
Clifford Montgomery
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.

JOHN H. ESTERLINE ASSISTANT PROFESSOR OF GOVERNMENT, UNIVERSITY OF MIAMI


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 govern-
ment, 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 execu-
tion 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 indiffer-
ence 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. Never-
theless, 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 condi-
tioned 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 evolitional 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 parlia-
mentary 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.

Clifford Montgomery
Instructor, Department of History,
University of Miami