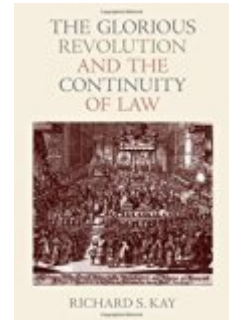


**Richard S. Kay.** *The Glorious Revolution and the Continuity of Law.* Washington DC: Catholic University of America Press, 2014. xi + 304 pp. \$59.95, cloth, ISBN 978-0-8132-2687-3.



**Reviewed by** Joshua Schroeder

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**Commissioned by** Margaret Sankey (Air University)

*The Glorious Revolution and the Continuity of Law* by Richard S. Kay applies a legal perspective onto the Glorious Revolution. Like many major historical events, the Revolution of 1688 has received so much scholarly attention that one may wonder how somebody could offer a truly fresh perspective. However, as Kay seems well aware, the Glorious Revolution does not lend itself easily to categorization. Was the Glorious Revolution even a revolution? Should it be understood as its own event or merely the final chapter in the seventeenth-century English conflict with the Stuarts? Was it primarily a religious or political event? Kay argues that a legal analysis of the Glorious Revolution can provide the best perspective on answering these questions. He deftly weaves a discussion of all of these topics within his answer to the central question of his book: how did the revolutionaries reconcile their stated goal of preserving the English Constitution with the blatantly illegal deposition of one king and installment of another? His simple answer, they “faked” it, should not hurt appreciation for his thorough and

careful analysis of the legal arguments made by the proponents and some detractors of the revolution (p. 17).

The book’s logical structure makes it easy for readers who are not well versed in or attuned to extended legal analysis. Kay begins, in the introduction and first chapter, by explaining the grounds for the removal of James II and discussing the Glorious Revolution’s status as a revolution. He charts a middle path between the notions that the Glorious Revolution was merely a coup and recent claims that it was more in line with classic revolutions. Citing the revolutionaries’ explicit and sincere claims of respect for the English Constitution, Kay flirts with the phrase “legal revolution” as a more apt description (p. 17). He acknowledges that the Glorious Revolution lacked many features of classic revolutions, but it did result in significant changes to the English Constitution that are only apparent with a long-term focus. Kay presents a nuanced picture of the Glorious Revolution that should be appreciated

for avoiding simple dichotomies without diluting his argument with too many qualifications.

In chapters 2 and 3, Kay proceeds to explain the legal conditions for the revolution. He describes unsettled constitutional questions following the 1660 Restoration and the revolutionaries' concerns that James would use exclusive, but supposed to be limited, royal powers to an unprecedented degree "to alter the religious character of the kingdom" (p. 52). Kay makes clear that the revolutionaries saw a real threat to the constitution in James's actions and that they saw his removal as the only workable course of action. He goes to great lengths to demonstrate how the revolutionaries were careful to color every detail of their actions in legal terms and described all aspects of the event in a way that made their actions appear legal. They asserted that James had abdicated the throne via his fleeing England in the face of William's arrival, they installed Mary as a coequal monarch to keep up the guise of following rules of succession, and both the revolutionaries' and William and Mary's statements were carefully crafted to appear that they were following legal protocol.

In the final chapters, Kay looks at how the English legal and ecclesiastical systems dealt with fallout of the Glorious Revolution. Chapter 4 focuses on the responses of judges and Anglican clergy to the legal ambiguity from the revolution. Following his overarching argument of insistence on the legality of the revolution, Kay contends that through a mixture of favorable appointments and bureaucratic and political pressure, judges largely went along with the 1689 Convention Parliament's settlement. He describes a similar situation for the Anglican Church, pointing toward only one significant case of an official refusing to recognize William and Mary as legitimate. In chapter 5, Kay wraps up the book by looking at the gray legal area that took place during the interregnum between James's departure and William's arrival. Like chapter 4, this chapter

looks at a few specific court cases that dealt with legal actions undertaken without the authority of a king during the interregnum or people who claimed authority under James II putting them in conflict with the new government.

Overall, Kay makes a compelling case for resolving the incompatibility of the revolutionaries' claims of preserving English law while illegally swapping monarchs. He also provides a platform for further research on the effects of the Glorious Revolution, especially in declaring the need for a long perspective to truly appreciate the resulting transformations, which he barely touches on in the final chapters. Aspiring historians should appreciate his digging into well-worn primary sources to find new perspectives in a crowded field. Kay does not consider the legal ramifications of the Glorious Revolution in other kingdoms or in the colonies and while he does not dismiss the nonlegal dimensions of the revolution many will want to know if a legal analysis is encompassing enough. Some readers might also be interested in his declaration that the American Revolution is the direct heir to the Glorious Revolution, pointing out that both sets of revolutionaries claimed to be protecting existing legal systems. Other parallels, such as the debate over the revolutionary status of the American Revolution and the dubious legality of the 1787 Constitutional Convention, might also be of interest.

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