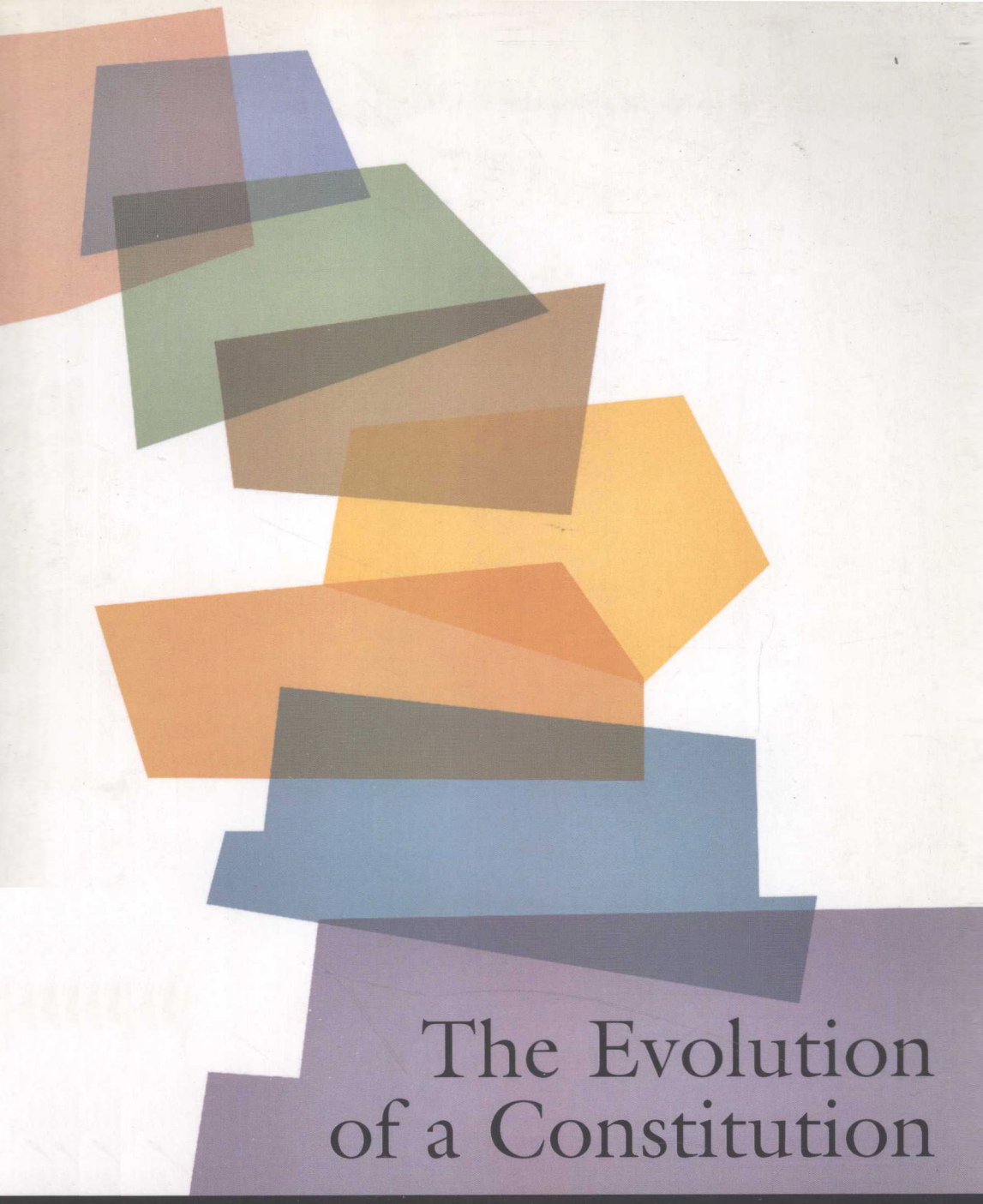

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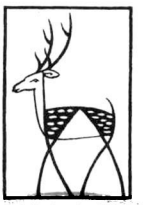

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THE EVOLUTION OF A CONSTITUTION

The Evolution of a Constitution: Eight Key Moments in British Constitutional History casts light upon the British constitution of today by means of an in-depth consideration of eight key moments in British constitutional history. The historical perspective adopted in this book facilitates an informed and contextual understanding of the intricacies of the contemporary British constitution. Indeed, the book is based upon the premise that it is impossible to fully comprehend the nature, content and implications of today's constitution without a firm grasp on how it evolved into its present form.

Each of the eight main chapters focuses upon a different event in constitutional history which has contributed certain principles or practices to the modern-day constitution, and explains how these principles or practices evolved and highlights their contemporary significance. Historical events covered include the 1688 Glorious Revolution, the 1707 Union between England and Scotland, the 1911 Parliament Act, and the 1972 European Communities Act.

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I am also grateful to my partner Frank for many fruitful discussions about the issues covered in this book. He hid his instinctive boredom about constitutional history remarkably well and has contributed far more to this book than even he realises. Finally, I am grateful to my parents for their continued love, support and encouragement. Their belief in me is unwavering and enables me to follow my dreams wherever they take me. I am sure that my Dad will be the first, and keenest, reader of this book, and I sincerely hope he enjoys it.

In a book about the evolutionary nature of the constitution, it will immediately be apparent that any statement of the current law of the constitution is vulnerable to future change. Nevertheless, I have sought to state the law as it stood in September 2005, although some later developments, including the House of Lords' decision in *Jackson v Attorney-General*, have been included.

Liz Wicks
Birmingham, March 2006

Contents

Introduction

The constitution of the United Kingdom has evolved into its modern form over many centuries. Unlike the more common codified constitution,[1] it retains sufficient flexibility to allow adaptation to suit the changing circumstances of society with minimum procedural restraints. This ability to change carries with it a danger that nothing is sacred; no principle secure from the priorities of the current government. Flexibility need not be so unrestrained, however. An ability to evolve can be constrained by existing core principles of the constitution so that the evolution is a development – perhaps a restructuring – but never a fundamental break with the existing constitutional order. If such a break occurs it amounts to a constitutional revolution. The UK has encountered these in the past, as for example during the civil war in the seventeenth century, but the period covered in detail in this book is characterised by evolution rather than revolution of the constitutional order.

This book seeks to investigate the evolution of the UK constitution since 1688 to the present day (2005) by means of consideration of the key moments during that period which have developed the constitution in a significant way. These 'moments' include the enactment of statutes; the ratification of international treaties; the settlement of a revolution; and the ministry of a leading minister. They all led to fundamental changes in the existing constitution and thus acted as landmark moments in the continuous evolution of the constitution. This book is not intended as merely a history of the UK constitution since 1688 – valuable though that would be – instead, it is hoped to use the historical investigation to cast new light upon the constitution of today. In an uncodified constitution we cannot refer to a preamble setting out the core principles of the constitution. We may sometimes fear that the constitution has no fundamental principles but is rather a mere description of the governing of the state.[2] But by understanding the way in which the constitution has evolved into its modern state we can begin to appreciate the values which underlie it and the priorities which govern its development.

It will be instructive to see the potential relevance of historical evidence to the

[1] Codified/uncodified are better descriptors than written/unwritten to distinguish the UK's constitution from that of other countries because, as will be seen throughout the following chapters, much of the UK constitution is written, but it has never been codified into one document.

[2] This is the view of Griffiths: 'The constitution of the United Kingdom lives on, changing from day to day, for the constitution is no more and no less than what happens. Everything that happens is constitutional. And if nothing happened, that would be constitutional also' (JAG Griffiths, 'The Political Constitution' (1979) 42 *MLR* 1 at 19).

evolution of some currently topical constitutional issues. First, the protection of individual rights may be identified as an issue of great contemporary significance. The enactment of the Human Rights Act in 1998 brought the implications of human rights protection to the fore and raised seemingly insurmountable problems of balancing the rights of individuals with the needs of society. The evolution of the constitution since 1688 reveals, however, that these are not new issues. The 1689 settlement included some limited protection for individual rights and liberties and, in the twentieth century, the European Convention for the Protection of Human Rights and Fundamental Freedoms (the European Convention on Human Rights, or ECHR) provided groundbreaking international protection and enforcement of human rights. Analysis of earlier events may provide some answers to today's dilemma. Second, the role of Parliament and, especially, its relationship with the executive is a very topical issue in a political system dominated by party politics. An understanding of the history of the Westminster Parliament, its constitutional role and the development of the parliamentary executive cast light upon the modern institutions and their respective roles under the constitution. Third, House of Lords reform remains on the political agenda at the beginning of the twenty-first century but only by looking back a century to the Parliament Act 1911 can we understand how it became the body that it is today, in terms of its role, powers and composition.[3] Fourth, the role of a hereditary monarchy at the apex of the UK constitutional framework is continually the subject of debate. To what extent is hereditary influence a legitimate part of the constitution of a modern, democratic state? To answer this, the constitutional role of the monarch in the past must be considered, especially its development from the exercise of absolute power to acting as a referee of constitutional disputes. Fifth, the survival of the union state in the midst of the turmoil generated by devolution, decentralisation and growing nationalism begs the question of its origins. To understand why the union between England and Scotland survives, for example, we must surely enquire into its origins 300 years ago. Finally, the sovereignty of the state of the United Kingdom is perceived as under threat from an increasingly globalised world in which traditional constitutional doctrines, such as parliamentary sovereignty, are not always appropriate. One of the main threats to sovereignty of both the state and Parliament is posed by UK membership of the European Union (EU), and thus an appreciation of the EU's development and the views of the UK's government, legislature and populace upon voluntary entry into the EU's predecessor organisation helps to formulate an understanding of the UK's place in Europe today and the constitutional implications of this.

[3] Indeed, the Parliament Act 1911 provides perhaps the most striking indication of modern-day significance for seemingly historical events as, at the time of writing, the House of Lords is currently hearing a case based on this very statute and its judgment may have profound implications for the constitutional significance of this statute. See *R (Jackson) v Attorney-General* [2005] 3 WLR 733.

As indicated by the above, the subsequent chapters seek to retain a focus upon the UK's modern constitution while considering the historical moments which have forced the constitution to evolve into this modern form. Hindsight has not been entirely eliminated, therefore, and historians may regret this. This book is written by a lawyer, albeit one with an avid interest in constitutional history, and is aimed primarily (although not exclusively) at other lawyers but an attempt has been made to be sensitive to the demands of historical research and thus I have depended upon the views of historians (rather more than lawyers) and sought to provide a taste of differences in opinion within the historiography where appropriate. The resulting analysis of eight key moments in British constitutional history seeks to illuminate the core principles and strengths of the modern constitution but also its weaknesses, contradictions and impotence in the face of modern government. It is a story with a mixed outcome, but an awareness of this legacy of limitations can only serve to strengthen reliance upon positive aspects of the modern constitution and perhaps direct future evolution in that beneficial direction.

The remainder of the introduction seeks to present a picture of the constitution before the first key moment considered in chapter 1. As British history pre-1688 is far too immense a topic to do justice to it here, the following pages will focus upon two central themes: the relationship between individuals and the government (at this point in history, predominantly the Crown), and between the Crown and Parliament.[4] These two themes will be addressed by means of analysis of two fundamental events in early constitutional history: the sealing of the Magna Carta in 1215 and the seventeenth-century civil war.

Magna Carta – Individual Liberties and the Rule of Law

The Rule of Law has long been recognised as a central feature of the English constitution, albeit one with an ambiguous meaning. Even today, academics dispute the requirements of the principle of the Rule of Law,[5] but there is no doubt that at its core lies the principle that government must operate according to the law. Despite its inherent limitations within the modern government system, in which the parliamentary executive can also determine the law by which it must abide, it offers a basic minimum protection for individuals against the government. It is difficult to imagine the modern UK constitution without this principle at its heart, and the first steps towards it can be traced back to 1215

[4] To some extent this mirrors the relationship between the executive and legislative branches of government, with the Crown as executive, although the extensive power of the Crown pre-1688 extends to legislative influence beyond that of the Parliament.

[5] See P Craig, 'Formal and Substantive Conceptions of the Rule of Law: An Analytical Framework' [1997] *PL* 467.

and the Magna Carta which 'sought to establish the rights of subjects against authority and maintained the principle that authority was subject to law.'[6]

The Magna Carta is part of an agreement reached between King John and rebellious barons in 1215. John has been described as having 'the mental abilities of a great king, but the inclinations of a petty tyrant.'[7] The rebellion began with a baronial plot to kill the King during a military expedition to Wales in the summer of 1212. The plot's failure did not stem the tide of dissatisfaction, and the failure of a military expedition to France in 1214 only increased John's unpopularity and emboldened the barons.[8] Opposition to John was concentrated in East Anglia, the North and the West. While the number of barons who rebelled in the spring of 1215 was small,[9] they were joined by a larger number of knights, and not only those who were obliged to do so by the ties of fealty. Both the barons and the knights had personal grievances and, while the barons' grievances could perhaps have been redressed through private arrangements with the King, those of the knights required more generalised remedies.[10] It is this fact that led to wide-ranging terms in the Magna Carta and enabled its application in future diverse situations. In 1215 the King summoned a great council of barons to meet in Northampton after Easter. The barons arrived with a list of non-negotiable demands and were accompanied by armed men; the King failed to arrive at all. On 5 May the rebels formally renounced their fealty to John and named Robert Fitz Walter (a member of the earlier plot to kill John) as their leader. John was in a conciliatory mood as, by taking vows as a crusader in March, he had placed both his person and property under the protection of the Church and wished to retain the support of the Pope. The King thus continued to make proposals for settlement, but by mid-May the rebels had the city of London on their side. In July, the Pope offered his support by excommunicating all 'disturbers of the King' and their supporters.[11] Finally, the conflict reached Runnymede Meadow – a place chosen as an intermediary point between Windsor Castle and the rebels' camp at Staines – and under Archbishop Langton negotiations for a settlement commenced. The so-called 'Articles of the Barons' served as a discussion paper, and on 15 June 1215[12] a Charter, in the form of the King's grant of concessions to 'all the free men of our kingdom, for ourselves and our heirs for ever', was agreed. Copies were made of the Charter and sent throughout the kingdom, but Holt

[6] JC Holt, *Magna Carta*, 2nd edn (Cambridge, Cambridge University Press, 1992), p 19.

[7] WL Warren, *King John*, 2nd edn (London, Eyre Methuen, 1978), p 259. The origins of the 1215 rebellion predated John's reign, however, and 'lay much deeper than the shallows of his character' (Holt, n 6 above, p 36).

[8] RV Turner, *Magna Carta: Through the Ages* (London, Pearson, 2003), p 58.

[9] Only 39–45 (*ibid*, p 55).

[10] *Ibid*, pp 55–56.

[11] *Ibid*, p 61.

[12] This is now widely regarded as merely a nominal date, and Warren argues that 'it took several days after the 15th for the precise wording in proper legal terms to be worked out' (Warren, n 7 above, p 236).

argues that the Charter is not a dispositive document but an evidentiary one: the record of a transaction agreed verbally at Runnymede.[13] The agreement faced immediate difficulties, however, because, as Holt notes, 'not all the men involved were men of good will, the King least of all.'[14] Fighting broke out again in September, and soon afterwards the rebels offered the English crown to Louis of France. In May 1216 he landed in England with a large army, but John held the west of the country until his death in October 1216. He was succeeded by his young son, Henry III, whose supporters finally defeated the rebels. The Charter agreed to at Runnymede was reissued in a new form: the forestry clauses were withdrawn, expanded and issued in a separate charter called the 'little charter', while the remainder took the name of the 'big charter' or 'Magna Carta'. Further reissues followed in later years and reinterpretations of its terms left a legacy which still remains. So, what does the Magna Carta say which has given it such longevity?

As Warren has acknowledged, it is 'an unrewarding document for the general reader. It bristles with the technicalities of feudal law, and when these are cleared away most of its provisions seem very mundane.'[15] There is no high-sounding statement of principle or clearly defined political theory within its terms.[16] The Charter can be divided into six categories of provisions:[17] those relating to freedom of the English Church; those concerning John's lordship over his barons (defining the services and payments due to him); those on administrative matters, including the effective functioning of the common law courts; those granting concessions to England's towns; those creating machinery for enforcing the Charter, including innovatively the establishment of a committee of 25 barons to ensure John's observance of the Charter; and finally those establishing principles of lasting political importance. It is this last category of provisions which has had enduring influence. Two basic principles are established: 'that royal government must function both through judicial processes and with the counsel of the great men of the kingdom.'[18] The obligation to take counsel is ensured by the requirement that no scutage or aid is to be levied 'except by the common counsel of our realm.'[19] The principle that the Crown will act through judicial processes can be seen in chapters 39 and 40, the most famous of the Magna Carta's provisions. Chapter 39 states that 'No free man shall be arrested or imprisoned or disseised or outlawed or exiled or in any way victimised ... except

[13] Holt, n 6 above, p 258.

[14] *Ibid*, p 228. Holt continues by arguing that 'even when he sealed Magna Carta, John had not the slightest intention of giving in or permanently abandoning the powers which the Angevin Kings had come to enjoy.' Turner agrees that the Magna Carta 'was an unworkable compromise between a King who accepted it only grudgingly and a group of angry, aggressive and wary barons' (Turner, n 8 above, p 77).

[15] Warren, n 7 above, p 236.

[16] *Ibid.*

[17] See Turner, n 8 above, pp 68–71.

[18] *Ibid*, p 67.

[19] Chapters 12 and 14 of the Magna Carta.

by the lawful judgement of his peers or[20] by the law of the land.' This requirement of due process is important but we should not forget that the overwhelming majority of the population at this time were not 'free men' and so did not enjoy the benefit of this provision. Chapter 40 complements chapter 39 by declaring that 'To no one will we sell, to no one will we refuse or delay right or justice.' It is largely through these two provisions that the Magna Carta has come to symbolise the Rule of Law, as it marked 'one of the earliest attempts to impose the limitations of law on a ruler's sovereign authority.'[21] Furthermore, as Turner argues, chapters 39 and 40 established the basic principle that the Rule of Law ensures personal liberty:

> First, the executive power must proceed by recognised legal process, never unlawfully, when taking action against an individual. Second, no one is above the law, however high his or her status, a concept capable of evolving into the principle of equality under the law.[22]

This capacity for the terms and significance of the Magna Carta to evolve was seen at its most striking during the seventeenth century when lawyers interpreted, or arguably misinterpreted,[23] the Magna Carta to require trial by jury and the consent of representatives for taxation. Such ideas certainly went beyond the original purposes of the Charter, but then it has always 'meant more than it said.'[24] As Warren explains, the Magna Carta, by its mere existence, 'was a standing condemnation of the rule of arbitrary will,' and thus an appeal to Magna Carta throughout the ages has been 'a shorthand way of proclaiming the Rule of Law.'[25] Even though it originated as merely an attempt to protect baronial interests, by establishing the principles inherent in the Rule of Law, the Magna Carta left a legacy for individuals of future ages to ensure that their governments acted according to the law and legal processes.

Parliament versus Crown

The evolution of the Westminster Parliament, now the sovereign body within the UK constitution, has been a gradual and incremental story. During the eleventh and twelfth centuries, the King's 'crown wearings' (thrice-yearly sessions during which the King wore his crown) served as a reason for gatherings of the King's

[20] There is some debate over whether the correct word here is 'or' or 'and' because the original 'vel' could be translated as either word. Obviously the meaning of the chapter is entirely changed depending upon which word is used.

[21] Turner, n 8 above, p 1.

[22] *Ibid*, pp 1–2.

[23] This is Warren's view. See Warren, n 7 above, p 240.

[24] *Ibid.*

[25] *Ibid.*

counsellors and can perhaps be regarded as early precursors of the establishment of a parliament. During the thirteenth century, in the reign of King John's son, Henry III, a more recognisable parliament began to emerge from the earlier King's Council. Representation originally comprised merely bishops and magnates, but the so-called Model Parliament of 1265, summoned by Simon de Montfort following the capture of Henry during the Barons' War, introduced the idea of representation from the shires and boroughs. By the fourteenth century, the presence of knights representing the shires and burgesses (or merchants) representing the boroughs became established as a permanent feature. In 1376, the so-called Good Parliament chose a representative to take its complaints to the King. Sir Peter de la Mare, the representative chosen, is widely regarded as the first speaker of the House of Commons, and the modern post retains this original role of representing the House of Commons in its dealings with the monarch. By the fifteenth century, Parliament was beginning to look recognisable, with a House of Lords comprising lords temporal and lords spiritual, and a House of Commons comprised of knights and burgesses elected, in some fashion, by the shires and boroughs of the country. However, the summoning of a parliament remained an infrequent occurrence, usually dependent upon the King needing supply of funds, and the issues of the powers of Parliament and its relationship with the Crown remained unresolved until the seventeenth century. The final resolution of these issues occurred as part of the constitutional settlement following the 1688 Revolution and will be discussed in detail in the first chapter. However, earlier in the seventeenth century the issues exploded into a bloody civil war. A brief overview of these events will help to place the 1688 events in their seventeenth-century context.

On one side of the mid-seventeenth-century conflict, royalists believed that the monarch ruled by virtue of the divine right of kings – that is, that God had conferred powers (or sovereignty) directly on the King alone – and, on the other side, parliamentarians preferred the view that powers were conferred on the community as a whole, which was then represented by the King, Lords and Commons working together.[26] During a tempestuous century in which religious conflict polarised Europe,[27] these two differing theories of government authority provided the theoretical framework for unprecedented military conflict and constitutional revolution. Military conflict began in 1638 when, in Scotland, representatives of nobility and the Kirk signed a National Covenant which required its signatories to resist innovations in religion, and an army of Covenanters ignited the 'First Bishops' war' necessitating the summoning of a parliament by King Charles in 1640 in order to obtain funds to counter the rebellion in Scotland. The parliament summoned refused, however, and was quickly

[26] See J Goldsworthy, *The Sovereignty of Parliament: History and Philosophy* (Oxford, Clarendon Press, 1999), ch 5.

[27] See J Scott, *England's Troubles – Seventeenth Century English Political Instability in European Context* (Cambridge, Cambridge University Press, 2000) for an account of seventeenth-century conflict within a European context.

dissolved, earning it the name 'Short Parliament'. The army of Covenanters moved south across the border and occupied Newcastle. Charles was forced to summon another parliament and this one, appropriately called the 'Long Parliament', would continue to sit until after the King's execution nine years later. The Long Parliament was united in seeking reform and the King was persuaded to sign the Triennial Act in 1641, which required parliaments to be held every three years for a minimum period of 50 days. The Long Parliament also drafted a 'Grand Remonstrance' specifying details of its grievances against King Charles (even those already remedied). The debates on this document in November 1641 saw the first division of Parliament into royalists and parliamentarians. The Grand Remonstrance was passed by eleven votes, but Charles rejected its demands and disastrously sought to impeach leading parliamentary leaders. He then abandoned his seat of government in London and moved north. Both sides gathered forces of over 20,000 each, and in 1642 civil war finally commenced. The country was divided, with the North and West largely royalist and the South and East largely parliamentarian, but the boundaries of loyalty were not so clear cut, and counties, towns and even families were split. Kishlansky explains what each side was fighting for:

> Royalists fought for the traditions of religion and monarchy that their ancestors had preserved and passed onto them as a sacred inheritance ... Their fundamental principle was loyalty ... Parliamentarians fought for true religion and liberty. They too defended an ancient inheritance – a church purified of recent innovations and a government that respected the inviolability of property ... Their fundamental principle was consent – an ingrained belief in the cooperation between subject and sovereign that maintained the delicate balance between prerogatives and liberties.[28]

Kishlansky further explains that both sides believed in both sets of values, but the civil war forced everyone to choose one set over the other: 'The civil war turned a stable marriage of beliefs into irreconcilable differences.'[29]

In 1645, the parliamentarian armies were united into a New Model Army under a central authority and, under a self-denying ordinance, all Members of Parliament were stripped of their commands. The New Model Army achieved a famous victory at the Battle of Naseby on 14 June 1645, inflicting great losses upon the royalists. A parliamentarian victory in the war became likely and, a year later, the King surrendered to the Covenanter Army. Discontent in the army grew, especially as its pay was months in arrears, and it soon became a hotbed for extremism, as grievances over lack of pay combined with radical political demands. When Parliament ordered the army's disbandment with only eight weeks' arrears of wages, the army's rank and file refused to comply and the army moved beyond the control of Parliament. In 1647, Charles escaped confinement

[28] M Kishlansky, *A Monarchy Transformed – Britain 1603–1714* (London, Penguin Books, 1996), p 151.

[29] *Ibid*, p 152.

and a combination of local risings and an invasion from Scotland ignited a second civil war. The royalists lost for a second time. The Army Remonstrance presented to Parliament after hostilities had ceased again in November 1648 demanded a trial for Charles, a purge of the Long Parliament, and the establishment of a successor parliament chosen on the basis of a reformed franchise and with its powers limited. The Long Parliament was indeed purged of all members sympathetic to the King, leaving a rump of 150 members, to be known as the Rump Parliament. Charles was placed on trial, convicted and executed on 30 January 1649. A revolution had occurred.

The Rump Parliament wasted no time in abolishing both the House of Lords and the monarchy. Meanwhile, the army, led by Oliver Cromwell, viciously conquered Ireland and also won victories against the Scottish. The relations between army and Parliament remained precarious and, when the Rump Parliament failed to achieve any social or religious reform, Cromwell forcibly expelled the Rump on 20 April 1653. Its replacement was the Nominated, or 'Barebones', Parliament whose membership was divided between moderates and radical religious enthusiasts. Attendance fell until the radicals were able to pass several Bills on church reform. This frightened the moderates into joining together to resign their power and deliver civil authority directly into the hands of the army and Cromwell. Cromwell, however, was reluctant to lead a military government and instead established a written constitution – the UK's first and only encounter with one (to date). The 'Instrument of Government' of 1653 divided power between the Protector (Oliver Cromwell), who would exercise executive power; the Council (of between 13 and 21 members), which advised the Protector on civil and military matters; and the Parliament (a single chamber of 460 members, meeting at least triennially for at least five months' duration) with the power to make laws. Bills passed by Parliament could even become law without the Protector's signature after a 20-day delay, although the Instrument of Government itself could not be amended without the Protector's consent.[30] The first Parliament met on 3 September 1654 but was largely critical of the Instrument, claiming that it lacked authority. Cromwell was forced to call a second Parliament in 1656 for war revenue and, even though opponents of the regime were now excluded, the Parliament still urged reforms. It requested Cromwell to take the crown, thus returning to a known and understood form of government, and it prepared the 'Humble Petition and Advice', which amended the Instrument, including by creating a bicameral legislature, establishing hereditary succession and enhancing Parliament's power at the expense of the army-dominated Council. Cromwell again refused to take the crown but accepted the Petition in May 1657. When Parliament reconvened in the following year, those who had previously been excluded attacked the new settlement and once more, in exasperation, Cromwell dissolved the Parliament. He died on 3 September 1658, naming his son, Richard, as his successor (and thus retaining the hereditary principle despite refusing to

[30] See *ibid*, p 207 for more detail on these institutions.

rule as a monarch). Richard Cromwell acceded peacefully but it has been said that he 'possessed neither the ambition nor the ruthlessness necessary to hold the government together',[31] and by July 1659 he had been ousted from power. The Rump Parliament was recalled, followed by the Long Parliament, and finally a Convention Parliament opened in April 1660. It restored both the House of Lords and the monarchy. Charles' eldest son, now Charles II, returned to England as the new King. Despite diverse efforts over 20 years to find a new constitution to replace the pre-1640 one, all attempts had failed.

The restoration of Charles II meant that in many ways government returned to its pre-civil war nature. England's brief encounter with a written constitution and a republican government was short-lived and would not be repeated, but the conflict between Crown and Parliament remained unresolved with the differences, papered over in the restoration settlements, to re-emerge later in the century. Indeed, the Stuart monarchy, and its belief in the divine rights of kings, survived less than three decades after the restoration. But while many of the issues which had ignited the conflict remained unresolved, a stronger legislative institution also boded ominously for the future of absolute monarchy. As Kishlansky notes, 'If it had ever been an event, Parliament was now an institution.'[32] Furthermore, the political turmoil of the civil war had led to the emergence of political parties as the traditional consensus decision-making was gradually replaced by the increased use of divisions.[33] Today, of course, the influence of party politics is ubiquitous. The emergence of adversary politics was not reversed with the restoration and therefore this remains one of the key legacies of the civil war period for the modern constitution. The transformation of a council into a genuine legislature was achieved by the 13 years of continuous sittings in the absence of any executive authority.[34] Parliament obtained and secured a constitutional role as a permanent and distinct political institution. And this institution had unsettled business with the institution of the Crown. It is to this unresolved conflict and its eventual resolution which we will now turn in the following chapter.

[31] *Ibid*, p 217.
[32] *Ibid*, p 226.
[33] See M Kishlansky, 'The Emergence of Adversary Politics in the Long Parliament' in R Cust and A Hughes (eds), *The English Civil War* (London, Arnold, 1997).
[34] *Ibid*, p 80.