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The Right to be King: The Succession to the Crown of England. 1603-1714

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A coherent narrative political history of early-modern Europe could be constructed around disputes over the right of succession to sovereign thrones. The very nomenclature of the history of armed conflict during this period underscores the importance of succession in a society in which the family stood at the centre of power-holding. The War of the Palatine Succession in 1685 was followed by the Nine Years War--sometimes interpreted as the War of the British Succession--then the War of the Spanish Succession, the War of the Polish Succession, the War of the Austrian Succession and, as late as 1778, not far from the end of the ancien régime, the War of the Bavarian Succession. Earlier in the seventeenth century, the death of Duke Vincenzo II Gonzaga in 1627 led to the War of the Mantuan Succession which provided an Italian theatre for the Thirty Years War, a conflict the immediate cause of which was a dispute over the Bohemian succession. Here, not unlike the English in 1688-89, a dominant Protestant nobility attempted to protect its confessional interests by electing a king in accord with its own religious views, the Calvinist Friedrich V, Elector Palatine, and to reject the claims of the Habsburg Ferdinand II, whose family had exercised a monopoly upon the Bohemian crown for nearly a century. The victory of the House of Austria led to the imposition of a new Catholic nobility and to the transformation of Bohemia from an elective to an hereditary

monarchy, thus demonstrating how succession disputes could alter the demographic composition of what we must still call 'the political nation' and the constitution of a sovereignty.

Howard Nenner's deeply impressive and tightly argued *The Right to be King* addresses itself to the problems of the succession to the English throne in the seventeenth century and, by extension, to the nature of the Stuart monarchy in England; the nature of the Stuart monarchy in Scotland is touched upon only fleetingly. The conflicts between a strictly hereditary monarchy and an elective monarchy establish two of the poles between which the lines of political debate were conducted; other means of succession--by nomination or by conquest, the latter closely tied to right by prescription--are also investigated by Nenner. It is one of the signal strengths of Nenner's work that he perceives and defines a typology for sovereign successions. At the risk of brushing in too broadly a description of Nenner's very meticulously-explored arguments, a model is proposed in which James Vl and I adhered tenaciously to the concept of an indefeasible hereditary succession in England, and the first Act of Parliament of his reign clearly proclaimed this. James insisted that he was king by right of blood, not by legislation, nor by the nomination of his predecessor--Elizabeth I was particularly careful to avoid this technique for the transfer of power--still less by conquest. Henry VIII's attempts to impose a succession law by means of his various wills, the last of which excluded the Stuarts, were swept aside; consanguinity displaced nomination. Indefeasible hereditary right became a canonical element of Stuart political thinking, confirmed by the seamless transfer of the crown to Charles I (1625) and strongly re-iterated by the rhetoric of the Restoration of 1660: the reign of Charles ll. began at the moment his father's head was severed from his body in January 1649 on the scaffold outside the Banqueting House, Whitehall. From that moment he had the *possession* of sovereignty; it was only in 1660 that he acquired the *exercise* of sovereign power.

Nenner continues, convincingly, that the strength of indefeasibility was such that it survived the dynastic crises of Charles II's reign: the sterility of the king's marriage placing his Catholic brother, James, Duke of York, immediately next in line to the throne; the failure of the subsequent Exclusion Bills of the late 1670s and early 1680s; and Monmouth's challenge to James II on Charles II's death in 1685. It was only another event of supreme dynastic importance, the totally unexpected birth of a Prince of Wales in 1688, that the unwelcome question of the succession was reopened. Nenner appreciates entirely the weight of such 'family matters', such accidents to which the dynastic system was definitionally prone, for at this point the prospect of England ruled, not for one reign alone, but for the foreseeable future by a Catholic monarch presented itself. The success in defending hereditary indefeasibility as the key principle of the English succession, seemingly clinched during the battle over confessional exclusion, crumbled with breath-taking speed once the sovereign sired a healthy Catholic heir, who, given the accepted succession *custom* would take precedence over his older Protestant half-sisters. A system to combine the hereditary principle with a formula to produce a sovereign acceptable to the political nation--a means I would be inclined to call 'restrictive election'--was concocted for the elevation of William III and Mary II. A law for the succession remained unarticulated apart from the practical provisions for the immediate future, the heirs of Mary's body (by William or by a subsequent husband), followed by the heirs of Princess Anne's body and then by any heirs of William's body, should Mary predecease him (as was the case) and he re-marry (as was not the case).

This seemed a plausible solution for, at last, Anne had produced, in 1689, a child (by this stage, the birth of one of either gender was warmly greeted) in the form of William Henry, Duke of Gloucester (a shrewd combination of Orange and Tudor nomenclatural imagery), who, despite persistent rumours of delicate health, seemed to evince a greater chance of survival than any of Anne's other children. As long as Gloucester lived, the definition of a succession law could be deferred, despite agitations, dating as early as 1689, from the courts of Hannover and Torino that their residual rights should receive some form of recognition. The arrangements of 1689 were sufficient for the moment. This moment lasted until 1700, when Gloucester died, and the widowed, childless William III was compelled to contemplate the succession to his equally childless sister-in-law, now the only heiress to his British titles. The Act of Settlement of 1701 fused the elements of hereditary and elective monarchy with the guarantee of a succession acceptable to the political nation, and, finally, after a century of turbulent theoretical and religious debate, England--although not yet Scotland--had a juridically established law of succession.

Nenner views the absence of such an articulated law of succession--insofar as an 'absence' can be a 'presence'--as the key element in the debates surrounding the nature of the seventeenth-century Stuart monarchy in England. Nenner is very disinclined to cast his scholarly eye across the Channel. It is churlish for any reviewer to chide an author for not having written the book he had never intended to write, but by placing the problems of the English succession within a continental context, the density of Nenner's arguments acquires even greater resonance, for it is immediately apparent that the English situation was anything but unique; it was part of a larger European phenomenon. Very few sovereignties in seventeenth century Europe possessed a clear hereditary succession law. One of the few and one of the earliest to have one was Denmark. The 'Kongelov' of 1665 endowed Frederik III with sweeping legislative and juridical powers, but it also pronounced the transformation of Denmark from an elective monarchy, albeit one in which the king's eldest son was habitually 'elected', into an hereditary monarchy. The drafters of this law obviously felt that a clearly and precisely enunciated succession law was crucial to the newly-assumed hereditary status of the Danish throne and they spelt out in meticulous detail the order in which princes and princesses (Denmark accepted the principle of female succession) were to be called to the crown. While the practicalities of the Danish Kongelov were implemented, its text remained hidden amongst the crown jewels, unpublished and unproclaimed. The republic of letters rapidly learned its fundamental details through unofficial newspapers, the seventeenth-century parallel of the *samizdat,* but the hesitancy to declare it publicly could well point to the perceived dangers accompanying such a novelty as a published law of succession. As late as the mid-eighteenth century, the court of Versailles pretended to ignorance of the exact status of the court of Copenhagen--elective or hereditary?--and expressed this feigned confusion by letters addressed from the King of France to the King of Denmark with the inferior 'mon cousin' rather than the superior (and equivalent) 'mon frère'. Given the dynastic proximity of the House of Stuart and the House of Oldenbourg (James Vl and l's consort was Anne of Denmark, sister of Kristian IV, who actually visited his sister's court; while her homonym, the future Queen Anne, married Prince George of Denmark), it is unlikely that such constitutional questions, which found expression in the seemingly trivial external expressions of etiquette, did not make some impact upon Stuart thinking.

France itself, that over-stated and inflated model of centralising and 'absolute' monarchy, had anything but a clearly-pronounced succession law. It was not until a late phase in the sixteenth-century Wars of Religion that the question of the nature of the royal succession became paramount; by the assassination of Henri III in 1589 the seemingly factional and confessional sequence of 'civil wars' had transformed themselves into yet another 'succession war'. Henri IV's conversion and coronation at Chartres (1594--Reims was still in the hands of the Catholic Ligue), followed by a sequence of reconciliations with the Guise family, established the fundamental 'succession law': the sovereign of France had to be male and the Salic Law, sharply questioned during the Hundred Years War with England and during the Wars of Religion, was accepted; he was called to the crown in the order of strict primogeniture and, as a result, he had to be the next in line by direct male descent from a sovereign, even if that meant, as was the case with Henri IV, stretching back to a cousin in the nineteenth-degree of kinship to his predecessor; and he had to be Catholic. The problem was

not, however, entirely resolved. During the seventeenth century two other loosely-defined elements of succession law remained, the questions of legitimacy and of renunciation.

The pressure by the legitimised Longueville family for inclusion in the succession, the Treaty of Montmartre, which proposed to incorporate the Lorraine dynasty into the succession in return for the transfer to France of their patrimonial duchy, a strategic sovereignty on France's borders, and Louis XlV's panicked attempt to insert his two illegitimate sons, the duc de Maine and the comte de Toulouse, into the succession all suggest the lack of clarity of definition of a succession law in France. The Regency's refusal to accept the novelty of a potential bastard succession to the crown merely drove the argument back to the Orléans's own uncertain position in the succession: the competition between Felipe V of Spain (the young king's uncle) and the duc d'Orléans (the young king's cousin) for the French succession, on the assumption of Louis XV's death without a son. Felipe V had been compelled against his will to renounce his rights to the French throne for himself and his heirs as the price for retaining those parts of the Spanish crowns salvaged for the House of Bourbon at the Utrecht peace settlement (1713). As the King of Spain and his faction at Versailles never entirely accepted the validity of such an imposed renunciation, the juridical questions of whether a prince could abdicate for himself, and at the same time renounce the rights to a succession for his descendants, both born and unborn, re-emerged in European political debate. These, surely, had profound implications for those devoted to the cause of James III. While James II might have been decreed by the Convention to have 'abdicated', could he, as well, legally have renounced the rights of his only legitimate son? The confusion over the French succession, pitting two branches of the Bourbon dynasty against one another, was not settled until the birth (1751) of the first of the many sons of Louis XV's Dauphin; a constitutional issue was thus resolved by the more direct ways of sexual procreation, not by a debate over succession laws. Demographic accident served here as a means to a *de facto* stabilisation, rather than, as it so frequently did, as the impetus to political crisis. Although the tensions between the court of Madrid and the Orléans establishment had, superficially, been resolved by distancing both of their claims, the Orléans branch of the family retained its keen interest in the French succession, as evinced by its policies during the Revolution and in 1830. The point must be made that the supposedly most dirigiste monarchy in Europe had a law of succession which was dictated by custom not by law, one which seemed open, during moments of dynastic uncertainty, to re-interpretations and interventions on the part of the reigning monarch and his kinsmen.

For once, France was typical of Europe as a whole: custom, not legislation, was the key to most European succession patterns. As David Parrott's recent studies of the Gonzaga successions demonstrate, for as long as the crown passed directly from father to son or even from brother to brother, there was little practical need of a juridical succession law, even for those crowns in the Holy Roman Empire and, like Mantova, in Reichsitalien, which were subject to some, usually automatic, form of Imperial confirmation. The Stuart assertion of indefeasible inheritance in 1625 and even in 1685 was easily accepted because the line of descent was clear to a political nation fully alert to the, at times unspoken, rules of inheritance. Legislation, carrying the heavy burden of the threat of election, was not necessary or desirable in such circumstances. While Parrott is absolutely correct in viewing succession patterns determined by custom as typical of Europe as a whole, it must be noted that the dynastic 'machine' was especially prey to the demographic fragility which effected all hereditary systems. Studies of the French ducal peerage suggest that the average span for a title to remain in one House was a mere three generations: sterility or 'daughtering-out' frustrated a long familial durée.

Sovereign dynasties appear to have been rather more durable, although the House of Austria remained on the Spanish thrones for only five generations, the Vasa in Sweden for four. Few dynasties could match the (still) unbroken male descent of the Houses of Savoy or of Lorraine. The family history of the Houses of Tudor and Stuart was particularly unfortunate in this respect; unbroken lines of male descent, easily acceptable by the political nation, were the exception, not the rule. On the continent, problems inevitably arose when cousins, at some times, as with Henri IV in 1589 or Karl Theodor of Bavaria in 1777, many degrees removed. succeeded cousins, or when heiresses were involved. Compromise, compensation for disappointed candidates and contest and challenge introduced themselves immediately, again, as Nenner drives home the

point for England, because there simply was not an articulated rule of succession. Demographic fragility was central to hereditary dynastic thinking: God decided who would have children, whether they would be sons or daughters and who would survive. To this means of thinking, there was an elective component to sovereign succession, but one which was represented by a single, divine elector. For hereditary sovereignties, human intervention, as embodied normally by parliamentary estates, contradicted the fundamental definition of sovereignty. It introduced the concept of elective monarchy with an unacceptably broad electorate, and that menace, as Nenner clearly demonstrates for the case of England in the seventeenth century, united, apart from the radical Whigs, the political nation which feared that such a system would merely become the antechamber to the republican Commonwealth rejected in 1660.

Nenner is especially trenchant on the traumatic background of the 1649-60 régime in Britain for an understanding of the subsequent determination to retain the hereditary monarchy and to deny in public the existence of an elective element. Returning to the continent, we find a much more mixed structure. The secular head of Christendom, despite the protests of the King of France, was undeniably the Holy Roman Emperor, and his position was elective. The constituency was small, the seven electors stipulated by the Golden Bull of 1356, expanded to eight in 1648 and then to nine in 1692. The possibility of a future enlargement of the electoral franchise was strongly present during the eighteenth century, and although the Imperial crown remained uninterruptedly in the hands of the House of Austria from 1452 to 1740, the attempts in 1519 by François I and Henry VIII and throughout the seventeenth century of Kings of France and Bavarian electors to present their own candidacies underscore the elective nature of this throne.

The question of elective monarchies--as distinct from elected sovereigns such as the Doges of Venice and of Genoa--inevitably drives the debate back to the Baltic crowns. The Danish conversion to a *de jure* hereditary monarchy should not obscure the fact that it appeared to be a *de facto* hereditary monarchy since 1448, from which point the reigning king's eldest son was almost invariably elected as his successor during his father's lifetime. 'Appeared', however, is the operative word, for events in the early sixteenth century emphasised the strength of the tradition of elective monarchy. The internal strife in Denmark surrounding the elimination of Kristian II in 1523 from the political equation--another precedent for the tumult of 1688-89 in Britain whereby a revolt of the élites forced a reigning sovereign into exile--altered the recognised line of succession, shifting it from a nephew to an uncle. The political collapse of Kristian II is particularly significant as it reinforced the elective nature of what Ragnhild Hatton defined as the 'Northern Crowns'. The events of 1523 certainly confirmed the elective nature of the Danish crown in the sixteenth century: a king could be deposed and another king--a close relation, one of the pool of plausible 'blood candidates'--elected in his place. The elective nature of the Norwegian monarchy was also specifically articulated and confirmed at this moment. The Union of Kalmar was broken and Sweden *elected* its first Vasa king, Gustaf I, a monarch with no blood claim to the throne, but one of the few prominent grandees to have escaped the 'Bloodbath of Stockholm'.

If the three royal Baltic crowns were emphatically 'elective' in the sixteenth century, this situation changed during the seventeenth century, not only in Copenhagen but also in Stockholm. Sweden offers other close parallels to events in seventeenth century England. The deposition of the Catholic Sigismund in favour of his Lutheran uncle Karl IX provides yet another example of the means by which the élites rid themselves of a sovereign who was 'inconvenient' in terms of his view of the constitution, however that was defined, and his confessional orientation, a similar *conjoncture* to that which trapped James Vll and 11 in 1688-89. One result of this crisis was the 1604 Norrkopping Pact of Succession which accepted female succession under restricted conditions. This was another early attempt to define laws of succession, and it is striking that it emerged from a dynasty in turmoil, one only recently established on a throne, one which had implicitly accepted the law of election in order to advance to royal rank and one which was divided by profound familial strife. There was the potential for challenge from within Sweden and the certainty of challenge from without, from Copenhagen and from Warsaw. It is difficult to avoid the impression that the fragility of the position of the Vasa in Sweden, and indeed in Europe, drove them to seek protection in clear-cut and juridically defined patterns of succession rather than to rely on time-honoured customs upon which they had no sustainable claim.

The Catholic Vasas, established on the elective Polish throne, continued to contest the title of their Lutheran cousins in the junior line to the Swedish throne, but the ease with which the six-year-old Kristina, a minor and a female, succeeded her father, Gustaf II Adolf, in 1632 demonstrated how smoothly the Pact of Succession could operate, although with the significant reserve that the queen-mother was distanced from the regency in favour of Axel Oxenstierna. The succession of another minor in 1660 produced a similar situation. The rights of Karl Xl to his father's throne were not questioned, but Karl X Gustaf's will was overturned in order to restrict the political influence of his widow on the regency council for her underaged son and to exclude, contrary to the dead king's wishes, his brother from the council entirely. Although the hereditary principle was accepted as the functional mode for the transfer of the crown from parent to child, the power of the dynasty as a whole to participate in the exercise of power was contained by a grandee caste eager to resist notions of indefeasibility in future cases when the succession-might be less obvious and clear-cut. The very fact that Karl X Gustaf left a will--one which was disregarded as comprehensively as those of successive French kings--created a precedent for his son, in a much stronger political and financial position than his father had been, to assert a succession law based upon the right of nomination by the incumbent, for Karl XI, at his premature death in 1697, set down precise instructions for the descent of the crown itself, suggesting that the Swedish succession, in the so-called 'Age of Absolutism', was testamentarilv bequeathable.

As Karl XI had an only son, his succession posed no immediate problem, with a son succeeding a father, but on the death in 1718 of Karl XII, unmarried and childless, the crown passed, approximately but not strictly following the terms of their father's will, to his younger sister, Ulrike Eleanore, married to the Landgraf of Hessen-Kassel. Here, during a period of dynastic crisis, when the royal treasury and royal power within Sweden had been considerably weakened as a result of the Great Northern War, a new situation presented itself. The critically important years of 1718-20, nearly coinciding with the opening of the Hannover dynasty's tenure in Britain, shed much light on the nature of the Swedish succession. Although Ulrike Eleanore was next in line to her brother--their elder sister was dead and her descendants had effectively, if not specifically, been excluded by Karl XI's testament--it remains uncertain by precisely which right she succeeded him on the throne: hereditary right?, testamentary right as laid down in their father's will? The events of 1720 are traditionally depicted as an abdication on the part of the queen in favour of her husband, now Frederik I, a transition from being a ruling queen to a queen-consort. My own research suggests strongly that all Ulrike Eleanore did in 1720 was to accept her husband's elevation to the royal title and to resign the right of administration to him; I cannot see, at least at this stage of research, that she, in any sense of the word, 'abdicated' her sovereign status. If this is so, the 1688-89 model of William and Mary cannot have been far away. Mary was recognised as sovereign queen of Great Britain and William as sovereign king, but the governance of their sovereignty--as Nenner demonstrates quite clearly--was entrusted to William. Yet Mary's position as the prime hereditary beneficiary was acknowledged by the rather primitive

succession arrangements which were established: had William died before Mary, she would have remained sovereign queen in her own right, assumed full administrative governance and transmitted her claims on the sovereignty to any children from a subsequent marriage. The arrangement of 1688-89 delicately balanced the notion of hereditary sovereignty--Mary's paramount family claims, on the assumption that her half-brother had never been born--and an elective monarchy of a sovereign chosen, for his personal gifts, but one with his own blood claims on the crown, William III of Orange being, via his Stuart mother, third in line to the British succession, two places behind his own wife. William's own dynastic rights in England were essential for the case of a joint monarchy. Although Nenner does not discuss the issue, this structure of juridical power-holding opens questions as to Mary II's governance of Britain during William's absences on the Continent: was this by virtue of her right as a crowned and anointed sovereign or by right of delegation, almost a regency, as designated by her husband? Such niceties of constitutional law rarely altered balances in the realities of power-holding; but we do need to know what the juridical structures were, if only to judge how far away from them political practicalities impelled rulers to move and to what extent they felt obliged to justify and validate such innovations, however temporary they may have been.

We cannot yet, however, abandon the court of Stockholm. Like William and Mary, Frederik and Ulrike Eleanore were childless; the question of a succession to direct heirs of their bodies simply did not present itself; and, as again in the case of England, the queen, who had the clearest hereditary claim, predeceased her husband, who, unlike William, had no blood right of his own to his throne. As it became obvious that the couple would have no children--and as with William and Mary perception of the sterility of the marriage was expressed remarkably early-Ulrike Eleanore and Frederik pursued diametrically opposed policies to select a successor, the queen supporting a member of the Zweibrucken branch of her own family in order to perpetuate a Wittelsbach presence in Sweden, the king the candidacy of his younger brother as part of the campaign to create a tenth electorate in favour of the House of Hessen-Kassel. Factions developed to advance these two possibilities, but it is striking that the Riksdag, in its elective role, chose instead Adolf Frederik of Holstein-Gottorp, a cadet from a clan closely attached to the Swedish royal House. In the midst of all this genealogical detail, some striking structural points emerge. During periods of monarchical strength, such as the reign of Karl XI, the disposition of the crown seemed to be in the hands of the incumbent, by means of his testament; when the power of the Estates, particularly the magnate class, was in the ascendant, the succession acquired a much more elective character, although the candidates for election had to belong to a recognisable pool of princes with some blood claim to it. The candidates for the succession to Frederik I and Ulrike Eleanore were all related to the king or the queen in ways which would have made juridical sense in terms of private law, and I shall return shortly to the definition of relationships to succession within such a pool, because it sheds light on a central point of Nenner's thesis for England, the potential problems posed by contradictions between private succession laws for subjects and the succession to the sovereignty itself. The conflict between, for lack of better terms, private and public law, or to be more precise, between the code governing non-sovereign succession, even at the ducal level, and sovereign succession plays a fundamental role in Nenner's thesis.

The fusion between hereditary and elective right, so crucial to the 1689 settlement in Britain, is clear in other Baltic sovereignties as well, notably Poland and Russia. The elective nature of the Polish monarchy, based on the vast constituency of the szlachta (following Robert Frost, roughly 70,000 nobles participated in the uncontested election of Wladyslaw IV in 1632), made it an unique if not widely copied institution of power-holding in early-modern Europe. The extinction, in 1572, of the Jagellion dynasty, which had soldered the personal union of the kingdom of Poland and the grand duchy of Lithuania, initiated a sequence of elections to the monarchical crown, which after the unsuccessful (1573) flirtation with the Valois candidacy, directed attention only to princes with a dynastic claim upon the Jagellionian inheritance, first Stefan Batory, but, subsequently the Catholic branch of the House of Vasa. It was only with the abdication (1668) of the last of these, Jan Casimir, that election to the Polish throne ceased to be predicated upon some, albeit ill-defined, form of hereditary right. Even so, the successors to the Vasa in Poland, notably Jan Sobieski and his wife, attempted to introduce a strictly hereditary system of succession, failing which, a juridical mechanism to elect the heir during the lifetime of the incumbent.

The uneasy union between the concepts of heredity and election evinced itself, in different forms, in Russia. In 1722, Peter I assumed the right to nominate his successor, thus bringing the succession law for the sovereignty into line with the right conferred in 1714 on the head of each Russian noble family to control the succession to his lands by naming a chosen heir, a striking attempt to coordinate 'public' succession law and 'private' succession law, but one which concentrated considerable power in the hands of the incumbent. By the time of his death in 1725, however, Peter had failed to make his choice, and Russian nominative succession became dormant, although it did not disappear entirely. The uncertainty caused by Peter's death without a recognised successor opened the door for an elective constituency but one much smaller than that of the Polish szlachta, for it became, eventually, the élite guards regiments which determined, by a sequence of coups d'état, who sat on the Russian throne. This was election by force, but, yet again, the only plausible candidates were those with some direct blood or family link to the Romanov dynasty (with the innovation that wives could succeed husbands). Some form of dynastic validation was essential. Once established on the throne, those two monsters of eighteenth-century statecraft, Elisaveta Petrovna and Catherine II, maintained their hold upon power by securing the 'elective' confidence of the high aristocracy and the ecclesiastical hierarchy. Catherine attempted to revive Peter's nominative right with a decree excluding her only (presumably) legitimate son in favour of her grandson, but this document conveniently disappeared while the empress was in her death throes. The flea-like agitations of the Russian succession in the eighteenth century were settled only in 1797 when Emperor Pavel Petrovitch, in a self-conscious act of retrospective matricide, decreed a succession law which, without specifically barring female succession, established the descent of the crown in such a juridical fashion that effectively blocked any woman from reigning in her own right; any male member of the House, however far removed from the throne in terms of dynastic blood links, took precedence over the incumbent Tsar's closest female relation. Russia therefore had a coherent succession law one which, as Roderick McGrew has pointed out, eliminated 'a condition fertile for political intrigue...and was an important step towards a regularized political system', only at the end of the eighteenth century and only after a period of chaotic 'elections', albeit elections for which only a limited number of candidates, based upon hereditary affinity, were eligible.

Pavel Petrovitch's succession law points forward to a more rigid juridical definition of succession legislation, evinced, as well, in the early nineteenth century by the succession arrangements reached by such recently-established dynasties as the Sachsen-Coburg in Belgium and the Bernadotte in Sweden. But these precise pieces of legislation came only after the end of the ancien régime. As Howard Nenner suggests, the much more 'mixed' structure of succession agreements, in which 'the best' or 'most accommodating' or 'most convenient' of the candidates. but only those with plausible dynastic claims, could be 'elected', or, to use the jargon of the time, 'recognised'--in order to preserve the notion of hereditary descent of-the crown--installed itself in English succession law from 1688-89 onwards. It is necessary to remember that the combination of the concepts of elective choice and dynastic inheritance became well entrenched within northern Europe at roughly the same time as the Glorious Revolution. In the Baltic the distinction between indefeasible hereditary monarchy and monarchical election was less clear cut than Nenner would present it for seventeenth-century England; in Denmark, Sweden, Poland and Russia both systems, in very different ways, evolved hand-in-hand.

Nenner devotes most of his efforts to an investigation of these two seemingly opposed forms of succession, indefeasible heredity and election, yet right of nomination and right of conquest continued to play significant roles in the eighteenth-century validation of sovereign power-holding. Peter l's 1722 decree drives attention inexorably to the Spanish monarchies, for throughout the seventeenth century the final testament of the King of Spain was the determining document upon which the succession to his crowns was based. The problem here, of course, lies with the very notion of a coherent 'Spain'. Iberian 'Spain' itself consisted of a number of crowns, principally Castile and Aragon, but also Granada, Leon, Majorca and Navarre, and, between 1580 and 1640, the kingdom of Portugal, to which we shall shortly return. But this was only Iberian Spain, and it neglects Mediterranean Spain--the kingdoms of Sardinia, Sicily and Naples--and what can best be termed 'European' Spain, the duchy of Milano, the Franche-Comté (until 1678) and the Southern Netherlands. All of these units of 'Spain' had individual and highly idiosyncratic *customs,* not *laws,* of succession, as Louis XIV

fully appreciated when he pressed, by means of the War of the Devolution, for 'recognition' of the rights of his consort, the Infanta Doha Maria Teresa, to a chunk of the Southern Netherlands. The King of France, basing himself upon local *private* law in Flanders, claimed that his consort, as the only surviving child of Felipe IV's *first* bed, was entitled to some compensation in the Southern Netherlands, as the King of Spain's only son, Carlos II, was the issue of his *second* bed, and, as sole male heir, had 'scooped the pool' to the jumbled Spanish inheritance. Similarly, in the 1777-78 Bavarian succession dispute the public rights of the multi-branched House of Wittelsbach to the sovereign succession of the electorate and the private rights of the late and childless elector's family (related to him through his sister) to extensive allodial landholdings collided head-on and provoked a European crisis. As we have seen, Nenner is fully alert to conflicts between 'public' and 'private' law in his discussion of the English succession, the gaps, the distinctions and the differences between those customs governing sovereign succession as distinct from those framing the transmission of the lands and titles of aristocratic subjects, to repeat, even those at the most elevated ducal or princely level. The notion of sovereignty is the key here; those with claims to sovereignty behaved differently from 'mere' grandee subjects.

Carlos II's testament is a key document. For generations heads of the Spanish branch of the House of Habsburg viewed the aggregate of their possessions as disposable by their last will and testament. Successive Kings of 'Spain', during the long periods in which direct male descent seemed uncertain, promised to detach elements--the Spanish Netherlands or the duchy of Milano--from their conglomerate at their death or held out the lure of the entire inheritance--constantly to the House of Savoy--in the hope of diplomatic advantage. The fundamental point remains that the right to the succession to the Spanish kingdoms, viewed as a whole, was nominative; the will of the incumbent was the key factor in the absence of one obvious male heir. Carlos II's testament, kept secret until his death late in 1700, named the duc d'Anjou as his heir, on the assumption that the young prince's elder brother, the duc de Bourgogne, and their father, the Dauphin, would renounce their claims as they were in direct line to the French succession. A number of salient points emerge from this crucially important episode which extended the war of the 1690s into that of the first two decades of the eighteenth century. Firstly, the right of nomination could be exercised by the incumbent only in the circumstances of the king having no sons and no brothers; dispossession of such close male relations was impossible, although the Don Carlos crisis of Felipe II's reign suggests that such action was at least contemplated. Secondly, while succession by nomination retained juridical validity into the eighteenth century, the successful candidate, as was so frequently the case, had to belong to the pool of princes perceived by the political nation as having some blood right to the crown. The Bourbon duc d'Anjou, a member of Carlos II's family rather than his House, had, despite the renunciations to the Spanish inheritance of his grandmother on her marriage to Louis XIV, the best blood claim, one established by earlier Castilian succession precedents. The third point to be noted is the introduction of a nuanced form of election into the Spanish succession in 1700, for Carlos II attached one vitally important condition to the nomination: the chosen prince would have to accept the Spanish inheritance intact and to guarantee its complete integrity. If not, the next nominee would be invited to do so and to ascend the thrones. Louis XIV, who had previously negotiated with William III for a peaceful partition of Carlos's legacy, effectively had to yield to the pressure of the specifically Castilian grandees who wanted no diminution whatsoever of Spanish landholdings and no alienation of extra-lberian sovereignties in order to purchase the goodwill of disappointed candidates. In accepting the terms of Carlos II's will on behalf of his grandson, the King of France secured the essential support of the Castilian élites but also implicitly acknowledged their role in determining the form of the succession. The new king, Felipe V, supported by his grandfather, attempted to ensure that this haphazard and mixed approach to the Spanish succession could not be repeated and introduced the Salic Law in 1713 into a much more juridically integrated and homogenised Spain, an innovation repudiated in 1830 as a noxious French import in an eventually successful attempt to assert that, in the absence of a son, the King of Spain would be succeeded by his daughter in preference to his brother.

If succession by nomination continued to be exercised in the ancien régime, so did succession by right of conquest. Nenner is sharply aware, however, of how problematic this particular form of succession could be

in a society which was centered upon the concept of precedent and which professed distrust and even hatred of any modification which could be stigmatised as 'innovation'. Succession by conquest opened the possibility of succession by a prince--or, indeed, anyone-with no blood right or juridical right to a sovereignty. In 1580, at a moment of dynastic crisis in Lisbon, Felipe II of Spain invaded Portugal, where he imposed himself as king. He was careful, however, to assert his blood rights to the throne through his mother and to extract recognition of his self-declared 'superior' claims from as many of the other potential candidates as he possibly could. Even so, sixty years later, in 1640, the descendant of two of these plausible claimants led a successful revolt against the Spanish authority and established himself as King Joao IV. The events of 1640 in Lisbon are remarkable: using the language of 'restoration' and specifically not 'revolution' and brandishing the cultural weapon of Lusitanism, Joao IV created a *de facto* Portuguese succession law, one which countenanced female succession but also succession in the illegitimate male line-the new king possessed both claims. The rights of bastards to a sovereign inheritance had found some limited acceptance in the Italian courts of the Quattrocento and Cinquecento--Ferrara (where a more experienced illegitimate son actually imposed himself before a still-untested younger legitimate son), Modena, Florence--but the operating succession arrangements in Portugal stand out as, at least to my knowledge, an unique example in the seventeenth and eighteenth centuries of respect for the juridical claims of those born out of wedlock.

The Italian peninsula indeed provides a striking--and strikingly late--example of succession by right of conquest. In 1734, Carlo I, Duke of Parma and Piacenza, the eldest son of the King of Spain, Felipe V, by his second wife (there were sons from the first bed), Elisabetta Farnese, conquered Naples amidst the chaos of the European-wide War of the Polish Succession. Although Carlo (from 1759, Carlos III of Spain) had convincing claims, via private, allodial law thanks to his mother's position as one of the more impressive heiresses of eighteenth-century Europe, to the Farnese duchies and to the grand duchy of Tuscany as well, he had none to the kingdom of Naples, assigned to the Austrian Habsburgs as part of the 1713 Treaties of Utrecht. As with Portugal in 1640, the rhetoric of cultural politics was deployed: the independent sovereignty of Naples was 'restored', following a gap little short of 250 years. The emblematic definition of 'restoration' looms as importantly as the problem of 'succession' over early-modern European history, and Carlo and his consort, Maria Amalia of Saxony, worked assiduously to 'recreate', through a highly sophisticated form of cultural patronage, a specifically Neapolitan identity. Juridically, the kingdom of Naples was a papal fief--the lengthy disputes over the ceremony of the Chinea in Rome, the presentation of a white horse as feudal tribute to the pontiff, shed important light on this complex relationship--but the Borbon-Wettin couple simply cut across all this, providing a precedent for succession to sovereignties without reference to juridical overlords, mainly the Pope but also the Holy Roman Emperor. The succession of François Étienne, Duke of Lorraine and Bar, as Grand Duke of Tuscany in 1737, three years after Carlo VII's conquest of Naples, confirmed that the practical functioning of laws of succession need not be rooted in family rights, and, in this way, despite the application of the cosmetics of 'nomination', the succession in Tuscany was 'massaged' to produce the same result as in Naples--effectively François-Étienne 'conquered' Florence, but he conquered it peacefully, without the bellicose stage effects of military invasion. I would like to suggest--but no more than suggest-- that the disregard, certainly the dwindling respect, in eighteenth-century Italy for the established authorities, Imperial and, again, especially, Papal, to control and to adjudicate transmissions of succession in the absence of an obvious male heir installed the notion of dynastic 'deals' which were, in effect, conquests. *Realpolitik* understandings between the major courts, Vienna (as Austrian not as Imperial), Versailles and Madrid, aimed to impose succession settlements on the Italian peninsula without reference to its traditional overlords, whose power had been self-evident in the seventeenth century, and, thus, helped to pave the way for the most notable exponent, one saturated in Italian political *Kultur*, of the practice of asserting sovereignty throughout Europe by right of conquest, Napoleon Bonaparte. Bonaparte, as well, manipulated the cultural norms of the ancien régime--replicating formalities of court etiquette and employing artists, musicians, scientists and historians associated with his predecessors--in order to validate his new system, but that new political system owed much to the willingness of eighteenth-century powers to marginalise the rights and responsibilities over succession law emphatically asserted by the Pope and the Holy Roman Emperor during the seventeenth century. In a tetchy review in the *Times Literary Supplement*, Tim Blanning recently questioned why historians should concern themselves with questions of how one Italian king or duke grabbed such-and-such a sovereignty in the

eighteenth century; one reason to address ourselves to these questions is that such manoeuvres stand at the heart not only of European early modern political history, and, by extension, that of political-historical thought, as justifying claims to sovereignties through primary documentation drove forward the notion of evidential history (and the organisation of archives and libraries), but also of European social history. Exploring these questions can say as much about early modern definitions of the family as it can about the history of power-holding. Howard Nenner's focus upon the specific concept of succession asserts its importance for England; it is clear that the questions surrounding succession are essential for the study of the rest of Europe as well. Nenner's re-orientation of seventeenth-century history towards the concerns and preoccupations of the time-rather than to late twentieth-century obsessions with 'Large Historical Questions'-is one of the major achievements of his volume, and, l suspect it moves him closer to the *Annales* view of *mentalité.* although a *mentalité* of the élites, indeed that of the pinnacle of society. than he may have intended.

Finishing, very belatedly, this review in the weeks following the death of Diana, Princess of Wales and the consequent, unmistakable sharpening of the debate over the nature of the British--both English and Scottish--monarchies and the laws governing succession to them, it is impossible for me not to note the timeliness of Nenner's book. Part of the agenda of what is presented as 'think-tank' meetings at Balmoral--Elizabeth II's attempt to salvage the monarchy by presenting a 'reforming' or, to use current jargon, 'modernising' profile to the media--concerns itself specifically with the mechanism of succession: the identity of the consort-Anglican or not?-- of those with blood rights and the order in which they are summoned--date of birth or gender? The public perception of the links between this late-twentieth-century constitutional discussion and the world of historical erudition was signaled when *The Times* decided, quite consciously, to give front-page prominence to the recent discovery by Michael Bennett of a document in The British Library dating from 1376 in which Edward III *nominated* his heir and established an English succession law which excluded women; Edward, at the same time, continued to press his own claims to the French throne by right of female descent. Although the charter dates from over 600 years ago, its revelation was considered sufficiently 'Times-worthy' for such prominence because of the historical background it provides to proposals for altering the order of the British succession. These proposals also draw attention implicitly to projects for a reformed House of Lords and to the suggested anomaly between the laws governing succession to the British sovereignty and those regulating the descent exclusively in the male line of the overwhelming majority of English peerages, an aspect which Nenner discusses with considerable subtlety.

Yet again, a continental framework is essential, and, in exploring modern comparisons, a number of tropes which have appeared already in this article represent themselves. As early as 1953, a referendum in Denmark altered the law of succession in order to enable the king's daughters to succeed him in preference to his brother, thus breaking the law of exclusively male sovereignty. This move was subsequently followed by similar legislation in Sweden, Norway and Belgium, not only to permit female succession but also to assert that the order of succession was determined solely by the date of birth, not, preferentially, by gender. In the cases of Sweden and Belgium, the legislation was applied retrospectively, with younger princes actually being demoted from the superior positions in the succession that they had previously held in order to favour their elder sisters. The constitution (1814-15) of the kingdom of the Netherlands, in itself another early-nineteenth century novelty, has been changed four times (1887, 1922, 1963, 1983) in order to re-define the royal succession, the 1983 revision abolishing the precedence of sons over-daughters. Such alterations, which weaken the notion of the dynastic House, did not always meet with unqualified enthusiasm in the royal families whose succession they affect. In Spain, where, as we have seen, female succession was 'restored' in 1830 (while preserving the precedence of male children of the incumbent over female), King Juan Carlos, working in cooperation with the Cortès, has, since his accession in 1975, introduced a number of changes defining the royal family--excluding a first cousin (a protégé of General Franco) but integrating a more distant Neapolitan cousin--while the Constitution of 1978 effectively relaxed the laws on marriage so that his two daughters could wed, one, a member of the middling Castilian aristocracy, and the other, an Olympic handball champion, without sacrificing their rights to the crown, as the king's sisters had been obliged to do when marrying husbands beneath sovereign status. Such shifts are also apparent outside of Europe: in Thailand where the marital confusions of the Crown Prince have raised the prospect of the

succession of one of his sisters; and in Japan where the absence of princes in the third generation of the Imperial House has led to discreet requests for advice from Europe on mechanisms for allowing female succession and has encouraged historians to look back to a far distant past of empresses reigning in their own right. Dynastic crisis still drives scholars back to the archives in the search for precedence and validation and may, thus, have some scientific, as distinct from political utility.

Political unsuitability or demographic instability, as in Nenner's seventeenth century England, can force change in a constitution predicated upon some form of hereditary authority; it is possible--I would suggest again with great caution--that succession laws at the sovereign level throughout Europe have been, during the last fifty years, more flexible and adjustable than they were during the period between again, very roughly, 1800 and 1950, the high watermark of the nation-state. There may well have been psychological links between two distinct historical phenomena: the need to assert, in terms of imagery, the primacy of the nation-state; and the need to spell-out a succession law, fostering a sense of security and continuity and endowing innovatory political experiments with an aura of validatory stability. The Act of Settlement was an early, indeed a very early, in broader European terms, attempt to deal with a dynastic and ideological crisis by articulating guidelines for the English succession, guidelines which, while specifically naming the Electress Sophia and her descendants as the eventual heirs, were operationally based on the notion of exclusion, exclusion of the roughly fifty other candidates with better blood claims than Sophia, for their failure to meet certain criteria, exclusively confessional, precisely the issue which had confronted James II while Duke of York and which, seemingly, had been defeated during the Exclusion Crises in favour of indefeasibility. From 1701, all sovereigns were required to be in communion with the Church of England (of which they were head), as the ostensibly Calvinist William III had consented to do. Indeed, the next English effort at defining the succession, the Royal Marriages Act of 1772, was also based upon the concept of exclusion, in this case because of the inferior social status of spouses. As exclusive legislation, the Act of Settlement was not particularly typical of early-modern-Europe succession arrangements as a whole. The juridical tightening of the definition of rights to sovereign succession, despite the examples of England, Denmark and Spain (later to be reversed), seems to be more a 'modern' than an 'early-modern' phenomenon, one touching an issue where law, as distinct from custom and consent, was viewed with mistrust and misgiving.

The relatively static state of the English monarchy in the eighteenth century, despite profound family rifts, some of which indeed provoked discussions about the direction of the succession, and the public scandals which damaged the 'image' of the monarchy, emerged, nevertheless, after more than a century of intense public and private debate on the nature of the succession and the Stuart sovereignty and it is to that debate and Nenner's achievement in describing and analysing it that I shall now turn. It would be a mistake to see the importance of Nenner's book solely in terms of its current topicality. The history of political thought and, indeed, of political literature have for some time been criticised for a failure to establish links between 'pure' theory and the hard-core practical realities of specific political crises and drama. Even if we accept that the 'Great Minds' of seventeenth-century political thinking were miraculously detached from the pressures of partisan conflict--the cut-and-thrust of claiming power, a notion of dubious naïveté at best-those lesser men who wrote the majority of books, tracts and pamphlets, it should be suggested, acted less out of conviction and more because of their positions in clientèle systems which required the production of printed fodder to sustain and to validate the political stances of their *baroni*. Trapped in concepts of individualism and self-expression, traditional historians of political thought have given insufficient weight to the practical necessities imposed on political writers by the combat for power, for sovereignty, a combat which advanced political debate as well as the historical scholarship aimed at justifying the claims of their patrons.

At a first glance, Nenner might seem to have inscribed himself into this rather old-fashioned matrix of studying political thought. Only a small handful of primary, archival sources are cited; printed documentation is, overwhelmingly, the point of reference. Biographical details about individual writers and commentators are confined to throw-away clauses and the stray sentence; any reader hoping to 'fix' a specific author within a specific political context, in order to understand why he wrote what he wrote, must have the *DNB* by his side and use his own historical imagination. These first impressions would, however, be deeply

misleading. Nenner has made an extremely important breakthrough by tying his entire argument to the practical imperatives of power-holding. Who held the sovereignty and how did he or she justify its possession? Nenner is far less concerned with the evolution of such increasingly discredited notions as that of the 'nation-state', recently described by Mark Goldie in terms of the Rankean perspective which anointed it as 'the definitive historical actor' in modern European history, than he is with the history of the family and of its grasp on power. Such a view offends nineteenth- and twentieth-century liberal historical ideology because it is unacceptably predicated upon the central role accorded to self-interest in studying political and social action, yet it is probably rather closer to the stark historical realities of seventeenth-century life. The validatory theories which the combat for power called forth were 'patronised' in every sense of that word, and they belong at least as much to the world of political calculation as they do to that of hermetic contemplation.

By concentrating on the specifics of power-holding, Nenner has developed a method which elucidates the vocabulary and, indeed, the *mentalité* of what can be seen as a key constitutional debate of seventeenth-century English political thought, the succession. By starting from moments of seemingly 'easy' transition, 1603, 1625, perhaps the restoration of 1660, certainly James II's accession in 1685, but also by looking at the more difficult moments, 1649, the tumultuous events of 1688-89, the crisis of 1701, Nenner establishes himself as a 'contextualist'. It is around these 'set-pieces' that he scrutinises the theoretical debate, and, at the risk of utilising facile Marxist rhetoric, identifies a dialectic centered on the nature of both the English sovereignty and its succession which exposes the language of political thought. However self-regarding and self-interested the writings on either side--or on all sides--at each moment of succession disputes were, the terms and the vocabulary used have rarely been so clearly delineated as in Nenner's book. By forcing us into the language of succession debate, Nenner opens up fundamental questions about the concepts of the English constitution and about European sovereignty as a whole during the early-modern period.

This critically important but very enclosed book does demand that scholars bring their own comparative examples. It is a pity to record that Macmillan have rendered this key text much less than full justice. The exile of the notes to a section at the back of the volume, the uninspired type-setting and page-layout, the inexpressibly dreary and monochromatic jacket design--based on the Lewis chessmen, God help us!: what do they have to do with seventeenth-century succession in England?--all point to the failure of will of 'commercial' scholarly publishers and to the collapse of integrity amongst the older university presses (perhaps the revival at Manchester will retrieve the situation). Howard Nenner is a tight, at times conventional, historian of political thought, but he has written a synthetic account of succession disputes which reaches far beyond his remit of seventeenth-century England to embrace much broader European issues. It should serve as a model for scholars to study other succession problems on the continent, and it is a bold indication of how bracing and refreshing Anglo-Saxon empiricism can be for an early-modern history still trapped in a web of nineteenth century assumptions and ideologies.

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