

**‘BY EXAMPLE AND GODE REASON’:  
Reconsidering Commonplaces and the Law  
in *Fulgens and Lucrez***

*James McBain*

At the conclusion of the first part of *Fulgens and Lucrez*, the metatheatrical servants, A and B, discuss the course of the play so far and look forward to the ‘reyal disputacyon’ to come.<sup>1</sup> The anticipated debate to consider the true meaning of nobility, which is later termed ‘the matter principall’ to distinguish it from the preceding ‘impertinent tryfillis’ (2: 26), is thereby clearly established as being the fundamental focus of dramatic interest. But it is obvious from the outset that the play’s simple narrative trajectory is not Medwall’s sole preoccupation; we are immediately given the argument, ‘all the substaunce’ (1: 68) and even the ultimate outcome of the agonistic trial, albeit that the conclusive judgement is provided by Lucrez, rather than the ‘cenate’ as is originally declared:

B: And finally they gave sentence and awarde  
That Gayus Flamyneus was to be commende  
For the more nobill man, havynge no regarde  
To his lowe byrthe of the whiche he dyde dyscende,  
But onely to his vertue thay dyde therin attende ... 1: 119–123

The purpose of the play is therefore not merely to present an argument, but rather to provide a demonstration of it. This is a fundamental difference that, once acknowledged, provides an illuminating critical position because, along with the significance of the outcome of the debate, it requires the audience to consider exactly how the characters’ speeches are constructed. Indeed, this is the interpretative strategy suggested within the play by A, who anticipates how the rival suitors:

... eyther of them bothe must tell  
And shew the best he can  
To force the goodnes of his owne condycion  
Bothe by example and gode reason. 1: 1404–1407

Critics have frequently addressed the play’s conclusion and have rightly suggested that it develops to provide an exemplary model for its audience to follow — and indeed another to eschew. But there has hardly been any developed comment at all about the origins of the examples used by the

suitors in their speeches themselves, and therefore the ideas used by Medwall to construct his protagonists, beyond the simple answer of the play's immediate source. Equally, *Fulgens and Luces* is almost always introduced as being a humanist play, although a sustained and detailed argument about how exactly humanism is represented both within and by it is seldom made.

The debate over the true source of nobility was certainly available to Medwall through the mediation of a vernacular tradition, most notably through Chaucer.<sup>2</sup> But I believe that more can, and should, be said of the play in terms of a direct influence from the conception of nobility that is common to both classical rhetoric and satire. An understanding of the ancient background to the debate is particularly pertinent because, whilst critics have on occasion sought to demonstrate how characteristics and circumstances within the play might refer to particular historical figures,<sup>3</sup> there is a danger that critical focus on individualised meanings simultaneously risks missing the significance of emphatically general and commonplace ideas. That is certainly not to deny the value of fully understanding topical detail, however, and I would argue that it is precisely the 'play' between the commonplace and the particular that allows Medwall to relate the dramatic scene, 'thempire of Rome' (1: 70), to a context of early Tudor England. Olga Horner illuminates the play's legal dimension, for example, in her conclusive account of the significance of Medwall's legal diction and the contemporaneous relevance of the offences with which the degenerate aristocrat, Cornelius, is charged.<sup>4</sup> After making the argument for Medwall's treatment of nobility being remarkably consistent with ancient ideas, I would therefore like to add merely a tentative suggestion that Gayus, who comes to represent the figure of a prosecutor, might also draw upon a classical image of the forensic orator.

Soon after the rediscovery of a complete copy of *Fulgens and Luces* in 1919, the classical roots of the play's argument were identified in its immediate source, John Tiptoft's *The Declamacion of Noblesse* (c1460), itself a translation of Buonaccorso da Montemagno's *Controversia de Nobilitate* (1428).<sup>5</sup> The relationship between these three texts, with or without the further factor of Jean Miélot's Burgundian *La Controverisie de Noblesse*, has been widely studied and has led particularly to critical debate over whether Tiptoft's or Medwall's versions reflect alternatively Italian or Burgundian humanist conceptions of nobility.<sup>6</sup> But it is perhaps most important to stress that the concept of 'true nobility in virtue' belongs to neither

tradition exclusively and that each draws upon a common pool of ancient articulations and ideas.<sup>7</sup>

Thematic content aside, the related question of form, of the generic expectations of *controversia*, has received far less attention, particularly in the case of Medwall's play. From antiquity through to the Renaissance, rhetorical education was founded upon the *Progymnasmata*, a series of graded exercises which progressively taught the student how to compose elements of speeches. A number of versions existed, but up until the sixteenth century the text of Hermogenes (second century AD), particularly in Priscian's translation, was the most widely used. The text of Aphthonius, a rhetorician teaching in fifth-century Antioch, then came to dominate, largely because his work included model themes to accompany the various tasks.<sup>8</sup> The exercises themselves began with study of the Fable, Narrative, Chreia, and Maxim before progressing to the Refutation, Confirmation, and Commonplace. These would then be brought together into minor speeches: an *Encomion*, Invective and *Syncretis*. Next, the student would learn the art of impersonation through study of *Ethopoeia* and detailed description through *Ecphrasis*. Finally, he would come to the major speeches of the *Suasoria* or Thesis (or indeed Hypothesis depending on the generality of subject) and the *Controversia* or 'Introduction of a Law'.

According to Quintilian,<sup>9</sup> the final two propaedeutic exercises, the *suasoria* and *controversia*, were seen as an opportunity for students to bring together all the constituent parts that had been extensively practised into a whole and cohesive speech. The *suasoria* was a deliberative work of advice, which would consider the right course of action in a particular case: 'Whether Alexander should sail the Ocean' or 'Whether Cicero should beg Antony's pardon', to give two examples from the Elder Seneca's collection.<sup>10</sup> The more difficult exercise of *controversia* had a specifically legal or forensic dimension. In addition to the narrative that provided a context for debate, the students were also given a law to consider. Speeches were then delivered in the manner of law-court orations and even though the relationship of these to courtroom reality was frequently challenged, the pedagogic legal function was nevertheless clear.<sup>11</sup> The same can be said of late medieval moots, one of the learning exercises at the Inns of Court, which presented complicated chains of circumstances that were theoretically possible, though extremely unlikely ever to occur in the 'real' world.<sup>12</sup> The purpose of the exercises in both instances was to prepare the speaker to appreciate the demands of an argument and then

respond by identifying and using whichever portions of persuasive knowledge and eloquence which logic would allow.

To consider just one illustrative example of an account of primary Roman *controversiae* here: among the Elder Seneca's recollections of declamations he had witnessed and recorded for his sons, he remembers how one Julius Bassus had once used the subject of filial duty to consider the wider issue of nobility. Bassus had apparently remarked that:

Some have buried their grandfathers' and fathers' family portraits beneath shameful deeds — while some ill-born sons have given their posterity a family to be proud of. In the former, the greatest disgrace is not to have kept what they inherited; in the latter it is praiseworthy to have accomplished what none had given them.

Having introduced his theme, Bassus next launched into a list of *exempla* and asked:

Who was Marius if we look at him with his ancestors in mind? Despite his many consulships, he has nothing that does him greater credit than that he was self-made. If busts of ancestors had carried Pompey to his peak, no one would have called him the Great. Rome had for king Servius, among whose virtues there is no greater distinction than the lack of distinction in his name.

The orator finally concluded this section of his speech with a *reductio ad originem*, 'Unroll the pedigree of any nobleman you like; you will arrive at low birth if you go back far enough'.<sup>13</sup> What is remarkable here is not so much the detail of Bassus' speech, but rather the occasion for it. The *controversia* in which he was speaking was one entitled 'The Pirate Chief's Daughter', a narrative about a man who is captured by pirates and who, after his father refuses his request to be ransomed, consents to marry the eponymous girl to secure his release. Later, back at home, a more lucrative match becomes possible and so the man's father demands that he divorce the pirate's daughter and remarry. The man refuses and is disinherited. The law at issue involved the exercise of *patria potestas* and the declaimers taking part in the *controversia* were expected to judge whether the father had the right to withhold consent to his son's marriage. But with that in mind, it is clear that Bassus' remarks are, at best, only tangentially related to the issue at hand. And that, of course, is their value. 'Nobility' was a powerful commonplace theme and Roman rhetorical education and literature ensured that students and audience alike were well aware of it.

Far more than merely a technical exercise in speech composition, declamation was inherently moral. Through it, generation after generation of young men, either at school or later as an audience, learned what it was to be Roman, which values were to be honoured and which rejected as being base and unworthy. Indeed, the influence of declamation can be seen in the remarkable success and longevity of Valerius Maximus' *Factorum et dictorum memorabilium*, a collection of some 967 historical *exempla*, drawn from a range of texts and specifically organised categorically as an instrument for practitioners. The work was immensely popular and remained so throughout the Middle Ages and the Renaissance, during which Valerius was valued primarily as an historian. Given the portability of the snippets of knowledge, it is easy to see how the examples, and the way that they are organised, could be readily used to bolster any particular case. In terms of true nobility, debate led to the development of three distinct types: the new man, or 'Those Born in a Humble Situation who became Illustrious'; secondly, 'Those Who Degenerated from Famous Parents', to use the titles of chapters organised by Valerius,<sup>14</sup> and lastly the noble who surpasses even the expectations of his lofty birth. All three were self-evidently invaluable to moral literature. Whilst the first and third option provided a spine for panegyric praise, the second could readily be used for criticism and blame. These types, the lists of historical figures and actions that exemplify them, and the many rhetorical strategies used to emphasise the contrast between them, remained remarkably consistent across the broad range of ancient texts in which the ideas passed from Rome to the Renaissance.

Whilst themes remained constant, however, the forms of 'set-piece' rhetorical arguments apparently became more generalised and by the time of the Quattrocento, it seems that any literary debate, such as Buonaccorso's, could be termed a *controversia*. In England, the term was also broadened to describe disputation generally, although Erasmus calls for a return to the authentic nature of classical declamatory exercises in a letter to Richard Whitford of 1506.<sup>15</sup> By contrast, the declamatory nature of *Fulgens and Luces* accords to the expectations of a *controversia*, in the proper, original sense, with the introduction of legal content.<sup>16</sup> Cornelius' speech is both a defence and an attack; he states his claim to be understood as noble and also pours scorn on the origins and lifestyle of his adversary. Gayus' speech is in turn both a defence and a *prosecution*. According to his account, Cornelius is not merely degenerate and immoral, but also criminal.

The way in which Medwall draws upon the classical theme of nobility is evident from the way in which his characters are constructed. Cornelius is immediately depicted as the degenerate aristocrat, for example, when he is seen to rely upon the inherited trappings of nobility; his ironic admission that his claim rests solely on the ‘one poynt’ (2: 457) of his ancestry. In keeping with the stereotype, he boasts of the purity of his breeding, ‘Where fynde ye ony blode of so gret noblenes / As hath ben the Cornelys wherof I am brede?’ (2: 459–460), and of how his ancestral line can be traced through the pages of ‘thistories’ (2: 484), the assonant pairing of ‘Cornelys’ and ‘cornecles’ (2: 462) perhaps seeking to suggest synonymity. In case his audience were unaware of their history, Cornelius then speaks of his ancestors’ deeds; he states the particular name of ‘Cipion of Affrick’ and his exploits in Carthage before generalising to discuss the ‘many other cyties that ... were reducyd unto due obedience / Eyther by the policy or by the violence / Of my sayde aunceters’ (2: 479–84). However, Cornelius benefits from the virtue of his name only if its meaning includes all members of the family and not just those who have been virtuous. Or rather his speech signifies a belief in the foundation of virtue in nomenclature rather than in deeds. This then leads to Cornelius parading the monuments and statues that provide a civic memorial to his forefathers’ actions:

... for a memoriall  
 Of theyr desertis the cytie dyde edifye  
 Triumphall arches, wheruppon ye may  
 To my grete honour se at this day  
 Thymages of myn auncetours evyn by and by  
 Bycause that theyr noblenes sholde never dye.                      2: 495–500

The physical manifestation of their glory is finally seamlessly joined to the material vestiges of their wealth, which Cornelius now possesses, as if the two are self-evidently equal in significance. He boasts of how he is the ‘veray inherytoure / As well of theyr godes as of theyr sayde honoure’ (2: 513–4), before listing his myriad possessions of castles, towers and a super-abundance of ‘tresoure’ (2: 517).

With very good reason, Gayus is scornful of his rival’s claim:

Two thingis for your self in substaunce ye have layd  
 Whiche as ye suppose maketh for your nobles,  
 Upon the whiche thingis dependith all your processe:  
 Fyrst, of your auncetours ye allege the noble gestis;

Secondly, the substaunce that ye have of theyr bequestis.  
In the whiche thingis onely, by your owne confession,  
Standeth all your noblenes — this sayd ye beffore. 2: 601–607

In fact, Gayus and the audience could not fail to view Cornelius as a paradigmatic embodiment of the second of the three types referred to above. All of the details of Cornelius' claim are entirely conventional and repeat ideas that are readily apparent in, for example, Juvenal's Eighth Satire.

A number of editions of Juvenal were printed in Italy towards the end of the fifteenth century and we know from stationer Thomas Hunt's list of Oxford book prices that the author's work was readily available in England by 1483.<sup>17</sup> It is therefore entirely possible that Medwall would have been familiar with Juvenal directly. That said, however, my purpose in referring to Juvenal in detail is less to posit his work as an intertext than to demonstrate that the various arguments used in the debate over nobility were clearly available from Roman satire. By the time that Juvenal was writing indeed, in the late first and early second centuries AD, the commonplaces, examples, and comparisons used to consider true nobility were already so established as to be stereotypical. The most authoritative critic of Roman satire in general, and Juvenal in particular, argues that our appreciation of the Eighth Satire depends entirely on an understanding of its references as being 'trite and well worn'.<sup>18</sup> As a distillation of classical conceptions of the *topos*, the satire can therefore help to illuminate a number of aspects of *Fulgens and Lucrez* that have previously been overlooked. Both Juvenal and Medwall demonstrate a sophisticated use of *alloiosis*, the rhetorical device of illuminating differences and alternatives, to draw comparisons and thereby delineate the vicious nobleman and virtuous parvenu. The rivals are contrasted on an ontological plane, for example; whilst Cornelius' ancestors have vitality, even in death, 'Bycause that theyr noblenes sholde never dye' (2: 500), any idea of purposeful life on his own account is lacking. Whilst his forefathers fought to stave off not just their own mortality, but also that of their state, 'To salve garde the comune wele fro ruyn and decay' (2: 487), Cornelius has done nothing in his life even to prove his existence. Gayus chides and challenges him to:

Shew what have ye done your self therefore.  
Some of your owne meritis let se bryng in,  
Yf ever ye dyde ony syth ye were bore. 2: 621–3

Juvenal exploits the same sense of wasted life and moral 'death', emphasised by comparison with virtuous ancestors, thus:

So, if I am to respect yourself, and not your belongings, give me something of your own to engrave among your titles, in addition to those honours which we pay, and have paid, to those to whom you owe your all ...The man who merits death is already dead, though he dine off a hundred Lucrine oysters, and bathe in a whole cauldron of Cosmus' essences.<sup>19</sup>

A similar opposition is considered with the idea of 'manliness' as against weakness. Cornelius has recourse in his argument to his ancestors' 'manhode' (2: 467), but it is conspicuously only Gayus who can speak of his own masculinity, 'An other tyme my contrey manly I deffend' (2: 681), an equation in both instances with military prowess which serves as a reminder, were one needed in the circle of Henry VII, that blue blood was frequently earned through bloodshed. Juvenal compares the effeminate and 'smooth' aristocrat with the example of Marius who, after his description by Sallust, becomes the archetype of military virtue:

I cannot, to justify your confidence, display family portraits or the triumphs and consulships of my forefathers; but if occasion requires, I can show spears, a banner, trappings and other military prizes, as well as scars on my breast. These are my portraits, these my patent of nobility, not left me by inheritance as theirs were, but won by my own innumerable efforts and perils.<sup>20</sup>

The distance from martial power and the gore of battle eloquently emphasises Cornelius' degeneracy, stood as he is in 'nyse aray' (2: 635). Cornelius' fashionable dress clearly identifies him as the wasteful 'stock gallant', common to both classical ideas of the effete noble and the medieval stage Vice. Cicero frequently alludes to the economic and moral implications of dress in speeches as well as philosophical works.<sup>21</sup> In an epistle 'On Learning Wisdom in Old Age', Seneca compares the vain noble to an actor 'with swelling port and buskined feet' and suggests, 'when you wish to inquire into a man's true worth ... look at him when he is naked; make him lay aside his inherited estate, his titles, and the other deceptions of fortune'.<sup>22</sup> Swollen with vanity, the character of Pryde in Medwall's *Nature*, is portrayed with a remarkably similar diction to that used both by and of the immoral Cornelius:

Wote ye not how great a lord I am,  
Of how noble progeny I cam? ...  
How say ye, syrs, by myne aray?  
Doth yt please you? Ye or nay? ...  
And one thyng I put you out of dout:  
I have wherwyth to bere yt out  
As well as any man here about  
    Wythin these hundred myle ...  
My doublet ys onlaced byfore,  
A stomacher of saten and no more ...  
Than have I suche a short gown  
Wyth wyde sleeves that hang adown —  
They wold make some lad in thys town  
    A doublet and a cote.<sup>23</sup>

Following on from issues of dress, Medwall introduces the idea of fatherhood, which is also frequently exploited in ancient discussions of true nobility. We learn that Cornelius' ancestors were justly celebrated for their significant service to the state; so much so indeed that 'the Cenat dyde ordeyne / Them to be namyd the faders of the contray' (2: 488-9). The theme is again emphasised immediately afterwards when Cornelius continues, 'For in every nede they dyde upon them call / For helpe as the chylde doth on the fader naturall' (2: 491-2). The same point is made by Juvenal, who refers to Cicero being styled as the 'Parent and father of his Country!', while Rubellius Blandus, the degenerate offspring of noble parents, is depicted as effeminate and likened to a castrated Herm.<sup>24</sup> It is particularly interesting that Medwall should have Cornelius using the paternal reference to boast of his forefathers since, although emperors were afterwards given the title *Pater Patriae* as courtesy, Cicero received it through his own work, for his suppression of the Catiline conspiracy of 63 BC. Furthermore, he was the first and most synonymous recipient of the title and the only 'new man' to achieve it.<sup>25</sup> Within the play indeed, it is only Gayus who anticipates fathering equally virtuous progeny to himself, 'And yf myn heires will do likewyse / Thay shal be brought to nobles by me' (2: 688-9), and we must remember that the immediate prize for the victorious suitor is the promise of a fruitful marriage with Lucre. By stark contrast, Cornelius is derided as the barren end of line, 'But Cornely, it semyth by the / That the nobles of thyn auncetours everycheon / Shall utterly starve and die in the alone' (2: 689-692). Whereas Gayus is virile and active, Cornelius' military, and by implication

personal, impotence is reflected by his extravagant codpiece, so exaggerated as to emphasise only its obvious emptiness. B jokes, 'therin restith the gretist charge!' (1: 735), but in reality Cornelius is, at very best, half-cocked.

The binary opposition of fullness and emptiness is another important moral motif, linked to that of self-control and moderation; in his Eighth Satire, Juvenal depicts Fabius, Antonius, and Verres, noblemen who used their status to commit crime, as proud, greedy and covetous.<sup>26</sup> Gayus accords with the Aristotelian mean in his household economy and tells Lucre, 'I shall assure you of moderate riches, / And that sufficient for us both doutles' (2: 696-7).<sup>27</sup> Cornelius is immorally extravagant and delights in frittering away his recent inheritance on wasteful leisure. Gayus talks of enjoying full and meaningful days, 'One tyme with study my tyme I spende / To eschew idelnes, the causer of syn' (2: 679-80), the close repetition of *tyme* insisting on the significance of judging how it is spent, almost as a currency. In contrast, Cornelius promises a life empty of meaning, 'Without care or study of laboriouse besynes' (2: 548), in concordance with Marius' charge, according to Sallust's account:

Well then, let them continue to do what pleases them and what they hold dear; let them make love and drink; let them pass their old age where they have spent their youth, in banquets, slaves to their belly and the most shameful parts of their body. Sweat, dust and all such things let them leave to us, to whom they are sweeter than feasts ... Thus, most unjustly, their luxury and sloth, the most abominable of faults, in no wise injure those who practise them, but are the ruin of their blameless country.<sup>28</sup>

Medwall similarly exploits a recurrent comparison of day and night for moral comment. In Juvenal's eighth satire, the speaker compares the harsh lives of the aristocrat's ancestors, rising at dawn to fight, with his subject's indolence:

What signify all these effigies of warriors if you gamble all night long ... and begin your sleep with the rise of Lucifer, at an hour when our Generals of old would be moving their standards and their camps?<sup>29</sup>

In *Fulgens and Lucre*, Cornelius' life is so far from moral as to usurp the moderate use of time. He tells Lucre that she could 'spend all [her] dayes in ease and plesaunt idelnesse' (2: 549) and moreover that she could

continue to engage in trivial pleasures and 'disport ... both day and night' (2: 558–9).

Even if these moral comparisons were all that Medwall provided for Lucrece, and the audience, to make a judgement, it is obvious that she, and they, would be made to follow the satirists and favour virtue over vice. However, as I suggested above, the play demonstrates an argument rather than merely makes one; it is important to consider more than simply what is said, but also to examine the way in which the opposing characters are simultaneously presented as speakers.

Turing now to the character of Gayus, I would suggest that he is equally heavily dependent on a conventionally drawn paradigm: the 'new man', exemplifying the pattern that Valerius Maximus describes as 'Those Born in a Humble Situation who became Illustrious'. Following Hans Baron's initial suggestion that Buonaccorso based the character of Gayus solely on Sallust's Marius,<sup>30</sup> Alexander Murray, in his *Reason and Society in the Middle Ages*, fulfilled the need to explain Buonaccorso's focus on Gayus' education, something that Marius famously denigrates and which becomes, in Murray's opinion, 'the poor man's claim to true nobility'.<sup>31</sup> In fact, Marius is merely one of the many available models of rhetorical 'new man'; he is also the only significant example not to have had his education and intellect emphasised. Consider the Younger Seneca, for example, who bases his conception of true nobility on intellectual power. In his Epistle 44, in which he stresses that 'a noble mind is free to all men', he develops the idea of an intellectual aristocracy, headed by Socrates.<sup>32</sup> Similarly, Cato Major is seen as representing the source of a virtuous line by Cicero and is thereby frequently praised for his noble characteristics of *virtus* and *industria*.<sup>33</sup> Indeed, by far the most significant and representative *Homo novus*, particularly in relation to Medwall's construction of Gayus, is Cicero himself.

Cicero fashions himself through eloquence. In the *Commentariolum petitionis*, his brother Quintus advises him to 'play to his strengths' and to link his success as a legal orator with his identity as self-made:

For your status as a 'new man' you will compensate chiefly by your fame as a speaker. Great prestige has always attached to this; an advocate deemed worthy to defend ex-consuls cannot be thought unworthy of the consulship.<sup>34</sup>

Of course Cicero's name was really made, so to speak, not with a defence brief, but as the prosecutor against Verres. His initial

investigations in Sicily uncovered so much incriminating evidence that Verres decided early on in the trial to go into exile rather than risk conviction. Nevertheless, Cicero decided to publish his anticipated speeches anyway, as if the case had not been won so easily, in order to establish his reputation and to publicise the route he had chosen to be successful. His speech fits the generic expectations of the *illustris accusatio*, ‘the prosecution of a well-connected adversary’; besides Verres, Cicero also faced Q. Hortensius, the most established orator in Rome, with whom he envisages a particularly personal battle or ‘duel’. It is therefore fascinating to see how Cicero exploits the now familiar commonplaces of newness and nobility as fundamental to his rhetoric. He launches an attack on Hortensius and accuses him of seeking to block the paths of ‘new men’, for example, whom he characterises with their hard work (*industria*), talent (*ingenium*), and virtue (*virtus*).<sup>35</sup> Similarly, Cicero presents a subtle argument about the reception of heroes that shifts the basis of true nobility from inheritance to virtuous interpretation, when he suggests:

Let the illustrious aristocracy of which you are a member cease to complain that the Roman nation is, and always has been, glad to entrust active men of humble birth with public office. No man should complain that character counts for more than anything in Rome, when it is character that makes Rome the mistress of the world. Let not the Scipios alone possess the portrait of Scipio Africanus, nor let them alone derive lustre from the great hero’s renown: he was such a man, and so served Rome, that not one family but the whole country has the right to protect his fame. In this right I myself have a share, as a citizen of the empire whose proud and glorious fame is due to him; the more so because I do my best to follow him in the path where he leads the way for us all, the path of justice and temperance and strenuous endeavour, as the champion of the distressed and the enemy of the wicked; and the kinship of aims and pursuits that I thus have with him is hardly less close than the kinship of name and blood that is so precious to yourselves.<sup>36</sup>

Medwall has Gayus follow exactly the same argument when he agrees that some of his adversary’s ancestors, even though it is only Africanus who is mentioned, had indeed performed valiant service, ‘Some of them were noble lyke as ye declare — / Thestoris bereth witnes, I must graunt them nedis’ (2: 614–15). The point is that, even provided with the virtuous

textual model to emulate, Cornelius is a poor reader and fails to 'follow in the path', which is particularly significant because his ability as a 'reader' and speaker is clearly seen to be badly compromised by, and symbolic of, his ignoble character.

Although the agonistic speeches in *Fulgens and Luces* are significantly shorter than those in the source, it is remarkable that nothing at all pertinent to the classical debate over true nobility is lost. In fact, the effect of distillation and the prominence attached to the patterns I have discussed instead illuminates the influence of classical models. Furthermore, Medwall is aware that to treat the theme is also to add to it. In the play, as we have seen, it is the aristocratic Cornelius who shuns the business of study. When he evidently realises that he is losing the argument and stoops to threats of violence, Gayus ironically quips how 'he spekyth after his lernyng!' (2: 539). There is certainly a cue for Medwall's irony in the text of Tiptoft's prefatory argument, in which we read that Cornelius 'grete studye rested in huntyng, haukyng, syngyng & disporte'.<sup>37</sup> But Medwall's adaptation of the theme of learning — and its purpose — demands to be considered fully. Whereas Tiptoft depicts study almost as an end in itself, Lucesse is described as having a 'plenteous understandyng of lectrure' that necessarily implies her virtue and will apparently lead her to be drawn to a man with a well-stocked library, Medwall demonstrates a far more immediate context and purpose for knowledge.<sup>38</sup>

The distinction can be appreciated from a demonstrative pun that is used in the play to differentiate the various characters. Near the beginning of his argument, Tiptoft introduces the rival suitors and describes Publius Cornelius as 'of the worshipful hows and stocke called Corneliu', a phrase which alludes to value and material assets as well as bloodlines; details of how 'he habounded gretely in the goodes of fortune' quickly follow.<sup>39</sup> The same idea is used by Medwall; when B gives his initial outline of the process of the play, he describes 'Gayus Flamyneus, / Borne of a pore stocke, as men doth say' (1: 93–4) to equate low birth and financial value. Later on, they judge that Cornelius must needs be the nobler man because he has the most money, that 'He that hathe moste nobles in store, / Hym call I the most noble ever more' (1: 1377–8). It is a joke that is also treated seriously. Cornelius similarly boasts continually of his wealth, even claiming to be the richest man in history:

To me they have also left all theyr tresoure  
In such abundaunce that I trow no man  
Within all Rome, sith it fyrst began,

Had half the store as I understonde  
 That I have evyn now at ons in my honde. 2: 517–21

Whilst Cornelius and the cynical servants use the word *store* to denote financial abundance, Lucre and Gayus exploit the term to denote a more purposeful accumulation of knowledge — a stock of rhetorical proofs. Gayus challenges that his opponent has ‘no suche thyng in store / Of your owne meritis wherby of right / Ye shulde appere noble to ony manny’s sight’ (2: 624–6); Lucre denies him the opportunity of further speech, ‘Withoute that ye have some other thing in store / To shew for your self than ye dyde beffore’ (2: 711–2). Eloquence is thereby seen to be both a function and symbol of virtue so that speech becomes a reflection of the speaker’s identity. Such a connection of eloquence and morality was readily available from classical example: Quintilian famously adopts Cato’s definition of an orator as being ‘a good man skilled in speaking’ and then emphasises, ‘and it is intrinsically more significant and important — let him at all events be “a good man”’;<sup>40</sup> Seneca similarly equates words and self in his epistle ‘On Style as a Mirror of Character’, with the maxim *talis oratio, qualis vita*, ‘Man’s speech is just like his life’.<sup>41</sup>

The connection of character and persuasive speech, so fundamental to Medwall’s play, can be considered very clearly through the development of a distinctively ‘Ciceronian *ethos*’. In Aristotle’s rhetorical taxonomy, there are three main *pisteis*, or sources of demonstration and persuasion. Corresponding to categories of advice about the speaker, the audience and the subject itself, Aristotle first stresses *ethos*, ‘the moral character of the speaker’, next *pathos*, which depends upon ‘putting the hearer into a certain frame of mind’, and finally *logos*, ‘the speech itself, in so far as it proves or seems to prove’.<sup>42</sup> It is important to note that the sources of proof here function only within the immediate context of the speech. As James May notes, ‘it is neither the speaker’s authority nor his previous reputation, but the impression he makes during his speech, that inspires trust in his listeners’.<sup>43</sup> A similar structure is seen in Cicero’s *De Oratore*, albeit in a slightly different order, and whereas Aristotle’s application was universal, Cicero directs his advice solely towards judicial oratory.<sup>44</sup> Cicero’s development of the nature and significance of the speaker’s *ethos* is far more significant, however. When Cicero has Antonius detail the factors involved in the question of the speaker’s character, it is obvious that he is considering a far more profound idea of an individual’s identity and authority than Aristotle would allow:

A potent factor in success, then, is for the characters, principles, conduct and course of life, both of those who are to plead cases and of their clients, to be approved, and conversely those of their opponents condemned ... Now feelings are won over by a man's merit, achievements or reputable life, qualifications easier to embellish, if only they are real, than to fabricate where non-existent. But attributes useful in an advocate are a mild tone, a countenance expressive of modesty, gentle language, and the faculty of seeming to be dealing reluctantly and under compulsion with something you are really anxious to prove.<sup>45</sup>

In *Fulgens and Lucrez*, the roles of advocate and client are obviously merged since Cornelius and Gayus speak on their own behalf. Perhaps following Cicero's advice, Gayus is characteristically modest and even expresses reluctance, however genuinely, at being in the position of having to condemn his adversary:

For lothe wolde I be as ony creature  
To boste of myne owne dedis — it was never my gyse.  
On that other syde, loth I am to make ony reportur  
Of this mans foly or hym to dispice.  
But never the lesse this matter towchith me in suche wise  
That what so ever ye thinke in me, I must procede  
Unto the veray trouth therof as the matter is in dede. 2: 592–8

As I have suggested, and in contrast to Cornelius' effortless receipt of a significant name at birth and his recent abundant inheritance, Gayus is self-made and derives much of his authority through his own efforts. To construct his archetypal 'new man', Medwall adopts commonplace declamatory *exempla* from classical themes as well as a Ciceronian persona with which to articulate his ideas. But it is extremely important to understand that Gayus also represents a further Ciceronian element, the authority of the law.

As I suggested at the beginning of this article, the play's legal dimension has been very persuasively analysed and explained by Olga Horner. By closely examining the play in its historical perspective, Horner argues that Medwall's representation of Cornelius reflects elements of the rebellious aristocracy, which stood in opposition to the less established faction of 'new men' that constituted the majority of Henry's councillors; she neatly describes the argument of *Fulgens and Lucrez* as mirroring the wider conflict 'between the lawless and the law-abiding'.<sup>46</sup> Horner's

reading is particularly significant in demonstrating that the particular offences which Medwall describes Cornelius as committing (maintenance, embracery, retaining) closely follows the diction of the Star Chamber Act of 1487. And, as Horner explains, once the precise meaning of *maintenance*, and its related offences, is understood through the lens of legislation, the character of the staged debate and its protagonists is radically altered. I would like to add only that the relationship between the two speakers might be brought into even sharper focus by an appreciation of the contexts in which we find references to the crimes, and their implications, elsewhere.

In addition to statutory law, for example, the authority of justice was frequently also supported by royal proclamations, several of which address the crimes that Gayus condemns. A proclamation of 1502, for example, aimed at 'Prohibiting Retainers', although the significance of the continuing problem is suggested by the fact that a markedly similar proclamation followed in 1511,<sup>47</sup> before an all-encompassing direction of 'Enforcing Statutes against Liveries' appeared in 1514 to address the perceived threat to the 'commonweal, rest and quietness of [the] realm':

Forasmuch as in the times and of the noble progenitors of the King our sovereign lord divers statutes have been made and established for punishment of such persons that give or receive liveries, or that retain any person or persons, or be retained with any person or persons, by oath, promise, livery, writing, token, badge, or otherwise, upon divers pains and forfeitures in such statutes contained; that notwithstanding divers and many persons have taken upon them, some to give and some to receive, liveries, and to retain and be retained contrary to the form of the said statutes, and little or nothing is or hath been done for the punishment of the offenders in that behalf; by reason whereof many murders, riots, routs, unlawful assemblies, maintenances, embraceries, and other great inconveniences have ensued and daily do ensue to the disturbance and inquietation of the King's subjects, and to the let of the execution of the laws.<sup>48</sup>

It is obvious from just this example that maintenance, retaining, and embracery, understood as being connected, were considered together as far more sinister than mere individual crimes. As Francis Bacon recognises in his account of the Star Chamber Act, these offences were viewed more seriously as 'causes that might in example or consequence concern the state

of the commonwealth'.<sup>49</sup> Medwall similarly emphasises the scope of the danger, since Cornelius' ignoble criminality is clearly seen to present a wider threat to the safe functioning of the 'commonweal', which serves to associate the play with a wider discourse of civility.

Once again, there is precedent for Medwall's emphasis in his source. Caxton's prefatory materials for the volume in which Tiptoft's translation was published, a collation that thereby associates *The Declamacion of Noblesse* with authentic Ciceronian models, concern themselves primarily with civic virtue.<sup>50</sup> In the 'prohemye' to *Tullius of Olde Age*, for instance, Caxton first summarises that Enneus demonstrates, 'how he toke grete thought and charge for the gouernaunce of the comyn prouffyght, ffor whiche he deserued grete lawde and honoure in preferring the same named in latyn RES PUBLICA kepyng the Romaynes prosperous', before praising his patron 'Syr Johan Fastolf' for military service and for 'admynystryng Iustice and polytique gouernaunce'.<sup>51</sup> The printer then provides a clear identification of his anticipated readership:

I haue ... dilygently aftir my lital vnderstandyng corrected it to thentente that noble vertuous and wel disposed men myght haue it to loke on & to vnderstonde it. And this book is not requysyte ne eke conuenient for euery rude and symple man, whiche vnderstandeth not of science ne connyng, and for suche as haue not herde of the noble polycye and prudence of the Romaynes, but for noble, wyse, & grete lordes gentilmen & marchauntes that have seen & dayly ben occupied in maters towchyng the publyque weal.<sup>52</sup>

Within Tiptoft's version of *The Declamacion* itself, even Publius Cornelius understands that nobility must equate on some level with civility; though he can claim to have done nothing himself for the greater good, he has enough political vocabulary to boast of his ancestors' service on behalf of the 'estate publyque' or 'wele publyque'.<sup>53</sup> Gayus' oration is even more emphatic, frequently repeating the terms used by his adversary, as well as adding further versions such as 'thyngge publyque' and 'comyne Weale'.

Both the idea of the 'commonweal' and the changes to which it was subject in the Renaissance have been very well considered by Arthur Ferguson.<sup>54</sup> Although not the focus of his attention, many of the sources that he cites, and numerous others in addition, demonstrate a remarkably consistent element of its early conception, in which not just law, but also

the image of the lawyer, predominates. Sir Thomas Elyot, for example, in offering a definition for a 'commonweal' abandons the term for his preferred alternative of the 'public weal', in order to be closer to his Roman ideal and also to avoid the sense of commonalty. His is a remarkably stable and hierarchical model; he defines it initially as 'a body living, compact or made of sundry estates and degrees of men', but it is only able to be such because of the predominance of the law; Elyot continues his definition to describe how the 'body' is 'disposed by the order of equity and governed by the rule and moderation of reason'.<sup>55</sup> Similarly, Thomas Starkey's contemporaneous, and equally conservative, definition is of an orderly body politic, within which all members of society fulfil their duties.<sup>56</sup> But again, society can only function if the primary office of the ruling elite in this system, the 'hedys & rularys both spyrytual & temporal', fulfils its judicial role, 'dilygently to se the admynstratyon of justyce to the hole commynalty'.<sup>57</sup> John Rastell goes even further to see law as the primary impetus to the commonweal and argues that, 'a good reasonable common law maketh a good common peace and a common wealth among a great commonalty of people'.<sup>58</sup> In the preface to his 1514 edition of the *Liber Assisarum*, he describes law as something of a social panacea and argues how it is laws that lead to civility, and even religious faith. The commonwealth, he suggests:

restith nother in incresing of riches power nor honoure but in the incresyng of good maners & condicions of men wherby they may be reducid to knowe god to honoure god to love god and to lyve in a continuall love & tranquilyte with theyre neyghbors for the which thing to be atteyned yt ys to men most expedient to have ordinancis & lawes for lykwyse as the brydel & the spurr directyth & constraineth the hors swiftly & wel to performe hys journey so doth gode & resonable ordinancis & lawes lede & direct men to use gode maners & condicions & therby to honour to drede & to love god & verteusly to lyve among theyre neyghbors in continual pes & tranquillite in firme concord & agrement in an unite of wil & mynd & in sensere & Pure love & charite.<sup>59</sup>

And Edmund Dudley's *The Tree of Commonwealth* (1510) emphasises the significance of lawyers even more than the law. As Horner explains, Dudley was among the extremely influential lawyers and royal advisors that Medwall would have known personally and his legal work involved drawing up indentures and recognisances, documents that enforced debts

owed to the crown.<sup>60</sup> Indeed, he is chiefly remembered for asserting the king's feudal rights over landowners who were his tenants-in-chief and it was ultimately his 'energy and ability' in pursuing his commission into magnates' titles to land that led to his downfall.<sup>61</sup> In *The Tree of Commonwealth*, Dudley duly outlines his allegory by identifying the 'principall and chief roote' as being 'the love of god', which then leads to the four supporting roots of justice, truth, concord, and peace.<sup>62</sup> As one might expect, given Dudley's background and the nature of the treatise as a justification of his service, the root of justice is predominant and is therefore considered in far greater detail than the other three branches. The king is clearly identified as the worldly source of legal power, 'And this roote of justice must nedes come of our soveraigne lord hym self, for the whole auctoritie therof is gyven to hym by god, to mynister by hym self or by his deputies to his subjectes'.<sup>63</sup> Yet when Dudley continues, it seems that the king's role is more accurately to make wise appointments, and even this is to be done by the chancellor rather than the monarch himself, and then ensure merely that they are left able to administer justice 'treuly and indifferently'.

Having considered general obstructions to justice, Dudley moves to specific offences which lawyers must counteract, crimes which echo those we have seen in statute, royal proclamation, and Medwall's play:

Also, a singler furtherance to good and indifferent justice to be had, and to the consciens of the king a greate discharge, shalbe tappoint good Sherifes and such as will not be affectionat or bribers, for in them lyeth mutche to make or marre the conclusion of justice, [and] that ther be had a speciall [rule] to ponysshe perjurie, [for] Persons perjurid be the uttermost mischeif of all good righte and justice. Yet must the prince ponishe and oppresse all maynteners and imbracers, and y<sup>t</sup> must be his owne act, for it is don most comenly by men of great power and auctorite. Furthermore, besydes all the comen ordering of justice to be don and mynysterid within this realme ... his grace hym self must have a singular zeale and regard to protect and defend his subjectes y<sup>t</sup> thei be not oppressyd by greate men and there superiors.<sup>64</sup>

It should be obvious, from these examples as well as from Horner's article, that Cornelius' criminality is representative of a widespread and persistent threat, rather than a specific reference to any individual. Indeed, Medwall's choice of offences actually also serves to delineate the character

JAMES MCBAIN

of Gayus since it surely associates him not merely with the law-abiding, but actually with those actively engaged in representing and upholding justice. The point can be made through dramatic reference: for all his innovation, it should be acknowledged that Medwall is not the only dramatist to bring the crime of maintenance to the stage. The Wakefield Master uses it, together with illegal liveries and retaining, among the shepherds' grievances:

For may he gett a paynt slefe or a broche now-on-dayes,  
Wo is hym that hym grefe or onys agane says!  
Dar noman hym reprefe, what mastry he mays;  
And yit may noman lefe oone word that he says —  
    No letter.  
    He can make purveance  
    With boste and bragance,  
    And all is thugh mantenance  
    Of men that ar gretter.<sup>65</sup>

Likewise in *Wisdom*, maintenance is linked with judicial corruption to develop a theme of legal satire:

*Mynde*: Law procedyth not for meyntnance ...

*Understandyng*: Wo wyll have law must have monye ...

*Mynde*: Wronge ys born upe boldly,  
    Thow all the worlde know yt opynly,  
    Mayntnance ys now so myghty,  
    And all for mede.

*Understandyng*: The law ys so coloryde falsly  
    By sleyttys and by perjury,  
    Brybys be so gredy,  
    That to the pore trowth ys take ryght nought a hede.

*Wyll*: Wo gett or loose, ye be ay wynnande.  
    Mayntnance and perjury now stande.  
    Thei wer never so moche reynande  
    Seth Gode was bore.<sup>66</sup>

Medwall's use is very different, however, since he presents a figure condemning maintenance, and indicting his opponent for it, rather than merely being the plaintive victim of it. By drawing the audience's attention to Cornelius' criminality, Medwall is therefore clearly doing rather more than putting an individual patrician in the dock. If we

properly understand how the particular crimes of which he is accused relate to wider social concerns, it is obvious that Medwall's scope is far wider than has previously been acknowledged. Cornelius is clearly identified as seeking to prevent the course of justice and, as such, is seen as a threat both to Lucre and more importantly to the commonweal as a whole. By contrast, Gayus is victorious both for his actions in the past and also the present; it is not just his persona of morality and learning that is seen as attractive, but also the demonstration of both, 'by example and gode reason', within his speech. In doing so with classical models, Medwall clearly follows the humanist ideal of 'allying scholarship to the service of the commonweal'.<sup>67</sup> And, since Gayus is transformed into an ideal image of a lawyer — from a man speaking on his own behalf, to an advocate, condemning his rival for the benefit of all, *Fulgens and Lucre* similarly comes to represent and uphold not merely the nobility of virtue, but also the virtue of law as a noble occupation.

Magdalen College, Oxford

#### NOTES

I would like to take the opportunity to offer sincere thanks to Professor Twycross and an anonymous reader for taking considerable time and care in commenting upon an earlier draft of this paper. Any errors that remain, either of fact or judgement, are, of course, mine alone.

1. *Fulgens and Lucre* in *The Plays of Henry Medwall* edited Alan H. Nelson (Cambridge: Brewer, 1980) Part 1: line 1410. All quotations and line-references are taken from this edition. Subsequent references appear in the text.
2. See particularly *The Clerk's Tale* and *The Wife of Bath's Tale*.
3. See R.G. Siemens "'As Strayght as Ony Pole": Publius Cornelius, Edmund de la Pole, and Contemporary Court Satire in Henry Medwall's *Fulgens and Lucre*' *Renaissance Forum* 1: 2 (1996) paragraphs 1–37 <<http://www.hull.ac.uk/renforum/v1no2/siemens.htm>>. Whilst not arguing for a simple 'one to one' correspondence, Olga Horner suggests that the character of Lucre might reflect the character and circumstances of Henry VII's mother, Lady Margaret Beaufort: '*Fulgens and Lucre*: An Historical Perspective' *METH* 15 (1993) 49–86.
4. Horner '*Fulgens and Lucre*' 51–4.
5. The text of *The Declamacion*, which was published by Caxton in 1481, is given as an appendix to R.J. Mitchell *John Tiptoft, 1427–1470* (London: Longmans, 1938). A modern translation of Buonaccorso is provided in Albert Rabil *Knowledge, Goodness and Power: the Debate over Nobility among Quattrocento*

- Italian Humanists* (Medieval and Renaissance Texts and Studies 88; Binghamton NY: MRTS, 1991).
6. Miélot's version is printed in A.J. Vanderjagt *Qui Sa Vertu Anoblist: The Concept of 'noblesse' and 'chose publique' in Burgundian political thought* (Groningen: Miélot, 1981).
  7. The universal nature of the theme is considered by Quentin Skinner *The Foundations of Modern Political Thought* 2 vols (Cambridge UP, 1978) 1 80–82, 236.
  8. The five most significant *Progymnasmata* are collected together in *Progymnasmata: Greek Textbooks of Prose Composition and Rhetoric* translated George A. Kennedy (Leiden: Brill, 2003). For their use in classical education see Ruth Webb 'The *Progymnasmata* as Practice' in *Education in Greek and Roman Antiquity* edited Yun Lee Too (Leiden, Boston: Brill, 2001) 289–316; Ian H. Henderson 'Quintilian and the *Progymnasmata*' *Antike und Abendland* 37 (1991) 82–99. For their use in the Renaissance, and details of the various editions that were printed, see Donald Leman Clark 'The Rise and Fall of *Progymnasmata* in Sixteenth and Seventeenth Century Grammar Schools' *Speech Monographs* 19 (1952) 259–63. The translation of Aphthonius by Agricola, supplemented by Reinhard Lorichius, became the standard text for sixteenth- and seventeenth-century grammar-school curricula. It was first printed in 1542, revised for a second edition in 1546, and then reprinted 73 times before 1689.
  9. Quintilian *The Orator's Education* translated Donald A. Russell, 5 vols (Loeb Classics; London: Harvard UP, 2001) 1 Book 2 chapters 1–6.
  10. Seneca the Elder *Declamations* translated Michael Winterbottom, 2 vols (Loeb Classics; London: Harvard UP, 1974) 2 *Suasoriae* 1 and 6.
  11. See, for example, the opening of Petronius *Satyricon* translated Michael Heseltine (Loeb Classics; London: Harvard UP, 1969) lines 1–2: 'But as it is, the sole result of this bombastic matter and these loud empty phrases is that a pupil who steps into a court thinks he has been carried into another world'.
  12. There is, to my knowledge, no evidence of classical rhetoric being formally taught at the Tudor Inns of Court or Chancery. Extant records of learning exercises instead suggest a more vocational drive to teach students how to identify the issues on which a writ could be drawn.
  13. Seneca the Elder 1 Book 1, *controversiae* 6, lines 3–4. Bassus is known solely through the Elder Seneca's recollections. For details of the Elder Seneca's place on the medieval curriculum, and the suggested role of the declamations as principal source of the *Gesta Romanorum*, see Ernst Robert Curtius *European Literature and the Latin Middle Ages* translated Willard R. Trask (Princeton UP, 1953) 51, 155.

14. Valerius Maximus *Memorable Doings and Sayings* translated D.R. Shackleton-Bailey, 2 vols (Loeb Classics; London: Harvard UP, 2000) 1 Book 3 chapters 4-5.
15. Erasmus *Letters 142-297 (1501-1514)* edited R.A.B. Mynors and D.F.S. Thomson (Collected Works of Erasmus 2; Toronto: University of Toronto Press, 1975) Epistle 191, 112-13.
16. See Eugene M. Waith 'Controversia in the English Drama: Medwall and Massinger' *PMLA* 68: 1 (1953) 286-303.
17. See Curt F. Bühler 'The Earliest Editions of Juvenal' *Studies in the Renaissance* 2 (1955) 84-95. Thomas Hunt's list of books, written on the flyleaf of an edition of Livy, is provided as an appendix to F. Madan 'The Day-Book of John Dorne, Bookseller in Oxford, AD 1520' in *Collectanea* 1 (Oxford: Oxford Historical Society, 1885) 71-177.
18. Susan H. Braund *Beyond Anger: A Study of Juvenal's Third Book of Satires* (Cambridge Classical Studies; Cambridge UP, 1988) 69-129. See also John Henderson *Figuring Out Roman Nobility: Juvenal's Eighth Satire* (Exeter UP, 1997).
19. Juvenal *Satire VIII* in *Juvenal and Persius* translated G.G. Ramsay (Loeb Classics; London: Harvard UP, 1918) lines 68-70, 85-6.
20. *The War with Jugurtha* in *Sallust* translated J.C. Rolfe (Loeb Classics; London: Harvard UP, 1921) chapter 85 lines 29-30.
21. Andrew R. Dyck 'Dressing to Kill: Attire as a Proof and Means of Characterisation in Cicero's Speeches' *Arethusa* 34 (2001) 119-130.
22. Seneca then replaces the stage metaphor with that of statuary, 'None of those who have been raised to a loftier height by riches and honours is really great. Why then does he seem great to you? Is it because you are measuring the pedestal along with the man?' Seneca *Epistles* 66-92 translated Richard M. Gunmere (Loeb Classics; London: Harvard UP, 1920) Epistle 76, lines 30-32.
23. *Nature* in *The Plays of Henry Medwall* Part 1: 739-70. Subsequent references are to this edition and appear within the text. In *Fulgens and Lucrez*, A identifies Cornelius with the stereotypical 'fressche galant' (586) even before B has detailed his extravagant clothes. For a general study of clothing and morality in medieval drama see John Scattergood 'Fashion and Morality in the Late Middle Ages' in *England in the Fifteenth Century; Proceedings of the 1986 Harlaxton Symposium* edited Daniel Williams (Woodbridge: Boydell Press, 1987) 255-72.
24. Juvenal *Satire VIII* lines 243, 15, 53.
25. Plutarch *Cicero* in *Plutarch's Lives* translated Bernadotte Perrin, 11 vols (Loeb Classics; London: Harvard UP, 1919) 7 chapter 23 line 3.

JAMES MCBAIN

26. Juvenal *Satire VIII* lines 14, 105–7.
27. See Horner 'Fulgens and Lucrez' 51.
28. Sallust *The War with Jugurtha* chapter 85 lines 41–3.
29. Juvenal *Satire VIII* lines 9–12.
30. Hans Baron *The Crisis of the Early Italian Renaissance* (Princeton UP, 1966) 419–23.
31. Alexander Murray *Reason and Society in the Middle Ages* (Oxford: Clarendon Press, 1978) 280.
32. Seneca *Epistles 1–65* translated Richard M. Gunmere (Loeb Classics; London: Harvard UP, 1917) Epistle 44 lines 2–3.
33. T.P. Wiseman *New Men in the Roman Senate, 139 B.C.–A.D. 14* (Oxford Classical and Philosophical Monographs; London: Oxford UP, 1971) 107–116; Donald Earl *The Moral and Political Tradition of Rome* (London: Thames and Hudson, 1967) 44–53.
34. Quintus Cicero *Handbook of Electioneering* in Cicero *Letters to Quintus and Brutus, To Octavian, Invectives, Handbook of Electioneering* translated D.R. Shackleton Bailey (Loeb Classics; London: Harvard UP, 2002) line 2. See also John Dugan *Making a New Man: Ciceronian Self-Fashioning in the Rhetorical Works* (Oxford UP, 2005) 1–20.
35. Cicero *The Verrine Orations* translated L.H.G. Greenwood, 2 vols (Loeb Classics; London: Harvard UP, 1935) 2 book 2 chapter 3 line 7.
36. Cicero *Verrine Orations* 2 book 2 chapter 4 line 81.
37. Mitchell *Tiptoft* 216.
38. Mitchell *Tiptoft* 215.
39. Mitchell *Tiptoft* 216.
40. Quintilian 5 book 12 chapter 1 line 1; Michael Winterbottom 'Quintilian and the *Vir Bonus*' *Journal of Roman Studies* 54 (1964) 90–97.
41. Seneca *Epistles 93–124* translated Richard M. Gunmere (Loeb Classics; London: Harvard UP, 1925) Epistle 114 line 1.
42. Aristotle *Art of Rhetoric* translated J.H. Freese (Loeb Classics; London: Harvard UP, 1926) book 1 chapter 2 line 3.
43. James M. May *Trials of Character: The Eloquence of Ciceronian Ethos* (London: North Carolina UP, 1988) 9. Aristotle stresses that moral character means that 'a speech is delivered in such a manner as to render him worthy of confidence ... But this confidence must be due to the speech itself, not to any preconceived idea of the speaker's character': *Art of Rhetoric* book 1 chapter 2 line 4.

44. Cicero *On the Orator* translated E.W. Sutton and H. Rackham, 2 vols (Loeb Classics; London: Harvard UP, 1948) 2 Book 2 chapter 27 line 115.
45. Cicero *On the Orator* 2 Book 2 chapter 43 line 182.
46. Horner 'Fulgens and Lucre's' 61.
47. *Tudor Royal Proclamations* edited Paul L. Hughes and James F. Larkin, 3 vols (New Haven, London: Yale UP, 1964–69) 1 55. 50; 'Prohibiting Retainers' (3 July 1511):

And whereas it is come to the perfect knowledge of our said sovereign lord that retainers within his said county (Kent), as well by liveries, tokens, cognizances, promises, and badges as otherwise, have now late been used and given there, and daily increase, contrary to his mind and laudable statutes in such case provided; by the sufferance of which enormities, dissensions, debates, and other inconveniences be not unlike to ensue, to the universal annoyance, hurt and damage of his subjects ...
48. *Tudor Royal Proclamations* edited Hughes and Larkin 1 124. 77.
49. Francis Bacon *The History of the Reign of Henry VII* edited Brian Vickers (Cambridge UP, 1998) 57.
50. It is fascinating that Cicero is styled as 'the noble philosopher and pryncce of Eloquence' equally that Cato is termed 'that wyse and noble man' (my italics) in *The Prologues and Epilogues of William Caxton* edited W.J.B. Crotch EETS OS 176 (1928) 42–3.
51. *Prologues and Epilogues* edited Crotch 41.
52. *Prologues and Epilogues* edited Crotch 42–3.
53. Mitchell *Tiptoft* 219, 221.
54. Arthur B. Ferguson 'Renaissance Realism in the "Commonwealth" Literature of Early Tudor England' *Journal of the History of Ideas* 16: 3 (1955) 287–305; Arthur B. Ferguson 'The Tudor Commonweal and the Sense of Change' *Journal of British Studies* 3: 1 (1963) 11–35.
55. Sir Thomas Elyot *The Book named The Governour (1531)* edited S.E. Lehmborg (London: Everyman, 1962) 1.
56. Thomas Starkey *A Dialogue between Pole and Lupset (?1529–1532)* edited T.F. Mayer (Camden Series 37; London: Royal Historical Society, 1989) 38.
57. Starkey *A Dialogue* 37.
58. John Rastell *Exposiciones Terminorum Legum Anglorum (1523)* prohemium, quoted by J.H. Baker in *Oxford History of the Laws of England* 6: 1483–1558 (Oxford UP, 2003) 31.

59. Quoted in E.J. Devereux *A Bibliography of John Rastell* (Montreal: McGill-Queen's UP, 1999) 89–90.
60. Horner 'Fulgens and Lucre's' 60.
61. See the rather scathing ODNB article by S.J. Gunn and, for a more generous account, D.M. Brodie 'Edmund Dudley, Minister of Henry VII' *Transactions of the Royal Historical Society* 15 (1932) 133–61, and the introduction to Edmund Dudley *The Tree of Commonwealth* edited D.M. Brodie (Cambridge UP, 1948). Dudley was educated at Oxford and then one of the Inns of Chancery before being admitted to Gray's Inn, where he famously gave the first known reading on *quo warranto*, the procedure by which the king challenged the exercise of private jurisdictions. He progressed quickly and was appointed serjeant-at-law in 1503, a position he was exempted from in order to become Speaker of the House of Commons and a paid councillor of the king.
62. Dudley *Tree of Commonwealth* 32–4.
63. Dudley *Tree of Commonwealth* 34.
64. Dudley *Tree of Commonwealth* 35–6. Later, Dudley similarly sidetracks a consideration of 'Chevalrie' to warn against the crimes of powerful men, 'nor entend any murther or mischivous deede, nor be oppressors or distroiers of there neighebour's or tenantes; nor by any berers or supporters of false quarell'es or matters of ill disposyd persons; nor be doers or inducers of perjurie ne of falshed, nor be the takers to service nor reteynors of facers or of idle loselles' 44.
65. *The Wakefield Second Shepherds' Pageant in Everyman and Medieval Miracle Plays* edited A.C. Cawley (London: Everyman, 1993) 44, lines 28–36.
66. *Wisdom in Medieval Drama: An Anthology* edited Greg Walker (Oxford: Blackwell, 2000) 653, 666, 669–80.
67. Greg Walker 'The Renaissance in Britain' in *The Sixteenth Century* edited Patrick Collinson (Oxford UP, 2002) 145–87 at 147.