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## ENGLISH CONSTITUTIONAL HISTORY. By S. B. Chrimes. New York: Oxford University Press, 1947.

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tions of International Law" Schlesinger maintains that the reality of international law is indisputably recognized by contemporary Soviet theory despite the existence of antagonisms between the Soviet and Western social systems. This recognition is based upon the plain fact of the economic interdependence of states and their mutual political dependence. A final and prophetic word by Schlesinger warns that the linked principles of state sovereignty and national self-determination might precipitate post-war international issues involving the U. S. S. R. One need only glance at the dismal picture of present international relations to confirm the suspicion.

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ENGLISH CONSTITUTIONAL HISTORY. By S. B. Chrimes. New York: Oxford University Press, 1947. Pp. 200. \$2.00.

THE "constitution" of England contains many elements of an imponderable and intangible nature. Yet, there exists a body of fundamental law, the derivative of statute and usage, which regulates practically every aspect of governmental procedure in that country. This is easily forgotten when one cannot look at one single document in a museum or other national repository, or exclaim over the rare occurrence of some signatory's autograph. For the layman in particular, Chrimes' *English Constitutional History* can be extremely valuable in disabusing him of such illusions or misconceptions, as well as others of perhaps greater prevalence.

England has had one of the longest periods of governmental evolution in world history, with no major disrupting exterior force since 1066, the year of the Norman invasion. From the Norman and Anglo-Saxon elements that combined thereafter, grew a central regime that generally remained in advance of contemporary governments on the continent. The English governmental institutions that we know began to evolve before that conquest, with degrees of specialization in governmental service for different functions, with various subdivisions of administration in operation, and with enforcement powers held by the king or his agents. The generally illustrious line of Norman kings had much upon which to build, and, despite feudalization, the central government increased in authority to the termination of the twelfth century.

The thirteenth, fourteenth, and fifteenth centuries were years of stress, with baronial opposition to a powerful monarchy rising to a preliminary crescendo during the reign of John (1199-1216) and recurring at intervals throughout the period. The Hundred Years War was peculiarly disastrous

for the barons, and the national land inversion which the war produced with the separation of baronial holdings in England and France had much to do with the civil struggle between the rival houses of Lancaster and York. The zenith of medieval and early modern royal authority was reached after Henry Tudor won the battle of Bosworth Field and ascended the throne as Henry VII. The author is interestingly revisionary in his interpretation of the new dynasty by stating that "the monarchy of the Tudors was not so much new, as rejuvenated. . . ." The medieval constitution of England prevailed under the Tudors, but in the new guise of the Nation-State. "The king's government, the Parliament, and the common law" worked together in harmony through most of the sixteenth century; the following hundred years, however, saw the medieval concept of government and the role of major governmental agencies involved in sharp conflict for supremacy. A quiescent Parliament became aggressive, incited by religious and financial exigencies.

The catalytic agent of the English Reformation was the peculiar marital problem of Henry VIII, but the roots of the struggle lay far in the past. Since this was true, the policies of the king were not decisive in results, nor were the various aspects of the Elizabethan Settlement workable principally because of the rapid increase of the so-called "radical" religious sects. The Puritans obtained no satisfaction from the "foreigner," James I, but his more extravagant successor, Charles I, acceded to the Petition of Right and also became involved in a military struggle with the opposition forces. The execution of Charles I failed to settle the issue, nor did the pseudo-republican Cromwellian era. Similarly, Parliament did not extract sufficient guarantees from the restored House of Stuart in 1660. Only after the deposition of the direct line in 1688, with the active or tacit assistance of all parties and religions, was this accomplished.

The alienation of the throne, through an overt act of Parliament, settled the struggle for supremacy between that body and the Crown. The limitations were for the most part matters of usage, but, with the exception of George III, no British monarch has since made any serious challenge of parliamentary supremacy. The significant modifications in government after 1689 were concentrated in the eighteenth century. Cabinet government, or responsible government, developed because of the linguistic barrier and general indifference of the first two Hanoverians, coupled with the genius of Robert Walpole.

From the aristocratically dominated Britain of the eighteenth century to the mildly Socialist state of the twentieth seems a long way; however, such is perhaps not actually the case. The position and power of the monarch are legally comparable today to what they were in the earlier period. Although the Crown continues to perform the traditional Court functions at home it also has become an important imperial symbol, being the sole remaining legal tie between the mother-country and the self-governing Dominions. The

*modus vivendi* they have reached seems to be an enduring one in most instances.

His Majesty's Government has become a vastly more complicated mechanism than in the days of Offa, William I, or even Henry VIII. Nevertheless, each change has been a logical one when past events are evaluated in perspective. The role of the King has changed in form; the concept of the Crown is fundamentally untouched. The cabinet, the ministers of the Crown, the Parliament, the civil service, and the judicial system have all been conditioned by pressures within and without, but they all have recognizable ancestors in the government of medieval England.

England's constitution is then a composite. One might recapitulate for consideration these factors: A medieval charter granted to a town reactivated by commerce; the *Magna Carta* of 1215, with its limitations on the King, albeit for a particular class; the thirteenth century evolution of Parliament in its modern form; the Petition of Right, civil war, religious controversy, and the Bill of Rights; the evolution of political parties from the groups opposed and favorable to the accession of James II; the delegation of royal functions to the cabinet, and the principle of party harmony between cabinet and Commons; even the correspondence of George III; the Imperial War Cabinet of World War I; and the Balfour Declaration, the Statute of Westminster, and the legalized existence of the self-governing dominions. All have their part in the English constitution, in addition to the majestic body of the common law, the court system, and other agencies developed through the centuries.

To encompass an adequate survey of the evolutionary phenomena of the English constitution as the author has done in a treatise of such size is an excellent feat. The fundamentals and more are here, available to American and Briton, with utility to the latter to see "how he got this way," and for the former to understand the contrasts and comparisons between the parliamentary type of government and his own presidential system. This general excellence within its scope is certainly in keeping with the "Home University Library" series, to which this volume is one of the most recent accessions. So far as this reviewer can determine, the volume was written especially for the series in accordance with the custom of the publisher. The men chosen are experts in their particular field; the author of the present volume is a lecturer in constitutional history in the University of Glasgow.

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