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Neither Weak Nor Unimportant

Despite the general neglect of constitutional history in the current generation, study of the history of European parliaments has recently begun to revive. Notably, quite a lot of work has been done on the history of the Scottish parliament in its premodern incarnation, as a perusal of the notes to the three volumes of *The History of the Scottish Parliament* which have recently appeared will indicate. The first two volumes, published in 2004 and 2005, are devoted to studies of specific episodes in the history of the institution.[1] The recently published third and last volume, in contrast, consists of topical studies of various aspects of that history from its earliest beginnings in the first half of the thirteenth century to the merger of the Scottish parliament into the British parliament at the beginning of the eighteenth century. As such, each chapter in the volume under review attempts to trace the development of one theme in the history of the first Scottish parliament from beginning to end and to achieve a synoptic view of that development. The preface to this volume lays out the contrast quite clearly: The purpose of the first two volumes was "to demonstrate how new sources and new uses of previously known sources might be deployed to rewrite late medieval and early modern Scotland's political and constitutional history," informed by "a common understanding that parliament was important and that its history has not been adequately appreciated" (p. xii). This volume, instead, "adopt[s] a loftier approach that seeks to address broad themes.... In a sense, these essays represent progress reports on what we have learned since the 1980s when historians began to show a revived interest in parliament" (p. xiii). The general thesis of all three volumes is summed up at the end of the first chapter here: "Until recently, the incorporating union with England has defined the historical reputation of Scotland's pre-1707 parliament. Similar to other European institutions that were either done away with or constitutionally downgraded by their rulers, the fact that these assemblies ceased to exist in an independent form has been taken as ample evidence of their weakness or unimportance. From its recorded beginning in the thirteenth century to its last meeting in 1707, however, Scotland's parliament played an integral role in government ... [and it] remained a significant political force from the medieval to the early modern period" (pp. 29-30).

The first four chapters are devoted to what the preface trendily calls the "stakeholders" (p. xiii) in parliament: the crown, the church, the nobility, and the burghs. In chapter 1, "Balancing Acts: The Crown and Parliament," Gillian H. MacIntosh and Roland J. Tanner survey the complicated constitutional relationship between the executive, usually the monarch but often a regent, and the highest council in the land. While parliaments were undoubtedly "royal institutions through and through" (p. 1), they could in moments of executive weakness or malfeasance act to supplement or check, even checkmate, the executive, providing the setting and sometimes the adversary in some of the most dramatic episodes in Scottish political history. Despite the periodically evident dangers that the institution might present, "parliaments existed because the medieval and early modern crown was far from absolute. It required genuine support, or at least tolerance, from the estates if its policies, acts and taxations were to be implemented" (p. 2). That they were "far from absolute" and needed the support of the community were lessons which Charles I in the 1630s

and James VII in the 1680s conspicuously failed to learn and which contributed to the downfall of each of them in turn.

In contrast to much of the scholarship of "the last fifteen years" that has portrayed parliament as "an institution that could be almost relentlessly obstructive and hostile to the crown's agenda," MacIntosh and Tanner stress "the royal nature of the institution [and] the benefits it brought to the crown" (p. 2). This is a welcome corrective: the obstructionist interpretation always raises the issue of why it was that kings continued to call parliaments if all they faced was vexation and frustration. Only for brief periods, notably, before the seventeenth century, under James IV and again under James V, does any king seem to have been content, or even able, to rule without frequent recourse to parliament. It must have been, however hard to cope with, more beneficial than harmful or it could not have lasted for nearly five centuries and have ended only by becoming part of an even more powerful but similar institution. In short, "it is not particularly helpful to view events in terms of a 'crown versus parliament' struggle, given that, for much of the time, the two were inextricably linked" (p. 3). When opposing the actions or policies of a particular monarch or regent, parliament usually "play[ed] the role of defender of the crown, even when it was not acting as defender of the king" (p. 10).

In discussing the earliest years of parliament, the authors suggest that previous historians may have followed the English model too closely in asserting that the earliest functions of parliament were primarily judicial. They interpret the phrase "plain[that is, full] parliament," used as early as 1256 and still in 1650, as indicating that "[p]arliament had … [a] special authority that made it different from any other royal institution. It had become the place where the authority vested in the crown and the inherent authority of the landowners were merged to give an unparalleled level of legitimacy to whatever parliament did" (p. 4). What they say of fourteenth- and fifteenth-century parliaments could equally be applied to the institution throughout its existence: "In many respects, a well-attended parliament did not *represent* the country, it *was* the country. Anybody with significant power was there–no modern institution comes close to that concentration of wealth and power in one room" (p. 8, italics in the original). It was the place for binding legislation, most of it "uncontroversial and … deal[ing] primarily with the implementation of royal authority" (p. 11). It "held out the promise, albeit often not realised, of raising large sums of extraordinary taxation that the crown found difficult to raise in other ways" (p. 11). It was the place for much legal business, including, when necessary, formal confirmation of the results of the various *coups d'état* that punctuate Scottish history. To the extent that its centrality in government may have been diminished by the ability of James IV and James V to find other means to achieve their ends, that tendency was arrested by two sixteenth-century developments: the succession of minorities and regencies which occupied more than half of the century, and the reinvigoration of legislation by the Reformation parliament of 1560, which was "the vehicle for carrying through a religious reformation against the monarchs' wishes" (p. 14). From the 1580s on, "there was an explosion in the legislative activity of parliament" which "can partly be attributed to the new interest taken in statute law" but "also marks … a continuing trend upward in the significance of parliament generally" (p. 16). Here there seems to be some inconsistency, for the majority of James VI's reign also saw, except in the area of taxation, "a marked diminution of their powers" (p. 18). Moreover, the union of the crowns, which led to the absence of the king, "paradoxically led to a growth in royal power over the estates" (p. 18), though this was not sufficient to enable James VI and I, or any seventeenth-century monarch, to persuade the Scots to enter into a governmental union with England. Nor did it prevent the Scottish parliament from participating fully in the two revolutions of the century, provoked in large part by the high-handed behavior of Charles I and James VII in ignoring the wishes of their subjects.

After the Restoration in 1660 the dominant mood envisioned "a contractual monarchy with a significant role for national institutions, such as parliament, privy council and the court of sessions," and "[t]he beginnings of an alternative political agenda, which envisioned limitations on royal power and a greater role for an independent parliament, first surfaced … in response to the crown's heavy-handed attempts at controlling the estates" (p. 26). These views triumphed as a result of the revolution of 1688-89, after which the germs of modern party politics began to emerge. At the end, the authors argue, "For the crown, incorporating union provided a solution to a problem that had first arisen in 1603. Negotiating with one British parliament, rather than with two separate institutions, was preferable" (p. 29). In conclusion, "it says much about the constitutional power of the estates that, when parliament was absorbed into a British institution in 1707, it was by their choice and with their consent, not by royal diktat" (p. 30).This is a ringing conclusion, but the authors entirely beg the question of

why the Scottish power elite in 1706-07 should have been content to give up this institution: the issue is dismissed in a subordinate clause, "Although the reasons behind parliament's endorsement or incorporating union with England were varied and complex ..." (pp. 28-29)! And this is not because the issue was fully discussed in volume 2, whose final chapter is on the election of 1702-03, not on the union at all. On the whole, however, despite the highly dubious assertion that "[p]arliaments across Europe had their origins in the Norman *curia regis*" in the second sentence of the article (p. 1), which certainly raised my eyebrows (really? Spain? Poland?), the complex argument the authors make about relations between monarchs and parliaments in this chapter seems sound and, where detailed enough, illuminating.

The next three chapters, on the estates of parliament, may be dealt with more briefly. Though formally unicameral, the Scottish parliament was often called "the estates" and these estates often caucused separately before coming together to take formal action. In chapter 2, "The First Estate: Parliament and the Church," Kristy F. McAlister and Tanner argue that there was "little interest by parliament in ecclesiastical affairs at least until the early fifteenth century" (p. 31). Nor can medieval churchmen be distinguished as an interest group from their lay relatives among the nobility in the politics of the medieval period, though in the fifteenth century, especially in the reign of James I, some issues specific to the church emerged. From the 1520s on there is more parliamentary interest in matters of religion, initially in opposing Protestantism; and then the Reformation parliament of 1560 brought "a radical change," of course, "as parliament began to intervene with greater frequency in ecclesiastical issues" (p. 31). For the rest of the existence of the independent Scottish parliament "parliamentary legislation concerning specific matters of religion became commonplace" (p. 31). Paradoxically, as parliament became more active in dealing with church affairs, the status of its clerical members deteriorated: "whereas before the Reformation the clergy was consistently referred to as the first estate, after 1560 the clergy was on occasion regarded as the third estate" (p. 55). Presbyterian clergy were not usually drawn from the high social status of the bishops, and bishops were in disfavor when they were not actually in a state of abolition. Moreover, one oddity of the pre-Reformation Scottish clerical estate was the presence of commendators, the laymen or secular clerics who administered abbatial benefices; when, perhaps even more oddly, many of these were erected into lay lordships by James VI after the abbatial estates were transferred to the crown as a result of the Reformation, these "lords of erection" sat as members of the estate of the nobility. The authors conclude, "Neither church nor parliament was capable of existing independently of the other. Secular and ecclesiastical concerns tied them to one another regardless of whether Scotland's official religion was Catholicism or Protestantism" (p. 66). In fact, however, the implicit argument of their discussion of the relationship from 1560 on seems to be that it mattered a great deal whether Scotland's quasi-official religion was Episcopalianism or Presbyterianism.

In chapter 3, "The Second Estate: Parliament and the Nobility," Keith Brown argues for substantial continuity throughout the five centuries of parliament: "noble society and power were not very different in the time of Walter Comyn, earl of Mentieth, in the thirteenth century, William Douglas, eighth earl of Douglas, in the fifteenth century, or Archibald Campbell, second duke of Argyll, at the beginning of the eighteenth century" (pp. 67-68). In Scotland as in so many other areas of Europe, whether in or out of parliament, the nobility was the other real power aside from the monarch. Gradually by the fifteenth century, through the ups and downs of politics in the later Middle Ages, a consensus had been achieved that "parliament was ... the only *legitimate* means by which nobles might oppose the crown" (p. 76, emphasis added). Nonetheless, at those moments when dramatic events were taking place, they took place mostly outside of parliament: in the sixteenth century as earlier, "parliaments were meetings of already victorious factions in which leading nobles legitimised their actions" (p. 80). Not even the mid-seventeenth-century revolution, despite the temporary "purging from parliament of most of the higher nobility" (p. 88), affected the power of the nobles in the long term. Between the old nobility, the lords of erection added in the early seventeenth century, and the shire commissioners created by legislation in 1587, the nobles were at least as much the dominant element in the last century of parliament's existence as they had been in its early days. To the end, "traditional hierarchy endured, with leadership being supplied by the heads of the greatest noble families" (p. 91). In the last parliament to meet before the late twentieth century, 71 percent of those present were nobles, "seventy-four peers and ninety-one barons" (p. 92). Indeed, after the Glorious Revolution, "[w]ith the powers of the crown curbed for good, eighteenth-century Britain was dominated by the nobility, and in Scotland that dominance was more extreme than anywhere else" (p. 94).

The lairds, the lesser nobility, depended on and iden-

tified with their social betters: to identify them as "the 'middling sort', a putative middle class likely to make common cause with townsmen of similar wealth and status," is misconceived (p. 69). This might have changed after 1428, when a law was passed that required that these "lesser barons" elect from each shire two representative commissioners to attend parliament; but, "[u]nsurprisingly, the barons were unenthusiastic (not least because the act initiated a public recognition of rank differentiation) and the legislation was ignored" (p. 75). Instead, individual lairds continued to attend when they were interested enough to do so. Famously, an extraordinary number of these lesser barons attended the Reformation parliament of 1560, but it was only with the passage in 1587 of an act similar to that of 1428 that lairds began to attend regularly in large numbers. The new shire commissioners were sometimes called the fourth estate, but Brown warns against interpretations of this legislation that "contain an element of anachronistic class analysis" (p. 82). Shire commissioners were still nobles, albeit lesser ones. Nor did the upheavals of the mid-seventeenth century lead to the diminution of noble power and "the development of a Scottish commons" (p. 87) because, even at the height of the revolutionary parliaments, the "behaviour" of the barons "was not governed by loyalty to their estate but to hierarchical political groupings" headed by members of the high nobility (p. 88).

In chapter 4, "The Third Estate: Parliament and the Burghs," Alan R. MacDonald argues that "the royal burghs were a significant and essential component of parliament.... Although they rarely concerned themselves closely with the great affairs of state, being more exercised over urban privileges and the regulation of trade, the story of parliament cannot be told without them" (p. 95). Their initial appearance in the first half of the fourteenth century was, as in most areas where parliaments were developing at this time, closely connected to the king's need for taxation. The presence of their representative gradually became normal, so that, by the mid-fifteenth century "it would have been unthinkable to have a parliament without burgh commissioners" (p. 97). In theory, in order to be represented in parliament a burgh had to be royal, but not all royal burghs attended and four ecclesiastical burghs were regularly represented. Indeed, "by the middle of the sixteenth century, the final say regarding which burghs sent commissioners to parliament lay not with the crown or parliament but with the convention of burghs" (p. 99), "an institution unique in Europe" (p. 105) that derived from the relative weakness of the Scottish monarchy, which made "devolution of administrative, judicial and even political power ... unavoidable as well as essential for the health of the body politic" (p. 105). By the middle of the seventeenth century the burghs were threatening to dominate voting in parliament, principally because of the decline in the clerical estate. Therefore, "[i]n 1640, probably to prevent the politically and financially weakest estate from dominating the assembly," shire commissioners were allowed to vote as individuals, rather than each shire having one vote, thereby "doubling their strength at a stroke," and restoring the dominance of the nobility (p. 101). This "marked the end of the heyday of the burghs in parliament" (p. 101). MacDonald is puzzled that the burghs did not "[seek] the expansion of their parliamentary estate" (p. 101). The convention of burghs did, however, work hard to ensure "that commissioners remained true urban delegates, unlike in many other countries" (p. 102). From its formal inception in 1487 on, it also worked to ensure "concerted action in parliament on the part of the burghs" (p. 107) on "matters of trade and urban privileges" (p. 115). Individual burghs, especially Edinburgh, "the normal venue for parliament" in the early modern period (p. 111), also used parliament to secure their particular interests. Although the burghs were primarily interested in economic matters and in other matters "it is possible that nobles directed the voting of commissioners from burghs over which they had influence" (p. 115), nonetheless, "it is clear that the third estate turned out in large numbers when a politically important parliament took place" (p. 115), notably from the middle of the sixteenth century on. This did not make them political activists, however. Their fear that change might harm their economic interests led them to be reluctant to give early support to the Covenanting movement, nor, contrary to "current historiography," did they "[favour] maintaining incorporating union in opposition to the nobles and lairds" in the aftermath of the Restoration of 1660 (p. 118). In the Revolution of 1688-89, too, they "follow[ed] the lead of others" (p. 118). Their opposition to incorporating union in 1707 was more evident in the convention of burghs than in parliament, perhaps because of "the increased incidence of carpetbagging [in parliament] after 1690" (p. 120). In short, in voting for incorporating union, "[t]he burgess estate in parliament voted contrary to the wishes of the burgess estate at large" (p. 120).

In chapter 5, Alastair J. Mann takes up "House Rules: Parliamentary Procedure." He begins by attacking "the prejudiced view of many centuries" that the relative lack of "sophistication of its procedures" made the Scottish

parliament "institutionally undeveloped" and that "more advanced parliamentary procedures ... would have more robustly called its government to account" (p. 122). The rest of the chapter is largely descriptive of parliamentary procedures and how they developed. The first subsection of the chapter discusses procedures leading up to the actual sitting of parliament: summoning of members, preparation of the agenda, presence of the monarch until 1603 and methods of handling his or her absence thereafter, introduction of petitions asking for legislation or the ratification of privileges, elections of commissioners from the burghs and the shires, methods of dealing with disputed elections. The second subsection describes procedure during the sitting of parliament: the ceremonial procession known as the riding of parliament, the actual arrangement of seats in the chamber (an appendix gives seating plans for five moments between the 1580s and the 1690s), opening ceremonies, committees and officials of parliament, the lords of the articles' power over the drafting of legislation and the ups and downs of the existence of this institution (subjects which come up both here and in the earlier subsection of the chapter), "methods of deliberation" both in "separate meetings of the estates" (p. 142) and in parliament itself, royal assent to legislation which passed the house and its public proclamation and recording in manuscript or print. Inevitably, on all these subjects, the sixteenth and seventeenth centuries are discussed most, for there are few sources on these matters from earlier centuries. Contrary to those who have cited "the 'haphazard' nature of procedure" as one of the "main reasons ... for the inadequate nature of parliament before 1689," Mann argues, "Legislative procedure was not especially haphazard ... although it was reformed over time" (p. 144). In the last subsection, he suggests that "the estates became a self-aware institution that defined itself as a parliament and not merely in relation to the sovereign. This political consciousness, which might be described as a culture of parliamentarianism, is seen in a range of measures taken to shape conduct and procedure" (p. 148). These measures include "concern over attendance levels and fines for absence" (p. 148), "regulations for ceremonial dress" (p. 148), revisions of "the agreed ceremonials for the riding of parliament" (p. 149), and disputes with the executive over freedom of speech and freedom from arrest. Citing "one of the more curious draft acts," proposed by James Douglas, fourth duke of Hamilton in 1704 and titled an "Act for securing free voting in parliament," which "look[ed] to prevent the practice of army commissions being awarded to shire and burgh commissioners and, more generally, to forbid the bribery of members for either votes or advice," Mann concludes, "While Whig historiography is fond of describing a hapless and weak Scottish parliament, we might imagine a different future without the union. Without the stifling Anglo-Scottish management of politics in the eighteenth century, left to itself this small parliament might, even sooner than 1832, have embraced a more fundamental reform agenda" (p. 150). This is inspiring but strikes me as a bit far-fetched since there is little in the previous history of the parliament or in the events of the early eighteenth century to suggest a driving desire for reform. After all, comparable contemporary English protests over placemen hardly resulted in the rapid advent of reform.

In chapter 6, "Parliament and the Law," A. Mark Godfrey stresses "an essential point which it is easy to overlook, namely the original character of parliament as a court of law and not just as a political or legislative assembly" (p. 158). Indeed, in the Middle Ages, "[i]ts most commonly recorded business was not legislation, ratification of treaties or charters but rather the determination of legal disputes" (p. 160). "Its role was as a final court of review," but "it also heard petitions and pleas at first instance in those categories of case where procedure by brieve and inquest was not prescribed" (p. 163). This changed in the course of the fifteenth century, particularly after most judicial business was taken over by the royal council, so that, "by the sixteenth century, parliament's relationship with the law had come to be defined largely through its legislative function" (p. 160). With one "exception arising in 1661 from the unusual circumstances of the Restoration, there is no record of any regular judicial proceedings (other than for treason) in the parliamentary record after 1504" (pp. 164-165). As the judging of cases faded away, the function of legislation became more important, though it was not exclusively a parliamentary power until late in the sixteenth century. Most of the chapter consists of a summary of the latest research on the stages of development of the legislative process in Scotland. Ironically, Godfrey notes at the end, after 1707 "the union promoted a greater role for the parliament of Great Britain in judicial matters than the Scottish parliament had recently enjoyed because civil appeal to the house of lords were permitted under the articles of union and became quickly established" (p. 185).

Under the title "The Law of the Person: Parliament and Social Control," in chapter 7 Mann catalogues "the making of laws that impinged directly on the lives of the people" (p. 186). "Catalogue" is, unfortunately, the right term because "laws that impinged directly on the lives of the people" is so broad a definition that the author can do little more in the thirty pages allotted to this topic

than list the laws that affected the topics he brings up: personal conduct (mostly personal misbehavior but also including heresy); leisure and play; rights, freedoms, and punishments; social welfare; and consumption and hierarchy. Since many of these topics are broken down into long lists of subtopics–the section on the family, all eight pages of it, takes up marriage (impediments and restrictions, prevention of clandestine marriages, marital breakdown, adultery, parental consent, the legal age to marry), parental control of children, and the rights of minors over their inheritances–pieces of legislation seem to whiz by at the rate of one every sentence or two. Although the author begins the conclusion to the chapter by saying, "The impact of the Reformation, Calvinist ideas about sin, and the partnership of church and state in enforcing 'Godly discipline', produced new levels of control in Scottish society after 1560" (p. 212), in fact his argument, implicit throughout his discussion of the different topics and explicit in the conclusion, is that this longstanding association is not nearly as straightforward as previously thought. In the sixteenth century, "Roman Catholic countries … also experienced profound changes in social control mechanisms" (p. 212), while in Scotland "much of what historiography has regarded as key phases of change in social policy are now revealed to be repackaged and not characteristically new" (p. 213). The sixteenth century certainly witnessed a great deal of social control legislation, but "social control did not begin and end neatly at major political events" (p. 213). Even "the Covenanter regime" saw "not so much a huge increase in social legislation but a return to the more intensive regulation of James VI" after some easing off under Charles I (p. 214); and "[b]oth the Restoration period and the Revolution of 1689 represent legislative continuities with that which came before" (p. 214).

In chapter 8, James H. Burns discusses "Political Ideas and Parliament." He begins by raising the question of "whether, to what extent, and in what respects, political arguments deployed in the crisis of the 1560s could claim an authentic basis in the history and institutional character of parliaments since the thirteenth century" (p. 217). He then discusses the term "community of the realm" (or, as it was sometimes put from the mid-fourteenth century on, the "three communities") from its first appearance in a Scottish document in 1286, arguing that although "[t]he reality to which it referred has doubtless … come into existence over a substantial period … [p]olitical activity is conducted by means of language, and the emergence … of new terms and usages … is therefore a crucial factor in the history of politics" (p. 217). In both 1286 and 1290, "[t]he underlying 'idea' … was that the realm must be recognised as an entity distinct from its ruler" (p. 218). By 1309, when Robert I was finally able to summon a parliament, "parliament was … regarded as the necessary means of expressing the will of 'the community of the realm' " (p. 219). Though the writings of the clergy had some effect on the development of the idea, "the factors shaping [institutional formation] were primarily social and economic rather than intellectual or ideological" (p. 220). The late fourteenth and early fifteenth centuries were "a period when the problem of authority was increasingly seen as one that must be met by turning to conciliar and 'representative' concepts and arrangements" (p. 223). Nonetheless, the events of the fifteenth century demonstrate "that 'parliamentary' political ideas were not necessarily those of opposition. Entrapment in a 'whig interpretation' is still a hazard to be avoided" (p. 226). In the aftermath of "Scotland's comprehensive military defeat at the Battle of Flodden in 1513 … two substantial contributions to the historical and theoretical interpretation of the Scottish polity" were produced (p. 227). In 1521, John Mair, "much the more important" of the two, "identified a substantial number of areas where parliament had an indispensable, and sometimes an exclusive, role" (p. 227). In this he "was followed–uncertainly enough" by Hector Boece in 1527 (p. 228). David Lindsay's *Satyre of the Thrie Estates*, too, presents "a vivid emblematic display of the estates as the embodiment of the realm" (p. 229). Moreover, the events of "the two decades before the Reformation crisis demonstrated the centrality of the estates in political life" (p. 229). Then, from 1560 on, first in the context of the Reformation parliament of that year and then in the context of the deposition of Mary Stewart and the accession of James VI, debate raged as to the rights, wrongs, and justifications of the actions taken. Most influentially, George Buchanan's *De iure regni apud Scotos* "gave wide currency to an interpretation of 'the ancient Scottish constitution' in which the estates has a crucial and radical part to play" (p. 216). The most famous rebuttal came from James VI himself in *The True Lawe of Free Monarchies* and *Basilikon Doron*, where James insisted that '[t]he functions of parliament are important but essentially subordinate and instrumental to the exercise of royal power" (p. 233). Nonetheless, "[b]y the end of his reign–less dramatically, no doubt, than at its outset in his infancy, but still significantly–institution and ideology were combining to ensure that the king did not have it *all* his own way" (p. 235, emphasis in the original).

Burns devotes the rest of his essay to the issue of

"Absolutism or Free Parliaments" (p. 235) in the later seventeenth century. "[B]y 1633-4, an 'absolutist' view of parliament as the king's 'head court' was being met–perhaps challenged–by the emergent concept of a 'free parliament' " (p. 236). Even in the turmoils of the 1630s and 1640s, while "the quasi-parliamentary institutions created by the Covenanting revolution may be seen as reflecting the central position now accorded to parliament in political activity," nonetheless "[t]he place of political ideas may be more problematic" (p. 237). Were "the new or refashioned institutions brought into being by the revolution ... 'carefully planned in advance,' " or were they "rather the result of responding to circumstances–even, at times, of 'opportunism' " (p. 237)? Samuel Rutherford's *Lex, Rex* (1644) is probably "an elaboration of the political doctrine developed in the 1620s and 1630s by those presbyterians who were to find their anchorage in the National Covenant" (p. 237). It certainly suggests that political thought influenced political actions: Rutherford's "political thinking is pervasively parliamentary" (p. 237), asserting that "the King is subordinate to the Parliament" and that "the soveraigne power of the Parliament ... is perfect without the King" (p. 239). Throughout the upheavals of the 1640s, " 'the covenanters were wedded to the concept of parliament as the principal instrument of government'. It was a marriage destined to experience a violent divorce during the years of the 'Cromwellian union', and what was 'restored' in 1660 would bear little resemblance to what had been built up in the years of Covenanting revolution" (p. 240).[2] In the "ideological debate" which followed the Restoration, "the place of parliamentary institutions is not easy to assess" (p. 240). Nonetheless, frequent resort by both supporters and opponents of royal power to claims about fundamental law "implied limits to the use of power" (p. 241). Moreover, "[t]he revolution of 1688 was 'made in England and imported to Scotland.' Yet its underlying principles were more sharply stated in the northern kingdom, and those principles (though imperfectly implemented) raised parliamentary authority to the highest pitch it had ever enjoyed in Scotland" (p. 242).[3]

In the final chapter, "Parliament and Politics," Julian Goodare presents "a structural analysis of the types of things that people used parliament to do, and how it did them. The question behind much of the discussion is: What *difference* did it make, politically, for Scotland to have parliaments? " (p. 244, emphasis in the original). Moreover, "[t]he focus is on decision-making; the questions addressed by old-fashioned constitutional history are no longer in the forefront of historical enquiry" (p. 244). Goodare makes the important point that "[p]eople came to parliament for a reason; there would have been no point in attending an ineffective body. Politically, the configuration of the machinery is less interesting than what happened when the machinery was set in motion" (p. 245). The rest of the chapter is devoted to brief discussions of "Political Themes in European Context," "Types of Political Decision," "Parliament and New Regimes," "Parliament's Role in Government," "Parliament and Political Behaviour," "Political Groupings in Parliament," and "Parliament and the People." As with the chapter of social control, the multiplicity of topics in an inadequate number of pages (twenty-seven, to be precise) means that there is little space to develop any point. The chapter is nonetheless worth reading for a number of valuable insights and suggestions for further research: I am tempted to suggest that it might profitably have come at the beginning of the volume rather than at the end. Goodare concludes, "In a European context, the development of the medieval parliament in Scotland was unsurprising, but the early modern parliament took some distinctive directions" (p. 273). This was because "Scotland and England were unusual in having successful seventeenth-century revolutions focused on parliament. Thus, even the end of the Scottish parliament was unusual, not extinguished by an absolute monarchy but merged into a larger parliamentary structure" (p. 274).

This is not a volume, or, indeed, a set of volumes, for beginners. As a set, all three volumes presume considerable acquaintance with the events of Scottish history; and, not only in the chapter on social control, the volume currently at issue covers so much ground in so relatively few pages that it can leave the reader quite breathless. I am tempted to say, "Everything you wanted to know about the Scottish parliament but were afraid to ask," but that is not entirely the case. Reviewers should not criticize books for not being the books they would like to have read, but I am going to indulge myself. The chapters that I would like to have seen that this book does not include would do two things. The first would be to discuss the relationship between parliament and the other corporate bodies with which Scottish rulers negotiated and through which the communities of Scotland expressed their concerns: the convention of estates, the convention of burgh, and the general assembly of the church (discussed briefly by McAlister and Tanner in chapter 2, pp. 61-65). The second omission I noted concerns comparison of the development Scottish parliament with other medieval and early modern parliaments and specifically with its closest obvious analogue, the parliament of Eng-

land. The introductions to the first two volumes do brief comparisons with the general evolution of European parliaments; but these are too summary to do the job, the introduction to the third volume does none of this, and four pages in the last chapter of this volume (pp. 245-248) hardly suffice. Moreover, the question of the degree to which developments in Scotland paralleled those in England or even were influenced by them is barely ever considered, and then only glancingly, even though the monarchs and magnates of Scotland and England interacted constantly before as well as after the union of the crowns in 1603. Is it coincidence that both institutions appear to come into existence in the 1230s? Is it coincidence that in both countries the late fifteenth- and early sixteenth-century tendency for parliament to decline in frequency as monarchs found other means to deal with their needs was reversed in the mid-sixteenth century as governments found their parliaments the most convenient instruments for dealing with religious change? Is it a coincidence that, in both countries, one of the prominent constitutional and legal phenomena of the sixteenth century was an intensification of legislative activity affecting not only religion many realms of human behavior? And so on.

Nonetheless, for what it covers, this volume is invaluable. It summarizes the latest scholarship in a manner that will be useful to a whole generation of scholars of the history of Scotland and the history of parliaments.

Notes

[1]. Keith M. Brown and Roland J. Tanner, eds., *Parliament and Politics in Scotland, 1235-1560,* volume 1 of *The History of the Scottish Parliament*, general editor Keith M. Brown (Edinburgh: Edinburgh University Press, 2004); Keith M. Brown and Alastair J. Mann, eds., *Parliament and Politics in Scotland, 1567-1707*, volume 2 of *The History of the Scottish Parliament*, general editor Keith M. Brown (Edinburgh: Edinburgh University Press, 2005).

[2]. Quoting J. Scally, "The Rise and Fall of the Covenanter Parliaments, 1639-1651," in *Parliament and Politics in Scotland, 1567-1707*, 161.

[3]. Quoting G. Donaldson, *Scotland: James V to James VII* (Edinburgh: Edinburgh University Press, 1971), 383.

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