Judging Female Judges: Sir John Fortescue’s Vision of Women as Judges in De Natura Legis Naturae

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The fifteenth-century English legal commentary, De Natura Legis Naturae, is probably the most obscure of Sir John Fortescue’s renowned writings. Fortescue’s text examines female authority more explicitly than his other writings, there has, however, been an almost complete absence of feminist analysis of his thoughts on female judges. Fortescue draws on fifteenth-century ideas of public and private spheres to support his contention that female judges were usually, but not invariably, undesirable. This article maintains that despite Fortescue’s reluctance to support the concept of female judges, a tension existed in his argument in that traditionally the figure of Justitia, in Northern European art, was depicted as female.

In the rules of the lawe thus it is written: Women are removed frome all civile and publicke office, so that they nether may be iudges, nether may they occupie the place of the magistrate, nether yet may they be speakers for others. Women could not act as judges in the higher courts of the common law, equity or ecclesiastical jurisdictions of fifteenth-century England. Despite this, a fifteenth-century legal theorist, Sir John Fortescue, entertained the possibility of female judges. In this work I explore his conceptions of women as judges, as givers of justice. I examine Fortescue’s De Natura Legis Naturae, a late-medieval legal text which considered the possibility that a woman could act as the supreme judge in the network of English common law courts.
This article begins with a brief description of the conditions under which Fortescue wrote *De Natura Legis Naturae* and its importance as a unique fifteenth-century exploration of women as judges. As Fortescue structured this text as a debate so he could argue both for and against female judges, these detailed, and sometimes contradictory, visions of female judges are next explored in detail. I am interested in these ‘myths’ of fifteenth-century legal doctrine. In particular, a close examination is made of Fortescue’s remarkable discussion of widowed gentlewomen as judges in local, manorial courts as this issue highlighted the contradictions inherent in his arguments. This tension in Fortescue’s work allows insight into his understandings of femininity, masculinity, rationality, judgment and the public sphere. Finally, I conclude by outlining the ways in which the figure of *Justitia*, the symbol of justice, was defined in Fortescue’s work and by suggesting how women were imagined as judges in the fifteenth century.

**Context of De Natura Legis Naturae**

Fortescue wrote *De Natura Legis Naturae* between 1461 and 1463 as Lancastrian propaganda. Fortescue was Henry VI’s chief apologist during the Wars of the Roses. Having been made Chief Justice of King’s Bench in Henry’s reign, Fortescue went into exile with the king after 1461. In this period Fortescue tutored Prince Edward and also produced scholarly works rehearsing the Lancastrian claim to the throne. Only after the failure of the Lancastrian cause in 1471 did Fortescue recant and produce for Edward IV a work supporting the throne. Only after the failure of the Lancastrian cause in 1471 did Fortescue recant and produce for Edward IV a work supporting the throne.

While Fortescue’s other pro-Lancastrian works discussed the rival claims of the contenders in the Wars of the Roses, *De Natura Legis Naturae* was a more abstract work. The text took the form of a mock trial before a divine and wise judge considering the claims of a brother, a daughter and a grandson through the female line to inherit the crown. Fortescue had the figure of a supreme judge conclude that the woman could not rule because she could not adequately fulfil the duties of the crown, notably the duty to give justice. This work served as Lancastrian propaganda, as it implicitly denied the Yorkist claim, relying, as it did, on a double female descent.

This approach to the inheritance debate meant that Fortescue also articulated a detailed and sometimes contradictory description of women as judges which drew on contemporary Biblical, moral and legal thought. Fortescue described the regal duties as ‘repress[ing] the bad with the sword, and ... defend[ing] and cherish[ing] the good; so that [the king] hath the duty not only of fighting, but also of judging.’ Fortescue quoted I Samuel 8: 20 approvingly: ‘ “Our king shall judge us, and go out before us, and fight our battles for us.” ... Behold, therefore, to fight and to judge are the duties of a king!’ So when Fortescue discussed the status of female rulers, he explicitly considered women as fighters and judges; even when he wrote generally about female rulers, his comments were based on this definition.

As the most abstract of Fortescue’s works, *De Natura Legis Naturae* has attracted virtually no academic study. While Fortescue has received some historical criticism, attention has mostly focused on the more famous *De Laudibus Legum Angliae* and on the purely political and constitutional aspects of his thought. *De Natura Legis Naturae* is, however, a unique document and Fortescue’s discussion of women judges offers insight into fifteenth-century conceptions of masculinity, femininity and the law.

**Arguments of De Natura Legis Naturae**

Fortescue’s arguments in *De Natura Legis Naturae* can be contextualised in late-medieval legal and political thought. Much of Fortescue’s work was traditional, drawing on existing medieval scholarly and Biblical authorities to argue that women were unfitted for judicial office, but he also outlined some rarely noted exceptions to this rule, describing the role of women in the administration of justice in manorial courts. In both the sections which echoed accepted beliefs about women’s inability to act as judges and the more unusual sections in which he depicted gentlewomen as the heads of manorial courts, Fortescue constructed a discourse about female judges. My aim is to explore these bodies of beliefs about the nature of judges, masculinity and femininity, and in particular to consider how Fortescue’s vision of women as subordinate and irrational creatures suited to work in the private sphere meant that they were, on the whole, ontologically unsuited to work as judges. I am interested in the points in *De Natura Legis Naturae* at which Fortescue’s discourse of the law was strained and he was forced to admit that there were exceptions to his neatly constructed vision of justice in late-medieval England.

Fortescue used the figures of both the son and the brother to argue that there were no Biblical examples of female rulers; that women had been subordinated since the creation of Adam and Eve, and that women could not rule independently because to do so.
would be to violate their inferior status as it would mean giving orders to and judgments over men. Fortescue had the daughter attempt to rebut these claims by arguing that these Biblical provisions applied only to married women and that they were introduced only after the Fall, suggesting that prior to this women and men had been equals. The son replied that the subordination of women dated to before the Fall and encompassed all women, asking, ‘[h]ave we not shown that at the very beginning of the existence of the human race the female sex was fashioned in subjection to the male?’ This stance echoed contemporary legal pronouncements on the status of women. For example, the Mirror of Justices, which was compiled under Edward I and circulated in legal circles in the fourteenth and fifteenth centuries, called on Biblical authority to assert that

[all save those forbidden by law can be judges. The law forbids women to act as judges ... For God himself when on earth held a consistory [court] wherein a woman who was a sinner was to be adjudged to death ...

Women’s limited legal statuses reflected their subordination by God’s plan. Women were created as inferiors to men and thus could not rule over them; certainly, they could not give judgment on them. Fortescue’s divine judge, the ultimate authority in the fictive world of De Natura Legis Naturae, concluded that ‘[t]he male sex was made superior to the female in all that kind of moral virtue by which the world is ruled and its peace preserved’.

Fortescue then had the characters of the son, grandson and daughter call on natural law in their debate about why women were incapable of acting as judges. Within the natural law framework God’s will could be deduced through reason, and thus the physical condition of each entity expressed its inner qualities. So Fortescue had the son and the brother argue that the status of women was inferior to that of men because they were physically smaller and weaker:

So that there is no living animal, bird, or fish which doth not by its organs, form, or powers signify the office for which nature created it: who, as [Aristotle] says ... gives to every animal members adapted to the work for which she designed it ... Wherefore, seeing that those other members in women are smaller and less efficient that those of men, the bodily organs and powers of women manifestly prove them to be formed for lesser and inferior duties than men.

These arguments were based on the Aristotelian position that ‘a woman is as it were an infertile male’. Since women were ‘mulcted male[s]’ (mas occasionatus), as ‘deficient in [their] physical framework’ as they were in their ‘reason’, they were unsuited for fighting or giving judgment:

Is then a woman able to exercise that office, or is the female sex equal to such duties? For fighting is the greatest of all the actions of man’s body, and judging is the loftiest operation of his spirit. For the performance of the greatest actions of the body nature has adapted the limbs of men, which she has made of larger size and greater strength than the corresponding limbs of women; and for the greatest achievements of the spirit nature has given to man a perfect reason, in respect of which she has made the woman the weaker vessel.

The inferior nature of women not only subordinated them to men, it also prevented them from exercising judgment since this required reasoning faculties which women lacked. Fortescue frequently referred to the inherently irrational nature of women, contrasting them with men whose ‘rational minds’ put them in dominion over creation and over women. He used the figure of the ideal judge to cite two authorities on this issue, both of whom argued that women lacked rationality or had, at most, an inferior form of rationality to that of men:

St Augustine also ... says, that the woman ought to be subject to the man, as the flesh is to the spirit; ... in which sentences the pre-eminence of the man over the woman seems to be compared to the pre-eminence of the reasoning faculties over the sensual appetites, or of the soul over the flesh. But the Master himself, not only in the said Book, but also on St Paul’s 1st Epistle
to the Corinthians, chap. xi., when treating of this subject, seems to compare the higher part of the reason to man, and the lower part to woman.22

This argument fitted into the mainstream of late-medieval scholastic thought. St Thomas Aquinas concluded that women’s innate irrationality meant that they inevitably should be subordinated to men:23 ‘Such is the subjection in which woman is by nature subordinate to man, because the power of rational discernment is by nature stronger in man.’24 A medieval description of the ages of man associated the quality of reason with men, noting that they became more ‘reasonable ... firm and stable ... in middle age’25 while women were not ‘as stable as men’.26 John Trevisa wrote in his translation of De Proprietatibus Rerum that the

condicions of man and womman bee[th] diuers in discrecioun of witte. For in alle kynde of beestis [th]e male is more crafty and war[ly] [th]an [th]e femel ... [th]erfore a man pass[th] a womman in resoun, in scharpnes of wit and vnderstandinge.27

Christopher St German, an early sixteenth-century legal theorist who drew on Fortescue’s work, stated that Adam, though not Eve, was given ‘the iye of reason whereby he knows things invisible and divine’.28 The belief that women were inherently less rational than men meant that they could not be envisioned as giving legal judgment, work which required fine reasoning and discernment:

[N]ature has not made them sagacious like men. And for this reason they cannot act as judges, since of all things human the judicial function requires the most discernment. From a consideration of these things lawgivers have not suffered women to be judges, nor to hold a public magisterial office.29

This line was followed throughout the bulk of De Natura Legis Naturae, but Fortescue used the figure of the daughter to tentatively suggest that women could sometimes act as judges. The daughter argued that women could rule if they used ‘sufficient deputies’ to ‘give judicial sentences’.30 Further, she pointed out that women were no less incapable than infirm men or boys, an argument which was particularly relevant in the troubled reign of Henry VI:

[I]t would ... follow that infants, decrepit old men, and men wasting under severe disease should be rejected from the summit of dominion, since they too have not the power of waging war and giving judicial decisions, like men of unbroken health and in the prime of life.31

Interestingly, these same arguments were taken up by John Aylmer in the debate about the succession of Elizabeth I.32 Defending Elizabeth against John Knox’s suggestion that she could not give legal judgments, Aylmer pointed out that some male rulers suffered from weakness – he noted the ‘tendernes of age’ of Edward VI33 – and argued that all rulers relied on legal advisors:34

Nowe what unhabelenes is in a woman for the ministring of lawes? She knoweth not the lawes, no more doth your kyng. She sitteth not in iudgement, howe oft doth your kyng?

However, Knox felt compelled to add reassuringly that statutes would still be made in parliament and that the legal judgments would rest in the hands of the ‘12 mennes’ of the juries.35 Similarly, Fortescue maintained a fundamental belief that women could not give judgment competently and he stated that ‘nature makes a woman unwilling to repress with the sword the audacity of men, or to adjudge criminals to death, according to their deserts; and yet nothing is more incumbent on the regal office than these acts’.36 The intersection of beliefs about the subordination of women and their lack of reason made it difficult to envision female judges.

Despite this, Fortescue acknowledged that there was one exception to the general rule that women could not give judgment: widows were able to act as lords of manorial courts.37 He had all the characters in De Natura Legis Naturae agree unanimously that ‘nature ... does not forbid women to succeed to Dukes, Marquises, and Earls ... or to rule the men of their domains’.38 Tenurial rights meant that the gentry, as owners of manors, had the roles of givers of justice in the local courts for their tenants, so wealthy widows who held manors controlled such manorial courts. These courts had originally
subjects. There are better examples, too, for there can be no doubt – no offence to men, certainly – that although there are ignorant women, there are many women who have better minds and a more active sense of prudence and judgment than most men – isn’t it so? – and if their husbands would believe them or would have equal sense, it would be a great boon and profit for them.

Christine de Pisan’s description of female judges stemmed from her own wish to assert women’s intellectual competence. She claimed that women understood and could enact the law:

But if anyone maintained that women do not possess enough understanding to learn the laws, the opposite is obvious from the proof afforded by experience, which is manifest and has been manifested in many women.

Fortescue’s acknowledgment that justice was given in the names of women in the manorial courts did not lead him to similar conclusions. Rather, Fortescue’s description of gentle widows as the heads of manorial courts was a point of tension in *De Natura Legis Naturae*, a point where his assumptions about femininity, masculinity and the giving of judgment contradicted each other. On one hand, Fortescue argued consistently that women were constitutionally unsuited for the giving of justice. On the other, he had to point out that in certain circumstances women could act as judges, work which he had stated they were inherently unable to undertake. Fortescue attempted to resolve this contradiction by maintaining a distinction between judging in manorial courts and judging in higher common law courts, claiming that the former were private jurisdictions arising from the regulation of individual manors while the latter were public jurisdictions linked to kingship.

At the beginning of the debate proper in *De Natura Legis Naturae* Fortescue made a careful distinction between the inheritance of private property (such as lands which might come with attached local courts) and the inheritance of public office (such as a kingdom with its attendant judicial system) and argued explicitly that women could inherit only the private possessions of their fathers. Fortescue had the figure of the son note that ‘[p]ublic and private duty ... are
not governed by the same law, nor do an inheritance and the
confering of an office fall under the same principle of law'. 45 Using
the example of Zelophehad’s daughters, Fortescue acknowledged
that women could inherit private property from their fathers but
argued that they could not inherit a kingdom. 46 Fortescue thus made
a distinction between manorial courts which were incidents arising
from the possession of private property and the higher common
law courts which were ultimately headed by the king.

On one hand, Fortescue acknowledged in an uncontested section
of De Natura Legis Naturae that women could head manorial courts.
"No one ever doubted that women of rank possessing great domains,
and other women also, often govern men'. 47 On the other, throughout
the whole of De Natura Legis Naturae he limited their authority to
the household and stressed that they could act only within a wider
paternal framework:

Thus a mother governs her son, a matron her
house, and an industrious wife the household
of her husband. For the law of nature does not
prohibit such women as are subject to men from
ruling men; nor is this contradicted by our
discussion, which will only decide concerning
supreme government. 48

Women’s judicial activities in the manorial courts which were
attached to their lands were, in a sense, an extension of their
management of households. Women could control the courts only
at the very lowest level and under the ultimate supervision of men.
In this context, work in the manorial courts was a form of the
‘internal business of the family’ 49 rather than ‘the discharge of higher
and public offices’ which was ‘fit for men alone’. 50

The distinction between public and private realms was, of course,
a common trope of late-medieval thought. 51 The enormously popular
Dives and Pauper noted that women were associated with the private
sphere. ‘As [th]e sonne schynyng illumynyth [th]e world in [th]e
hei[th]e of [th]e day, so [th]e bewte of a good woman is in confort &
aray of hyr houshold.’ 52 Ptolomy of Lucca, writing around 1300,
used a historical example to argue for a division of interests between
men and women:

Just as offices are distinct in political affairs, so
also in matters of household management, so

that the paterfamilias attends to outside affairs
and women to the internal acts of the household.
Here we can make an analogy to the Roman
Republic, which, as the histories tell us, had two
consuls: one attended to matters of war, the other
exercised governance over the Republic. 53

Fortescue’s ideal judge ultimately concluded that women’s duties
could exist only within the private sphere, that they had to be ‘of a
household and domestic nature only’. 54 He used a biological
metaphor to naturalise the differing spheres of activity suitable for
men and women:

Nature disposes greyhounds for the fields and
the pursuit of hares, but cats for staying at home
to catch mice. It is a shame, as though a man
should hunt game with cats, to draw away from
home, for the purpose of governing nations, the
woman whom nature has fitted for
domestic duties. 55

Fortescue’s conceptions of public and private spheres were, of
course, based on different beliefs to those underpinning twentieth-
century views of a public/private division. Katherine O’Donovan,
a contemporary feminist legal theorist, offers a tentative definition
of these terms which can be compared with Fortescue’s:

“Public” may be used to denote state activity,
the values of the market-place, work, the male
domain or that sphere of activity which is
regulated by law. “Private” may denote civil
society, the values of family, intimacy, the
personal life, home, women’s domain or
behaviour unregulated by law. 56

In the fifteenth century the market-place was not separate from the
household; rather, work took place in the household. 57 The state
scarcely existed as an administrative unit except, of course, for the
household of the king. 58 The household was a space in which
behaviour was relatively unsupervised by legal officers, but it was
not entirely ‘unregulated by law’. Indeed, for those members of the
gentry owning manors, manorial courts could be adjuncts to their
unnatural, unacceptable, illicit and dishonourable) are exposed. Fortescue accepted a cluster of beliefs about masculinity and femininity which meant that he could not see women fulfilling the regal duty of giving judgment. He saw women as inferior to men and subordinated to them by divine plan. Likewise, women were perceived as inherently irrational and frivolous creatures who lacked the critical abilities necessary to act as judges. Finally, women were associated with the private sphere, with the household, an area which was, in general, removed from the administration of the law. Within this framework, it was unnatural and unusual for women to act as judges.

On the other hand, Fortescue’s writings also highlighted the contradictions in these beliefs. Although women rarely acted as judges and certainly never sat in the chief Westminster common law and equity courts, Fortescue accepted that justice was given in the names of some women in manorial courts. According to Fortescue, women belonged in the household and thus were appropriate persons to give justice in the absence of their husbands. Since the manorial courts were the lowest forms of common law courts, they only judged their tenants and there were courts of appeal above them. In this way, women owning manorial courts remained under nominal male supervision and the structures of late-medieval English society were able to accommodate female judges.

Justitia in De Natura Legis Naturae

While a handful of exceptional female judges worked in the lowest level of courts, Justitia, the symbol of the law and the giving of judgment, was present in every court. Male judges worked within a field which was allegorically presented as female. Medieval allegorical writing and artwork – including the artwork displayed in halls of justice – presented justice as a woman with a sword, horn and scales. Even representations of the Last Judgment which showed the ultimate patriarch, God, judging all souls, sometimes included Mary acting as a petitioner or legal counselor. Justice was a feminine virtue, even though judgments were given by men. Fortescue noted this contradiction in De Natura Legis Naturae when he described the ideal judge, his final authority, as female:

Justice is also a judge, for a judge is so named from pronouncing judgment (Judex quasi jus dicens), and she pronounces judgment, since, as the Laws say generally, judgment is given by...
It is perhaps for this reason that Fortescue did not describe *Justitia* in detail. There was some tension and contradiction in having Justice, depicted as a woman, giving judgment that women could not rule or act as judges. While Fortescue glossed over the appearance of Justice, he did describe her qualities. She was addressed as learned, upright, pious, wise and righteous. She was, above all, knowing. At one point the son was depicted as addressing Justice, the divine judge, directly 'with a modest air'.

These things now, out of all that has been already shown, we have brought together, as it were, into a heap, not to instruct thee, the wisest of Judges, to whom nothing is unknown, but that they may become perfectly evident to my mother, who, as we before suspected, knew not the truth of the law ...

The figure of the brother was used to further define this judicial knowledge as a masculine quality:

*O most learned of Judges, who, like a man, explorest the hidden things of the Divine counsels, whence it belongs to thy virtue to unfold Divine as well as human reason in this dispute.*

On the other hand, Fortescue also hinted at a special feminine form of judicial knowledge in *De Natura Legis Naturae*. He had the daughter call on the ideal judge for attention, 'breaking out of sobs into a voice mingled with sighs':

*For thy understanding is not like man's; for thou dost detect at the first glance the crafty devices of all who deviate from the truth ... there is even a proverb which says, "A man may not teach Minerva".*

These petitions to the divine judge were moments of particular awkwardness in *De Natura Legis Naturae* because they were points at which the gender of the judge was acknowledged. The judge was otherwise rarely directly addressed, and the tricky question of her gender was thus avoided. At these points in the text the
construction of judging as a masculine undertaking was directly contrasted with the feminine nature of Justitia, and in this way De Natura Legis Naturae hesitantly admitted the possibility of female judges.

Conclusions

Fortescue aimed to prove in De Natura Legis Naturae that women could neither judge nor rule competently. In the 1470s he described the work as a text written ‘to enforce [his] intent ... that no woman ought soveranly or supremely to reynge upon man’. However, the text he produced was not an entirely unequivocal condemnation of female judges. Fortescue admitted that in exceptional circumstances some women could head manorial courts, and he conceded that the qualities associated with femininity could sometimes bring women to the courts.

Fortescue called on both Biblical and natural law authorities to present women as subordinate, irrational and private creatures, but even this damning depiction did not entirely rule out the possibility of envisioning women as judges. Fortescue argued that the subordinate, unreasonable nature of women meant that they were less suited for giving judgment than superior, reasonable men, but he conceded that women’s association with the private sphere could sometimes qualify them for work as judges. Although Fortescue accepted that women belonged in the private sphere, he concluded that the private realm could sometimes stretch to include courts. The web of beliefs about women and judgment could, then, be pulled apart at this point and some of the inconsistencies of these assumptions were explored in De Natura Legis Naturae.

These inconsistencies and tensions were even more apparent in Fortescue’s depiction of Justitia. Although Fortescue claimed women were too irrational to act as judges, he accepted that Justitia, the symbol of justice, was feminine. While Fortescue denied that the quality of justice had a sex, his own language was gendered. Throughout the bulk of De Natura Legis Naturae he described Justitia with adjectives which were grammatically feminine (judicium prudentisima) but in the conclusion, where he had the judge speak, he used the work judex, a noun which is grammatically masculine. Fortescue was unable to resolve the inconsistencies in his depiction of Justitia. These tensions remain one of the most interesting aspects of De Natura Legis Naturae, because Fortescue’s condemnation of female judges was undermined by the language and symbolism of justice.

In De Natura Legis Naturae women were particularly prominent as judges at the points where exceptions to general rules were made, where the contradictions of legal theory were made apparent. Thus female judges were found in the manorial courts, areas where their ‘commandment’ could be given and their ‘great understanding’ could be displayed. And above all, Justitia, the majestic female figure of justice, overshadowed all legal acts and the undertakings of all the courts in fifteenth-century England. Justice [was] also a judge’ although ‘women [were] by law excluded from the judicial office’.

Notes

1 John Knox, The First Blast of the Trumpet Against the Monstrous Regiment of Women (1570), The English Experience, Walter J. Johnson, Amsterdam, 1972, p.83.
4 I have modernised the spelling of this edition, turning f into s, i into j, and v into u in accordance with twentieth-century principles.
5 ibid.
9 Fortescue, De Natura Legis Naturae, pp.254-255.
10 ibid., pp.269-288.
11 ibid., p.280.
12 ibid., pp.300-301.
13 ibid., p.304.


32. Fortescue, *De Natura Legis Naturae*, p.257.


34. Fortescue, *De Natura Legis Naturae*, p.257.

35. The association of law and reason was clearly set out by St Thomas Aquinas. 'Consequently law is a function of reason' (*Ergo lex est aliquid rationis*): St Thomas Aquinas, *Summa Theologica*, vol. 28, Blackfriars in conjunction with Eyre and Spottiswoode, London, 1966, Ia2ae, 90.1, pp.4-7.

36. Ibid., p.326.


40. Ibid., p.49. 'Et interiusm rationis quo invisibilia agnosceret atque diuina.'


42. St German, *St German’s Doctor and Student*, pp.82-83.

43. Fortescue, *De Natura Legis Naturae*, p.259.

44. Ibid., p.266.

45. Ibid.


48. Ibid., p.H3A.

49. Ibid., p.H2A.

50. Fortescue, *De Natura Legis Naturae*, p.252.


52. Fortescue, *De Natura Legis Naturae*, p.277.


57. Ibid., pp.31-32.

58. Fortescue, *De Natura Legis Naturae*, p.313.


60. Fortescue, *De Natura Legis Naturae*, p.251.

61. Ibid., p.277.

62. Ibid., p.257.

63. Ibid., p.251.


67. Fortescue, *De Natura Legis Naturae*, p.258.

68. Ibid., p.259.


71. See, for example, Chrimes, *English Constitutional Ideas in the Fifteenth Century*.


73. Fortescue, *De Natura Legis Naturae*, p.258.


78. Fortescue, *De Natura Legis Naturae*, p.249.


Justitia was shown several times in the Hampton Court tapestries, almost always as a figure of retributive justice. In 'The Redemption of Man' Justitia tried to attack Homo with her sword but was restrained by Misericordia. In 'The Last Judgment' Misericordia presented the saved to Christ while Justitia drove away the damned. And in 'Music' Justitia again attacked Man with her sword while Misericordia restrained her. This last tapestry was captioned 'Before the Judge, in the presence of the Virtues Justice and Pity plead their cause. Sin (Man) is threatened by Justice but reconciled by Pity.' (*Ante Judicem in Virtutum presencia/Arguunt Justicia et Misericordia/Minatur Culpa a Justicia/Sed reconciliatur a Misericordia*). H.C. Marillier, *The Tapestries at Hampton Court Palace*, Her Majesty's Stationery Office, London, 1962, pp.12-18.


Fortescue, *De Natura Legis Naturae*, pp.256, 264, 274 & 284.

ibid., p.268.

ibid., p.274.

ibid., p.256.


Fortescue, *De Natura Legis Naturae*, p.264.


Sir John Fortescue, *Declaration made by John Fortescue Knight upon certain writings sent out of Scotteland*, cited by Thomas Fortescue, 'Remarks' in *De Natura Legis Naturae*, p.337.

Landman, ““The Doom of Resoun”: Accommodating Lay Interpretation in Late Medieval England”, pp.104-105.

The Plumpton Letters and Correspondence, Letter 250, p.226.

de Pisan, *The Book of the City of Ladies*, pp.31-32.

Fortescue, *De Natura Legis Naturae*, p.249.