

The Magic of Kingship

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FRANCIS OAKLEY, *Kingship. The Politics of Enchantment* (Malden/Oxford/Victoria, Blackwell Publishing 2006) xiii + 193 p., ISBN (978) 0631226956/8 and (978) 0631226963/6

Among (legal) historians, Francis Oakley is known for his studies on medieval and early-modern political ideas and ecclesiastical history, such as those on the conciliarist tradition and on natural law, the laws of nature and natural rights. The book under review has been written on invitation by the publisher and the general editor of the 'New Perspectives on the Past' series ('good short books for non-specialists and specialists alike', p. xii), a series that aims to reconfigure our understanding of the past from the conviction 'that the past does have a meaning for the present that transcends the interest of specialists' (p. xii).

Presumably this study fits neatly in Oakley's current work on a reinterpretation of the history of political thought from late antiquity to the mid-seventeenth century: three volumes under the tentative title 'The Emergence of Western Political Thought in the Latin Middle Ages'. The first volume will bear the title *The Sacral Kingship and its Legacy to 1050*.¹

In the book under review here, one would expect authors such as Ernst Kantorowicz and Marc Bloch to be mentioned frequently – and indeed, they are – but Oakley's study is neither confined to the West (although two third of it focuses on Europe), nor to any period. It is not on kings, but on the very idea of kingship, an idea characterized by ubiquity, longevity and sacrality. Its first chapter is on archaic and global patterns of cosmic kingship and deals in short sections with Imperial Japan (East Asia, 7th-21st Centuries), the Kingdom of Kuba (Equatorial Africa, 17th-20th Centuries), the Maya Kingship (Mesoamerica, 3rd-9th Centuries), Celtic and Germanic Kingship (Western and Northern Europe, 4th-11th Centuries), Egyptian and Mesopotamian Kingship (Near East, 3rd-1st Millennium BC). Oakley concludes that whatever the differences in time and space and variet-

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¹ Information from the website of the Williams College, <www.williams.edu/resources/oakley/fellows.htm>.

ies in kingly functions and roles (military, administrative, religious, judicial, economic; powerful kings and 'do nothing' kings,) the overview conveys an ideology underlying all these forms of sacral kingship, that of cosmic religiosity, the archaic sense of the divine 'as a continuum running through the worlds of nature and society' (p. 9). Civil society in this archaic mentality is seen as somehow entangled in the cyclic rhythms of the natural world, in which the divine is immanent. The Egyptian Pharaohs are on page 8 pictured as archetypes of sacral kingship, as they were regarded 'as a god incarnate whose task it was to ensure the cyclic rhythm of the seasons, to guarantee the fertility of the land, and to secure the prevention of any disharmony between the human society and what (...) we are tempted to call the *supernatural* forces.'

Against this background, Oakley in chapter 2 turns to Hellenistic and Roman kingship in its diverse forms (such as Homeric and philosophical kingship, *archon basileus* and the priestly *rex sacrorum*, Caesar as *pontifex maximus* and the later imperial cult), and he concludes that they also fit in the archaic pattern of sacral kingship. If one was inclined to the opposite, or was to conclude that there is room for doubts here (as doubts could also rise concerning, especially, the Germanic kingship in the pre-Christian era), Oakley answers that given the ubiquity and longevity of sacral kingship, the burden of proof lies on the shoulders of those who deny their sacrality.

The next move leads to his central thesis that the dismantling and disturbing factor to the archaic modes of thought and sacral kingship was (perhaps counter-intuitively Oakley on p. 8) a religious one: the conception of the divine nature basic to Judaic, Christian, and Moslim belief. The denial of the consubstantiality between God, nature and man led to the de-sacralization of civil society, the state and its kings in the West, and to the distinction between religion and politics, even if the 'Eusabian' and 'Carolingian Accommodations' initially had been successful in acclimatizing the archaic and pagan notions of sacral kingship to the Christian conditions (the New Testament and Augustine notwithstanding!). Oakley sketches three demystifying factors sponsoring the process of desacralization long before the Reformation, the human understanding of nature, man and society. Factors such as the struggle between imperial and papal monarchy, conciliarism, the Reformation and resistance theories contributed to undermine the dignity, status and power of kings, despite upheavals of kingly power from the fifteenth century onwards and despite 'the last great body of Christian theorizing arguing for the sacred character of kingship' (p. 126), the theory of the 'Divine Right of Kings'.

In conclusion, I would say that the story told by Oakley in this book is more on religion as part of the European political culture, than on kingship as a constitutional phenomenon. The perspective of Walter Ullmann (and others) on the

historical rhythm of political thought as secular-religious-secular is untenable, and, according to Oakley, should be replaced by a religious-religious-secular one. And this religious-religious-secular rhythm apparently is not to be found only in political thought, but in the European (intellectual) culture as such, of which this story of kingship can be seen as a tool to understanding. As such, the study is interesting and at times challenging.

When it comes to the modern, disenchanted world, there is, from Oakley's perspective, no more room for kingship as described here, except for, perhaps, the papacy. Today's (constitutional) monarchies of Great Britain, Japan, the Netherlands, Sweden and others ('comparatively safe harbors for monarchy', p. 160) are no more than remnants of the old idea of kingship in an epilogue of its history. However, the monarchy is an important factor to deal with when we consider the constitutions of these countries. Approximately at the same time as Oakley's book, a collection of eighteen contributions of Dutch jurists, historians, sociologists (and others) was published on the Dutch constitutional monarchy in a changing Europe.² Although several authors pay attention to the magic and even sacral function of monarchical rituals, the contributions show, not surprisingly, that Oakley is right in saying that the King has lost his traditional sacrality. They also show that in the past two hundred years the Dutch Kings and Queens have been changing cloak. The more democratic the state was governed, the more they endeavored to represent the people in the state, the nation.

In a disenchanted world, the King is disenchanted and de-sacralized. But is it sacrality that lies at the heart of Kingship as a constitutional phenomenon? Or, is it rather the symbolization of state power? One could well defend that the source of power (cosmic, divine, democratic) may have changed but that the symbolic function of the King in the state remained unchanged ever since the Egyptian Pharaohs. When society and power are considered sacral, so is the King; when democratic and constitutional, so too is the King. This view could help to explain the anomaly in many constitutional monarchies, that the King is inviolable, that the King can do no wrong. Power itself cannot be wrong (besides perhaps from a revolutionary perspective), only those who execute power can. During the last centuries European monarchs have been deprived of executive power (*potestas*), to avoid conflicts between the (more and more) national monarchs and the (more and more) democratically chosen parliaments. What is left for the King is *auctoritas*. And it is on this authority that in the Netherlands, the Queen today performs some important democratic tasks such as the promulgations of laws in her name, the appointment of the person charged with the formation of a new government after the elections, and the appointment of the ministers thereafter.

² D.J. Elzinga (ed.), *De Nederlandse constitutionele monarchie in een veranderend Europa* (Deventer, Kluwer 2006).

It is not only kingship that calls for explanation in a democratic state, but also the addition 'by the grace of God' (*Dei gratia*). Oakley's book provides an interesting historical background to *Dei gratia*, but also says that without God's grace, there is in fact no room for kingship.

