1707 and 1800: a Treaty (Mostly) Honoured and a Treaty Broken

Iain Mclean and Alistair Mcmillan

in What's Wrong with the British Constitution?

In this provocative new study, Iain McLean argues that the traditional story of the British constitution does not make sense. It purports to be both positive and normative: that is, to describe both how people actually behave and how they ought to behave. In fact, it fails to do either; it is not a correct description and it has no persuasive force. The book goes on to offer a reasoned alternative. The position that still dominates the field of constitutional law is that of parliamentary sovereignty (or supremacy). According to this view, the supreme lawgiver in the United Kingdom is Parliament. Some writers in this tradition go on to insist that Parliament in turn derives its authority from the people, because the people elect Parliament. An obvious problem with this view is that Parliament, to a lawyer, comprises three houses: monarch, Lords, and Commons. The people elect only one of those three houses. This book aims to show, contrary to the prevailing view, that the United Kingdom exists by virtue of a constitutional contract between two previously independent states. Professor McLean argues that the work of the
influential constitutional theorist A. V. Dicey has little to offer those who really want to understand the nature of the constitution. Instead, greater understanding can be gleaned from considering the ‘veto plays’ and ‘credible threats’ available to politicians since 1707. He suggests that the idea the people are sovereign dates back to the seventeenth century (may be fourteenth century in Scotland), but has gone underground in English constitutional writing. He goes on to show that devolution and the United Kingdom's relationship with the rest of Europe have taken the United Kingdom along a constitutionalist road since 1972, and perhaps since 1920. He concludes that no intellectually defensible case can be made for retaining an unelected house of Parliament, an unelected head of state, or an established church. This book will be an essential reading for political scientists, constitutional lawyers, historians, politicians, and the like.

**Castlesteads: Reviving Interest in the Wall**

Richard Hingley

in _Hadrian's Wall: A Life_

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In 1695, a new edition of Camden's Britannia was published. Although there was little additional information on the Picts' Wall, antiquarian interest in the monument increased significantly during the early decades of the eighteenth century. This chapter explores the new interpretations of the Wall that developed during the first half of the eighteenth century, up to the Jacobite uprising of 1745–6. It examines the conceptual role of the Wall with regard to the unity and disunity of England and Scotland, the results of the Act of Union of 1707, and the concomitant revival of interest. George Smith's particular interest in the Roman fort at Castlesteads (Cumbria), exemplifies a new approach to the Wall's remains.

**Fictions of the Union**

Thomas Keymer

in _The Oxford History of the Novel in English: Volume 2: English and British Fiction 1750-1820_

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Item type: chapter
This chapter looks at the fictions of the Union. At the culmination of her influential essay ‘On the Origin and Progress of Novel-Writing’, originally prefixed to her multi-volume anthology The British Novelists (1810), Anna Laetitia Barbauld makes an arresting claim for the nation-building potential of the novel genre. Where Jane Austen focuses on generalities and universals, Barbauld emphasizes instead the public function of novels, and of the canon enshrined in her anthology. She does so a century after the British nation had been formally inaugurated by the 1707 Act of Union between England and Scotland, and just a decade after union with Ireland had taken effect. Her clear message is that in creating and sustaining a sense of overarching united nationhood, the ‘systems’ binding these composite entities—the principles and mechanisms underlying these unions—might be less efficacious than works of fiction, with their vivid and compelling dramatizations of shared interests, affiliations, and histories.

Fictions, Libels, and Unions in the Long Eighteenth Century

Thomas Keymer

in Literature and Union: Scottish Texts, British Contexts

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This chapter considers the literary representation of union by way of three case studies: Jonathan Swift’s ‘The Story of the Injured Lady’ (written 1707, published 1746), Thomas Finn’s ‘The Painter Cut’ (1810), and Tobias Smollett’s Humphry Clinker (1771). Their polemical energy notwithstanding, the allegories of Swift and Finn also display tensions and articulate contradictions typifying the eighteenth century’s figurations of union. These complications may be explained in part as defences against possible prosecution, but they also imply mixed feelings about nationalist commitment, and an awareness of the conceptual or practical incoherence of unitary national identity. Smollett takes such tendencies to their extreme in his masterpiece Humphry Clinker, which juxtaposes multiple conflicting perspectives on union, and plays ironically on the anti-union rhetoric of Fletcher of Saltoun. He fashions the novel, a generation before Scott, as a genre uniquely equipped to address national identity in all its mobility and multiplicity.