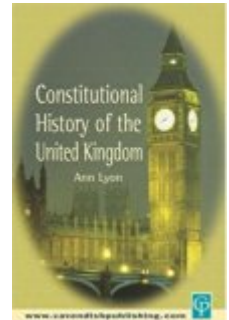


Ann Lyon. *Constitutional History of the UK.* London: Cavendish Publishing, 2003. xliv + 476 pp. \$38.12, paper, ISBN 978-1-85941-746-1.



Reviewed by Joel Fishman

Published on H-Law (December, 2004)

In her introductory chapter, Ann Lyon presents her justification and outline for the publication. With no recent general publication on the topic, the author attempts to cover the more than 1,000 years from the early history of the Anglo-Saxon period to the present twenty-first century. Lyon admits to using secondary sources for sources for most of the book, which is acceptable in a book of this coverage. Her methodology is to try to write from contemporary viewpoints, seeking to depict events, changes and philosophies which shaped them as far as possible as they to those living at the time, and endeavoring to avoid the convenient but distorting lens of hindsight (p. xxxix). Throughout the chapters, Lyon discusses political history and rise of the government and relationship between the king and his subjects. Since her analysis of events is based chiefly on recent secondary sources, the story line reads well. She discusses the conflicts between kings and nobility that marked the political history of monarchy down to the seventeenth century and how law, administration of government evolved. The history of the last three hundred years focuses on

the conflict between king and parliament and the growth of modern government.

Lyon has a good understanding of medieval constitutional law developments. The pre-Conquest period is primarily concerned with the development of kingship over the country based on the personalities of the kings. Some royal administration was created including law-giving and collection of revenue. The Norman Conquest had more continuity than differences, with William replacing the Anglo-Saxon nobility with his Norman followers. Lyon recognizes that the introduction of the feudal system was more complicated than some have detailed it, and points out some of the conflicting aspects of its development (p. 21-23). Over and over again, there is a direct causal link between the various stages in the development of the constitution and extraordinary taxation (p. 23). Greater magnates also opposed the kings low-born and foreign favorites who supported Henry III, Edward II, and Richard II (p. 28).

The reigns of the Anglo-Normans following William showed slow growth in constitutional developments as the central government began to

develop with the exchequer under Henry I, Henry II's assizes, and the rise of the coroner under Richard I. Lyon recognizes that Magna Carta was a medieval document, but its importance lies in its restrictions upon the king. Lyon points out that growth of effective government since 1154 helped to contribute to magnate opposition to the monarchy, though it was John's actions of increased taxation, foreign wars, and relationships with his leading magnates that resulted in Magna Carta.

The thirteenth century under King Henry III witnessed the rise of the Great Council and the origins of Parliament. Montfort's rebellion in mid-century was the last rebellion handled under a feudal system by which vassal gave up lands to the lord; thereafter, rebellion was high treason and punished with execution hung, drawn and quartered. The deposition of Edward II in 1327 was the first one in almost six hundred years and Lyon considers it as coming from a revolutionary body, acting in a manner which was quite unprecedented (p. 96). Following the instability of the later Middle Ages, the Tudor government re-established monarchical authority and effective government. Governmental officials, like Thomas Wolsey, became important political figures in their own right. Lyon recognizes the importance of the religious revolution that would affect politics for two centuries.

Throughout the book, Lyon discusses the history of Parliament and how it evolved under the various kingships. Parliament began under Henry III, expanded under Edward I who allowed it to meet on a regular basis to obtain funds, while Edward III made concessions to parliament in return for revenue-raising powers (p. 100). The instability of the fourteenth and fifteenth centuries created crises for royal government. Kings used the Parliaments to legitimize their positions. The machinery of government was still directed by the king. Parliament in the later middle ages consisted of the three estates (lords, bishops, and commons). Lyon's statement concerning Eliza-

bethan Parliaments, the queen was the senior member of the triarchy (p. 188) is not entirely correct, since it was not until Charles I's *Answer to the Nineteen Propositions* (1642) that recognized the Parliament as king, lords, and commons rather than king above the three estates. The seventeenth century is viewed not only as a war for control of the government, but as a conflict over the constitution as well (p. 197). Her analysis covers basic reasons for the war-period of mid-century, and the restoration and revolutionary era. The Glorious Revolution established parliamentary supremacy though leaving William III with certain powers. In the eighteenth century, the development of the prime minister and cabinet government moved political life from the monarchy to the parliament (p. 273). Later in the nineteenth century, parliamentary reform of the franchise through the Reform Acts of 1832 and 1867 helped lead the way for the government to accept more responsibility for spheres not concerned earlier with, such as education, health, employment and housing. (p. 313). The principle was also established that the monarch would sign all parliamentary bills into law and that the shift of power continued away from the monarch to the prime minister. Queen Victoria's reign was of huge importance in the evolution of the monarchy from an institution with a significant active role in national politics to one which functioned largely on a symbolic level as a focus for national unity and patriotism (p. 363).

Lyon tells the story of the constitutional crisis of 1906-1914 following V. Bogdanor's account in *The Monarchy and the Constitution* (1995), that resulted in making the Commons more powerful than the Lords and that has led to different plans to revise the upper house which has been debated for almost a century now (pp. 388-395). Lyon's last chapters deal with the constitutional problems of the recent period, i.e., Britain's relationship with the European Community (ch. 26), devolution of Scotland and Wales (ch. 27), and European Convention on Human Rights and the Human Rights

Act (ch. 28). She discusses how judicial review under English law differs from the Convention. Also, she acknowledges that courts under the Human Rights Act have to interpret law according to UK legislation and not on the basis of the Convention, thereby leaving parliamentary supremacy intact (p. 451).

There are sixteen tables in the beginning of the book containing the genealogy charts for the Kings and Queens of England, Scotland, and Ireland from the Anglo-Saxon period down to the House of Windsor.

Bibliographical references appear throughout the book in footnotes at the bottom of each page which is useful for the reader. However, the bibliography at the end of the volume (only two pages long) contains general readings in English history rather than a more detailed listing of legal and constitutional law books and articles that would assist the reader in further readings. The index provides adequate listings and cross-listings to find major and minor topics throughout the book.

As a textbook, Lyon understands that there are limits to amount of information she can devote to each topic and that new research will expand topics. Lyon is currently updating her book on the publishers web site, at www.cavendishpublishing.com/constihistory. So, far she has updated three chapters of the book.

Ms. Lyon has written an excellent up-to-date single volume on English constitutional history. She integrates political, social, and economic events and constitutional history with excellent analysis of the events from Anglo-Saxon period to the present. This book will become a standard work for English constitutional history and law courses both in undergraduate, graduate, and law school programs.

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Citation: Joel Fishman. Review of Lyon, Ann. *Constitutional History of the UK*. H-Law, H-Net Reviews. December, 2004.

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