

On the Knees of the Body Politic

TEN YEARS AGO, *REPRESENTATIONS* RAN a special forum on fifty years of *The King's Two Bodies*, Ernst Kantorowicz's vastly influential study of medieval political theology.¹ The influence of Kantorowicz's concept shows no signs of ebbing. It has become routine to cite titles that echo his—*The Poem's Two Bodies*; *The Law's Two Bodies*; *The People's Two Bodies*—as well as to instance Michel Foucault and Giorgio Agamben as both influenced by and transformative of Kantorowicz's conception.² In this journal and in a subsequent book, Victoria Kahn has shown how Kantorowicz's genealogy of sovereignty was identified by critics of liberal democracy as a key, if ambivalent, text of twentieth-century political theology, responding as it does both to Carl Schmitt's theological modeling of the sovereign exception and to Ernst Cassirer's critique of political myth.³ Readings of Kantorowicz have run the gamut of political-theological possibility among literary critics, political theorists, and constitutional historians. For some, the two-bodies theory proves an early modern belief in "rule by a sacral king," while others look to the secular, constitutionalist way in which the doctrine renders the monarch "a creature of the law"; others still have shown how the regal corporation sole is just one among many incorporating forms, and may not even be the most important, if we look at the unparalleled political influence of corporations in modern Western capitalism.⁴

In view of this conceptual range, it might seem reductive to propose that one of the doctrine's fullest early modern articulations was aimed at Scotland. To propose, that is (as I wish to do) that it was designed to render Scotland's territorial sovereignty unimaginable, by separating the "body natural" of Scotland's ruling dynasty from its power to signify Scotland's body politic or autonomy as a state. The habit of imagining an English insular exceptionalism in which Scotland is implied while simultaneously

ABSTRACT This paper analyzes the fullest theoretical elaboration of the doctrine of the King's Two Bodies in the Elizabethan period, Edmund Plowden's *Treatise on the Succession* (1567). It argues that Plowden here deploys the King's Two Bodies not, as has been thought, as a legal proof against the foreign birth of Mary Queen of Scots, but as a way of embodying and sacralizing the disputed historical relations of England and Scotland. Plowden's sacralizing metaphors of embodiment transform the highly contentious English claim of Scotland's historic vassalage into the indisputable and timeless truth of political theology. *REPRESENTATIONS* 152. 2020 © The Regents of the University of California. ISSN 0734-6018, electronic ISSN 1533-855X, pages 25–54. All rights reserved. Direct requests for permission to photocopy or reproduce article content to the University of California Press at <https://www.ucpress.edu/journals/reprints-permissions>. DOI: <https://doi.org/10.1525/rep.2020.152.2.25>.

being excluded is common in analyses of the current crisis of the United Kingdom's relation to Europe. Without positing a direct line of descent, I contend that such a habit was consciously fostered by the metaphors of English constitutional thought as it developed in the sixteenth century.

To give a current example: in 2016, the result of the British referendum on the question of whether or not to leave the European Union was manifestly split between a majority for "Leave" in England and an even more decisive majority for "Remain" within Scotland. In December 2019, this split was repeated, with a majority in England voting for Boris Johnson's "Get Brexit Done" Conservative manifesto, while in Scotland the Scottish National Party (SNP), the party of Remain, won a resounding majority. Yet in analyzing Boris Johnson's appeal to "to the millions of Brits . . . for whom many of the Conservative party's prejudices and presumptions are simply common sense," Professor of Politics Tim Bale, at Queen Mary University of London, articulates the issue in a way that signals the legacy of centuries of what I wish to analyze in this paper. The "most fundamental" presumption that "Brits" share with Boris Johnson, Bale wrote,

is the idea that Britain is, can be, and should be, Great. . . . To call that belief a sense of manifest destiny would be an exaggeration. But it is a patriotic attachment to the idea (however illusory) of an island nation, albeit one with global interests and reach, that is fundamentally unique and, yes, better than many of its closest neighbours, especially those unfortunate enough not to speak English—or else to speak it with a Scottish or southern Irish accent.⁵

Bale's is a skeptical diagnosis, but he nevertheless makes Scotland unthinkable. Scotland's implicit (and essentially defining) inclusion in the terms "Brexit," "millions of Brits," and their attachment to an "island nation," turns out to be illusory. Within a sentence, Scotland morphs from being part of "an island nation" into being the "closest neighbour" whose inferiority to and exclusion from insular exceptionalism is required to prove the British propriety of the latter. Bale by no means believes in the myth of British insularity, yet he fails to see how integral to it is a doublethink that has always rendered Scotland a nonplace: essential to the "Br" in "Brexit," but in no real sense part of the English exceptionalism that demands to be "Great" or to be free of Europe.

It is the argument of this paper that Bale's conceptual elision, part of the currency of everyday English thought, is the imaginative legacy of a conscious set of strategies shared by a number of genres of Elizabethan writing that were variously engaged in transforming the discourse of England's claims to sovereignty over Scotland (till then grounded in Geoffrey of Monmouth's legends of Brutus, Arthur, Leir, Kymbeline, and so on) into a pervasive metaphors of English insular indigeneity. Some texts that

contribute to this transformation are more obviously poetic or chorographic. Spenser's *Faerie Queene*, for example, or William Harrison's *Description of the Iland of Britain*, as well as William Camden's *Britannia* and a range of tragedies that model their handling of "British" Galfridian material on Senecan tragedies of Thebes.⁶ Early modern legal fictions, though not to be conflated with epic poetry, drama, or chorography, also involve, as Victoria Kahn has shown, an element of *poeisis* or poetic making. Following Hans Blumenberg, Kahn calls Kantorowicz's *The King's Two Bodies* a "metaphorology."⁷ In this paper, I want to engage in a metaphorology of the most elaborate theoretical account of the King's Two Bodies in the Elizabethan period. It occurs in Edmund Plowden's *Treatise on the Succession*, written in 1567 to support the Scottish Queen, Mary Stewart, in her claim to the English throne. In this treatise, the King's Two Bodies is deployed not merely as a legal refutation of arguments against Mary's right, as has been thought. Rather, its primary energies are what we would call literary or poetic. Subtly exploiting the somatic and sacred resonances of an established legal language of royal incorporation, the text works to transform a legendary and partisan English history of Scottish vassalage into an allegorical drama in which a Scottish body politic is bound to perpetual genuflection, its consequent lack of sovereign autonomy thereby rendered an immutable theological truth. The *Treatise* thus translates a historiographical dispute between nations into an English political theology of insular sovereignty that persists today in the "metaphors we live by," the common currency of Brexit talk.

**An Inviolable Island:
The New Historicist
"Queen's Two Bodies"**

Given the indispensable position that Edmund Plowden occupies in Kantorowicz's argument for the development of medieval legal maxims into a fully fledged Elizabethan "Theology of Kingship" or "Royal Christology," it is somewhat surprising that Plowden's 1567 *Treatise* remains relatively inaccessible in manuscripts in the British Library and the Bodleian.⁸ The royal Christology that Kantorowicz extrapolated from scattered decisions in the legal cases recorded in Plowden's *Reports* (1571) is set out as a coherent and systematic (if crazy) theory in the first five chapters of Plowden's *Treatise*: (1) "The first part of this treatise, of the two bodies of the kinge"; (2) "The conjunction of the two bodies"; (3) "The capacitie of the severall bodies remayne after their conjunction"; (4) "That the artes of the body polliticke be not abased by his conjunction to the bodie

naturall”; (5) “That the body naturall is extolled by the conjunction *with* the body polliticke, and altered in quality and in use touchinge things enjoyed in the capacity of the body naturall.”⁹ This elaborate exposition, replete with the language of incarnation, might be thought a better source for studying the poetics of Elizabethan political theology than scattered references to equity and the two-bodies doctrine in Plowden’s *Reports*.¹⁰ Yet references to Plowden’s *Treatise* among early modernists working on political theology are conspicuous for their absence. The work features as one among many succession treatises in Mortimer Levine’s 1966 study of the early Elizabethan succession question.¹¹ In 2002, Alan Cromartie included it in a persuasive analysis of the contribution of Plowden’s theory of equitable statute interpretation to the “constitutional revolution” of early modern England.¹² But for Cromartie, theoretical discussion in the *Treatise* is of interest only because, being redundant, it is a sign of the doctrine’s imaginative currency: “What was revealing about Plowden’s treatise was the *unnecessary elaboration* with which he discussed the whole notion of a body politic,” he writes (my italics).¹³ The only study to attribute formative power to the two-bodies theory in Plowden’s *Treatise* is Marie Axton’s 1977 *The Queen’s Two Bodies: Drama and the Elizabethan Succession*.¹⁴ Axton argued for the prevalence of Plowden’s metaphors of bodies politic and natural in Inns of Court masques and public plays from the 1560s to the accession of James VI and I. Yet, fascinatingly, the New Historicist uptake of Axton’s book in the 1980s was far less interested in Axton’s readings than in strengthening one of the effects of Plowden’s theory of twinned royal bodies: the identification of the English monarch’s body natural with a body politic identified as an *insular nation*.

Kantorowicz’s *King’s Two Bodies* anticipated and influenced 1980s New Historicism not least, as Victoria Kahn has observed, because of its focus on “the symbolic body, the charismatic royal body constituted by discourse.”¹⁵ Axton’s title, *The Queen’s Two Bodies*, prompted thought about how the symbolism of this immortal, charismatic body politic was supposed to work when the “body natural” in which it was vested was female and virgin. In a series of brilliantly persuasive articles, Louis Montrose saw this symbolism as tied in with a new spatialized identification of that “body politic, the English state, with the integrity and security of an island bounded only by the sea. He produced readings of representations of Elizabeth by poets and artists that interpreted their focus on her virginity as both precarious and magically prophylactic, constitutive of the English “geopolitical imaginary.” In a foundational article of 1986, he contrasted the strategically placed jewel in George Gower’s Armada portrait with the prominent codpiece of Hans Holbein’s Henry VIII, arguing that where the latter symbolized the inseparability of sexual and political potency, the former deployed a new

metaphorics of intact virginity, whereby “the inviolability of the island realm, the secure boundary of the English nation, is . . . made to seem mystically dependent upon the inviolability of the English sovereign, upon the intact condition of the queen’s body natural.”¹⁶ Twenty years later, in Montrose’s *The Subject of Elizabeth*, a chapter entitled “The geopolitical imaginary” applies a similar reading to the Ditchley portrait, analyzing it as the “most brilliant Elizabethan equivalent of Holbein’s icon of Henrician kingship” (the codpiece, again) because of the way in which it represents the monarch sheltering England under her skirts, suggesting, once again “a mystical identification of the inviolate female body with the unbreached body of her land.”¹⁷ Though Montrose astutely notes that Elizabeth is placed “not on an image of the island of Britain but rather on a *map* of England and Wales” (italics in original), he also speaks of the monarch’s “island nation” without further discussion of this aspect of the artifice of her power.¹⁸

Montrose was intrigued by the radical inapplicability of the masculine potency of the King’s Two Bodies to the queen’s single feminine state. But subsequent discussions of representations of the mystical virginity of Elizabeth’s “body natural” lose sight of the defining legal artifice of the body politic very quickly, not least because the givenness of the island over which this virgin extends her magical protection is assumed. Yet the idea of the island’s English integrity is as much a product of the metaphor of the King’s Two Bodies as is the fantasy that Elizabeth’s virgin “jewel” secures its bounds. In none of the years in which these portraits were painted (?1588 and 1592) could England even remotely be called an island. Through all of Elizabeth’s reign, her kingdom was bordered to the north by a sizeable independent kingdom, the kingdom of Scotland, which her father and brother had failed to conquer in disastrously expensive wars lasting from 1542 to 1551.¹⁹ So, if English poets such as George Peele, Edmund Spenser, and John Lyly praised Elizabeth as queen of an *island*, they knew perfectly well that they were engaging in fictional artifice. Europeans, especially Catholic powers, saw this clearly: Pope Sixtus V, for example, marveled at the good government of Elizabeth in spite of the fact that she was “only a woman, only mistress of half an island.”²⁰

Legendary Overlordship: Lochrine and Albanact

This is, indeed, where the knees of my title—the knees of the body politic—come in. For the English were able to resist acknowledging that they were only half an island because they had for a very

long time subscribed to a version of history according to which kings of the northern realm had regularly *got down on their knees* to acknowledge the feudal holding of their kingdom as tenants of the kings of England. In most versions, historical homage was traced back to a mythic original. The legendary founder of Britain, the Trojan prince Brutus, was supposed, on his death, to have divided Britain between his three sons, Lochrine, Camber, and Albanact, and the younger two, as Kings of Wales and Scotland respectively, were imagined as having knelt in homage to their elder brother and overlord. No such scene explicitly occurs in the legend's source, the *Historia Regum Britanniae* of Geoffrey of Monmouth (c. 1135).²¹ It was Edward I who, in a letter to Pope Boniface VIII in 1301, justified his invasion of Scotland on the grounds of an ancient suzerainty over the kingdom, traceable back to Brutus's division of the island between Lochrine, Albanact, and Camber, "the royal dignity," in Edward's addition, "being reserved for Lochrine, the eldest" (*reservata Locrino seniori regia dignitate*).²²

Edward's reading of Geoffrey, backed by his trawl of monastic archives for chronicle material to support his claim to suzerainty, was both the culmination of three centuries of English claims to the overlordship of Britain and the model for an especially aggressive Tudor effort to realize the dream by the attempted conquest of Scotland between 1542 and 1551.²³ Edward's feudalization of Geoffrey generated a body of chronicle and romance literature focusing on ceremonial acts whereby real or legendary kings of Scots acknowledged service to England due for the right to their crown.²⁴ John Hardyng's fifteenth-century *Chronicle*, for example, devotes a whole chapter to Albanact's "homage made" to Lochrine "as to y^e lorde souerayne," after which, when Albanact dies, Scotland is "ceased" ("seised") in feudal terms "by excheter" (by escheat) to Lochrine again.²⁵

In a recent dazzling study of the power and polyvalence of scenes of ritual supplication in Graeco-Roman and Renaissance literature, Leah Whittington has drawn critical attention to the fact that the knees were anciently associated with generativity, with the transmission of life-spirit. On this, Whittington cites R. B. Onians's demonstration that "across Indo-European languages, the words for 'knees' are cognate with 'generation,' bearing witness that 'the knee was thought in some way to be the seat of paternity, of life, of generative power.'"²⁶ While the bending of the knee in the act of homage has nothing of the powerful emotional volatility and extremity of the knee-clasp that is the focus of Whittington's fine analysis, it is clear that the ancient association of the flexure and loosening of knees with a loss of strength and life was no less present in the ritual of kneeling to pay homage. Indeed Plowden, in his *Treatise*, performs an exposition of

the meaning of ritual kneeling to pay homage in precisely these terms. "The kneelinge," writes Plowden, analyzing the ceremony of homage,

sygnifieth that he enfeebleth himselfe before his Lorde, abasinge his power, and disableth himself of all strengthe, and standeth at his Lordes choice to be overthrowne yf he Lust. for when the knees be stretched out, then man hath his full strength, and in bowing them the strengthe is diminished and humilitie shewed. (114)

However, before we can ask what Plowden is doing in furnishing the immortal body politic with such sacred and flexible joints, we need to understand the stakes of his *Treatise* by attending, briefly, to the questions of how homage had once functioned within English common law land tenure and of what role representations of homage played in the English histories of Anglo-Scots relations available to Elizabethan readers like Plowden, Spenser, Shakespeare, and their contemporaries.

The Uses of Scottish Homage in Tudor History

Homage inaugurates and seals a long-term legal relationship to the land, in which man and lord are mutually bound, one to perform service for the tenure of lands and the other to protect his tenant. John Hudson describes how the distribution and settlement of land after the Norman Conquest meant that "landholding and lordship rapidly became more closely related," so that "homage and landholding were closely connected."²⁷ The ceremony was real and binding and followed a certain ritual prescription. The tenant making homage "shal desend and hys head uncovered, & his Lorde shal sit. and the tenaunt shal kneele before him on both his knees, and holde his hands jointly together betweene the hands of his Lorde," swearing fidelity and receiving the lord's kiss.²⁸ It is, of course, one thing to say that kneeling and kissing were essential to feudal tenure in Anglo-Norman England and quite another to say that these ceremonies defined the geopolitical distribution of sovereignty between the nations of the British Isles from the twelfth to the sixteenth century. The work of Rees Davies has shown that Welsh and Scottish kings of the eleventh and twelfth centuries saw English claims of jurisdictional superiority as political challenges to be resisted; these were not a part of regularized or recognized feudal relations.²⁹ When Susan Reynolds discusses Pope Boniface VIII's bull denying the "feudal subjection" of Scotland to the kings of England, she identifies the problem precisely as that of trying to fit a kingdom into the pattern of feudal tenure. That Edward I's 1305 ordinance for the government of Scotland

referred to it throughout as a “land” and not a “kingdom” was, she argues, a tacit acknowledgment of the force of the Scots’ argument that a kingdom could not be so held and that by common law (*droit commune*) one kingdom should not be subject to another.³⁰

In any case, by the time of the Elizabethan succession crisis, nobody was doing any kneeling or kissing for their ordinary tenancy of English lands. Land held in fee was, as J. G. A. Pocock wrote, simply “held in a tenure which the courts recognised as heritable according to fixed rules”; it was no longer thought of “as given and received in a special way between lord and vassal, a consequence of the relationship expressed in homage, involving the vassal in the performance of certain express or implied services.”³¹ Nevertheless, English readers had long been used to reading, in chronicles and war propaganda, about the homage-making genuflections of Scottish kings, which, as they believed, proved that Scotland had been held in vassalage from England since the days of Lochrine.

Yet these historical “records” of ceremonies of homage were often not what they seemed. At one extreme, there was John Hardyng’s blatant forgery of documents of Scottish homage, not detected until 1837.³² Alfred Hiatt’s excellent scholarly detective work has detailed how, between 1422 and 1463, Hardyng presented to successive English governments at least fourteen forged documents purporting to prove that Scottish kings acknowledged English kings as their liege lords, the overlords of Scotland. “As well as straightforward statements of homage,” Hiatt writes, “the forgeries are an attempt to establish a chain of renewed submission over the reigns of a number of different Scottish kings, and to write away any evidence that the Scots could produce to assert their independence.”³³ Hardyng was working in response to “the late medieval efflorescence of Scottish antiquarianism,” which asserted Scottish antiquity at the expense of the Brutus myth; Hardyng’s *Chronicle*, written to accompany his forged documents, contextualized the documentary “evidence” in a seamless narrative from Brutus and Lochrine to the fifteenth century.³⁴

Yet the process of manipulating the meanings of specific acts of homage had begun much earlier. For example, in 1200, the Scottish King William the Lion came to Lincoln to do homage to King John of England for lands in Northumbria, Cumberland, and Westmoreland. The chronicler Roger Hoveden records the ceremony thus:

and there in the sight of all the people William king of Scots became the vassal of John, king of England, for his right and swore to him over the cross of Hubert, archbishop of Canterbury, fealty in life and limbs and his earthly honour against all men, and in the preservation of peace with him and his kingdom, saving his own right [*salve jure suo*]; with these witnesses [there follows a long list of noble and ecclesiastical witnesses].³⁵

The phrase “*salve jure suo*” indicates William’s rights as king of Scotland. However, as Rees Davies comments, King John clearly appreciated how, on this occasion, “his power within the British Isles could be theatrically stage-managed for the benefit of a hand-picked audience.” “On a great hill’ outside Lincoln on 21 November 1200, as Davies reads in the chronicle,

“in the sight of all the people, William, king of Scots became the man of John king of England for his right.” The limited nature of the homage (in respect of the king of Scots’ lands in England) was well recognized by those in the know; but it was the physical act of homage and the resplendent assembly which remained—and was meant to remain—in the memories of those present.³⁶

So already in 1200, John was carefully managing the public relations side of things so as to give the impression that the homage he received was for the kingdom of Scotland, when it was actually for northern English lands. About a century later, after the death without heirs of Alexander III of Scotland, Edward I sent to English monasteries, asking the monks to search their chronicles for evidence of English overlordship. The results, in case after case, were misleading, as E. L. G. Stones and Grant Simpson make clear. For example, Alexander III “is correctly said to have done homage to Henry III in 1251, but . . . the impression is wrongly given that the homage was for Scotland.”³⁷ Similarly, “in the account of the homage of William the Lion to John, the words ‘*salvo jure suo*’ (i.e. saving William’s rights), which are included in the text of Howden [Roger Hoveden] at this point, are omitted.”³⁸

Edward I’s dubious historical research, as well as his 1301 letter to Pope Boniface VIII, which invented the mythical Locrine’s lordship over Albanact in order to justify the invasion of Scotland, became the models both for John Hardyng’s fifteenth-century forgeries as an incitement to English conquest and for the war propaganda commissioned by Henry VIII and Edward VI as part of their attempts to conquer Scotland between 1542 and 1551. Tudor war propaganda was assisted by the new technology of the printing press, which not only expanded exponentially the reach of this doubtful historical record but also ensured its circulation and reprinting through Elizabeth’s reign. Thus John Hardyng’s *Chronicle* was printed by Richard Grafton in 1543 in explicit justification of an English invasion of the Scots for “slackenese in dooyng their homage.”³⁹ Earlier, in 1542, Henry VIII had repeated Edward I’s commissioning of research into evidence of his title to Scotland, launching his military invasion of Scotland with the publication of *A Declaration, Conteyning the Iust Causes and Consyderations of this present warre with the Scottis, wherein alsoo appereth the trewe & right title, that the kynges most royall maiesty hath to the souerayntie of Scotlande* (1542). In its sequence of alleged homages performed by Scottish kings, we find Henry

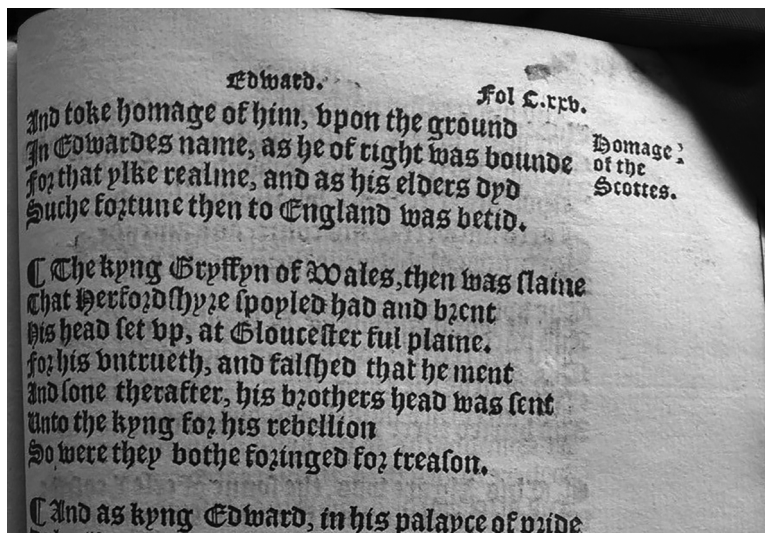


FIGURE 1. Richard Grafton's 1543 edition of *The chronicle of Jhon hardyng* (London, 1543), showing the printed marginal note, "Homage of the Scottes" by the reign of Edward the Confessor (1042–66). Reproduced by kind permission of the Bodleian Libraries, University of Oxford, 4° H 17 Art. Seld., fol. 125r.

remembering William the Lion paying homage to King John, with all the details of the hill, the sacred cross of Hubert, and the multitude of witnesses:

XIII, yeres after that, the sayd William dyd homage to our progenitour kynge IOHN, vpon a hyll besides Lincoln, making his othe vpon the crosse of Hubert than archbyshop of Canturbury, being there present a mervaylous multitude assembled for that purpose.⁴⁰

In 1548, Protector Somerset commissioned further research by Sir Thomas Smith and others that resulted in *An Epitome of the title that the Kynges Maiestie of Englande hath to the sovereigntie of Scotlande* published by Richard Grafton. In the iteration of William the Lion's homage the author even inserts the mendacious clause "for the kyngdom of Scotland":

John the brother of this Richard was next king of England, to whom the same Willyam kyng of Scottes did the like homage *for the kyngdome of Scotland* vpon a hill beside Lyncolne, taking his faith therefore vpon the crosse of Hubert then Archebishoppe of Cantorburye, a great number of people beyng there assembled for y^e purpose.⁴¹ (My italics)

This repetition of skewed and partial accounts naturally had a cumulative effect, as is conveyed by a rapid glance at the printed marginal notes to

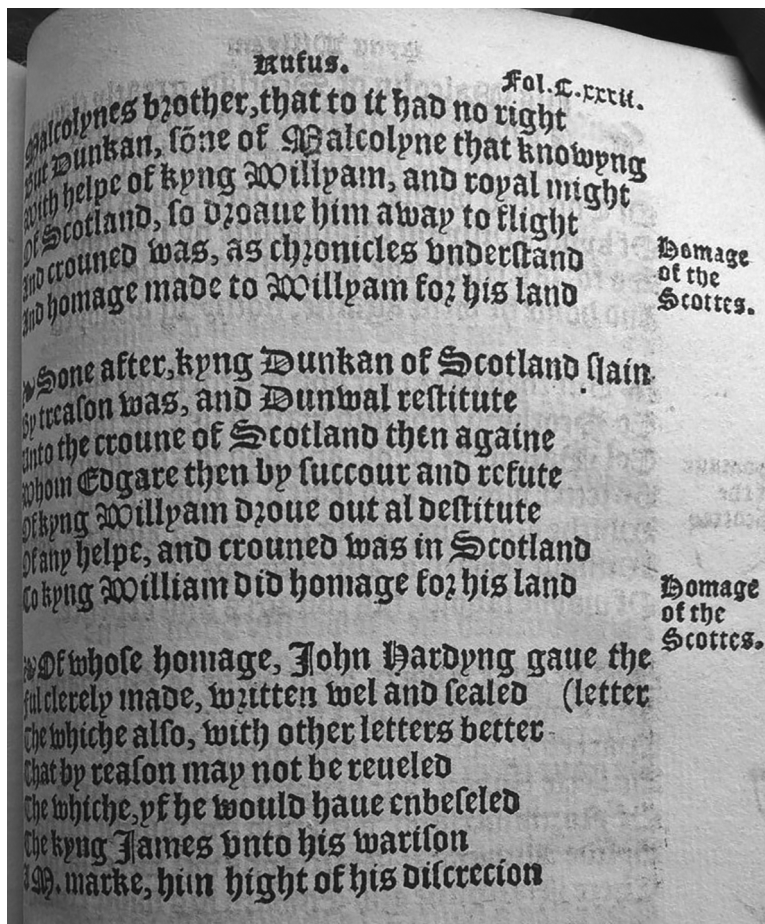


FIGURE 2. Grafton's printed marginal notes to "Homage of the Scottes" in the reign of William Rufus (1087–1100), in Hardyng, *Chronicle*. Reproduced by kind permission of the Bodleian Libraries, University of Oxford, 4° H 17 Art. Seld., fol.132r.

Grafton's 1543 edition of Hardyng. Figures 1, 2, and 3 show printed marginal annotations from the reigns of Edward the Confessor, William Rufus, and King John that repeat the work's theme, "homage of the Scottes," with all the subtlety of repeated hammer blows. One receptive reader has copiously underlined Grafton's dedicatory denunciation of the "rebellious" Scots with the words, "The proper nature of y^e Scottishe" (fig. 4; sig.;;2v). Nurtured on texts like Hardyng's, it is hardly surprising that, in spite of the failure of the English attempt at conquest from 1542 to 1551, "the average

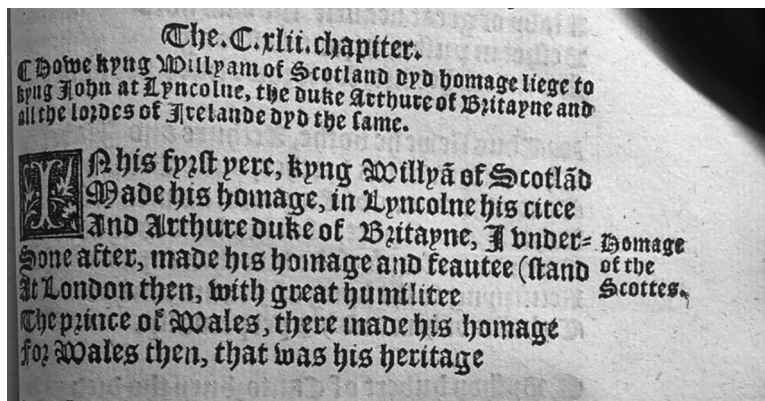


FIGURE 3. Hardyng's description of homage made by William the Lion (1165–1214) to King John (1199–1216) at Lincoln, 1200, in Hardyng, *Chronicle*. Reproduced by kind permission of the Bodleian Libraries, University of Oxford, 4° H 17 Art. Seld., fol.149r.

Elizabethan,” as Bruce Galloway put it, “saw the old assertions to suzerainty as simple fact.”⁴² Henry VIII's *Declaration* was reprinted in full in *Holinshed's Chronicles*. The Scottish jurist, Sir Thomas Craig of Riccarton, complained that Holinshed's repetition of the old lie “that the King of *Scots* owes Homage to the King of *England* as his Liege-Lord,” though unimportant in itself, was causing European historians, such as Jean Bodin—“very Learned Men, though unacquainted with our Affairs”—to repeat this lie for historical truth.⁴³

But if the average Elizabethan saw English suzerainty over Scotland as “simple fact” that fact was not, in Elizabeth's reign, any longer a *casus belli*, a justification for war. The two chief architects of Elizabethan “monarchical republicanism,” Sir Thomas Smith and William Cecil, were both deeply involved in the war against Scotland under Protector Somerset (Smith was on a team researching England's claims to sovereignty), but each knew very well, by Elizabeth's accession, that Scotland could not be conquered militarily.⁴⁴ The Scottish war, as both knew, had been economically disastrous. Having researched England's feudal title to Scotland, however, neither Smith nor Cecil ever doubted it, nor did Cecil lose sight of the strategic importance of securing Scotland's coastline against English enemies.⁴⁵ In 1559 Cecil privately justified a policy of granting aid to the Scots precisely on the grounds of England's “title . . . vnto the superiority of Scotland,” but, in the Treaty of Berwick enacting the new relationship, he carefully ensured that arguments based on the premises of English sovereignty over Scotland were omitted.⁴⁶

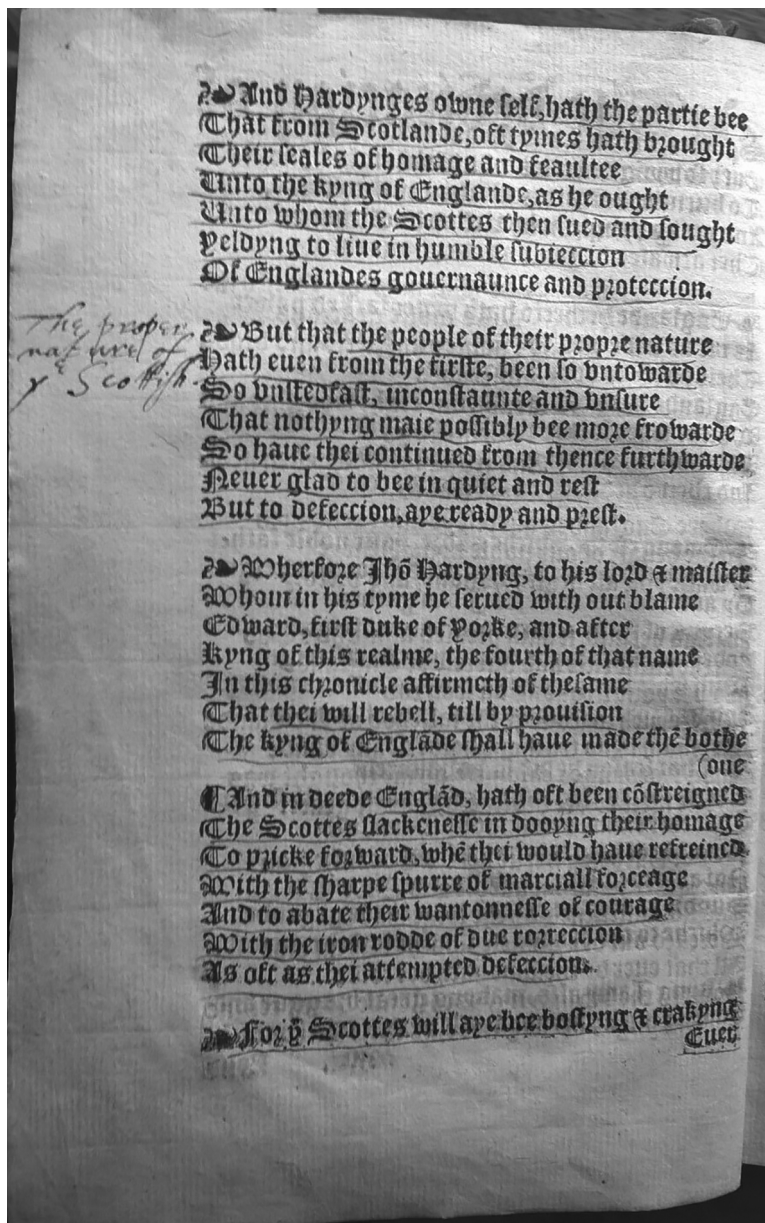


FIGURE 4. A sixteenth-century reader's annotations to Grafton's dedicatory poem prefacing Hardyng's *Chronicle*. Reproduced by kind permission of the Bodleian Libraries, University of Oxford, 4° H 17 Art. Seld., sig. ;;2v.

The ostensible goal of the 1540s wars had been to coerce the Scots into betrothing their infant queen, Mary, to Edward VI of England, but the bellicose means somewhat defeated the ends. What happened instead, of course, was that Mary married the French dauphin and, when he died, came back to Scotland, married Henry Darnley and, by 9 June 1566, had triumphantly borne a son. With their own queen still childless, the English now faced the prospect of being, as one tract put it, “bound and subject to a foreign nation,” ruled by the Scots, “a people by custom and almost nature our enemies, thirsty of our blood, poor and miserable by their country and envious of our welfare.”⁴⁷ It was in this context that, over the Christmas vacation of 1566/67, Plowden adapted the medieval legal maxims of the Crown as corporation, or the King’s Two Bodies to the predicament of the virgin female prince—the result was his treatise of the succession.

What Is the King’s Two Bodies Doing in Plowden’s Treatise?

As we have seen, the King’s Two Bodies doctrine as expounded by Kantorowicz has a Janus-faced quality (elegy for sacral king or adumbration of secular state?) that has made it especially theoretically generative. Plowden’s *Treatise*, by contrast with the cases Kantorowicz cites from Plowden’s *Reports*, however, seemed not to engage this doctrine in any exciting constitutional adjudication of the limits of the Crown’s prerogative. New Historicist criticism ignored it, while constitutional historians, for their part, seem to have thought that the purpose of the twinned royal bodies in Plowden’s *Treatise* was boringly obvious. They assumed that the purpose of Plowden’s inclusion of the two-bodies doctrine in the *Treatise* was simply to defeat the objection of the Scottish queen’s foreign birth.⁴⁸ Cromartie, we recall, commented on the “*unnecessary elaboration* with which [Plowden] discussed the whole notion of a body politic” in the *Treatise*. Elaboration was unnecessary, because the strategy was so obvious. Plowden

argued that deficiencies in the body natural, such as infancy, or illness or (in the case of Mary) alien status could not affect the body politic; Henry VII’s much more serious defect of having been attainted as a traitor proved not to be a bar to his accession.⁴⁹

Thus, the body politic purges defects in body natural proving foreign-born Mary Stewart’s right of succession to the throne of England—end of story.

Yet, if historians are right that this was the sole purpose of the twinned-bodies doctrine, then it was not just unnecessarily elaborate. It was, in the context of the rest of the *Treatise*, strictly unnecessary. For, while Plowden’s first five chapters set out the King’s Two Bodies to

prove its power to defeat the objection of foreign birth, the second part of the *Treatise* proves that the Scots are not, after all, foreign. Plowden here turns to historical proofs of Scottish vassalage, citing all the familiar authorities to which the English subscribed on this issue: Geoffrey of Monmouth, Edward I's letter to Pope Boniface VIII, Hardyng's forged homages held in the Exchequer, Henry VIII's *Declaration*, as well as many other chroniclers (79–96). This, then, begs a question: if the Scottish Queen is not disabled by foreign birth to succeed to the throne of England, then why spend five chapters elaborating the theory of the capacity of her body politic to defeat the common law rule against foreign birth? Why draw analogies with attainder and draw examples from hypothetical cases about English law's cognizance of facts of cases "beyond seas"? Even if Scottish subjection to the English Crown is "doubtfull," something Plowden tentatively "take[s] in hande to prove" by English chronicles, its contradiction of the very premise of foreign birth supposedly remedied by the two-bodies theory makes his opening elaboration of the theory over five chapters seem bafflingly excessive (78).

So what else might the theory of the King's Two Bodies be doing in Plowden's *Treatise*? Literary critics were right to think of it as working largely by metaphor. Axton spoke of Plowden's "figural technique." Kahn shows how, for Kantorowicz, a legal fiction was merely a species of artistic fiction.⁵⁰ Montrose was right, too, to sense that in response to Elizabeth's childlessness (the succession crisis) these metaphors were oriented toward the task of imagining a sea-bound England, in which Scotland's problematic inland foreignness vanishes from consciousness. But what is still needed is some account of the metaphorical relation between Plowden's elaborate political theology and his Galfridian history of English claims to suzerainty over Scotland. It may be helpful, first, to invoke "conceptual metaphor theory," the fundamental premise of which is that human thought is inherently metaphorical, and that humans have a natural tendency to understand the world in terms of conceptual domains relating to embodied experience.⁵¹ Second, we should note that the dominant metaphor of the King's Two Bodies as political theology derives not only from the Christian doctrine of incarnation—God taking human flesh in Christ—but also from the specifically Catholic doctrine of the Eucharist, in which bread and wine, after consecration, become Christ's flesh and blood. This, then, is a metaphoric of metaphor itself, in which the-body-as-metaphor continually resists its own abstraction.

We see this clearly in Plowden's distinguishing, in chapter 1, between "a bodie . . . naturall, consistinge of fleashe and bloude, and of naturall members. a bodie visible & tangible, a bodie passible, subject to all infirmities,"

which is “subjecte to age and death,” and “a bodie politicke . . . not visible, nor tangible, a bodie impassible, not subjecte to force or violence,” which is “voyde of infancy and of age, and of all imbecilities and defectes that the bodie naturall sustaineth, and wanteth visible substance” (1). The adjectives “passible” and “impassible” (capable or not of suffering or feeling) had been for centuries chiefly used in complex theological debates about the nature of Christ’s humanity or the bodies of angelic beings. Plowden thus directly maps the abstract administration of the state by English common law (“a bodie constituted & devised by reason & pollicie, and of mere necessitie for *pr̄servacion* of the people”; 1) on to the transcendent superhumanity of divine or angelic beings or of the soul. Monarchical succession is governed by a eucharistic, as well as incarnational, metaphor, as the natural body of the legitimate heir “receives” the body politic as one would receive Christ’s body in the communion wafer. Plowden’s favored word for the coming-together of bodies politic and natural is “conjunction”—the legal capacities of each separate body remains “after their conjunction”; the body natural is “extolled” by its “conjunction” with the body politic, but the latter is not debased by the same (3, 5, 9). The word “conjunction,” as Richard McCoy shows, played a role in the English negotiation of the theological polarization over the interpretation of the Eucharist. In a debate on the Eucharist at Oxford in 1549, Peter Martyr Vermigli asserted that Christ was present in communion bread and wine “by a sacramental conjunction, which is the most effectual signification.”⁵²

Plowden’s political deployment of incarnational metaphors thus reproduces, in the words of Guillemette Bolens, “both the importance of the body for Christianity—the religion of a god incarnate—and its ambivalent status.” As part of a general demonstration of how bodily perception (of movement, space, weight, touch) contributes in general to abstract concept retrieval (everyday metaphor), Bolens observes that, in medieval Catholic Christianity, the body-soul opposition exists in a tension with the body-as-metaphor for the inexpressible soul:

The idea that the body is the prison of the soul motivates practices designed to fight and overcome the flesh. . . . At the same time . . . the central opposition between body and soul gives rise to a series of issues bearing on the literal and figural. The body in its literality becomes the main expressive means of the soul.⁵³

The same, *mutatis mutandis*, can be said for Plowden’s bodies natural and politic: the former becomes the main expressive means of the latter in ways that simultaneously reinforce and undermine the constitutional hierarchy in the distinction. The ostensible opposing of bodies natural and politic is simultaneously a kind of incarnating of the latter’s legal capacities, an animation of latent bodily metaphors—with all their associated human

emotions—in legal language. Thus, for example, Plowden denies the legality of Henry VIII's will by conjuring up a body without hands:

And so the denyall of the lawe to the kinge to make a Testament, argueth his naturall body is not adjudged in lawe as others be. For althoughe his natural body hath handes, yet he can geve or delyver *with* them by the ordour of the *commen* lawe . . . nothing at all (21).

For a surreal moment, constitutional restraint acquires the force of amputation.

But how does this constant oscillation between a hierarchized politic-natural distinction and the resulting *embodiment* of legal-political relations work in the larger plot of Plowden's argument? The legal plot itself may have been inspired by a letter of 1566 from William Maitland, secretary to Mary Queen of Scots, to William Cecil. Against the common law prohibition of alien inheritance, Maitland proposed two defenses: first he says (though he, being a Scot, will not "affirme the same") that "that there ariseth a question amongst yow{e} whether the realme of Scotlande be forth of the homage and legea{unce} of Englonde, and heretofore yow haue in sondrie proclamacions preceding your warres making . . . labored motch to prove the homage and fealtie of Scotlande to Englo{nd}."⁵⁴ Next to this passage, a different hand has written the word "homage." Maitland then goes on, "An other question there is also opon this objection of forrein birth. . . . Yowe knowe in this cas{e} as in divers others the state of the crowne. . . . Manye lawes made for subjectes take no houlde in case of the prince." Again, a different hand notes in the margin, "difference betwene the Crowne and private Inheritances."

The clarity of Maitland's arguments illuminates the metaphorical logic behind Plowden's transformative re-ordering and amplification of them in the *Treatise*.⁵⁵ Plowden reverses the arguments, putting the capacities of the Crown before the argument of homage. He does this, I propose, in order to establish English constitutional constraints on the Crown in a language that simultaneously sets body and spirit in a hierarchical opposition (the spirit transcends the flesh, as the body politic transcends the natural) while appealing to the body and bodily gesture as the principle metaphor for the abstractions of law and government. In other words, he makes conscious political use of theological doctrines that at once oppose flesh and spirit and yet invest the bodily with sacred power. This enables him to transform Scottish homage from a mere English historical claim into a transcendent political theology.

The language of legal and political relations keeps returning, throughout the treatise, to the heightened, emotive registering of the holiness of bodily gesture established in the first five chapters setting out the two bodies

of the king. Chapters 6 to 11 of the first part respond to legal disabilities in the “body natural”—attainder and foreign birth—expressing their confutation in terms that register both the pathos and the comedy of the body as political metaphor. The second part of the *Treatise*, turning to historical proofs of the homages paid by Scottish kings, then departs from the use of incarnational doctrines as metaphors for the English constitution. But the body, of course, still enacts legal significance: not metaphorically, this time, but historically. The rarity of symbolic explanations of the rites of homage in medieval documents makes Plowden’s elaborate interpretation of a by then obsolete legal ritual all the more striking.⁵⁶ His final chapter brings both the *Treatise*’s strategies of proof—theological metaphor and histories of homage—together in the most extraordinary transformation of the symbolic rituals of feudal tenure into metaphors for the containment of Scotland within the sovereignty of English law and the English constitution. In this final chapter, homage reappears not as the iteration of historical proof, but as an allegorical tableau in which bodies politic acquire knees, hands, and mouths in order to stage a ritual of undressing, kneeling, placing hands between thighs, and joining mouths in a kiss to ensure the right of the natural body of a Scottish monarch to receive the immortal body politic of England.

**Metaphorology:
Reading Body Language in the *Treatise***

After the exposition of the doctrine of twinned bodies in chapters 1 to 5, chapters 6 to 11 put cases to prove that neither criminal attainder nor birth beyond sea are bars to receiving the Crown. With respect to an ordinary land tenure case in which the eldest son was attainted, Plowden argues, the son would not inherit, but the land would escheat back to the “Lord of whom yt is holden, and from whom it first came.” This cannot, however, happen in the case of the Crown, he says, for a kingdom, a sovereign body politic, cannot be held of any superior lord:

The ffather dyeth seised of the kingdome. who shall be heire to the kingdome, and to whome shall this body polliticke come or discende? Surely it can not escheate. for to whome should yt escheate? of whome is yt holden? And who first gave this kingdome to the kinge and his heires? Surely none, nor yt is holden of none, nor hit hath not any Lorde paramount, and therefore yt can not escheate. Ought then the younger brother to haue yt? Surely no, for th’eldest was worthiest of bloude and is lyvinge. . . . what then? ys the realme destitute of a kinge? (26–27)

The insistent negation of the body here (“Surely none, nor yt is holden of none”) feels a little excessive, creating a kind of free-floating

affect. Then the negative evocation of givers, genitors, and lords produces the absence of giving and holding as a felt deprivation to which the question “ys the realm destitute of a kinge?” responds like a miracle. The law, which has provided that the body politic should, in this case “purge” the son’s attainder and make him capable of the Crown, acquires a providential quasi-divinity. “Surely,” Plowden concludes, “this body polliticke doth sweeppe the house cleane wheresoeuer he cometh, and graunteth pardon to the naturall body by operacion in lawe as fully as he could to an other body by Charter” (28).

In the case of foreign birth, by contrast, Plowden turns to the comedy of carnal knowledge. The objection is that English common law cannot try the legitimacy of the foreign born. The hypothetical case involves an heir born in France to an English father and French mother. “And unles the Jurie maye take knowledge of the mariadge had beyonde the sea, they can not saie that he was lawefully begotten,” Plowden writes, “and so of necessitie they must geve a false verdytt” (37). Here the body again enters the hermeneutic scene, its secret generative power, this time, the questionable object of legal knowledge. How could an English jury know an Englishman’s foreign-born heir from a French bastard? Plowden briskly counters the objection that facts beyond sea are beyond English legal enquiry: merchants make promises in Antwerp and are sued in London, he says. And if the facts occurring beyond sea could not be tried and known by English juries, he concludes, the widow of Sir Thomas Hoby could not have her dower, for he died as the queen’s ambassador in France, and “yf the deathe of those beyonde the sea can not be understoode in England, then the children that the wyves of suche husbendes have had by theirre seconde husbendes be all bastardes” (39).

Clearly, the legal arguments of the first part of the *Treatise*, ostensibly designed to refute objections to Mary Stewart’s foreign birth, also do imaginative work. By the time the reader gets to the second part of the treatise, which argues for Scotland’s historic vassalage to England, it is evident that one effect of the “foreign birth” argument has been to define “foreign” as “beyond sea.” The assertion of the overseas reach of English common law jurisdiction into matters sexual and commercial helps conjure England as an island. The attainder argument, by contrast, prepares the reader for an image of the very thing it purports to deny by the pathos haunting the grammatical shape of its negation. To ask “of whome” the body politic “is holden,” “who first gaue this kingdome . . . ?” is to invoke the powerful fiction of the original gift of the kingdom. In the second half of the treatise, that powerful fiction returns, this time as a truth, “written and beleaved certainly” of Anglo-Scots history. To prove that the Queen of Scots was born within the allegiance of the English Crown, Plowden openly denies his

earlier argument that a kingdom, as a body politic, cannot be given or held in homage. "Yt is," he writes,

written and beleevied certainly that Scotland is holden of the kinge of England. And yt is taken that yt was first yeven to Albanacte second son of Brute the first kinge that possessed this realme, to holde of Locrine his eldest brother kinge of Englande. And ever sithens yt hath bene holden of England, as by the Cronicles and recordes & other testimonies yt maye appeare. (78–79).

We have already seen how deeply Plowden draws on the English historiographical tradition of justifying the English invasion of Scotland by alluding to Locrine's mythical overlordship of Albanact, then listing subsequent homages as if these were unequivocal proof of a feudal continuity.⁵⁷ He gives especial authority to Edward I's letter and Henry VIII's *Declaration*, both of which cite the Brutus legend and other Galfridian matter. He departs from the genre, however, in placing an innovative emphasis on the sanctity and intimate proximity of the two royal *bodies* engaging in the ritual.

Thus, for example, in citing the example William the Lion's homage to King John, notable to other chroniclers for its public visibility, on a high hill, Plowden stresses rather a moment of intimate royal contact sanctified by the touch of the body of a saint. He notes not just that William took his oath "on the cross of Hubert, Archbishop of Canterbury," but that

this homage was done the same day that the bodie of St Hughe bishop of Lincolne (who dyed at London) was brought to Lincolne to be buried. where the said two kinges did upon their shoulders holpe to cary the dead corps of that holly man to the Churche. (82)

His source, Matthew Paris, actually says that "these same kings with their courtiers and the rest of the leading men carried the body of St Hugh of Lincoln on their shoulders" (*ipsi Reges cum Comitibus & caeteris principibus portauerunt in humeris suis*).⁵⁸ Omitting the retinues of these two monarchs, Plowden transforms the scene of spectacle into a close-up in which we seem less to gaze at the royal procession than to feel the weight of the sacred burden that brings the two kings into proximity before God.

Throughout the *Treatise*, the English common law's provision for the government of the kingdom, consistently expressed through metaphors of the body's agency, acquires an affective charge and sacred aura. Critical debate as to whether Plowden's King's Two Bodies doctrine is daringly secular and constitutionalist or expressive of a longing for sacral kingship seems, then, misplaced. It is the law's provision for, and constraining power over, monarchical succession and governance in England that emerges, through Plowden's arguments, as sacred. The precise purpose of this sacralization of the English constitution becomes clear in the final move of the

Treatise, which transforms the ancient “war of historiography” (disputing the question of Anglo-Scots overlordship by alleging and challenging specific records and acts of homage, battles, and treaties) into an allegory of the permanent legal-political containment of the realm of Scotland by the English body politic.⁵⁹

Leaving historical proofs of homage, Plowden confronts objections made by the opponents of a Scottish succession. These include the fact that Scottish homage “hath bene forborne for a season” (97), which might suggest that Scotland, like France, had recovered its land from English overlordship (98); and the fact that Scotland sends ambassadors to England and is reputed an enemy in war, so Scotland would seem to be a foreign country. With respect to the first, Plowden argues that the cases of France and Scotland are different, for England does not lay claim to the territory of Scotland, merely to “the superiorytie and the seignorie” of the kingdom, expecting “homage and service” that “acknowledgeth the superiorytie” (98–99).⁶⁰ This strange argument permits him to cede the objection of John Hales that Scotland is “of yt selfe a distincte realme from Englande” (99). Yet he counters Hales’s “ergo” or conclusion—that Scotland is therefore a foreign country—by returning once more to the myth of Brutus’s division of Britain. This time he offers a perfectly circular argument, which cheerfully dispenses with its own premise, to produce its own devastating “ergo”:

For Scotland was first lawfully geuen to Albanacte first kinge of Scottes, to holde of Locrine, his Eldest brother kinge of England by homage & seruice thereto due. and so doth [^]kinge[^] Henrie th’eight affirme in his said booke, and the Chronicles of England also. *But whether that be true or not*, yet certaine semeth that Scotland was geuen away by the kinge of England. For the tenure and homage declareth that. for no tenure can be made but vpon the first gifte of the thinge geuen for w^{ch} the tenure is. And because that the kinge of Scottes holdeth the realme of Scotland of the Crowne of England, there maye be thereof justlie deduced this conclusion. Ergo the realme of Scottlande first came from, and was first geuen by the Crowne of Englande, to holde of the crowne of England. If yt so be, then is the whole & every part thereof (notwythstandinge wha[t]soever particular estate sythens made) holden of the Crowne of England.⁶¹ (100–101, my italics)

The “certainty” of England’s tenure of Scotland therefore rests on the fact that a tenure cannot be without an originating gift. As the king of Scots apparently “holds” the realm from the Crown of England, the English can dispense with subscribing, as an article of faith, to the myth of Brutus giving Scotland to Albanacte as a feudal tenure, which he was to hold in vassalage to Locrine, because “*whether that be true or not*,” something like it may be “justlie deduced” from the English belief in overlordship.

Compensating for the awe-inspiring vacuity of this argument is Plowden’s triumphant return to metaphor in an extended reading of the

meaning of the bodily gestures by which lord and tenant were anciently bound in mutual obligation through the solemn ceremony of homage. By construing the symbolic subjection of the homager's body with reference to scripture, poetry, and ancient custom, Plowden infuses his reading with a transcultural, even transcendent power to signify, thus establishing the right of a Scottish dynastic succession by creating a vivid fiction of Scotland's permanent elision and abjection as a body politic.

We have seen, from Littleton's *Tenures*, that generally conceded components of the legal ceremony of homage involve kneeling, divesting oneself of cloak and weapons, being bareheaded, kissing. But at the time of Plowden's writing, such gestures were already obsolete. Historians note that between Littleton and Coke, the performance of homage for land seems to have ceased altogether.⁶² This seems to have something to do with the fact that expressions of submission and intimacy between elite men were increasingly experienced as distasteful and unseemly. In feudal France, the homager had traditionally been said to be the lord's "'man of mouth and hands' [homme de bouche et mains]." ⁶³ But Charles du Moulin, writing his *Traité des Fiefs* in 1539, attacked interpretations of the formula of "la bouche et les mains" as involving a kiss. Such an interpretation, he said, was "aussi fausse qu'indécence." "La bouche," he insisted, had nothing to do with men's lips touching, but merely signified authenticity of the speech act: the vassal himself had to pronounce his oath of faith.⁶⁴ John Russell Major has shown how sixteenth-century redactions and reformations of the customs of France, as he shows, systematically abrogate elements of intimate physical contact and bodily lowering from the requirements of homage.⁶⁵

Yet Plowden not only insists on these obsolete rituals of humiliation, abjection, nakedness, and indecent intimacy: he *exaggerates* them. Their import lies in their spiritual/political significance. They are "the Cerimonies, circumstances, and [deletion in MS] effects of homage," which he lingers over "to th'ende," as he says, "that all men may see the subjection of an homageour unto his Lorde" and "the mutual bondage or tye of the one to the other" (113). The homager, he says, must kneel on both knees, because kneeling "sygnifieth that he enfeebleth himselfe before his Lorde abasinge his power and disableth himself of all strengthe," acknowledging that it is "his Lordes choice to be ouerthrowne yf he Lust" (114). To read kneeling as a giving up of the body to be "overthrown" in battle surely draws on the Homeric periphrasis for slaughter as a loosening of the knees of the victim.⁶⁶ But Plowden characteristically moves from a political to theological register, citing Saint Paul to the Philippians, familiar from the Latin liturgy, "*In nomine Jesu omne genu flectatur, coelestium, terrestrium, et infernorum*" (At the name of Jesus, every knee shall bow in heaven, on earth, and in hell). Ever alert to the body-as-metaphor, he comments that

since neither angels nor devils have knees, the knee here signifies power *tout court*, and on a cosmic scale: terrestrial, heavenly, and infernal. The aura of theological power inherent in the bowing of all knees at the name of Jesus thus transfers itself to this political allegory, as Scotland metaphorically loosens its knees before the power of England.

Coming to the second point of the ceremony, the homager's requirement to disarm and disrobe, Plowden describes this as an obligation to be "ungyrded," as if the homager had to appear in a loincloth. He is emphatic about the loins, which, like the knees, are linked both with strength and with generative power. "A man," he explains, "hath in his waste in *whiche* part his Loynes be . . . xij little bones or joyntes," which, if "gyrded streightlie," mean the back is strong and able to bear burdens, but once "ungyrded," makes "those bones or ioyntes more lose and dissipated," weakening the back (114–15). So here, where other legal authorities might refer to removing a cloak or sword, Plowden gives us the sexualized image of "dissipated" or loose backbones and unclothed loins. The spiritual association is with the sermon on the mount, from Luke 12:35, "Let your loins be girded about" (*"sint lumbi vestri praecincti"*; 115), said Christ. In doing so, Plowden tells us, Christ signified mental and spiritual *preparedness*: "so woulde he have men to knitt and unite ^{the} inwarde vertues of the mynd and soule together" (115). The homager's slack loins are signs not only of a voluntarily assumed bodily weakness but also of the absence of that physical and mental coordination that constitutes readiness to govern or fight—precisely the virtues indexed, of course, by the elite man's cloak and weapon in the first place. Applied to a polity, such an absence amounts to the negation altogether of the concepts of foresight and providence: the divine attributes, in Plowden's thinking, of the legal body politic.

Plowden's third point—the placing of the homager's hands between the lord's knees—is the most egregiously sexual. This appears to be Plowden's invention, specially contrived to suggest political subordination as dynastic insemination. The key legal gesture of homage is the handclasp. Pollock and Maitland begin by stating that the ceremony of homage is the same "all Europe over" and then, citing Henry de Bracton to the effect that "the tenant puts his hands between the hands of the lord," they continue, "this symbolical subjection seems from the first to have been the very essence of the transaction."⁶⁷ Hands, says Plowden, are "by a similitude . . . taken for power" so that "the restraunte of them, purposethe imbecilitie and lacke of power" (116). His examples of that power are regal and divine. He cites Ovid's Helen anticipating the Trojan war by invoking the "long hands" or vengeful power of her husband, Menelaus.⁶⁸ He quotes Saint Augustine on Jeremiah speaking the words of God: "As the clay is in the potter's hand, so are ye in my hand, O house of Israel." Having thus invoked the power of the

human hand as metaphor for political and theological power, Plowden switches back to proprioception. The homager's hands, stretched out, express weakness, for the "fiste . . . is able to geve a great blowe." The homager, he says, "ought to holde bothe his handes together stretched out *betweene his Lordes knees*" (115, my italics).

This unexpected scene may be illuminated by R. B. Onians's readings of moments in ancient literature and scripture where the knees are associated both with generativity and childbirth. If the loosening of the homager's knees recalls the possibility of being overthrown on the battlefield, the touching of the Lord's knees conjures up the secret life hidden in thighs and genitals. Onians cites Pliny the Elder on the sanctity of the knees in the usage of nations, before which, like altars, suppliants kneel and worship. This, Pliny says, is because of the life spirit located in the cavities in the joint of each knee, which, if pierced, will, as from the throat, flow away. The life fluid was thought to come from the head through the marrow of the thigh bone.⁶⁹ Plowden's strangely intimate, strangely sexualized thrusting of the homager's hands perhaps recalls Genesis 24:1, when Abraham asks his servant to put his hand under his thigh and swear. The homager's vow to his lord seems, in Plowden's surreal scenario, to be sacred by virtue of its contact with thighs and testicles—the regions of potency, seminal life fluid, strength. The homage-making body, with its loosened knees, makes contact with the life-giving knees of political power.

There is no need to dwell on the last two "circumstances" of homage, kissing and being bare-headed, except to say that here, too, Plowden both spiritualizes and eroticizes the ceremonies. Far from Du Moulin's recoil from the meaning of "mouth" as kiss, Plowden, citing Saint Augustine, stresses the pressure of lips as sign of the conjoining of hearts (120). Glossing the homager's bare-headedness as the symbolic "subtraction of all power," Plowden likens the common-law serjeant's coif to the soldier's helmet, thereby resembling his own legal defense of England's superior jurisdiction to a military subduing of Scotland (117).

Throughout his parsing of the ceremony, Plowden tacks about from the physiological to the theological, drawing, through proprioception, on the deep somatic and affective resources of Catholic worship, producing Anglo-imperialism as political theology. We might see his achievement as a needful exercise in managing the horror of the Scottish succession, turning it into something palatable to the English political imagination. The royal blood of a Stewart might sit in the English throne only if Scotland's own body politic was assimilated into England's in a permanent state of weakened genuflection.

There is, of course, a consonance between Plowden's and Cecil's Scottish strategies: both allege the histories and "instruments" of homage

in the English Exchequer (Hardyng's forgeries), once arguments of war, as arguments of a future amity. But Plowden's political theology goes one step further, brilliantly doing away with the need to dispute the historical reality of homage altogether. As an opponent to Mary's title, John Hales had argued that although Scottish kings had "oft-times done their Homage . . . to the Kings of *England*," yet "they have longe time forsaken their Faith and Allegiaunce," so that Mary Stewart was born out of the allegiance of England, because her father, James V, never performed homage.⁷⁰ Plowden's theory of the King's Two Bodies here comes into its own. Mary Stewart may never have bowed down before Elizabeth to offer homage, says Plowden, yet "albeyt she [Elizabeth] have not receaved homage, yet she can not disclayne in the seignorie, because she enjoyeth the seignorie of Scottlande, in the right of the Crowne of England, *which* she enjoyeth and hath in the capacitie of her body pollitike" (121). It is no matter, he goes on, that homage was not done by James V (Mary's father) or herself,

For the not doyinge yt, is equivalent in this case to the doyinge yt, sythens yt ought to be done: And the doer, and he to whom yt ought to be done, be bothe bodies polliticke: in *whiche* case the not doyinge, is but a defferringe, & not a taking awaye of that done, nor the bodie polliticke can devest the right therof *without* the assent of the realme. And so I must conclude, that the Queene of Scottes and her father were homageors to England, and borne *within* the fee & seignorie of England. And so [touchinge] the lawe in this pointe of disabilitie by foreine byrthe, in anye place is not a disabilitie to receave by discent the Crowne of England, muche lesse in Scotland, and least of all in the Queene of Scottes. (123)

As I have argued, what Plowden makes sacred in the doctrine of the King's Two Bodies is the common law's provision for and constraints upon dynastic monarchy. Yet the legal and parliamentary "assent of the realm" that constrains Queen Elizabeth's body natural to receive, in her body politic, the homage of Scotland, cannot be said, in a reciprocal move, to define the Scottish queen's offering of it, since Scotland had never assented, as a realm and by its own laws, to perpetual vassalage to England.

Conclusion

The major achievement of Plowden's doctrine of the King's Two Bodies was its transposition of England's claim to sovereignty over Scotland from an explicit and always disputable question of historical record into a perpetual engagement of the embodied imagination with a set of powerful metaphors. This perpetual engagement constitutes the illusory "permanence" of political theology.⁷¹ Plowden's solution to the

humiliating prospect of a Scottish succession involved ensuring that the Scottish monarch's body natural might "receive" the English body politic on condition that the Scottish body politic vanished as such, a mere tenant within the superior legal capacity of the former. At the outset, I observed that readings of Kantorowicz's genealogy of the King's Two Bodies have ranged from those that see the theory as endorsing the sacredness of monarchy to those that understand Kantorowicz to be tracking the constitutional potential of a political fiction. As Kahn put it, "If charisma is one effect of the king's two bodies, the other is—at least in the long run—constitutionalism."⁷² For literary critics, the doctrine's charisma had to do with the way its metaphors expressed political power in bodily terms, consonant with other symbolic representations of monarchy in paintings and poetry. But what of the lack of political autonomy ("imbecility") here expressed through metaphors of the body's abjection and humiliation? If Elizabethan constitutionalism and monarchical republicanism acquired their charisma through artistic fictions of English monarchy—in history plays, in poetry, masques, progresses, and the doctrine of the King's Two Bodies—those fictions also resourcefully did away with the need to acknowledge Scottish monarchy as such, blurring the question of Scotland's history as a kingdom into perceived irrelevance.

Dale Hoak has demonstrated beyond any doubt the centrality of Scottish conquest to early Tudor monarchical republicanism, the "conception of a British polity that was at once both empire and monarchical republic."⁷³ Plowden's succession treatise is one of many brilliant Elizabethan fictions of the Anglo-imperial monarchical republic (the English monarch constrained by the politic body of law) to have developed in response to England's failure to conquer Scotland and secure its island status. That the unionist rhetoric of "Great Britain," the key to the English ideological project of conquest in the 1540s, was so easily disavowed in 1603 by the English, and made to look like a Scottish monarch's absolutist overreaching, is just one of the many signs of the success of Plowden's political theological abjection of the northern nation. And indeed, the very lack of modern interest in the Scottish dimension of Plowden's *Treatise on the Succession*, the very under-reading that made it seem so redundant and pointless, testifies to Elizabethan literature's success in erasing any sense, among historians today, of the importance, for England, of denying Scotland's history as an independent realm. Like Marcus Gheeraerts's Ditchley portrait, in which Britain's island contours are suggested by the shape of the queen's magnificently ruffed and farthingaled body, Plowden's political theology encourages us to identify England's body politic with the idea of insular sovereignty, while remaining unconscious of having erased or suppressed anything at all.

Notes

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1. The forum included essays by Stephen Greenblatt, Richard Halpern, Victoria Kahn, Bernhard Jussen, and Lorna Hutson; Lorna Hutson, ed., “Fifty Years of *The King’s Two Bodies*,” special forum, *Representations* 106 (Spring 2009): 63–142. This special forum originated in a panel convened by Stephen Greenblatt at the 2008 annual convention of the Renaissance Society of America.
2. David Lee Miller, *The Poem’s Two Bodies: The Poetics of the 1590 “Faerie Queene”* (Princeton, NJ, 1988); John Baker, *The Law’s Two Bodies: Some Evidential Problems in English Legal History* (Oxford, 2001); Eric L. Santner, *Royal Remains: The People’s Two Bodies and the Endgames of Sovereignty* (Chicago, 2011); Michel Foucault, *Discipline and Punish*, trans. Alan Sheridan (Harmondsworth, 1977), 28. For Ernst Kantorowicz and Giorgio Agamben, see Anselm Haverkamp, “Richard II, Bracton, and the end of Political Theology,” *Law and Literature* 16, no. 3 (2004): 313–26.
3. Victoria Kahn, “Political Theology and Fiction in *The King’s Two Bodies*,” in Lorna Hutson, ed., “Fifty Years of *The King’s Two Bodies*,” special forum, *Representations* 106 (Spring 2009): 77–101; see also *The Future of Illusion: Political Theology and Early Modern Texts* (Chicago, 2014), 55–81.
4. Debora Shuger, *Political Theologies in Shakespeare’s England: The Sacred and the State in “Measure for Measure”* (New York, 2001), 72, and Alan Cromartie, *The Constitutionalist Revolution* (Cambridge, 2002), 95. See also Richard McCoy, *Alterations of State: Sacred Kingship in the English Reformation* (New York, 2002), xiii, and C. W. Brooks, *Law, Politics and Society in Early Modern England* (Cambridge, 2008), 74. For corporations, see Henry S. Turner, *The Corporate Commonwealth: Pluralism and Political Fictions in England, 1516–1651* (Chicago, 2016).
5. Tim Bale, “The Real Boris Johnson: One-Nation Tory or Raging Populist,” *Observer*, 14 December 2019, <https://www.theguardian.com/politics/2019/dec/14/boris-johnson-one-nation-tory-or-raging-populist>.
6. This argument will be fully developed in my forthcoming book, *Insular Imagining: The Elizabethan Erasure of Scotland*.
7. Kahn, *Future of Illusion*, 66.
8. See Ernest H. Kantorowicz, *The King’s Two Bodies: A Study in Medieval Political Theology* (Princeton, NJ, 1957), 16. Edmund Plowden’s *Treatise on the Succession* exists in four manuscript witnesses: British Library (BL) Harley MS 849 and Cotton Caligula B.IV and Bodleian Rawlinson MS A 124 and Don.c.43. For Plowden’s manuscripts, see Marie Axton, “The Influence of Plowden’s Succession Treatise,” *Huntington Library Quarterly* 37, no. 3 (1974): 209–26, and Geoffrey de C. Parminster, “Edmund Plowden as Advocate for Mary Queen of Scots,” *Innes Review* 30 (1979): 35–53. Harley MS 849 belongs to 1566/67 and contains

a longer prologue than that of Don.c.43, which is a fair presentation copy made by Edmund Plowden's son, Francis, for James VI and I. Harley also includes a number of passages missing from Don.c.43, though they are otherwise nearly identical. Cotton Caligula B.IV has no prologue and seems to be a copy "read for action": it carries extensive marginal annotations (underlinings and marginal notations) in two different hands. I will cite Don.c.43 in what follows, as the clearest and most legible of the texts and the one I transcribed to begin with. I would like to thank Dr. Anna Reynolds for her invaluable assistance in comparing the manuscripts and transcribing variants in Harley and Cotton Caligula.

9. I quote the headings of chapters 2, 3, 4, and 5 from Bodleian MS Don.c.43, 1, 2, 3, 5, and 9. This MS is paginated in a contemporary hand, and references to page numbers will henceforward appear in the text. Original spelling and punctuation is preserved, save that "i/j" and "u/v" are modernized and contractions expanded, supplied letters italicized.
10. On *poiesis* as missing third term in "political theology," see Kahn, *Future of Illusion*, xii, 3–10. On the importance of equity as key to Plowden's use of the doctrine, see Cromartie, *Constitutional Revolution*, 109–10; Lorna Hutson, "Not the King's Two Bodies," in *Rhetoric and Law in Early Modern Europe*, ed. Victoria Kahn and Lorna Hutson (New Haven, 2000), 166–98.
11. Mortimer Levine, *The Early Elizabethan Succession Question* (Stanford, CA, 1966), 111–15.
12. Cromartie, *Constitutional Revolution*, 95–114.
13. *Ibid.*, 95.
14. Marie Axton, *The Queen's Two Bodies: Drama and the Elizabethan Succession* (London, 1977).
15. Kahn, *Future of Illusion*, 205n9.
16. Louis Montrose, "The Elizabethan Subject and the Spenserian Text," in *Literary Theory/Renaissance Texts*, ed. Patricia Parker and David Quint (Baltimore, 1986), 303–40, 315.
17. Louis Montrose, *The Subject of Elizabeth: Authority, Gender, Representation* (Chicago, 2006), 119–31, 130–31.
18. *Ibid.*
19. See Marcus Merriman, *The Rough Wooings of Mary Queen of Scots, 1542–1551* (East Linton, Scotland, 2000); Gervase Phillips, *The Anglo-Scots Wars, 1513–1560* (Suffolk, UK, 1999).
20. Jeffrey Knapp, *An Empire Nowhere: England, America, and Literature from Utopia to The Tempest* (Berkeley, 1992), 64.
21. Geoffrey of Monmouth, *The History of the Kings of Britain*, ed. M. D. Reeve and trans. Neil Wright (Suffolk, UK, 2007), book 2: chapters 23 and 30–31.
22. See E. L. G. Stones, *Anglo-Scottish Relations: Some Selected Documents*, rev. ed. (1965; reprint, Oxford, 1970), 192–219, 194–95; see further R. James Goldstein, *The Matter of Scotland* (Lincoln, NE, 1991), 57–78.
23. R. R. Davies, *The First English Empire: Power and Identities in the British Isles, 1093–1343* (Oxford, 2002), 5–30, esp. 13; Merriman, *Rough Wooings*, 265–91; Dale Hoak, "Sir William Cecil, Sir Thomas Smith, and the Monarchical Republic of Tudor England," in *The Monarchical Republic of Early Modern England*, ed. John F. McDiarmid (Aldershot, 2007), 37–54.
24. See Thea Summerfield, "The Testimony of Writing: Pierre de Langtoft and the Appeals to History," in *The Scots and Medieval Arthurian Legend*, ed. Rhiannon Purdie and Nicola Royan (Cambridge, 2005), 25–42.

25. *The Chronicle of Iohn Hardyng*, ed. Henry Ellis (London, 1812), 44–45.
26. Leah Whittington, *Renaissance Suppliants: Poetry, Antiquity, Reconciliation* (Oxford, 2016), 20; R. B. Onians, *The Origins of European Thought* (1951; reprint, Cambridge, 1991), 174–99, 175.
27. John Hudson, *The Oxford History of the Laws of England*, vol. 2, 817–1216 (Oxford, 2012), 334–35; see 333–75; 627–77; and John Hudson, *Land, Law and Lordship in Anglo-Norman England* (Oxford, 1997), 16–62.
28. “Homage,” *Littleton Tenures in English* (London, 1576), sigs. C2v–r (misfoliated); see further “Homage and Fealty,” in F. Pollock and F. W. Maitland, *The History of English Law before the Time of Edward I* (1898) (Indianapolis, 2010), 314–24.
29. R. R. Davies, *Domination and Conquest: The Experience of Ireland, Scotland and Wales, 1100–1300* (Cambridge, 1990) 103.
30. Susan Reynolds, *Fiefs and Vassals: The Medieval Evidence Reinterpreted* (Oxford, 1994), 391–93.
31. J. G. A. Pocock, *The Ancient Constitution and the Feudal Law: A Reissue with a Retrospect* (Cambridge, 1987), 65.
32. Alfred Hiatt, *The Making of Medieval Forgeries: False Documents in Fifteenth-Century England* (Toronto, 2004), 105.
33. *Ibid.*, 103.
34. *Ibid.*, 116–17.
35. Alan O. Anderson, *Scottish Annals from the English Chroniclers, A. D. 500 to 1286* (London, 1908), 324.
36. Davies, *First English Empire*, 16.
37. E. L. G. Stones and Grant G. Simpson, *Edward I and the Throne of Scotland, 1290–1296*, 2 vols. (Glasgow, 1978), 1:151.
38. *Ibid.*
39. “The dedicacion . . . by thenprinter [*sic*], Richarde Grafton,” *The chronicle of Jhon hardyng*, ed. Richard Grafton (London, 1543), sig.;;2v; see also *Chronicle of Iohn Hardyng*, ed. Ellis, 2.
40. Henry VIII, *A Declaration, Conteyning the Iust Causes and Consyderations of this present warre with the Scottis, wherin alsoo appereth the trewe & right title, that the kynges most royall maiesty hath to the souerayntie of Scotlande*, sig. C3r.
41. *An Epitome of the title that the Kynges Maiestie of Englande hath to the sovereigntie of Scotlande* (London, 1548), sig. f3v.
42. Bruce Galloway, *The Union of England and Scotland, 1603–1608* (Edinburgh, 1986), 11.
43. Sir Thomas Craig, *Scotland’s Sovereignty Asserted*, trans. George Ridpath (London, 1695), 3–4.
44. See Hoak, “Sir William Cecil, Sir Thomas Smith,” 42–54; Hoak, *The King’s Council in the Reign of Edward VI* (Cambridge, 1976), 186; M. L. Bush, *The Government Policy of Protector Somerset* (London, 1975); Mary Dewar, *Sir Thomas Smith* (London, 1964), 48.
45. See Jane Dawson, “William Cecil and the British Dimension of Elizabethan Foreign Policy,” *History* 74 (1989): 196–216.
46. BL Cotton Caligula B. 10, fol. 33v–34r; Dawson, “British Dimension,” 206; 207n37.
47. *Allegations against Mary* (1565), cited by Levine, *Elizabethan Succession Question*, 90.
48. Levine, *Elizabethan Succession Question*, 113–15.
49. Cromartie, *Constitutionalist Revolution*, 95.

50. Axton, *Queen's Two Bodies*, 37; Kahn, *Future of Illusion*, 66.
51. George Lakoff and Mark Johnson, *Metaphors We Live By* (Chicago, 2003), 5.
52. Peter Martyr Vermigli quoted by McCoy, *Alterations of State*, xv.
53. Guillemette Bolens, *The Style of Gestures: Embodiment and Cognition in Literary Narrative* (Baltimore, 2008), 69.
54. Huntington Library EL 1863, fol. 1r. I thank Dr. Anna Reynolds for transcribing this letter for me. In Anna's semi-diplomatic transcription "{...}" represents text lost through cropping/obscured in the digital version, supplied by the transcription of J. Payne Collier, ed., *The Egerton Papers* (London, 1840), 43–45.
55. Axton, *Queen's Two Bodies*, 18, implies that Plowden saw Maitland's letter. But see Parminter, "Plowden as Advocate," 51–52.
56. See Jacques Le Goff, *Time, Work, and Culture in the Middle Ages*, trans. A. Goldhammer (Chicago, 1980), 239.
57. See Stones and Simpson, *Edward I*, 1:149.
58. Matthew Paris, *Angli, historia maior* (London, 1571), 274.
59. For the "war of historiography," see Goldstein, *Matter of Scotland*, 57–132.
60. Note that in Harley MS 849, which is earlier than MS Don.c.43, Plowden says that the failure of Scots to pay homage justifies English invasion (Harley MS 849, fol. 23v).
61. Carets in quotations from Plowden's *Treatise* indicate scribal insertions.
62. See J. Russell Major, "Bastard Feudalism and the Kiss: Changing Social Mores in Late Medieval and Early Modern France," *The Journal of Interdisciplinary History*, vol. 17 (1987): 509–35.
63. Marc Bloch, *Feudal Society*, trans. L. A. Manyon (London, [1962] 2014), 156.
64. *Traité des Fiefs de Du Moulin . . . par M. Herion de Pensey* (Paris, 1773), 38–40. See Russell Major, "Bastard Feudalism," 518.
65. Russell Major, "Bastard Feudalism," 518–25.
66. Onians, *Origins of European Thought*, 175, citing Homer, *Iliad*, 5.175–6; 15.291; 19.354.
67. See Pollock and Maitland, *English Law before the Time of Edward I*, 314, citing Henry de Bracton, Ranulfe de Glanville, and Sir Thomas Littleton. Numerous twelfth- and thirteenth-century illuminations show the handclasp.
68. Ovid, Helen to Paris in *Heroides* 17.166. See Ovid, *Heroides and Amores*, trans. Grant Showerman (Cambridge, MA, 1977), 236–37.
69. Onians, *Origins of European Thought*, 181, 183.
70. John Hales, *A Declaration of the Succession of the Crowne Imperiall of Ingland* (1563), in G. Harbin, ed., *The Hereditary Right of the Crown of England Asserted* (London, 1713), xx–xlii, xxxi.
71. On the illusory permanence of political theology, see Kahn, *Future of Illusion*, 3–10.
72. Ibid.
73. Hoak, "Sir William Cecil and Sir Thomas Smith," 43.