

The KING'S TWO BODIES



A STUDY IN MEDIAEVAL
POLITICAL THEOLOGY

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With a new preface by William Chester Jordan

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INTRODUCTION

MYSTICISM, when transposed from the warm twilight of myth and fiction to the cold searchlight of fact and reason, has usually little left to recommend itself. Its language, unless resounding within its own magic or mystic circle, will often appear poor and even slightly foolish, and its most baffling metaphors and highflown images, when deprived of their iridescent wings, may easily resemble the pathetic and pitiful sight of Baudelaire's Albatross. Political mysticism in particular is exposed to the danger of losing its spell or becoming quite meaningless when taken out of its native surroundings, its time and its space.

The mystic fiction of the "King's Two Bodies," as divulged by English jurists of the Tudor period and the times thereafter, does not form an exception to this rule. It has been mercilessly plucked by Maitland in a highly stimulating and amusing study on "The Crown as Corporation."¹ With a strong touch of sarcasm and irony, the great English historian of law has disclosed the follies which the fiction of the king as a "Corporation sole" could, and did, lead to, and has shown at the same time what havoc the theory of a two-bodied king and a twinned kingship was bound to work in bureaucratic logic. Wittily Maitland puns about the king being "parsonified" and styles the theory of the King's Two Bodies "a marvelous display of metaphysical—or we might say metaphysiological—nonsense."

From his admirably stocked garner of juridical *exempla* Maitland was able to produce case after case illustrating the absurdity of that doctrine. He tells us the story about King George III who had to go to Parliament for permission to hold some land as a man and not as a king, "since rights not denied to any of His Majesty's subjects were denied to him." He adds that other delightful case concerning the tenants of one of the traitors of the rebellion of 1715 whose barony had been confiscated and handed over to the king: the tenants were jubilant at this change of lordship, for owing to the fact that the barony now was "vested in His Majesty, his heirs and successors in his politick capacity, which in consideration of law never dies," they believed that henceforth

¹ F. W. Maitland, *Selected Essays* (Cambridge, 1936), 104-127, reprint from *Law Quarterly Review*, xvii (1901), 131-146.

they were freed from paying the customary relief on the death of their (hitherto simply mortal) lord. Parliament, however, disappointed them by making the surprising decision that in this case the king was considered a private person who could die, and therefore the tenants continued to pay their taxes as before. And Maitland was even able to bring evidence to show that Louis XIV's famous if apocryphal *l'état c'est moi*—or, for that matter, the scholastic *papa qui potest dici ecclesia*—was officially recognized also in England: a Statute of 1887 decreed that “the expressions ‘permanent civil service of the State,’ ‘permanent civil service of Her Majesty,’ and ‘permanent civil service of the Crown’ are hereby declared to have the same meaning”—which, so Maitland remarks, “is a mess.”²

The challenge to ridicule the theory of the King's Two Bodies is indeed great when you read, without being prepared for it, the at once fantastic and subtle description of the king's superbody or body politic rendered by Blackstone in a chapter of his *Commentaries* which conveniently summarizes the achievements of several centuries of political thought and legal speculation. From his pages there rises the spectre of an absolutism exercised, not by an abstract “State,” as in modern times, or by an abstract “Law,” as in the High Middle Ages, but by an abstract physiological fiction which in secular thought remains probably without parallel.³ That the king is immortal because legally he can never die, or that he is legally never under age, are familiar stage properties. But it goes further than expected when we are told that the king “is not only incapable of *doing* wrong, but even of *thinking* wrong: he can never mean to do an improper thing: in him is no folly or weakness.”⁴ Moreover, that king is invisible⁵ and, though

² *Ibid.*, 117. That such “mess” was not restricted to England was of course not unknown to Maitland, since Otto von Gierke, *Deutsches Genossenschaftsrecht* (Berlin, 1891), III, 204, n. 148, quotes a striking parallel. Antonius de Butrio, a 14th-century canon lawyer, claims that it made no difference concerning the ownership of ecclesiastical property “sive dicas Christum, sive praelatum, sive ecclesiam universalem, sive particularem possidere, sive episcopum, sive alium praelatum, sive Papam vicarium Christi.”

³ Sir William Blackstone, *Commentaries on the Laws of England*, I, c. 7 (first published in 1765), 237ff.
⁴ *Ibid.*, 1, 246.

⁵ The king's invisibility is not mentioned directly by Blackstone, but it belongs to the standard definitions of the body politic; see below, Ch. I, n. 2, for Plowden: “. . . the Body politic is a Body that cannot be seen or handled”; or *Calvin's Case*

he may never judge despite being the “Fountain of Justice,” he yet has legal ubiquity: “His Majesty in the eye of the law is always present in all his courts, though he cannot personally distribute justice.”⁶ The state of superhuman “absolute perfection” of this royal *persona ficta* is, so to speak, the result of a fiction within a fiction: it is inseparable from a peculiar aspect of corporational concepts, the corporation sole. Blackstone gives credit entirely to the Romans for having invented the idea of corporations—“but our laws have considerably refined and improved upon the invention, according to the usual genius of the English nation: particularly with regard to sole corporations, consisting of one person only, of which the Roman lawyers had no notion.”⁷

That kind of man-made irreality—indeed, that strange construction of a human mind which finally becomes slave to its own fictions—we are normally more ready to find in the religious sphere than in the allegedly sober and realistic realms of law, politics, and constitution; and therefore Maitland's often caustic criticisms are understandable and appear fully justified. However, the seemingly ludicrous, and in many respects awkward, concept of the King's Two Bodies has not only those physiologically amusing traits. Maitland himself was fully aware that this theorem, to say the least, provided an important heuristic fiction which served the lawyers at a certain time “to harmonize modern with ancient law,” or to bring into agreement the personal with the more impersonal concepts of government.⁸ Great mediaevalist that Maitland was, he knew perfectly well that the curious fiction of “twin-born majesty” had a very long tradition and complex history which “would take us deep into the legal and political thoughts of the Middle Ages.”⁹

This history, alas, has not been written by Maitland, even

(1608), in Sir Edward Coke, *The Reports*, ed. George Wilson (London, 1777), vii, 10-10a: “. . . for the politic capacity is invisible and immortal” (cf. 12a).

⁷ *Ibid.*, I, c. 18, 469; Maitland, *Sel. Ess.*, 75.

⁸ See Maitland's remarks in: Pollock and Maitland, *The History of English Law* (and ed., Cambridge, 1898 and 1923), 1, 512, also 493, and *Sel. Ess.*, 105f; further his study “The Corporation Sole,” *Sel. Ess.*, 73-103, with (p. 261) a valuable list of

Year Book cases (reprint from *LQR*, xvi [1900], 335-354), in which Maitland with his unique mastery, discloses the effects of the early mediaeval *Eigenkirchenrecht* on later conditions, including the concept of the corporation sole.
⁹ Maitland, *Sel. Ess.*, 105.

SHAKESPEARE: KING RICHARD II

TWIN-BORN with greatness, subject to the breath
Of every fool, whose sense no more can feel
But his own wringing. What infinite heart's ease
Must kings neglect that private men enjoy! . . .
What kind of god art thou, that suffer'st more
Of mortal griefs than do thy worshippers?

Such are, in Shakespeare's play, the meditations of King Henry V on the godhead and manhood of a king.¹ The king is "twin-born" not only with greatness but also with human nature, hence "subject to the breath of every fool."

It was the humanly tragic aspect of royal "germination" which Shakespeare outlined and not the legal capacities which English lawyers assembled in the fiction of the King's Two Bodies. However, the legal jargon of the "two Bodies" scarcely belonged to the arcana of the legal guild alone. That the king "is a Corporation in himself that liveth ever," was a commonplace found in a simple dictionary of legal terms such as Dr. John Cowell's *Interpreter* (1607);² and even at an earlier date the gist of the concept of kingship which Plowden's *Reports* reflected, had passed into the writings of Joseph Kitchen (1580)³ and Richard Crompton (1594).⁴ Moreover, related notions were carried into public when, in 1603, Francis Bacon suggested for the crowns of England and Scotland, united in James I, the name of "Great Britain" as an expression of the "perfect union of bodies, politic as well as natural."⁵ That Plowden's *Reports* were widely known is certainly demonstrated

¹ *King Henry V*, IV.i.254ff.

² Dr. John Cowell, *The Interpreter or Booke Containing the Signification of Words* (Cambridge, 1607), s.v. "King (Rex)," also s.v. "Prerogative," where Plowden is actually quoted. See, in general, Chrimes, "Dr. John Cowell," *EHR*, LXIV (1949), 483.

³ Joseph Kitchen, *Le Court Leete et Court Baron* (London, 1580), fol.11r-v, referring to the case of the Duchy of Lancaster.

⁴ Richard Crompton, *L'Autorité et Jurisdiction des Courts de la Maiestie de la Roygne* (London, 1594), fol. 134r-v, reproducing on the basis of Plowden the theory about the Two Bodies in connection with the Lancaster case.

⁵ See Bacon's *Brief Discourse Touching the Happy Union of the Kingdoms of England and Scotland*, in J. Spedding, *Letters and Life of Francis Bacon* (London, 1861-74), III,900ff; see, for the print of 1603, S. T. Bindoff, "The Stuarts and their Style," *EHR*, LX (1945), 206,n.2, who (p.207) quotes the passage.

by the phrase "The case is altered, quoth Plowden," which was used proverbially in England before and after 1600.⁶ The suggestion that Shakespeare may have known a case (*Hales v. Petit*) reported by Plowden, does not seem far-fetched,⁷ and it gains strength on the ground that the anonymous play *Thomas of Woodstock*, of which Shakespeare "had his head full of echoes" and in which he may even have acted,⁸ ends in the pun: "for I have plodded in Plowden, and can find no law."⁹ Besides, it would have been very strange if Shakespeare, who mastered the lingo of almost every human trade, had been ignorant of the constitutional and judicial talk which went on around him and which the jurists of his days applied so lavishly in court. Shakespeare's familiarity with legal cases of general interest cannot be doubted, and we have other evidence of his association with the students at the Inns and his knowledge of court procedure.¹⁰

Admittedly, it would make little difference whether or not Shakespeare was familiar with the subtleties of legal speech. The poet's vision of the twin nature of a king is not dependent on constitutional support, since such vision would arise very naturally from a purely human stratum. It therefore may appear futile even to pose the question whether Shakespeare applied any professional idiom of the jurists of his time, or try to determine the die of Shakespeare's coinage. It seems all very trivial and irrelevant, since the image of the twinned nature of a king, or even of man in general, was most genuinely Shakespeare's own and proper vision. Nevertheless, should the poet have chanced upon the legal definitions of kingship, as probably he could not have failed to do when conversing with his friends at the Inns, it will be easily imagined how apropos the simile of the King's Two Bodies would have seemed to him. It was anyhow the live essence of his art to reveal the numerous planes active in any human being, to play them off

⁶ A. P. Rossiter, *Woodstock* (London, 1946), 238.

⁷ About Shakespeare and Plowden, see C. H. Norman, "Shakespeare and the Law," *Times Literary Supplement*, June 30, 1950, p. 412, with the additional remarks by Sir Donald Somervell, *ibid.*, July 21, 1950, p. 453. For the case, see above, Ch.I, n.21.

⁸ John Dover Wilson, in his edition of *Richard II* (below, n.12), "Introduction," p. lxxiv; see pp. xlvi-ff. for Shakespeare and *Woodstock* in general.

⁹ *Woodstock*, V.vi.34f., ed. Rossiter, 169.

¹⁰ See, in general, George W. Keeton, *Shakespeare and His Legal Problems* (London, 1930); also Max Radin, "The Myth of Magna Carta," *Harvard Law Review*, LX (1947), 1086, who stresses very strongly Shakespeare's association "with the turbulent students at the Inns."

against each other, to confuse them, or to preserve their equilibrium, depending all upon the pattern of life he bore in mind and wished to create anew. How convenient then to find those ever contending planes, as it were, legalised by the jurists' royal "christology" and readily served to him!

The legal concept of the King's Two Bodies cannot, for other reasons, be separated from Shakespeare. For if that curious image, which from modern constitutional thought has vanished all but completely, still has a very real and human meaning today, this is largely due to Shakespeare. It is he who has eternalized that metaphor. He has made it not only the symbol, but indeed the very substance and essence of one of his greatest plays: *The Tragedy of King Richard II* is the tragedy of the King's Two Bodies.

Perhaps it is not superfluous to indicate that the Shakespearean Henry V, as he bemoans a king's twofold estate, immediately associates that image with King Richard II. King Henry's soliloquies precede directly that brief intermezzo in which he conjures the spirit of his father's predecessor and to the historic essence of which posterity probably owes that magnificent ex-voto known as the Wilton Diptych.¹¹

Not to-day, O Lord!
O! not to-day, think not upon the fault
My father made in encompassing the crown.
I Richard's body have interr'd anew,
And on it have bestow'd more contrite tears,
Than from it issu'd forced drops of blood.
(IV.i.312ff)

Musing over his own royal fate, over the king's two-natured being, Shakespeare's Henry V is disposed to recall Shakespeare's Richard II, who—at least in the poet's concept—appears as the prototype of that "kind of god that suffers more of mortal griefs than do his worshippers."

It appears relevant to the general subject of this study, and also otherwise worth our while, to inspect more closely the varieties of royal "duplications" which Shakespeare has unfolded in the three

¹¹ V. H. Galbraith, "A New Life of Richard II," *History*, xxvi (1942), 237ff; for the artistic problems and for a full bibliography, see Erwin Panofsky, *Early Netherlandish Painting* (Cambridge, Mass., 1953), 118 and 404f.n.5, and Francis Wormald, "The Wilton Diptych," *Warburg Journal*, xvii (1954), 191-203.

bewildering central scenes of *Richard II*.¹² The duplications, all one, and all simultaneously active, in Richard—"Thus play I in one person many people" (V.v.31)—are those potentially present in the King, the Fool, and the God. They dissolve, perforce, in the Mirror. Those three prototypes of "twin-birth" intersect and overlap and interfere with each other continuously. Yet, it may be felt that the "King" dominates in the scene on the Coast of Wales (III.ii), the "Fool" at Flint Castle (III.iii), and the "God" in the Westminster scene (IV.i), with Man's wretchedness as a perpetual companion and antithesis at every stage. Moreover, in each one of those three scenes we encounter the same cascading: from divine kingship to kingship's "Name," and from the name to the naked misery of man.

Gradually, and only step by step, does the tragedy proper of the King's Two Bodies develop in the scene on the Welsh coast. There is as yet no split in Richard when, on his return from Ireland, he kisses the soil of his kingdom and renders that famous, almost too often quoted, account of the loftiness of his royal estate. What he expounds is, in fact, the indelible character of the king's body politic, god-like or angel-like. The balm of consecration resists the power of the elements, the "rough rude sea," since

The breath of worldly man cannot depose
The deputy elected by the Lord.
(III.ii.54ff)

Man's breath appears to Richard as something inconsistent with kingship. Carlisle, in the Westminster scene, will emphasize once more that God's Anointed cannot be judged "by inferior breath" (IV.i.128). It will be Richard himself who "with his own breath"

¹² The authoritative edition of *Richard II* is by John Dover Wilson, in the Cambridge *Works of Shakespeare* (Cambridge, 1939). Mr. Wilson's "Introduction," pp. vii-xxvi, is a model of literary criticism and information. I confess my indebtedness to those pages on which I have drawn more frequently than the footnotes may suggest. In the same volume is a likewise most efficient discussion by Harold Child, "The Stage-History of *Richard II*," pp. lxxvii-xcii. The political aspects of the play are treated in a stimulating fashion by John Leslie Palmer, *Political Characters of Shakespeare* (London, 1945), 118ff, from whose study, too, I have profited more than my acknowledgments may show. See also Keeton, *op.cit.*, 163ff. With regard to the historical Richard II, the historian finds himself in a less fortunate position. The history of this king is in the midst of a thorough reevaluation of both sources and general concepts, of which the numerous studies of Professor Galbraith and others bear witness. A first effort to sum up the analytic studies of the last decades has been made by Anthony Steel, *Richard II* (Cambridge, 1941).

releases at once kingship and subjects (IV.i.210), so that finally King Henry V, after the destruction of Richard's divine kingship, could rightly complain that the king is "subject to the breath of every fool."¹³

When the scene (III.ii) begins, Richard is, in the most exalted fashion, the "deputy elected by the Lord" and "God's substitute . . . anointed in his sight" (I.ii.37). Still is he the one that in former days gave "good ear" to the words of his crony, John Bushy, Speaker of the Commons in 1397, who, when addressing the king, "did not attribute to him titles of honour, due and accustomed, but invented unused termes and such strange names, as were rather agreeable to the divine maiestie of God, than to any earthly potentate."¹⁴ He still appears the one said to have asserted that the "Laws are in the King's mouth, or sometimes in his breast,"¹⁵ and

¹³ See also *King John*, III.iii.147f:

What earthly name to intergorities
Can task the free breath of a sacred king?

¹⁴ This is reported only by Holinshed; see W. G. Boswell-Stone, *Shakespeare's Holinshed* (London, 1896), 130; Wilson, "Introduction," p. lii. The *Rotuli Parliamentorum* do not refer to the speech of John Bushy, in 1397. To judge, however, from the customary parliamentary sermons, the speaker in 1397 may easily have gone far in applying Biblical metaphors to the king; see, e.g., Chrimes, *Const. Ideas*, 165ff.

¹⁵ "Dixit expresse, vultu austero et protervo, quod leges suae erant in ore suo, et aliquotiens in pectore suo: Et quod ipse solus posset mutare et condere leges regni sui." This was one of the most famous of Richard's so-called "tyrannies" with which he was charged in 1399; see E. C. Lodge and G. A. Thornton, *English Constitutional Documents 1307-1485* (Cambridge, 1935), 28f. Richard II, like the French king (below, Ch. iv.n.103), merely referred to a well known maxim of Roman and Canon Laws. Cf. *C.6.23.19.1*, for the maxim *Omnia iura in scrinio (pectoris) principis*, often quoted by the glossators, e.g., *Glos. ord.*, on *D.33.10.3*, v. *usum imperatorum*, or on *c.16.C.25.9.2*, v. *In iuris*, and quoted also by Thomas Aquinas (Tolomeo of Lucca), *De regimine principum*, II.c.8, IV.c.1. The maxim became famous through Pope Boniface VIII; see c.1 VI 1.2, ed. Emil Friedberg, *Corpus iuris canonici* (Leipzig, 1879-81), II.937: "Licet Romanus Pontifex, qui iura omnia in scrinio pectoris sui censetur habere, constitutionem condendo posteriorem, priorem . . . revocare noscatur . . ." (probably the place referred to by Richard if the correctness of the charges be granted). For the meaning of the maxim (i.e., the legislator should have the relevant laws present to his mind), see F. Gillman, "Romanus pontifex iura omnia in scrinio pectoris sui censetur habere," *AKKR*, xcii (1912), 3ff, cvi (1926), 156ff (also cviii [1928], 534; cx [1929], 249f); also Gaines Post, "Two Notes," *Traditio*, ix (1953), 311, and "Two Laws," *Speculum*, xix (1954), 425.n.35. See also Steinwenter, "Nomos," 256ff; *Erg. Bd.*, 85; Oldradus de Ponte, *Consilia*, I.ii.n.1 (Venice, 1571), fol. 19r. The maxim occasionally was transferred also to the judge (Walter Ullmann, *The Mediaeval Idea of Law as Represented by Lucas de Penna* [London, 1946], 107) and to the fisc (Gierke, *Gen. R.*, III.359.n.17) as well as to the council (see below, Ch. IV.nos.191f.194f). For Richard's other claim (*mutare et condere leges*), the papal and imperial doctrines likewise were responsible; see Gregory VII's

to have demanded that "if he looked at anyone, that person had to bend the knee."¹⁶ He still is sure of himself, of his dignity, and even of the help of the celestial hosts, which are at his disposal.

For every man that Bolingbroke hath press'd . . .
God for his Richard hath in heavenly pay
A glorious angel.

(III.ii.60)

This glorious image of kingship "By the Grace of God" does not last. It slowly fades, as the bad tidings trickle in. A curious change in Richard's attitude—as it were, a metamorphosis from "Realism" to "Nominalism"—now takes place. The Universal called "Kingship" begins to disintegrate; its transcendental "Reality," its objective truth and god-like existence, so brilliant shortly before, pales into a nothing, a *nomen*.¹⁷ And the remaining half-reality resembles a state of amnesia or of sleep.

I had forgot myself, am I not king?
Awake thou coward majesty! thou sleepest,
Is not the king's name twenty thousand names?
Arm, arm, my name! A puny subject strikes
At thy great glory.

(III.ii.83ff)

This state of half-reality, of royal oblivion and slumber, adumbrates the royal "Fool" of Flint Castle. And similarly the divine prototype of gemination, the God-man, begins to announce its presence, as Richard alludes to Judas' treason:

Snakes, in my heart-blood warm'd, that sting my heart!
Three Judases, each one thrice worse than Judas!

(III.ii.131)

Dictatus papae, §VII, ed. Caspar (*MGH*, Epp. sel., II), 203; also Frederick II's *Liber aug.*, 138, ed. Cervone, 85, with the gloss referring to *C.1.17.2.18*.

¹⁶ For the genuflection, see *Eulogium Historiarum*, ed. Hayden (Rolls Series, 1863), III.378; see Steel, *Richard II*, 278. The annalist mentions it in connection with "Festival Crowning" (which thus were continued during the reign of Richard) and gives an account of the king's uncanny deportment:

In diebus solemnibus, in quibus utebatur de more regalibus, iussit sibi in camera parari thronum, in quo post prandium se ostentans sedere solebat usque ad vespertas, nulli loquens, sed singulos aspiciens. Et cum aliquem respiceret, cuiuscumque gradus fuerit, oportuit genuflectere.

¹⁷ For the body politic as a mere name, see, e.g., Pollock and Maitland, *History*, I.490.n.8: "le corporation . . . n'est que un nosme, que ne poit my estre vieu [see above, Ch. I.nos.2-3], et n'est my substance." See also Gierke, *Gen. R.*, III.281, for corporate bodies as *nomina iuris*, a *nomen intellectuale*, and the connections with the philosophic Nominalism.

It is as though it has dawned upon Richard that his vicariate of the God Christ might imply also a vicariate of the man Jesus, and that he, the royal "deputy elected by the Lord," might have to follow his divine Master also in his human humiliation and take the cross.

However, neither the twin-born Fool nor the twin-born God are dominant in that scene. Only their nearness is forecast, while to the fore there steps the body natural and mortal of the king:

Let's talk of graves, of worms and epitaphs . . .
(III.ii.145ff)

Not only does the king's manhood prevail over the godhead of the Crown, and mortality over immortality; but, worse than that, kingship itself seems to have changed its essence. Instead of being unaffected "by Nonage or Old Age and other natural Defects and Imbecilities," kingship itself comes to mean Death, and nothing but Death. And the long procession of tortured kings passing in review before Richard's eyes is proof of that change:

For God's sake let us sit upon the ground,
And tell sad stories of the death of kings—
How some have been deposed, some slain in war,
Some haunted by the ghosts they have deposed,
Some poisoned by their wives, some sleeping killed;
All murdered—for within the hollow crown
That rounds the mortal temples of a king,
Keeps Death his court, and there the antic sits
Scoffing his state and grinning at his pomp,
Allowing him a breath, a little scene,
To monarchize, be feared, and kill with looks,
Infusing him with self and vain conceit,
As if the flesh which walls about our life,
Were brass impregnable: and humoured thus,
Comes at the last, and with a little pin
Bores through his castle wall, and farewell king!
(III.ii.155ff)

The king that "never dies" here has been replaced by the king that always dies and suffers death more cruelly than other mortals. Gone is the oneness of the body natural with the immortal body politic, "this double Body, to which no Body is equal" (above, p. 12). Gone also is the fiction of royal prerogatives of any kind, and all that remains is the feeble human nature of a king:

mock not flesh and blood
With solemn reverence, throw away respect,
Tradition, form, and ceremonious duty,
For you have but mistook me all this while:
I live with bread like you, feel want,
Taste grief, need friends—subjected thus,
How can you say to me, I am a king?
(III.ii.171ff)

The fiction of the oneness of the double body breaks apart. God-head and manhood of the King's Two Bodies, both clearly outlined with a few strokes, stand in contrast to each other. A first low is reached. The scene now shifts to Flint Castle.

The structure of the second great scene (III.iii) resembles the first. Richard's kingship, his body politic, has been hopelessly shaken, it is true; but still there remains, though hollowed out, the semblance of kingship. At least this might be saved. "Yet looks he like a king," states York at Flint Castle (III.iii.68); and in Richard's temper there dominates, at first, the consciousness of his royal dignity. He had made up his mind beforehand to appear a king at the Castle:

A king, woe's slave, shall kingly woe obey.
(III.iii.210)

He acts accordingly; he snorts at Northumberland who has omitted the vassal's and subject's customary genuflection before his liege lord and the deputy of God:

We are amazed, and thus long have we stood
To watch the fearful bending of thy knee,
Because we thought ourself thy lawful king:
And if we be, how dare thy joints forget
To pay their awful duty to our presence?
(III.iii.73ff)

The "cascades" then begin to fall as they did in the first scene. The celestial hosts are called upon once more, this time avenging angels and "armies of pestilence," which God is said to muster in his clouds—"on our behalf" (III.iii.85f). Again the "Name" of kingship plays its part:

O, that I were as great
As is my grief, or lesser than my *name*!
(III.iii.136)

Must (the king) lose
The name of king? a God's name, let it go.
(III.iii.145f)

From the shadowy name of kingship there leads, once more, the path to new disintegration. No longer does Richard impersonate the mystic body of his subjects and the nation. It is a lonely man's miserable and mortal nature that replaces the king as King:

I'll give my jewels for a set of beads:
My gorgeous palace for a hermitage:
My gay apparel for an almsman's gown:
My figured goblets for a dish of wood:
My sceptre for a palmer's walking-staff:
My subjects for a pair of carved saints,
And my large kingdom for a little grave,
A little little grave, an obscure grave.
(III.iii.147ff)

The shiver of those anaphoric clauses is followed by a profusion of gruesome images of High-Gothic *macabresse*. However, the second scene—different from the first—does not end in those outbursts of self-pity which recall, not a Dance of Death, but a dance around one's own grave. There follows a state of even greater abjectness.

The new note, indicating a change for the worse, is struck when Northumberland demands that the king come down into the base court of the castle to meet Bolingbroke, and when Richard, whose personal badge was the "Sun emerging from a cloud," retorts in a language of confusing brightness and terrifying puns:

Down, down I come like glist'ring Phaethon:
Wanting the manage of unruly jades. . . .
In the base court? Base court, where kings grow base,
To come at traitors' calls, and do them grace.
In the base court? Come down? Down court! down king!
For night-owls shriek where mounting larks should sing.
(III.iii.178ff)

It has been noticed at different times how prominent a place is held in *Richard II* by the symbolism of the Sun (fig. 4), and occasionally a passage reads like the description of a Roman *Oriens Augusti* coin (III.ii.36-53; cf. fig. 32c).¹⁸ The Sun imagery, as inter-

¹⁸ For Richard's symbol of the "Rising Sun," see Paul Reyher, "Le symbole du soleil dans la tragédie de Richard II," *Revue de l'enseignement des langues vivantes*, XL (1923), 254-260; for further literature on the subject, see Wilson, "Introduction,"

woven in Richard's answer, reflects the "splendour of the catastrophe" in a manner reminding of Breughel's *Icarus* and Lucifer's fall from the empyrean, reflecting also those "shreds of glow. . . . That round the limbs of fallen angels hover." On the other hand, the "traitors' calls" may be reminiscent of the "three Judases" in the foregoing scene. In general, however, biblical imagery is unimportant at Flint Castle: it is saved for the Westminster scene. At Flint, there is another vision which, along with foolish Phaethons and Icarus, the poet now produces.

I talk but idly, and you laugh at me,

remarks Richard (III.iii.171), growing self-conscious and embarrassed. The sudden awkwardness is noticed by Northumberland, too:

Sorrow and grief of heart
Makes him speak fondly like a frantic man.
(III.iii.185)

Shakespeare, in that scene, conjures up the image of another human being, the Fool, who is two-in-one and whom the poet otherwise introduces so often as counter-type of lords and kings. Richard II plays now the rôles of both: fool of his royal self and fool of kingship. Therewith, he becomes somewhat less than merely "man" or (as on the Beach) "king body natural." However, only in that new rôle of Fool—a fool playing king, and a king playing fool—is Richard capable of greeting his victorious cousin and of playing to the end, with Bolingbroke in genuflection before him, the comedy of his brittle and dubious kingship. Again he escapes into "speaking fondly," that is, into puns:

Fair cousin, you debase your princely knee,
To make the base earth proud with kissing it. . . .

p. xii, n.3, and, for possible predecessors using that badge, John Gough Nichols, "Observations on the Heraldic Devices on the Effigies of Richard the Second and his Queen," *Archaeologia*, xxix (1842), 47f. See, for the "Sun of York" (*K. Richard III*, I.2), also Henry Green, *Shakespeare and the Emblem Writers* (London, 1870), 223; and, for the *Oriens Augusti* problem, see my forthcoming study.—The "sunne arising out of the clouds" was actually the banner borne by the Black Prince; Richard II had a sun shining carried by a white hart, whereas his standard was sprinkled with ten suns "in splendor" with a white hart lodged; see Lord Howard de Walden, *Banners, Standards, and Badges from a Tudor Manuscript in the College of Arms* (De Walden Library, 1904), figs. 4, 5, 71. I am greatly obliged to Mr. Martin Davies, of the National Gallery in London, for having called this ms to my attention.

Up, cousin, up—your heart is up, I know,
Thus high (*touching his own head*) at least, although your
knee be low.

(III.iii.19off)

The jurists had claimed that the king's body politic is utterly void of "natural Defects and Imbecilities." Here, however, "Imbecility" seems to hold sway. And yet, the very bottom has not been reached. Each scene, progressively, designates a new low. "King body natural" in the first scene, and "Kingly Fool" in the second; with those two twin-born beings there is associated, in the half-sacramental abdication scene, the twin-born deity as an even lower estate. For the "Fool" marks the transition from "King" to "God," and nothing could be more miserable, it seems, than the God in the wretchedness of man.

As the third scene (IV.i) opens, there prevails again—now for the third time—the image of sacramental kingship. On the Beach of Wales, Richard himself had been the herald of the loftiness of kingship by right divine; at Flint Castle, he had made it his "program" to save at least the face of a king and to justify the "Name," although the title no longer fitted his condition; at Westminster, he is incapable of expounding his kingship himself. Another person will speak for him and interpret the image of God-established royalty; and very fittingly, a bishop. The Bishop of Carlisle now plays the *logothetes*; he constrains, once more, the *rex imago Dei* to appear:

What subject can give sentence on his king?
And who sits here that is not Richard's subject? . . .
And shall the figure of God's majesty,
His captain, steward, deputy-elect,
Anointed, crowned, planted many years,
Be judged by subject and inferior breath,
And he himself not present? O, forfend it, God,
That in a Christian climate souls refined
Should show so heinous, black, obscene a deed!

(IV.i.121ff)

Those are, in good mediaeval fashion, the features of the *vicarius Dei*. And it likewise agrees with mediaeval tradition that the Bishop of Carlisle views the present against the background of the Biblical past. True, he leaves it to Richard to draw the final conclusions and to make manifest the resemblance of the humbled

king with the humbled Christ. Yet, it is the bishop who, as it were, prepares the Biblical climate by prophesying future horrors and foretelling England's Golgotha:

Disorder, horror, fear, and mutiny
Shall here inhabit, and this land be called
The field of Golgotha and dead men's skulls.
(IV.i.142ff)

The bishop, for his bold speech, was promptly arrested; but into the atmosphere prepared by him there enters King Richard.

When led into Westminster Hall, he strikes the same chords as the bishop, those of Biblicism. He points to the hostile assembly, to the lords surrounding Bolingbroke:

Did they not sometimes cry 'all hail' to me?
So Judas did to Christ: But He, in twelve,
Found truth in all, but one: I in twelve thousand, none.
(IV.i.169)

For the third time the name of Judas is cited to stigmatize the foes of Richard. Soon the name of Pilate will follow and make the implied parallel unequivocal. But before being delivered up to his judges and his cross, King Richard has to "un-king" himself.

The scene in which Richard "undoes his kingship" and releases his body politic into thin air, leaves the spectator breathless. It is a scene of sacramental solemnity, since the ecclesiastical ritual of undoing the effects of consecration is no less solemn or of less weight than the ritual which has built up the sacramental dignity. Not to mention the rigid punctilio which was observed at the ousting of a Knight of the Garter or the Golden Fleece,¹⁹ there had been set a famous precedent by Pope Celestine V who, in the Castel Nuovo at Naples, had "undone" himself by stripping off from his body, with his own hands, the insignia of the dignity

¹⁹ The ecclesiastical *Forma degradationis* was, on the whole, faithfully observed; see the Pontifical of William Durandus (ca. 1293-95), III.c.7, §§21-24, ed. M. Andrieu, *Le pontifical romain au moyen-âge* (Studi e testi, LXXXVIII, Rome, 1940), III,607f and Appendix IV, pp. 68of. The person to be degraded has to appear in full pontificals; then the places of his chrismation are rubbed with some acid; finally "seriatim et sigillatim detrahit [episcopos] illi omnia insignia, sive sacra ornamenta, que in ordinum susceptione recepit, et demum exiit illum habitu clericali. . . ." See also S. W. Findlay, *Canonical Norms Governing the Deposition and Degradation of Clerics* (Washington, 1941). For knights, see Otto Cartellieri, *Am Hofe der Herzöge von Burgund* (Basel, 1926), 62 (with notes on p. 272); also Du Cange, *Glossarium*, s.v. "Arma reversata."

which he resigned—ring, tiara, and purple. But whereas Pope Celestine resigned his dignity to his electors, the College of Cardinals, Richard, the hereditary king, resigned his office to God—*Deo ius suum resignavit*.²⁰ The Shakespearean scene in which Richard “undoes himself with hierophantic solemnity,” has attracted the attention of many a critic, and Walter Pater has called it very correctly an inverted rite, a rite of degradation and a long agonizing ceremony in which the order of coronation is reversed.²¹ Since none is entitled to lay finger on the Anointed of God and royal bearer of a *character indelibilis*,²² King Richard, when defrocking himself, appears as his own celebrant:

Am I both priest and clerk? well then, amen.
(IV.i.173)

Bit by bit he deprives his body politic of the symbols of its dignity and exposes his poor body natural to the eyes of the spectators:

Now mark me how I will undo myself:
I give this heavy weight from off my head,
And this unwieldy sceptre from my hand,
The pride of kingly sway from out my heart;
With mine own tears I wash away my balm,

²⁰ For Pope Celestine V, see F. Baethgen, *Der Engelskaiser* (Leipzig, 1943), 175; for Richard, *Chronicle of Dieulacres Abbey*, ed. M. V. Clarke and V. H. Galbraith, “The Deposition of Richard II,” *Bulletin of the John Rylands Library*, xiv (1930), 173, also 146.

²¹ Walter Pater, *Appreciations* (London, 1944), 205f; Wilson, xv f; Palmer, *Political Characters*, 166.

²² Cf. Chrimes, *Const. Ideas*, 7, n. 2, quoting *Annales Henrici Quarti*, ed. Riley (Rolls Series), 286: “Noluit renunciare spirituali honori *characteris sibi impressi et inunctioni*, quibus renunciare non potuit nec ab his cessare.” The question as to whether or not the king, through his anointment, ever owned in a technical sense a *character indelibilis* is too complicated to be discussed here. In fact, the notion of the “sacramental character” was developed only at the time when the royal (imperial) consecrations were excluded from the number of the seven sacraments; cf. Ferdinand Brommer, *Die Lehre vom sakramentalen Charakter in der Scholastik bis Thomas von Aquino inklusive* (Forschungen zur christlichen Literatur- und Dogmengeschichte, viii, 2), Paderborn, 1908. For the attitude of the Pope, Innocent III, see below, Ch. vii, nos. 14f, also 18. A different matter is the common opinion about the sacramental character of royal anointings and the inaccurate use of the term *sacramentum*; see, for the latter, e.g., P. E. Schramm, “Der König von Navarra (1035-1512),” *ZfRG*, germ. Abt., lxxviii (1951), 147, n. 72 (Pope Alexander IV referring to a royal consecration as *sacramentum*). See, in general, Eduard Eichmann, *Die Kaiserkrönung im Abendland* (Würzburg, 1942), i, 86ff, 90, 208, 279, ii, 304; Philipp Oppenheim, “Die sakralen Momente in der deutschen Herrscherweihe bis zum Investiturstreit,” *EpheMERIDES Liturgicae*, lvm (1944), 42ff; and, for England, the well known utterances of Peter of Blois (*PL*, ccvii, 440d) and Grosseteste (*Ep.*, ccxiv, ed. Luard, 350). Actually, the lack of precision was great at all times.

With mine own hands I give away my crown,
With mine own tongue deny my sacred state,
With mine own breath release all duteous oaths:
All pomp and majesty do I foreswear. . . .

(IV.i.203ff)

Self-deprived of all his former glories, Richard seems to fly back to his old trick of Flint Castle, to the rôle of Fool, as he renders to his “successor” some double-edged acclamations.²³ This time, however, the fool’s cap is of no avail. Richard declines to “ravel out his weaved-up follies,” which his cold-efficient foe Northumberland demands him to read aloud. Nor can he shield himself behind his “Name.” This, too, is gone irrevocably:

I have no name. . . .
And know not now what name to call myself.
(IV.i.254ff)

In a new flash of inventiveness, he tries to hide behind another screen. He creates a new split, a chink for his former glory through which to escape and thus to survive. Over against his lost outward kingship he sets an inner kingship, makes his true kingship to retire to inner man, to soul and mind and “regal thoughts”:

You may my glories and my state depose,
But not my griefs, still am I king of those.
(IV.i.192ff)

Invisible his kingship, and relegated to within: visible his flesh, and exposed to contempt and derision or to pity and mockery—there remains but one parallel to his miserable self: the derided Son of man. Not only Northumberland, so Richard exclaims, will be found “damned in the book of heaven,” but others as well:

Nay, all of you, that stand and look upon me,
Whilst that my wretchedness doth bait myself,
Though some of you, with Pilate, wash your hands,
Showing an outward pity; yet you Pilates
Have here delivered me to my sour cross,
And water cannot wash away your sin.

(IV.i.237)

It is not at random that Shakespeare introduces here, as antitype of Richard, the image of Christ before Pilate, mocked as King of

²³ IV.i.214ff.

the Jews and delivered to the cross. Shakespeare's sources, contemporary with the events, had transmitted that scene in a similar light.

At this hour did he (Bolingbroke) remind me of Pilate, who caused our Lord Jesus Christ to be scourged at the stake, and afterwards had him brought before the multitude of the Jews, saying, "Fair Sirs, behold your king!" who replied, "Let him be crucified!" Then Pilate washed his hands of it, saying, "I am innocent of the just blood." And so he delivered our Lord unto them. Much in the like manner did Duke Henry, when he gave up his rightful lord to the rabble of London, in order that, if they should put him to death, he might say, "I am innocent of this deed."²⁴

The parallel of Bolingbroke-Richard and Pilate-Christ reflects a widespread feeling among the anti-Lancastrian groups. Such feeling was revived, to some extent, in Tudor times. But this is not important here; for Shakespeare, when using the biblical comparison, integrates it into the entire development of Richard's misery, of which the nadir has as yet not been reached. The Son of man, despite his humiliation and the mocking, remained the *deus absconditus*, remained the "concealed God" with regard to inner man, just as Shakespeare's Richard would trust for a moment's length in his concealed inner kingship. This inner kingship, however, dissolved too. For of a sudden Richard realizes that he, when facing his Lancastrian Pilate, is not at all like Christ, but that he himself, Richard, has his place among the Pilates and Judases, because he is no less a traitor than the others, or is even worse than they are: he is a traitor to his own immortal body politic and to kingship such as it had been to his day:

Mine eyes are full of tears, I cannot see. . . .
But they can see a sort of traitors here.
Nay, if I turn mine eyes upon myself,

²⁴ The passage is found in the *Chronique de la Traison et Mort de Richard II.*, ed. B. Williams, in: *English Historical Society*, 1846, and in Creton's French metrical *History of the Deposition of Richard II.*, ed. J. Webb, in: *Royal Society of the Antiquaries* (London, 1819). A fifteenth-century English version, which has been rendered here, was edited by J. Webb, in *Archaeologia*, xx (1824), 179. See, on those sources, Wilson, "Introduction," lviil, cf. xvi f and 211. The crime of treason would naturally evoke the comparison with Judas. The comparison with Pilate was likewise quite common (see, e.g., Dante, *Purg.*, xx, 91), though his role was not always purely negative; see, e.g., O. Treitinger, *Die oströmische Kaiser- und Reichsidee nach ihrer Gestaltung im höfischen Zeremoniell* (Jena, 1938), 231, n. 104, for Pilate's inkpot in the ceremonial of the Byzantine emperor, who on Ash Wednesday symbolically "washed his hands."

I find myself a traitor with the rest:
For I have given here my soul's consent
T'undock the pompous body of a king. . . .
(IV.i.244)

That is, the king body natural becomes a traitor to the king body politic, to the "pompous body of a king." It is as though Richard's self-indictment of treason anticipated the charge of 1649, the charge of high treason committed by the king against the King.

This cleavage is not yet the climax of Richard's duplications, since the splitting of his personality will be continued without mercy. Once more does there emerge that metaphor of "Sunkingship." It appears, however, in the reverse order, when Richard breaks into that comparison of singular imagination:

O, that I were a mockery king of snow,
Standing before the sun of Bolingbroke,
To melt myself away in water-drops!
(IV.i.260ff)

But it is not before that new Sun—symbol of divine majesty throughout the play—that Richard "melts himself away," and together with his self also the image of kingship in the early liturgical sense;²⁵ it is before his own ordinary face that there dissolves both his bankrupt majesty and his nameless manhood.

The mirror scene is the climax of that tragedy of dual personality. The looking-glass has the effects of a magic mirror, and Richard himself is the wizard who, comparable to the trapped and cornered wizard in the fairy tales, is forced to set his magic art to work against himself. The physical face which the mirror reflects, no longer is one with Richard's inner experience, his outer appearance, no longer identical with inner man. "Was this the face?" The treble question and the answers to it reflect once more the three main facets of the double nature—King, God (Sun), and Fool:

Was this the face
That every day under his household roof
Did keep ten thousand men?

Was this the face
That, like the sun, did make beholders wink?
Was this the face, that faced so many follies,
And was at last outfaced by Bolingbroke?
(IV.i.281)

²⁵ See below, pp. 87f.

When finally, at the "brittle glory" of his face, Richard dashes the mirror to the ground, there shatters not only Richard's past and present, but every aspect of a super-world. His catoptromancy has ended. The feature, as reflected by the looking-glass betray that he is stripped of every possibility of a second or super-body—of the pompous body politic of king, of the God-likeness of the Lord's deputy elect, of the follies of the fool, and even of the most human griefs residing in inner man. The splintering mirror means, or is, the breaking apart of any possible duality. All those facets are reduced to one: to the banal face and insignificant *physis* of a miserable man, a *physis* now void of any metaphysics whatsoever. It is both less and more than Death. It is the *demise* of Richard, and the rise of a new body natural.

Bolingbroke:

Go, some of you, convey him to the Tower.

Richard:

O, good! conveyors are you all,

That rise thus nimbly by a great king's fall.

(IV.i.316f)

Plowden:

Demise is a word, signifying that there is a Separation of the two Bodies; and that the Body politic is conveyed over from the Body natural, now dead or removed from the Dignity royal, to another Body natural.²⁶

The Tragedy of King Richard II has always been felt to be a political play.²⁷ The deposition scene, though performed scores of times after the first performance in 1595, was not printed, or not allowed to be printed, until after the death of Queen Elizabeth.²⁸ Historical plays in general attracted the English people, especially in the years following the destruction of the Armada; but *Richard II* attracted more than the usual attention. Not to speak of other causes, the conflict between Elizabeth and Essex appeared to Shakespeare's contemporaries in the light of the conflict between Richard and Bolingbroke. It is well known that in 1601, on the eve of his unsuccessful rebellion against the Queen, the Earl of Essex ordered a special performance of *Richard II* to be played in the Globe

²⁶ Plowden, *Reports*, 233a; above, Ch. 1, n.13.

²⁷ Palmer, *Political Characters*, 118f.

²⁸ Wilson, "Introduction," xvi ff, xlix; also Child (*ibid.*), lxxvii ff; cf. Keeton, *Legal Problems*, 169.

Theatre before his supporters and the people of London. In the course of the state trial against Essex that performance was discussed at some length by the royal judges—among them the two greatest lawyers of that age, Coke and Bacon—who could not fail to recognize the allusions to the present which the performance of that play intended.²⁹ It is likewise well known that Elizabeth looked upon that tragedy with most unfavorable feelings. At the time of Essex' execution she complained that "this tragedy had been played 40 times in open streets and houses," and she carried her self-identification with the title character so far as to exclaim: "I am Richard II, know ye not that?"³⁰

Richard II remained a political play. It was suppressed under Charles II in the 1680's. The play illustrated perhaps too overtly the latest events of England's revolutionary history, the "Day of the Martyrdom of the Blessed King Charles I" as commemorated in those years in the Book of Common Prayer.³¹ The Restoration avoided these and other recollections and had no liking for that tragedy which centered, not only on the concept of a Christ-like martyr king, but also on that most unpleasant idea of a violent separation of the King's Two Bodies.

It would not be surprising at all had Charles I himself thought of his tragic fate in terms of Shakespeare's *Richard II* and of the king's twin-born being. In some copies of the *Eikon Basilike* there is printed a lament, a long poem otherwise called *Majesty in Misery*, which is ascribed to Charles I and in which the unfortunate king, if really he was the poet, quite obviously alluded to the King's Two Bodies:

With my own power my majesty they wound,
In the King's name the king himself uncrowned.
So does the dust destroy the diamond.³²

²⁹ Wilson, xxx ff; Keeton, 166, 168.

³¹ Wilson, xvii; Child, lxxix.

³² According to Rosemary Freeman, *English Emblem Books* (London, 1948), 162, n.1, the poem was first printed in the *Eikon Basilike*, edition of 1648. Margaret Barnard Pickel, *Charles I as Patron of Poetry and Drama* (London, 1938), who prints the whole poem in Appendix C, seems to assume (p. 178) that it was first published in Bishop Burnet's *Memoirs of the Duke of Hamilton* (London, 1677), a work dedicated to Charles II. A few stanzas have been published also by F. M. G. Higham, *Charles I* (London, 1932), 276.