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**Sir John Fortescue**  
**On the Laws and  
Governance of  
England**

**Edited by  
Shelley  
Lockwood**

# Sir John Fortescue On The Laws And Governance Of England

**James Bernard Murphy**



## **Sir John Fortescue On The Laws And Governance Of England:**

**Sir John Fortescue: On the Laws and Governance of England** John Fortescue, 1997-02-28 Sir John Fortescue CJKB c 1395 c 1477 was undoubtedly the foremost English political scientist of the fifteenth century This convenient volume brings together for the first time new editions of his two major works In Praise of the Laws of England and The Governance of England with references and suggestions for further reading for the student In her introduction Shelley Lockwood presents a clear reassessment of the work of John Fortescue and places these key texts in their historical and intellectual contexts These works arguably the earliest in English political thought were written from the perspective of a self consciously analytical and highly experienced lawyer and government official during a time of war and political upheaval They form a coherent argument for justice against tyranny and afford unique insights into the law and governance of fifteenth century England

Sir John Fortescue: On the Laws and Governance of England John Fortescue, 1997-02-28 Sir John Fortescue was undoubtedly the foremost English political theorist of the fifteenth century This convenient volume brings together for the first time new editions of his two major works In Praise of the Laws of England and The Governance of England with references and suggestions for further reading These works arguably the earliest in English political thought form a coherent argument for justice against tyranny and afford unique insights into the law and governance of fifteenth century England

**John Gower and the Limits of the Law** Conrad van Dijk, 2013 An examination of the ways in which Gower's poetry engages with contemporary law and legal questions It has long been thought that John Gower was probably a lawyer before turning to poetry and this study reveals his active engagement with contemporary legal debates they include constitutional questions jurisdictional issues private vengeance jurisprudential concepts such as equity and the rigor iuris and aspects of criminal law The author argues that the Confessio Amantis in particular demonstrates Gower's uncertainty about how to reconcile the ideal of a just law with alternative modes of justice such as self help royal discretion and divine will The book also examines the parallel development of the exemplum and casus in medieval literature Exempla frequently create a sense of narrative closure by means of some form of punishment or as Gower would put it vengeance How then do we set Gower's reputation as a sympathetic writer alongside his frequent desire for closure and punishment What are the limits of exemplarity and law These questions are answered by reading Gower in relation to the volatile politics of the Ricardian period and in comparison with the poetic concerns of contemporary writers such as Chaucer and Langland In so doing the book provides a searching introduction to the intersection between literature and law in the late fourteenth century Dr Conrad van Dijk is Assistant Professor of English at Concordia University College of Alberta Edmonton Canada *Sir John Fortescue and the Governance of England* Margaret Lucille Kekewich, 2018 The first comprehensive biography of arguably the most important political thinker of fifteenth century England Sir John Fortescue was arguably the most important political thinker of fifteenth century England Rising from relative obscurity to become Chief Justice of the King's Bench he

progressively assumed a political role as a partisan of the Lancastrian cause during the Wars of the Roses. As Chancellor in exile to Henry VI he wrote on the lawful succession and in praise of the common law of England. Ultimately making his peace with the Yorkists in 1471 he presented Edward IV with *The Governance of England*, a treatise that set the tone for debates about the extent of royal and parliamentary power for centuries to come. Demonstrating how England's traditional laws, customs, and parliament could ensure that monarchs safeguarded the rights and property of their subjects, his views on these institutions continue to resonate with contemporary debates about England's relationship with Europe and the definition of national identity. This book provides the first comprehensive biography of Fortescue. It reassesses his career and thought, challenging earlier views about his life and discusses his work as a lawyer and political thinker in the light of modern scholarship.

**MARGARET KEKEWICH** is a former Senior Lecturer in History at the Open University.

**The Origins of the English Parliament, 924-1327** J. R. Maddicott, 2010-05-27 A magisterial study of the evolution of the English parliament from its earliest origins in the late Anglo Saxon period through to the fully fledged parliament of lords and commons which sanctioned the deposition of Edward II in 1327.

**The Oxford Handbook of Legal History** Markus D. Dubber, Christopher Tomlins, 2018-07-26 Some of the most exciting and innovative legal scholarship has been driven by historical curiosity. Legal history today comes in a fascinating array of shapes and sizes, from microhistory to global intellectual history. Legal history has expanded beyond traditional parochial boundaries to become increasingly international and comparative in scope and orientation. Drawing on scholarship from around the world and representing a variety of methodological approaches, areas of expertise, and research agendas, this timely compendium takes stock of legal history and methodology and reflects on the various modes of the historical analysis of law past, present, and future. Part I explores the relationship between legal history and other disciplinary perspectives, including economic, philosophical, comparative, literary, and rhetorical analysis of law. Part II considers various approaches to legal history, including legal history as doctrinal, intellectual, or social history. Part III focuses on the interrelation between legal history and jurisprudence by investigating the role and conception of historical inquiry in various models, schools, and movements of legal thought. Part IV traces the place and pursuit of historical analysis in various legal systems and traditions across time, cultures, and space. Finally, Part V narrows the Handbook's focus to explore several examples of legal history in action, including its use in various legal doctrinal contexts.

**The Oxford Handbook of English Law and Literature, 1500-1700** Lorna Hutson, 2017-06-29 This Handbook triangulates the disciplines of history, legal history, and literature to produce a new interdisciplinary framework for the study of early modern England. Scholars of early modern English literature and history have increasingly found that an understanding of how people in the past thought about and used the law is key to understanding early modern familial and social relations, as well as important aspects of the political revolution and the emergence of capitalism. Judicial or forensic rhetoric has been shown to foster new habits of literary composition, poetry, and drama, and new processes of fact-finding and evidence evaluation. In addition, the post

Reformation jurisdictional dominance of the common law produced new ways of drawing the boundaries between private conscience and public accountability Accordingly historians critics and legal historians come together in this Handbook to develop accounts of the past that are attentive to the legally purposeful or fictional shaping of events in the historical archive They also contribute to a transformation of our understanding of the place of forensic modes of inquiry in the creation of imaginative fiction and drama Chapters in the Handbook approach from a diversity of perspectives topics including forensic rhetoric humanist and legal education Inns of Court reveals drama poetry emblem books marriage and divorce witchcraft contract property imagination oaths evidence community local government legal reform libel censorship authorship torture slavery liberty due process the nation state colonialism and empire *Thomas Jefferson, Legal History, and the Art of Recollection* Matthew Crow, 2017-03-17 In this innovative book historian Matthew Crow unpacks the legal and political thought of Thomas Jefferson as a tool for thinking about constitutional transformation settler colonialism and race and civic identity in the era of the American Revolution Thomas Jefferson s practices of reading writing and collecting legal history grew out of broader histories of early modern empire and political thought As a result of the peculiar ways in which he theorized and experienced the imperial crisis and revolutionary constitutionalism Jefferson came to understand a republican constitution as requiring a textual material culture of law shared by citizens with the cultivated capacity to participate in such a culture At the center of the story in *Thomas Jefferson Legal History and the Art of Recollection* Crow concludes we find legal history as a mode of organizing and governing collective memory and as a way of instituting a particular form of legal subjectivity **Commentary on Thomas Aquinas's Treatise on Law** J. Budziszewski, 2014-09-22 Natural moral law stands at the center of Western ethics and jurisprudence and plays a leading role in interreligious dialogue Although the greatest source of the classical natural law tradition is Thomas Aquinas s *Treatise on Law* the *Treatise* is notoriously difficult especially for nonspecialists J Budziszewski has made this formidable work luminous This book the first classically styled line by line commentary on the *Treatise* in centuries reaches out to philosophers theologians social scientists students and general readers alike Budziszewski shows how the *Treatise* facilitates a dialogue between author and reader Explaining and expanding upon the text in light of modern philosophical developments he expounds this work of the great thinker not by diminishing his reasoning but by amplifying it **Compromise** Alin Fumurescu, 2013-02-11 This book offers a conceptual history of compromise demonstrating the connection between understandings of compromise and understandings of political representation *The Cambridge History of Ireland: Volume 1, 600-1550* Brendan Smith, Thomas Bartlett, 2018-04-26 The thousand years explored in this book witnessed developments in the history of Ireland that resonate to this day Interspersing narrative with detailed analysis of key themes the first volume in the *Cambridge History of Ireland* presents the latest thinking on key aspects of the medieval Irish experience The contributors are leading experts in their fields and present their original interpretations in a fresh and accessible manner New perspectives are offered on the politics artistic culture

religious beliefs and practices social organisation and economic activity that prevailed on the island in these centuries At each turn the question is asked to what extent were these developments unique to Ireland The openness of Ireland to outside influences and its capacity to influence the world beyond its shores are recurring themes Underpinning the book is a comparative outward looking approach that sees Ireland as an integral but exceptional component of medieval Christian Europe

**Technology and Legal Systems** Noel Cox,2016-12-14 The advent of the knowledge economy and society has made it increasingly necessary for law reformers and policy makers to take account of the effects of technology upon the law and upon legal and political processes This book explores aspects of technology s relationship with law and government and in particular the effects changing technology has had on constitutional structures and upon business Part I examines the legal normative influence of constitutional structures and political theories It focuses on the interrelationship between laws and legal procedure with technology and the effect technology can have on the legal environment Part II discusses the relationship between government and technology both at the national and international level The author argues that technology must be contextualized within a constitution and draws on historical and contemporary examples to illustrate how technology has both shaped civilizations and been the product of its political and constitutional environment [Aquinas and Modern Law](#)

James Bernard Murphy,2017-07-05 This volume collects some of the best recent writings on St Thomas s philosophy of law and includes a critical examination of Aquinas s theory of the relation between law and morality his natural law theory as well as the modern reformulation of his approach to natural rights The volume shows how Aquinas understood the importance of positive law and demonstrates the modern relevance of his writings by including Thomistic critiques of modern jurisprudence and examples of applications of Thomistic jurisprudence to specific modern legal problems such as federalism environmental policy abortion and euthanasia The volume also features an introduction which places Aquinas s writings in the context of modern jurisprudence as well as an extensive bibliography The volume is suited to the needs of jurisprudence scholars teachers and students and is an essential resource for all law libraries

**Edmund Burke as Historian** Sora Sato,2017-11-01 This book provides a comprehensive survey of Edmund Burke s historical thought a neglected area of both Burke scholarship and historiography Ranging from Burke s general conception of history to his accounts of English European American Irish and Asian Muslim history this book offers much needed depth and context to his political life Sora Sato illuminates Burke s ideas on civilisation and world order with careful analysis of both his well known historical concepts such as the ancient constitution of England and the spirit of chivalry as well as his lesser known opinions on war and the military Written with clarity and precision this book is an invaluable reference for scholars of Burke early modern European history and political philosophy

[Liberty Intact](#) Michael Tugendhat,2017 Providing a short history of human rights from the eighteenth century to present day this book traces English Common Law through the French and American declarations of rights identifying rights which evolved from the English law and politics of the fifteenth century and

which are recognised in the human rights law we see today      *The Legal Epic* Alison A. Chapman, 2017-02-15 The seventeenth century saw some of the most important jurisprudential changes in England's history yet the period has been largely overlooked in the rich field of literature and law Helping to fill this gap *The Legal Epic* is the first book to situate the great poet and polemicist John Milton at the center of late seventeenth century legal history Alison A Chapman argues that Milton's *Paradise Lost* sits at the apex of the early modern period's long fascination with law and judicial processes Milton's world saw law and religion as linked disciplines and thought therefore that in different ways both law and religion should reflect the will of God Throughout *Paradise Lost* Milton invites his readers to judge actions using not only reason and conscience but also core principles of early modern jurisprudence Law thus informs Milton's attempt to justify the ways of God to men and points readers toward the types of legal justice that should prevail on earth Adding to the growing interest in the cultural history of law *The Legal Epic* shows that England's preeminent epic poem is also a sustained reflection on the role law plays in human society

**Constitutional History of the UK** Ann Lyon, 2016-06-10 An appreciation of the development and evolution of the United Kingdom constitution is vital in order to understand the existing nature of the constitution proposals for reform and the many complex challenges it faces Ann Lyon presents a vivid overview of fourteen hundred years of English legal history taking us on a rich journey from a feudal society to the fractured Union of the present day Drawing on key constitutional themes *Constitutional History of the United Kingdom* provides insight and context to modern constitutional problems This second edition has been revised and updated to bring coverage up to the present day including parliamentary reform the Scottish referendum on independence and further drives for enhanced devolution the effect of EU membership on the UK Constitution and the impact of the European Convention on Human Rights and the Human Rights Act 1998 *Constitutional History of the United Kingdom* offers an accessible and highly valuable overview for students with little or no prior knowledge of British history

**Constitutional Paradigms and the Stability of States** Noel Cox, 2016-05-23 This book examines the influence of constitutional legal paradigms upon the political stability and viability of states It contributes to the literature in the field by focussing on how constitutional flexibility may have led to the rise of successful states and to the decline of unsuccessful states by promoting stability Divided into two parts the book considers theories of the rise and fall of civilizations and individual states explains the concept of hard and soft constitutions and applies this concept to different types of state models A series of international case studies in the second part of the book identifies the key dynamics in legal political and economic history and includes the UK US New Zealand and Eastern Europe

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the continent producing tensions between traditional ways of conceptualising politics and new religious and political realities This book offers a study of natural law providentialism cosmic order political authority and government by consent in Protestant political thought during a transitional period in English history It shows how the Reformation was central to the birth of modern political thought

**A Treatise of Legal Philosophy and General Jurisprudence** Michael Lobban, 2016-02-12 The first ever multivolume treatment of the issues in legal philosophy and general jurisprudence from both a theoretical and a historical perspective The work is aimed at jurists as well as legal and practical philosophers Edited by the renowned theorist Enrico Pattaro and his team this book is a classical reference work that would be of great interest to legal and practical philosophers as well as to jurists and legal scholar at all levels The work is divided The theoretical part published in 2005 consisting of five volumes covers the main topics of the contemporary debate the historical part consisting of six volumes Volumes 6-8 published in 2007 Volumes 9 and 10 published in 2009 Volume 11 published in 2011 and volume 12 forthcoming in 2015 accounts for the development of legal thought from ancient Greek times through the twentieth century The entire set will be completed with an index Volume 7 The Jurists Philosophy of Law from Rome to the Seventeenth Century edited by Andrea Padovani and Peter Stein Volume 7 is the second of the historical volumes and acts as a complement to the previous Volume 6 discussing from the jurists perspective what that previous volume discusses from the philosophers perspective The subjects of analysis are first the Roman jurists conception of law second the metaphysical and logical presuppositions of late medieval legal science and lastly the connection between legal and political thought up to the 17th century The discussion shows how legal science proceeds at every step of the way from Rome to early modern times as an enterprise that cannot be untangled from other forms of thought thus giving rise to an interest in logic medieval theology philosophy and politics all areas where legal science has had an influence Volume 8 A History of the Philosophy of Law in The Common Law World 1600-1900 by Michael Lobban Volume 8 the third of the historical volumes offers a history of legal philosophy in common law countries from the 17th to the 19th century Its main focus like that of Volume 9 is on the ways in which jurists and legal philosophers thought about law and legal reasoning The volume begins with a discussion of the common law mind as it evolved in late medieval and early modern England It goes on to examine the different jurisprudential traditions which developed in England and the United States showing that while Coke's vision of the common law continued to exert a strong influence on American jurists in England a more positivist approach took root which found its fullest articulation in the work of Bentham and Austin



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