'That memorable parliament': medieval history in parliamentarian polemic, 1641-2

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In 1647, Edward Chamberlayne professed that '[t]he most probable way to know what will be, is to observe what hath beene', adding that '[t]he historian, by running backe to ages past, and then forward to present Affaires, comparing one with the other, can give a verdict of the State, well neer Prophetick'.[1] Such sentiments were obviously unremarkable in an age drawn to 'politic' history, and scholars have done much to analyse the work of poets and writers – from Sir Robert Cotton to Thomas May – who were fascinated by medieval monarchs. What makes Chamberlayne's comments intriguing, however, is that they appeared on a piece of popular polemic, and that they related to England's medieval parliaments.[2] They thus highlight the issue of how this particular period of parliamentary history – from Henry III to Henry IV – could be deployed for political purposes during the 1640s. This history would, of course, have been extremely well-known – from Holinshed, Daniel and Hall, as well as from the *Mirror for Magistrates* and Shakespeare – and parts of it had recently been rehearsed in Giovanni Biondi's *History of the Civill Warres in England* (1637, translated 1641).[3] There was also something of a tradition of capitalising on parallels between the past and the present, and of treating historical evidence as being instructive. In the late sixteenth century, therefore, parallels had been drawn between contemporary grandees and Bolingbroke, not least when the story of Richard II was recycled on the eve of the Essex 'revolt'.[4] As such, references to political affairs in the middle ages could also be extremely controversial, particularly in relation to the role and power of parliament. Scholars are now familiar with contemporary concern that Sir John Hayward's history of Henry IV (1599) involving *applying* history 'to

this time', and endorsing resistance, just as they are alive to the possibility that the account of Richard II's deposition that appeared in the 1577 edition of Holinshed's *Chronicle* was suppressed in the second edition, and that Shakespeare was somehow prevented from including the parliament scene from *Richard II* in 1597 and 1598, even if this was subsequently incorporated into later editions.[5]

What this suggests is that treatments of medieval parliaments offer revealing insights into early modern political culture, and the purpose of this chapter is to supplement the ways in which historians have thought about the significance of this period during the seventeenth century, and to highlight the value of examining carefully those discussions of the Plantagenet past that appeared in polemical pamphlets during the 1640s.[6] In particular, the aim is to both acknowledge and move beyond the 'baronial' context of the English civil wars, in which reflections on medieval history – and particularly the role of the lords appellant and the *Modus Tenendi Parliamentum* – were used to justify a form of 'parliamentarian' rhetoric which afforded the peerage a decisive role.[7] In order to do this, the chapter will analyse a range of texts that appeared in print during the months which led to civil war, not least in a period – from late 1641 to the autumn of 1642 – which witnessed the dramatic deterioration of crown-parliament relations and the outbreak of hostilities, following the raising of the royal standard at Nottingham (22 August 1642). This period was marked by the outbreak of the Irish Rebellion and the framing of the Grand Remonstrance; the attempted arrest of the 'five members' and the king's departure from London; and disputes over the control of Hull, the introduction of the militia ordinance and the passage of the 'Nineteen Propositions', and it culminated in the Battle of Edgehill (23 October 1642). It also witnessed an increasingly bitter 'paper war', and by examining a range of fascinating but rather neglected popular pamphlets it will be possible to highlight the ways in which evidence relating to the fourteenth century began to be used to reflect on parliamentary power and indeed on the

House of Commons, and to discuss the possibility of deposing and executing 'unprofitable' kings, and of electing and binding their successors. This will be done, indeed, not only to draw attention to an important shift in parliamentarian rhetoric regarding the king and parliament, but also to highlight the protean nature of the medieval past, and suggest that the treatment of medieval parliaments proves revealing about incipient political radicalism in the opening weeks and months of the civil wars.

I

Evidence from the decades before 1642 makes it perfectly clear that members of the political elite were entirely comfortable citing medieval history as part of political discourse. References were made to the fall of Richard II during the 'Addled' parliament of 1614, as well as to the decision to exclude lawyers from the so-called 'lack-learning' parliament of 1405, and one of the reasons for questioning the MP Sir John Eliot in 1626 was the fear that reading about Richard II might have taught him about the legitimacy of deposing kings. Having been raised in parliament, moreover, stories about attempts to bridle and topple monarchs were evidently marketable – as scribal separates as well as in pamphlets – and were also recorded in gentry commonplace books.[8] Similarly, references to the lords appellant during the reign of Richard II, and to the punishment of royal counsellors like Robert Tresilian, were made repeatedly during the early months of the Long Parliament.[9] What is crucial, however, is to observe how such evidence was used, and to recognise that it could be deployed to somewhat different political ends.

Very often, of course, such evidence was used to emphasise the nobility's role as a check on both favourites and monarchs. Attention has rightly been drawn, therefore, to a 1641 pamphlet which explicitly compared the earl of Strafford to Richard II's courtiers,

including Michael de la Pole and the Duke of Ireland, who 'caused the breaking of the parliament when the parliament had made the duke of Gloucester and others commissioners to reforme abuses'. Such 'monsters' and 'caterpillers', it was said, had 'laboured the demolition and overthrow of the whole estate', and precedents from the reign of Edward III were used not just to suggest that 'the parliament onely hath power to expresse and declare what is treason', but also to argue that 'the lords by the earle marshall ought as in other parliaments to give sentence'.[10] Even more striking was a pamphlet from October 1642 which emphasised the central role that the high steward and high constable played in managing political affairs in times of crisis, not least in selecting a council of twenty-five to 'ordaine, agree upon and establish remedy by law in all such cases'. Thus, in a situation where a king had 'evill counsellours about him, that advise him to doe things, tending openly and publickly to his dishonour', these two officials were said to have the power to 'send to such a counsellour, forbidding him in such sort to lead and counsell the king'. Indeed, in situations where such 'requests' were ignored by the king and his advisers, 'then for the weale publick' it was considered lawful for the steward and constable – 'with banner in the king's name displayed' – to 'apprehend such counsellour, as common enemie to the king and the realme'. In other words, such texts drew explicit comparisons between evil counsellors old and new, in terms of the threats they posed to parliament, and cited medieval precedents in order to emphasise the nobility's role in taking action against traitors in the king's name, not least by assuming emergency powers to manage the affairs of the kingdom, by means of select councils.[11]

Perhaps the most striking example of this phenomenon, however, involved Thomas Favent's late fourteenth century narrative of the 'Merciless Parliament' of 1388, which appeared twice in pamphlet form in 1641, including as *A True Relation of that Memorable Parliament Which Wrought Wonders.*[12] Favent emphasised the 'valour and magnanimity' of

the lords appellant in overthrowing evil counsellors who were 'enticed with the libidinous baits of voluptuousnesse and infected with insatiable itch of avarice', who had 'serpentine tongues' and who 'buzzed' the king's ears with 'impious instigations', in order to embitter him against parliament, and who removed access to the king by ensuring that he withdrew from Westminster. Here too attention was paid to the decision to 'constitute and give plenarie and absolute power to certaine commissioners… for the ordering and disposing the publique affaires, according as shall seeme best and most necessarie for the desperate estate of the commonwealth, to depresse civill dissentions, and to pacifie and appease the grudgings of the people'.[13]

However, while such neo-feudal language and ideas could be discerned throughout the period 1641-2, it is also striking that by the spring of 1642 much greater emphasis began to be placed on parliament – and indeed on the House of Commons – rather than on the lords appellant. What becomes clear from a range of pamphlets, indeed, is the way in which evidence from medieval parliament rolls – to which access could be gained in the Tower of London – was deployed to emphasise the wisdom of relying upon parliamentary counsel, and to reflect on the central role that parliaments played in maintaining a healthy body politic. Such ideas had been much less visible in the late sixteenth century, when attempts to emphasise the importance of parliament proved extremely controversial, and they were also downplayed in Biondi's account, which skirted over the 'Wonderful Parliament' (1386) and the 'Merciless Parliament' (1388) in a fairly breezy fashion.[14] By the early 1640s, however, this emphasis on parliament emerged fairly clearly in the speeches and papers of MPs like John Pym, who looked to the reigns of Edward III and Richard II for evidence of parliament's role in choosing 'the high officers of the kingdome', as well as in official statements like the *Remonstrance* of 26 May 1642, which highlighted Henry IV's coronation

oath, not least with its reference to the monarch's obligation to pass such bills as were offered by parliament.[15]

It also emerged fairly prominently in cheap print. In June 1642, therefore, one anonymous author deployed archival evidence – involving 'rolles of summons' (i.e. parliament rolls) – to restrained polemical effect, not least by noting their use of aphorisms that were becoming increasingly important to parliamentarian rhetoric, such as '*quod omnes tangit ab omnibus approbaretur*' (that which concerns all should be approved by all). Readers were also left in little doubt about the message to take from such sources: parliaments were traditionally held with remarkable frequency, and generally as a means of offering advice about matters of the highest concernment, including foreign affairs and wars. Such things, of course, had become notably contentious in the early Stuart period, and it was thus thought appropriate to catalogue the achievements of Edward III's parliaments, and not just because the 'Good Parliament' of 1376 seemed to set a precedent for a session of unusual length. It was noted, therefore, that Edward 'required their advice, whether he should undertake the Holy expedition with the French king, or no?'; that MPs and peers were informed 'that the French warres began by their advice'; and that parliaments were summoned 'to advise the king the best for his French imployments', and to consider 'the safeguard of the seas, and defence of the seas', as well as 'the prosecution of the French warres'.[16] Albeit imperfectly, moreover, the author was clearly conscious of the *evolution* of parliament during the fourteenth century. Attention was thus paid to the emergence of bicameralism by the early 1330s, and to how the peers and commons 'consulted apart' – 'for so are the records' – as well as to how, by the early 1340s, parliament received accounts relating to war finance, and set up 'severall committees', comprised of both peers and commons. Indeed, the author was at least trying to connect the changing nature of parliament under Edward III to the fact that these were 'times so good and glorious'.[17]

Focusing on Edward III might be thought to have been an obvious choice for a parliamentarian. However, it probably needs to recognised that the author was working with imperfect information, and was not obviously aware of the true extent to which parliament became involved in granting taxation, and central to the processes of impeachment and petitioning for redress of grievances, especially in terms of misgovernment by royal officials. The author, in other words, had only a poor grasp on what it was that gave the 'Good Parliament' (1376) its name. Moreover, there is also a sense that the concentration upon Edward III reflected in part the nature of the accessible sources, and the author noted that 'I have the longer insisted in observing the carriage of these times so good and glorious, after ages having not left the journall entries of parliament so full, which therefore with a lighter hand I will passe through'. Nevertheless, while it is true that the fourteenth century parliament rolls may have been more readily available than material relating to the fifteenth century, the author clearly sensed that the records for Edward III amounted to 'journall rolles', while later versions were somewhat less useful, being 'spoiled by the injury of time or private ends'.[18]

Such protestations notwithstanding, moreover, it is also worth noting the author's treatment of Richard II, who was shown to have pursued 'the steps of his wise grandfather', at least at first, by seeking parliamentary advice on foreign affairs, even in the face of protests by the Commons that 'councells for war did aptly belong to the king and his lords'. Indeed, it is perhaps noteworthy that the author of this pamphlet omitted the 'Merciless Parliament' (1388), the calling and course of which both reflected the role of the lords appellant in placing pressure on the king and taking action against his closest advisers, in order to focus more obviously on the lower House. Thus, while it was noted that 'neglect' by the clerks made it difficult to recover the opinion of MPs on certain issues, the tract is notable for emphasising the Commons rather than the lords appellant. The author thus drew upon striking

evidence from Commons petitions in 1383, not least the successful demands that the bishop of Norwich should 'accompt in parliament [for] the expence of the money', and that he should be 'punished' for his 'faults' in the so-called Despenser crusade. In the circumstances of 1641, moreover, it was probably thought striking that in the so-called 'Wonderful Parliament' of 1386, both MPs and peers were consulted over 'how the realme should be governed in their soveraignes absence'. Even for Richard II, therefore, the author felt able to stress the importance of the Commons, concluding that 'in all these passages of publique counsels, I still observe, that the soveraigne lord either in best advice or most necessitie would entertain the Commons with the weightiest causes, either forreine or domestique'.[19]

This same message was also reinforced by Thomas May's reflections on 'former parliaments', which appeared twice in the summer of 1642. May cited Philip de Commines regarding the wisdom of relying upon a representative body, but he also drew upon his own historical analysis, demonstrating that parliaments had been favoured by the best of kings, and that no prince had been happy without their advice. This involved a brief analysis of Edward II and Richard II, who were both 'afraid to look their faces in so true a glasse as a parliament', and who 'flying the remedy, encrease the disease', until they became 'hardly reconcilable to a parliamentarie way'. In the end, May's position involved a very moderate kind of parliamentarianism; he reflected on the 'great mis-fortune' which arose 'when the distempers of government have been let grow so long, as that for their cure they must need a long parliament', and he also cited the 1397 parliament as one 'that discharged their trust worst of any that I read of', presumably for its complicity in the trials of the lords appellant.[20]

However, at precisely the time that these works appeared it is also possible to notice a hardening of parliamentarian attitudes, and one which drew explicitly on medieval parliamentary records. Thus, when the two Houses passed aggressive resolutions in May 1642 – declaring that by preparing for war Charles risked breaking 'the trust reposed in him

by his people' – considerable space was devoted to extracts from the parliament rolls relating to the 'Merciless Parliament' (1388), to the accusations regarding the king's 'hearkening wholly to the counsell of… malefactors and traytors', and to the treason proceedings against Richard's most powerful courtiers. Indeed, the broadside version of these votes even printed 'sundry articles' of accusation against such men, including the kinds of claim – the attempt to secure military assistance from France; the attempt to raise forces in Ireland – which had most contemporary relevance.[21] Very quickly, indeed, this version of events became a staple of parliamentarian propaganda, not least in the printed edition of the June 1642 Leicestershire petition. This suggested that the only historical parallel for the 'ill advice' which Charles I received from his 'pernicious councell' involved 'the eleventh of Richard the second', adding that the king should 'hearken to the worthy and well-deserving men of your kingdom, your hopefull and our happie parliament'.[22] More striking still was a pamphlet from October 1642, relating to kings who waged war on parliaments, which used precisely the same evidence about petitions against, and the impeachment of, evil counsellors, but which also drew a striking modern parallel. This involved breaking news that the earl of Warwick – an earlier holder of which title had been one of the lords appellant who were arrested, tried and exiled in 1397 – had seized a significant store of arms and ammunition, based upon parliamentary intelligence that forces were being mobilised in France and Spain, 'to relieve the rebels in Ireland, or to assist the king in his war against the parliament'.[23]

II

What also becomes apparent, however, is evidence that texts which drew upon the medieval parliamentary past – particularly old tracts which resurfaced during the early 1640s – were somewhat protean or unstable, and that their meaning could become ambivalent or

problematic. A case in point involves Sir Robert Cotton's life of Henry III, which had first appeared in 1627, and which reappeared at least four times during 1641-2. What makes this work particularly interesting is that a text which might once have been read fairly clearly as a comparison between Simon De Montfort and the duke of Buckingham, and as a plea for the king to 'up his game' in order to reclaim the political initiative, could now be read very differently. This is not to say that it could not still be read as an indictment of evil counsellors, but rather to suggest that passages which had been innocuous in 1627 assumed heightened significance in the months before the outbreak of war in 1642.[24]

First, Cotton had been less than confident about parliaments, which often proved to be remedies 'worse than the mallady' because of reformers' dishonourable motives. Cotton's advice to monarchs had thus been not to rely too heavily on parliaments, where they were 'ever lesse than they should be, subjects more', and he had noted how Henry III had been made little more the a cipher through the empowering of a noble council of twenty-four. Cotton's Henry III, however, was a king who overcame his 'former weaknesse' and 'naturall errors', and who 'purged' his court 'judiciously and severely', in order to become an assiduous – hands-on – kind of monarch, not least by ensuring that counsellors remained in a position of 'subjection'.[25] It would not be impossible to imagine, therefore, that the reprinting of Cotton's text was a *royalist* move, but this may explain why the parliamentarian publisher of the August 1642 edition sought to put his own spin on the text. This involved an extended title page which drew attention to 'five distempers and maladies' that were highlighted by Henry's reign. These were: 'the pope and church-mens extortions'; the tendency for 'places of best trust' to be 'bestowed upon unworthy members'; the tendency to grant 'patents and monopolies for private favourites'; 'needlesse expences and pawning of jewels'; and the prevalence of 'factious lords and ambitious peeres'. This was a fairly idiosyncratic take on Cotton's text, but the publisher insisted that Henry's reign was 'sutable to these unhappie

times', and that distractions would continued 'till the king tied his actions to the rules of his great and good councell'.[26]

A second recycled text, and a more obvious example of the protean nature of medieval history, is Sir John Hayward's life of Henry IV, which appeared alongside a different editionn of Cotton's tract in 1642, and which may likewise have been open to competing interpretations.[27] In the late 1590s, this work had obviously and deliberately been perceived as a piece of 'baronial' propaganda, not least by enemies of Robert Devereux, 2nd earl of Essex (to whom the work was dedicated), who had cast him in the role of Bolingbroke, and who had detected an attempt to advocate a transition of power. This rather contentious reading – dismissed at the time by Francis Bacon and denied by Hayward himself – may also have been applicable in 1642, not least given that the retention of Hayward's original dedication made it seem like an address to the earl's rebellious son and heir, Robert Devereux, 3rd earl of Essex, and Lord General of the parliamentarian army. In many respects, therefore, Hayward's account had emphasised the role of the lords appellant, from the creation of the commission 'to determine all matters which were objected against the lord chancellor' in 1386, to their decisive action in the run-up to the parliament of 1388, as well as their assumption of 'authority and majesty' in its wake. Indeed, this was emphatically a story about the deposition of evil counsellors, who 'made the kings blind favour his priviledge and protection' until they were 'deposed from office', and who subsequently 'plied' the king with 'plausible perswasions', and 'drew him to many violent and indirect courses'.[28]

Other aspects of Hayward's text, however, had arguably taken on a new and different meaning, and readers in 1642 may have been struck by the comparison between Charles I and Richard II. Richard II, after all, emerged as a weak character, who indulged his 'private delights', who was 'no man of action', and who seemed 'perplexed' by the uncertainty of the times. He was untrustworthy, meddled in parliamentary elections, and sought to elicit the

support of his judges for policies of questionable legality, and he used the pretence of popular unrest to justify armed action, and also behaved aggressively even towards those parliaments that granted him subsidies.[29] He also alienated London, which was thought to be a hotbed of religious radicalism, imposed 'strange and unaccustomed oathes', launched a risky expedition to Ireland, and extracted excessive taxation from his subjects. And he acted with severity towards his critics, even if they had popular support, preferring instead favourites who were 'vulgar in birth' and who were 'professed enemies to men of ancient nobility', for whom he created new titles. More obviously than in other accounts of Richard's reign, therefore, Hayward's king – like Shakespeare's – had an inflated view of monarchical authority, and considered his quarrel to be right and his conscience to be clear.[30]

But what made Hayward's account particularly intriguing in 1642 was its willingness to discuss Richard's last days in office, in ways that reflected on parliamentary history rather than merely noble power. To be sure, this was a story of the smooth transition of power, revolving in no small part around the nobility:

> the noble men… beganne to discourse both their private dangers, and the deformities of the state: and upon opportunity of the kings absence, some of them did conspire to cut off that authority which would not bee confined, and to cast it upon some other, who was most like to repaire that which King Richard had ruined.[31]

Bolingbroke was thus selected and approached 'because hee was generally esteemed meet', and 'one that had made honourable proofe of his vertues and valour'. He was informed, therefore, that

as well for the benefit of the realme, as for their owne particular safety, they were forced to use force against King Richard, that if it would please him to make the head, they would furnish him the body of an able army, to expell the king from his unfortunate government, and to settle the possession of the crowne in him.[32]

Hayward had even quoted – without giving any source – the speech in which the archbishop of Canterbury alerted Bolingbroke to 'the deformities and decayes of our broken state', and asked for his 'aid'.[33] According to Heyward, moreover, the archbishop went on to bemoan that people had become 'slaves; not to one intractable prince onely, but to many proud and disdainefull favorites'; that they suffered 'unusuall kinds of exactions… without either measure or end, and oftentimes without need'; and that 'if any man openeth his mouth against these extorted taxations, then… his life or liberty is forth with hazarded'.[34] Finally, the archbishop explained that

we have endured, and we have entreated: but our patience have drawne more heavy burthens, and our complaints procured more bitter blowes… And therefore we are now compelled to shake off our shoulders this importable yoke, and submit our selves to the soveraignty of some more moderate and worthy person.[35]

The result, of course, was a peaceful revolution, with Richard agreeing to step aside and Bolingbroke both accepting the crown and taking an oath not to permit 'any bodily harm to bee done unto King Richard'.[36]

It must be noted, of course, that Hayward had withheld overt support for such events, stressing the solemnity and sorrow that surrounded the king's fall – 'in so much as a few

secret teares melted from the eyes of many that were present' – and dismissing the popularity of the episode:

> And the common people which is void of cares, not searching into sequels, but without difference of right or wrong inclinable to follow those that are mighty, with shoutes and clamours gave their applause, not all upon judgement, or faithful meaning, but most only upon a received custome to flatter the prince whatsoever he be.[37]

More importantly, Hayward had also printed – again without giving a source – a speech by the bishop of Carlisle – a noted supporter of Richard II – in the first parliament of Henry IV's reign, and explained that although this did not find favour – to the extent that the bishop was promptly arrested – it was regarded more favourably in later years, when 'almost no yeare passed without great slaughters and executions'.[38]

Nevertheless, it is hard to escape the fact that, in recounting the fall of Richard II, Hayward had provided striking evidence about the radicalism of the episode, and about the role of parliament. It is hard not to be struck, therefore, by Hayward's insistence that the king had lost 'both the feare and love of his subjects', and that they developed 'a heavie heart against him'.[39] More importantly, the episode also revealed evidence of highly toxic ideas about the legitimacy of removing bad monarchs, and about allegiance being primarily due to 'the state of the realme', rather than to 'the person of the prince', as well as about how 'necessity will beate through brasen walles, and can be limited by no lawes'.[40] Indeed, Hayward's account is also intriguing because of how it dealt with the issue of abdication and deposition, and he had indicated very clearly that those involved in the king's fall were determined that Richard should 'both voluntarily resigne, and also solemnely be deposed',

and that this should involve the 'consent of all the states of the realme'.[41] Readers were thus provided with evidence about the king's speech before the opening of what was to have been the parliament of September 1399, with its humiliating admissions of royal weakness, and its message about royal culpability that was much more striking in 1642 than in 1599.[42] One wonders, moreover, what readers in 1642 would have made of Richard's protestation that, while many 'would have been ready… to set up a bloudy and doubtfull warre… I esteeme not my dignity at so high a prize, at the hazard of so great value, the spilling of so much English bloud, and the spoile and wast of so flourishing a realme'. Some may even have observed ruefully Richard's conclusion that it would be better 'that the commonwealth may rather rise by my fall, than I stand by the ruine thereof'.[43] However, while this speech was followed by the king's abdication, readers were left in no doubt that this was also a *parliamentary* occasion, not least because of the decision by peers and Commons to catalogue the 'defects and misdemeanures' for which the king 'should be adjudged as unworthy'.[44] Indeed, this was an indictment that was read out in parliament, and its description of the king as 'unprofitable', 'unjust' and 'grievous to the subjects' bore striking similarities to the accusations being levelled at Charles I. Richard was accused not just of favouring evil counsellors, but also of wasting the treasure of the realm, as well as of excessive taxation, impeaching his critics, and leniency towards Rome, not to mention refusal to pay loans, imposing new oaths and overpowering parliament. Indeed, he was also accused of holding the 'phantasticall' opinion that 'the lawes of the realme were in his head, and sometimes in his breast', and readers were left in no doubt that Richard had been deposed by parliamentary sentence, and by the Commons as well as the Lords, and that his successor had been appointed by parliamentary means.[45]

With both Cotton and Hayward, therefore, we encounter texts in which key passages proved much more striking in 1642 than when they had first been written, and it seems likely

that editors and publishers recognised the novel uses to which they could be put, and the novel ways in which they would be read. Indeed, while it could be said that both works became somewhat ambivalent, Hayward's could certainly be used to convey a much more aggressive message about how England's troubles might be resolved.[46]

III

What follows from this last point is that the use to which medieval history was put changed rapidly and decisively as the 'paper war' gave way to military conflict in 1642, most obviously between the setting up of the royal standard (24 August) and the outbreak of formal hostilities (23 October), in ways that offer striking evidence about the nature of parliamentarian politics, rhetoric and thought, and about the timing of the radicalisation process.[47]

This shift is evident, for example, in tracts which referred to the setting up of the king's standard at Nottingham. One history of Henry II reflected on excessive taxation, religious dissent, threats from Scotland and tension in London, and also noted the waning of his fortunes after his standard was raised and then ominously fell down. A similar incident, of course, occurred at Nottingham in 1642, and the author drew other parallels by reflecting on tension with London, religious nonconformity, the brutal punishment of opponents and the threat of Scottish invasion.[48] Much more aggressively, another tract from September 1642 drew attention to other monarchs who had come to grief after pursuing similar courses of action, including Richard II, and its author's hope – that 'future times' would not report that Charles was 'guilty of spilling so much of his owne subjects blood' – sounded like a threat to stand in judgment upon the king.[49] Equally ominous was a tract from early October 1642, which not only suggested that kings should be 'chosen' and 'bound', but also used medieval

precedents to argue that princes would learn bitter lessons if they failed to recognise that 'blood requires blood'.[50]

What is particularly striking about this period, however, is the willingness to revisit the story of Richard II, and while pamphleteers continued to refer to the 'Wonderful' and 'Merciless' Parliaments of 1386 and 1388, they also turned their attention to the events of 1399, which were almost invariably said to have involved the king's *deposition* rather than *resignation*, and the *election* of Henry IV, neither of which featured in popular polemical literature before July 1642.[51] The first evidence of this tendency to find Richard's life particularly instructive 'in these times of distractions' appeared in a tract from mid-July, which narrated not just how parliament had been instrumental in taking action against evil counsellors – 'according to the law' – but also how the king had endeavoured to use Irish forces against his English opponents (something that Charles I was said to have countenanced in 1640), and chosen new counsellors against the wishes of the 'commons', as well as how he was 'deposed' for disregarding 'the counsell of the sage and wise of his kingdom', and for following 'wicked and lewd councell'. Thus, in addition to a vivid depiction of the exchanges between Richard and Bolingbroke, as well as of Bolingbroke's entry into London amid popular 'rejoycing', the tract also provided an evocative description of the parliament which met in October 1399, 'to choose a new king'. The author described the reading of the 'instrument' announcing Richard's resignation, before those assembled proceeded to the 'election of a new king', and the declaration of what Henry IV was 'bound unto'. The pamphlet then concluded tendentiously by claiming that Henry thereafter banished Richard's favourites, reigned with 'peace and tranquility' and 'brought this nation to so happy a union'.[52]

In the months that followed, moreover, it was the fall of Richard, rather than merely the efforts of his nobles and parliaments, that became the standard way of approaching the

medieval past. In November 1642, for example, one author offered an account of the 'memorable services' that parliaments had done since the reign Henry III – who 'had the most to doe with the high court of parliament' – in terms of the redress of abuses and the removal of 'up-starts', and concluded that 'parliamentary power' – and indeed 'force' – was 'never more usefull to the subject then in these times, nor never was its power better manag'd'. Edward I – 'our English Justinian' – was said to have 'made often and good use of his parliaments', not least to provide money for Scottish wars, while Edward II, who 'comply'd not with his parliament', was 'at last by a parliament deposed'.[53] Most striking, however, was the account of Richard II, who was 'seduced by flatterers' and led away to 'oppressions and injustices by his evill ministers', and the author claimed that 'the subject groaning under their tyrannies' only had 'recourse to the parliament for relief'. Thus, while attention was paid to the Wonderful Parliament of 1386, and to the raising of forces by peers and 'faithfull Commons', it was also noted that the king was 'by parliament degraded of his royalty, and the crowne conferr'd by their act upon Henry the fourth'. Indeed, the author went on to make a general conclusion – that all of the 'glorious atchievments' of English monarchs could be attributed to 'the care of and providence of parliaments' – and to draw an explicit contrast between the experience of James I – 'no difference at all ever happening betweene him and his parliament' – and that of Charles I. The ominous conclusion was that there would not have been 'this strange distemper' between Charles and his 'loyall parliament' had the king been as ready to comply with their 'just desires' as they were to 'performe their duties to him'.[54]

Likewise, the change in tone and emphasis which accompanied the slide into war can also be seen in the editions of Thomas Favent's narrative which appeared in 1643. In *A Mis-led King and a Memorable Parliament* (February 1643) this involved the way in which certain passages were likely to have assumed heightened significance in new circumstances.

In many ways, of course, the message remained familiar, in terms of peers of 'inferiour ranke by birth' being 'raised from mean estates' by the king's favour, and being 'enticed with the libidinous baits of voluptuousnesse, and infected with insatiable itch of avarice', and in terms of services done by the lords appellant, who recognised 'the miserable estate wherein the kingdome lay, bleeding as it were to death', and who both urged the summoning of a parliament and then assumed 'plenary and absolute power'. What is striking, however, is how evidence about Nicholas Brambre, the Ricardian mayor of London, had become much more apposite in the light of recent experience and the controversial behaviour of Sir Richard Gurney, the royalist mayor who had been impeached and imprisoned in the summer of 1642. The same is also true of passages about Richard's plot to arrest, indict and execute grandees like the duke of Gloucester and the earls of Arundel and Warwick, which now seemed redolent of the attempted arrest and impeachment of the five members.[55]

In yet another edition of Favent's work, however, we witness a somewhat different phenomenon: an editor making subtle changes to the text in order to reflect much more obviously on the character of Richard II, and on parallels with Charles I. Thus, where the 1641 edition talked about evil counsellors 'despising the authority of the king', this new version claimed that 'they despised the authority of *their too easie king*'. Another minor modification drove home the message about how Richard had provoked popular anger by means of 'new wayes of taxation'. Elsewhere, the emphasis changed in such a way that the king was misled by evil counsellors not just against certain statutes, but against *parliament* itself, and was then kept from his *parliament* by their means. More dramatic still was the decision to add an account of Richard's deposition, which had been missing from earlier editions, and which was interestingly misdated to *1639*, and then to make reference to his death, albeit adding that he was 'wickedly murdered'.[56] Indeed, yet another version of Favent's text which appeared at this time – *The Bloody Parliament in the Raigne of an*

Unhappy Prince (also February 1643) – also elaborated on this part of the story, by offering broader reflections on Richard's life and reign. Its editor, therefore, suggested that Richard was 'over much given to ease and quietnesse, little regarding the feates of armes', and that he was 'ruled most by young councell' rather than by 'the sage men of the realm, which thing turned this land to great trouble, and himselfe to extreame misery'. Readers were thus informed that, 'being first disgraced by his cozen, Henry of Bolingbroke', Richard was 'at length by the generall consent of parliament deposed from his crowne and kingdome, the 29 of September *1639*, and committed to prison and afterwards wickedly murdered'.[57]

IV

As presented here, of course, the story of how the medieval past was deployed for polemical effect has concentrated almost exclusively on parliamentarian appropriations in the early 1640s. It is worth pointing out, therefore, that medieval parliaments were also discussed in a much wider variety of ways after 1640. In July 1642, therefore, it was clearly royalists who prepared a pamphlet edition of the 1399 speech by Thomas Merke, Ricardian bishop of Carlisle, in order to counter the idea that it was legitimate to depose kings, that Richard deserved such a fate and that it was possible for 'the vulgar to elect their king'.[58] Moreover, as yet further evidence that the meaning and use of specific stories could change over time, attention might usefully return to Edward Chamberlayne's 1647 pamphlet, *The Present Warre Parallel'd*, with which this chapter began. Chamberlayne's tract offered 'a briefe relation of the five yeares civil warres of Henry the third', a story that had been made familiar by Sir Robert Cotton. Much more obviously than in 1641 and 1642, however, this story was now re-told in ways which made it unambiguously royalist, not least by reflecting on the Mad Parliament (1285), which had seen short-lived attempts to empower a baronial council to

monitor appointments and oversee administration before the eventual defeat of the barons at the Battle of Evesham, and which was explicitly compared with the Long Parliament and its Grand Remonstrance. Chamberlayne noted how the king was forced to assent to a new council of twenty-four, how he became little more than a cypher, unable even to control official appointments, and how such councillors became tyrannical as factionalism emerged, as well as how the country became bedeviled by lying ministers, incendiaries and tumultuous crowds, in ways that his readers would obviously have recognised. More importantly, Chamberlayne devoted considerable space to printing the dictum of Kenilworth (1266), by which the king achieved a settlement after the Battle of Evesham. According to Chamberlayne, therefore,

> here was an end of this wasting, groundlesse, unnatural warre, wherein the subject having struggled and wrestled with soveraigntie, till they had wasted the kingdome, and wearied themselves, at last are content to sit downe by the loss, to let the king have his owne rights again, and some of theirs, according to the usuall event and issue of such imbroylements.

In Henry III, indeed, Chamberlayne saw clear lessons for both the king and parliament in 1647: the latter should know their place, and the former should assert his authority while pursuing a post-rebellion policy which would involve 'a sweet mixture of mercie and justice'.[59]

Nevertheless, it is probably true that the most obvious way of exploiting this particular period of medieval history involved Richard II and varieties of radicalism. This was clear in a pamphlet from December 1648, entitled *The People Informed of their Oppressors*, which returned to the story of a king deposed by parliament in order to reflect

that Charles I deserved to die, and which also picked up on medieval rhetoric about a king who had committed 'notorious' crimes, who was 'worthy… to be deposed' and who was 'unprofitable… insufficient and unworthy', in ways that would soon be echoed in the rhetoric of regicide.[60] It was also clear from the republican writings of John Milton, who explicitly cited both Holinshed and Shakespeare, and who also emphasised how the removal of a 'tyrannous' king had involved the Commons, and 'every worthy man in parliament'.[61] And it was clear too, albeit in rather different ways, in pamphlets by John Lilburne, who used specific charges against Richard II – relating to the abuse of parliamentary elections, the overawing of MPs and the passage of corrupt legislation – as sticks with which to beat Oliver Cromwell.[62]

Such examples make it clear that the use to which medieval parliamentary history could be put depended on which incidents and episodes were highlighted, how they were spun, and when they were deployed. While this is true, however, it is difficult to agree with John Morrill's claim that references to historical precedents were only 'muffled and opaque'.[63] Indeed, evidence from the early 1640s makes it clear that, while the medieval past could certainly be utilised to highlight examples of baronial power, it could also be used to somewhat different ends, in order to emphasise the importance of parliaments and of the House of Commons, and in order to highlight the possibility of deposing, electing and binding monarchs, rather than merely dealing with evil counsellors. It also seems particularly clear that the example of Richard II – as opposed to evidence relating to the Ordinances of 1311 or Edward II's removal from the throne in 1327 – became particularly useful from the summer of 1642 onwards. Medieval history, in other words, provided contemporaries with different tools for different purposes, and by observing how different pieces of evidence were deployed at different moments, as well as how the meaning of particular stories changed over time, and in different contemporary circumstances, it is possible to enhance our

understanding of the incipient radicalism within parliamentarian ranks. In these tracts about medieval parliaments, in other words, which have often been overlooked, and which might easily be dismissed, we witness the speed with which political rhetoric changed, and evidence that undermines revisionist ideas about 'functional radicalism'. What is interesting, therefore, is that the story of the 'deposition' of Richard II and the 'election' of Henry IV was one with which almost everyone would have been familiar, but which so rarely appeared in public discourse. There had been nervousness about dealing with this aspect of Richard's life since the late sixteenth century – more obviously outside parliament than within – but the speed with which commentators overcame such qualms in the summer of 1642 seems to indicate deliberate, calculated and provocative efforts to raise the rhetorical temperature. This is not to argue that the king's critics in 1640 were all closet republicans, itching to remove his head and restrained only by a sense of what was practical and acceptable. But it is to argue that they were more or less willing to conceive of the possibility of deposing a monarch, as their predecessors had done; that if they became more radical during the course of the early 1640s, then they were probably more radical than they were necessarily prepared to admit; and that whether or not such rhetorical escalations involved advocating more radical ideas, they certainly demonstrated a decisive – and somewhat ominous and threatening – attempt to redefine the English constitution by rethinking the relative powers of monarch and parliament.

[1] Edward Chamberlayne, *The Present Warre Parallel'd* (Np, 1647, C1845), title page.

[2] P. Kewes, ed., *The Uses of History in Early Modern England* (San Marino, 2006); K. Sharpe, *Sir Robert Cotton, 1586-1631* (Oxford, 1979); F. Levy, *Tudor Historical Thought* (San Marino, 1967); F. Levy, 'Hayward, Daniel and the beginning of politic history in England', *HLQ*, 50 (1987), 1-34; L. Peck, 'Peers, patronage and the politics of history', in J. Guy (ed.), *The Reign of Elizabeth I* (Cambridge, 1995), pp. 87-108; J. G. A. Pocock, 'Medieval kings at the court of Charles I: Thomas May's verse histories', in J. Marino and M. Schlitt (eds), *Perpsectives on Early Modern and Modern Intellectual History* (Rochester, 2000), pp. 442-58.

[3] Giovanni Biondi, *History of the Civill Warres of England*, trans. Henry Earl of Monmouth (London, 1641).

[4] A. Gajda, *The Earl of Essex and Late Elizabethan Political Culture* (Oxford, 2012), pp. 212-15, 236-54; P. Hammer, 'Shakespeare's Richard II, the play of 7 February 1601, and the Essex rising', *Shakespeare Quarterly*, 59 (2008), 1-35.

[5] *The First and Second Parts of John Hayward's The Life and Raigne of Henrie III*, ed. J. J. Manning (CS, 4th series, 42, 1991), pp. 17-34; M. Dowling, 'Sir John Hayward's troubles over his life of Henry IV', *The Library*, 4th series, 11 (1930), 212-24; R. Dutton. *Licensing, Censorship and Authorship in Early Modern England* (Basingstoke, 2000), pp. 162-91; C. S. Clegg, 'Censorship', in P. Kewes, I. Archer and F. Heal (eds), *The Oxford Handbook of Holinshed's Chronicles* (Oxford, 2012), pp. 43-59; J. Bate, *Soul of the Age: the Life, Mind and World of William Shakespeare* (London, 2009), p. 257.

[6] D. H. Pennington, 'A seventeenth-century perspective', in R. G. Davies and J. H. Denton, (eds), *The English Parliament in the Middle Ages* (Manchester, 1981), pp. 185-200.

[7] J. Adamson, 'The baronial context of the English civil war', *TRHS*, 5th series, 40 (1990), 93-120.

[8] *Procceedings in Parliament 1614*, ed. M. Jansson (Philadelphia, 1988), p. 120; TNA, SP 16/27, fos 24, 26, 27; TNA, C115/108/8577; Durham University Library, Hunter MS 132, fo. 125.

[9] J. Adamson, *The Noble Revolt* (London, 2007), pp. 119-20, 147, 265-6, 271.

[10] *A Declaration Shewing the Necessity of the Earle of Straffords Suffering* (London, 1641), sigs A3v-4, B2; Adamson, *Noble Revolt*, pp. 265-6.

[11] *Certain Observations touching the two great offices of the seneschalsey or high-stewardship, and high-constableship of England* (London, 1642), pp. 8-10.

[12] T. F. Tout, 'The English Parliament and public opinion, 1376-88', in E. B. Fryde and E. Miller (eds), *Historical Studies of the English Parliament* (2 vols, Cambridge, 1970), I, p. 298-315; Cambridge University Library, Pell 5/1.

[13] Thomas Favent, *An Historicall Narration* (London, 1641), sig. A2, pp. 2, 3, 4, 5, 6, 12, 24, 29. See also: *A True Relation of that Memorable Parliament* (Printed, 1641).

[14] Gajda, *Earl of Essex*, p. 244; Biondi, *History*, pp. 11-13, 23.

[15] Adamson, *Noble Revolt*, p. 416; *An Exact Collection* (London, 1643), p. 268.

[16] *The Forme of Governement of the Kingdome of England* (London, 1642), pp. 5-6, 8-9, 15-16.

[17] *Forme of Governement*, pp. 7-9, 11.

[18] *Forme of Governement*, pp. 5, 11.

[19] *Forme of Governement*, 11, 12-13, 19.

[20] T. May, *A Discourse Concerning the Successe* (London, 1642), pp. 2, 5, 6, 7-8, 11. See also: T. May, *Observations upon the Effects of Former Parliaments* (London, 1642).

[21] *Die Veneris 20 Maii 1642. Votes of Both Houses of Parliament* (London, 1642).

[22] *The Humble Petition of the Knights… Leicester* (London, 1642).

[23] *Articles and Acts of Parliament* (London, 1642), sigs A2-v, A2v-3, pp. 4-6.

[24] R. Cotton, *A Short View of the Long Life* (London, 1641), pp. 9, 10-11.

[25] Cotton, *Short View*, pp. 12-14, 14-15, 16, 17, 19-21, 24, 25, 27.

[26] R. Cotton, *The Troublesome Life and Raigne of King Henry the Third* (London, 1642).

[27] J. Hayward, *Historie of the Life and Raigne of Henry the Fourth* (London, 1638); *The Histories of the Lives and Raignes of Henry the Third and Henry the Fourth* (London, 1642).

[28] *Histories*, sig. C3, pp. 17, 19, 23, 42-5, 61. See: Gajda, *Earl of Essex*, pp. 212-15, 236-54.

[29] *Histories*, pp. 20, 27-8, 28-31, 58, 61, 117, 164.

[30] *Histories*, pp. 62-3. 67-70, 78, 81, 82-84, 86, 87, 88-90, 90-2, 107, 117-19, 120, 121, 133, 150, 161-3, 164, 180.

[31] *Histories*, pp. 129-30.

[32] *Histories*, pp. 130-1.

[33] *Histories*, p. 132.

[34] *Histories*, p. 135.

[35] *Histories*, p. 136.

[36] *Histories*, pp. 149-50, 158, 181-2, 184, 185.

[37] *Histories*, pp. 192, 208-9.

[38] *Histories*, pp. 218-37.

[39] *Histories*, pp. 120, 167.

[40] *Histories*, pp. 129, 142-3, 144, 158.

[41] *Histories*, p. 185.

[42] *Histories*, pp. 187-8.

[43] *Histories*, pp. 189-90.

[44] *Histories*, pp. 192-3.

[45] *Histories*, pp. 193-201, 202-3, 204-5, 208, 238.

[46] Dutton. *Licensing*, p. 191.

[47] J. Morrill, *The Nature of the English Revolution* (London, 1993), p. 286; D. Wootton, 'From rebellion to revolution: the crisis of the winter of 1642/3 and the origins of civil war radicalism', *EHR*, 105 (1990), 654-69; J. Peacey, 'Fiery spirits and political propaganda: uncovering a radical press campaign of 1642', *Publishing History*, 55 (2004), 5-36.

[48] *The Life of Henry the Second* (London, 1642), pp. 2, 3, 4, 5.

[49] *A True and Exact Relation of the Manner of His Majesty's Setting Up of his Standard* (London, 1642), sig. A3v.

[50] *Examples for Kings, or, Rules for princes to governe by* (London, 1642), sigs Av, A3.

[51] Biondi, *History*, p. 40.

[52] *The Life and Death of King Richard the Second* (London, 1642), pp. 2, 4, 5, 6, 7, 8.

[53] *England's Prosperity* (London, 1642, E3020), pp. 5-6.

[54] *England's Prosperity*, pp. 6, 7, 8.

[55] Thomas Favent, *A Mis-led King and a Memorable Parliament* (London, 1643), sigs A-Av, A2v.

[56] *A True Declaration of that Memorable Parliament* (1643), sigs A2-v, A4v.

[57] *The Bloody Parliament* (London, 1643), sig. A4v.

[58] Thomas Merke, *Pious and Learned Speech* (London, 1642), sigs Av-A2, A3v, A4, A4v.

[59] Chamberlayne, *Present Warre*, pp. 2-3, 4-5, 16-25, 30, 31, 32.

[60] *The People Informed of their Oppressors* (London, 1648) pp. 5, 6, 7. It is worth noting that Richard's deposition was followed by imprisonment, and 'the election of a king'. See: *Histories*, pp. 204-5.

[61] *The Complete Works of John Milton. Volume VI: Vernacular Regicide and Republican Writings*, ed. N. H. Keeble and N. McDowell (Oxford, 2013), pp. 35-6, 165, 234, 315.

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[62] John Lilburne, *The Upright Mans Vindication* (London, 1653), p. 28, citing William Martyn, *The Historie* (London, 1635), pp. 125-8.

[63] Morrill, *Nature*, p. 299.