

Flowers of the Crown in English Legal Thought

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The author:

Edward Cavanagh is currently the Isaac Newton Research Fellow at Downing College. Here, he is slowly preparing a book: *Conquest for the Crown: War and Legal Personality in the Imperial Constitution, 1066-1923*. He is also editing a collection of essays: *Law and Empire in the Longue Durée*. Ed's work attempts to bridge the gap between legal history and the history of ideas. Sole-authored articles with this approach in mind have appeared in *Historical Journal*, *Comparative Legal History*, *Itinerario*, *History Compass*, the *Journal of Colonialism and Colonial History*, and *Modern Intellectual History*. He has also published two books on the history of southern Africa, and is the co-editor of the *Routledge Handbook of the History of Settler Colonialism*. His paper tonight mostly derives from his research into war and the crown in the imperial constitution. Another paper is being prepared concurrently on the idea of the 'imperial crown' in England, the British Isles, and across the British Empire (ca. 1509-1901).

The paper:

This article contemplates the origins of one of the most curious expressions used to explain royal power in English jurisprudence: namely, to speak of the crown's flowers. After the Angevin kings showed so much preference for floriated crown designs, a number of poets, clerics, and common lawyers worked the image into their appraisals of the monarchy generally. Up to the Stuart period, it will be argued here that the idea enjoyed special purchase in the common law for suggesting that prerogative donations and delegations, like flowers, eventually die once plucked from their source. This is a finding that encourages, in conclusion, some reflection upon the circumstances which compel jurists, past and present, to invoke metaphors in their assessments of royal power in dicta. The point of this exercise is twofold: to search for new and unconventional connections between medieval and modern English legal thought, and to reveal, in the process, what kind of profit the history of ideas might derive from law and jurisprudence.