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Representing the Body of Law in Early Modern England

Paul Raffield*

"A publike weale is a body lyvyng."[1] So claimed Sir Thomas Elyot on the opening page of *The Book Named the Governor*, published in 1531; the "Public weal" here meaning the common-weal or commonwealth: the *res publica*. Elyot's political theories were heavily influenced by Aristotelian ideals of civic republicanism. Indeed, the anatomical metaphor with which to describe the nature and formulation of the State, and the relationship therein between governor and governed, is traceable at least as far back as *The Politics* of Aristotle, in Book V of which he cautions against the exponential growth of any part of the State: "The body consists of parts, and all increase must be in proportion, so that the proper balance of the whole may remain intact, since otherwise the body becomes useless."[2]

My concern in this essay is to explore the development and manipulation of the anatomical image in the context of early modern English jurisprudence. I am especially interested in the apparent fusion of classical, natural law theory with the tenets of Judaeo-Christianity, thereby creating a hybrid image of a body politic, derived as much from classical texts as it is from the pages of the Bible. To borrow a phrase from Foucault (discussing the tragic fate of Actaeon, as related in Book III of Ovid's

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[1] Sir Thomas Elyot, *The boke named the Governour* (London: T. Bertheleti, 1531), sig, Ar.

[2] Aristotle, *The Politics*, trans. T.A. Sinclair (London: Penguin, 1992), 303, Bk V.III.1302b33.

Metamorphoses): "in the complicity of the divine with sacrilege, some of the Greek light flashed through the depths of the Christian night."[3] In creating such an image, simultaneously Christian and pre-Christian, the English jurists of the early modern period were demonstrably adhering to the Ciceronian maxim (quoted by Sir Edward Coke on the title page to Part I of *The Reports*): "law is unerring reason, adhering to a divine purpose."[4] Reason and divinity were perceived by Coke and his judicial brethren to be coextensive and indivisible facets of the common law.

Sir John Fortescue, the Lancastrian Chief Justice (and Lord Chancellor in exile) during the turbulent reign of King Henry VI, located the source of law's creation in the Judaeo-Christian deity, claiming in his *De Laudibus Legum Angliae* (written around 1470, but not published in English until 1567),[5] that "Laws which are made by Men, (who for this very End and Purpose receive their Power from GOD) may also be affirmed to be made by GOD."[6] The claim to divine provenance notwithstanding, Fortescue was adamant that English law is derived simultaneously from the law of nature. He quotes from Book V of Aristotle's *The Nicomachean Ethics* as authority for his claim that the law of nature is the ultimate fount of English law: "'The Law of Nature is the same, and has the same Force all the World over'".[7] Of equal relevance to Fortescue's claim that the foundations of common law are rooted in natural law is

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[3] Michel Foucault, *Aesthetics: Essential Works of Foucault, 1954-1984*, ed. J.D. Faubion, 3 vols. (London: Penguin, 2000), 2:125.

[4] "*Lex est certa ratio e mente divina manans*," Part 1 (1602) of *The Reports of Sir Edward Coke, Knt. In English*, ed. George Wilson, 7 vols. (London: Rivington, 1777), 1:title page.

[5] Robert Mulcaster's English translation of *De Laudibus Legum Angliae* was published in 1567 under the title *A Learned Commendation of the Politique Lawes of England*.

[6] Sir John Fortescue, *De Laudibus Legum Angliae*, ed. John Selden (London, R Gosling, 1737), 5.

[7] Fortescue, *De Laudibus*, 29; Aristotle, *The Nicomachean Ethics* bk V.VII.1134b18-20.

the assertion of Cicero that "True law is right reason in agreement with nature; it is of universal application, unchanging and everlasting..." [8] Cicero's encomium to the immutable within time, to the congruency of nature and human reason, and therefore to the primacy of natural law, was adopted by early modern common lawyers as a dictum which validated the claim to jurisdictional hegemony for a legal system predicated not upon statute, but upon *recta ratio* or right reason, as reflected in the customary laws of England.

Fortescue describes in considerable anatomical detail the form of the English body politic, noting the linguistic and symbolic connection between laws and ligaments:

> The Law, under which the People is incorporated, may be compared to the Nerves or Sinews of the Body Natural; for, as by these the whole Frame is fitly joined together and compacted, so is the Law that Ligament (to go back to the truest Derivation of the Word, *Lex à Ligando*) by which the Body Politic, and all its several Members are bound together and united in one entire Body.[9]

Coke used identical imagery in his report of *Postnati. Calvin's Case*, published in Part 7 of *The Reports* in 1608, in order to describe the relationship between king and subject: "As the ligatures or strings do knit together the joints of all the parts of the body, so doth ligeance join together the Sovereign and all his subjects." [10] The Italian jurist,

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[8] "*Est quidem vera lex recta ratio naturae congruens, diffusa in omnes, constans, sempiterna…*": Marcus Tullius Cicero, *De Republica* in *De Re Publica, De Legibus,* trans. Clinton W. Keyes (Cambridge, Mass.: Harvard University Press, 1928), 211, Bk. III.XXII.33.

[9] Fortescue, *De Laudibus*, 22.

[10] Coke, *Postnati. Calvin's Case*, 7 *Reports* (1608), 4:1a, at 4b.

Giambattista Vico, also noted in *La Scienza Nuova* (published in 1725), that the words for law derive from those for tendons or cords. Commenting on Vico, George Hersey observed that the Italian word "corda" translates variously as a tendon, a harmonious musical sound, and the string of a lyre.[11] The Greek *nomos* means both "tune" and "law," and Plato employed the pun on *nomos* throughout *The Laws*, for example in his assertion that "After the 'prelude' [the preliminary analysis of the State] should come the 'tune', or (more accurately) a sketch of a legal and political framework."[12] There is much to say about the correlation between musical harmony and the constitution of the ideal State, of the relevance to the origins of law of the myth of Orpheus, and of Cicero's insistence that "What the musicians call harmony in song is concord in a State, the strongest and best bond of permanent union in any commonwealth."[13] But that is for another essay. For now, I wish merely to observe the correlation between musical harmony and the Platonic idea of justice (or *dikaiosunê*) as being inextricably linked to the notion of harmonious relations between the State and the individual, and between fellow citizens of the State. The relationship between musical harmony and the making of good laws is a recurring theme in *The Laws*. Writing about the legal regulation of music in the Athenian democracy, Plato describes a "kind of song too, which they thought of as a separate class, and the name they gave it was this very word that is so often on our lips: 'nomes' ('for the lyre', as they always added)."[14]

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[11] George Hersey, *The Lost Meaning of Classical Architecture: Speculations on Ornament from Vitruvius to Venturi* (Cambridge, Mass.: MIT Press, 1988), 5.

[12] Plato, *The Laws*, trans. Trevor J. Saunders (London: Penguin, 2004), 156, Bk V.IX.734e; see also, Plato, *The Laws*, 513, n 1.

[13] Cicero, *De Re Publica*, 183, Bk II.XLII.69.

[14] Plato, *The Laws*, 107–108, Bk III.V.700b.

The association of the lyre with the harmonious governance of society remained a central image in the iconography of common law during the early modern period. The musical metaphor of the stringed instrument was employed by the Elizabethan divine, Richard Hooker, with reference to the nature of kingship. In *Of the Laws of Ecclesiastical Polity*, Hooker aligned Christian theology with an Aristotelian model of community.[15] The co-existence of Church and State is a central tenet of Hooker's communitarian ethos. In the ideal commonwealth that Hooker describes, the monarch is the unifying figure that links the Church in an indivisible bond with the people. Crucially, the subject of power in Hooker's commonwealth is not the monarch in person but the "body of the commonwealth."[16] In such a polity, "where the King doth guide the state and the law the King, that commonwealth is like an harp or melodious instrument."[17] Hooker's allusion to the musical harmony of Orpheus's lyre demonstrates the potency of classical mythology and the resonance of its images in the imaginations of early modern writers. As Hersey has noted, the myth of Orpheus and the lyre "records the moment when law was first introduced into the society that invented that myth."[18]

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[15] On the influence of Aristotle over the political theory of Hooker, see Tod Moore, "Recycling Aristotle: The Sovereignty Theory of Richard Hooker," *History of Political Thought* 14.3 (1993): 345-359.

[16] Richard Hooker, *Of the Laws of Ecclesiastical Polity*, ed. Arthur S. McGrade (Cambridge: Cambridge University Press, 1989), 179, Bk VIII.6.1.

[17] Hooker, *Of the Laws*, 146, Bk VIII.3.3; on Hooker's subjection of the monarch to the interests of society, see Peter Lake, *Anglicans and Puritans? Presbyterianism and English Conformist Thought from Whitgift to Hooker* (London: Unwin Hymen, 1988), 109, 201.

[18] Hersey, *Lost Meaning of Classical Architecture*, 5. George Puttenham wrote that "Orpheus assembled the wilde beasts to come in heards to harken to his musicke, and by that meanes made them tame, implying thereby, how by his discreete and wholsome lessons uttered in harmonie and with melodious

It is axiomatic of any discussion concerning the early modern body politic that reference is made to Ernst H. Kantorowicz's magnum opus: *The King's Two Bodies*. Respectful though I am of the depth of scholarship exhibited by Kantorowicz, of the magisterial scope of the book, and of its lasting influence over the work of subsequent generations of scholars, I must take issue with some of the claims made by Kantorowicz in the interests of discerning the true balance between temporal and spiritual powers, and in configuring the constitutional relationship between governor and governed. Kantorowicz quotes from Fortescue's *De Dominio Regali et Politico*[19] in support of his thesis that the Lancastrian Chief Justice was proposing that the king shared with "the holy sprites and angels" certain mystical powers. Kantorowicz claims that "Elizabethan jurists 'borrowed' from Fortescue," in elucidating the theory that the king was possessed of two bodies: the body natural and the body politic.[20] In particular he makes an explicit link between Fortescue's assertion that the angels do not "grow old" and Plowden's report of the *Case of the Dutchy of Lancaster*, in which the great law-reporter wrote that the body politic of the king "is utterly void of infancy, and old age."[21] Arguably, it is conjectural in the extreme to correlate an Elizabethan law report with a

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instruments, he brought the rude and savage people to a more civill and orderly life," George Puttenham, *The Arte of English Poesie* (London: Richard Field, 1589), 4.

[19] *De Dominio Regali et Politico* was published in 1715 as *Difference Between an Absolute and Limited Monarchy*, and in 1885 under the title *The Governance of England*.

[20] Ernst H. Kantorowicz, *The King's Two Bodies: A Study in Medieval Political Theology* (New Jersey: Princeton University Press, 1957), 8.

[21] Sir John Fortescue, "The Governance of England" in *On the Laws and Governance of England*, ed. Shelley Lockwood (Cambridge: Cambridge University Press, 1997), 81-123, 95; *Case of the Dutchy of Lancaster* in *The Commentaries or Reports of Edmund Plowden*, 2 vols. (Dublin: H. Watts, 1792), 1:212, 213.

work written approximately ninety years earlier, purely on the basis that both texts refer to the process of ageing. Insofar as the power of the king resembles *character angelicus*,[22] the mystical quality of kingship is reflected in its suggestive capacity for good: the king acts at all times in the interests of *res publica*. This observation should be central to any discussion of Fortescue's delineation of positive powers and what he terms impotent "non-powers"[23]: kings and angels exercised only the former. Nowhere in *De Dominio* does Fortescue claim for the king the metaphysical status of *character angelicus*. At most he asserts that, like the angelic choir, the institution of monarchy is a power for good; as such, it is incapable of sin, ageing or sickness. Using a Biblical analogy, with appropriate references both to Old Testament sources and St. Thomas Aquinas's *On Princely Government*, Fortescue attributes to the judiciary a level of dominion within the constitution that was antithetical to the absolutist pretensions of Richard II and his Tudor (and early Stuart) successors:

> The children of Israel, as Saint Thomas says, after God had chosen them as 'his own people and holy realm', were ruled by Him under Judges 'royally and politically', until the time that they desired to have a king such as all the gentiles, which we call pagans, then had, but they had no king but rather a man who reigned upon them 'only royally'. With which desire God was greatly offended, as well

[22] Kantorowicz cites only one Biblical source for the claim to monarchic *character angelicus*: the reference is less than authoritative, being the opinion expressed by the woman of Tekoah to King David, i.e. "for as an angel of God, so is my lord the king to discern good and bad" and "my lord is wise, according to the wisdom of an angel of God," 2 *Samuel* 14.17, 20 (Authorised King James Version of The Bible).

[23] Fortescue, "The Governance of England," 95.

> for their folly, as for their unkindness since they had a king, which was God, who reigned upon them politically and royally.[24]

Fortescue concludes his republican meditation in *De Dominio* with the thought that, according to Aquinas, the prince who rules in accordance with political and royal dominion is less likely to "fall into tyranny" than one who rules by royal dominion alone.[25]

While Fortescue's political thought was undoubtedly informed by prevailing ideas in late medieval theology, Kantorowicz ignores the fundamental tenet of *De Dominio*, which is the secular observation that the ideal of kingship is predicated upon "*dominium politicum et regale*," rather than on *dominium regale* alone.[26] The parity between "regal" and "political" establishes Fortescue's work as a Bractonian interpretation of limited monarchy: "The king must not be under man but under God and under the law, because law makes the king."[27] Noting the similarity to Bracton, Alan Cromartie notes that "What readers found in Fortescue, however, was unimpeachable authority – the word of a Chief Justice – for a range of near-republican opinions."[28] I would go farther than Cromartie, and argue that Fortescue's opinions

[24] Fortescue, "The Governance of England," 84.

[25] Fortescue, "The Governance of England," 84.

[26] Fortescue, "The Governance of England," 83.

[27] "*Ipse autem rex non debet esse sub homine sed sub deo et sub lege, quia lex facit regem*" Henry de Bracton, *De Legibus et Consuetudinibus Angliae* (*c*. 1235), trans. Samuel E. Thorne, 4 vols. (Cambridge, Mass.: Belknap Press, 1968–77), 2:33.

[28] Alan Cromartie, *The Constitutionalist revolution: An Essay on the History of England, 1450-1642* (Cambridge: Cambridge University Press, 2006), 21.

were not "near-republican," but totally republican – if by "republican" we mean not anti-monarchist (which Fortescue patently was not), but rather that which represents the best interests of the common-weal…or *res publica*. The word "political" is used by Fortescue to imply not only the consent of Parliament, but also the guidance and wise counsel of the judiciary, who perform a rabbinical or didactic role. Fortescue described the judges of the common law as "*Sacerdotes*, (Priests): The Import of the Latin Word (*Sacerdos*) being one who gives or teaches Holy Things."[29] *De Laudibus*, an impassioned *apologia* for the English legal profession and the common law, ensured Fortescue's lasting talismanic status among common lawyers. But it was his elevation of the judiciary to something approaching supreme constitutional authority, which probably endeared him most to lawyers of the Elizabethan period. Insofar as the common law was, according to Fortescue and all early modern jurists, of divine origin, then it is fair to state that the judiciary gave or taught "Holy Things." But in their application of municipal law, they were more concerned with what Sir Edward Coke described as "the artificial reason and judgment of law,"[30] than with metaphysical speculation over the mystical quality of monarchic authority. This is demonstrated most clearly in those cases from the 1560s, reported by Plowden, in which the matter of the king's two bodies was discussed in court, and to which Kantorowicz refers in his book.

The selective use of quotations from Fortescue and (especially) Plowden serves well the argument of Kantorowicz that the mystical nature of the king's body politic came to dominate judicial thought in Elizabethan England, but this is not an accurate picture of the juridical landscape in relation to the resolution of disputes concerning

[29] Fortescue, *De Laudibus*, 4-5.

[30] Coke, *Prohibitions del Roy*, 12 *Reports* (1655), 7:64a, 65a.

real property (the cases on which Kantorowicz concentrates in *The King's Two Bodies*). It is more accurate to suggest that spiritual imagery provided the means through which temporal ends were attained. In the *Case of the Dutchy of Lancaster*, heard in 1561, the salient issue of law was whether the Crown was bound by the terms of a lease made by King Edward VI during his minority. The decision of the court that Elizabeth I could not avoid the terms of the lease made by her half-brother, "by reason of his nonage," was based upon the metaphysical phenomenon of the king's two bodies: "what the king does in his body politic cannot be invalidated or frustrated by any disability in his natural body."[31] But commentators tend to overlook the fact that the judges in this case employed the religious imagery of the conjoined bodies as a means of representing the secular principle that, like her subjects, the Queen was accountable to law, as interpreted by her judges. In *Willion v Berkley* (another case involving the grant of land by Edward VI), heard only a few months before the *Case of the Dutchy of Lancaster*, the argument that the body natural of the king was subsumed by the body politic was rejected by a majority of the judges; Justice Anthony Brown stating that "the person of the king shall not rule the estate in the land, but the estate in the land shall rule the person of the king."[32] These cases illustrate the manner in which the poetic imagination

[31] Plowden, *Case of the Dutchy of Lancaster*, *Commentaries*, 1:213.

[32] Plowden, *Willion v Berkley*, *Commentaries*, 1:223, 245. Kantorowicz fails to note that in the earlier case of *Hill v Grange* (1556), "the argument of the king's eternity, which he chooses to cite as an impressive ending to his chapter on Plowden, was actually rejected by the lawyers," Lorna Hutson, "Not the King's Two Bodies: Reading the 'Body Politic' in Shakespeare's *Henry IV, Parts 1 and 2*" in *Rhetoric and Law in Early Modern Europe*, eds. Victoria Kahn and Lorna Hutson (New Haven: Yale University Press, 2001), 166-198, 177; Plowden, *Hill v Grange*, *Commentaries*, 1:164.

of the judiciary was directed towards representing the constitutional theory of limited monarchy.[33]

In *Willion v Berkley*, the Bractonian principle of a king subject to the law was firmly restated. Chief Justice Dyer argued there that the king's subjects were "members" of the body politic: together with the king, "he and his subjects compose the corporation…and he is incorporated with them, and they with him."[34] Of course, Dyer's definition of the body politic can be read as a secular interpretation of the *corpus mysticum*, but it must be conceded that he placed great emphasis on the status afforded the subject in determining the form of the "corporation" of the State. As Plowden reports unequivocally, "the whole court was of opinion [that] every subject has an interest in the king."[35] Dyer's definition of an inclusive body politic implies a level of popular consent. In this respect, the body politic as defined in *Willion v Berkley* is more directly related to the consensual body politic described (more than 40 years later) by Coke in *Calvin's Case* than to the more absolute model described by Plowden in the *Case of the Dutchy of Lancaster*. In the latter, the body politic is "constituted *for* the direction of the people"; while in the former "it is framed *by* the policy of man."[36]

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[33] Given the exaggerated juridical importance with which Kantorowicz invests the theory of the king's two bodies, it is noteworthy that in a later work he describes pre-modern judges in terms of their sovereignty and poetic judgments: see Ernst H. Kantorowicz, "The Sovereignty of the Legal Artist: a Note on Legal Maxims and Renaissance Theories in Art" in Ernst H. Kantorowicz, *Selected Studies* (New York: J.J. Augustin, 1965), 118.

[34] Plowden, *Willion v Berkley*, *Commentaries*, 1:234.

[35] Plowden, *Willion v Berkley*, *Commentaries*, 1:231.

[36] Plowden, *Case of the Dutchy of Lancaster*, *Commentaries*, 1:213; Coke, *Postnati. Calvin's Case*, 7 *Reports* (1608) 4:10a (emphasis added).

At the heart of Dyer's judgment is the tacit assumption that conscience is an integral facet in the ideology and application of the common law. The influence of Christopher St. German's *Doctor and Student* in particular, and the equitable tenets of renaissance humanism in general, are evident features of his judgment. He is describing an equitable system of justice, not necessarily in terms recognisable to the Court of Chancery (this was, after all, the Court of Common Pleas), but in the Aristotelian sense of judges as poets and sovereign artists applying the imaginary precepts of natural law to the tangible pragmatics of common law. The first of these precepts is that of doing good and avoiding evil. *Willion v Berkley* is especially notable for the moral distinction, made by Justice Anthony Brown, between right and wrong: his judgment embodied Aquinas's first precept of law, outlined above, that "good is to be done and pursued, and evil is to be avoided."[37]

The theory of mystical kingship, of a monarch endowed with divine and irrefutable power, was one that the Plantagenet King Richard II had expounded. The religious devotion of Richard II and his emphasis on the divinity of kingship – "The deputy elected by the Lord" in Shakespeare's *Richard II*[38] – must be seen to a great extent as a response to the various rebellions and incursions upon the royal prerogative, which threatened his reign and eventually led to his deposition. But to argue as Kantorowicz does that the Elizabethan judges of the common law were united in their professional commitment to the theory of the king's two bodies, and that such unity was represented in their various judicial decisions, is inaccurate. In all of the cases in

[37] St. Thomas Aquinas, *Summa Theologica (Pars Prima Secundae)* (Teddington: The Echo Library, 2007) 421, Q94, "Of the Natural Law."

[38] William Shakespeare, *King Richard II*, ed. Charles R. Forker (London: Arden Shakespeare, 2002), 3.2.53.

which the theory of the king's two bodies is discussed, a majority of judges demonstrate adherence to an equitable doctrine, predicated upon the classical principle of *epieikeia*. Aristotle's idea of equity was not bound by formalism: *epieikeia*, with its implications of fairness and equability, envisages the ideal good of society, in much the same way as Platonic *dikaiosunê* envisages right relations between men.[39] Above all, most of the judges in the cases considered here demonstrated adherence to St German's injunction:

> that thou do justice to every man as much as in thee is: and also that in every general rule of the law thou do observe and keep equity. And if thou do thus, I trust the light of the lantern, that is, thy conscience, shall never be extincted.[40]

Of course, certain judges stood in awe of the king's divine majesty, according the monarch a level of supra-legal power, which was antithetical to the limited powers invested in the king by Bracton and Fortescue. If, by way of conclusion, we jump forward from the 1560s to the 1630s, and to the trial of John Hampden in November 1637 for his refusal to pay ship-money, we hear Sir Robert Berkeley declaring in judgment that "I never read nor heard that *Lex* was *Rex*, but it is common and most true that *Rex* is *Lex*, for he is *Lex loquens*, a living, a speaking, an acting law."[41] It was the characterisation of Charles I as the actual embodiment or personification of law, to which common lawyers and Parliamentarians were opposed: in the judgment to which

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[39] Aristotle, *The Nicomachean Ethics*, Bks V.X.1137a30–1138a3, VI.XI.1143a19–1143b17.

[40] Christopher St. German, *Dialogues Between a Doctor of Divinity and a Student in the Laws of England*, ed. William Muchall (Cincinnati, Ohio: Robert Clarke, 1874), 44.

[41] Quoted in Samuel R. Gardiner, *History of England*, 10 vols. (New York: AMS, 1965), 8:278.

I refer above, Berkeley had appeared to mistake the body natural of Charles Stuart for the body politic of Charles I. In January 1649, eleven years after Hampden's trial, the King found himself the defendant at his own trial in Westminster Hall. The indictment stated that he had been "trusted with a limited power to govern by and according to the laws of the land"; a trust which he had betrayed in favour of "a wicked design to erect and uphold in himself an unlimited and tyrannical power to rule according to his will, and to overthrow the rights and liberties of the people..." The King asked the court "by what authority he was brought thither?"[42] Such a question returns us inevitably and finally to the matter of the king's two bodies: the answer to the question posed by Charles I being that the king's body natural was tried in the name of the king's body politic. As Parliament declared in May 1642, even though judgment were given in the King's courts "against the King's Will and Personal command, *yet are they the King's Judgments*."[43] To use the words of Kantorowicz himself: in January 1649 Parliament tried, convicted, and sentenced to death "the king's body natural without affecting seriously or doing irreparable harm to the King's body politic."[44] Whether it was St. Paul, in 1 *Corinthians*, describing the Christian commonwealth on earth as "many members, yet but one body",[45] or Thomas Hobbes in 1651, invoking the image of the

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[42] *The Trial of Charles the First, King of England, before the High Court of Justice*, ed. John Nalson (Oxford: R. Walker and W. Jackson, 1746), 24, 25, 28.

[43] Quoted in Kantorowicz, *King's Two Bodies*, 21.

[44] Kantorowicz, *King's Two Bodies*, 23.

[45] *The First Epistle of Paul the Apostle to the Corinthians* 12.20. Coke adapted a passage from 1 *Corinthians* 2.9, with which to describe the momentous juridical status of *Postnati. Calvin's Case*: "… such a one as the eye of the law (our books and book-cases) never saw, as the ears of the law (our reporters) never heard of, nor the mouth of the law (for *judex est lex loquens*) the Judges our forefathers of the law never tasted," Coke, *Postnati. Calvin's Case*, 7 *Reports* (1608) 4: 4a. The relevant passage

Biblical Leviathan with which to represent "The Matter, Forme, and Power of A Common-Wealth Ecclesiasticall and Civil"[46] – "His heart is as firm as a stone; yea, as hard as a piece of the nether *millstone*"[47] – the image of the body was crucial to the development of the idea of the State; whether that State be exclusively temporal or spiritual, or composed of both temporal *and* spiritual parts.

from 1 *Corinthians* reads: "Eye hath not seen, nor ear heard, neither have entered into the heart of man, the things which God hath prepared for them that love him"; see Raffield, *Shakespeare's Imaginary Constitution*, 147-149.

[46] Thomas Hobbes, *Leviathan, or, The Matter, Forme, and Power of A Common-Wealth, Ecclesiasticall and Civil* (London: Andrew Crooke, 1651), title page.

[47] *The Book of Job*, 41.24; this verse is cited on the title page of the first edition of *Leviathan*.