

The Crouchbank Legend Revisted

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With great interest I read John Ashdown-Hill's stimulating article on the Lancastrian claim to the throne and Henry IV's use of his descent from Edmund Crouchback, Earl of Lancaster and younger son of Henry III, to formulate a claim to the throne based on the legend that Edmund had in fact been the elder brother of Edward I.¹ This brought to mind several additional thoughts which are set out here in the manner of an augmentation rather than a refutation. First, I discuss recent work which has advanced the claims of John Hardyng's Chronicle as a source for the background to Henry IV's usurpation and his use of the 'Crouchback legend', and which suggests that there was a systematic and ambitious plan to hijack chronicle evidence in Henry's favour — a plan which failed, but may ultimately have helped to perpetuate a stubborn if ill-defined remnant of the Crouchback myth. Secondly, the poem *Richard the Redeless* will be considered, and the possibility that its guardedly Lancastrian perspective hints at the general currency of ideas about Henry's legitimacy — and, at the same time, Richard II's illegitimacy — as king. There are, in conclusion, some further thoughts on the differing interpretations of the meaning of Henry's claim that he was taking the throne as the legitimate heir, 'of the right line of the blood' in descent from Henry III.

It seems to me that the 'contemporary tradition that ([Henry III's son) Edmund was born before his brother Edward' cited by John Ashdown-Hill refers to the life-time of John of Gaunt.² Such a promotion (or even invention) of every possible (or impossible) right or claim within Gaunt's immediate family was entirely consistent with his character and career. It would be interesting to know when the claim that Edmund Crouchback was in fact the elder son of Henry III was first made. It appears that this was considerably before the 1394 contention in parliament, prior to which John Ashdown-Hill finds no trace of it. Certainly K.B. McFarlane states that John of Gaunt was believed to have circulated the story as early as 1377, and refers to it as the 'old Lancastrian myth' without defining precisely how old.³ We should bear in mind McFarlane's caveat that, when considering how best to deal with Richard's inadequacies as king, the historical issues in people's minds, and the documents and ideas in circulation at the time, concerned the failings and deposition of Edward II —whether or not one agrees with McFarlane about how early in his reign Richard's removal was considered. Richard's shortcomings were not best addressed by reference to the Crouchback legend.

It remains interesting, therefore, that Henry IV claimed the throne in the first place by blood — *de jure* and not *de facto* — even though the Crouchback myth had been refuted by the committee of doctors, bishops and clerks set up to examine it and to provide reasons for Richard's deposition. Henry also referred to Richard's failings, the need for good governance, his own military victory (phrased carefully in terms of recovered rights rather than conquest) and just law. To have claimed the throne by conquest alone would, as the Chief Justice of the King's Bench, Sir William Thirlyng, said, have 'put a premium on rebellion'⁴ as well as creating doubt in men's minds about the security of their property, coming ill from one who had returned from exile ostensibly as the champion of the rights of inheritance. Yet a truly convincing *de jure* title was hard to find — hence the vagueness of the formula 'the right line of the blood' and the employment of a range of other claims and justifications at the same time. Far from there being any sense of election by his peers in Henry's claim to the throne, as asserted by those who wished to identify an early flowering of constitutionalism, it was vital for the new king to put forward a claim which would not leave him in any way circumscribed in his powers once he was king.

John Hardyng's Chronicle

As Paul Strohm has recently demonstrated, the chronicle of John Hardyng, although an 'uneven source'

¹ *The Ricardian* vol. 13 (2003), pp. 27-38.

² *Complete Peerage*, vol. 7, p. 378, n. b.

³ K.B. McFarlane, *Lancastrian Kings and Lollard Knights*, Oxford 1972, pp. 34, 54.

⁴ *Ibid.*, p.57.

in general, is potentially valuable on the events surrounding the Lancastrian usurpation.⁵ Hardyng was in the household of Henry Percy from 1390 to 1403, and was hence a close observer in the escalation of the Percies' dissatisfaction with Henry IV which culminated in their rebellion in 1403. He seems never to have deserted his early allegiance even when his pursuit of royal patronage led to other dramatic shifts of opinion, and later entered the service of Sir Robert Umfraville, a Northumbrian knight, at Henry V's court.⁶ The earlier and later versions of his chronicle, the Lancastrian and the Yorkist, present an extraordinary contrast which does the author little credit. His change of attitude was too quick and his motive too obvious, but even his forgery of documents relating to his own particular obsession, English overlordship in Scotland, and his changing use of other contemporary accounts, reveal him to be a skilled antiquarian, if a dubious historian. It is possible to cut through Hardyng's immediate agenda and draw out much of interest in adding to our picture of events. He was certainly in a position to pick up a great deal of information, and his version of the development of the Lancastrian claim to the crown makes clear how ambitious and extensive it was, stretching over a decade and involving an assault on the chronicles. In Hardyng's version of events, John of Gaunt was disappointed that Henry had not been named heir to the throne and set about the task of enhancing the claims of his first wife Blanche of Lancaster, inherited by their son Henry, through her descent from Edmund Crouchback:

He and his counsel feyned and forged the seide Cronycle that Edmonde shuld be the elder brother, to make his sone Henry a title to the crowne and would have had the seide erle of Northumberlonde, and Sir Thomas Percy his brother, of counsaile thereof ... Which Cronycle, so forged, the duke dide put in divers abbaies and in freres, as I herde the seid erle ofte tymes saie and recorde to divers persouns, forto be kepte for the enheritaunce of his sonne to the crowne.⁷

Gaunt's argument was based on Edmund having been known as 'Crouchback' in reference to his deformity (his 'crooked back') rather than, as was in fact the case, merely because as a crusader Edmund was entitled to wear the sign of the cross on his back (although Adam of Usk's account of the story states that the claim was that Edmund was set aside on account of his 'imbecility').⁸ Even if the story about Edmund's deformity had been true it is arguable that the claims of Henry's mother's great-grandfather would have added little in real terms to his own prospects, but it was important that the story be repeated in such a way as to cast the most explicit and favourable light on the Lancastrian claim. The *Eulogium* continuator agrees that Gaunt petitioned for Henry's designation as heir at the 1394 parliament and, in the face of the stronger claims of the earl of March to be Richard II's heir, advanced his argument thus:

He said that king Henry III had two sons, Edmund the firstborn and Edward. But Edmund had a crooked back and judged himself unworthy for the crown; whence their father arranged it that Edward should reign and after him the heirs of Edmund.⁹

The idea that Edmund *voluntarily* set himself aside, and that Henry III explicitly designated the Lancastrian line to succeed Edward, was clearly important in the presentation of the claim.

The fact that other and earlier texts support the account given by Hardyng suggests that he cannot be dismissed as a source, despite revising his account of Percy gossip about Lancastrian plotting under Yorkist sponsorship — and being a suspected forger. Indeed, his account of the examination of the chronicle evidence for and against the Crouchback legend ties in well with that of Adam of Usk:

I ... herde the erle of Northumberlonde ... saie, how the same kyng Henry vpon saynt Mathee day afore he wase made kinge, put forth that ilke cronycle claymyng his title to the crown be the seide Edmonde, upon which all the Cronycles of Westminstre and of all other notable monasteries were had in the counsel at Westmynstre, and examined amonge the lordes, and proued well be all

⁵ P. Strohm, *England's Empty Throne: Usurpation and the Language of Legitimation 1399-1422*, New Haven and London 1998, pp. 3-6.

⁶ For the career and chronicle of John Hardyng see C.L. Kingsford, 'The First Version of Hardyng's Chronicle', *English Historical Review*, vol. 27 (1912), pp. 462-82 and F. Riddy, 'John Hardyng's Chronicle and the Wars of the Roses', *Arthurian Literature*, vol. 12 (1993), pp. 91-108.

⁷ *The Chronicle of John Hardyng*, ed. H. Ellis, London 1812, p. 354.

⁸ See A. Tuck, *Crown and Nobility: England 1272-1461*, 2nd edn., Oxford 1999, pp. 192-93.

⁹ Quoted in Strohm, *England's Empty Throne*, p. 4.

theire cronycles, that the kinge Edwarde was the older brother.¹⁰

Despite this Henry did not entirely let the matter drop and included a veiled reference to the Crouchback legend in his claim. There was still room for revision of the chronicles' evidence, even if, as Strohm argues, 'this is not to say that this bunch of cynical connivers believed the chronicles to be inevitably true or to be proof against tampering and other forms of interested manipulation. But they apparently did regard the chronicles as a collective argumentative resource ... rather than as the property of ... sectional interests'.¹¹ Yet there was one sense in which one might say Henry was right to portray himself as the heir to Henry III, for both of them came to the throne under challenging circumstances which cast doubt on their ability to rule over a unified nation, and both declared their kingship by means of ceremonial, imagery and language. Both courted (or deceived) opinion with the use of laboured or bogus mythologies, genealogies and the like. As Paul Strohm shows, the 'self-transformative practices'¹² Henry IV employed, such as being anointed at his coronation with a newly 'discovered' oil said to have been delivered by the hand of the Virgin Mary to St Thomas of Canterbury, were a reinvention which can be compared with Henry III's realignment of Plantagenet royal ideology, at Westminster and elsewhere, towards the cult of St Edward the Confessor and an Anglo-Saxon royal heritage.

Richard the Redeless

Another interesting source for Henry's claim to the throne is the poem *Richard the Redeless*.¹³ In the manner of the 'advice to Princes' genre it concentrates upon Richard's misrule to warn Henry against the same mistakes. Although the poet addresses Richard as though he might regain the throne, this seems to be a rhetorical posture to conceal his real purpose, which is to write for the advice and benefit of Henry IV. He wrote after Henry's accession, and reveals guarded Lancastrian support without openly stating his allegiance. The date and content suggest that even after the parliamentary commission had dismissed the Crouchback claim, and hence Henry's claim to be the rightful king by descent, the idea retained strong residual currency in some circles. The poem's focus upon Richard's failings as king does, however, suggest that while legitimacy remained important, legitimacy alone, or being an anointed king, could not compensate for catastrophic failings in kingship. Once Henry was on the throne and in possession even disproved family myths could be used to support his legitimacy. In this sense *Richard the Redeless* is essentially pragmatic about the Lancastrian right to the throne and although it is suggested that Henry's accession is divinely sanctioned¹⁴ it is clear that his kingship and the well-being of the state were dependent on good government, justice and the wise use of counsel.

In this context it is worth looking in detail at two aspects of the poem. The first is the author's use of legal terminology, which suggests he may well have been a parliamentary clerk. Henry's arrival back in England is twice described by the verb 'entrid'¹⁵ in its legal sense of taking lawful possession of lands. The word suggests that Henry was the lawful owner of England and, hence, the throne, and goes beyond simple reference to his Lancastrian inheritance.¹⁶ The suggestion that Henry was indeed king by hereditary right is, however, made explicit elsewhere:

For he was heed of [t]hem all and hieste [highest] of kynde
To kepe the crowne as cronecle tellith.¹⁷

The conjunction of 'hieste of kynde' and the mention of the supposed chronicle evidence for this appears to be a reference to the Crouchback legend and the examination of the chronicles. The suggestion is of hereditary right upheld by the chroniclers, rather than disproved as was in fact the case by this stage, although the author hedges his bets by also suggesting that Henry's claim to the throne was legitimised by

¹⁰ *Hardyng's Chronicle*, p. 353.

¹¹ Strohm, *England's Empty Throne*, p. 5.

¹² *Ibid.*, p. 139.

¹³ A modern edition of the text is to be found in H. Barr, ed., *The Piers Plowman Tradition*, London 1993. References to the poem are here given (RR) by passus and line number, using this edition.

¹⁴ RR, III.352.

¹⁵ RR, I.11 and III.69; see also notes in Barr, *Piers Plowman Tradition*, pp. 248-49, 273.

¹⁶ Although the mention at I.11 is followed at I.13 by the specifying of the criminal wrongs which Henry had suffered at Richard's hands, with his banishment and the forfeit of his inheritance — actions which undermined Richard's kingship.

¹⁷ RR, III.92-93.

conquest and, in the account of Henry's followers, by hinting at a claim by election and the promise of good government.¹⁸

The second point worth examining is the political allegory in the extended image of the partridges, one usurping and occupying the nest of the other, taking over the eggs and hatching them, used to demonstrate how Henry was the natural king and Richard the usurper all along.¹⁹ This is a complicated and a dangerous analogy, for although the author praises the partridge's good qualities, the bird was usually condemned for its fraudulence in the literature of the time.²⁰ The poet thereby risks undermining his intended political point by associating a king who had deposed his predecessor with a bird known for its deceitful behaviour. In the allegory, however, Henry is the *first* partridge, presented as the natural mother of the young birds, who represent the people of England.²¹ The poet also recalls the earlier image of Henry as the 'blessed bredd [bird]' spreading his wings over his children to protect them.²² The *second*, fraudulent, partridge is Richard, indicating that Henry was the legal owner of the nest (England) all along.²³ Henry, as the natural mother, 'hir owen kynde dame'²⁴ then reacts in a manner again described as legally proper — he 'cometh and crieth', which is the anglicised legal term for coming to court to put forward a claim, exactly as Henry had at the parliamentary meeting in September 1399. Coded politics can prove confusing, and the author tried to clarify the rather involved analogy by equating the first partridge with the eagle,²⁵ linking the analogy of the usurping partridge to:

How the egle in the est entrid his owen²⁶

Yet the clear suggestion is that, even if the reasons and justifications for Henry's usurpation were principally pragmatic, the imagery and the language of legal right, and the suggestion of justice being done, have to be there too.

Of course pragmatism is not the end of it. The use of heraldic badges, coded narration and imagery from the natural world (as is abundantly familiar in the literature of the time), along with figurative language and proverbial phrases, is there for a purpose — to show how Henry, unlike Richard, complied with natural law. It is an ethical vision, which may hint at strict genealogical legitimacy but which ultimately goes further, to base its argument upon reason and a powerful natural order, with which Henry is seen to be in accord.

'The Right Line of the Blood'

Richard II was the first king of England since the Conquest to leave neither children nor siblings of the royal line, and the law of succession had never been precisely defined. It is therefore arguable that no individual could have an unchallenged hereditary title to the crown, yet it is worth considering what exactly Henry IV meant by his claim that he was of 'the right line of the blood' in descent from Henry III even after the Crouchback claim had been dismissed. Anthony Tuck has suggested that it may refer to the simple fact of Henry's descent from Henry III on both his mother's and father's side, an argument which seems to be supported by the fact that one narrative of the deposition states that he claimed the throne as 'next heir male and most worthy in blood to the good king Henry III'.²⁷ It is of course true that Henry was, after Richard's death, the heir male, and it may be revealing that the phrase is explicitly used. More significant is the light this may cast on how contemporaries interpreted Henry's claim with its vague reference to 'the right line of the blood'. This may not have been seen in terms of Edmund Crouchback alone but rather in terms of Henry's double royal descent, coupled with the fact that he was, unlike the earl of March, the heir general and Richard's closest male relative of royal descent, an adult and in possession.

¹⁸ RR, II.83-90; see notes in Barr, *Piers Plowman Tradition*, pp. 274-75.

¹⁹ RR, III.37-63.

²⁰ As in Gower's *Vox Clamantis*, VI.143-44.

²¹ RR, III.41.

²² RR, II.141-49.

²³ RR, III.45.

²⁴ RR, III.55.

²⁵ RR, III.62-67.

²⁶ RR, III.69.

²⁷ Tuck, *Crown and Nobility*, p. 195.

Whether the fact that Henry was the heir male was an important argument is debatable. Nigel Saul has suggested that, as it was by the later fourteenth century becoming common for the private estates of the nobility to descend in the male line rather than being allowed to pass to or through the heir general, Henry may have been implying that it was appropriate for the crown to do the same.²⁸ The problem with this is two-fold. First, if Henry was not alluding to the Crouchback legend, or at least to all facets of his royal descent, why did he need to specify the 'right line' from Henry III? If being heir male was sufficient then he only needed to refer to his descent in the male line from Edward III. It is not just, as John Ashdown-Hill points out, that the 'right line' implies a *wrong* one elsewhere, but the explicit mention of Henry III as the key progenitor. The second point is that to limit the descent of the crown of England to heirs male might by analogy and logic invalidate the English claim to the French crown. Three quarters of a century earlier the French monarchy had successfully applied Salic law on the extinction of the direct Capetian line, and it was at this point that Edward III had gone to war to assert his rights as heir general.²⁹ It seems clear that Henry's one claim which *was* undeniable, that he was the heir male, was not seen as sufficient.

One further point often overlooked (even, interestingly, at the time) but which was probably more significant than the restrictions on the descent of earldoms to heirs male was Edward III's attempt in late 1376 or early 1377 to settle the succession on his male descendants.³⁰ The two issues are not entirely unconnected as Edward seems to have encouraged the entail of English peerages on the male line, for example the earldoms of Warwick and Pembroke.³¹ The entail of the crown was clearly not regarded as definitive, however, and there are no references to it either during Richard II's reign or, intriguingly, at the usurpation of Henry IV. Quite why Henry made no attempt to use it is unclear — although it too contradicted the French claim. It may be that the settlement was thought to lack any authority as it was never embodied in statute, something Henry was to ensure was done in 1406 when the lords and commons ratified the *fait accompli* of the Lancastrian succession (although without giving any express opinion on the validity of Henry's title) in the statute which entailed the crown and kingdom on Henry's sons.³² In 1404 Henry secured parliamentary recognition for the order of succession for his four sons and their issue in order of seniority, and on 7 June 1406 he entailed the crown at the request of the Commons, although this was withdrawn and repealed in December when the 1404 settlement was reinstated and given statutory form. This may have been no more than 'the statutory declaration of existing law'³³ but it was the manner of the enactment rather than the provision itself which was significant.³⁴ If there was to be a title to the throne by parliamentary statute, could this title withstand the challenge of superior hereditary right? Certainly it set the scene for such a challenge, albeit one which would not be made for another fifty-four years.

As Richard, Duke of York, was to point out in 1460, with devastating accuracy, there was not a single act of parliament save that of 1406 entailing the crown, so if Henry had legally inherited the crown he would surely not have needed one — 'right might be in abeyance, but it did not decay, and would never perish.'³⁵ Although the peers who examined the issue in the face of York's claims in 1460 referred to 'dyvers entayles made to the heires males as for the corone of Englund'³⁶ this was surely inconsistent. For one thing, unless they were referring to Edward III's attempted entail, which had never been explicitly mentioned since it was made, there was in fact only *one* precedent. Furthermore this argument could not avoid implicitly revising Henry IV's claims in 1399, which had not been made on the basis of any entail and expressly failed to use the argument that Henry was simply the heir male of Edward III. Some may have seen the irony of the fact that Henry's claim had been based on the very principles now

²⁸ N. Saul, *Richard II*, New Haven and London 1997, p. 420.

²⁹ It is ironic that Sir John Fortescue's appeals to the Law of Nature to decide the matter of the succession in the treatise he wrote in support of the Lancastrian right to the throne, and in opposition to Richard Duke of York's claims, in 1460 should be in the good orthodox tradition of those treatises supporting Edward III's claim to the French throne, which had used the same arguments based on *lex naturae*. Such claims had been tried before and could be used to justify different arguments — see E.F. Jacob, *Essays in the Conciliar Epoch*, 2nd edn., Manchester 1953, pp. 119-20.

³⁰ Tuck, *Crown and Nobility*, p. 195; M. Bennett, 'Edward III's Entail and the Succession to the Crown 1376-1471', *English Historical Review*, vol. 113 (1998), pp. 580-609.

³¹ K.B. McFarlane, *The Nobility of Later Medieval England*, Oxford 1973, pp. 272-73.

³² 7 Henry IV cap.2.

³³ Jacob, *Conciliar Epoch*, p. 107.

³⁴ S.B. Chrimes, *English Constitutional Ideas in the Fifteenth Century*, Cambridge 1936, p. 25.

³⁵ Jacob, *Conciliar Epoch*, p. 108.

³⁶ Bennett, 'Edward III's Entail', p. 581.

invoked by York — of being the ‘true heir’ through a senior, female line. The key argument of Lancastrians in 1460, however, was that all three Lancastrian kings had been consecrated, crowned and acclaimed by their people, making their position a ‘matter of prescriptive right’.³⁷ As the judges in 1460 were quick to point out, all the magnates, York among them, had sworn oaths of allegiance to Henry VI. The 1406 statute may have been ‘directed against legitimism, the regular weapon of Henry IV’s enemies’,³⁸ but if there was this need to combat the potential insecurity of his title it is interesting to note that, had Edward III’s attempted entail and its implications been promoted, or even simply the precedent for the idea of an entail invoked, a good argument for overcoming the claims of the earl of March to be Richard’s heir could have been attempted. It would not, of course, have had the same implications as the Crouchback legend, and it would not, crucially, have offered any support to Henry’s position as usurper of Richard’s throne even if it would have made him the rightful successor to it. The need to remove a lawless king would still have been a separate argument.

There was one other line of attack against Richard himself, which removed the need for the Crouchback claim: the rumour, mentioned by Adam of Usk, that Richard was a bastard, disqualifying him from ruling at all. There were clear reasons for the Lancastrian party to promote the suggestion that in the light of his mother’s supposed extra-marital affairs Richard should never have been king at all.³⁹ Froissart recounts the scene of Henry accusing Richard of bastard birth in their pre-deposition interview in the Tower, in which Henry contrives to argue both that if Richard had been a good son and heeded advice he would still be king, and that he had no real title to the throne at all, being the son not of the Black Prince but of a clerk or canon of Bordeaux. Richard’s tendency to favour the French in his policies and desire peace rather than the promotion of the honour and just claims of England was seen as evidence of his French birth.⁴⁰ Disqualifying Richard from kingship, of course, was not the same as formulating an incontrovertible claim for Henry.

What clearly helped to complicate matters was Richard’s own failure, as king, to clarify the succession. Towards the end of his reign he seemed to favour his cousin the duke of Aumale, his uncle the duke of York’s son and formerly the earl of Rutland. Until then there had been a general belief that he considered the Mortimers to be his heirs, if he should have no children of his own — an assumption which was not encouraged. The Westminster Chronicler asserts (c.1387) as a matter of established fact that if Richard died childless the crown would pass by hereditary right to the Mortimers.⁴¹ Until his death early in 1399, John of Gaunt, as Richard’s senior surviving uncle, remained a complicating factor. Indeed, until Richard’s own accession in 1377 the principle of ‘representation’ in the succession to the crown (that a son took his dead father’s place ahead of the father’s surviving younger brothers) had never been firmly established. On the contrary, the example of King John and his nephew Arthur suggested it was precarious. It may have been for this reason that, following the Black Prince’s death, Edward III felt the need to clarify the succession, and it is possible that, having secured his surviving sons’ agreement his purpose was achieved and there was no need to publicize his entail or seek wider currency for what was essentially a family agreement. Certainly Edward III was ‘nothing if not a dynast’.⁴² Attending to the succession was hardly a remarkable thing for him to do, but his childless grandson’s preoccupations (such as the cult of Edward the Confessor) were to be very different.

It is clear that in some ways Henry’s claim to the throne was hard to dismiss in 1399, and was the strongest in pragmatic terms, provided one accepted — as there was much reason for doing — that Richard’s failings and inadequacies justified his removal. Certainly it would be wrong to ascribe any of the later ills of the Lancastrian dynasty to a defective title in 1399. It is likely that the promotion of the Crouchback claim, and Henry IV’s persistence in using it to make reference to his own legitimacy even after the claim itself had been formally dismissed, did matter politically. Edmund, Earl of March, as heir general, did have an arguably superior claim to be Richard’s heir, and Henry’s claim took care to be of far greater scope than merely pushing his position as heir male. While it is perhaps odd that he did not claim the throne as heir male, given the fact that he was later to entail the crown on his male line, it may well be that the view of the wider political nation, worried that the adoption of the Salic law gave too much

³⁷ *Ibid.*, p. 580.

³⁸ Jacob, *Conciliar Epoch*, p. 107.

³⁹ Strohm, *England’s Empty Throne*, p. 23.

⁴⁰ *Froissart’s Chronicles*, trans. G. Brereton, London 1978, pp. 460-61.

⁴¹ *The Westminster Chronicle 1381-1394*, ed. L.C. Hector and B.F. Harvey, Oxford 1982, pp. 192-95.

⁴² Bennett, ‘Edward III’s Entail’, p. 583.

ground to the French position in the war, made this impossible. It is interesting that in 1406 the Commons asked for a copy of the repeal of the June entail to be sent to the French court, suggesting such an interpretation.⁴³ The popular perception was that Salic law meant surrender in France, even if the Plantagenets themselves saw their claims to the French throne as more negotiable. An entail of the English throne was probably Edward III's long-held wish, and it is likely that he took his advocacy in France for over forty years of the claims of heirs general less literally than some of his subjects, and as no contradiction.⁴⁴

In what Dean Stanley called 'that curious tenacity of hereditary right which distinguished his usurpation'⁴⁵ Henry continued to make reference to all parts of his royal descent even where, strictly speaking, they had been shown to be irrelevant. His comprehensive and wide-ranging claim, 'doubtless in consideration of the varying views of what constituted a valid title'⁴⁶ as it was, showed both the weaknesses of his position and the fact that there was no precedent in public law concerning the succession which could provide a categorical counter-argument. He was thus able to have it both ways: claiming legitimacy even when the specifics had been refuted (as such a statement was of advantage in itself), and using all the arguments against Richard and in favour of himself in purely pragmatic terms, as if as a sufficient justification in themselves, while insisting that they were not the central argument as he was the rightful and legitimate king in any case. As Henry realised, and as remains true today, mud will stick, especially if you throw enough of it, but so will glitter.

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⁴³ A point made by Bennett; see *ibid.*, pp. 581 et seq. for the history of these documents.

⁴⁴ *Ibid.*, p. 592.

⁴⁵ A.P. Stanley, *Historical Memorials of Westminster Abbey*, 8th edn., London 1896, p. 117.

⁴⁶ Jacob, *Conciliar Epoch*, p. 106.