Clare Jackson. *Restoration Scotland, 1660-1690: Royalist Politics, Religion and Ideas.* Woodbridge and Rochester: Boydell Press, 2003. ix + 258 pp. $85.00 (cloth), ISBN 978-0-85115-930-0.

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Erastian Pragmatism and Divine Right

The Restoration era constitutes one of the murkier corners of Scottish historiography. The period is not much frequented by historians and the dominant paradigm remains–in spite of the lone pioneering efforts of Julia Buckroyd–the inherited presbyterian myth of a bloody, tyrannical Cavalier state committed to the persecution of the humble Lowland Covenanters.[1] Clare Jackson's lively and thought-provoking book sheds considerable light in dark places, and insists–without any sacrifice of plausibility on her part–on a rather different narrative structure. No longer are we presented with the bipartisan conflict of Episcopalian and Covenanting Presbyterian, but with a more persuasive picture of a royalist establishment, which was far from wholeheartedly episcopalian in ideology, confronted by two different sets of opponents: not only a presbyterian opposition, but also a moderate royalist opposition led by the Duke of Hamilton which concerned itself with matters of "liberty and privileges."

The history of Scottish royalism has suffered its own particular deformation. The royalism of the Restoration era has been studied through the wrong end of the telescope as a straightforward and uncompromising forerunner of eighteenth-century Jacobitism, a topic in Scottish history whose extraordinary gravitational pull distorts adjacent areas. Instead, Jackson points to the variety of political positions contained within the capacious parameters of a Scottish royalism far removed from the caricature of Cavalier dogma rendered in presbyterian histories. Royalist writers did not condone tyranny. An ab-

solute monarch was still answerable to the laws of God and the laws of nature and nations and was compelled to recognize the property rights of those over whom he ruled. Moreover, adherence to monarchy, as Jackson reminds us, did not preclude searching criticism of the practical implementation of kingly rule when this verged on arbitrary process. On the other hand, there was no scope in royalist political culture–its variations notwithstanding–for resistance to the monarchy. Yet Jackson does not ignore the ways in which the politics of the Stuart multiple monarchy inhibited the fullest articulation of Scottish absolutism. Sir George Mackenzie of Rosehaugh was unembarrassed by his 1680 edition of Scotland's historic manifesto of independence, the Declaration of Arbroath (1320), which called for the withdrawal of allegiance should a Scottish king submit to the suzerainty of England; nevertheless, as far as Mackenzie was concerned, such sentiments were not tantamount to an elective monarchy, but to national constraints upon the alienation of the kingdom.

If divine right monarchy was not without limitations, divine right episcopacy, it transpires, was severely circumscribed. Jackson puts forward a convincing case that the re-established episcopalian church did not mount a serious *ius divinum* justification of its own legitimacy. Upholders of the establishment seem to have acquiesced in a lukewarm defense of episcopacy as the form of church government which the civil magistrate found most conducive to the maintenance of order. Jackson detects a reluctance to construct a compelling ecclesiologi-

cal case for episcopacy grounded on scripture or the practice of the primitive church. Patristic research seemed only to confirm the identity of "presbyter" and "episcopos." If anything churchmen found themselves on the defensive, trying to distance themselves from the erastian implications of their own pragmatism. Jackson cleverly exposes the ambiguities in the Supremacy Act of 1669, long a presbyterian bogey because of its infringement of the Presbyterians' two-kingdom ecclesiology. As Jackson notes, the Supremacy Act, which instituted monarchical control over Scottish church affairs, also undermined the 1662 settlement which had confirmed episcopacy as the established form of church government. The Act punctured clerical pretensions of both Presbyterians and Episcopalians and caused some consternation in episcopalian ranks. Indeed the Supremacy Act was followed by the introduction of prerogative indulgences designed to woo moderate Presbyterians, alongside an uncompromising policy of repressive sanctions against the more intractable dissenters. Jackson convincingly demonstrates that Scottish historiography has long been lumbered with a one-sided reading of such measures, which ignores the *politique* element in Restoration statecraft. There was a "substantial middle ground" in Scottish political and religious culture, comprising, variously, moderate Presbyterians, *politique* courtiers, and irenic Emuch with their fellow countrymen of presbyterian inclinations as they did with their supposed coreligionists in the Church of England (p. 163). The hard-and-fast distinction between Presbyterianism and Episcopalianism emerges properly only in the period after the establishment of a Presbyterian Kirk in 1690.

Scottish political thought of the Restoration era was more variegated than historians have hitherto assumed. In particular, Jackson emphasizes the neglected importance of reason of state. Drawing on her compendious and detailed juridical knowledge, she recovers Mackenzie's argument for necessity of state grounded in the concept of "dominium eminens," which trumped the normal property rights of the subject. Yet the relationship between jurisprudence and political thought in *Restoration Scotland* was a checkered one. The historian needs to confront the ironic disjunction between the egregious perversions of legal practice which characterized Scots law under the restored monarchy and the widely acknowledged claim that this was the foundational golden age of Scottish Institutional jurisprudence. With subtlety Jackson explores the tensions, ambiguities, and mixed fortunes in the careers of the leading jurists, Stair and Mackenzie of Rosehaugh. Juridical sophistication, it transpires, proves hard to detach from legal sophistry. Sophistry in turn was used to conjure up prosecutions out of phantom offences, with Mackenzie displaying a pronounced ingenuity in the creative expansion of criminal law. The passage and implementation of the Test Act of 1681 engendered a curious trial of legal wits. At the instigation of Stair–a prudent politic quietly determined to thwart this destabilizing measure–the definition of Protestantism used in the Test was that of the Confession of Faith of 1567, whose acknowledgment of lawful resistance rendered the Test internally inconsistent. Yet when the Ninth Earl of Argyll tried to swear the Test "in so far as it was consistent with itself," this equivocation was sufficient for Mackenzie to advance a novel and successful prosecution for treason. Ironically, Stair, who acted as Argyll's counsel, found himself ensnared in a web of his own devising, and, unable to swear the Test, except, as he well knew, in a newly outlawed sense which paid heed to its illogicality, he fled to the Netherlands.

Jackson's study of the ideological underpinnings of the Restoration establishment in church and state casts the Revolution of 1689 in a new light. A widespread loyalism within the political nation, grounded as much on "erastian pragmatism" as on doctrinaire commitment to an episcopal settlement, was insufficient, in the end, to sustain the regime of James VII. James's attempts to dismantle the Protestant state apparatus provoked the emergence of an unlikely coalition of Episcopalian and Presbyterian. Royalists came to embrace passive resistance, while Mackenzie, ousted from office by James VII, found himself back at the bar as an ordinary advocate defending accused Covenanters. At the Revolution indefeasible hereditary right could be "quietly jettisoned" without overstepping the bounds of a sophisticated royalist jurisprudence which encompassed eventualities of the sort thrown up by the events of 1688-1689, while Scots episcopacy–unlike its sister Church of England–failed to provide a compelling divine right defense either of the monarch or of its own form of church government. In Scotland, unlike England, it was the sleekit (sly), casuistical lawyers who "gradually came to exert the greatest influence over the theory and practice of monarchy in late seventeenth century Scotland" (p. 220). As a result, Jackson questions the assumption–to which this reviewer himself must sheepishly own up–that the Scottish Revolution of 1689 in which James VII was deemed to have "forefaulted" the crown was widely justified in overtly contractarian terms, as derived from early modern Scotland's pre-eminent political theorist, George Buchanan (1506-82). In this respect, the case of Francis Grant, a

Presbyterian jurist and pamphleteer, who justified the Williamite Revolution in the language of *ius gentium*, is pregnant with significance.

Jackson's volume not only recovers an obscure story and relates it with nuance and balance, it is also rich and suggestive in its explorations of a range of related subjects, including the pre-Union origins of the Scottish Enlightenment, intellectual contacts with the Continent, the role of the legal profession in seventeenth-century Scotland, and the ambiguous status of Scotland within the Stuart multiple monarchy. Jackson's work will now become the standard work on Restoration Scotland and should also act as a point of departure for researchers on a wider front.

Note

[1]. Julia Buckroyd, *The Life of James Sharp, Archbishop of St. Andrews, 1618-1679: A Political Biography* (Edinburgh: J. Donald, 1987); *Church and State in Scotland, 1660-1681* (Edinburgh: J. Donald, 1980).

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