INTRODUCTION

Until relatively recently, the Restoration era was one of the murkier corners of Scottish history. Previous studies of Scotland in the reign of Charles II (of which there have been a limited few) have tended to focus exclusively on the religious conflict between presbyterian dissenters and a government-supported episcopal church, as if this was the only subject-matter of note for historians of the Restoration period. Until the latter half of the twentieth century, it was Robert Wodrow's portrayal of an age of brutality, in which the people were involved in a godly struggle in defence of presbyterianism, that dominated the bulk of research.[1] Whereas Wodrow did much to establish the covenanting tradition of martyrdom, it was later published accounts which inexorably linked the Restoration period with religious persecution in the popular imagination. The emergence of the Free Church of Scotland in the mid-nineteenth century prompted a plethora of sympathetic and hagiographical biographies of persecuted covenanters, which for some years remained the dominant output concerning the Restoration. Whilst contemporaneous episcopalian writers challenged such an interpretation, the unerring concentration on the ecclesiastical dimension of the Restoration period only served to confirm an entrenched view of the era as one marked solely by fanatical rebellion and state oppression.[2]

The publication in the early twentieth century of a number of biographies of the chief political figures of the period – such as W. C. Mackenzie's partisan study of the historical reputation of John Maitland, second earl and first duke of Lauderdale, Andrew Lang's commentary on the career of Sir George Mackenzie of Rosehaugh, lord advocate, and John Willcock's life of Archibald Campbell, ninth earl of Argyll – were to be welcomed, even if they also showed signs of the religious bias that had marked so many previous studies of the Restoration era.[3] It was not until the 1960s, coinciding with a general renaissance in Scottish historical writing, that a number of studies reconsidered the Restoration period in much less emotive terms,

although these too were similarly focused on ecclesiastical matters. Nevertheless, Ian Cowan's revisionist appraisal of the later phase of the covenanting movement did much to advance a more balanced historical understanding of government policy on religious dissent, eschewing mawkish sentimentality in favour of a more dispassionate approach.[4] The lone pioneering efforts of Julia Buckroyd in the 1970s and 1980s, specifically focusing on the remarkable fluctuations between repression and conciliation which marked government strategy in the years 1661–81, likewise provided fresh insight into the political alliances of the period, convincingly arguing that ecclesiastical policy had less to do with religious convictions than with political power struggles within the Restoration regime.[5]

Apart from a recent number of historical accounts of the Restoration which include Scotland as part of a 'three-kingdoms' approach to British history, there has been no comprehensive published attempt to study political events in Charles II's northern kingdom from a non-Anglocentric perspective.[6] In 1994, Allan Macinnes and Michael Lynch identified several conspicuous lacunae in the study of Scottish history, 'none more striking than the "black hole" in the Restoration period.'[7] In the intervening period, some valuable work has been produced that has done much to shift the focus away from traditionalist studies of religious dissent. A number of articles on particular aspects of Restoration politics, such as government policy towards the Highlands and a brief study of the origins of the opposition to Lauderdale in the parliamentary session of 1673, whilst illuminating, have tended to raise more questions than provide answers.[8] Perhaps the most useful work undertaken recently on Scotland in the reigns of Charles II and James VII has been by Clare Jackson, whose detailed and intelligent reconstruction of late-seventeenth-century intellectual culture, particularly regarding royalist ideas and theories, has injected Restoration history with a much needed dose of political thought.[9]

Nevertheless, despite the past decade witnessing a renewed interest in the study of Scottish parliamentary history in particular, the Restoration period has not been well served by current published historiography.[10] For example, John Young's exhaustive account of the political and constitutional development of the mid-seventeenth-century Scottish parliament ends at 1661, albeit with a short analysis of the first session of the newly restored parliament.[11] Although the role and significance of the Scottish parliament has been briefly discussed in the aforementioned British studies of Charles II's reign, the

institution has often been unfavourably contrasted with its English equivalent and subsequently dismissed as feeble and ineffective in comparison. For example, Tim Harris, despite seeking to promote a more inclusive and integrated British approach in his recent study of Charles II's kingdoms, seems content to sum up Scotland's parliament as a 'relatively weak institution, unable to offer the same sort of counterbalance to the political authority of the crown as their English counterparts.'[12] Such a view has been endorsed by Scottish historians themselves, with the Restoration Scottish parliament being described as 'pliant' and 'emasculated' because it passed legislation to strengthen the powers of the crown.[13]

As a result of the limitations identified in currently published historiography, it is still Robert Rait's 1924 book on the Scottish parliament that remains essential reading on constitutional matters, even though this thematic study devotes only thirteen pages to the period 1660–85.[14] For the modern reader, however, Rait's generally harsh and Whiggish conclusions about the Scottish parliament's historical significance, derived once again from comparisons with its English counterpart, mars what still remains the only attempt at a general history of the institution. If Rait is to be believed, Scotland's parliament 'never established the claim upon national gratitude and reverence which, at the date of the union, Englishmen proudly acknowledged to be the inheritance of the two houses that sat at Westminster.' Nor, according to Rait, did it 'give to the world that example of, and inspiration to, representative government which is perhaps the greatest English contribution to the development of civilization'. In attempting to justify his very reasons for studying the institution at all, Rait concluded that, despite 'its defects and its impotence', the Scottish parliament had value chiefly as a historical 'curiosity', if nothing more.[15]

Rait's unflattering assessment of the historical significance of the Scottish parliament was so effective that it killed off interest in the subject for much of the last century. It was not until the late twentieth century that systematic attempts were made to question Rait's judgements and rescue the reputation of the early modern Scottish parliament. This revisionist approach, best seen in the work of David Stevenson, Julian Goodare and John Young amongst others, revealed the hitherto overlooked complexity and highly developed nature of the institutional processes at work in the late-sixteenth to mid-seventeenth-century parliament.[16] Building on these foundations, a recent reassessment of the early history of parliament undertaken by Roland Tanner and other late medievalists has prompted a radical

rethinking of the respective power of the estates between the thir-
teenth and sixteenth centuries, comprehensively deconstructing the
notion that assemblies in late medieval times were wholly passive
affairs, controlled entirely by the monarch, and instead demonstrat-
ing that a robust and developed parliament played a significant role
in government and often kept the crown in check.[17] As a result of this
reappraisal of parliament's historical significance, the new shared
consensus is that the Scottish estates were at least as powerful as many
comparable European institutions, if not more so.

Despite the recent renaissance in the study of Scottish constitu-
tional history, the role and function of parliament under Charles II
has until now awaited a detailed study. This book therefore seeks not
only to provide an analysis of the political and legislative role of the
estates throughout the Restoration era, but an explanation of why
they were called together, who attended and what they did. Individual
sessions of parliaments have been placed in the context of the time in
which they sat. Only then is it possible to ascertain if the predomi-
nant and traditional view of the Scottish parliament as a weak and
ineffective institution is a well-deserved assessment or an unfairly
harsh one.

Notes

1 R. Wodrow, *The History of the Sufferings of the Church of Scotland
   from the Restoration to the Revolution*, R. Burns (ed.), 4 vols (Glasgow,
   1828–30).
2 Of the many such works published at this time, see, for
   example, P. Walker, *Biographia Presbyteriana*, 2 vols (Edinburgh, 1827),
   J. K. Hewison, *The Covenanters: a History of the Church of Scotland
   from the Reformation to the Revolution* (Glasgow, 1908) and A. Smellie,
   *Men of the Covenant: the Story of the Scottish Church in the Years of
   the Persecution* (London, 1909).
3 W. C. Mackenzie, *The Life and Times of John Maitland, Duke of
   Lauderdale* (London, 1923); A. Lang, *Sir George Mackenzie, His Life
   and Times, 1636–1691* (London, 1909); J. Willcock, *A Scots Earl in
   Covenanting Times: being Life and Times of Archibald, 9th Earl of
   Argyll (1629–1685)* (Edinburgh, 1907).
4 I. B. Cowan, 'The Covenanters: a revision article', *SHR*, 47 (1968),
   pp. 35–52; I. B. Cowan, *The Scottish Covenanters, 1660–1688*
   (London, 1976).
5 J. Buckroyd, 'The dismissal of Archbishop Alexander Burnet, 1669',
   Records of the Scottish Church History Society, 18 (1973), pp. 149–55;
   J. Buckroyd, *Church and State in Scotland, 1660–81* (Edinburgh, 1980);

J. Buckroyd, 'Anti-clericalism in Scotland during the Restoration', in N. Macdougall (ed.), *Church, Politics and Society: Scotland 1408–1929* (Edinburgh, 1983), pp. 167–85; J. Buckroyd, *The Life of James Sharp, Archbishop of St Andrews, 1618–1679: a Political Biography* (Edinburgh, 1987).

6 See, for example, R. Hutton, *Charles II: King of England, Scotland and Ireland* (Oxford, 1991) and T. Harris, *Restoration: Charles II and his Kingdoms, 1660–1685* (London, 2005), which both focus largely on England but give admirably inclusive attention to the fringes of the British Isles.

7 A. I. Macinnes, 'Early modern Scotland: the current state of play', *SHR*, 73 (1994), p. 43; M. Lynch, 'Response: old games and new', *SHR*, 73 (1994), p. 47.

8 A. I. Macinnes, 'Repression and conciliation: the Highland dimension, 1660–1688', *SHR*, 65 (1986), pp. 167–95, and J. Patrick, 'The origins of the opposition to Lauderdale in the Scottish parliament of 1673', *SHR*, 53 (1974), pp. 1–21.

9 C. Jackson, 'Restoration to Revolution: 1660–1690', in G. Burgess (ed.), *The New British History: Founding a Modern State, 1603–1715* (London, 1999), pp. 92–114; C. Jackson, *Restoration Scotland, 1660–1690: Royalist Politics, Religion and Ideas* (Woodbridge, 2003).

10 A number of unpublished doctoral theses have, however, provided fresh insight into various aspects of late-seventeenth-century Scottish government, such as R. W. Lennox, 'Lauderdale and Scotland: A Study in Restoration Politics and Administration, 1660–1682' (University of Columbia, Ph.D., 1977), K. M. Colquhoun, ' "Issue of the late civill wars": James, duke of York and the government of Scotland, 1679–1689' (University of Illinois at Urbana-Champaign, Ph.D., 1993) and R. A. Lee, 'Government and politics in Scotland, 1661–1681' (University of Glasgow, Ph.D., 1995).

11 J. R. Young, *The Scottish Parliament, 1639–1661: a political and constitutional analysis* (Edinburgh, 1996).

12 Harris, *Restoration*, p. 25.

13 C. Kidd, *Subverting Scotland's Past: Scottish Whig Historians and the Creation of an Anglo-British Identity, 1689–c.1830* (Cambridge, 1993), p. 131.

14 R. S. Rait, *The Parliaments of Scotland* (Glasgow, 1924).

15 Rait, *Parliaments of Scotland*, pp. 125–6. C. S. Terry's earlier study, *The Scottish Parliament: its Constitution and Procedure, 1603–1707* (Glasgow, 1905), reached the same damning verdict. According to Terry, the early modern Scottish parliament 'failed to secure for itself . . . the respect, popularity and authority of its English contemporary', p. 162.

16 For an example of this approach, see D. Stevenson, *The Scottish Revolution, 1637–44: The Triumph of the Covenanters* (London, 1973);

D. Stevenson, *The Revolution and Counter-Revolution in Scotland, 1644–1651* (London, 1977); J. Goodare, 'The estates in the Scottish parliament, 1286–1707', *Parliamentary History*, 15 (1996), pp. 11–32; J. Goodare, *The Government of Scotland, 1560–1625* (Oxford, 2004); J. R. Young, 'Seventeenth-century Scottish parliamentary rolls and political factionalism: the experience of the Covenanting movement', *Parliamentary History*, 16, 2 (1997), pp. 148–70; J. R. Young, 'The Scottish parliament in the seventeenth century: European perspectives', in A. I. Macinnes, T. Riis and F. G. Pederson (eds), *Ships, Guns and Bibles in the North Sea and the Baltic States, c.1350–c.1700* (East Linton, 2000), pp. 139–49; and Young, *Scottish Parliament*.

17 For a small example of this revisionist output, see R. J. Tanner, *The Late Medieval Scottish Parliament: Politics and the Three Estates, 1424–1488* (East Linton, 2001); K. M. Brown and R. J. Tanner (eds), *The History of the Scottish Parliament, volume I: Parliament and Politics, 1235–1560* (Edinburgh, 2004); and K. M. Brown and A. J. Mann (eds), *The History of the Scottish Parliament, volume II: Parliament and Politics, 1567–1707* (Edinburgh, 2005).