The Crown, the City and the Theoretician –

Political Thought and Realpolitik in Fifteenth Century England:
The Relationship of John Fortescue's Political Theories
and the Governance of Late Medieval London.

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Content

1. Introduction

During an illustrious and adventurous career in turbulent fifteenth century England, Sir John Fortescue not only advised Lancastrian and Yorkist kings, but also put to paper the theoretical foundation of their rule. His writings reflected the political realty of a monarchy in crisis and became influential guides for the following periods. Fortescue's real achievement lies in the practicality of his theories: they were not imaginative but pragmatic – and as such they had to accommodate the varying interest of powerful parties in late medieval England: the king, the barons, the gentry, and the towns and cities. For this essay the interests of London, England's largest city and *de facto* capital, will be used to appraise Fortescue's realism. It is the aim to show both, the demands of the crown and the requirements of the city – and how they are reflected in Fortescue's treatises.

After establishing the state of research and presenting the key sources, this essay will move to several introductions. There will be a brief overview of the state of political thought in fifteenth century England and an attempt to fit Fortescue in it. Then follow separate introductions of the crown as an institution, the city of London, and the life of Sir John Fortescue. From his work, four aspects (with implications for the relationship between crown and city) have been selected for evaluation. These will be assessed against the historiography of the period, hopefully allowing some insight into the workings of fifteenth century government, but also into the pragmatism of political theory.

It has been argued that medieval England was only governable by consensus and reciprocity. The king and his subjects needed it each other, and stronger bonds would prove profitable for all involved.[1] If that is true, there must be evidence of it in Fortescue's writings. The following application of his work to the Realpolitik of England in the turmoil of the War of the Roses might enable a better view of the relationship between political thought and practical governance. It is understood, though, that the scope of this article will - at best – allow snapshots from an eventful period, but there is the hope that is shows the promise of future research in the field.

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[1] Horrox, *England: Kingship and the Political Community 1377 - c1500*, 233.

2. Review of Literature and Sources

One cannot help but feel that, after a period of great interest into John Fortescue and medieval political theory in the nineteen-nineties, research in that area has been lying dormant ever since. Hence, most authoritative texts for this study were published ten, fifteen years ago. Joseph Canning's comprehensive study of Medieval Political Thought (1996) and Cary Nederman and Kate Langdon Forhan's reader on Medieval Political Theory (1993) provide most of the theoretical background, with additional material coming from Nederman's articles on Early Modern Political Thought (1997, with Arthur Monahan) and Economic Nationalism (2005). Of the other studies and collections from that decade,[2] James Blythe's scholarly treatise on Mixed Constitutions (1992) proved invaluable for the understanding of medieval ideas of government and their Aristotelian influence.

For the historiography of the period this study relies on Alfred Brown's Governance of Late Medieval England (1989) and Rosemary Horrox' chapter on Kingship and the Political Community in Rigby's Companion (2003). Brown's work might be quite dated, but his assessment of power relationships in medieval England remains valid. Horrox' more recent contribution provided the useful concept of Consensus and Reciprocity for this essay. Fortescue's legacy is the topic of Anthony Gross' study of the Crisis of Monarchy (1996) in the fifteenth century. His very critical dissection of Fortescue's work is a stark contrast to the very favorable earlier assessment by Bertram Wilkinson (1964). Somewhat surprisingly, though, the most authoritative and comprehensive analysis of Fortescue's life and work remains the century old Introduction by his esteemed editor Charles Plummer (1885).

The history of medieval London has long been the focus of Caroline Barron's work, from her 1970 PhD thesis (on London's government and its relationship with the crown between 1400-1450) to her most recent study of London in the Later Middle Ages (2004). This essay profits greatly from her thorough research and meticulous analysis. Of the mainstream histories of London (Porter 1994, Ackroyd 2000 et al.), the most useful for this study is Stephen Inwood's (1998), which offers a wide overview of all aspects of London's social history. The self-image of the Londoners and the city's social

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[2] F. e. Anthony Black: *Political Thought in Europe, 1250 – 1450*, Cambridge University Press, Cambridge, 1992, or J. H. Burns (ed.): *The Cambridge History of Medieval Political Thought c.350c.1450,* Cambridge University Press, Cambridge, 1991.

composition are the research foci of German professor Frank Rexroth, whose study of Deviance and Power (2007) supplies interesting alternative viewpoints to this essay.

The main primary source for this study is Fortescue's essay on the Governance of England, as printed in the 1885 edition (reprinted in 1926) in the Middle English of the original. The editor, Oxford scholar Charles Plummer, offers extensive annotations and historical explanations with the text, but the main body is a copy of previous – private circulation - prints from 1714 and 1719. Previous titles of the text include the only partially applicable 'The Difference between an Absolute and Limited Monarchy' and the much more appropriate 'Sir John Fortescue on the Governance of England.'[3] (This essay follows Plummer in calling it *Monarchia*). While a lesser-known work of political theorist John Fortescue, the *Monarchia* deserves a high profile, if only for being 'the earliest treatise on the English Constitution written in the English language.'[4] In it, Fortescue gives recommendations on various practical aspects of government, including a definition of its nature, the royal finances, and the composition of the King's Counsel.

Lord Clermont (a descendant and biographer of Fortescue),[5] Plummer and recent scholar James Blythe propose that the *Monarchia* has been written between 1471 and 1476[6], which would make it Fortescue's last major treatise. However, Plummer also entertains the alternative option that the *Monarchia* was written around 1469 as part of the Lancastrian restoration.[7] Anthony Gross goes further and argues that the fact that prominent London merchant Sir Thomas Cook owned a copy of the *Monarchia* places its production before 1468, maybe at the time of Fortescue's work as an alchemy commissionaire in 1457.[8] Amongst Fortescue scholars, this is an important debate since an earlier production date changes the *Monarchia's* relation to Fortescue's best known work: the *De Laudibus Legum Angliae* – rather than just an adaptation, it would be the inspiration.[9]

The instructional treatise *De Laudibus Legum Angliae* (in the following: *De Laudibus*) is a supporting source for this study. The text is much more widely known and has been in

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[3] Plummer, *Introduction*, 86.

[4] Ibid., vii.

[5] His complete edition of Fortescue's work has just been reprinted in lavish hardback by Lawbook Exchange Ltd. (2009).

[6] Blythe, *Ideal Government and the Mixed Constitution in the Middle Ages*, 260.

[7] Plummer, *Introduction*, 95.

[8] Gross, *The Dissolution of the Lancastrian Kingship - Sir John Fortescue and the Crisis of Monarchy in Fifteenth-Century England*, 118.

[9] Ibid., 41 + 118.

print and constant re-print since 1537. It was the only printed work of Fortescue up until the year 1714.[10] It has been written (as an imaginary dialogue between a young prince and an experienced chancellor) for the guidance of an aspiring ruler, with its main ambition the promotion of law and binding jurisdiction as a cornerstone of royal power. It remains unclear, though, for whose benefit it was produced. Most assumptions favour the young Prince Edward of Lancaster as the audience, but *De Laudibus* could also have been written for Henry VI himself.[11]

De Laudibus belongs to the genre of *Specula Principum* (mirrors for princes), treatises written for the instruction of young or inexperienced monarchs. They usually follow a standard convention of theological, moral and legal arguments that include: teaching about royal justice, encouragement of a bond of love between the ruler and the people, and reminders of the obligation of monarchs to rule by the law. *De Laudibus* is built on a classical tradition furthered by Thomas Aquinas (*De Regimine Principum*) and William of Pagula (*Speculum Regis*).[12] The edition used here was printed in 1825, but the translation is from 1775.

3. The State of Political Thought in Fifteenth Century England

A clear definition of political thought remains somewhat elusive, due to the fields varying influences from philosophy, social sciences, and legal history. For this essay, Joseph Canning provides the suitable working definition: political thoughts are 'ideas concerning the nature, organisation, government and ends of society.'[13] The attempt to constitutionalise society was not an invention of the Middle Ages – many commentators will actually claim the opposite: that (despite significant advances in Western political thought in the fourteenth century and acclaimed contributions by theorists like William of Ockham, Thomas Aquinas or Marsilius of Padua)[14] medieval political thought is merely 'transformed classical theory' with little original input.[15]

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[10] Plummer, *Introduction*, 85.
[11] Wilkinson, *Constitutional History of England in the Fifteenth Century (1399 - 1485)*, 199f.
[12] Nederman and Langdon Forhan, *Medieval Political Theory - A Reader (The Quest for the Body Politic, 1100 - 1400)*, 200ff. An analysis of Books of Advice for Princes from Fortescue's period can be found in M. L. Kekewich's 1987 Open University PhD thesis on the subject.
[13] Canning, *A History of Medieval Political Thought 300 - 1450*, X.
[14] Blythe, *Ideal Government and the Mixed Constitution in the Middle Ages*, 161.
[15] Ibid., 12.

It is certainly true that Aristotle was the overwhelming influence for medieval thinkers, but translations of his *Politics* were only available from ca. 1260 onwards. On the whole, medieval writers had little access to texts from Antiquity: Cicero was mainly known by Augustine's citations, and Polybius and Plato were unknown until the Renaissance.[16] Still, we now classify a lot of medieval political thought in relation to the classicists' works – either as commentaries or questions to the original text.[17] After all, Thomas Aquinas became famous as a commentator of Aristotelian political theory.[18]

Aristotle's work was crucial for discussions about how governments should work. He put forward qualities for political power that Fortescue freely adapted: nobility, wealth, freedom, justice, virtue and number.[19] Furthermore, Aristotle offered models of power that formed the base of the *Monarchia*: Aristotle associated *Political Rule* with alteration of office among free and equal people, *Regal Rule* with absolute power over free but unequal people, and *Despotic Rule* with absolute power over inferior people.[20]

In Fortescue's constitutional writings we find similar concepts of government. The *Dominium Regale* represents an absolute monarchy, while the *Dominium Politicum* stands for some form of republican government. For English rulers, Fortescue advocates a third way: the *Regum Politicum et Regale* (often linked to the modern term of a constitutional monarchy)[21] – which is one way of describing the contemporary idea of a Mixed Constitution, where different arrangements of power where necessary (and favoured) for different kind of communities, kingdoms and cities – and for different monarchs, aristocratic families and commons.

Fortescue continued promoting the *Dominium Politicum et Regale* throughout his life, defending one of its crucial implications: subjects do not have to pay taxes, or obey laws that they have not agreed to.[22] Overall, it has been successfully argued, that what Fortescue really wanted was not utopia or reform but the restoration of the 'authentic tradition of English government, (…) which was being gravely abused, and was in some danger of being destroyed' during the civil war.[23]

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[16] Ibid., 13.
[17] Ibid., 33f.
[18] Ibid., 35.
[19] Ibid., 21.
[20] see f. e. Ibid., 19.
[21] Plummer, *Introduction*, 83.
[22] Ibid.
[23] Wilkinson, *Constitutional History of England in the Fifteenth Century (1399 - 1485)*, 199.

It is important to remember that medieval political theory dealt more with particular governments than with a grand idea of government. The 'political and ecclesiastical near-anarchy' of medieval societies fuelled a desire for strong monarchies, but also for ways of restraining irresponsible kings, popes and nobles.[24] The criticism was invariably specific: it was not the institution of *kingship* that had failed, but individual rulers. Even during the War of the Roses, there might have been 'uncertainty about who should be king, but there was general agreement on the crown's role and importance within the realm.'[25] Despite the traditionalism, though, there were concepts unique to the age:

> 'The Middle Ages made distinctive, long-term contributions to political thought. Most obviously, the notion of theoretic monarchy provided the basis for the later development of kingship by the grace of god into that by divine right (...).'[26]

There are necessary limitations to this essay. Throughout the Middle Ages, constitutional ideas of power sharing between crown and people were overshadowed by the predominant and persistent conflict between territorial (or temporal) and papal monarchy.[27] However, since Fortescue did not give papal power too much room or importance, neither will this essay on his work.

4. The Crown, the City and the Theoretician

4.1. The Crown: the King and his Court

Sub Deo et Sub Lege.[28]

For the crown, the fifteenth century was a turbulent period that brought the institution to the brink of collapse. Historical convention marks Richard II's end by Bolingbroke in 1399 as the beginning of a century that as a period ends with the defeat of Richard III by

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[24] Blythe, *Ideal Government and the Mixed Constitution in the Middle Ages*, 243.
[25] Horrox, *England: Kingship and the Political Community 1377 - c1500*, 226.
[26] Canning, *A History of Medieval Political Thought 300 - 1450*, 186.
[27] Blythe, *Ideal Government and the Mixed Constitution in the Middle Ages*, 11 and 42f, Canning, *A History of Medieval Political Thought 300 - 1450*, 187.
[28] The base of Fortescue's concept of a 'limited monarchy' that became a unique feature of English government, in: Wilkinson, *Constitutional History of England in the Fifteenth Century (1399 - 1485)*, 199.

Henry Tudor in 1485.[29] At home, the English nobility was engaged in civil war (the War of the Roses – sporadically fought between 1453 and 1487), and abroad the crown was continuously engaged in the military conflict that was the Hundred Years' War (1337-1453). The fifteenth century with its dynastic struggles was a time of worry and uncertainty; Fortescue even made an analogy to classical Rome under Tyranny.[30]

For most of the Middle Ages, the king and his court did not have a permanent geographical base, but moved quite flexible between fortresses and battlefields. The royal family and its entourage would reside in one of their own castles, the houses of loyal aristocratic families, or in camps close to the battlegrounds. Under Richard II (1377-99) court life really expanded, and under Edward IV (1461-83) the royal household already numbered ca. 600 persons, from the Chancellor to the kitchen help. Beyond the household, there were even more people seeking proximity to the king.

> 'The nobles, gentlemen, clerics, careerists and petitioners who were drawn to the Court by ambition, duty, curiosity, the hope of power, protection, favour or reward, or the need to defend their family's interests and estates, are much harder to number, but perhaps of greater importance to London's development.'[31]

Since the court was always on the move - but mostly in the Home Counties around London - all these people entertained houses (and staff) in London. This movement accelerated when the court settled down just outside London in the fourteenth century. Westminster became a hive of activity. The royal treasure was stored there, lavish celebrations given there, and it was the permanent place for the Counsel and Parliament. After the court settled in Westminster there were even unsuccessful attempts to make the town a commercial centre to rival London.[32] Nevertheless, the effect of Westminster's rise on London should not be overrated. Parliament was in session for less than a month and the number of permanent employees of the King's Bench, the Privy Seal and the other offices has been calculated at only about 200. While royal contracts were a substantial source of London's income, the geographic proximity of Westminster had little immediate impact.[33] Politically, the impact was equally

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[29] Horrox, *England: Kingship and the Political Community 1377 - c1500*, 224f.
[30] Blythe, *Ideal Government and the Mixed Constitution in the Middle Ages*, 264f.
[31] Inwood, *A History of London*, 93.
[32] Ibid., 88.
[33] Ibid., 91f.

negligible: the crown was happy to leave London to itself and accepted the Council of Aldermen as the executive rulers of the city. There was much less interference from the crown than in previous periods.[34]

4.2. The City: London

Et civitas Londoniarum habeat omnes antiquas libertates et liberas consuetudines suas, tam per terras quam per aquas.[35]

London's unique position of independence can be deduced from several medieval documents. It is the only town mentioned by name in the Magna Carta, where the Londoners are assured their traditional rights not only for their city, but also for the trade on the Thames. These rights originate from the city's famous charter, granted by Henry I between 1130 and 1133[36]. They also include independent choice of sheriff and judges, own financial administration, tax and toll free trade all over England, the power to reclaim debts, and hunting rights in Middlesex and the Chilterns. Furthermore, the charter granted London the abolition or exclusion of the Danegold, the murder-fine (the summary charge to councils for unresolved murders), billeting the royal household in London, and trial by combat.[37] Of the 600 English cities, towns and boroughs, London (at a population of ca. 40,000) had the most extensive rights; 'it was in all but name the *Capital* of the kingdom with a significant role in national politics.'[38]

London in the early fifteenth century was not in its best shape, though. The city's population had just suffered through the plague, alien competition to London's trade was increasing, and the military expenditure of English kings in France became a heavy burden on the city's purse. Henry V's popularity and successful foreign policy was financed by voluntary contributions from London, but with his death in 1422 and the subsequent collapse of royal authority, things took a negative turn. The city invested

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[34] Rexroth, *Deviance and Power in Late Medieval London (translated by P. E. Selwyn)*, 315.
[35] King John Lackland, *Magna Carta*. 1215. Chapter 13. The 1215 issue, chapter 12, even included London's exclusion from arbitrary royal tallages and aids, but that clause was not upheld in subsequent versions.
[36] The authenticity of the Charter is still disputed. Historians assume that it might have been granted by Stephen in 1141, or indeed forged by the Londoners around that time. The privileges in it are at least evidence for the aspirations and strength of London. For the discussion see: Inwood, *A History of London*, 57.
[37] Ibid, Barron, *London in the Later Middle Ages - Government and People 1200 - 1500*, 37f.
[38] Brown, *The Governance of Late Medieval England 1272-1461*, 153.

hugely in the retention of French lands, but Henry VI lost them all (except the strategic port Calais). During the War of the Roses London's position was pragmatic: the favoured the king who owed them so much money, but at the same time they maintained friendly relations with the opposition. The city's protection against any army became a priority. After all, the aristocratic conflict did not stop outside the city walls. The Cade Uprising in June 1450 led to rebel forces looting inside London, with Henry VI unable to offer military assistance.

Worse still, when the defeated mercenaries of the aristocratic armies returned from France and settled in London, they posed a serious threat to peace and safety. In the last years of the conflict, London's decisions whom to support (by harbouring them inside the city or financing them, but only rarely by actually sending a militia) played an important part in its outcome. The town did not warm to Edward IV or Richard III, but when the victorious Henry Tudor arrived in 1485, London gave him a celebratory welcome.[39] At the end of the century, London was better governed and more prosperous than at the beginning. Unlike the country around it, the city was stable and comparatively peaceful.[40]

'In general, London's rulers were unwilling participants in aristocratic quarrels, and did their best to minimize the damage these conflicts might do to the City's economic and social life.'[41] Londoners – despite their real ability to muster a sizeable military force – were hesitant to send soldiers, arguing a social composition of craftsmen and merchants unsuitable for fighting - and their charters from 1327 onwards exempted them from going to war.[42] For a time when kings did not have standing armies at their disposal, this exclusion must be seen as a real sign of strength.

A Mayor ruled London, a chief administrator elected from among the district councillors - the Aldermen - in the annual commonality of London's citizens and freemen (titles obtainable by apprenticeship, purchase or inheritance). As was the custom of the time, though, the democratic process usually produced the nomination of the Mayor favoured by the elite, powerful and wealthy group of Aldermen.[43] 'In practice a narrow circle of wealthy merchants monopolized authority' within a complex network of gilds, misteries

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[39] Inwood, *A History of London*, 82ff.
[40] Barron, *London in the Later Middle Ages - Government and People 1200 - 1500*, 306.
[41] Inwood, *A History of London*, 87f.
[42] Barron, *London in the Later Middle Ages - Government and People 1200 - 1500*, 17.
[43] Inwood, *A History of London*, 59ff.

and companies – organisations that were classified as greater (e.g. vintners, fishmongers, grocers) or lesser (e.g. butchers, saddlers, tilers).[44]

The fourteenth and fifteenth centuries saw the rise of the mercantile class in London, which professionalised a largely amateurish business world to their advantage by specialising on certain goods and spanning trade connections with Flemish, Gascon, and Italian merchants, and the organised businessmen of the *Hanse*. The increase in trade changed two things: the social composition of London and the city's relationship with the crown. Whenever foreigners settled in London the locals were ambivalent: on the one hand the aliens contributed to the city's wealth and it was preferable to have them close by, rather than indirectly promoting other trading towns like Southampton or Boston. On the other hand, the aliens threatened the established order of guild monopolies and hitherto clear-cut markets for wool and cloth.[45] With overseas trade on the increase, London needed the crown's help to protect the Thames, the Channel shipping routes and the French ports against pirates and illegal competition – and the crown would in turn charge London for that service.

Very much like today, the people of fifteenth century London were far from being a homogenous society. While the upper classes, which provided the ruling Aldermen, had their own agenda of how the city should function, there were those with 'a latent, unmotivated and habitual penchant for violence, sexual license, and a disinclination to work'[46] attracted by the possibilities of the huge and sprawling city. Rexroth argues that a lot of social policy in Late Medieval London is based on the fear of an expanding underworld, either by caring for the endangered majority (the deserving poor) or by repressing the idle, thugs and libertines. There is also evidence that the Aldermen's attempts to exploit the people's fear for political aims occasionally backfired, when the people called them on their hypocrisies – after all, some Aldermen, too, tolerated the profitable brothels in their properties.[47] It is important to always remember, though, that the Aldermen ruled the city for the king, and if they failed to control public order

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[44] Brown, *The Governance of Late Medieval England 1272-1461*, 153f.
[45] Inwood, *A History of London*, 62f.
[46] Rexroth, *Deviance and Power in Late Medieval London (translated by P. E. Selwyn)*, 305.
Rexroth's study on poverty in London goes further still, proposing the existence of a nocturnal, immoral counter-society – that at least existed in as far as Londoners believed its existence. The popular notion was that this underworld run by *bawdes* (a sort of pimp) survived on an efficient infrastructure of unregulated bathhouses and secret brothels.
[47] Ibid., 316.

(or hygiene) the crown could seize the city's liberties and rule directly, which it occasional did out of real or political necessity (like Richard II in 1392).[48]

4.3. The Theoretician: Sir John Fortescue (c. 1394 – c. 1476)

'The most famous political theorist of the century'[49]

Neither Sir John Fortescue's place nor date of birth are certain, but at least the date can be estimated back from his documented appointment as sergeant-at-law in 1429 or 1430. Before that, he studied law and served as governor at Lincoln's Inn in London. In 1442, he became Chief Justice of the King's Bench. Fortescue enjoyed a high reputation for his jurist work and remained in office for the remainder of Henry VI's reign. His loyalty to the Lancastrian, though, led to charges of treason during the first parliament of Edward IV of York. The lawyer then spend several years in flight and quasi-exile with the disposed Lancastrian king in Scotland and on the continent, during which he wrote *De Laudibus Legum Angliae* - very likely as an instructive read for Prince Edward. Ironically, the addressee of this famous example of medieval political thought never made it to the throne. He died in May 1471; just days before his father in one of the various battles and disputes that are now collectively called the War of the Roses.

John Fortescue, though, survived the war, and 'now that his cause was expired and his master dead, Fortescue cannot be blamed for accepting the clemency of the conqueror'.[50] Pragmatically, he made his submission to the court in 1471 and received a general pardon. From there on he became an important theoretician to Edward IV and died at an advanced age, very likely in 1476. Little is known of Fortescue's private life, but it is assumed that he got married to Elizabeth or Isabella Jamyss in 1435-6. Both, his wife and his only son Martin died before him in 1472 and 1471 respectively - adding personal bereavement to a time of great political disappointment. Of his two daughters even less is documented.

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48 Barron, *London in the Later Middle Ages - Government and People 1200 - 1500*, 23.
49 Wilkinson, *Constitutional History of England in the Fifteenth Century (1399 - 1485)*, 198.
50 Plummer, *Introduction*, 71f. Although, more critical commentators labeled Fortescue shifting alliances as 'Janus-faced' (Gross, *The Dissolution of the Lancastrian Kingship - Sir John Fortescue and the Crisis of Monarchy in Fifteenth-Century England*, 87ff.).

Fortescue commanded respect and authority, because he pioneered mixing political theory with the practicalities of daily political life. 'The works of previous English lawyers like Glanville and Bracton were legal rather than constitutional, while the political treatises of other mediæval writers have little reference to any existing state of things,'[51] but 'Fortescue, first of medieval political philosophers, based his reasonings mainly on observation of existing conditions.'[52] As a major player in fifteenth century politics, he was in an advantageous position to offer real observations and realistic recommendations, which explains why his influence was immediate and shaped the following Tudor and Stuart monarchies. By that, Fortescue might have bridged the gap between medieval and Early Modern thought.[53] He did it with 'hard headed and largely secular, dynastic and political' arguments that led critics to the judgement that he was less of a reformer and more of a propagandist.[54]

5. Theories and Practice

5.1. The Case for a Wealthy King

Fortescue experienced first hand the impossible position of a poor king. Henry IV 'was weak through his want of title, weak through the promises by which he had bound himself to those whose aid had enabled him to win the crown, weak most of all through his want of money.'[55] Under Henry VI, the situation grew even worse. The crown took out loans (often with unconstitutional means and without repaying them) from individuals, corporations and towns. 'The king's jewels were perpetually in pawn.'[56] In the *Monarchia*, the problem is summarized:

> 'Ffirst, yff a kynge be pore, he shall bi nescessite make his expences, and by all þat is necessarie to his estate, by creaunce and borowynge (...), and thus bet her

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[51] Plummer, *Introduction*, 82.
[52] Ibid., viii.
[53] Blythe, *Ideal Government and the Mixed Constitution in the Middle Ages*, 260.
[54] Gross, *The Dissolution of the Lancastrian Kingship - Sir John Fortescue and the Crisis of Monarchy in Fifteenth-Century England*. Quote: 6, label: 90.
[55] Plummer, *Introduction*, 5.
[56] Ibid., 12f.

by alway porer and porer, as vser and chevisaunce encressith the pouerte off hym that borowith'.[57]

Fortescue realised that this is not so much the problem of an individual king, but a threat to stable governance, 'for his subgettes woll rather goo with a lorde þat is riche, and mey pay thair wages and expenses, then with thair kynge þat hath noght in his purse, but thai most serue hym, yf thai will do so, at thair owne dispenses.'[58]

Thus, Fortescue argues that for being a successful ruler, the king must have the means to pay his court, his military expeditions and so forth. Further still, it is in the interest of the people to endow their king adequately as a mean of stabilising the political situation - and to keep him from raising the money illegitimately. Fortescue offers a lengthy argument of the ordinary and extraordinary charges incurred by the crown and ways of raising the money from the subjects. His main line of argument, though, is that taxation – even at high level – is for the good of the country; and that the alternative would either be random demands for money by the crown (the hated *tallages*) or political unrest due to the actions of wealthy contenders to the throne.

It seems that Fortescue's argument reflected the opinion of the Londoners. Throughout the Middle Ages, the crown devised more and more imaginative ways of extracting money from London (tallage, penalties, patronage, monopolies, *voluntary* contributions), but by the fifteenth century, London's continuous opposition led to more systematic regulations. The crown's main source of revenue was the tax on goods imported and exported through London, but on top of that the crown expected coronation or wedding gifts, payments for re-issues of the city's charter and – most importantly – loans. 'The Lancastrian kings borrowed steadily and desperately from the city, (…) London had developed into a quasi-Bank of England.'[59] Barron proposes, though, that neither taxation nor loans generally caused resentment and opposition in London; the city preferred it to the earlier arbitrary tallage payments. What the city did resent, though, was the king's support for alien merchants (like the *Hanse*) that threatened well-established trade structures. The crown used its protection for foreigners as a way of diversifying revenue sources and as a lever in negotiations with

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[57] Fortescue, *On the Governance of England (Edited / Annotated by C. Plummer, 1885)*, V, 118.
[58] Ibid., V, 119.
[59] Barron, *London in the Later Middle Ages - Government and People 1200 - 1500*, 13.

the city.[60] On the whole, though, the Londoners were good taxpayers and Fortescue reminded them that they were also direct beneficiaries of the money. After all, the king's wardrobe financed the fleet for the ‚sauynge off owre marchauntes.'[61]

There is another political dimension to Fortescue's case for a wealthy king: gratitude. The theoretician argued that, unlike the excessive and self-indulgent kings of France, the English kings accepted that their rule was political and the crown bound to the laws. For the king's acceptance of his curtailed power, Fortescue expected the commons to be thankful and proposed that 'wherfore sithen euery reaume is bounde to susteyn is kyng, yet much more be we bounde ther to, vppon whom owre kyng reignith by so ffauerable lawes as is beffore declared.'[62]

5.2. The Case for a Wealthy London

Of course, there is a moral argument to be made, that a good king should do his best to further the wealth of his people and not to charge them excessively. Fortescue actually made both points, but only briefly, stating that 'item, hit is the kyngis honour, and also is office, to make is reaume riche'[63] and '(…) it is not good a kynge to ouer sore charge his people.'[64] Pragmatist that he was, though, Fortescue did not dwell on that; his arguments for allowing the subjects their wealth are much more political and practical. He argues that, while exploitation of paupers might make them less able to rise up (as the kings of France have shown), they are also less likely - and able - to support the king against a rising baron. History has shown that the poorest were always most active in rebellions, and prosperous and loyal men have given in to the mob's demand for fear of their own possessions.[65] On the face of it, the French king might have higher revenues, but the loyalty and gratitude of the English people to their king is a more valuable commodity.

> ‚Sithyn our kynge reignith vpon vs be lawes more fauerable and good to vs, þan
> bet he lawes by the whiche þe Ffrench kyngerulith his people, hit is reason þat

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[60] Ibid., 14f.
[61] Fortescue, *On the Governance of England (Edited / Annotated by C. Plummer, 1885)*, V, 123.
[62] Ibid., VIII, 127.
[63] Ibid., XII, 139.
[64] Ibid., X, 132.
[65] Ibid., XII, 138.

web e to hym more good and more profitable than bet he sugettes of the Ffrench kynge vnto hym.'[66]

,Wherfore, al be it that the Ffrench kynges reuenues ben by suche meanes moche gratter than be the revenues wich þe kynge owre souerayn lorde hath off vs, yet thai ben not goodly taken, and the myght of his reaume is nerehande distroyed ther by.'[67]

Fortescue leans on Aristotle here. Blythe paraphrased the Hellenistic thinker's comment that 'an equitable balance of elements (…) preserves cities. A polity cannot endure unless all parts of the city wish it well, and this cannot happen unless each has a fair share in rule.'[68] For Aristotle the city was a chosen community, but for the English king, the city was a lifeline.

Fortescue does not mention London as such, but his argument reflects the relationship between city and crown. When he points out that the commons of England, with their comparative wealth, can in the time of a king's need be taxed to raise the necessary funds (which they could not if they were impoverished like the French),[69] he was surely also referring to the Londoners who, after all, were the biggest contributor to the king's revenue. The *Monarchia's* chapter XII has actually been seen as more; commentators view it as evidence for Fortescue's high esteem of the urban mercantile class and his concern for their interests.[70]

Accepting Fortescue's premise of allowing subjects some wealth also lessens the king's responsibility for London. Once he accepted the city's quasi-autonomous status, his demands were relatively straightforward. First, there was revenue by taxation and loans; second, the provision of troops and supplies; and third, the promise that local government would enforce trade regulations and keep the peace for the king. In return, London enjoyed more liberties and less interference than any other part of the realm.[71] The city and the king needed each other, and occasionally they would show their unity:

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[66] Ibid., IV, 116.
[67] Ibid., IV, 117.
[68] Blythe, *Ideal Government and the Mixed Constitution in the Middle Ages*, 21.
[69] Fortescue, *On the Governance of England (Edited / Annotated by C. Plummer, 1885)*, 139f.
[70] Gross, *The Dissolution of the Lancastrian Kingship - Sir John Fortescue and the Crisis of Monarchy in Fifteenth-Century England*, 118.
[71] Brown, *The Governance of Late Medieval England 1272-1461*, 155.

'The crown had another use for the wealth and craftsmanship of the Londoners: it needed the city to provide impressive receptions for foreign visitors which would enhance the king's prestige and, at the same time, remind the Londoners of the authority and grandeur of their monarch.'[72]

For the crown it was sensible to allow the Londoners comparative freedom, since the city's growing prosperity meant increases in the crown's income. While other towns struggled, London established itself as the centre of commerce and as a powerful ally to medieval kings and their challengers. By 1540, London's share in England's overseas trade was 85% – the main commodities traded were wool and cloth. The city commanded near exclusive trade between the producers in Lincolnshire and the hubs in Antwerp and Bruges. In 1543, London contributed more in taxes to the king than all other towns in England combined.[73]

5.3. The Case for Limiting the City's Wealth

Still, the king might have seen wealthy and powerful London as a threat to his authority – as he would have seen a wealthy baron as a contender to the throne. Fortescue does not mention London and its powerful merchants as a potential threat (either because he did not see it, or because he did not see London's ruling elite as a unified entity, or because of his emotional allegiance with the merchants), but his risk assessment of rich and ambitious barons might still apply. The *Monarchia* states quite clearly that in order to be the ultimate authority, the king needs to be the wealthiest person and the crown the wealthiest institution in the realm. 'Then nedith it þat the kynges livelod, (…) be gretter than the livelod off the grettest lorde in Englande'[74] to ensure political stability, starve off rebellions, and ensuring that no competing lord can raise and pay an army.

Many of the nobles were very rich, and 'for certainly ther mey no grettir perell growe to a prince, than to haue a subgett equepolent to hym selff.[75] These barons already came from wealthy families and often pooled their wealth by marriage or alliance. They substantially reduced the crown's revenues by charging their pensions and annuities,

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[72] Barron, *London in the Later Middle Ages - Government and People 1200 - 1500*, 18.
[73] Inwood, *A History of London*, 57 + 97ff.
[74] Fortescue, *On the Governance of England (Edited / Annotated by C. Plummer, 1885)*, IX, 128.
[75] Ibid., IX, 130.

they made large fortunes out of the wars with France, and 'they were among the chief wool-growers and sometimes wool-merchants in the kingdom.'[76] In a recent study, Pamela Nightingale shows that in the Late Middle Ages the traditional class separation between landowners and merchants had broken up, with the gentry either becoming more mercantile and urbanized - or at least developing closer ties to the merchants in the towns. For many members of the landed class this became vital for their financial standing, so much so that 'their traditional connections with trade also enabled the gentry to survive as a class in the fifteenth century where landed incomes fell and demesne agriculture collapsed.'[77] For the crown these new developments must have been quite worrying – and Fortescue addresses the problems arising from a gentry that is both, rich and ambitious:

> 'Wherof it hath comyn þat oftyn tymes, when a subget hath hade also gret livelod as his prince, he hath anon aspired to þe estate of his prince, wich by such a man mey sone be gote.'[78]

Similarly, the crown had good reason to fear London. Between 1334 and 1515, London's wealth grew four times as much as the national wealth. In the same period the city's wealth had risen nearly fifteen-fold – making it ten times richer than the next big provincial town, Norwich.[79] London achieved this partly at the expense of other towns, ports and trading places that it muscled out of business. Often the city's wealth, independence and arrogance would lead to conflicts with the king, who then had to assert his ultimate authority.

Unlike autonomous cities on the continent (Augsburg, Venice, Ghent et al.), even a wealthy London would always have to subdue to royal power. It was the crown that ultimately set prices and controlled the merchandise, especially in the profitable overseas trade.[80] The Londoners were made aware that concessions wrung from the king were never permanent and always subject to renegotiation, during which the king could play the various interest groups of the city against each other. At all times, the

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[76] Plummer, *Introduction*, 17.
[77] Nightingale, 'Knights and Merchants: Trade, Politics and the Gentry in Late Medieval England', 61.
[78] Fortescue, *On the Governance of England (Edited / Annotated by C. Plummer, 1885)*, IX, 128.
[79] Inwood, *A History of London*, 102.
[80] Fortescue, *On the Governance of England (Edited / Annotated by C. Plummer, 1885)*, 148.

crown retained the power to withdraw all licences and govern the city directly through royal wardens, 'it was clear to all who was, ultimately, the cat and who the mouse.'[81]

5.4. The Case of the Inns of Law

In the previous chapters we had to imply and infer the applications for London, since Fortescue did not mention the city by name. On the whole he rarely did, except when writing about the Inns that developed close to the city. As a lawyer and judge himself, Fortescue devoted a lot of his writing to the promotion of jurists and the upholding of the law. The *Monarchia* contains some arguments in favour of just rulers, but for this section *De Laudibus* is the key source - after all it was written to convince a prince of the merits of studying the laws at a time when law abiding kings and subjects could not yet be taken for granted.

The Inns were colleges of law (situated just west of London's city wall) and attracted young upper class men from all over England. Fortescue is aware of, even applauds, the fact that the ca. 2,000 students who lived and studied in the ten lesser Inns and the four Inns of Court (Gray's, Lincoln's, Middle and Inner Temple) had very little in common with the Londoners. In his opinion, sons of the mercantile class – so dominant in fifteenth century London – did seldom take up the study of law, as it was too expensive for the family to maintain a son at the Inns.

> 'As to the merchants, they seldom care to lessen their stock in trade by being at such large yearly expences. So that there is scarce to be found, throughout the kingdom, an eminent lawyer, who is not a gentleman by birth and fortune ; consequently they have a greater regard for their character and honour than those who are bred in another way.'[82]

Fortescue promotes the Inns as institutions designed to bring out virtue and manners in the young men attending. In his view the Inn's socializing function occasionally surpassed the interest in the jurist profession as an incentive to send sons of nobility there. At the Inns 'every thing which is good and virtuous is to be learned: all vice is

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[81] Barron, *London in the Later Middle Ages - Government and People 1200 - 1500*, 10 + 153.
[82] Fortescue, *De Laudibus Legum Angliae (edited by A. Amos, 1775 Transl.)*, XLVIII, 179.

discouraged and banished,'[83] which (assuming Fortescue's description is accurate) must have made close-by London look pretty desolate and unsafe.

> 'The situation of the place, where they reside and study, is between Westminster and the city of London, which, as to all necessaries and conveniences of life is the best supplied of any city or town in the kingdom: the place of study is not in the heart of the city itself, where the great confluence and multitude of the inhabitants might disturb them in their studies.'[84]

On the social composition of the metropolis the Inns had an effect, though, since the young students would not have stayed in the confines of the colleges, but would have been seen in the streets of London, where the shopkeepers and prostitutes welcomed their business. Occasionally there would be confrontations and fistfights, but largely the communities kept to themselves.[85]

The importance of the Inns for the governance of the country is repeatedly emphasized in *De Laudibus*. In the fictitious dialogue the chancellor proposes that 'you will better pronounce judgment in your courts by others than in person: it being not customary for the kings of England to sit in court, or pronounce judgment themselves'[86] - and in his conclusion the imagined prince predictably agrees.[87]

Fortescue was not an impartial judge of the jurist profession, though, since he 'has an honourable pride in the judicial profession to which he belongs.'[88] He very likely exaggerated the achievements of the jurist and the law. Ideally, the Inns would produce justices who drew their livelihood from the king and were only responsible to him, thus they would have been in a position to deliver impartial justice to the people. The English legal system is a famous theoretical invention of the fifteenth century,[89] but in reality legal chicane was widespread. The laws would be misused, documents forged, false allegations made – all in the name of the emerging judicial system. Worse even, there is evidence that the excessive number of attorneys were the worst offenders - trying to

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[83] Ibid., XLIX, 185.

[84] Ibid., XLVIII, 179.

[85] Inwood, *A History of London*, 126f. However, the urban elite would increasingly regard joining the royal court as a viable career choice, see: Horrox, *England: Kingship and the Political Community 1377 - c1500*, 237ff.

[86] Fortescue, *De Laudibus Legum Angliae (edited by A. Amos, 1775 Transl.)*, VIII, 22.

[87] Ibid., LIV, 207.

[88] Plummer, *Introduction*, 102.

[89] Brown, *The Governance of Late Medieval England 1272-1461*, 136f.

make business for themselves. 'The fifteenth century must have been indeed a golden age for lawyers.'[90] They were statues passed to reduce their number.

There was a strenuous relationship between the jurist profession and the city, since 'London was populous and wealthy but it was constantly thrown onto the defensive by a Crown served by eagle-eyed lawyers anxious to protect and enhance the rights of their royal master.'[91] The city's Aldermen always feared the imagination of the King's Counsel in situations where lack of resources might lead to a perversion of justice (with the king buying favours or imposing undue penalties for financial gain).[92] However, London was not subject to many impositions, since local jurisdiction was a key liberty of the city.

It is important not to underestimate the importance of jurists for fifteenth century society. After all, 'the juristic legacy was, perhaps, the most important, because so many of those involved in government had received a legal education.'[93] Not unlike today, the lawyers (and the institutions that educated them) had a major influence on the shape of society.

6. Conclusions

In its very restricted way, this essay tries to find the origins and destinations of ideas. Sir John Fortescue has long been hailed as one of the most important medieval theorists whose contributions are evidence that 'the Middle Ages were the seed-time of European civilisation.'[94] Fortescue's treatises are particularly useful, since they do not imagine a utopia, but are reflections of the actual interactions of rulers and subjects; like kings and cities.

'It was not simply convenient for the king to get on with the city of London: it was crucial.'[95] London sustained its wealth regardless of the political situation and its support was vital for the king's political and financial survival. On the other hand, the city depended on the crown to protect their trade and liberties. For the governance of

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[90] Plummer, *Introduction*, 32.
[91] Barron, *London in the Later Middle Ages - Government and People 1200 - 1500*, 41.
[92] Fortescue, *On the Governance of England (Edited / Annotated by C. Plummer, 1885)*, 119.
[93] Canning, *A History of Medieval Political Thought 300 - 1450*, 186.
[94] Ibid., 187.
[95] Barron, *London in the Later Middle Ages - Government and People 1200 - 1500*, 45.

England, London was a crucial factor and Fortescue must have known that. Even though he rarely mentions London by name, a lot of his political writings reflect the complex relationship between crown and city.

When Fortescue writes in favour of a rich endowment for the king, it is implicit that wealthy London has to be a major contributor to that. The king's financial dependency on his biggest tax contributor was a defining element in the nature of their relationship. Likewise, Fortescue's argument against the exploitation of the population (as unpopular as it might have been with any English king who jealously watched the richness of the French kings) was crucial for the relationship between crown and city. Fortescue supported a pragmatic solution for England, based on the idea that 'at the simplest level the king needed money and the Londoners wanted self-government which largely (albeit not completely) contributed to their ability to make money.'[96] Moderation - that was the English solution.

Did Fortescue fear London as a political threat to royal power? From his writings we cannot infer that; the absence of the city actually points in the opposite direction. While he warns his king (and readers) against wealthy, ambitious and ruthless barons, he does not contemplate the implications of the power wielded by united London merchants. Commentators have viewed this gap as evidence for Fortescue's favourable opinion of the mercantile class. He certainly had access to them, since he spent considerable time in the Inns of law, who are the real benefactors of his work. No other topic seems to be as close to Fortescue's heart as the promotion of his own profession, a group recruited from the best families, educated to the highest standards and of infallible integrity. Fortescue might have liked the Londoners, but not nearly as much as the lawyers.

On the whole, the *Monarchia* reflects the Realpolitik of fifteenth century England. It acknowledges the problems of a poor king - but already links the common's financial support to concessions that range from the adherence to judicial process to the predictability of taxation levels. London's history shows that the city was happy to arrange itself with diverse kings and queens; provided they did not interfere with the city's autonomy and its profitable trade. Minor squabbles aside; London was a reliable partner of the crown - very much like Fortescue predicted it would be.

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[96] Ibid., 9f.

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