Treason, Manhood, and the English State

Shaping constitutional ideas and political subjects through the laws of treason, 1397-1424

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Abstract

Debates about treason are inherently constitutional conflicts. By defining treason and naming the entities against which traitors offend, the state delineates the nature and limits of its own authority. By implication, treason is integral to shaping loyal political subjects. This thesis uses legal records alongside a range of other sources to examine how the relationship between the English state and its political subjects was being negotiated through the laws of treason during the politically turbulent period between 1397 and 1424.

Previous studies have asserted that between the mid-fourteenth and early sixteenth centuries, the legal scope of treason remained static and the crime continued to be viewed primarily in traditional terms as an attack on the king’s person. By contrast, this thesis demonstrates that while customary and chivalric definitions remained relevant, by the early fifteenth century they were being subsumed by constructions of treason as a crime against the the nation, the public good, and the English people. This had significant constitutional repercussions. It fostered the alignment of political subjecthood with ethnicised national identity; it introduced into English law the idea of treason as an insult to the abstract public authority of the state; and it enabled significant expansions in the scope of treason to encompass verbal and written expressions of political dissent, and other offences.

By considering the content of sources but also their multilingual character, this thesis illuminates rhetorical and linguistic strategies used to construct or to resist allegations of treason, and demonstrates how the vernacular functioned both to authorise and to subvert the state’s prosecution narratives. This thesis also presents a new interpretation of significant changes in the treatment of treasonous speech by showing that this was facilitated by a cultural conjunction between the gendering of particular speech acts and the perceived material effects of men’s words. This created the justification for men’s words to be punished as treasonous deeds, but also generated means by which the accused could assert resistant identities as loyal subjects and 'trewe men'.
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Abbreviations

Adam Usk

AND

“Appendix II”

CCR

Chronicle of John Hardyng

Chronicles of the Revolution

CPR

An English Chronicle

Eulogium

Foedera
*Rymer’s Foedera Volume 9,* ed. Thomas Rymer (London, 1739-1745), accessed at [British History Online](http://www.british-history.ac.uk/rymer-foedera/vol9)

Gesta Henrici Quinti

Great Chronicle
HVRS


MED


Morley v. Salisbury


PPC


PROME


Parliaments are cited by the king and year on the first occasion, and thereafter by year. The month is included only if more than one parliament was held in the same year.

Select Cases


St Albans Chronicle II


Statutes

A Note on Translations

Translations from Latin and French sources are my own unless noted. Scribal abbreviations have been expanded. To address constraints of space, words or phrases in the original language are only included where this is important to the argument or where there may be some debate over translation. Middle English is quoted in the original, with any obscure or difficult words translated into modern English in brackets. Some of the legal records I use appear in print form as partial transcriptions or translations. Where such published versions exist, I have included these in the footnotes and have consulted them alongside my own translations, noting any significant differences.

Latin spelling has been modernised by substituting ‘v’ for ‘u’ and ‘j’ for ‘i’. Some Middle English has also been modernised for readability with the substitution of yoghs and thorns. In general, the French of late medieval England did not use the accent marks that appear in modern French. Accents have only been used where these appear in original sources.
