Royal Personhood and *The Owl and the Nightingale*

**Jana Mathews**

When Henry III died in 1272, his son Edward was overseas fighting in the Crusades. While it was not uncommon in this era for royal heirs to be abroad at the time of their predecessors’ deaths, what was unusual in Edward’s case was how far he was from home and how long it would take him to return. The anticipated long absence of the heir apparent prompted a nervous Royal Council to assert kingship as a perpetual line unbroken by death or distance. Three days after Henry’s funeral, the Council broke from the tradition that required the king to be present physically to ascend the throne and issued a formal proclamation that declared Edward already king by hereditary right.¹

The concept of royal personhood to which the Council’s proclamation gestures is known colloquially in the contemporary academic milieu as the king’s two bodies.² In its broadest sense, this understanding of royal personhood holds that the king’s identity is comprised of a natural body made of flesh and bones that is subject to physical infirmities, and an immaterial body politic that transcends temporality and functions as a symbol of the authority of the office. These bodies form one indivisible unit manifest as a single unified supreme authority, thus allowing for the continuity of monarchy, even in times of death. As Richard Halpern points out, the practical aim of this corporatist fiction is to bridge the gap between sovereigns in times when the chain of command has been disrupted by a physical absence of the king’s body. In this way, “it effects not separation but continuity: of reign to kingly reign, and of monarch to the constitutional body of which he forms the head.”³

While iterations of this political theology will permeate England for generations, never is the conversation about the nature of royal personhood more relevant and timely than in an era when numerous authorities besides the king laid claim to land and other entitlements of power. During the reigns of Henry II and Edward I, the Church aggressively defended its legislative powers and

---

jurisdictional claims at the same time as it sought to extend them into secular domains. When the king was not fending off the Pope and the clergy, he was staving off his peasants and magnates, who were constantly rebelling or threatening to rebel over grievances stemming from broken promises, royal overstepping, and tyrannical governance. In addition to these forces bearing down upon his real and figurative persons, the king faced ongoing threats from political rivals who lived abroad, as well as within his own household. As legal historian R.F. Treharne bluntly puts it, “thirteenth-century England was not an easy society to rule.”

The inherent instability of kingship in the early Middle Ages—intensified during an interregnum—is part of what inspired Henry III’s Royal Council to fill the void left by the king’s dead body with something unprecedented; namely, a narrative proxy. The doctrine of perpetual kingship as articulated by the Council serves as both a surrogate for Edward’s physical body and, by its inscription into formal jurisprudence, a legal precedent. Indeed, all those who ruled after Edward became king in law and fact at the death of their predecessors instead of at their coronations.

Most likely produced in same the century as Edward’s accession, the Middle English debate poem The Owl and the Nightingale displays a similarly acute awareness of the ability of narrative to inspire legal paradigms. Several scholars have illuminated the ways in which the poem anticipates and reflects numerous modes of law and the relationship between them. The inseparability of medieval political theology from legal and literary fictions tantalizes contemporary literary critics who, as Lorna Hutson observes, often are lured to “literalize metaphors and personify those abstractions” in their analyses of
