



**Keith M. Brown, Alastair J. Mann, eds.** *The History of the Scottish Parliament, Volume 2, Parliament and Politics in Scotland, 1567-1707.* Edinburgh: Edinburgh University Press, 2005. xii + 303 pp. \$90.00 (cloth), ISBN 978-0-7486-1495-0.



**Julian Goodare.** *The Government of Scotland, 1560-1625.* Oxford: Oxford University Press, 2004. x + 342 pp. \$165.00 (cloth), ISBN 978-0-19-924354-9.



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These two books, although addressing early modern Scotland, vary greatly. The volume on government is comprehensive, albeit rather turgid. The work about parliament, while more readable, has a more episodic nature. The overlap between them is slight; therefore they will be treated separately.

Julian Goodare has produced a systematic study of Scottish government from 1560 to 1625 based on an impressive array of manuscript and printed documents and secondary sources. His work provides not only a thorough picture (a manual indeed), but also a thoughtful analysis of the topic. The twelve chapters are divided into two sections: one on political legitimacy, the political community, parliament, the monarchy, and the Privy

Council and officers with their departments of state; the second on old and new local government, the Highlands, the common people's experience of government, and the Stewart revolution in government. Throughout Goodare builds the material on the foundations of decades of research and analysis. The presentation is dense and progress comes slowly, but the reader's efforts receive the reward of a firm comprehension of Scottish government.

The first chapters build with minute detail on discussions of the political nation and its institutions. Not surprisingly, the king, nobles, bishops (after their restoration), lairds (gentry), and burgesses formed the political nation. The English ambassador (until 1603), the Gen-

eral Assembly of the Church of Scotland (the Kirk), and the Convention of Royal Burghs acted as lobbyists. Parliament was sovereign and its decisions legitimized even the most extreme changes in the country (for instance, the establishment of Protestantism). Goodare regards the monarch, his privy council, the nobles, and the bishops as the most influential members of government, with the lairds and the burghs possessing a lesser role. The period witnessed a growth in lawyers' power, especially represented by the Court of Session. In addition to approving taxation, Parliament passed a flood of public laws from the 1580s. Goodare argues that many of the laws were subject to "discretionary enforcement" that enabled central or local government to act on social problems. The chief of these was the imposition of order. The Privy Council ran the daily government, concentrating its efforts on abolishing blood feuds amongst the landed classes, but extending its scope to legal and fiscal roles. Before 1598 the council fought for power with members of the king's household. The Union of Crown and the removal of court benefited the authority of the council. The officers of state and their departments, especially the exchequer and the Court of Session, grew in importance. The latter consisted of judges backed by lawyers, which provided a national body that settled disputes (at the expense of the sheriff courts). The Court of Justiciary provided a complimentary service in criminal justice. From an organizational perspective the most dramatic growth for the central government occurred in the legal and fiscal spheres.

Turning to the last chapters of the volume the innovations again appear startling. The traditional sheriff, baron, burgh, birlaw (rural), and regality courts continued to function. Initially, the sheriffs held their positions heritably, but in James' later years the crown began buying that right in order to overcome the sheriffs' independence. The regalities (which lacked jurisdiction over treason, witch trials, and taxation) proved equally troubling to the crown, because they existed as separate entities within shires. The new forms of local government were both ecclesiastical and civil. Parochial kirk sessions developed independently throughout the Lowlands. Presbyteries (districts of twelve or more parishes) grew separately and had more power than the sessions, especially in witch trials. The civil commissary courts, dealing with family law and wills, replaced earlier diocesan courts. Following experimentation after 1575, justices of the peace became a feature of local rule after 1609. Customs collection and the creation of local registers of sasines (land transactions) appeared. The most impor-

tant phenomenon was the doubling of local administrators. The situation differed in the Highlands, where the clan system remained unimpaired even at the period's end. Attempts to incorporate the region into the national system were discarded by a variety of colonial schemes prompted by crown desires for revenue enhancement. While clan chiefs maintained the military option they became increasingly willing to accept law courts as the first resource. The common people, especially women and gypsies, proved the greatest losers. Common criminals endured the full force of state violence and the Kirk limited the potential for unacceptable behavior. The property rights of women formed the concentration of the state's interest in them. More often than men they could find themselves cited for witchcraft and sexual crimes, but the Kirk's interest in godly society checked spousal violence. (Goodare overlooks the St. Andrews doctoral studies of the 1980s, which indicated the Kirk pursued Sabbath-breakers and drunkenness with as much intensity as it did fornication and adultery.) The general rural population endured a decline in its status as landlord rights rose after 1600, and more obnoxiously the colliers and salters became enserfed from 1606. That Scottish government benefited the governing classes should hardly surprise one.

In the final chapter, Goodare seeks to determine whether a Stewart revolution in government occurred and what its legacy was. He credits John Maitland of Thirlestane, chancellor in the late 1500s, as the architect of a major governmental shift. Baronial revolts disappeared and after 1584 Parliament gained supremacy over the Kirk. Parliament established its sovereignty as the highest body of the state, particularly with the expansion of statute law. Annual taxation and the growth of government (Privy Council, law courts, and central government departments) provide signs of the revolution. James's initiatives against feuding and witches formed his greatest policy contributions. Government remained largely aristocratic—not bureaucratic—indicating that the revolution was limited. More troubling for the future stability of the political elites was the fact that the crown projected an absolutist image and behavior. Goodare considers the covenanters as merely building on the foundations of the Jacobean state.

Certain areas may have received a different treatment. Amongst them are the author's discussion of "absentee monarchy," local government, and military activity. Nor does he provide, outside the Highlands, any discussion of whether the Jacobean system provoked opposition in the political community. In the chap-

ter on Personal Monarchy and again in the conclusion Goodare takes issue with those who slight James's absentee monarchy after 1603. He shows how the king's physical absence did not hinder effective government—not just of the council, but of the king's personal policies. When one takes a broader perspective it may seem that his argument is a commonplace, otherwise the realms of the French, Spanish, and Danes would have devolved into chaos in the same period when they were models of relative effective royal government. And yet, the proponents of James's absentee years receive support from the Five Articles of Perth episode (1618-21). The king's decision to implement these religious rules and their mandatory enforcement (contra the author's "discretionary enforcement" concept), inspired such widespread resistance from the propertied classes that the king foreswore additional ecclesiastical innovations. The initiative demonstrated a monarch divorced from his estates—a sign of the negative impact of absenteeism. Mere absence was insufficient to cause problems, but a royal lack of sensitivity to national attitudes caused James to blunder. The absence of the royal court may have created a disconnect between the crown and the political nation. Goodare argues that the covenanters merely evolved the Scottish government and failed to produce a revolutionary settlement in 1638-41. One might grant his concept functioning at the national level with parliament co-opting the political powers of the council. But the sheriff courts, register of sashness, and JPs of the Stewarts hardly compare with the covenanters' committees of war/committees of the shire with their considerable fiscal and military authority flowing from the central government. The committees operated not only south of the Tay, but also in the Lowlands to Caithness and in the Highlands (especially Argyll). The Jacobean institutions Goodare describes had largely legal and judicial roles in the localities—often to the benefit of the propertied classes. The committees of war wielded administrative power that extracted taxes from landed society on a scale the Stewart kings could not have imagined. Likewise they intruded into the shires by their removal of males from the labor force for army service. From 1638 to August 1641 military service was temporary, but afterwards the covenanters maintained standing armies, permanently removing the enlisted men from the recruiting areas. One must wonder how the covenanters created loyalty to sustain such demands in the shires when Charles failed to establish a resident, national militia. Nothing portrayed by the author foreshadows this degree of central intrusiveness into the localities. As the shire committees dealt largely with military matters, one must ask what the book delivers in this subject. Scat-

tered references occur to military activity and a royal guard, but none consists of more than a single sentence. Military affairs including the state monopoly of armed force, which Geoffrey Parker and other historians consider the *sine qua non* of the early modern state, did not exist as an expression of the Scottish government. One must question then whether Scotland before 1638 truly operated as a state in a period when military activity seems to have defined that entity. Again the covenanters appear revolutionary due to their militarization of the Scottish state. The alternative to a national military was a substantial mercenary effort. We know Scotland fielded thousands of such men, but substantial discussion covers only a brief period in the 1620s. In any case, the Privy Council only provided licenses and did not initiate, supervise, and control those forces as the covenanter governments did. Simply put, the book fails to answer the question whether Scotland had a military establishment. A linked question is whether the landed classes' local authority atrophied as much as Goodare states. The end of the blood feud and recourse to courts to settle disputes are commonplaces of Jacobean Scotland, indicating a significant alteration in the local dynamic. Goodare speaks of rentallers indicating a total shift in landed authority from the military to the economic. Perhaps the situation was more subtle? As late as the Restoration period one finds Lowland landlords instigating their tenants and dependents to violence—protecting Presbyterian clergy, attacking other landlord's tenants, turf cutting on disputed land, or destroying crops of neighboring estates. Of greater contrary evidence was the covenanters' overwhelming preference in commissioning landed men as the initial/levying colonels of regiments instead of professional officers. The covenanters recognized that heads of kin (Lowland ones) and substantial landholders would prove more effective in enlisting kinsmen, tenants, and dependents than professionals. Was this due solely to social and economic ties, or does it suggest the survival of some vestigial military influence?

Goodare paints a picture of monarchy in control of a functioning political system. The querulous burgesses, while frequent, signified little due to their general lack of political importance. The Jacobean lairds, like the other landlord group—the peers—had been co-opted into the governmental structure. Intriguingly, Goodare does not provide any suggestions as to why the government of James's successor would prove so wildly unpopular. One finishes with the impression that Charles alone bears the sole weight for rousing the governing classes' ire. While his regime was utterly detestable to Presbyterians, was

the government of James so well accepted that no roots of discontent remained from his reign? References in the parliamentary history to the 1612 and 1621 parliaments indicate James had less than a golden age. Still Goodare has produced a *tour de force* in terms of research and analysis. His style will not enthrall readers, but the material provides a virtual manual on Scottish government. The book will become the mandatory starting point for scholars investigating Scotland 1560-1625.

Impeccably based on research in primary sources, some never before used, the parliamentary history edited by Keith Brown and Alastair Mann effectively surveys 1592 to 1703. It consists of an introduction and eight topical chapters. Brown and Mann commence the parliamentary history with an introduction that sets the succeeding articles in a broader context. They reject the interpretation of previous historians who fixated on the conflict between princes and estates. Their rejection of that Whig perspective ignores George Buchanan and Samuel Rutherford, who were not just Scottish political theorists, but were also interpreters of Scottish politics. They discard the conventional view of the Scots estates as weak and, likewise, discard the view that the lords of the articles (which set the agenda of a session) implicitly weakened parliamentary authority. (Why they overlook that the covenanters and the 1689 Whigs thought that the articles subverted parliament intrigues the reviewer.) The introduction highlights the structural changes (such as the introduction of shire MPs and the growth of committees), and new business (taxation and religious affairs). The editors observe that the burghs acted collectively to secure economic ends, generally though the nobles dominated the assembly. Most importantly the editors opine that unlike continental estates, the Scots parliament survived beyond the 1650s with some presence of opposition to royal policies even in the dark days of the Restoration period.

Alan R. MacDonald examines the contentious Parliament of 1592. He provides a good explanation of the intersection of the king's and the political community's preoccupations. The majority of public opinion deplored the king's condoning of the earl of Huntly for the murder of the king's cousin the earl of Moray. The king sought the condemnation of another royal cousin, the earl of Bothwell, for treason. Simultaneously, the Kirk wanted the establishment of Presbyterian government. The successful lobbying by the General Assembly of the Kirk illustrates Goodare's point about the links between the Kirk and Parliament. The lack of early modern Scottish documents appears in the absence of any list of atten-

dees, which is particularly distressing since this was the first meeting with shire commissioners. No faction dominated the session, but a third of the attendees were Presbyterians. The king obtained a judgment against Bothwell; and had his earlier revocations of grants during his minority approved. The Presbyterians had their church government confirmed and penal laws passed against Roman Catholics. The king retained power in the Kirk, however, by setting the date and place of general assemblies. Parliament increased its power by gaining the right to approve nominees to the Privy Council. Although the Presbyterians and constitutionalists might regard the session as a high point, the lords of the articles produced the program. The account is first rate, but MacDonald ignores the parliaments of the early years of James's reign. He also fails to answer the question whether the parliaments of the minority met to undertake political and legal action, or as acts of propaganda to legitimize a regime.

Vaughan T. Wells considers what the parliaments of 1612 and 1621 reveal about the growth of royal power and the loss of parliamentary authority. James pursued an agenda for the Kirk (reintroduction of bishops and the estates' approval of the 1618 Five Articles of Perth) and annual taxation in both parliaments. The king advanced bishops (giving them precedence in entering the estates and allowed them select nobles for the articles for the first time since 1560) to improve the crown's position in Parliament. In both parliaments the king presented lists of bishops and peers for the articles. In 1612 his commissioner oversaw their selection, while in 1621 an inner group of the Privy Council ensured royal control in the articles. Noble objections in both meetings managed to curtail tax demands by two-thirds. By banning the separate meetings of estates and setting votes at short notice, the royal commission further eroded Parliament's authority. The article fails to deliver any analysis of the opposition, which would illuminate future parliamentary history. John R. Young deals with the first parliament of Charles I, which was held in 1633, and paints a bleaker picture of royal interference than the earlier negative portraits had indicated. Due to the original intention of holding the meeting in 1628, the king and his agents had six years to massage the membership. The considerable efforts by the king and the Privy Council failed to produce the results envisaged due to the negligence of most sheriffs, a shift in royal priorities (replacing hereditary sheriffs with annually appointed ones), and the growth of a landed interest opposing royal policy. In the months immediately before Parliament, the crown sought to manipulate the meeting by having the lord advocate draft

the agenda, and it limited the review of public submissions to bishops and officers of state and not representatives of the estates as legally required. The crown succeeded in garnering some support by obtaining proxies for nearly a third of the peers listed as members. Charles followed his father's practice by submitting a membership list for the articles. As before, taxation and religious issues (elevating royal supremacy) formed the core of business. Unsurprisingly, those issues and the ratification of Charles's revocation (of grants) stirred opposition. Yet royal control was ensured, especially by refusing the individual estates to meet separately, by prohibiting any debate, and by the king personally noting the names of all who voted against his legislative program. The ominous atmosphere was enhanced after Parliament by the crown mustering the Highland clans in Edinburgh and by trying Lord Balmerino for possessing a copy of an unrepresented petition against royal policies. Young adequately paints the picture of royal control before, during, and after Parliament. Yet with the exception of ten nobles, he fails to identify the Presbyterian opposition. That omission, particularly in reference to the shire members who formed an essential bloc in the covenanter parliaments, is unfortunate.

As with other portions of this book, John J. Scally's essay, leaps over part of his period. In this case, 1639-45 receives too brief a treatment. His article benefits from his significant discovery of the duke of Hamilton's notes of the 1648 meeting. That document is especially revealing of the workings of the "Grand Committee," which prepared the agenda and tried to reach consensus. Indeed it is the concept of consensus as the driving force of government that Scally stresses. The fixation on consensus probably deprived Hamilton of his chance of success, since speed in assisting his English allies was essential. Does Hamilton's search for consensus not betray his weakness as a leader? (Argyll certainly sought to limit the potential for political opponents in 1649.) Scally ignores the question as to whether the covenanters developed their particular style of parliamentary government *sui generis* or through adopting that of other estates (such as the Dutch). Given the evidence from Wells and Young (in addition to the previous 350 years of writings), this matter requires some attention. How did the covenanters come to create the parliamentary techniques they did in the face of decades of limited committee work and how did they remove the prominence of the Privy Council? Whether he treats this matter elsewhere (as inferred pp. 142-143) is immaterial given its pre-eminent importance in the history of English-speaking representative assem-

blies. More might be made of the actual creation of parliamentary debates. Scally seems to have missed the fact, well-developed by Steve Murdoch and Alexis Grosjean, in his analysis of some covenanter verse, that the covenanters' struggle with Charles had European dimensions. In discussing opposition to the Engagement he overlooks the resistance from the shire committees whose military role was paramount. The chapter deals too much with general politics and insufficiently with Parliament, especially the question of how the committees of the shire were chosen and why. It neglects the impressive fact that the covenanters demanded and received shares of blood and treasure from the country that no previous Scottish government had even contemplated. Explaining Parliament's role in that feat of government should have gained more attention. Gillian MacIntosh examines the Restoration parliaments with the duke of Lauderdale as the royal commissioner. He outlines the roll back of parliamentary authority and the imposition of oaths to eliminate potential Presbyterian MPs. Parliament restored the lords of the articles, which was the greatest threat to parliamentary sovereignty as Young and Wells showed. As earlier in the 1600s, the crown presented an agenda: in this case for increasing the militia, elevating royal ecclesiastical supremacy, an excise act, and establishing union with England. Despite a pliable membership, protests arose over controverted elections and the selection of the articles' members. The latter were again chosen by the crown, in this case Lauderdale. The articles met without other MPs, contrary to a 1662 act. The third duke of Hamilton and lawyers (representing burghs) created the most problems over the militia and union. The customs debate fell afoul of the royal burghs (an estate not noted for its political clout). While the burghs mustered a majority against this proposal (increasing custom fees would have hardly been seen by the burghs as an improvement by them), the crown finagled a positive result, which it gained for all of its legislation. The 1673 parliamentary session found Lauderdale adamant against accepting a scintilla of opposition, leading to manipulation of the burgh elections. Still he encountered opponents, again led by Hamilton. However, these opponents discredited Lauderdale not for ideological reasons, but due to their anger at the lack of political office. If that was entirely true, then MacIntosh's analysis that only one peer and two lairds were the opposition seems acceptable. That some votes showed at least an even split indicates that the author should have attempted more investigation of the opposition by estate. Mann examines the question of how much James VII (first as duke of Rothesay, and then as king) manip-

ulated Parliament. He discounts the level of royal control over Parliament provided by the lords of the articles, which begs the questions of why both the covenants and the 1689 convention considered the articles such a grievance and why previously the crown had worked hard on controlling membership. James appears as a devotee of bishops and offices of state (the latter had the right to sit to run parliamentary committees). As these men owed everything to the monarch, one can see how their presence in Parliament could be obnoxious to certain members. Unlike Lauderdale, James initially strove to build a large client base. By 1685 these men were generally royalist Episcopalians, but as time passed James relied on fewer (Roman Catholic converts) men. As a result his 1686 quest for toleration ran afoul Episcopalian and burgh resistance. Mann states that James failed to produce innovations in arbitrary government, merely copying Lauderdale in ruling through a smaller coterie of allies. Surely, James's manipulation of parliamentary elections and the articles followed the patterns of royal control dating back over seventy years, so what innovations were necessary? As the king learned, the contentious issue of Catholic toleration required the recourse to extra-parliamentary acts—royal edicts of toleration. Mann views James's failure with toleration to reflect the independence of the articles. Although he admits that the king's ploy to control the selection of burgh MPs had a good chance of success. One could just as readily ascribe the intransigence he encountered both to entrenched anti-Catholicism (fueled by self-preservation of position and religious conviction) and to the rejection of government by a clique. Derek J. Patrick in his essay on the 1689 convention election shows that the opposition to James VII could ruthlessly manipulate the shire and burgh elections to create a substantial party in parliament. The analysis belies the question as to what had happened in the past with the 1686-88 exception of the king's plan to pack the burgh estate with his own men. Indeed Patrick's discussion of James's plans for the burghs more properly belongs in Mann's article. Due to James's remodeling of burgh government the interregnum government expanded the burgh franchise to all Protestant burgesses, paving the way for William of Orange's supporters. Patrick details almost half of the burgh elections and shows how William's men outnumbered Jacobite MPs three to one. The disputed burgh elections show a politically divided nation, which was also reflected in the shires where the Williamites had a two-to-one predominance. According to Patrick the electoral results led to a Whig triumph (deposition of James, abolition of the articles, parliamentary committee rule, and

return of Presbyterian Kirk government). Patrick provides an extremely useful appendix—the list of attendees of a Scottish meeting in London in January 1689. The author ignores the role of the nobles, which other authors in the volume (as well as Goodare) consider paramount to the governing of Scotland. In fact the article deals solely with extra-parliamentary activity, which is important politically but neglects the intricacies of the 1689 convention, not to mention the subsequent Williamite sessions of Parliament. Brown's article discusses the session of 1702, that year's election, and the 1703 parliamentary session. Brown has the parliaments of William and the issue of the union to cover, and he ignores them. We could have used the knowledge he has gained from studying the nobility and parliament to deal a death blow to Patrick Riley's (and Robert Burns's) view of Scots politicians of the period as a "parcel of rogues." [1] A discussion of parties (court Presbyterian, court Episcopalian, country, cavalier, and opportunist) rests on the political discourse of 1702-03, not of 1689-1702 or of 1704-07. Instead of an analysis that could have answered the question of centuries, we have a well-crafted examination of the last session of the 1689 Parliament, an election, and the subsequent session of the estates. The fourth duke of Hamilton, eager for political office, fought a national campaign to build the country party. The second duke of Queensberry (royal commissioner) led a court party fractured between dedicated Presbyterians and pragmatists. The Episcopalian (and partly Jacobite) cavalier party also sought seats. The shires proved more amenable to outside lobbying than the burghs, which reacted adversely to intrusion. The ideological parties, as well as the *Squadronne Volente* or opportunists, constituted the factions of the 1703 session. It met following Queensberry's purge of the more intransigent Presbyterians from the government and their replacement, chiefly by cavaliers. The session foundered on Queensberry's failure to build a broad-based ministry, the alarm of the Presbyterians, the general lack of common ground, and the country party's seizure of the initiative. Queensberry's inability to obtain taxation and his loss of a working parliamentary majority led to his dismissal. The article, and hence the book, peters out at the verge of one of the most compelling periods of Scottish parliamentary history.

Some troubling points exist despite the fine caliber of the essays. The volume does not deserve the definitive article in its title. The book is "*A History*." Why? Consider these gaps in coverage—1567 to the 1580s, 1689-1702, 1704-07. As a result the work (unlike Goodare's) cannot serve as the introduction to the topic. Thus, the early

parliamentary authors (C. S. Terry and R. S. Rait), despite their errors, retain value in presenting the broader picture. One must hope that a subsequent book by the collaborators will appear that addresses the lacunae of this volume. The editors have done a disservice to their authors in failing to integrate references between the articles. That omission alone indicates the lack of commitment to producing a comprehensive history of the last 140 years of Scotland's sovereign Parliament. One needs a solid knowledge of the general political history to gain the most profit from this book.

The two volumes will benefit scholars in distinct

ways. Goodare's provides a sweeping overview of Scottish government that will benefit anyone interested in the country's early modern period. Brown and Mann's will serve scholars interested in the particular aspects of the history.

Note

[1]. P. W. J. Riley, *The Union of England and Scotland: A Study in Anglo-Scottish Politics of the Eighteenth Century* (Manchester: Manchester University Press, 1978), 7, 201; and Robert Burns, "Such a Parcel of Rogues in a Nation" (n.d.).

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