometry and logic, as well as three philosophies by Aristotle (Lawson and Silver 59).

As was discussed in chapter 3, Sir John Fortescue received his legal education at Lincoln’s Inn, which was one of the four inns found between Westminster and the City by about 1400 (Lawson and Silver 75). The system that was in place at these inns was one that was developed along the same lines as the apprenticeship system that could be found in guilds. The inns worked with a very strict hierarchy and were in charge of training their own recruits. Each consisted of “fully qualified members (‘utter barristers’) and juniors or apprentices of

the law ('inner barristers'). From these guilds "the Crown appointed the serjeants-at-law, highest-ranking barristers, who formed a small select gild with their own Inn in Fleet Street, and from these the king's judges were chosen" (Lawson and Silver 75). When they started their legal education, prospective students had to have had several years of training in grammar, as proficiency in grammar was of vital importance, and this was usually followed by several years at Oxford or Cambridge "either in the arts faculty, learning more grammar and logic, or in one of the inns or halls for canonists or civilians, learning something of the principles of the two rival legal systems" (Lawson and Silver 76). As part of their education, they were instructed in common-law subjects, as well as writing and French. Once prospective lawyers were admitted to one of the inns, the students "studied the plea rolls and year books, listened to the readings, took part in learning exercises – case-puttings, bolts and moots – and during the law terms attended the sittings of the great courts in Westminster Hall" (Lawson and Silver 76). This track took the students roughly seven years before they "became eligible to be called as an 'utter barrister'" (Lawson and Silver 76). In addition to legal training, the inns were also home to academies which focused on the acquisition of courtly accomplishments. The earliest account of the educational system that was in place at the inns can be found in *De Laudibus Legum Angliae*, written by Fortescue in roughly 1470. Fortescue writes:

[In all the Inns] there is besides a school of law, a kind of academy of all the manners that the nobles learn. There they learn to sing and to exercise themselves in every kind of harmonies. They are also taught there to practise dancing and all games proper for nobles, as those brought up in the king's household are accustomed to practise. In the vacations most of them apply themselves to the study of legal science, and at festivals to the reading, after the divine services, of holy scriptures and of chronicles. . . . So for the sake of the acquisition of virtue . . . knights, baron, and also other magnates . . .

place their sons in these Inns, although they do not desire them to be trained in the science of the laws, nor to live by its practice, but only by their patrimonies (qtd. in Lawson and Silver 77).

This allowed the lawyers to become familiar with court culture as well, which could be beneficial for their further careers.

## 5.2 The rise of vernacular literacy

The Middle Ages are commonly perceived to have been a period in which illiteracy was widespread and the written word was only available to clerks, clergy and those fortunate enough to be able to afford an education. John Lawson and Harold Silver, however, state that there are “clear indications [...] of growing literacy among lower social groups” (83). This growth was a result of the “break-up of the old seigniorial estate based on customary tenure and labour services and the substitution of an economy based on leases, rents and wages” (Lawson and Silver 83), which created opportunities for social mobility for people from the lower class who were able to take these opportunities. In the early fifteenth century bondsmen’s children were finally allowed to take up an education, which created “an increased demand for schooling by ambitious peasants who had left the land for the towns” (Lawson and Silver 83). As mentioned before, these children were mostly taught by parish clerks, as well as “chantry chaplains, scribes and other teachers, either freelance or sponsored by town authorities” (Lawson and Silver 84). The education offered at these schools was focused on the acquisition of reading and writing skills in Latin and English.

Prior to the fifteenth century, education focused primarily on Latin and French literacy, which becomes evident when looking at the language which was most frequently used in both official documents and personal correspondence. Wills were written in French or Latin, and only in the late fifteenth century wills written in English became more common

(Lawson and Silver 82). Several surviving letter collections, however, show the use of English in personal correspondence even before that. The Paston letters, which start in 1422, show a high level of vernacular literacy “not only among the men of the family but also among their agents and bailiffs” (Lawson and Silver 82). In addition to this, the merchant class in urban centres show an increased literacy in English rather than French throughout the fifteenth century. This increase in vernacular literacy has severe repercussions in the manner in which the government and other politically affluent parties communicate with the people of England, which will be discussed in more detail in chapter 6.

### 5.3 Allegiance

As was previously mentioned, allegiance was one of the most important concepts of Late medieval English society. The importance of this concept was actually established centuries earlier, when it was known as *comitatus*. It was one of the cornerstones of the political system and stood at the heart of the relationship between the king and his subjects. Allegiance to the king was the most important type of loyalty that existed in late medieval England, and trumped all lesser loyalties (Hicks 2002, 31). Common people had to be loyal to their masters, but when that meant they had to betray their King, they were obliged to serve the King’s best interests first. Allegiance was not optional, it was “a matter of both law and conscience” (Dunham 41). Whenever a new king was crowned, the nobility was required to make an oath of allegiance to their monarch, in which they promised to “become [his] liegeman of life and limb and of earthly worship, and faith and truth shall bear unto you for to live and die against all manner of folk. So God help me and all his Saints” (Hicks 2002, 31-2). These oaths made at the coronation of a monarch were so binding, that when Richard II abdicated, his process of abdication included the repudiation of all oaths made to him by his subjects, so they were free to make an oath to the new monarch Henry IV (Hicks 2002, 32). Loyalty was challenged on several occasions during these conflicts, and many people swayed to the opposite end of the

spectrum: treason. While the act of treason and rebellion against the crown had very severe repercussions in the form of execution and attainder, this did not always prove sufficient to keep people from rising against the crown. Attainder was a punishment that was especially severe for noble families, as this meant that their heirs would not be allowed to inherit their titles, lands and fortune and they would befall to the crown. Whether their actions should always be considered treason may be up for debate, as the concept of allegiance went beyond loyalty to the monarch. While allegiance to the king was of great importance, William H. Dunham Jr. identified a secondary allegiance which existed by the end of the fourteenth century: allegiance to the kingdom as a community (41-2). He states that “as long as the wishes of the king and kingdom coincided, harmony prevailed, and the subject found the two aspects of allegiance not incompatible” (42).

This duality manifested itself in the actions of a number of important figures in the Wars of the Roses. An example of a man who valued his allegiance to the kingdom higher than his allegiance to his king is Richard Neville, Earl of Warwick, who turned against his protégé King Edward IV. However, Michael Hicks points out that Warwick might have turned against the Yorkist faction, “there is no evidence that Warwick himself ever seriously considered turning Lancastrian” (1998, 269). It is often assumed, even at the time, that Warwick’s break with Edward IV came as a result of the secret wedding of Edward IV with the (formerly Lancastrian) widow Elizabeth Wydeville in 1464 (Hicks 1998, 258). However, this is not the case. While Warwick was “disappointed, or even dismayed” (Hicks 1998, 258) at the developments, he had to adapt to the new circumstances. As Hicks points out, he even stood by her during important official events, and stood as godfather to their firstborn daughter (1998, 258).

The conflict that was more likely to have contributed to a break between the king and one of his most powerful subjects was more likely their disagreement on foreign policy,

which supposedly came to a head during the negotiations for Edward's sister Margaret of York's betrothal. While Warwick was pursuing a French alliance, Edward chose for a Burgundian alliance by marrying his sister to Charles the Bold, future Duke of Burgundy. This was described in the Crowland Chronicle as well: "Richard Neville, earl of Warwick, who for some years had appeared to favour the French as against the Burgundian faction, was deeply offended. . . . It is my belief that this was the real cause of dissension between the king and the earl rather than the marriage between the king and Queen Elizabeth" (qtd. in Hicks 1998, 259). However, evidence suggests that the insurrection was not entirely of Warwick's invention. At the end of the 1460's, the people of England were disappointed with the rule of Edward IV, which led to several insurrections in the North and in Kent, backed by Warwick and his allies (Hicks 1998, 271). Similar to Henry VI, Edward had not succeeded to bring England out of recession, and the crown lacked the resources required to retain credibility with the people. As was often the case, this was blamed on corrupt counsellors. Edward IV heavily relied on the counsel of Warwick at the start of his reign, but as he became more confident in his ability to rule, he started to rely more on counsel from Queen Elizabeth's family, the Wydevilles, and William Herbert, Earl of Pembroke. The Wydevilles were originally part of the lower nobility, whose fortune changed when the eldest daughter Elizabeth secretly married Edward IV. As a result of this alliance, the Wydevilles gained titles, good marriages for the Queen's siblings, lands and important positions in government. A number of these lands and positions were items that Warwick coveted, which caused tension between Warwick and the Wydevilles. The elevation of the Wydevilles also caused discontent amongst other high-born nobles who had previously been the ideal candidates for positions on the council that were now taken by the Queen's family, as convention was that "the most senior of [the king's] subjects - 'the great nobility of the blood royal' - [...] were the king's most appropriate councillors, his 'natural councillors'" (Hicks 2002, 128). This also

added to the people's perception that the king was being misled in when seeking counsel, as the Wydevilles were not of high enough rank to be able to counsel him for the good of the realm.

All of these elements contributed to Warwick's betrayal of his allegiance to his king, Edward IV, but the often heard claim that Warwick acted out of pure self-interest may not be enough of an explanation for his actions. What is important to consider here is the aforementioned dual nature of allegiance, in which loyalty to the king is equally as important as loyalty to the kingdom. Hicks points out that Warwick was convinced that he was doing the right thing in turning against Edward (1998, 275). Warwick disagreed strongly with Edward's foreign policy, and "he genuinely believed in government by those of ancient ancestry, the highest nobility" (Hicks 1998, 272), which was not the case with Edward's government. He felt that the king's favourites were forming a front against him, and he felt "ill-used" by the king (Hicks 1998, 272). In 1469 he stood for the same things as he did in 1460, as Edward IV seemed to have made many of the same mistakes as Henry VI. This gave Warwick the perception of consistency in the eyes of the populace, as well as his earlier historians (Hicks 1998, 275). Hicks says that "[s]o well had Warwick gauged the popular mood that he can be said to have represented it" (1998, 275). In the eyes of the people, Warwick was the one who had the best interest of the kingdom at heart and not Edward, which is why so many were eager to follow Warwick during his initial uprising against the king (Hicks 2002, 211). However, Hicks also points out that Warwick was unable to "accommodate differences of opinion, his equation of disagreement with opposition and treason" (1998, 275). He considered "the rebellions of others treason, and those of himself as legitimate" (Hicks 1998, 275). This may indicate that Warwick's view of his own actions might not have been as noble as he thought they were, and may be seen as a reinforcement of the idea that Warwick

rebelled against Edward for his own personal gain, the common good only being a secondary concern.

Sir John Fortescue, on the other hand, was one of the political figures who always seemed to have placed his allegiance to his king above everything else, even when it might not have been in the best interest of the kingdom. As was established before, Fortescue was a loyal follower of the house of Lancaster, following the Court around during the years in exile, and publishing pamphlets in favour of their reign. While his loyalty to his king is commendable, the Lancastrian reign was not necessarily in the best interest of England. Henry VI was only nine months old when he was proclaimed king of England in 1422, which meant that the country was effectively run by regents who had to protect their own interests as well. Even when Henry VI came of age and ascended the throne in 1437, his personality was not as compatible with his office as his father's personality was. He showed "not the slightest aptitude for warfare or government" (Powell 466), and his interests were mainly "spiritual and educational" (Powell 466). Henry VI's reign suffered from financial difficulties as a result of mismanagement and the financial strain of the Hundred Years War with France (1337-1453), and his general disinterest in government had as a result that "the normal flow of power was reversed" (Powell 466). While the king would usually be the person who ruled through his household of nobles, in the case of Henry VI his household ruled through the king. This did not mean, however, that Henry VI had no influence on matters of state. When he first came of age, many members of this household tried to get patronage and get petitions granted, and the king was very generous in respect to these requests. So much so, in fact, that in 1444 an attempt was made to create an "advisory body to monitor petitions and prevent inappropriate alienations," but the effect only seems to have been contemporary (Powell 466). As a result of Henry VI's generosity, the crown's financial situation worsened, and there was increased tension amongst the nobles who vied for more powerful positions at court. The financial

situation was so dire, that in the late 1440s the crown was “effectively bankrupt” (Powell 468). The crown’s debts were estimated at £372,000 in 1449, but this did not stop Henry VI from continuing the dispensation of patronage (Powell 468).

In addition to the financial state of the realm, the situation with the French territories was another problematic aspect of Henry’s reign. His father, Henry V, acquired territories in France after the battle of Agincourt and his subsequent betrothal to Katherine de Valois, daughter of the French king. Under Henry VI, however, many of these territories were lost. The greatest loss was that of Normandy, and Edward Powell points out that the loss of Normandy turned out to be “a fatal blow to the house of Lancaster” (469). In addition to these difficulties, Henry’s mental state posed a problem as well. Not only did his personality not match what was required of a king – he was not very decisive and generally not interested in matters of state – he also suffered from episodes of insanity that could last for over a year. During the episode he suffered between August 1453 and early 1455, the Duke of York was named Protector of the realm, which made him the most powerful man in government. After the king’s recovery York lost that power, until he won the Battle of St. Albans and eliminated his chief political enemies and gained control over the king’s person (Powell 473). Henry suffered another relapse in 1453, from which he apparently never recovered and York was re-elected protector. This did not last long, as Queen Margaret of Anjou took custody of the king in 1456 and “assumed leadership of the Lancastrian and household faction” (Powell 473). The seat of power shifted from London to Coventry, and this shift “marked a further stage in the process of political fragmentation” (Powell 474), as well as another stage of disintegration of the popular image of Henry VI as king.

## 5.4 Succession

Despite all the political instability caused by Henry's misrule, Sir John Fortescue and others remained loyal followers. Instead of considering who would be a better ruler for the realm of England, they remain true to their oaths and reject Edward IV of York as their king. Fortescue makes clear in his works that he feels that the house of Lancaster has the right to rule as Henry VI inherited the throne won by his grandfather King Henry IV, and the house of York were merely pretenders to the throne. This claim could be seen as valid when only succession through inheritance is considered to be the legitimate means to claim the throne, which was not true. As mentioned before, there were three rights by which fifteenth-century monarchs could reign: by conquest, by election and by inheritance.

Right by conquest was fairly straightforward: all a claimant had to do was take possession of the throne. This was the primary right by which Henry VII was able to claim the throne in 1485, although he had some right through inheritance and marriage to Elizabeth of York as well. As many of the power shifts that occurred during the Wars of the Roses came as a result of victory in battle, this right was often called upon when the victors claimed the throne. When Edward of York defeated the Lancastrian army in the battle of Towton, he marched unto London to claim the throne based on this victory, as well as his hereditary rights. The right by election "was normally a formality, part of the service of coronation long after the accession" (Hicks 2002, 40). This did not mean, however, that it was any less important. The importance of this right becomes evident when one looks at the way this was handled in the case of usurpation. In 1399, 1461 and 1483 the formalisation of this right was "carefully orchestrated", when the "kings *de facto* secured approval by parliaments or pseudo-representative assemblies" (Hicks 2002, 40). However, both of these rights were seemingly secondary to the right by inheritance. Hereditary right determined the succession, which was why the question of legitimacy was such an important one in fifteenth-century thinking. As

we will see in Fortescue's works, female heirs were of less importance to a king than a male heir, as female heirs were not thought capable of assuming a position of power. The right by which a firstborn male child automatically inherits the throne is called primogeniture, and this was the system in place in England. Although females were not allowed to inherit the throne themselves, the fact that Edward III claimed the throne of France through his mother, Isabella of France, in 1340 gives rise to the assumption that in the fourteenth century it was thought that "inheritance could be transmitted *through* a female, [...] but not *to* a female" (Hicks 2002, 41), as Isabella was still alive at this point. This system worked well as long as there were male heirs to inherit the thrones, but when there were no heirs it had the potential to create conflict and discord, as there were usually multiple suitors. This was a problem in the succession for Richard II. He had no male heirs, and in addition was deemed unworthy to be king for reason of misgovernment, which is why Henry Bolingbroke, the later Henry IV, attempted to overthrow him and take the throne for himself (Hicks 2002, 41). Although Bolingbroke had his eye on the throne, the heir presumptive was Edmund Mortimer, Earl of March, who descended from Edward III's second oldest son, Lionel of Antwerp through Lionel's daughter Philipa. Bolingbroke, however, descended from Edward III's younger son, John of Gaunt, but through a directly male line. In his attempts to claim the throne over Edmund, he stressed the superiority of his lineage compared to Edmund (Hicks 2002, 41). Bolingbroke was successful in his claim to the throne, which might have been different "had [Mortimer] not been a child and thus not credible in a revolutionary situation" (Hicks 2002, 41). This shows that the rules as they had been established were easily bent in order to ensure that the kingdom had a seemingly strong ruler if there was no direct heir, even if this meant that the heir presumptive was overlooked in favour of someone with a weaker claim, but more potential to be a strong leader. John Fortescue had his own ideas about succession, but they will become apparent from the analysis of the texts that will be investigated in this study.

## Chapter 6 Discursive practice

In order to establish the impact of the aforementioned works by Sir John Fortescue, it is important to look at the discursive practices of fifteenth-century England. Norman Fairclough states that “the ‘discursive practice’ dimension [...] specifies the nature of the processes of text production and interpretation” (4). The way in which this may be interpreted is highly dependent on the type of texts used in a specific study. For instance, Johanna L. Wood, whose investigation of the personal correspondence of Margaret Paston was the first to apply Fairclough’s model to fifteenth-century texts, focused on areas which were most relevant to correspondence. She focused firstly on the form of the letter, which followed the conventions of the *ars dictaminis* (235). Following that, she investigated the production aspect, so the “concrete materials with which it is constructed and the way in which that construction takes place” (235). Finally, she considered the “distribution and consumption of texts” (235), i.e. the way in which letters were usually transported from the writer to the recipient and how the recipient might have interpreted these letters.

As this investigation does not deal with personal correspondence, not all of these elements can be perceived as relevant for Fortescue’s texts. As pointed out earlier, very little is known about the production and distribution of the two documents under scrutiny in this research, other than the circumstances of their conception. As was already established, *Of the Title* was written by Fortescue while in Scotland, for the intent purpose of establishing the legality of Henry VI’s claim and the *Declaracion* was written to appease King Edward IV. The exact manner in which the texts were produced and distributed is unknown, as no original fifteenth-century copies of this work have survived. The *Declaracion*, however, does offer some information about the distribution and consumption of works that were written in Scotland in defense of the Lancastrian claim, which includes Fortescue’s *Of the Title*. As it is impossible to determine the original form in which these works were produced, the context in

which they were transmitted will be considered instead. In addition to the context of the works in question, the importance of politically motivated forms of communication during the Wars of the Roses will also be looked at. In short, three areas of discursive practice that are most relevant for this investigation are (a) production and distribution: who were responsible for the creation of these documents and in what way might these documents have been distributed to the people of England, (b) impact on public opinion: how might the people of England have reacted to these and similar documents, and (c) the context of transmission: in which form have these works been transmitted and preserved. This final category may shed light on the question of the afterlife of these politically charged documents, as the question might arise as to why the incriminating documents were not all destroyed, but preserved in copy books. It is, however, difficult to retrieve this kind of information, thus, in this study, the focus will primarily be on the production, distribution and impact of these documents.

It is important to note that, although the term propaganda is often used by scholars in relation to many of the documents that were circulated by the government and other parties during the Wars of the Roses (e.g. Ross 1981, "Rumour"; Doig 1998), the term propaganda was not in use in late medieval English. According to the *Oxford English Dictionary* (OED), the term as it is used in this context did not enter the language until 1822. The definition given in the OED is as follows:

The systematic dissemination of information, esp. in a biased or misleading way, in order to promote a political cause or point of view. Also: information disseminated in this way; the means or media by which such ideas are disseminated.

Although this definition seems to be appropriate for the type of information that was circulated by Fortescue and others by modern standards, it is important to note that the misrepresentation of the information might not have been intentional. The misrepresentation

of historical facts is often due to the fact that the only sources that were available to authors like Fortescue were questionable in terms of accuracy. While this inaccurate representation of history may be used to promote a political cause (e.g. the legitimacy of a claim to the throne), it is not necessarily intentionally misleading or biased. Fortescue himself seemed to have been conscious of the problematic nature of chronicles, as he makes a point of including his reasons to believe the information provided by the *Chronicle of Saint Albans*. He says the following about this chronicle:

the wryter, as me thought, kept an ordre and a rule infallible. For he wrote every moneth, what the Kinge did in every grete mater in that moneth; and what Ambassatours or other new thinge come vnto him; fo as by lyklineffe, he might not erre in his Cronicling (Fortescue, *Declaracion* 525).

He speaks about this chronicle to prove that some of the allegations made in the texts written in Scotland could not be written by him, as he is well aware that the information provided by the texts is faulty, as is proven by the Chronicle. The fact that Fortescue speaks about his reasons to believe the information provided by the Chronicle, shows that Fortescue remained critical of the sources he used, at least when it suits his purposes.

The problems surrounding the misrepresentation of information is why a distinction must be made between the modern notion of propaganda and the publications as they were understood in late medieval England. Colin Richmond proposes a distinction between propaganda and the term publicity, “as there is undoubtedly a difference between the natural, almost reflex promotion of the iconography of kingship by all governments that is publicity, and the deliberate manipulation of information for a limited purpose by the government of the day that is propaganda.” This distinction, however, is rather limited, as it does not account for the publications by other groups and factions. As will be discussed below, there was certainly

a realisation that publications like *Of the Title* had an impact on the way in which the people perceived political issues, but both these publications and the publications by the government in power should be seen as politically charged publications, rather than propaganda, as it is difficult to determine whether misleading information was included intentionally.

Charles Ross argues that “the use of propaganda was largely a response by governments to the circulation of seditious rumours, especially in times of political unease” (“Rumour” 15). This was especially clear in 1483, when Richard III attempted to secure his rule while battling rumours surrounding the disappearance of his nephews, the Princes in the Tower. Propaganda, in this case, goes beyond the use of written communication, as it includes the use of governmental bodies in order to make a point about the legitimacy of his rule and influence public opinion. Rather than publish a proclamation, Richard “wished to use the authority of parliament, and the publicity of a parliamentary act, to refute the general disbelief in the validity of his title” (Ross, “Rumour” 21). Additionally, the use of propaganda could also be used to spread rumours, as Richard III himself demonstrated after his brother Edward’s death in April 1483. Richard III used a statute issued by parliament to call into question the legitimacy of the marriage of Edward IV to Elizabeth Woodville, and thus questioning the legitimacy of their offspring, which left him as the remaining legitimate heir to the throne of England. In this statute, the *Titulus Regius*, Richard III claims that Edward IV had entered a legal pre-contract to marry Lady Eleanor Butler in 1460, which rendered his subsequent marriage to Elizabeth Woodville in 1463 illegitimate, as a pre-contract was as legally valid as a wedding contract. The document states the following on this matter:

And how also, that at the tyme of the contract of the same pretended marriage, and bfore and longe tyme after, the saide King Edw[ard] was and stood marryed and troth plyght to oone Dame Elianor Butteler, doughter of the old Earl of Shrewsbury, with whom the said King Edward had made a precontracte of matronie, long tyme bfore he

made the said pretended mariage with the said Elizabeth Grey in manner and fourme aforesaid (*Titulus Regius*).

However, there was little evidence to support this claim. Susan Higginbotham points out that Burgundian chronicler Philippe de Comynnes identified a witness to this pre-contract. According to Higginbotham, the chronicler “would claim that Robert Stillington, Bishop of Bath and Wells, [...] actually married Edward to Eleanor, although he adds that Edward’s promise was made to the lady only to delude her so that he could enjoy her body” (154). Interestingly enough, “prior to 1483, no trace of any rumour that Edward’s marriage was invalid can be found” (Higginbotham 154), despite the fact that this information would have been “of immeasurable value” (Higginbotham 155) to the enemies of Edward IV and the Woodville family. This is the reason why the claims made in the *Titulus Regius* are dismissed by many scholars as false (e.g. Levine 1959; Ross 1981<sup>5</sup>; Higginbotham 2013), while Ricardian scholars see merit in these claims as they validate Richard III’s ascension to the throne (e.g. Smith 1998). This episode illustrates one way in which written documents were used to possibly intentionally communicate misleading information in order to further a political agenda.

## 6.1 Production and distribution

In medieval England, the most common way for the government to communicate with the people was through the use of royal proclamations. Before literacy became more widespread, these proclamations were often read aloud in market places and other public pulpits, of which the most important one was the pulpit at St. Paul’s Cross in London (Richmond). As literacy became more prevalent, there was an increase in written communication with the people rather than these oral proclamations. As was discussed above, the government used

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<sup>5</sup> Charles Ross claims this in his biography *Richard III*.

propaganda to dispel rumours, which was done by royal proclamation, parliament statutes and Ross points out that they also utilised official chronicles to clarify the course of certain events. The government, however, was not the sole producer and distributor of politically charged publications. Ross remarks that the latter half of the fifteenth century “is marked by a vastly increased use of propaganda of all kinds” (15), which was spread not just by the government, “but also [by] opposing factions or particular groups (for example, the Lollards)” (15). An important faction who actively targeted the public prior to their rise to power is the Yorkist faction. Ross also states that the Yorkist dynasty “came to power in the wake of a veritable flood of propaganda, used in preparation for the Yorkist invasion in 1460” (23). This campaign included “all the then known propaganda devices” (Ross 23):

- Political songs and poems
- Ballads and rhymes
- Broadsheets pinned up in public places advertising the many virtues of the Yorkist leaders and the righteousness of their cause
- The harnessing of the papal legate to invest them with clerical blessing
- Addresses to convocation
- Political sermons at St Paul’s Cross,
- The use of every possible ceremonial precedent in the ceremonies of accession and coronation to emphasize their proper title to the throne
- The production of a number of genealogical rolls taking their descent right back to earlier kings of England [and to biblical figures]<sup>6</sup>

As becomes clear from this list, the type of communication that was utilised by non-governmental factions was a mix of oral communication such as songs, ballads and rhymes,

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<sup>6</sup> List adapted from Charles Ross, “Rumour” P. 23.

as well as written communication for mass-consumption, such as the broadsheets that were put up at public places. These were not the only types of propaganda that were utilised by an opposing party. In 1469, Richard Neville, Earl of Warwick, made good use of the political manifesto, “which contains all the snide nuances of this genre” (Ross, “Rumour” 23). In his manifestos he attacked the councillors of the king, who did not council the king well, but tried to enrich themselves rather than the nation. The aforementioned official chronicles were written in response to these manifestos.

Although the exact manner in which the writings from Scotland were produced and distributed is not entirely known, the *Declaracion* contains many references are made to this process which might offer some insight to this process. As the Fortescue persona points out, “there wore many fuch wrytinges made in Scotelande, of which fum were made by other men than by me” (Fortescue, *Declaracion* 523). The references made in this work may thus not necessarily be applicable to *Of the Title*, as this was not the only work that was distributed from Scotland, nor was Fortescue the only author who wrote works in defence of Henry VI. Fortescue has already admitted to being responsible for some of the communications from Scotland, but additionally he mentions that “[t]here were also other wrytinges made ther by the laid late Kyngs Councell, and sent hedyr, to whiche I was not well willynge, but yet thay paffed by the more partie of that Councell” (Fortescue, *Declaracion* 524). It is important to mention that Fortescue was part of the King’s Council during their time in exile abroad, but by mentioning this separately, he seems to separate himself from whatever communications that were sent by them. This is reinforced by the use of the form “that Councell”, rather than the more neutral form “the Councell”, as it seems to imply that he was not involved in the communication sent by the government in exile at all. Additionally, this statement by Fortescue indicates that the writings from Scotland in question in the *Declaracion* were

created, or at least commissioned, by Henry VI's government in exile, rather than individuals who wish for the Lancastrians to return to the throne.

The first section immediately comments on the manner in which the works from Scotland were distributed: "but yet the bryngers of tham into this lande faid they were of my makynge, hopynge tharby that thay shulde have been the more favoured" (Fortescue, *Declaracion* 523-4). This statement offers valuable information about the distribution. From this statement it may be assessed that there were a number of couriers who were responsible for the distribution of the works written in Scotland by Fortescue and others. The verb that is used in this statement, "faid", leaves matters open to interpretation as well. On the one hand, it may indicate that these "bryngers" were also responsible for the copying of the manuscripts for distribution, and by using the verb form "faid", Fortescue attempts to say that the works were signed in his name by the copyists, even if the works were not by his hand. This, however, seems like an unlikely option, as *Of the Title* does not feature Fortescue's name. On the other hand, and this seems the more likely option, the works that were distributed were anonymous, but the distributors amplified upon the works orally. This may have been done for safety purposes, as the contents of works like *Of the Title* would have been considered treason and that could cost anyone involved in the production and distribution of these writings their life. Ross points out that "those who chose to rely upon the *written* word to circulate rumours or slanders faced lethal consequences, for here the evidence against them was clear and irrefutable" ("Rumour" 16), which made this the less desirable option.

In support of one of the aforementioned interpretations of the first part of the statement, the second part of the statement above indicates that even works that were not written by Fortescue might have been attributed to him when the writings were distributed. His experience as Chief Justice under Henry VI when he was still in power, and his reputation as Counsellor under Henry VI when he was in exile would have served to give extra

credibility to the argument put forth in the document. The *Declaracion* also states that Fortescue was seen as the instigator of the distribution of these works without any external motivation in the form of couriers, as the Learned Man mentions that “truly fyr the conceyvinge and endytyng of thoo wrytings haue be ascribed to you in the opynioun of the people, confiderynge that ye were the chief Counciller to the laid late Kyng” (Fortescue 523). Again, this seems to indicate that a great number, if not all of the works produced in Scotland for distribution in England seem to have been anonymous, as the people assumed that Fortescue instigated the publications. A different interpretation might be that these works were not published anonymously, but that people generally assumed that Fortescue was behind it regardless of the name on the document, as he was an important figure in Henry VI’s court in Scotland.

As far as the distribution of the *Declaracion* is concerned, it becomes clear from the text that this text was not just meant for King Edward IV and his court, but this text was to be purposefully distributed among ‘the people’ in a similar manner as the writings out of Scotland. In the opening paragraph, the Learned Man tells Fortescue “that ye doo [rectify] this by wrytings such as may come to the knowlache of the people also clerely as dyde the fayd wrytinges sent oute of Scotelande” (Fortescue, *Declaracion* 523), which again reinforces the notion that these texts were not just meant for a select group of people, but were presumably produced in a relatively large number to be distributed across the nation. It is not known in what form these texts were distributed, as they have only survived as copies in copybooks. What also becomes clear from the *Declaracion*, was that both copies and minutes were made of the writings out of Scotland, as Fortescue requests to see them before clarifying the statements made in these documents. He asks “yf I myght have the copyes and doubles of thayme, which I have not, nor have seen any minute of them” (Fortescue, *Declaracion* 524). While the Learned Man does not have any copies in his possession, this does indicate that at

one point copies and minutes were available. According to the *Oxford English Dictionary*, a minute was “[o]riginally: a rough draft of a document or letter; a note or memorandum giving instructions to an agent, servant, etc” and “later: a record or brief summary of events or transactions”. This might indicate that Fortescue was aware of the one-time existence of drafts of the documents written in Scotland, maybe even his own publications, that might have even survived rather than having been destroyed.

## 6.2 Impact on public opinion

Another important element that needs to be scrutinised is the impact of these documents on public opinion. In order to do that, first the intended audience needs to be identified. While this conflict stands out in the way it displayed “a growing awareness, both by the government and its opponents, of the importance of popular opinion within the realm” (Ross, “Rumour” 15). This statement, however, is not without its problems. As a result of the gaps in our knowledge of this period, it is difficult to determine the definition of the term ‘popular opinion’, as the opinions in the documents that are available to scholars rarely reflect the opinions of the common man. Ross points out that using the term ‘public opinion’, rather than ‘popular opinion’, might be easier to determine (“Rumour” 15). He states that “‘public’ opinion may be taken as reflecting the outlook, attitudes, and interests of the commons in parliament, and, to a lesser degree, those of many members of the lords also” (“Rumour” 15). The commons in parliament and members of the lords encompassed “the politically active classes with a voice in government: barons, knights, esquires [and] merchants” (Ross, “Rumour” 15), who “had the money and the political position which entitled them to a decent and respectful hearing of their views by king and council, even if these were not ultimately accepted” (Ross, “Rumour” 16). The fact that they were heard by king and council indicates that their opinions and grievances have an increased chance of having survived in writing

through rolls of parliament and documents produced by the council. But while public opinion represents a limited number of people in society, many of the ‘propaganda’ and rumours that were discussed above was intended for a much wider audience – “to the mass of the people of England” (Ross, “Rumour” 16). Many of the documents that have survived do not indicate the opinion of the masses, as “even the many surviving political poems and ballads which have [been preserved] seem often to represent an appeal to popular opinion rather than its expression” (Ross 16).

Despite these difficulties in determining popular opinion, it is not entirely impossible to surmise how the people felt about the political developments in their country. As K.B. McFarlane points out, “the common people were far from indifferent to the political events of the day” (qtd. in Ross, “Rumour” 16). While very little written evidence survived, the events of the time illustrate that “with little to lose and grievances that were real enough, the commons were easily incited to rebellion by magnates whom they admired” (McFarlane 113). Examples of this are Jack Cade’s rebellion of 1450, which was rumoured to have been instigated by the Duke of York’s agents (Bramley 52), and the Yorkshire rebellions of 1469, which resulted in the aforementioned manifesto “that accused the King of excluding from his Council the lords of his blood” (Bramley 313), which included the Earl of Warwick and the king’s brother, George of Clarence, who were commonly believed to be behind this rebellion.

Again, the *Declaracion* offers some insight into the impact of the writings out of Scotland amongst the people. The Learned Man remarks that

there ware made many wrytinges, and fent hedyre, by which was fowen amongs the people matier of grete noyfe and infamye to the tytlye whiche the Kinge oure foueraigne lorde Edward the fourth hath, and thoo hadde to reigne vpon us” (Fortescue, *Declaracion* 523).

This seems to suggest that the writings had a profound impact on the extent to which people accepted Edward's rule, as the people started to doubt the legitimacy of Edward's rule. At the same time, it is important not to lose sight of what Fortescue was trying to achieve with this work. As the statement is made by the Learned Man, it may be a bit of an exaggeration, which gives the Fortescue persona the chance to refine this statement and play down the effects of the publications.

The *Declaracion* also speaks of the way in which the documents in question were used after publication: "of whiche many yete remaynen in the handes of full evyll dyfpofed people that pryvely rowne and reden thaym to the Kynges dyfhonour, and difclaimdre of his faid title" (Fortescue 523). It appears that many of the documents that were distributed from Scotland remained in circulation for 10 years after publication, and the information that is contained within them was still used to speak ill of the reigning regime. Again, we need to assume that things were said for a reason, which is reinforced by Fortescue's description of the individuals who still have access to the writings in question. He describes them as "full evyll dyfpofed people" (Fortescue, *Declaracion* 523), which again reminds the readers that the information spread by the exiled Council a decade earlier was not meant for righteous people. This statement also discloses that these documents were privately owned and not spoken of publicly.

Section 3:  
**Close Textual Analysis**

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## Chapter 7 Close Textual Analysis

As the context in which these texts were written has been clarified, this investigation will now move on to the close textual analysis of Sir John Fortescue's *Of the Title and Declaracion*.

This textual analysis will look at several stylistic features that are typical of the texts and may have had an impact on the way in which these texts were both perceived and received. In this chapter a number of stylistic features will be studied: Foregrounding, the way in which Fortescue refers to his monarchs, speech representation and direct speech, the use of person deixis, the representation of England and the representation of the act of speaking and writing. The analysis will be carried out using a combination of AntConc 3.2.4w for Windows, which is free concordance software developed by Laurence Anthony from Waseda University in Japan, and close reading.

### 7.1 Foregrounding

Foregrounding is a term which was originally used in the visual arts, but later borrowed into the area of stylistics (Verdonk 7). This concept encompasses the psychological effect that linguistic deviation may have on readers, as the deviant parts “[become] especially noticeable, or perceptually prominent” (Short 11). This effect can be created in several different ways. One of the more prominent ways in which information can be foregrounded, and which is applicable to the texts discussed in this investigation, is the concept of visual organisation.

#### 7.1.1 Visual Organisation

Foregrounding through visual organisation makes use of structural elements and layout to emphasise specific information or elements of the text. As this investigation makes use of an edition, it may be difficult to really determine where the author or copyist used visual organisation to emphasise certain elements of the texts. In addition to this, even if the original manuscripts were at our disposal, it would have still been difficult to determine Fortescue's

own methods of foregrounding through visual organisation, if he used this at all, as no original copies have survived since the fifteenth century. However, this does not mean that drawing conclusions regarding the visual organisation in his texts is entirely impossible. As described above, the edition features a facsimile page of the manuscript containing *Declaracion*, which provides clues about the original layout of the sixteenth-century copy and the editorial practices of Clermonth and his collaborators. From a comparison between the facsimile and the edition, it becomes evident that a number of features of the visual representation have been preserved. The text was divided into paragraphs with headers to denote the speaker of the following segment. All but two of these paragraphs were accompanied by marginal notes to help denote important information, with the exception of a single marginal note at the bottom of f. 312, which gives a quick overview of the succession since 1216: “Henry iii. acceffit, 1216. Edward 1st, 2nd, 3rd, Richard ii. Henry 4th, 5th, 6th, Edward iv., 1461.” (Fortescue, *Declaracion* 524).

When we take a closer look at the information transmitted in the marginal notes, we can see the following: Throughout the work there are 31 marginal notes, consisting of 275 words in total. They are placed at the start of almost every new section, with the exception of a paragraph in which Fortescue admits that he was wrong about the matter of the Duke of Clarence’s livery, and the final paragraph by the Lerner Man, in which he remarks that he is “glad that I haue comenyd with you uppon all thes matiers” (Fortescue, *Declaracion* 540). The notes in the margin serve as a means to structure the argument, with several references to aforementioned things using the term ‘forsayd’.

## 7.2 References to King Henry VI and King Edward IV

Previous chapters already described the situation John Fortescue found himself in at different stages in his career. Throughout the early stages of the Wars of the Roses, up until King Henry VI's final defeat, he was a stalwart defender of the house of Lancaster. In 1471, however, it was necessary for him to accept Edward IV's claim to the throne as true and admit to this publicly, as that was a requirement for his attainder to be lifted. As was previously mentioned, Fortescue's changing circumstances meant that the two works under scrutiny were written with different motivations. While *Of the Title* was written as a text in which Fortescue sums up the different reasons why Edward's claim to the throne was illegitimate, the *Declaracion* was written to get back into the Yorkist king's good graces. The difference in intention becomes apparent when looking at the language as well, as will become clear in the course of this chapter. One of the elements in which this becomes increasingly apparent is the way in which Fortescue refers to both King Henry VI and King Edward IV in 1461 and later in 1471.

### 7.2.1 References in *Of the Title*

As was established in chapter 4, *Of the Title* is a text written in favour of the Lancastrian cause and aims to prove why Edward's claim, which he put forth shortly before the publication of this text, is false and illegitimate. While this text was written in a direct response to the arguments on which Edward and his allies based the claim to the throne – Edward's superior line of descent from the second-eldest son of Edward III through a woman – Edward and his title are only referred to sporadically. Edward IV himself is only referred to directly on three occasions, and to the title on four additional occasions:

- 1) [...] the forefaide pretended title. (Fortescue, *Title* 497)
- 2) [...] the forefaide pretended title [...](Fortescue, *Title* 499)

- 3) [...] the forefaide pretended title. (Fortescue, *Title 499*)
- 4) [...] the forfaide Edwarde that now claymeth the realme of England [...](Fortescue, *Title 500*)
- 5) [...] the faide Edwarde that now claimeth [...](Fortescue, *Title 500*)
- 6) [...]faide Edwarde late Erle of Marche [...](Fortescue, *Title 501*)
- 7) [...] the afforfaide pretended title. (Fortescue, *Title 501*)

Before taking a closer look at the way in which Fortescue speaks of Edward IV, the use of ‘forfaide’ in the third example must be pointed out as divergent, as it was normally used to refer to something or someone mentioned earlier in the text, where that is not the case here. This may be a result of the fact that this particular text only survived in fragments, and thus some part of the text may have been lost. Without access to the original manuscripts in which these texts have survived and a detailed description of the edition practices utilised by Clermont and his associates, it is difficult to establish whether this may have been the case. It is, however, important that it is mentioned, as additional references to Edward IV in this text might have been lost over the centuries.

When looking at the examples given above, it is immediately apparent that Fortescue does not accept Edward IV as his new monarch. Fortescue refers to the title Edward now bears – the title referred to in the title of the work – as a “pretended title” on four occasions, of which examples 1, 3 and 7 occur in the introductory statements before each of the three arguments Fortescue makes in *Of the Title*. The adjective “pretended” means “Of a title or designation: not valid, spurious; (of a person or thing bearing such a title or designation) spuriously entitled; so-called, self-styled” (OED) and, as can be seen from this definition, has negative connotations. It means that the title Edward bears is illegitimate, and the fact that it was seen as self-styled may be contrasted with the view that the king was often seen as chosen by God and cannot be chosen at random. This disregard for the legitimacy of Edward’s title

can be seen in examples 4, 5 and 6 as well, when Fortescue refers to the new king directly. Only on a single occasion does Fortescue refer to Edward by any title (example 6), and in that example he also acknowledges that he does not go by that title any longer. In the additional two examples, Fortescue simply calls him ‘the Edward that claims the throne’, without any reference to titles or even his family.

Now, when speaking of King Henry VI, Fortescue shows more respect, although even in this case he does not refer to the monarch directly on many occasions. Fortescue refers to King Henry VI in the following ways:

- 8) [...] the forefaide Kinge Henry the fixt sonne to the faide Henry the fifte [...](Fortescue, *Title 497*)
- 9) [...] the forfeid Kinge Henry the fixt [...](Fortescue, *Title 500*)
- 10) [...] the forfaide Henrie the fixt [...](Fortescue, *Title 501*)
- 11) [...] the faide Kinge Henrie the fixt [...](Fortescue, *Title 501*)
- 12) [...] the faide Kinge Henrie the fixt [...](Fortescue, *Title 501*)

These examples show that there is very little diversity in the way in which Fortescue refers to his Lancastrian monarch. On four occasions, Fortescue refers to Henry using both his title and the ordinal numeral (examples 8, 9, 10 and 11), and on a single occasion he only refers to him by his name and ordinal numeral. By doing this, Fortescue acknowledges the title borne by Henry VI, as well as his place in the history of the monarchy of England.

To sum up, in *Of the Title* Fortescue remains respectful of the, in his eyes, rightful claim by Henry VI by referring to him consistently by his title and/or ordinal numeral, while Edward IV gets much less acknowledgement. Fortescue refers to the claim of the House of York as a whole more often than he acknowledges Edward as an individual. The way in which he speaks of the claim put forth by the House of York in a negative manner, speaking

of it as a “pretended title”, but Edward as an individual is not spoken of in an explicitly negative way, as can sometimes be seen in other contemporary documents<sup>7</sup>.

### 7.2.2 References in the *Declaracion*

As was discussed in a previous chapter, there are many differences in the circumstances surrounding the conception of *Of the Title* and the *Declaracion*. As the power struggles that were relevant in 1461 were much less relevant in 1471, since Henry VI had died and Edward IV was now firmly established as King of England, the differences that were present in *Of the Title* are much less prevalent in the *Declaracion*.

At this point, one of Fortescue’s aims was to retract earlier made statements regarding the legitimacy of the House of Lancaster and the illegitimacy of the House of York. Whereas in *Of the Title* Fortescue hardly acknowledged the claimant from the opposing house or spoke negatively of their claim, in the *Declaracion*, a Yorkist work, he does not openly disrespect the claim made by the house of Lancaster. Whenever either Fortescue or the Learned Man speak of King Henry VI, they refer to him as “the faid late Kyng”, or by his title, name and ordinal numeral. In the first few lines, however, Fortescue does establish the fact that the claim to the throne from the house of Lancaster was not a rightful claim to the throne, despite the fact that it was widely accepted. In his first sentence, the Learned Man says the following:

13) Sir, while ye were in Scotelande with Henry fometyme king of this lande in dede,  
though he wer not fo in righte [...] (Fortescue, *Declaracion* 523).

While Fortescue does not dispute the fact that Henry VI occupied the throne, as he did in the case of Edward IV in the early days of his reign, he makes it abundantly clear that while Henry might have been king in deed, he was not so by right. His family had usurped the

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<sup>7</sup> In Plumpton letter 3 (Henry VI to Sir William Plumpton), Edward is referred to as “our great trator the late earle of Mearch” (Kirby 26).

throne for 62 years before the rightful descendant of Edward III came to the throne. Despite this claim, Fortescue remains respectful of the former king throughout the *Declaracion*.

The biggest difference between these two works where speaking about a monarch is concerned, can be found in the way in which Fortescue speaks about his current monarch, King Edward IV. While Fortescue was very respectful of King Henry VI in *Of the Title*, and addressed him as one would a monarch, he speaks of King Edward IV in a very different way. Whereas Henry was usually addressed as “Kinge Henry the fixt”, Edward is addressed in several different, but much more elaborate, manners, in addition to being addressed simply as “the Kynge” on several occasions. The more elaborate forms are the following:

14) [...] the Kinge oure foueraigne lorde Edward the fourth [...](Fortescue, *Declaracion* 523)

15) [...] the prefont kynge our foverayne lord [...](Fortescue, *Declaracion* 525)

16) [...] the Kynge our fouerane lorde [...](Fortescue, *Declaracion* 528)

17) [...] the Kyng our fouerane lorde [...](Fortescue, *Declaracion* 528)

18) [...] our fouerayne lorde Kynge Edwarde the fourth (Fortescue, *Declaracion* 529).

19) [...] the Kynge our Souerayne lorde [...](Fortescue, *Declaracion* 530)

20) [...] the Kyng's highneffe [...](Fortescue, *Declaracion* 532)

The *Declaracion* clearly shows a much greater diversity in phrases that are used to speak about the current reigning monarch than could be seen in *Of the Title*. The most common phrase among these examples is a combination of the titles ‘king’ and ‘sovereign lord’, which was never used to refer to Henry VI in the previously discussed text. However, in order to fully understand the significance of the use of this double title, the previously discussed *Of the Title* offers an important clue.

While the phrase “the king our sovereign lord” was never used to refer to Henry VI in *Of the Title*, there is one occurrence of this phrase found in the text. The phrase is found in a passage in which Fortescue describes how Edmund, Earl of March, pledged fealty to King Henry V:

After whose death the same Erlome of Marche descended to the same Edmund as to his sonne and heire ; which came into the chancerie of the said Kinge Henrye the fift and ther shued his liverie of the said Erlome as sonne and heire to his father, and did for the same Erlome to the same Kinge as to his Soveraygne Lorde homage Lyege. And after that, the same Erle Edmund under the Seale of Lyege, and of his Armes, and his signe manuell, ended with the sayde Kinge to be his foldier by a certayne time, within the duchie of Normandye ; callinge the same Kinge in that wrightinge his soverayne Lord Kinge of Englande, and of France (Fortescue, *Title* 500).

In this passage, the phrase “his soverayne Lord Kinge of Englande, and of France” refers to King Henry V, father of King Henry VI. What is so important about the occurrence of this title is that it also explains the context in which it originally occurred. Fortescue says that this title was used in a written context (“that wrightinge”), e.g. in a signed and sealed document in which Edmund, Earl of March, promised King Henry V “to be his foldier by a certayne time”.

The significance of this passage is that it is used to illustrate the loyalty that was shown by the earlier Earl of March to one of the ancestors of King Henry VI, whereas Edward showed very little loyalty during his tenure as Earl of March. The added significance of this passage is that the phrase was seemingly used in written document that were a proof of loyalty to one’s king, and with that thought in mind it is not surprising that it is used by Fortescue in the *Declaracion*. It was, after all, written to prove that Fortescue’s loyalties truly lie with the house of York, instead of his old masters of Lancaster. This also seems to explain

why it was never used to address King Henry VI in his earlier work, as there was no need to reinforce the loyalty Fortescue held for the house of Lancaster, as his loyalty was never questioned and there had been no breach of trust between him and King Henry VI.

### 7.3 Direct Speech

What makes the *Declaracion* different from *Of the Title*, is that the *Declaracion* is presented as a conversation between Sir John Fortescue and “[a lernid] man in the lawe of this lande” (Fortescue 523), who is referred to as a Learned Man. Almost the entire work is made up of direct speech, with a few narrative interventions. The structure is fairly straightforward. Each paragraph deals with a specific subject, and in most instances the speaker is indicated by a header for the paragraphs. There are no indications in the punctuation as to when the direct speech starts. In most instances it is indicated through a phrase in the author-voice which indicates that what follows is spoken exactly the way in which it is written down. What is interesting about the use of direct speech in this text is that Fortescue seems to have deliberately chosen to use this form to convey his argument. The choice for direct speech has severe repercussions for the possible impact of the text. Mike Short has described the choice for direct speech as a committal of “the person reporting the speech to the claim that [the speaker] actually uttered the words” that follow (289). In other words, the speech presented is “unmediated by the reporter” (Short 289). This text was of great importance to Fortescue, as his life depended on it. By fashioning it into a dialogue with very little interference from a narrator, it seems to have added some legitimacy to the claims made in this text and bring the message across. This can be seen in the manner in which direct speech is indicated.

Throughout the text, direct speech is introduced directly by the author-voice on ten different occasions:

- 21) [...] come late to the fame Sir John Fortescu, fayinge in this wife, Sir, while ye were in Scotelande [...](Fortescue, *Declaracion* 523)
- 22) Whervnto Fortescu fayd in the forme that foloith (Fortescue, *Declaracion* 523)
- 23) Wherunto the faid lernyd man then faid in this wyfe, [...](Fortescue, *Declaracion* 524)
- 24) Truly fyr, than faid this lernid manne, I am righte glade [...](Fortescue, *Declaracion* 525)
- 25) Sir, than faid this lerned man, ye wrote alfo while ye were in Scottelande [...](Fortescue, *Declaracion* 528)
- 26) Than fayd the lerned man, Truly Syr, me thynketh youe well despofered in all this maters [...](Fortescue, *Declaracion* 531)
- 27) Then faid the forfaid lerned man in this wyfe, Truly Syr, ye have nowe declared [...](Fortescue, *Declaracion* 536)
- 28) Wherunto Fortescu, I pray you, Sir, to shew to me no moo records of this matier [...](Fortescue, *Declaracion* 537)
- 29) Then faid the lerned man in this wyfe, Syr, while ye were in Scottelande [...](Fortescue, *Declaracion* 537)
- 30) Whervpon the forfaid lerned man than fayd in this maner. Faithfully Syr, me thinketh [...](Fortescue, *Declaracion* 524)

As can be seen in these examples, a clear pattern can be found in the phrases Fortescue uses to indicate direct speech. All examples, bar example 28, use a form of the verb ‘to say’. From the remaining cases, only example 21 does not use the past tense form ‘said’, but the present participle ‘sayinge’. Example 21 is the part of the very first sentence of the text, and it describes that a learned man came to Sir John Fortescue, and uttered the words that follow the phrase. Despite the fact that this was an event that took place in the past, the verbs of that

sentence are in the present. Example 31 shows the full sentence, to see the full context of this sentence.

31) Alernid man in the lawe of this lande come late to the fame Sir John Fortefcu, fayinge in this wife, Sir, while ye were in Scotelande with Henry fomtyme king of this lande in dede, though he wer not so in righte, there ware made many wrytinges, and sent hedyre, by which was lowen amongs the peple matier of grete noyfe and infamyte to the tytyle whiche the Kinge oure soueraigne lorde Edward the fourth hath [...]  
(Fortescue, *Declaracion* 523).

As can be seen from the underlined verb forms in this sentence, in the part which is spoken by the Learned Man, the correct past tense of the verb is used to describe events in the past. The narrative, however, uses the present tense in this instance. Other instances of the narrative voice, however, also use the past tense, as exemplified by examples 22 to 30 and example number 32.

32) Whervpone the fame lerned man fchevyd vnto the faid Fortefcu, a cople of an accompte made in the Escheker in the dais of Kinge Edward the thirde in thes wordes  
(Fortescue, *Declaracion* 536)

This instance occurs further ahead in the text, and is in keeping with the idea that this text is a report of a discussion that occurred before it was written down. Example 28 is also interesting, as this indication of a switch to direct speech does not contain a verb at all.

Whether this was intentional or not is a matter that is up for discussion, but there are several possible explanations for this. It might have been an error during the initial transcription of the original documents for the edition, or even earlier on in the process, when the work was copied into the manuscripts through which it survived. It might simply have been a mistake on the part of Fortescue in the initial conception of the document. The possibility exists that it

was not a mistake at all, but simply a stylistic choice made by Fortescue to omit the verb in that transitional phrase.

In addition to the similarity in the verb used in all of these examples, four patterns may be discerned from the text, which will be hereafter named Pattern A, B, C and D.

### Pattern A

#### Adverb + Subject + (Adverb of time +) Verb + Adverbial Phrase

Ex.	Adverb	Subject	Adverb of time	Verb	Adverbial phrase
22	Whervnto	Fortescu		ƒayd	in the forme that foloith
23	Wherunto	the ƒaid lernyd man	Then	ƒaid	in this wyfe
30	Whervpon	the forƒaid lerned man	Than	ƒayd	in this maner

Table 7.1

Examples 22, 23 and 30 share the same pattern, as may be discerned from Table 7.1.

Interestingly, the pattern is not word by word the same, as can be seen in Table 7.1, but there are two options for the adverb in initial position: ‘wherunto’ and ‘wherupon’. Looking at the context, there does not seem to be a clear indication as to why Fortescue chose a particular adverb for a particular sentence, but they serve the same purpose. The adverbial phrases show diversity as well, although they all have the same function.

### Pattern B

#### Adverb of time + Verb + Subject

Ex.	Adverb of time	Verb	Subject
24	Than	ƒaid	this lernid manne
25	Than	ƒaid	this lerned man
26	Than	ƒayd	the lerned man

Table 7.2

Pattern B can be found in example 24, 25 and 26. As opposed to Pattern A, the different occurrences of Pattern B seem to be the same almost to the letter. When looking at the

examples, it can be seen that this phrase precedes direct speech (example 26), or is both preceded and followed by direct speech, as can be seen in examples 24 and 25.

This pattern only seems to occur with the Learned Man in the subject position, and never for Fortescue.

### Pattern C

#### Adverb of time + Verb + Subject + Adverbial Phrase

Ex.	Adverb of time	Verb	Subject	Adverbial Phrase
27	Then	faid	the forfaid lerned man	in this wyfe
29	Then	faid	the lerned man	in this wyfe

Table 7.3

Pattern C is very similar to Pattern B, with the only exception that an adverbial phrase is added at the end. This phrase occurs at the start of a sentence, and is directly followed by direct speech. Again, this pattern only occurs with the Learned Man as its subject. There is no diversity in the adverbial phrase used, as both times this pattern occurs it uses ‘in this wyfe’.

There is no reason to believe, however, that none of the other adverbial phrases used in Pattern A can be used in Pattern C as well.

### Pattern D

#### Verb + Adverbial Phrase

Ex.	Verb	Adverbial Phrase
21	fayinge	in this wife

Table 7.4

This phrase is an isolated case, as it omits the subject directly adjacent to the verb. When comparing this pattern to Patterns A, B and C, another exception can be seen. What sets Pattern D apart from the other patterns, in addition to the missing subject, is that it omits the adverb of time ‘then’. This may have to do with the fact that this sentence opens the narrative,

and this adverb of time seems to be used to denote a chronological sequence of events, which makes its inclusion not necessary right at the start of this sequence. This pattern occurs with both Fortescue and the Learned Man as the subject, and exclusively at the start of a sentence. The adverb of time occupies a prominent position in Patterns B and C as well, where it occurs in the initial position of the pattern.

One of the interesting features of the patterns that have been described here is the use of the adverbial phrase, as can be seen in pattern A and C. Three different adverbial phrases are found:

- a) In the forme that foloith
- b) In this wife
- c) In this maner

What Fortescue seems to attempt by using these phrases, is to emphasise the truthfulness of the claims made in this text. He uses the authority of the Learned Man, since this man is supposedly well-versed in English law. This also seems to reinforce the function of direct speech as speech unmitigated by the reporter. Considering this is supposed to be a conversation between Fortescue himself and the Learned Man, it might seem superfluous to use phrases of this type to introduce his own speech. This seems to suggest that the words spoken by the Fortescue character should be seen as Fortescue's own words. This suggestion is reinforced by the fact that the Learned Man is the subject of eight out of 10 phrases that reintroduce the direct speech.

All three adverbial phrases are used elsewhere in the text as well, although they sometimes appear in a slightly amended form. Phrase A, for example, is found in the passage describing information found by Fortescue in the "Cronicle Flores Hystorarium", and is both preceded and followed by a direct quote from this chronicle.

33) And in lyke fourme is wrytten the fame yere, [...](Fortescue, *Declaracion* 540)

While it does not follow phrase A to the letter, the phrase in example 33 is the only other instance in which any incarnation of the word ‘forme’ is used. Judging by the fact that this phrase is surrounded by direct quotes from a chronicle, it seems to reinforce the interpretation that it introduces information that is a literal transcription of the original utterance, whether it be spoken or written discourse. When we look at phrase B, however, we see that it occurs one additional time in the text. As was the case with phrase A, this phrase was repeated in a section in which he quotes evidence from Chronicles, in the case of phrase B from a chronicle written by “Radulphus de Duceto sumtyme Deane of Pawles” (Fortescue, *Declaracion* 538).

34) Item in the yere of oure lorde one hundred and fifty-three the faid Cronicler writeth in this wyfe [...] (Fortescue, *Declaracion* 539)

In the case of this phrase, it is found in exactly the same incarnation as we found in examples 23, 27 and 29. While the two phrases discussed above seem to have the same function, even when they occur outside of the phrases to denote direct speech, this is not entirely the case with phrase C. Phrase C occurs in one other place in the text, as can be seen in example 35.

35) And to prove that he and his kingdome, and alfo he in his kingdome and in all other of his temporalities, beth subget vnto the Pope, I procede in this maner. (Fortescue, *Declaracion* 535)

This time he does not follow this adverbial phrase by a direct quote, but he merely describes the manner in which he will continue his argument and what he attempts to argue.

## 7.4 Deixis

Another important element which needs to be considered in order to gain a better understanding of the function of direct speech in *Of the Title* and *Declaracion* is the use of stylistic markers of perspective, which can be studied by looking at the use of deictics. Readers understand the “linguistic expressions” (Verdonk 34) like I, you, this and that “as representations of the people, places and times in the story” (Verdonk 35). According to Peter Verdonk, “the technical term for these textual cues is deictics, while the psycholinguistic phenomenon as a whole, which is fundamental to all spoken and written discourse, is usually called deixis” (35). Verdonk generally distinguishes between three different types of deictics<sup>8</sup>:

### *Person deictics*

Person deictics cover the forms people use to speak to each other, which makes it especially important when studying direct speech. The forms that are considered person deictics are:

- The first person singular (1SG) pronoun I, and related forms (me, my, myself and mine)
- The second person singular (2SG) pronoun you, and related forms (your, yourself, yours).

### *Place deictics*

Place deictics are forms that “refer the listener or reader to the situational point of view of the speaker or writer in the discourse” (Verdonk 120). Place deictics cover a number of forms:

- Adverbs: ‘Here’, ‘there’.
- Prepositional phrases: ‘in front of’, ‘behind’, ‘to the left’, ‘to the right’.
- Determiners or pronouns: ‘This’ and ‘these’, ‘that’ and ‘those’.

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<sup>8</sup> The following list is adapted from Verdonk (2002), p. 35.

- Deictic verbs: 'bring', 'come', 'go' and 'take'.

### *Time deictics*

Time deictics indicate the time in which a certain action or event takes place. This is indicated by items such as 'now', 'then', 'today', 'yesterday', 'tomorrow', and 'next Friday', but also present and past tenses of full verbs (for example 'play/s', 'played'; 'go/es', and 'went') and of auxiliaries ('have' and 'had').

For this investigation special attention will be paid to the use of person deictics in *Of the Title* and *Declaracion*, but both place and time deictics will be considered briefly as well.

### 7.4.1 Person deictics in Fortescue's texts

The following table outlines the different person deictics that can be found in both *Of the Title* and the *Declaracion*.

Person Deictics	<i>Of the Title</i>		<i>Declaracion</i>				TOTAL	
	Frequency	%	Fortescue		The Learned Man			
			Frequency	%	Frequency	%		
I	0	0	56	1.14	20	0.47	76	
Me	0	0	21	0.42	12	0.28	33	
My	0	0	13	0.26	0	0	13	
Myself	0	0	1	0.02	0	0	1	
You	You	0	0	5	0.10	10	0.23	15
	Ye	0	0	20	0.41	73	1.73	93
Your	Your	0	0	3	0.06	15	0.35	18
	Youre	0	0	1	0.02	6	0.14	7
Yourself	0	0	0	0	3	0.07	3	
<b>TOTAL</b>	0	0	120	2.45	138	3.26	258	

Table 7.5 Distribution of person deictics in *Of the Title* and the *Declaracion*.

First of all, it is important to note that the single occurrence of 'myself' and one occurrence of 'yourself' present themselves in the text as two separate words: 'my selfe' and 'yoursel'.

In this case, 'my' and 'yours' have not been counted as an occurrence for their respective statistics. As becomes evident from Table 7.5, there are absolutely no instances of any of the person deictics in *Of the Title*. The only voice that can be found in that text is the voice of the author, who does not identify or refer to himself at any point. In the *Declaracion* three different voices can be identified: Fortescue, the Learned Man and the author-voice, which is supposedly the same as Fortescue's, but only serves to introduce direct speech. Table X shows the statistics on the use of person deictics in the direct speech of both Fortescue and the Learned Man. The percentages shown are the percentages of deictics used in just the direct speech of that particular voice. Table 7.6 shows a breakdown of the number of words found in all of the three voices found in the *Declaracion*.

Voice	Number of words	%
Author-voice	112	1.21
Fortescue	4885	52.95
The Learned Man	4230	45.84
<b>TOTAL</b>	9227	100

Table 7.6 Number of words used by the different voices in the *Declaracion*.

From this table it becomes clear that Fortescue's speech takes up little over half of the text at 52,95%, while the Learned Man takes up just under half of the text, using 45,84% of the total amount of words. The narrative author-voice plays a very small role in this text, using only 112 words, or 1,21% of the text. This reinforces the idea that the concept of direct speech plays an important role in the way Fortescue attempts to construct his argument.

When looking at the distribution of the first person deictics as presented in Table 7.5, there is a clear difference between Fortescue and the Learned Man. Roughly 1,84% of Fortescue's speech is made up of first person deictics, whereas only 0,75% of the Learned Man's speech refers to himself using deictics. The most commonly used form is 'I', which Fortescue uses 56 times and the Learned Man a mere 20 times. When looking at the use of second person deictics, however, a clear difference can again be seen between the two voices in the *Declaracion*. This time it is the Learned Man whose use stands out in relation to Fortescue. Only 0,59% of Fortescue's speech consists of second person deictics, as opposed to 2,52% in the Learned Man's speech. When considering the total percentage of deictics that refer to Fortescue, it becomes evident that 4,36% of the direct speech found in the text refers directly to Fortescue, not taking into account the use of titles and personal nouns that might be found in the text. Only 1,34% of the direct speech refers to the Learned Man.

The discrepancy in these numbers offers an interesting insight into the goal of the text on a different, linguistic level. These results are far from unexpected, but they are strongly in line with the original aim of the text, since it was written by Fortescue in an effort to redeem

himself after his loyalty to the house of Lancaster. By the use of first and second person deictics, the text pulls the focus very much towards the figure of Fortescue as he appears in this text. Rather than focusing on the evidence itself, the person presenting the evidence is very much present in the text. Fortescue's earlier work, *Of the Title*, deals with the presentation of evidence in a very different way. The lack of person deictics seems to illustrate the lack of an identified voice in the text. At no point in the text does Fortescue identify himself as the author of the work. This seems to illustrate the distinct difference in motivation for the creation of these two works. The creation of *Of the Title* had no direct personal motivation, as there were no direct consequences if he would not have written this work (that we know of). As was explained previously, the work was written in defence of the Lancastrian claim, rather than in defence of Fortescue himself. As a result, it would not have been possible to get personally involved in the text. This changed considerably when Fortescue had to write the *Declaracion*, as it was in his best interest to be personally invested in the discourse of this work. There was no need for this work to be anonymous, which is why Fortescue seems to have made sure that it would have been clear that he was the writer of this particular text.

## 7.5 Writing and saying

Throughout the *Declaracion* several references are made to the act of writing and the resulting product. As much of the accusations that are made against Fortescue are a direct result of claims he has made in written documents written roughly 10 years prior, it is worth investigating the presence of these references in the text.

### 7.5.1 To write

		<i>Declaracion</i>				TOTAL
		Fortescue		The Learned Man		
		Frequency	%	Frequency	%	
<b>To Write</b>						
<b>Present Simple</b> <i>Wryte</i> <i>writeth/ wrytyth</i>	<b>I</b>	0	0	0	0	0
	<b>ye</b>	0	0	1	2.5	1
	<b>He/she/it</b>	2	5	0	0	2
	<b>Plural</b>	1	2.5	0	0	1
	<b>Passive</b>	3	7.5	0	0	3
<b>Past Simple</b> <i>Wrote</i>	<b>I</b>	6	15	0	0	6
	<b>ye</b>	0	0	11	27.5	11
	<b>He/she/it</b>	1	2.5	0	0	1
	<b>Plural</b>	0	0	0	0	0
	<b>Passive</b>	0	0	4	10	4
<b>Present Perfect</b> <i>Haue written/</i> <i>wryten/written</i>	<b>I</b>	1	2.5	0	0	1
	<b>Ye</b>	0	0	0	0	0
	<b>He/she/it</b>	0	0	1	2.5	1
	<b>Plural</b>	1	2.5	0	0	1
	<b>Passive</b>	0	0	0	0	0
	<b>Progressive</b>	1	2.5	0	0	1
<b>Passive Participle in a shortened relative clause</b>		4	10	2	5	6
<b>Infinitive</b>		1	2.5	0	0	1
<b>TOTAL</b>		21	52.5	19	47.5	40

Table 7.7 Distribution of the verb ‘to write’ in the *Declaracion*.

Table 7.7 provides an overview of the occurrences of the verb ‘to write’ in the *Declaracion*.

The results were taken from the direct speech sections of the work, which covers 98.79%<sup>9</sup> of the total number of words in the work itself. As can be seen from the table above, both Fortescue and the Learned Man use the verb ‘to write’ almost equally as frequently, with

<sup>9</sup> See Table 7.6 on page 89.

Fortescue using this particular verb on only two more occasions than the Learned Man. The distribution of the different tenses seems to be relatively equal as well when looking at the total use combined.

What is interesting in this data, however, is the use of the past simple by both Fortescue and The Learned Man. The Past Simple is the tense used the most in both voices, with Fortescue using the active form seven times and the Learned Man a total of eleven times. Interestingly, Fortescue never uses the second person singular form ‘ye wrote’, opting to use the verb ‘to write’ primarily in first person singular form and once in the third person. In contrast, the Learned Man shows the complete opposite use of this particular verb form, using only the 2SG form ‘ye wrote’. This is consistent with earlier presented data on the use of person deictics, which show that Fortescue uses the 1SG ‘I’ more frequently than the 2SG ‘ye’ or ‘you’, whereas the Learned Man shows a directly contrasting use of person deictics by showing a preference for the 2SG form. The context in which Fortescue utilises the 1SG past simple form is the following:

36) I wolde fayne do as ye move me, God knowyth, and right fory that ever I wrote fo, or labored vpon the kanyng of that Laten boke (Fortescue, *Declaracion* 531)

37) The matier which ye say I wrote and is fo gretly ayenft the Kynge is this (Fortescue, *Declaracion* 533).

38) I wrote how that me femyd no woman ought foueranly or fuppremyly to reyne vpon man. Which matiers I pretended to prove by the Juggementes [...](Fortescue, *Declaracion* 533).

39) Which wordes fpoken to that woman was, as I thoo wrote, fpoken to all the kynde of women, as the wordes tho fpoken by God to the firfte man were faid to all mankynde (Fortescue, *Declaracion* 533).

40) This matier ye now defyre that I woll fo declare, and also the matiers of a booke which I wrote in Laten to enforce myne intent herein, as the kynge our fouerayne lorde be not harmed be theym in his titlis of Englonde or of Fraunce (Fortescue, *Declaracion* 533).

41) [...]than, by the fame commaundment and juggement he commaunded that no woman shalbe free or exempt from the power and lordshippe of man ; for, as I wrote there, *Precepto vno contrariorum eorum alterum prohiberi neceffe est* (Fortescue, *Declaracion* 534).

By using the phrase ‘I wrote’, Fortescue either inadvertently or consciously confesses to the act of writing whatever he is accused of writing, or whatever he refers to next. This may be the reason for why this phrase is used sparingly and in specific contexts. In the first example, Fortescue shows remorse for having written a work in Latin<sup>10</sup>, but in the next sentence he immediately denies having written “the werke to which ye now defere me” as they “were more conuenient to another mans pen than to myne” (Fortescue, *Declaracion* 531). He shows limited accountability for works that he was supposed to have written. This sentiment is apparent in the second and third examples, which directly follow each other in the text. In example 37 Fortescue implies that the accusations are hearsay, rather than admitting to it directly, while in example 38 he admits to writing that women should not rule over men, although he admits to having backed these claims with “pretended” (Fortescue, *Declaracion* 533) evidence. In the remaining examples Fortescue admits to the act of writing the aforementioned book in Latin, and refers to text within that book. This is interesting, as Fortescue at no point in the text confesses to writing or being involved in writing any kind of work in English, while several works in English, including *Of the Title*, have been attributed

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<sup>10</sup> Clermont identifies “that Laten boke” as Fortescue’s *De Natura Legis Naturae*, based on internal evidence, as a “paffage quoted in the *Declaration* as from ‘the forfaid Latin Boke’” (61) can be found in the second part of *De Natura*.

to Fortescue with a great degree of certainty. The only moments in which he does not deflect any accusations of writing a certain work are moments when The Learned Man or Fortescue himself refer to the work in Latin.

As was mentioned previously, the Learned Man only uses the 2SG form of the Past Simple and he uses the phrase “ye wrote” a total of 11 times. Interestingly, in five of these occurrences the title of honour “Syr” appears in the direct vicinity of this phrase. It occurs in the 1L position 3 times, once in the 4L position and once in the 6L position. While the use of this title is by no means surprising, as Fortescue’s former position at court and status as a knight would warrant the use of the title Sir, but the significance of this title is also that it was “[u]sed as a respectful term of address to a superior” (OED). Although Fortescue uses this term on occasion when speaking to the Learned Man, the majority of the occurrences can be found in the speech of the Learned Man when addressing Fortescue. Fortescue only uses this term 6 times to address the Learned Man, while the latter uses it 22 times to address Fortescue. What is possibly the case when looking at the use of the phrase “ye wrote” in the vicinity of this title which was also used to denote superiority is that the Learned Man might have tried to show humility, and downplay the significance of his words. This allows Fortescue to deflect the claims made by the Learned Man regarding his (supposed) writings in order to lessen the accountability for his actions.

### **7.5.2 To say**

As was already discussed in the section on the use of direct speech and speech representation, the use of direct speech indicates that what follows is reported speech and it implies that what follows is reported truthfully. This implication is what makes the use of the verb ‘to say’ so significant, especially in contrast with the use of the verb ‘to write’, as this work partly existed to dispute the truthfulness of written works that were written a decade prior.

Interestingly, the verb ‘to say’ occurs considerably fewer times in the direct speech than the verb ‘to write’. Whereas ‘to write’ occurs 40 times in a variety of different tenses, the verb ‘to say’ occurs only 24 times.

		<i>Declaracion</i>				TOTAL
		Fortescue		The Learned Man		
		Frequency	%	Frequency	%	
<b>To Say</b>						
<b>Present Simple</b> <i>say / saye / saith</i>	<b>I</b>	0	0	0	0	0
	<b>ye</b>	3	12.5	1	4.16	4
	<b>He/she/it</b>	0	0	1	4.16	1
	<b>Plural</b>	1	4.16	0	0	1
	<b>Passive</b>	0	0	0	0	0
<b>Past Simple</b> <i>said / sayd / sayde</i>	<b>I</b>	1	4.16	0	0	1
	<b>ye</b>	0	0	3	12.5	3
	<b>He/she/it</b>	4	16.66	1	4.16	5
	<b>Plural</b>	1	4.16	0	0	1
	<b>Passive</b>	1	4.16	2	8.33	3
<b>Present Perfect</b> <i>Haue sayd</i>	<b>I</b>	0	0	0	0	0
	<b>Ye</b>	0	0	1	4.16	1
	<b>He/she/it</b>	0	0	0	0	0
	<b>Plural</b>	0	0	0	0	0
	<b>Passive</b>	0	0	0	0	0
	<b>Progressive</b>	0	0	0	0	0
<b>Passive Participle</b> in a shortened relative clause		0	0	2	8.33	2
<b>Infinitive</b>		2	8.33	0	0	2
<b>TOTAL</b>		13	54.16	11	45.84	24

**Table 7.8** Distribution of the verb ‘to say’ in the *Declaracion*.

It is important to note, however, that the table above only represents the use of the verb ‘to say’ as used by the Fortescue-voice and the Learned Man-voice. As was pointed out in section 7.3, the narrative voice makes use of the verb ‘to say’ to introduce direct speech, but as the implications of those instances have already been discussed, it is unnecessary to repeat that discussion in this chapter.

The analysis of the use of the verb ‘to say’ in the *Declaracion* is not as straightforward as the analysis of the previous verb when using concordance software. The problem lies in the fact that the second person singular form of the past simple occurs a total of 96 times in the text, but in the majority of those occurrences this form does not actually function as a verb,

but as an adjective that refers back to a subject that was earlier mentioned. As a result of this, the concordance hits of the verb forms ‘said’, ‘sayd’ and ‘sayde’ are quite deceptive, and need to be considered in closer detail.

Parts of speech of ‘said’							
	Fortescue		The Learned Man		Author-voice		TOTAL
	Frequency	%	Frequency	%	Frequency	%	
<b>Verb</b>	7	7.36	9	9.47	8	8.42	23
<b>Adjective</b>	28	29.49	42	44.22	1	1.05	68
<b>TOTAL</b>	35	36.85	51	53.69	9	9.47	95

**Table 7.9** Parts of Speech that ‘said’ is used for in the *Declaracion*.

When looking at Table 7.9, it becomes clear that in only 23 out of 95 occurrences of this particular form (25.25%) it functions as a verb, and the remaining 68 occurrences, or 74.75%, it occurs as the adjective. As was seen in section 7.3, the author-voice that introduces the sections in direct speech makes good use of the verb, whereas ‘said’ occurs only once as an adjective. It is important to note, however, that a slightly different form of this adjective also occurs in the text: ‘foresaid(e)’, which is the form used most in the author-voice, as can be seen from examples 21-30 in section 7.3 (see page 80).

Part of speech in L1 position to ‘said’ as adjective							
	Fortescue		The Learned Man		Author-voice		TOTAL
	Frequency	%	Frequency	%	Frequency	%	
<b>Article</b>	26	36.62	33	46.47	1	1.41	60
<b>Preposition</b>	0	0	2	2.82	0	0	2
<b>Possessive pronoun</b>	1	1.41	6	8.45	0	0	7
<b>Demonstrative pronoun</b>	1	1.41	0	0	0	0	1
<b>Quantifier</b>	0	0	1	1.41	0	0	1
<b>TOTAL</b>	28	39.44	42	59.15	1	1.41	71

**Table 7.10** Parts of Speech that ‘said’ is used for in the *Declaracion*.

As Table 7.10 shows, in the majority of the occurrences the adjective ‘said’ has an article in the L1 position. From looking at the text it becomes clear that this is the article ‘the’ in 100%

of the collocations. In addition to this, it can be seen that Fortescue shows very little diversity in his use of the adjective, as in 26 out of 28 occurrences with him as the speaker have the article in the L1 position, and a pronoun in the two remaining examples. The Learned Man, however, shows slightly more diversity in his use of the adjective. Whereas in by far the majority of the cases, an article still occupies the L1 position, the Learned Man is also seen to use a number of possessive pronouns when referring to earlier mentioned concepts.

Now when returning to Table 7.8, one thing that stands out is the low number of 1SG forms found in the text. The 1SG form occurs only once, as Fortescue uses the 1SG Past Simple a single time to explain how he refuses to acknowledge any involvement in the creation of a particular work made in Scotland:

42) Wherefore I wolde not allent to that wrytinge made in Scotelande, nor fe hit ; but I laid to thaym that moved it that it was untrue (Fortescue, *Declaracion* 525)

As explained, this form is often used to evoke a sense of truthfulness of the information that is provided following the verb, as it is fairly unmitigated speech. Unsurprisingly, the 2SG forms are present more often, as they make up roughly 33% of the total number of occurrences of the verb. The 2SG Past Simple form occurs only in the Learned Man's speech, and it is used three times. Two of the occurrences are part of a formulaic phrase "as ye said", which the Learned Man uses to repeat and confirm a statement made previously by Fortescue. The third occurrence of the phrase "ye said" occurs when the Learned Man refers back to something that was written in one of Fortescue's works.

An interesting manifestation of the verb 'to say' comes in the phrase 'that is to say', which is repeated 6 times throughout the text in two different varieties. It is used by both Fortescue and the Learned Man and they each have a distinct variety of usage. Fortescue uses this phrase twice, and he uses it with the infinitive: "that is to fay." The Learned Man uses this

phrase a total of four times, although he prefers using the active participle, rather than the infinitive: “that is to faynge/fainge”. The context in which they both use it is very similar. Fortescue uses it to restate the point he made previously to using the phrase, albeit in a slightly different way. The Learned Man utilises this phrase to expand on a previously made statement, as he mostly uses it when explaining the origins of the claim to the throne of England or France for a particular monarch. This usage is very much in keeping with what can be found in other texts of the time, as the *Oxford English Dictionary* explains the phrase as being “used to introduce a more explicit or intelligible re-statement of what immediately precedes, or a limiting clause necessary to make the statement correct. Sometimes used sarcastically to introduce a statement of the real fact which a quoted statement misrepresents or euphemistically veils.” While Fortescue uses the phrase more in the spirit of the first definition of the term, as being used to introduce a more intelligible restatement of what precedes, the Learned Man uses it to make his preceding statement more correct, as he states the complete line through which a claim has come, rather than the eldest ancestor from which the claim originates.

## 7.6 Appeal to nationalism

Finally, a more thematic approach to the communication with the people will be considered. A reoccurring characteristic of the written communication of the time with the express function to make a political statement is to appeal to the nationalism of the public, which would usually consist of the people of England (Ross, “Rumour” 18). This appeal to nationalism can come in the form of warning against the “fearful alliance between Lancaster and England’s enemies” (Ross, “Rumour” 18), as Edward IV did in March 1462 in a letter to his alderman Thomas Cook. In this letter he wrote that this alliance “would bring upon the realm ‘such war, depopulation and robbery and manslaughter as here before hath not been used among Christian people’, and which might extinguish ‘the people, the name, the tongue and the blood English of this our said realm’” (Ross, “Rumour” 18). While the works that are under scrutiny here do not apply the same type of rhetoric, they do feature frequent references to England, both directly and indirectly. As Fortescue was not in England, but in Scotland at the time he wrote *Of the Title*, it might be of interest to see how he refers to England. Equally as interesting would be to see whether this has changed at all when he writes *Declaracion* a decade later.

In an effort to look at the references to the geopolitical body of England, a number of items need to be considered. In addition to referencing to England by its name, it is also referred to by a number of nouns, of which ‘land’ and ‘realm’ are the most prevalent ones. While the definitions of these two lexical items are similar, there is a subtle difference which may influence the way they could be interpreted. To gain a better understanding of these subtleties, the *Oxford English Dictionary* offers a good starting point. The definition of ‘realm’ as proposed by the OED is the following: “a kingdom” or “a region, a territory; the sphere which something affects or controls”, although the latter is primarily used figuratively.

The definition of the word ‘land’ is fairly similar, but, as mentioned earlier, there is a subtle difference: “A part of the earth’s surface marked off by natural or political boundaries or considered as an integral section of the globe; a country, territory. Also put for the people of a country.” These lexical items are also used in both texts to refer to geopolitical bodies other than England, like France and Spain, as they are some of the more important political partners and/or adversaries of England in the fourteenth and fifteenth century. These countries are not, however, the focus of this analysis, but references to these kingdoms will be pointed out where relevant.

## 7.6.1 *Of the Title*

### 7.6.1.1 *Land versus realm*

Collocates in 1L position for ‘land’		
	Frequency	%
Anie	2	11.11
Hwole	1	5.55
Other	1	5.55
Owne	1	5.55
Saide	1	5.55
fame	5	27.77
Sayde	1	5.55
That	3	16.66
The	1	5.55
Their	1	5.55
<b>Total</b>	<b>18</b>	<b>100</b>

**Table 7.11: Collocates in 1L position for ‘land’**

As is evident from this list of collocates, the collocates associated with ‘land’ are diverse. The most common collocate in the 1L position is ‘fame’, with 5 occurrences. The phrase ‘the same land’, with the preposition ‘the’ in the 2L position, is used to refer back to a kingdom mentioned in an earlier position in that sentence. It is primarily used in passages that concern hypothetical countries in laws. Table 1 also features one place deictic, ‘that’, with occurs in collocation with ‘land’ on 3 different occasions.

43) But after the death of Peter Kinge of Spaine father to the faide two daughters, that Lande chofe and took to theyre King Henrie. (Fortescue, *Title* 497)

44) Which good things muft needes ceafe for all the time that a woman were fo Queene of that land, becaufe that a woman may not be enoynted in her hands. (Fortescue, *Title* 498)

45) [...]was annoynted and crouned Kinge of Englande by the hole affente and will of all that lande, no man reclaiminge. (Fortescue, *Title* 500)

In example 43, ‘that lande’ refers back to the aforementioned kingdom of Spain, or more specifically Castile and León, and is a metaphor for the people of those kingdoms, as is in keeping with the definition offered by the OED. In example 44, ‘that land’ is used to refer to England, as the sequence discusses the special powers that God has bestowed on the Kings of England, who can heal illness and bless gold and silver with their hands, after being anointed king. Example 45 refers to the realm of England as well, rather than Spain.

In addition to referring to these geopolitical bodies as ‘land’, the word ‘realm’ is also frequently used. Table 7.12 shows the collocates that most frequently occur with ‘realm’ in *Of the Title*.

Collocates in 1L position for ‘realm(e)’		
	Frequency	%
The	7	43.75
That	3	14.58
And	3	14.58
A	2	12.5
Manie	1	6.25
<b>Total</b>	<b>16</b>	<b>~100</b>

Table 7.12 Collocates in 1L position for ‘realm’

Table 7.12 shows that the frequency of this term is relatively similar to the frequency with which the word ‘land’ occurs, with 15 and 18 occurrences respectively. The type of collocates

in the 1L position is more limited in the case of ‘realm’, with only 5 different collocates occurring in the entire text. The most common collocate for ‘realm’ is ‘the’ with 7 occurrences, and, as was the case with ‘land’, the place deictic ‘that’ occurs thrice.

46) [...] the Duke of Lancafter, and the Duke of Yorke, which had wedded two daughters of the houfe of Spaine, fhuld have had that realme if the croune therof had be defcendable to heires females, as it was not. (Fortescue, *Title 497*)

47) Wherefore they had never that realme. (Fortescue, *Title 497*)

48) Which four the faide Kinge Henrie the fixt hath in his Kingdome. For that realme defcended to him being not fully a yere olde [...] (Fortescue, *Title 501*)

When looking at the examples presented above, it should be noted that examples 46 and 47 directly follow each other, and in both cases the place deictic refers to Spain. These two examples are in turn directly followed by example 43, in which this same country is referred to as a land, rather than a realm. Interestingly, when looking at the context of these three successive references to the kingdom of Spain, there seems to be a distinct difference in the use of the two different terms. When Fortescue speaks of Spain as a realm, he speaks of Spain in political and dynastic terms, as he discusses the kingdom as something that can be gained through succession. In example 43, however, Fortescue writes that “that Lande chose” (Fortescue, *Title 497*), which implies that in this context this phrase personifies a group of people, rather than an inheritance. The phrase “that Lande” is used to refer to either the people of Aragon and Castile, or the governmental bodies that were in place with the power to influence succession when no clear heir has been appointed.

When looking at the remaining examples, however, this interpretation seems only to be partly applicable. Although example 48 seems to display the use of the phrase “that

realme” to refer to the kingdom of England, rather than the people, this seems to apply to example 44 as well. In example 44 Fortescue refers to England as “that land”, and this phrase is part of a paragraph in which Fortescue describes the importance of hands for a king, as they are believed to be able to cure illnesses by touch and bless gold and silver that is handled by a king. There is no indication that the phrase refers to the country as a group of people rather than a geopolitical unit at this point. Example 45, however, seems to mirror the use that is displayed in example 44, as the phrase “by the hole assente and will of all that lande” (Fortescue, *Title* 498) again seems to refer to a conscious being with a will and the power to assent to something. While this probably should be interpreted as meaning the people of England, as Fortescue writes “all that lande”, in reality the kind of power implied in this sentence would only be wielded by a small group of people.

### 7.6.1.2 *England*

Now when direct mentions of England are considered, the following numbers can be found.

Collocations with England			
2L	1L	Frequency	%
Commons	Of	1	~5.55
Crown	Of	2	~11.11
King	Of	4	~22.22
Kingdom	Of	1	~5.55
Kings	Of	2	~11.11
Land	Of	1	~5.55
Namely	Of	1	~5.55
Out	Of	1	~5.55
Realm	Of	5	~27.77
<b>Total</b>		<b>18</b>	<b>~100</b>

Table 7.13: Collocations with England in *Of the Title*

Collocations with England – Pattern		
2L	Frequency	%
Noun	16	88.88
Adverb	1	5.55
Preposition	1	5.55
<b>Total</b>	<b>18</b>	<b>100</b>

Table 7.14: Patterns with 'England'

England is directly referred to a total of 18 times in the entire text. This makes up ~0.74% of the total number of words. When looking at the collocates in the 1L position in *Of the Title*, we come to the results as seen in Table 7.13. Concordance shows that 100% of the instances show a construction with ‘of’ in the 1L position. When the 2L position is taken into consideration, however, a more diverse picture can be found, as can also be seen in Table 7.13. This table clearly shows diversity in the type of words that appear in the 2L position, which has been further broken down in Table 7.14. As can be seen, 16 out of 18 collocations have a noun in the 2L position. Out of these nouns, seven instances are related to England as a geopolitical body (kingdom, land and realm), eight are related to the monarch (king, kings and crown) and one is related to a governmental body (commons). These results relating to the use of ‘land’ and ‘realm’ in collocations with England seem to support the notion that the collocation with ‘realm’ is more often used to refer to England as a geopolitical body, as this collocation occurs five times as often as the collocation using ‘land’.

### 7.6.1 *Declaracion*

#### 7.6.2.2 *Land versus realm*

Collocates in 1L position for ‘land’		
	Frequency	%
This	32	68.08
The	4	8.51
Same	2	4.25
That	2	4.25
Any	2	4.25
Said	1	2.13
Thoo	1	2.13
Other	1	2.13
His	1	2.13
Certayn	1	2.13
<b>Total</b>	<b>47</b>	<b>100</b>

Table 7.15 Collocates in 1L position for ‘land’

In this list of collocates, two place deictics can be found: this and that. The phrase ‘that londe’ is only used twice: once in reference to any land in English law (Example 49), and once in reference to France (Example 50):

49) The lawe of Englonde is such, that if a man havinge a brother of halfe blode, be seased of any londe in fee simple, and dye with out issue, that lond shall neuer descende to his laid brother [...] (Fortescue, *Declaracion* 527)

50) [...] accorded with Charles the kynge of Fraunce to wedde his daughter Kateryn, and dide so. And vpon the treaty of that maryage accorde toke betwene the kynges by thaffent and counfell of the more partie of the Doseperes, and three estates of that londe [...] (Fortescue, *Declaracion* 529)

The use of this particular place deictic suggests that there is a distance between the speaker and the place in question. In contrast, the phrase ‘this londe’ can be found 28 times, of which 100% refer to England. This seems to suggest that the speaker is in the land in question, or at least that there is a closeness between the speaker and the land.

As was the case in *Of the Title*, in the *Declaracion* the term ‘realm’ is used in addition to the term ‘land’ to refer to England and other kingdoms. Interestingly, where *Of the Title* rather consistently displayed the spelling ‘realm(e)’ or ‘relme’, the *Declaracion* seems to prefer the spelling ‘roialme’, as this is used in almost 95% (36 out of 38) of the occurrences of the term.

Table 7.15 (p. 105) shows the collocates that can be found in the 1L position for the term ‘realm’ in the *Declaracion*. Whereas the unique collocates in *Of the Title* were fairly limited in number, the diversity in collocates found in *Declaracion* is interesting to behold. Unsurprisingly, especially when considering the results of *Of the Title*, the article ‘the’ is found most frequently in the 1L position. When looking at the individual occurrences of this

collocation, it becomes evident that this collocation is part of the phrase “the realm of <France (11 times)/England (3 times)>” in 100% of the occurrences. Whereas in *Of the Title* only the place deictic ‘that’ was found, the *Declaracion* also shows the use of ‘this’ place deictic, which is unsurprising given the location of Fortescue when he wrote this and the subject matter of the work.

Collocates in 1L position for ‘roialme’		
	Frequency	%
The	14	41.17
His	8	23.53
This	6	17.65
That	5	14.71
fame	1	2.94
Which	1	2.94
Twoo	1	2.94
Eny	1	2.94
Bothe	1	2.94
<b>Total</b>	<b>38</b>	<b>~100</b>

**Table 7.15: Collocates in 1L position for ‘roialme’**

As was pointed out above, Fortescue does not necessarily use the terms ‘land’ and ‘realm’ interchangeably, as they are on some occasions used to denote different aspects of a country. In *Of the Title*, “that land” was a metaphor for the people of a kingdom, or at least the people who were in the position to make a decision, whereas “that realm” referred to a country as a geopolitical body. When considering at the use of these phrases in the *Declaracion*, however, a different pattern can be observed. As can be seen in examples 49 and 50 above, the phrase “that land” does not seem to be used like a metaphor for a group of people, as was generally the case with this phrase in *Of the Title*. Even when looking at the use of the phrase “that roialme”, it does not show to be stray from the use of this phrase to refer to a geopolitical body, rather than it being a metaphor for the people of that particular country.

### 7.6.2.2 *England*

The *Declaracion* also features several direct references to England in its text. The table below illustrates the different collocates which can be found in the 1L position of collocations with England.

Collocates in the 1L position to England		
	Frequency	%
Of	19	82.62
Into	2	8.69
In	2	8.69
<b>TOTAL</b>	<b>23</b>	<b>100</b>

**Table 7.16: Collocates in the 1L position for 'England'**

As shown in Table 7.16, the word 'of' occurs 18 out of 23 times (~78%) in the L position with the word England. The remaining collocates have to do with either movement into the kingdom of England or physical position in England. Fortescue uses the phrase featuring 'into' to describe his own return to England, as well as the return of Henry II on English soil during the reign of Stephen II (1135-1141). As the breakdown of the collocations with England in *Of the Title* showed no diversity in the collocates found, the frequency of the collocation with 'of' in the 1L position is not unexpected. Where *Of the Title* showed a frequency of 100% of this particular collocation, in the *Declaracion* this particular phrase only accounted for 82.62% of the total occurrences of England. However, when looking at the collocates in the 2L position in the instances where 'of' occurs in the 1L position, a similar pattern emerges as can be found in *Of the Title*.

Collocations with England with 'of' in 1L			
2L	1L	Frequency	%
Country	Of	1	5.26
Curtesy	Of	1	5.26
Kingdom	Of	1	5.26
King	Of	6	31.58
Kings	Of	1	5.26
Lawe	Of	2	10.52
Lord	Of	1	5.26
Realm	Of	4	21.05
Title	Of	1	5.26
<b>Total</b>		<b>19</b>	<b>100</b>

**Table 7.17: Collocations with England with 'of' in 1L**

As becomes evident from Table 7.17, 100% of the collocations with England with 'of' in the 1L position have a noun in the 2L position. All of these nouns have directly to do with England as an organisation. Of these, 6 refer to England as a geopolitical body (Country, Kingdom, Realm), 9 instances refer to the sovereign of this nation (King, Kings, Lord and Title), and the remaining 3 instances have to do with the law (Lawe and Curtesy). According to the *Oxford English Dictionary*, the curtesy of England is “[a] tenure by which a husband, after his wife's death, holds certain kinds of property which she has inherited, the conditions varying with the nature of the property.” The thematic representation of the nouns that are part of a collocation with England are fairly similar to the nouns seen in *Of the Title*, though *Declaracion* features references to the laws of England, rather than governmental bodies (the Commons).

Section 3:  
**Conclusion**

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## Chapter 8 Conclusion

This investigation set out to explore the question of how the language used in this selection of Fortescue's works reflects the power struggles that were taking place in England at the time of their conception. After a stylistic analysis of the language found in both documents, several key features came to light that provided an answer to this question. The main difference between the two different works is the attitude towards the issue at hand. *Of the Title* was written with a clear goal in mind, but it also displays a type of confidence that is reflected in the language that was used. Contrary to the expectations one might have had about what a piece of propaganda should look like in terms of rhetoric, this text was written very matter-of-factly. Fortescue opts for an impersonal approach, as he has used no person deictics in the entire text. When looking at the way in which he speaks about Henry VI, it becomes clear that he did not feel the need to emphasise the righteousness of his rule. He refers to Henry VI simply as King Henry VI, whereas you see that in the *Declaracion*, he refers to Edward IV as "the Kinge oure soueraigne lorde Edward the fourth" on several occasions. Interestingly, Fortescue hardly ever seems to acknowledge Edward IV as an individual in *Of the Title*, since he only refers to him directly on three occasions, whereas he refers to the claim of the House of York as a whole on five occasions.

It seems that in *Of the Title* Fortescue was less concerned with the political implications of his actions, as he felt that Henry VI was king by law and there was no need to embellish his speech any further, or speak directly to the people, the readers of that work, in order to convince them of the legitimacy of the claim, as the evidence spoke for itself. In the *Declaracion*, however, his language seems to have been fuelled by the political implications of the language in a much more profound way. In addition to the change in the way in which he refers to his king, as he refers to Edward IV as he would have if he would pledge fealty in

a signed and sealed document, he makes sure that those who read this document understand that these are truly his words. He emphasises in the title that this was written by himself, and he is also one of the two people involved in the dialogue described in this text. In addition to emphasising his own presence within the text, Fortescue also takes extra care to reinforce that the statements that were made in the *Declaracion* were the exact words of an authority on the English law, the Learned Man. For this purpose he utilised direct speech, which gives the illusion that the speech is “unmediated by the reporter” and, as the learned man was introduced as an expert on English law, an objective judge of the claims previously made by Fortescue. The authoritative conversational partner gives Fortescue the opportunity to challenge the validity of the statements made in publications from Scotland, without giving the impression that he necessarily attempts to sway the discussion in his favour. Considering this, I strongly doubt whether the Learned Man was even an actual person. The only information the reader learns about this figure is that he is a “lernid man in the lawe of this lande”, and that he is considered a friend by Fortescue, who refers to him by that term on several occasions. Naturally, it is possible that this person would have been known to the readers of the document when it was first distributed, even without naming him, but as the Learned Man functions as a convenient narrative device for Fortescue, a logical conclusion would be that he is just that, a narrative device.

Although it has been established that *Of the Title*, as well as several other works from the same period, was written by Fortescue, he takes great care in the *Declaracion* to distance himself from the writings made out of Scotland. He states that “there wore many fuch wrytinges made in Scotelande, of which sum were made by other men than by me, wherunto I was never pryve,” (Fortescue, *Declaracion* 523), but that were said to be his regardless. This is only reinforced by the results of the analysis of the verb ‘to write’, as this shows that Fortescue uses the 1SG form only sparingly, and primarily when speaking about statements

made in *De Natura Legis Naturae*, which was a work which was not directly concerned with the case of the Yorkist claim. He does not, however, admit to writing any other specific work written in that period of time that deal with the Yorkist claim directly, like *Of the Title of the House of York*.

Taken together, the results of this study reveal that the two works are distinctly different from each other, and they both reflect the struggles that were unavoidable for someone in Sir John Fortescue's position. As he occupied an important position in the Lancastrian court in 1461 and since Henry VI and his direct ancestors had occupied the throne since 1399 with very little outside threats, there was no reason for him to doubt the righteousness of his cause. The Lancastrians maintained until the final defeat of that house that their claim was the legitimate one, and in the decade after their defeat they continued their efforts to regain the throne. The situation in 1471, however, was completely different. At this point, it was not in Fortescue's best interest to have occupied such an important position in the former king's Court, even during the period of exile, and he had to go through great lengths to get back into King Edward IV's good graces. This was the struggle that many former Lancastrians had to go through after the death of Henry VI, and it explains why Fortescue occupied an important position in the *Declaracion* by putting himself in the spotlight.

## 9.1 Limitations

Finally, a number of limitations need to be considered. First, it is important to emphasise the limitations of this study as a result of the availability of the texts. Chapter 4 has discussed the problematic nature of working with editions, and specifically Lord Clermont's edition of Fortescue's works, but as these limitations have such a lasting impact on the final results of this study it is necessary to repeat them here. Unfortunately, the two works that have been the

focus of this investigation were only available publically in this particular edition, and the fragile, fragmented state and the location of the originals made it impossible to consult the originals in order to gain a better understanding of the visual representation of the text, and to check the transcription with the original. The standard of scholarship when dealing with manuscripts have changed considerably since the accumulation of the complete works, and the edition does not necessarily meet with the modern standards of scholarship. However, it is important to keep in mind that even less than ideal editions of a text can offer valuable insights into the motivations of a medieval author like Fortescue.

## 9.2 Recommendations for future research

While this investigation has enhanced the understanding of ways in which the power struggles of the Wars of the Roses are reflected in two of Fortescue's work, this study has also raised many question in need of further investigation. First of all, further research is required to assess to what extent these power struggles may be identified in the language used at the time in a variety of genres. In order to fully assess the use of English to construct Lancastrian and Yorkist identities, a corpus needs to be compiled of different genres, for example personal correspondence, governmental publications and chronicles. While Fortescue did not use strong language in order to discredit the opposing faction, it is known that very explicit language was used in personal correspondence to speak about major political players like Edward IV. A broader corpus may reveal whether this is standard practice or an exception to the rule.

In addition to further investigation into the political use of English in the period 1450-1499, a natural progression of this study is to use at Fortescue's use of language in more detail, by looking at his additional works, as well as remnants of Fortescue's words in sources

like the reports of the Exchequer. Since Fortescue was active as Chief Justice and counsellor to two kings, he has left a trail of evidence which has not been combined before in order to give a more complete view of the way in which Fortescue uses language to get his beliefs across.

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