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Institution And Ideology: The Scottish Estates And Resistance Theory

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I.

There is a fairly familiar story about the part played by Scottish ideas in the history of 'resistance theory'. Its current familiarity owes a great deal to Quentin Skinner's *Foundations of Modern Political Thought* and something perhaps to work of my own. The story, however, is an old one, going back at least as far as Acton, the Carlyle brothers, and Harold Laski. What it tells us is that a concept of limited monarchy grounded on the consent of the community under the sanction of resistance by the community if a ruler overstepped the bounds of his or her authority was transfused, in Scotland and elsewhere, from conciliarist ecclesiology into the polemics of the second half of the sixteenth century. And since one of the most notorious instances of actual resistance was the deposition, in 1567, of Mary Queen of Scots, the defence of that action by one of the outstanding humanists of his generation was one of the major pieces of resistance theory in that period. Laski went so far as to call George Buchanan's *De jure regni apud Scotos* the most influential political text of the sixteenth century. An exaggeration, no doubt; but an exaggeration of what has been generally accepted as a valid view of the significance, in this connection, of Scottish ideas.

The subject of this paper requires at least a partial rehearsing of the earlier part of that story; but my central theme here is a less familiar one. I want, for one thing, to focus attention upon the role ascribed by resistance theory in sixteenth-century Scotland to the three estates of the realm; and beyond that I want to consider what roots such ideas had in the institutional reality of the medieval Scottish parliament - if indeed such roots and the growth that may have sprung from then are discernible at all. With these questions in mind, I shall not concern myself with the catastrophe of Mary Stewart's reign and the polemics to which it gave rise. I shall take as my starting-point an earlier episode, serving as it does to illustrate the political positions available to Scottish Protestants as they approached the religious revolution of 1560.

In the autumn of 1559 a critical moment had been reached in relations between the Protestant leaders (the 'Lords of the Congregation') and the regency exercised by the queen's mother, Mary of Guise, on behalf of Mary Stewart and her husband Francis II of France -joint sovereigns since the grant of the crown matrimonial to Francis in 1558. In October 1559 the Lords undertook to deprive the queen regent of her authority. A month or two earlier, indeed, even more drastic action had been envisaged, in the threat that if Francis and Mary would not agree to government in Scotland by a regency council committed to the elimination of Popish 'idolatry', then 'the Estates shall commit the government to the next heir.'[1] That did not happen; and when action was taken against the queen's mother there was no possibility of a regular parliamentary assembly. Nevertheless, it was declared to be '[t]he Nobilitie, Baronis, and Broughes convenit to advise upoun the affairis of the commoun-weill' who acted '[i]n name and auhoritie of our Soverane Lord and Lady' and did so 'as… borne Counsellouris… be the ancient lawis of the realme'.[2] The stated grounds of the action were entirely temporal; and the same line was taken in the Lords' Latin manifesto, insisting upon the *pristina libertas* of the realm.[3] In effect, a 'provisional government' was set up with the heir presumptive to the crown, James Hamilton, duke of Chatelherault, as the intended governor or regent, supported by a 'great council' playing the part of parliament.[4]

The secular ideology sustaining these proceedings was clearly an 'ancient-constitution' view of the realm. The Lords, however, had a less traditional role as leaders of 'the Congregation'; and in that role they could be said to have been provided with an essentially biblical ideology by John Knox. Here too, however, the estates of the realm had their place. When Knox addressed the Lords in his *Appellation* of 1558, he certainly saw them as having been 'called' by God to their responsibilities as 'princes of the people'. Yet their vocation, like that of the entire 'commonalty' of Scotland, was to take effect in a particular place and time; and it must, at least initially, operate through the existing institutions of the realm. The most celebrated of Knox's pamphlets - *The Fist Blast of the Trumpet against the Monstrous Regiment of Women* - reveals the potentiality of the estates for good and evil. It was by the 'blindnes [of] the Nobilitie and Estates' that women had been 'promoted' to rule; and so it was 'the dutie… of the Estates [and] of the People… to remove from honor and authoritie that monstre in nature'. And the *Appellation* makes it clear that responsibility for religious reform rested, for Knox, not with the sovereign alone but with the 'Noblis and Estates': if the ruler defaulted, it was for the nobles and estates to act as 'brydels, to represse the rage and insolencie of your kinges'.[5]

II.

By 1560, then, those engaged in political discourse in Scotland could appeal to a concept of the role of the estates extending to the possibility of vigorous resistance to the ruler. That concept rested on what was perceived as the 'ancient constitution' of the realm. It is thus not surprising that its immediate origins may be found in two pieces of Scottish historiography in the 1520s. These two histories were very different in character; and I begin with the later of the two - which is also at once the more influential in respect of later historiography and the less interesting in terms of theory.

Hector Boece's *Scotorum Historiae* (1527) belongs to the world of humanist rhetoric and historical myth-making - the myths all the more influential because they were perpetuated by a greater humanist, George Buchanan, in his *Rerum Scoticarum Historia* (1582). Boece evokes a political world originating in a legendary past, where, time and again, Scottish kings are removed from office for misgovernment and moral depravity. There is, however, little institutional substance in the account we are given of these proceedings. Boece, it may be said, sets the scene for dramas in which the estates might play a part: he does not write the scripts. And it is noteworthy that those who were later concerned to refute the justification of resistance to rulers were able, no less than their opponents, to take advantage of Boece's farrago.[6]

With the 1521 *Historia Majoris Britanniae* of John Mair we are in a very different world. Writing as a scholastic theologian, Mair brought to his history a developed theory of political society - a theory originally worked out in an ecclesiastical context, but consistently presented as applicable to the authority of kings as well as to that of the pope. In both cases representative institutions - the council in the church, the estates in the temporal realm - are not 'optional extras' or desirable improvements: they are an essential part of legitimate monarchy itself - of the *politia regalis et optima*. In the temporal world, Mair's theory is neither a radical 'constitutionalism' nor a mere 'resistance theory'. The ruler is always seen as having wide-ranging and effective power; and the community of the realm is always carefully distinguished from the populace as a 'many-headed beast'. Yet Mair's theory is, fundamentally, one in which authority to rule is based on the consent of the community; and that consent, given for the good of the community, may be withdrawn if power is tyrannically abused. The oppressive ruler may be removed from office - not by the mob or by indiscriminate tyrannicide, but by the coherent action of those who represent the people as an organised body.

air's account of the Scottish past, accordingly, the estates have an essential function. That function is in part legislative and fiscal - prescribing the rules define and limit royal authority, determining when the circumstances of the realm warrant the levying of taxes. Most crucially, however, the estates have the authority to determine the actual location of royal power. In regard to Scotland's Great Cause of the 1290s - the disputed succession after the deaths of Alexander III and of his granddaughter Margaret - Mair had to express a view as to the reign of John Balliol. Declared rightful heir in the adjudication by Edward I of England, Balliol had sworn allegiance to Edward, reneged on that oath, and been humiliatingly deposed by the English king. Eventually - this was the crux - Robert Bruce replaced Balliol on the throne. For Mair the essence of that replacement was that it took place by the consent of the community, which had 'expelled' Balliol and made Bruce king. And the seal was set on all this by the estates of the realm. Meeting at Ayr after the Scottish victory at Bannockburn, parliament had confirmed Bruce's title and regulated the succession. The whole story was for Mair a clear instance of authority exercised by the reliquam partem regni, corresponding to the reliqua pars ecclesiae in conciliarist ecclesiology - the community apart from its head, embodied in its representative council or parliament.[7]

John Mair had grown up in the Scotland of James III - he was born two years or so before the king's personal reign began in 1469. He had heard, in 1482, the gunfire during a siege which formed part of the sequel to what purported to be the deposition of James and his replacement on the throne by his brother. The king weathered that crisis, despite the lynching of his allegedly 'low-born favourites'; but he was less fortunate six years later, when a brief renewal of factional strife, in which James's youthful heir took the field against him, ended in his violent and mysterious death. None of this looks much like judicial or quasi-judicial procedure in a parliamentary assembly. Yet there was to be a parliamentary sequel, which had its share in the shaping of later ideology. The estates of the realm met in October 1488. Dominated by the victorious faction, they enacted a complex settlement, in which the relevant point for present purposes is the careful (and thoroughly disingenuous) account given of the end of James III's reign. The late king, parliament declared, had 'happenit to be slane'; and the blame for the entire debacle lay with the 'perverst counsal' that had misled him. The young king, James IV, 'and the trew lordis and baronis that wes with him… war innocent, free, and quyte of the said slauchter'. The whitewash is thick; but - this is the point -there is no hint of any kind of 'resistance theory'. In the crisis of the 1560s matters would be made - notably by George Buchanan - to wear a different appearance.[8]

III.

It is now time to consider what kind of body the fifteenth- century Scottish parliament was.[9] The meeting in October 1488 just referred to will serve to illustrate the answer. It was a single-chamber assembly of 85 members: 34 prelates (8 bishops): 35 lords (10 earls); and 16 burgh commissioners. The last group were, as always in medieval Scotland, representatives of *royal* burghs only; and even on that basis the third estates had arguably lost ground during James III's reign. Parliament in this form was a necessary and regular part of the machinery of government, meeting almost on an annual basis throughout the two decades of James's personal rule. Though the estates in full or 'plain' parliament did not have a monopoly of legislative power, it was established custom that only such a parliament could enact the most important measures and authorise taxation. It is worth recalling that Sir John Fortescue, who had been a Lancastrian exile there, regarded Scotland as an instance of the dominium politicum et regale he found above all in his native England. And it is also important to note that the Scottish parliament was undoubtedly the highest court in the land, with important juridical power in cases of treason and final authority over offices of fee and heritage.[10]

Can we, however, see such parliaments as capable of 'resistance' or even opposition to royal power and policy? It is one thing to say, as we can and must, that the prerogatives of parliament made it a body the king - or those who at any given time effectively exercised royal power - needed to control; quite another, perhaps, to suggest that such control might sometimes be insufficient to prevent the independent exercise of parliamentary power. The fact that much parliamentary business was conducted by committees - notably by the committee known as the Lords of the Articles - may reinforce such doubts. Yet in fact there is evidence to suggest the possibility of oppositionaal parliamentary activity. Two issues in particular seem to have created tension between king and parliament in the reign of James III. One was the king's use - or abuse - of the power to grant remissions or pardons. Venality in this respect gave rise to several instances of parliamentary pressure followed by royal 'declarations of intent' to remedy matters.[11] The other contentious area was foreign policy. In the early 1470s, for instance, the king's wish to take an aggressive course involving the somewhat unlikely project of an invasion of Brittany was decisively modified in the face of parliamentary resistance. To see this as exemplifying a more general anxiety on the part of the estates in regard to James's 'arbitrary' or 'absolutist' tendencies may overstretch the evidence; but it was plainly the case that parliamentary opposition in matters of policy had to be taken seriously.[12]

IV.

The parliament in which such debates could arise had, by the mid-fifteenth century, at least two hundred years' history behind it. Across that time-span we need to consider further the question of the character and capacities of the institution and its possible relevance to the development of an ideology of resistance. Certainly Scotland in the fourteenth and fifteenth centuries was never short of crises in which royal and parliamentary power had to operate. The War of Independence had been won, but the English claim to suzerainty was constantly renewed. Scotland's alliance with France was always likely to embroil the country in what became the Hundred Years War. And recurrent royal minorities added to the perplexities of government. 'Plain parliaments' met, on average, every three years or so during the period from 1329 to 1460, and we must also consider the activity of the less authoritative but important councils-general which - especially but not only when the king was a minor - discharged many parliamentary functions. Is there evidence for 'opposition' or 'resistance'? Can we agree that 'it is clear that Scots parliaments would, if necessary, place the community's interests above the king's?[13]

The answer may begin with a dramatic - indeed a violent - episode. The brutal murder, in 1437, of James I may not look much like the expression of a political theory or a constitutional principle. It was indeed the outcome of a tangle of private resentment and dynastic ambition. Yet there are grounds for thinking that one of those involved, Sir Robert Graham, did see his action in a more dignified light. 'I haue thus slayne and deliverde yow of so crewell a tyrant, the grettest ennemye that Scottes or Scotland myght haue.' Certainly James I's government was seen in some quarters as oppressive; and it is very much to the present purpose that, according to the source just quoted, '[m]any of the lords and of the astates of the land… droughe hem to conseille how that they myght withstande and resyste their kynges tyrannye.' It was then (some years, it seems, before the assassination)that Graham proposded 'a good remedye and helpe'; and, with the promise of others' support, he made the attempt. The king having 'lett summone a perlement of the three astates of the reaume… the same Sir Robert Grame… sett handes upon the kyng his souerayne lorde, saying these wordes: "I arest you, sir, in the name of the thre astattes here nowe assembled in the present perlement…"` His colleagues, however, ratted on him: it was Graham who was seized and banished. He has been called 'a political idealist': if he was, this failure may have led him to the Realpolitik of assassination justified as tyrannicide.[14]

This episode - vouched for, it must be acknowledged, by only one English chronicler, albeit a near-contemporary one - can be seen, perhaps, as reflecting an awareness in Scottish political discourse of the issue of tyrannicide a generation or so after the condemnation of Jean Petit by the council of Constance. More to the present purpose, it suggests that the assembly of the estates was seen as the proper forum for dealing with the problem of misrule. If we turn back to the late fourteenth century we shall find episodes less dramatic but doubtless more assuredly authentic which sustain the view of parliament as in some sense constitutionally decisive in such matters.

The main political problem for Scotland in the reigns of Robert II and Robert III, between 1371 and 1406, was not tyranny: it was the problem recurrently posed by the rex inutilis. And it was in the estates that the remedy for the king's uselessness had to be found. In 1384, in 1388, and in 1399, essentially the same situation had to be faced; and it was faced in parliament. Thus, in 1384, a council-general of the three estates complained that 'offences and outrageous crimes have been wont to be committed against the law', and went on to declare that 'because our lord the king… is not able to attend himself personally to the

:ution of justice… he has willed his first-born son and heir the Lord Earl of Carrick… to administer the common law everywhere throughout the kingdom.' precise import of this may be debatable, but the practical effect is plain.[15] Four years later matters had to be taken further. On 1 December 1388, again in a council-general, Robert II virtually abdicated, submitting both himself and his son, the heir-apparent, to the ordinance of the estates. The parliamentary response, in view of 'the great and many defects in the governance of the realm,' was to appoint the king's second son, Robert, earl of Fife (later duke of Albany), as 'guardian'. Care was taken, however, to prescribe that this custodial authority was to last only so long as it was used 'well and usefully… according to the determination and declaration of the general council or parliament'; and the estates were to meet annually to review the position. Moreover, the guardian's authority was to lapse as soon as his elder brother Carrick was adjudged by 'the council of the kingdom' (probably, once again, the estates) to have recovered sufficiently from his infirmity to hold office as guardian on his father's behalf.[16]

In the event Carrick succeeded, two years later, not as guardian but as king. Robert III, however, was from the outset a rex inutilis or worse, and by 1399 a council-general was declaring that 'the mysgovernance of the reaulme and the defaut of the kepyng of the common law be imput to the kyng and his officeris'. No doubt the 'officeris' were responsible for much that had gone wrong, and Robert was indeed encouraged to lay the blame on them. His unwillingness to do so meant that his own 'infirmity' had to bear the burden. Once again the remedy was the appointment of a lieutenant to act for a king who could not act himself; and once again it was the heir-apparent who was appointed. David, duke of Rothesay, was commissioned for three years with plenary powers; but a council of 21 members nominated by the estates was to supervise Rothesay's use of his viceregal authority when parliament was not in session, and during the three-year period a plain parliament was to meet annually.[17] As always, of course, such constitutional arrangements both masked and reflected a political struggle - in this case between Rothesay and his uncle, the former guardian of the realm, now duke of Albany. The end of this particular arrangement came in violence and treachery. In 1402 Rothesay was killed, and Albany resumed, as lieutenant-general, the position he had occupied in 1388-90 and was to hold, because of Robert III's death and the English captivity of Rothesay's brother, the young James I, until his death in 1420.[18]

The parliament that had thus played its part in seeking solutions to the problems of governance in the reigns of Robert II and Robert III had achieved some degree of maturity during the long preceding reign of David II (1329-71). It was in the 1350s that the term 'three estates' or tres communitates was first used - reflecting in part the fact that it had been in the 1340s that burgh representation had firmly established itself, especially with regard to the grant of taxation. Again, it is possible to discern in this period the stirrings of an incipient parliamentary independence giving rise to significant opposition to royal policy. Much of David's reign was taken up with negotiations arising from the king's ransoming from English captivity after the battle of Neville's Cross in 1346. One crucial issue in these negotiations was the succession to the crown of Scotland should David die childless. Edward III pressed for an English succession in one form or another, and it is clear that the Scottish estates resisted this stubbornly over a period of a dozen years or so. In so doing they appear to have been opposing a policy David himself came to support. The vigour of the estates' opposition was evident, for instance, in the parliament at Scone in March 1364: 'It was expressly answered by the three communities that they would in no way grant those things which were sought by the king of England and his council… nor in any wise would they assent to them'. And their intention was to uphold by their resistance 'the freedom and integrity of the kingdom'.[19] It may be at least equally significant that, later in the reign of a 'tough, energetic ruler' who 'maintained firm control of his kingdom', the estates in 1370 legislated to prevent the king's officers from implementing orders under the great seal, the privy seal, or the royal signet contravening the ordinary law'.[20] A basis had been laid for the kind of parliamentary activity we have seen in the next two reigns - to deal, to be sure, with problems caused by rule that was seldom either energetic or firm.

V.

David II had succeeded his father Robert I, in whose reign the War of Independence had been fought and won against a resolute, and for a time successful, attempt to subordinate Scotland to English suzerainty. That attempt had begun in the 1290s, when the failure of the direct line of succession in Scotland had given rise to what became known as the Great Cause. Neither the legal intricacies nor the detailed political and military events of the period need be explored here; but its ideological significance is pivotal and the activity of the estates was at certain points crucial. This is the heroic defining moment for Scottish national identity, and heroics do not always sit easily with historical objectivity or dry institutional analysis. Yet there are institutional points of some importance to be made.

Already on 2 April 1286, two weeks after Alexander III's death, a parliamentary assembly at Scone prescribed an oath of allegiance to the next heir by blood (whoever that might prove to be) and appointed six guardians as a provisional government. Four years later parliament (and that term was now being used alongside the older colloquium) met to consider and endorse the terms of a marriage treaty with England for the late king's granddaughter and heiress. Margaret died in September, but the treaty remains significant in the self-conscious development of the community of the realm of Scotland with parliament as its means of articulation. An assembly of 46 prelates (12 bishops), 12 earls, and 50 barons (all probably crown tenants-in-chief) left no doubt as to their determination to preserve the integrity of the realm of Scotland even if there were to be a personal union of the crowns with England.[21] When, following Margaret's death, Edward I's adjudication in the Great Cause resulted in the succession of John Balliol, parliament continued to meet with some frequency. No doubt this was parliament in its role as an instrument of royal government, especially in its judicial aspect, rather than parliament as 'the community in political action'. And the ten years' interregnum after the calamitous end of Balliol's reign afforded scant opportunities for parliamentary activity of any kind. Even so, when the guardianship of the realm was reorganised after the death of Wallace, a parliament in May 1300 played its part.[22] Not until 1309, however, three years after the ceremony at Scone when Robert Bruce assumed royal power, was he in a position to summon a parliament at St Andrews to provide formal vindication of his claim.

That parliament has been described as having been 'barely a representative gathering' and may be regarded as essentially a vehicle for Bruce's propaganda. Yet to say this is not to diminish but arguably to enhance its ideological significance. Parliament now declared that the Scottish people had 'agreed upon the said Lord Robert, the king who now is, in whom the rights of his father and grandfather to the said kingdom… still exist and flourish entire; and with the concurrence and consent of the said people he was chosen to be king'.[23] Clearly the 'concurrence and consent' could only be parliamentary; and with the more secure establishment of Bruce's authority, the role of the estates was further emphasised. At Ayr in 1315, parliament settled the succession to the crown - a settlement modified by another parliament in 1318 after the death of the king's brother. It is true that the years of Robert I's dominance also remind us that parliament was as much an instrument of royal policy as an embodiment of the community of the realm. The estates could be called (as in 1314 after Bannockburn or in the 'Black Parliament' of 1320) to judge and punish the king's internal foes.[24] Yet in both aspects - and the two cannot be rigidly separated - what had been the colloquium, was now the parliament, and was soon to be the estates had become an essential part of the machinery of government. There were, of course, and would be throughout, instances where a parliamentary assembly was little more than an instrument in the hands of a vigorous king or a dominant faction. It was also the case, however, and increasingly the case, that there were governmental functions which could not operate without parliamentary action, whether by legislating or otherwise. And this in turn meant, as we have seen, that the Scottish estates would be able to exert some degree of leverage in their opposition to royal policies and in their resistance to kings who might be unduly heavy-handed or dangerously inept.

VI.

What remains to be considered, briefly, is the formative period in the thirteenth century, when the colloquium in Scotland began to emerge with the potential for such developments as we have seen in later periods. It was in the year of Alexander III's death - 1286 - that, as it happens, the term 'community of the realm' first appears in Scotland. This was merely the recognition in political language of the reality and relevance of a concept that had been a significant part of political reality for at least a quarter of a century. Whether that reality is to be seen primarily in parliamentary terms may be more doubtful. 'Parliament,' it has been said, '…long antedates the emergence of the community of the realm as an articulate idea.'[25] How long? That is the question to be examined in the

I part of this paper.

The reign of Alexander III (1249-86), together with the latter part of the reign of his father Alexander II (1214-49), was evidently crucial for the emergence of recognisably parliamentary institutions. Eight gatherings between 1248 and 1285 have been said to merit the application of the term 'parliament'.[26] Colloquium was the nearest thing to a standard Scottish term at the time, and Anglo-Scottish exchanges show that the two terms were accepted as fully equivalent. Yet it was only slowly and, as it were, fitfully that the colloquium came to be seen as an entity distinct from other extensions of the king's ordinary council. Even at the end of the period just defined, we are told, '[n]either of the two most important gatherings of the reign [of Alexander III] is called a parliament in the document which each has left as our source'; and the two appear to have been widely different in size and composition. Yet we are told at the same time that either 'may have been' a parliament.[27] We are not, therefore, dealing with a sharply defined institution - let alone one that might serve as a focus for resistance to a king or opposition to his policy. This might, but need not, mean that the emerging colloquium was a mere royal instrument, composed of the king's servants and others chosen by him as pliable to his will. If magnates could not yet claim any right to be summoned, it was already a matter of prudence at least for the king to extend his choice - and it was still *his* choice - beyond those on whose unquestioning support he could rely. The colloquium was perhaps becoming 'a genuine meeting place where the needs of king and government could be expounded and… confronted by the needs, objections, and petitions of the king's subjects.'[28] And the exigencies of a royal minority in the 1250s may have fostered that early growth: the first decade of Alexander III's reign, marked and marred though it was by factional strife and political uncertainty, can also be seen as 'a period of apprenticeship for the magnates, drawing upon a sense of community bred in the experience of '"common assembly" in the time of Alexander II.' It was in that reign, in 1235, we may note, that the term colloquium was first applied to a Scottish assembly.[29]

To try to go further back would be to risk anachronistic absurdity. Yet we may at least take note of what is almost certainly the first use of the term 'parliament' in a Scottish context. It occurs in the late twelfth-century Anglo-Norman chronicle of Jordan Fantosme, narrating the events of II73-4. At a certain point, we are told, William I of Scots 'tint… son plenier parlement', seeking baronial advice as to the oath he had just sworn to 'le jesne roi' - the son of Henry II of England, whom his father had had crowned king in 1170. In a further meeting, however, William faced the open opposition of at least two magnates; and, disregarding their advice, he embarked on the invasion of Northumberland which ended in defeat and captivity.[30] A parable, perhaps, serving to remind us of a political truth not exclusively medieval in its relevance: political advice, however wise, without the capacity to insist upon consent as a precondition for action, leaves little effective power in the forum where that advice is proffered.

Notes

1. *Calendar of State Papers relating to Scotland*, ed. J. Bain et al., vol. I, no. 493

2. *The Works of John Knox*, ed. D. Laing (Edinburgh, 1846- 64), vol. I, 444, 448; cf. *John Knox's History of the Reformation in Scotland*, ed. W. Croft Dickinson, vol. I, 251, 255.

3. A. Teulet (ed.), *Papiers d'etat relatifs a l'histoire de l'Ecosse au XVIe siecle* (Paris, 1852-60), vol. I, 422.

4. G. Donaldson, *Scotland: James V to James VII* (The Edinburgh History of Scotland: Edinburgh, 1971), 97.

5. *John Knox: On Rebellion*, ed. R. A. Mason (Cambridge Texts in the History of Political Thought: Cambridge, 1994), 43-4, 94-5, 102.

6. On Boece (and his translators, not examined above) see J. H. Burns, *The True Law of Kingship: Concepts of Monarchy in Early Modern Scotland* (Oxford, 1996), 75-92.

7. On Mair see Burns, *True Law of Kingship*, 39-75.

8. On 1482 see N. Macdougall, '"It is I, the Earle of Maar": In Search of Thomas Cochrane, in id. and R. A. Mason (eds), *People and Power: Essays in Honour of T. C. Smout* (Edinburgh, 1992), 228-49; on 1488, id., *James III: A Political Biography* (Edinburgh, 1982), 258-9; and *James IV* (Edinburgh, 1989), 58-9. For Buchanan's view see *De regni apud Scotos* (Edinburgh, 1579), 81; and cf. Burns, *True Law of Kingship*, 204-5 and n. 64.

9. For a valuable recent account, with references to earlier literature, see J. Goodare, 'The Estates in the Scottish Parliament', in C. Jones (ed.) *The Scots and Parliament* (Edinburgh, 1996), 11-32, esp. 11-17 on the medieval period.

10. A. R. Borthwick, '*Montrose* v. *Dundee* and the Jurisdiction of the Parliament and Council over Fee and Heritage in the Mid-Fifteenth Century', in Jones (ed.), *Scots and Parliament*, 33-53.

11. See Macdougall, *James III*, as index under 'Remissions'.

12. Ibid., 92-8.

13. A. Grant, *Independence and Nationhood: Scotland 1306- 1469* (The New History of Scotland: London, 1984), 170.

14. On this episode see M. H. Brown, '"I have thus slain a tyrant": *The Dethe of the Kynge of Scotis* and the right to resist in early fifteenth-century Scotland', *Innes Review*, 47 (1996), 24-44, quoting from M. Connolly, '*The Dethe of the Kynge of Scotis:* a new edition', *Scottish Historical review*, 71 (1992), 46-69.

15. See Nicholson, *Later Middle Ages*, 189-90; and for divergent interpretations of the 1384 settlement cf. Brown.'" I have thus slain a tyrant"', 40, and Grant, *Independence and Nationhood*, 180.

16. Nicholson, *Later Middle Ages*, 199-200.

17. Ibid., 203-4, 214-6. For the political struggle see S. Boardman, 'The man who would be king: the lieutenancy and death of David duke of Rothesay', in Mason and Macdougall (eds), *People and Power in Scotland*, 1-27.

18. Nicholson, *Later Middle Ages*, 221-2; Grant, *Independence and Nationhood*, 182; and cf. Brown, '"I have thus slain a tyrant"', 41.

19. A. A.M. Duncan (ed.), 'A Question about the Succession, 1364', in *Miscellany of the Scottish History Society*, Xii (Edinburgh, '1994' [1996]), 13.

20. Grant, *Independence and Nationhood*, 175; and cf. 170, where this act is cited as an instance of parliament's willingness to 'place the community's interests above the king's.'

21. See A. A. M. Duncan, 'The early parliaments of Scotland', *Scottish Historical Review*, 45 (1966), 38; and cf. G. W. S. Barrow, *Kingship and Unity: Scotland 1000-1306* (The New History of Scotland: London, 1981, 128, also referring to the position in or about 1290.

Nicholson, *Later Middle Ages*, 59, citing G. O. Sayles, 'The Guardians of Scotland and a Parliament at Rutherglen in 1300', *Scottish Historical Review*, 24 ` 7), 245-50.

23. Nicholson, *Later Middle Ages*, 81; N. H. Reid, 'Crown and Community under Robert I', in A. Grant and K. J. Stringer (eds), *Medieval Scotland: Crown Lordship and Community* (Edinburgh, 1993), 208. Grant (*Independence and Nationhood*, 8) describes the 1309 St Andrews assembly as 'a partisan parliament consisting almost entirely of Bruce supporters'.

24. Nicholson, *Later Middle Ages*, 91-2, 102-3, 116.

25. Barrow, *Kingship and Unity*, 126.

26. Duncan, 'Early parliaments', 36.

27. A. A. M. Duncan, *Scotland: The Making of the Kingdom* (The Edinburgh History of Scotland: Edinburgh, 1971), 610-11.

28. Barrow, *Kingship and Unity*, 128.

29. Duncan, *Making of the Kingdom*, 609.

30. *Chronique de la Guerre entre les Anglois et les Ecossois*, ed. R. Hewlett, in *Chronicles of the Reigns of Stephen, Henry II, and Richard I* (Rolls Series, 82, 1957, vol.III), 226/7, 228/9. Cf. P. A. Becker, 'Jordan Fantosme, La Guerre d'Ecosse 1173-1174', *Zeitschrift fur Domanische Philologie*, 64 (1944), 449-56, with critical edition of the text at pp. 478-535.

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Site Has Changed: *False*
Expire In: *3 days 19 hours*
Cache Generated: *1.02* seconds

Flush Page

Maximum cache lifetime:
default
Default: *1 week*

Preemptive Cache:
default

Scope:
Page ID: 261

Set Configuration

☑ Page ID
- 261

☑ Content Type
- page

☑ Content Container
- node

Delete Configuration