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Scottish Home Rule

A Political Childhood in Glasgow

To what extent are we, if at all, determined by our experiences of childhood, of home, of the relations with our family, especially our parents or guardians? There is no easy answer to this question, but it is important to ask it, especially with respect to Neil MacCormick. Born on 27 May 1941 in Glasgow into a family that was very self-consciously political as well as Scottish, MacCormick became aware, from early on, of his own deep roots in Scotland and in its politics.

That MacCormick himself was alive to the question of the power of one's childhood experiences and influences can be gleaned from how he reflected on the lives of his close friends in those years, e.g., Donald Dewar and John Smith. Writing about Dewar, for instance, MacCormick noted that 'probably no one ever completely sheds the sympathies of their younger years'.[1] MacCormick both observed Dewar in action as a debater in the Glasgow University Union and sparred with him on matters concerning home rule. Dewar, who was at one time chairman of the University Labour Club in Glasgow – precisely the time that MacCormick was President of the Glasgow University Scottish Nationalist Association (GUSNA) – 'developed his own stance on the social democratic wing of the Labour Party'.[2] It is those arguments – those 'sympathies' of one's younger ears – that were still in evidence later, for instance, when Dewar wrote a chapter for MacCormick's 1970 collection on *The Scottish Debate*, and later still, when Dewar became the inaugural Scottish First Minister in 1999. According to MacCormick, Dewar's home rule sympathies were 'an almost hereditary commitment, and certainly went back to his own boyhood', with his grandfather being a member of the Scottish Home Rule Association (SHRA) and his aunt, 'the formidable Aunt Elanor Dewar', who was also an informal aunt to the MacCormick children, working in the 1940s and 1950s, alongside MacCormick's father and mother,

[1] MacCormick, 'Enduring Foundations' (2004), 144.
[2] Ibid., 143.

under the umbrella of the Scottish Convention, for the cause of a Scottish Parliament.[3]

On the other hand, whereas such sympathies may stay with one, and be to some extent unshakeable, conversions to a view very different from one's youthful beliefs were still always possible. As MacCormick saw it, this was the case with John Smith. Like the Dewar family, the Smith family were close to the MacCormicks: for instance, Archie Smith, John's father, was, for a time, a friend of John MacCormick, and together they were members of the student Labour Party at the University of Glasgow.[4] Smith himself, said MacCormick, was from early on and then 'for a long time highly sceptical about Scottish home rule'.[5] Nevertheless, Smith later converted and became genuinely committed to 'supporting a form of Scottish Home Rule'.[6] Tragically, Smith, who was then the Leader of the Labour Party, died in 1994, just when he was on the cusp of becoming the Prime Minister of the United Kingdom, with Labour edging closer to a political victory, and one which they eventually achieved in 1997, but under the leadership of Tony Blair.

I mention these childhood friendships here not only to convey how alive the question of the influence of one's 'hereditary commitments' and 'youthful sympathies' was for MacCormick but also to give an immediate flavour of the highly political childhood and home that MacCormick grew up in. Glasgow, in the 1940s and 1950s, was a hotbed of political creativity and of a growing Scottish self-consciousness, including, very significantly, burgeoning literary and historical self-awareness. At the very heart of this was MacCormick's family, including MacCormick's family home in Kelvingrove, and in particular his father, John MacCormick. Indeed, I shall be spending most of this chapter following John MacCormick's remarkable political initiatives, which captured the public imagination and, in doing so, brought the issue of Scottish identity and self-government to the fore. This is vital to do for, as we shall see, MacCormick often saw himself as, in some ways, continuing the work begun by his father. Certainly, MacCormick took almost every opportunity he could to keep the memory of his father alive, sometimes taking this to extraordinary lengths. To give just one example, when asked by the *Scottish Review*, in 1999, to name 'The Greatest Scot of the 20th Century and the Greatest Scot in History',

[3] MacCormick, 'Review of *John Smith*' (2006), 144.
[4] MacCormick, 'John Smith' (1994), 5–6.
[5] Ibid., 7.
[6] MacCormick, 'Review of *John Smith*' (2006), 144.

he mentioned, as might be expected, Adam Smith and his *An Inquiry into the Nature and Causes of the Wealth of Nations*, but to this he added his father, highlighting in particular his father's memoir of 'the story of the national movement in Scotland', *The Flag in the Wind* (1955).[7]

Here, then, right at the outset of this chapter, we encounter something delicate and difficult: how to understand MacCormick's relations with his father. The matter is complex, and my aim is to illuminate that complexity, rather than reduce it to any one view of it. On the one hand, there is no doubt, as the above example alone illustrates, that MacCormick was enormously proud of his father. As we shall see, there are many aspects of his father's arguments and beliefs that MacCormick took on, to some extent, as his own. One could argue that this at times clouded MacCormick's own judgement or that it somehow 'determined' his politics, which, in turn, 'determined' his philosophy. That is not the view I endorse here, while nevertheless acknowledging the enormous influence of John MacCormick, the father, on his son. For, on the other hand, it is clear that MacCormick reflected carefully on his own inheritance: in fact, in some ways, the story of his life might be told as one of adopting, and always negotiating, his own reasoned response to the political world he grew up in and then contributed to. In that respect, one could argue that the very problem that animated so much of his philosophical work – e.g., whether reason was practical – was an existential one for MacCormick: could someone who had inherited such an emotionally powerful political orientation come to terms with that reasonably and thus adopt his own attitude to it? Could one remain loyal and faithful to the memory of one's father while nevertheless becoming a man of one's own?

If all this feels like skewing the story too much in the direction of the relationship between a father and a son, to the exclusion of all other relations, then that feeling is worth listening to. Indeed, for all its explicit and visible importance, and although it is what MacCormick himself wrote most about, including in his unpublished memoirs, the relationship with his father was certainly not the only important, and perhaps not even the most important, relationship of his childhood. The relationship that, although somewhat occluded by the very public life of his father, was arguably even more crucial, especially for the development of MacCormick's character, was his relationship with his mother.

Margaret MacCormick, born Margaret Isobel Miller, was a social worker, dedicated to improving the lives of the people trying to survive in

[7] MacCormick, 'Untitled', *Scottish Review* (1999), 62–4.

Glasgow's poorest areas. As we shall see, and as MacCormick described her, hers was an ethos of fundamental and unshakeable respect for others. Unlike, arguably, her husband and MacCormick's father, who was an orator, a public performer, someone keen to be in the political limelight, rubbing shoulders with luminaries, Margaret MacCormick worked quietly, behind the scenes, holding the family together, steering it often through turbulent times – turbulent, in part, because of her husband's initiatives – while at the same time spending her time amongst the most marginalised and invisible members of the community.

There is, in Margaret MacCormick, an inclusiveness, a considerateness, and a deep respect for others, which runs equally deep, if not deeper – or so I wish to argue – in MacCormick's character. As George Reid put it, Margaret MacCormick 'left her children with a commitment to an inclusive society and Neil, in particular, with a lifetime inability to see ill in anybody'.[8] Maintaining alive the memory of MacCormick's father, especially given his early death at the age of fifty seven in 1961, was certainly traumatic for MacCormick, and this trauma left its mark. However, although undoubtedly important, it was not his father's sensibilities – nor his arguments or beliefs – that are of deepest significance to understanding MacCormick's character. It was, instead, Margaret MacCormick who gave nourishment to MacCormick's soul at its most resonant and deep running.

I therefore begin this chapter with Margaret MacCormick, even if only briefly, given the relative lack of information about her life, as well as the wider MacCormick family, before turning to John MacCormick, the context of the 1920s and 1930s in which he first became involved in Scottish nationalist politics, and the three events in which his father was deeply involved and that were particularly formative for MacCormick's political childhood: first, the establishment of the Scottish Convention in 1942, and later, the Scottish Covenant and its two-year campaign in 1949–51 for a plebiscite for home rule; second, the taking of the Stone of Destiny from London in the Christmas of 1950; and third, the case of *MacCormick* v *Lord Advocate* in 1953. This is hardly a full history of family life and the extraordinary political hub that was MacCormick's family home in the 1940s and 1950s – that is a story that still awaits telling. But telling it, even partially, is crucial for a study of MacCormick's character.

[8] George Reid, 'Tribute', online memorial website following MacCormick's death in 2009 (the website is no longer working).

Margaret MacCormick and Family Life

If John MacCormick was the MacCormick's family most publicly visible face, the heart of its home – its most private face – was undoubtedly Margaret MacCormick. Born in 1909 as Margaret Isobel Miller, she came from a family whose roots were in Fife and Lanarkshire, and who were, as MacCormick recalled, 'Lowland and Scotch-spoken … with some Ulster-Scots flavouring'.[9] They were accomplished and well educated, 'medical people and merchants', and they had built their own flats in Townhead (in Glasgow), which stretched back several generations.[10] When MacCormick was a boy, after returning from July holidays in Mull or Tayvallich, he would often spend a month running 'wild' in his maternal grandmother's home in Bothwell.[11]

It is worth pausing to observe here that whereas MacCormick traced his mother's heritage to Lowland Scotland, he traced his father's to its Highlands. That side of the family, MacCormick said, was 'intensely Highland, from Mull, Iona, and Glenurquhart, Gaelic-speaking, song-composing, pipe-playing bards and (in case of Great-Uncle John) Gaelic novel writing'.[12] Later, in Chapter 2, when we meet MacCormick in Glasgow High School, we shall see how important the musical culture as well as the Gaelic tongue were to MacCormick, and what a crucial role in that respect was played by his great uncle Neil and his brother Dugald.

The dual Lowland–Highland heritage is significant, too, for, as we shall see, MacCormick was an artist in combining what others might see as opposites – a conceptual maker of blended, in-between spaces. Indeed, at times, he remarked explicitly on the importance of the two strands of Scottish culture working together, respecting each other, and learning from one another, with this being, for instance, a major reason why he thought Walter Scott such a pivotal figure in Scottish history; Scott was, MacCormick thought, a writer of peace and reconciliation, skilfully weaving together these two strands of Scottish culture.[13] The fact that MacCormick admired Scott, precisely for his capacity to relate what might otherwise be opposed, is not incidental to understanding MacCormick's character: after all, Scott was also a passionate national unionist,[14] writing

[9] MacCormick, 'Being Scottish' (2002), 153–4.
[10] Ibid.
[11] Ibid.
[12] Ibid., 153.
[13] See MacCormick, 'The Memory of Sir Walter Scott' (1997).
[14] See, e.g., McLean, 'Understanding the Union' (2000), 123–5; generally, Kidd, *Union and Unionisms* (2008).

to intertwine, while still differentiating, not only Lowland and Highland Scottish culture but also Scotland and England.

Margaret MacCormick was, as MacCormick described her, 'a formidably clever woman'.[15] This was illustrated, for instance, by her completing, at the University of Glasgow, a combined degree of an MA and BSc a whole year sooner, then taking the extra year to take the then-new course in social administration, but also by the delight she took in wordplay and how quick she was on her feet. MacCormick recalled, for instance, once asking her, when one of his own children had a child: 'Well, Mum, what does it feel like to be a great grandmother?' Quick as a flash, she replied: 'I have always been a great grandmother'. 'Verbal quickness and a love of words', MacCormick recalled, 'were very much part of her', as was her wide reading in history and current affairs.[16] As we shall see in Chapter 2, MacCormick inherited and himself relished in the delights of language, along with the joys of wit and repartee.

After graduating, Margaret MacCormick was employed by the City of Glasgow Society for Social Service, working as a social worker 'in the Calton district of Glasgow's desperately poor city centre and inner east end'.[17] This was in the 1930s and 1940s, which were difficult times, to say the least. As MacCormick put it, 'she did a great deal of good in these pre-Beveridge days, trying to alleviate circumstances of dire poverty among those who came to the Society seeking assistance'.[18] Later, in 1954, after her children had started school – in addition to Neil, there was Iain, Marion, and Elspeth – she returned to the City of Glasgow Society, working this time in 'large municipal estates in Knightswood and Garscadden', before moving to 'the Guild of Aid, a charity based in the Gorbals area of Glasgow'.[19] In due course, in 1968, Margaret MacCormick became the Warden of the Guild and remained in that position until retiring in 1974 at the age of sixty five.[20] During her tenure, she provided clothing for those who didn't have them, day nurseries, as well as 'fresh air fortnights' in the countryside for women from deprived areas of the city.[21]

It may seem, from the above account, as if Margaret MacCormick was not active in politics. Such a view is only tenable if one understands

[15] MacCormick, 'Nationalist Memories I' (2008/9), 8.
[16] Ibid.
[17] Ibid.
[18] Ibid.
[19] Ibid.
[20] Ibid.
[21] Reid, 'Tribute' (2009).

politics in a very narrow sense as relating to front-line party manoeuvring. In fact, she was often involved, but typically behind the scenes, supporting John MacCormick's various initiatives, including when he was National Secretary of the National Party of Scotland (NPS) in the early 1930s before its merger with the Scottish Party (SP) to form the Scottish National Party (SNP) in 1934. Later, in the 1940s, and still in the early 1950s, she assisted with John MacCormick's Convention movement, and in particular, the Covenant in 1949–51, 'nearly wrecking her eyesight with the job of manual transcribing names and addresses from the signed petition onto index cards'.[22] This was an important task, given the many accusations made by Convention opponents of fraud in the number of names and addresses that were being claimed as having signed the Covenant. It was this sort of task that Margaret MacCormick would regularly perform, again quietly, unacknowledged, except by those immediately around her.

But Margaret MacCormick's politics lay deeper still. For MacCormick, it was crucial to see that her nationalism, such as it was, came from her experience as a social worker. What she saw, MacCormick said, was 'the need for an absolute renewal of Scotland through self-government'.[23] The basis of her political sensibility was equality and respect for persons. As MacCormick articulated it, remembering her in the memoirs he dictated towards the end of his own life:

> Her philosophy throughout was that people were to be treated with absolute respect no matter how unfortunate their circumstances. Above all, the problem of poverty was simply that people had not enough money and the task of social work was to help them either to find ways of making effective economies or to find them some small packet of financial assistance beyond the rules of the welfare state. I think she did much good and brought a lot of unobtrusive relief to many people.[24]

Margaret MacCormick was, in the words of Robert Burns, which she herself regularly quoted, 'contended wi' little and cantie wi' mair' – contented with little and joyous with more.[25] Indeed, she often had to be, given the tight budget with which she had to run the household, especially after John MacCormick lost his job, following his involvement in the *MacCormick* v *Lord Advocate* case in 1953, and during which, in order to alleviate his pain from kidney stones, he took to drink, dying a few years later in 1961.

[22] MacCormick, 'Nationalist Memories I', 2008/9, 9.
[23] Ibid., 8.
[24] Ibid.
[25] Ibid., 9.

None of this is to suggest that the MacCormick home was not a happy one: indeed, much to the contrary, Margaret MacCormick 'loved a party and kept a hospitable house'.[26] By all accounts, this was a riotous, perpetually busy, perpetually sociable home. In addition to the four MacCormick children, there were two cousins – Donald and Alastair – who were frequently there, having lost their father, John MacCormick's brother, and, 'especially during the holidays', MacCormick recalled, 'we functioned to a large extent as a family of six siblings'.[27] The home was also often visited by three unmarried aunts and one widowed – a not infrequent phenomenon in many families across Europe, and beyond, following the Second World War.

To this one can add the uncles, including the great uncles mentioned above, as well as an endless stream of visitors, connected either to the Convention and Covenant, or to Glasgow University. In truth, these two groups were often difficult to tell apart, and impossibly so during 1950–53, when John MacCormick served as Rector of the University of Glasgow. These years, MacCormick recalled, 'brought much happiness and many friendships', and they continued when MacCormick, and his siblings were studying, with frequent visitors from the 'Glasgow Union boys', such as Smith and Dewar, but also Derry Irvine and Menzies Campbell, amongst many others. As MacCormick further recalled:

> Home was both a political base with phone often ringing, and a place of hospitality both to political friends and associates and to the extended family. So there was always surrounding talk and often a buzz of excitement about whatever was current in the news and whatever the Covenanters were currently agitating about – the closure of Clyde piers, or of West Lothian shale oil, for example. If you were a small boy or young teenager interested in political affairs, simply assuming the role of an unobtrusive listener gave a great political education in a very particular kind of politics.[28]

I will return to this political apprenticeship, but it is worth emphasising, once again, that throughout all this it was Margaret MacCormick who held the family together, amidst all this rather chaotic sociability and political discussion: she was, MacCormick said, 'a tower of strength to us all', creating a space 'in which, for all his [i.e., John MacCormick's] huge

[26] MacCormick, 'Nationalist Memories I' (2008/9), 9.
[27] Ibid., 2. MacCormick's first name was Donald, but because the family was often joined by his cousin, also Donald, he was known by his second name, Neil, which stuck.
[28] MacCormick, 'Introduction', *The Flag in the Wind* (2008), xiii.

workload between his legal practice and his politics, my father remained a very engaged dad to his children'.[29]

In addition to her intelligence, her social work and thus her sensitivity to equality and respect for all persons, her responsibility, but also the joy she took in life and in the company of others, including her delight in word-play and repartee, there was yet one more connection that MacCormick had to his mother. Speaking in 2003, in a lecture on 'Europe's Future, Scotland's Future', MacCormick recalled what he also dubbed 'one of my earliest non-memories':

> My mother on several occasions told me that, after she took me home from the hospital where I had been born, she one evening took me out to the front garden in Stepps, just to the east of Glasgow where my family then resided. She held me up so that she and I could see the scarlet glow to the west of Clydebank in flames after the dreadful blitz there. That is clearly the world into which I was born, a world of catastrophic war. This is the world which we Europeans have spent the last half-century and more, escaping, burying and putting behind us.[30]

And, MacCormick continued, it was thus in Europe that Scotland's future lay – in a future of peace, built on the co-operation and mutual goodwill evidenced by the European Union. Peace was indeed a fundamental value for MacCormick – a fundamental orientation of his politics and his philosophy. Peace was fragile, and this needed constant reminders, especially for generations that did not have the experience that those like MacCormick did, who was conscious that, being born on 27 May 1941, he was 'born in the depths of wartime'.[31] And it was peace – the active, generative pursuit of peace – which manifested itself in his mother's running of the household, but also in her community-building abilities, helping others to help themselves out of the difficulties they faced, held up by egalitarianism, decency, and respect for persons, that ran so deep in MacCormick's character.

In the quote above, MacCormick spoke of his mother holding him outside the house at Stepps. This was, indeed, where the MacCormick family lived before moving, in 1943, to 2 Park Quadrant – a large, double top flat home in Glasgow park district overlooking Kelvingrove Park. This was quite a change – and an unaffordable one for the MacCormick's in any other time outside war (the flat was perched on quite an exposed hill and

[29] Ibid., x–xi.
[30] MacCormick, 'Europe's Future, Scotland's Future' (2003), 2–3.
[31] MacCormick, 'Nationalist Memoirs II' (2008/9), 1.

was thus vulnerable to bombing). From the flat you could, MacCormick recalled, see 'Scotland in miniature'.[32] The view, especially for a boy of considerable imagination, like MacCormick, was quite something:

> From on high there [2 Park Quadrant], one enjoyed spectacular views over the Campsie Fells and Kilpatrick Hills, past Dungoyne to the Highland peaks of Perthshire and Argyll. There was an impressive cityscape looking over Kelvingrove and Maryhill, and also a view to the dark and crane-fettered splendours of the Clyde docks and shipyards, still at the peak of their production. But the real glory of the view was its majestic centrepiece – Gilbert Scott's spectacularly neo-Gothic Glasgow University, with grand turrets surmounted by a fretwork stone steeple on the centre tower (the steeple was actually made to a later design). For me in childhood, the University, seen in profile rather than full face, seemed like a fairy castle.[33]

It was at this University – this fairy castle – where both his mother and father had studied. Even more poignantly, it was also to this magical place that, in 1950, when MacCormick was nine, his father had been elected to serve as Rector. As MacCormick remembered it: 'One day, in 1950, driving over University Avenue towards Whiteinch Park to sail a model yacht he had built for us, my father remarked that he might later that year be elected Rector of the University. Without quite knowing what he meant by this, I was profoundly impressed'.[34] No wonder this nine-year old was 'profoundly impressed': his father was about to become a magician in a fairy castle, and one he could see from the windows of his own home!

Family life, for MacCormick, was, then, full of legend and mystery, intense political discussion and intrigue, immensely sociable, and a place generally of buzz and activity. I will be turning, below, to how this was especially so with respect to three events that loomed large in MacCormick's childhood, but it is worth adding here, that for all the everyday hustle and bustle, there were also plenty of periods of carefree play, enjoyed, invariably, in the Scottish landscape.

As was mentioned above, John MacCormick, despite his commitments, was not an absent dad. For instance, he built, as MacCormick recalled, kites and boats for his children – indeed, once, when flying a kite, 'bringing down the telephone wires as a consequence of over-zealousness'.[35]

[32] MacCormick, 'Introduction' *Flag in the Wind* (2008), xi.
[33] MacCormick, 'Doubts about the Supreme Court' (2004), 238.
[34] MacCormick, 'John MacCormick Memoirs' (2008/9), 3; 'Doubts about the Supreme Court' (2004), 238.
[35] MacCormick, 'Introduction' *Flag in the Wind* (2008), xi.

John MacCormick also made 'balsa-wood gliders and taught us how to make more elaborate planes from kits', and with these, along with various 'toy soldiers and spring-cannons that could fire wire nails at lead soldiers without danger to boyish eyes or limbs', he, together with his siblings and cousins 'had terrific games'.[36] 'Above all', MacCormick remembered the boats, for instance: 'three beautifully made model yachts devised and built by Dad, and rowing boats that we rented along with the holiday house when we were in Mull or Tayvallich, and in which we learned to be safe boat people and to be self-reliant in the rough waters of Loch Sween or Lochan na Lathaic'.[37]

In addition to those Lochs, the family went on picnics also to Loch Lomond, Loch Lubnaig, or Inverkip on summer weekends. And, for the summer holidays, there were frequent visits to Bunessan in Mull, to Killin in Perthshire, and, to the family favourite, Tayvallich in mid-Argyll.[38] This is important to record, for, as we shall see in later chapters, MacCormick was to return often, with deep emotion, to his childhood memories, and thus to his immersion, as a boy, in the Scottish landscape, and indeed also to his family's roots, especially his father's in Mull and Iona. This included on occasions when he was visiting the area as a parliamentary candidate, for Argyll and Bute, in the Westminster elections. Thus, in 1992, in a letter ahead of a visit to the Mull and Iona Annual Gathering, he wrote:

> The MacCormicks are an ancient Mull family associated with the MacLaines of Lochbuie (hence our family motto 'Biadh is Deoch do MacCarmaig').[39] My great great great grandfather Dugald settled in Iona in about 1792, and many of his descendants are still there; but my great great grandfather John came back to the Ross of Mull around 1838, and in due course became Free Church schoolmaster. His youngest son Neil, my great grandfather, worked in the quarries at the building of Skerryvore and Dubh Heartach, and eventually became manager of the Mull granite quarries. His wife, Annabella MacLachlan, was descended from the armourers of the MacLachlans of Strathlachlan, one of whom was Aide de Camp to Prince

[36] Ibid.
[37] Ibid.
[38] Ibid.
[39] This literally means 'food and drink for MacCormick', but was a colloquial way of saying 'MacCormick is welcome here'. The motto is carved into a stone lintel over the doorway entering Moy Castle. It is there because it commemorates the support, in the 1550s, of the McDonnell Earl of Antrim guards – twelve armed men who all happened to have the surname 'McCormick' – who helped chieftain Maclaine of Lochbuie to recapture Moy Castle from his cousin McLean of Duart. See www.familytreedna.com/groups/mc-cormick/about/background; last accessed 18 January 2024.

> Charles at Culloden; through her, I have many relations in Mid-Argyll. My grandfather Donal was a ship's captain from Robertson's of Glasgow, and his wife Mario. MacDonald (from Glenurquhart via Campbeltown, descendent of a Jacobite family) was the first Queen's nurse in the Ross of Mull. My father John, alias 'King John' was brought up in the Stepps outside Glasgow.[40]

MacCormick was an SNP candidate in five Westminster elections, all five unsuccessful, which was less a testament to his own political abilities, and more the result of contesting seats he was unlikely to win. Even if, in the above, he stood something to gain politically from his family history, it would be unfair to suggest that this was posturing for political gain. For MacCormick, such personal genealogies mattered, as did his connection – again, deeply and genuinely felt – for Scotland and its lands. This was commented on often by those who knew him, e.g., George Reid, writing a tribute after MacCormick's death, emphasised how MacCormick 'was always conscious of his family's Highland roots', and how this often manifested itself, for example, in his piping: 'he would appear in bunnet and kilt, radiating bonhomie'.[41] We shall encounter MacCormick's piping on numerous occasions to come in this book. Again, for MacCormick, this was no mere entertainment: it was full of joy, certainly, but this emerged from the depths of an awareness that he was part of a rich and personal Scottish tradition.[42]

Indeed, it has often been observed by his family members, that MacCormick held such genealogies, amongst many other threads of Scottish history, in his 'prodigious memory', as was noted by his cousin, Donald, who wrote a letter to his Aunt, when he was seventeen and Neil was fifteen, saying that 'It looks as if we have a budding eccentric professor in the family!'.[43] Stories of MacCormick's intellectual promise are rife in MacCormick family folklore – from him being able to solve complex maths puzzles (e.g., at 3, answering his father's question correctly as to how much 2.5 and 2.5 made) to his winning all the family word games – although, it

[40] MacCormick, 'Letter to Mr Mackenzie', 21 October 1991.

[41] George Reid, 'Tribute', online memorial website following MacCormick's death in 2009 (the website is no longer working).

[42] Religion, which is such a vital thread in the history of Scottish politics, was less a factor in the case of the MacCormick family: 'We were an essentially Presbyterian family', MacCormick said, 'but we were not sharply aware of it, for we were far removed from any kind of Orangeism, and were brought up in a free-thinking way outside of the dour dominion of the Kirk': MacCormick, 'Being Scottish' (2002), 154. That MacCormick was nevertheless very aware of the religious dimension of Scottish political history can be gleaned from, for instance, his unpublished lecture on 'The Kirk and Sovereignty'.

[43] Email from Donald MacCormick 19 April 2009, 2.

should be added, these are usually quickly followed by an equal number, if not many more, of stories concerning his 'uneasy relationship with the external world'. As his cousin Donald put it, 'As a young boy, he seemed to attract skelfs [i.e., splinters] much as a magnet attracts iron filings' – something that was echoed in later life, when 'any motor car driven by Neil fell some way short of poetry in motion'.[44]

This combination, both of intellectual play and pleasure – of genuine delight taken in language, for instance, but also in exploring it with others – accompanied by 'an uneasy relationship with the external world', never left MacCormick. As Owen Dudley Edwards remarked,[45] MacCormick had 'a kind of brilliant childishness' about him – the child never quite disappeared. This joyous innocence, alongside a capacity to be genuinely and generously surprised, which, again, was not strategic but which came naturally to him, was infectious, and was a large part of what made him such enjoyable company.

John MacCormick

Before turning to the three events that were such a striking feature of MacCormick's political childhood, it is important to place these in the context of how John MacCormick has often been viewed by historians of Scottish politics. This is important to do because, as we shall see, the judgement of John MacCormick by historians has not been kind, and if accepted wholescale, can lead to a narrowing of the historiography of Scottish politics that obscures the relationship between MacCormick and his father, and in particular what his father's legacy meant for him.

The words that one frequently encounters, reading about John MacCormick, are 'flawed', 'failure', 'weakness', 'shallowness', 'opportunism', 'vanity', and 'naivete'. Thus, for instance, Tom Devine, in his highly influential and widely acclaimed history of *The Scottish Nation 1707–2000* (2006), acknowledges the efforts made by John MacCormick in the 1940s and 1950s, saying that 'on the face of it, [John] MacCormick's Scottish Convention was much more successful' than the SNP at the time.[46] 'However', he soon adds: '…as a vehicle for delivering Home Rule it proved a failure. Self-government could be achieved only through the ballot box,

[44] Ibid., 1.
[45] Private communication to the author.
[46] Devine, *The Scottish Nation 1707–2000* (2006), 566.

by voters backing candidates prepared to advocate self-government. The Covenant movement was avowedly non-partisan and apolitical'.[47]

According to Devine, matters were made worse – for the possibility of Scottish Home Rule – when John MacCormick decided, in 1945, to join the Liberal Party and stand, as a Liberal candidate, both in 1945 as well as in a by-election in Paisley in 1947. This was viewed with considerable suspicion – to say the least – by the governing Labour Party: 'This', concludes Devine, 'was most certainly not the way to convince the Labour Government of the need for constitutional change'.[48] Within a short time, Devine added, 'The Covenant was ignored and the movement soon fell apart into political irrelevance', making 'little impact on the general elections of 1950 and 1951'.[49]

This historical judgement – that the movement established and led by John MacCormick was ultimately a 'failure',[50] for it made little inroads into party politics, and largely because of John MacCormick's own actions, and thus the quality of his leadership – is the dominant historiographical view. Thus, for instance, Paula Somerville, in her wonderfully insightful account of the history of the SNP from 1947 to 1967, does acknowledge the great public interest in the Convention and the Covenant, but describes it, once again, as a 'failure'.[51] As Somerville puts it:

> The Scottish Convention had been hugely successful in grabbing the headlines and gaining widespread support. It had organised some of the most representative assemblies of Scottish society and had helped mount the largest petition ever raised in Scotland. It spurred on investigations by both Government and Opposition which would later take the shape of the Catto Committee and the Balfour Commission. But in terms of fundamentals, the Convention ultimately failed. Its primary aim was to attain a Scottish parliament with adequate controls over Scottish domestic matters and this it failed to achieve. Given the weight of support the Convention and the Covenant campaign experienced, the question begs why did it fail?[52]

[47] Ibid., 567.
[48] Ibid.
[49] Ibid.
[50] See also Levitt, 'Britain, the Scottish Covenant Movement and Devolution, 1946–60' (1998), who argues that 'The Movement's failure was its inability to translate a deeply held cultural distinctiveness to the level of political awareness and significance' (35). According to Levitt, the movement was held in suspicion, and 'regarded as encouraging parochial thought and the Jacobite tradition, a desire for self-expression whatever the cost to public order' (51) – a view that is at odds with John MacCormick's own characterisation of it.
[51] Somerville, *Through the Maelstrom* (2013), 38.
[52] Ibid.

Somerville's answer to that question is that it was caused by a mixture of naïve and impractical political leadership. The leader was, of course, John MacCormick, so once more we have a harsh historical judgement made of him personally. 'One critical factor was the Convention's refusal to play the parliamentary cards and contest elections', argues Somerville,[53] echoing the dominant view that the Convention failed because it did not make inroads into party politics. The Government could, and did, ignore the Convention, simply because it was not an electoral threat and had no 'political strategy'.[54] The Convention's 'refusal' to 'take up the ballot weapon … proved its fundamental weakness'.[55] Again, it did not help that John MacCormick stood, in his personal capacity, as a Liberal candidate. Further, he made some mistakes, such as seeking the support, while on a tour of America in 1950 to raise awareness of the Scottish cause, of a 'controversial individual' – a certain Colonel R. R. McCormick, 'editor of the *Chicago Tribune* and a well-known republican', and someone who was characterised, by the press back home, as 'a hater of Britain and friend of Franco'.[56] Ultimately, Somerville concludes, the Convention's 'failure to devise an electoral strategy and the ineptitude of its leadership' showed it was 'a gimmick organisation' and, once 'the novelty wore off', the Convention soon petered out, dying not with a bang, but with a whimper.[57]

Richard Finlay's account, in his detailed history of the origins of the SNP from 1918 to 1945, also points to John MacCormick's many personal flaws. While noting John MacCormick's youthful energy and organisational abilities, including his oratical skills, all of which were important especially early on in the 1920s and 1930s, enabling some consensus, often simply because of a lack of awareness or less entrenchment in old disagreements,[58] the running theme of Finlay's history are the 'weaknesses' in John MacCormick's 'political ability': ignoring voices within his own party,[59] misreading the opposition,[60] acting in an 'unprincipled' manner, with 'underhand manoeuvrings' and displaying 'an arrogant tendency to treat [in this case] the NPS as if it were his own private organisation'.[61]

[53] Ibid.
[54] Ibid., 39.
[55] Ibid.
[56] Ibid., 42, quoting the press at the time.
[57] Ibid., 47.
[58] Finlay, *Independent and Free* (1994), e.g., 77, 88.
[59] Ibid., 104.
[60] Ibid., 105.
[61] Ibid., 108.

John MacCormick, Finlay argues, was 'shallow' in his politics; he was 'not an ideological politician';[62] he was an able 'Machiavellian';[63] he was an 'opportunist' who 'consistently wavered in his political commitments';[64] 'becoming increasingly bitter' over the years with ever-more personal clashes;[65] ignoring 'legitimate arguments about strategy and policy', often simplifying 'disputes into ones revolving around personalities rather than politics';[66] an 'eternal optimist',[67] if not romantic, and, on the whole, someone who was just too much in love with his own vision for Scotland and his own place in it.

There is an air of paradox about this judgement, including its harshness. Why should one understand 'success' or 'failure' here as a matter of electoral results, in the short-term, as evidenced by official changes in policy by the Government of the time? Is politics necessarily a game of such short-term gains made in officialdom? It is not that the above judgements do not acknowledge the ways in which the Convention and the Covenant – as we shall see further in a moment – made astonishing contributions to the general public's self-consciousness, and thus to the rising self-awareness of the community as a political one, with a possible future worth hoping for. This is acknowledged, but it is then quickly dismissed as something of but temporary and minor significance, with its politics judged to be, as we have seen, a failure.

At stake here, then, is a certain understanding of politics, and the relationship between, on the one hand, official, party politics, electoral success, and government policy, and, on the other, public opinion, popular culture, and collective self-awareness. Further, at stake is a question of time: of the short-term versus the long-term. At what point can one be confident about making a historical judgement as to the significance of some political initiative? Must we, when we exercise such judgement, evaluate political initiatives from the perspective of whether they led to immediate results, where the notion of a result itself is said to be nothing less than electoral success or a change in government policy? Does public opinion, public sentiment, and public imagination really matter so little? Just how much of a gap do we want to insist on between culture and politics?

[62] Ibid., 110.
[63] Ibid., 111.
[64] Ibid.
[65] Ibid.
[66] Ibid., 134.
[67] Ibid., 137.

These questions are important for understanding the relationship between MacCormick and his father, including how MacCormick himself related to his father's legacy. After all, confronting such a legacy was no passive matter: it required the son to consider how to interpret and characterise his father. Who was his father? What was he really trying to do? Was it, and if so, why was it, important for Scotland and its future? We shall see that these questions animated MacCormick throughout his life.

To raise these questions is not to ignore or not acknowledge, as insightful, many of the judgements made by the historians above. Further, Finlay is surely right to argue that a history of this period cannot rely too much on John MacCormick's own account of the 'National Movement in Scotland': *The Flag in the Wind*, first published in 1955 (and reissued in 2008, with an introduction by MacCormick). A number of historians of mid twentieth century Scottish politics have made this point: the early historiography of the nationalist movement was too reliant on John MacCormick's 'self-justificatory version' of this history, a version that 'should no longer be viewed as anything other than flawed and highly partial'.[68] Indeed, it is quite possible that John MacCormick did not do himself a favour in writing his memoir: much of it does reveal that many of his initiatives were based on enlisting the support of the Scottish upper-classes – the Establishment figures, Dukes and Ladies – with whom John MacCormick was keen to be associated and with whom he built personal relationships, often without knowledge or endorsement by the party membership.

Acknowledging this to be so, it may nevertheless be helpful to place John MacCormick, and his views, in a broader context – one in which what is at stake is less an evaluation of his own role in party politics, and more an inquiry into how we might think about politics and its relation to culture. Could it be that, perhaps especially in the period in which John MacCormick was operating, nationalist politics, including as John MacCormick saw it, was inseparable from generating collective political self-consciousness and public opinion, public sentiment, and the social imagination? Was politics really reducible to electoral success, or some other measure of immediate gain, or was it potentially something more encompassing, something more principled, or even moral? Can we, further, stretch the historical frame so as to include a richer sense of political time – a more expansive, more geological, time, which recognises that the

[68] See Mitchell, 'History of the SNP' (2015), reviewing Somerville, *Through the Maelstrom* (2013); see also Somerville, *Through the Maelstrom* (2013), 114; and Finlay, '"For or Against"' (1992), 184.

political identity of a community needs to percolate slowly, necessarily gradually, and is often not visible in momentary results of party politics, but only within a long view, which intimately intertwines politics and culture?

Some political historians have indeed grappled with this possibility – as indeed have many of the above already mentioned historians, at least in part, when they have spoken of John MacCormick's coalition-building, organisational skills, or moderate, cross-party approach.[69] Thus, for instance, Malcolm Petrie, in a collection on SNP leaders, certainly acknowledges the 'ambiguous position' that John MacCormick holds 'within the pantheon of SNP leaders', including the assessments of him as 'a flawed figure': '…a political pioneer who lacked the discipline to see his myriad schemes through to completion; a gifted orator and campaigner, who, though dedicated to the cause of Scottish self-government, squandered his gifts; and individualist and romantic unable to submit to the constraints of party politics; even, perhaps, a shallow politician, guilty of opportunism and naivete'.[70]

Petrie sees all this, and does recognise these various 'weakness', but, he suggests, perhaps this 'ostensibly erratic career can be seen as a rational response to the political climate within which he worked'.[71] Yes, Petrie says, John MacCormick had many 'flaws': 'He was elitist, uncomfortable in the demotic world of mass politics; he was dismissive of those who challenged his authority; he could spectacularly misjudge his ability to convince others'.[72] However, as Petrie then adds: John MacCormick 'kept the Scottish question alive … he got Scotland talking about its own purpose and destiny'.[73] Yes, John MacCormick had – as we shall see further in a moment – a 'fondness for the more theatrical aspects of student politics',[74] but can this sense of 'political theatre' be so easily dismissed? John MacCormick had no commitments to 'doctrinal purity' – he was, instead, 'a practical politician, skilled at garnering publicity',[75] more like an 'impartial broker' whose 'objective was to find enough common ground to allow' for certain political initiatives, whether these be the formation of a political party, or the pursuit of cross-party movements, such as the Convention and the

[69] See, e.g., Finlay, *Independent and Free* (1994), 157–8.
[70] Petrie, 'John MacCormick' (2016), 44.
[71] Ibid., 45.
[72] Ibid., 62.
[73] Ibid.
[74] Ibid., 50.
[75] Ibid., 46.

Covenant.[76] Yes, his 'leadership rested upon an outmoded combination of personal influence and public spectacle',[77] with alliances especially with high-profile establishment figures (celebrities and 'influencers' in today's language), but this can also be understood as conveying a certain kind of respect for popular, public opinion.

Perhaps most importantly, and especially with his historically resonant Convention and Covenant, including its incredible success in bringing together such a range of different people – many of whom were otherwise not actively engaged in politics, certainly not in party politics from which they were very much alienated – John MacCormick 'bequeathed a rhetoric and a battery of tactics that could be redeployed in more propitious circumstances', and, from this perspective, can be characterised 'as one of the most significant figures in the political history of twentieth century Scotland'.[78] Petrie's choice of words here is not his alone: others, too, have spoken of John MacCormick as a 'most significant figure in the Scottish nationalist cause',[79] saying that 'by experience and temperament [he] was a coalitionist' and that this 'strategy of coalitionism … was against the temper of the times and party interests at the national level'.[80] There is a sense, in these views, that John MacCormick was operating out of time, or even ahead of his time. There was just no space for John MacCormick's kind of politics, at least at the time at which he made them.

It is here, precisely, that we reach the question of MacCormick's, the son's, judgement of his father's legacy. A number of observers have noticed how key to the development of MacCormick's own political voice was the way in which he came to terms with his father. Recalling an event in 2008 – in what may well have been MacCormick's final public appearance – Miller, Rodger, and Dudley-Edwards comment that MacCormick spoke up 'in vindication of his father, so often accused of having wasted Scottish chances'.[81] They may be overstating the case when they say that it is 'clear that John MacCormick was a colder man than his son, weaker in intellect, more limited in horizons, and proud of himself where Neil was proud of his father', but they are close to the mark when they add that 'No father has been better defended by his son … and none has been more eloquently hymned in love', as they say he is

[76] Ibid., 48–9.
[77] Ibid., 53.
[78] Ibid., 63.
[79] Dyer, 'A Nationalist in the Churchillian Sense' (2003), 307.
[80] Ibid., 306.
[81] Miller, Rodger, and Dudley Edwards, *Tartan Pimps* (2010), 263.

in MacCormick's 2008 introduction to his father's *Flag in the Wind*.[82] More generally, they add, 'Few sons have the greatness to show where Father knew best despite Father's failure to realise or indeed witness it, or to show how in one of the greatest intra-party battles of his own political life [a battle over the leadership of the SNP and its direction] both he and his opponents were right'.[83]

Here, indeed, we see how there was an enormous amount at stake for MacCormick, personally, in confronting and interpreting his father's legacy: one can characterise this as an inescapable burden, but it is not in that spirit that MacCormick approached it; instead, his was an upbeat, relentlessly optimistic, undoubtedly partial and biased (as he was the first to admit), but still a very selective and very particular judgement, of what was most valuable, for Scotland, about his father's political sensibilities and actions. To better appreciate this, however, we need to delve into the granular specifics, the concrete circumstances, of Scottish nationalist politics from the 1920s through to the 1940s and 1950s.

The 1920s and 1930s: New Political Energies

The roots of many of the initiatives John MacCormick was to undertake in the 1940s and 1950s lie in student politics at the University of Glasgow in the 1920s and what emerged from them in the 1930s. Indeed, it is remarkable what political energy, with implications for the whole of Scotland and the United Kingdom, emanated from student political activity in this one Scottish university. No doubt, such a judgement can be exaggerated, but Finlay is surely close to the mark when he notes how influential in this period of the 1920s were the 'pragmatic young men from the Glasgow University Nationalist Association led by the charismatic and able John MacCormick'; they were 'new to the scene', and wanted 'to do something positive'; they 'brought a freshness of approach and a sense of urgency to the nationalist cause, which had long been lacking'.[84] Thus, even if only necessarily briefly, in order to reveal the threads that come to compose the making of the Convention in 1942, and the Covenant in 1949–51, as well as the taking of the Stone of Destiny in 1950, and ultimately the *MacCormick* v *Lord Advocate* case in 1953, we need to track back into the 1920s and 1930s.

[82] Ibid., 264.
[83] Ibid., 265.
[84] Finlay, *Independent and Free* (1994), 72.

John MacCormick matriculated at the University of Glasgow in 1923, pursuing the-then common Scottish degree of a Masters in Arts and a Bachelor in Laws, and further combining his studies, as his financial situation demanded, with an apprenticeship in a law office in the city.[85] On one evening during his studies, in the mid 1920s, John MacCormick was invited, by a friend, to come along and watch one of the Glasgow Union's famous mock parliamentary debates. These were traditionally packed, and a seat was difficult to get, but, as it happens, there were some seats that were free in the Labour benches. The Speaker of the House, as was routine, kept inviting members of the audience to speak, should they so wish, and, being nudged in the ribs and dared by his friend, John MacCormick, much to his own surprise, found himself standing up and speaking. It was a momentous three minutes of his life, at least in his own telling, for after it, he was approached by the President of the University Labour Club and asked if he wanted to become their Treasurer, a job he duly accepted.[86] Matters move fast in student politics.

Indeed, matters moved remarkably fast. Not long after, in 1927, over cups of tea in a café in Sauchiehall Street, John MacCormick, along with a few friends (James Valentine and Fergus Rodger), decided to constitute themselves as the 'Glasgow University Scottish Nationalist Association' (GUSNA), recording this self-constitution on the back of an envelope in the café.[87] Such were the modest beginnings of a largely student-driven revival of the nationalist movement in Scotland – again, at least in John MacCormick's telling. GUSNA's membership card at the time had two simple aims: 'To foster and maintain Scottish nationalism by (1) securing self-government for Scotland and (2) advancing the ideals of Scottish culture within and without the University'.[88]

Soon enough, GUSNA held its own in the mock Parliamentary debates in the Union – as we shall see later, this crucible of political debate was to prove crucial for MacCormick, as well as for a whole generation of Scottish politicians (Dewar, Smith, Campbell, and many others down the years). On one such occasion, in a debate over Scottish nationalism, when John MacCormick was making one of his innumerable speeches for Scottish self-government, a heckler called out: would Scotland become a kingdom and, if so, would you John, be our king? The moniker stuck, and from

[85] MacCormick, *The Flag in the Wind* (2008), 12.
[86] Ibid., 13.
[87] Ibid., 18.
[88] Ibid., 19.

that moment on, John MacCormick was known as 'King John'.[89] And, indeed, it was also on that same occasion, at least in John MacCormick's memory, that someone also 'suggested that an immediate raiding party should be formed so that the Stone of Destiny might be recovered from Westminster for the Coronation ceremony'.[90] The seed of that idea had been sown, and it would soon return, as we shall see.

In the meantime, however, it is important to briefly note how matters proceeded, again at breakneck speed, from this moment in 1927, through to the formation of the Scottish Convention in 1942 and then subsequently the Covenant in 1949. In 1927, a Convention had been organised by the SHRA, which had been established in 1886, but was rather dormant for many years before its revival in 1918. Having already made contact with the leaders of the SHRA, John MacCormick and his fellow GUSNA students were invited to this Convention. Following that Convention, a meeting was held with 'delegates from the Scots National League, the Scottish National Movement, the Scottish Home Rule Association' and GUSNA, which, in due course, and after numerous further discussions, formed, on 23 June 1928, the NPS.[91]

The NPS suffered from internal squabbles, and given the range of political views it had brought together, was inherently unstable, but there were moments of unity. One such moment was the 1928 Rectorial election at the University of Glasgow. As a newly formed student association, GUSNA was able to propose a candidate, which they duly did: Cunninghame Graham. Though widely expected to be an easy win for Stanley Baldwin, the incumbent Prime Minister, it was, in the end, a close contest between him and Graham, with Baldwin winning only by sixty-six votes. From one perspective, such moments may seem trivial and ineffectual – after all, not only did this one concern an election for a symbolic office in one university, but, in addition, that election was lost; however from another perspective, they were important in galvanising people, raising hopes, enlisting growing sentiment, and ever-enlarging the audience for Scottish nationalist political theatre. Indeed, as we shall see, their symbolic significance was to echo in times to come.

In the meantime, John MacCormick threw himself, with remarkable energy, into the NPS. That he genuinely and fervently believed in it can be

[89] Ibid.
[90] Ibid.
[91] Ibid, 22; see also the detailed account in Finlay, *Independent and Free* (1994), chapters 2 and 3.

gleaned from a remarkable letter, addressed to his then-future wife, Miss Margaret Isobel Miller, in 1928:

> May I presume, Margaret, that there is no need to bore you with all the facts and figures which show that under English Government, Scotland's industry, agriculture and social development are almost entirely neglected? I shall proceed throughout on the hypothesis that you believe self-government to be a worthy object and have doubts only over how it should be achieved, or its urgency.[92]

Other parties, John MacCormick continued, were unlikely to take up this cause, at least not properly so. The NPS was the 'only medium through which Scotland can a) gain self-government and b) rebuild her social, economic, and cultural life'.[93] 'I believe', John MacCormick argued – and in its tone one can certainly feel his youthful fervour – 'that it is only by the sudden uprising of some tremendous human sentiment (such as patriotism) that we can ever rid ourselves of the degradation of poverty and wasted life that is our shame today' – an argument that may well have appealed to Margaret and her egalitarian sensibilities.[94] 'I want', John MacCormick continued, 'to make Scotland as near a Utopia as is humanly possible'.[95]

There was, then, no shortage of ambition or romantic vision, in John MacCormick at this time – a time when, it must be remembered, he was twenty four. John MacCormick duly stood for election in 1929, as a NPS candidate, putting 'Scotland First', and quoting Nehemiah: 'Ye see the distress that we are in, how Jerusalem lieth waste, and the gates thereof are burned with fire: come, and let us build up the walls of Jerusalem, that we be no more a reproach'.[96] His candidature was unsuccessful, but he was hardly deterred. In 1930, he launched the first of so-called 'Covenants', with this one reading:

> We, the undersigned, holding a high ideal of our nation's destiny, believe in the urgent necessity of Self government for Scotland. In the faith that a regenerated Scotland will take a pleading place among the nations of the world in all peaceful progress, we solemnly pledge ourselves to do everything in our power to restore the independent national status of Scotland. We bind ourselves to act on our belief that the mandate of a majority of Scottish citizens is sufficient authority for setting up an Independent Parliament in Scotland.[97]

[92] MacCormick, 'Why a National Party', Appendix to *The Flag in the Wind*, 2008, 220.
[93] Ibid.
[94] Ibid., 222.
[95] Ibid., 224.
[96] MacCormick, *The Flag in the Wind* (2008), see insert, just after page 130.
[97] Hanham, *Scottish Nationalism* (1969), 158.

These were busy and heady days, filled with public meetings, but also private discussions, which were to become enormously significant in the years to come. Thus, for instance, as recounted by John MacCormick, at the end of an NPS public meeting in Inverness in the autumn of 1929, John MacCormick asked for volunteers to step forward who may be willing to form a local, Inverness-based, NPS branch. Two such volunteers did indeed step forward: Neil Gunn and Duncan MacNeill.[98] In due course, these two figures – one of whom, Gunn, went on to become one of Scotland's most important twentieth century novelists, and the other, MacNeill, a solicitor, who went on to write influential histories of the Scottish Constitution[99] – established a local NPS branch with 500 members.[100] More significant, perhaps, than the branch, were the late night discussions that John MacCormick had with them, often in Gunn's house (known as 'Larachan') in Inverness. This house, John MacCormick recalled, had become 'our unofficial headquarters' in which the discussants delved, in particular, into the particularities of Scottish political – especially constitutional – history.[101]

Soon enough, such discussions found their way into the public arena. There were, again, numerous manifestations of this, such as John MacCormick organising a Bannockburn Day celebration in 1930.[102] But they also included more legally based arguments. Thus, after the passing of the *Local Government Act* of 1930, John MacCormick wrote, in the *Scots Independent*, raising the argument that the Act may well be in 'contravention of the Treaty of Union entered into in 1707, and we find that there is no court or tribunal which can test the validity of that Act'.[103] He then added:

> We find that we are bound to accept whatever law England cares to force upon us in spite of the safeguard or bargain, and we have therefore decided once and for all without any ambiguity that there is only one authority to which we are appealing, to set our independent Parliament in Scotland, and that is the authority of the Scottish people. I find it very strange and amusing when I am asked to propose what to do if England will not give us self-government. We are not concerned whether England will give us it or not. England has nothing to do with it. It is for us to make up our

[98] MacCormick, *The Flag in the Wind* (2008), 45.
[99] MacNeill, *The Scottish Constitution* (1943); and *The Scottish Realm* (1947).
[100] MacCormick, *The Flag in the Wind* (2008), 45.
[101] Ibid., 45–6.
[102] Finlay, 'Declaration of Arbroath' (2020), 319.
[103] MacCormick, 'Special Supplement', *Scots Independent*, July 1930, 5: quoted in Finlay, 'Declaration of Arbroath' (2020), 319–20.

> minds whether we want it, and if we want it we are going to have it, and in this Covenant we declare our belief and bind ourselves to act on it that the authority of a majority of Scottish citizens is sufficient for setting up an independent Scottish Parliament.[104]

This was in July 1930, but just a few months earlier, in March 1930, John MacCormick expressed a similar sentiment:

> Our history in Scotland since the Union seems to be a record of local but ineffective protests against insults from the English parliament. Time and again we have seen the Treaty of Union that 'safeguard' of our national rights being wantonly ignored by the predominant partner: time and again we have declared that no proud nation can tolerate such national humiliation, but time and time again for all our vain protests, we have accepted breach of trust as a fait accompli.[105]

In these, and other such statements made at the time, John MacCormick was raising a question that was to become one of the central pillars of debates over Scottish nationalism: the prospects for a constitutional history of the United Kingdom that recognised Scottish rights, that respected its particular constitutional tradition, and that did not treat the 1707 Union as a mere 'scrap of paper' (the very title of John MacCormick's article quoted above).

As we shall see, much was to be added, over the years, to this appeal, not only by John MacCormick himself, but a whole generation of Scottish constitutional historians, including MacNeill, but then, later, many others, including J. D. B. Mitchell,[106] H. J. Paton,[107] and of course, from the 1970s on, Neil MacCormick himself. What is important to notice at this point is that re-telling the history – renewing historical self-consciousness and awareness, with collective passion, amongst the people – was vital to the Scottish nationalist movement. No doubt the roots of this rejuvenation lie earlier, for instance in the work of the great, but neglected, Scottish historian, Agnes Mure Mackenzie, whose many historical books – on Robert Bruce, King of Scots, but also on the rise and fall of the Stewarts, on Queen Mary Queen of Scotland, as well as an influential school textbook and collection of important documents from Scottish history – reached a wide audience in the 1930s and early 1940s. But there is also no doubt that they

[104] Ibid.
[105] MacCormick, '"The Scrap of Paper": Should We Accept the Local Government Act', *Scots Independent*, March 1930, 54; quoted in Finlay, *Scottish Nationalism* (2022), 96.
[106] Mitchell, *Constitutional Law* (1964).
[107] Paton, *The Claim of Scotland* (1968).

were given a boost by John MacCormick's public interventions, including his arguments for a proper recognition of the 1707 Treaty of Union. After all, John MacCormick was not only a politician: he was a trained lawyer, soon to have his own practice as a Glasgow solicitor.

In the 1930s, further discussions would lead to the creation of yet another political party: the SNP in 1934. Back in 1932, the SP had been founded, led by Alexander McEwan, along with others such as the Duke of Montrose and Andrew Dewar Gibb (who later became the Regius Professor of Scots Law at Glasgow). This party was ostensibly oriented towards a more 'moderate' direction, aiming less for outright independence – they were said to be especially concerned with maintaining a voice and role in the British Empire – than for some version of self-government, for instance, in the form of a Scottish parliament. Opposed to this were certain members of the NPS that took a more forthright or 'fundamentalist' view, many of whom had been affiliated in some way with the Scottish National League (SNL). The SNL, it should be added, had been formed in 1920, and 'advocated a go it alone strategy, which was free from any British connections', and which was especially 'hostile' to and 'highly critical of' the British Empire.[108] On the way the SNL saw it, 'the Scottish nation was little more than an English colony and was being treated as such'; much like Ireland, with whom the SNL identified the Scottish case, Scotland was an 'oppressed nation', and it was thus time to tear Scotland away from the British Empire.[109]

The NPS, as it had been formed in 1928, was composed, in part, of many of these members of the SNL. For John MacCormick, who was attracted to a moderate position, which, he judged, along with many others, had more of a chance to be taken up by the majority of people in Scotland, this posed a dilemma. Still riding, perhaps, on the back of a this-time successful Rectorial campaign in Glasgow in 1931 (which saw the Nationalist candidate, Compton Mackenzie, elected), and having had numerous discussions with members of the newly formed SP, in 1933, John MacCormick took his chance and voted for an expulsion of the hardliners – the former members of the SNL – in the NPS. The resolutions were carried, and this mass expulsion opened the door to the formation of the newly moderate, but also larger, SNP, which was a merger of the NPS and the SP. This was achieved, officially, on 20 April 1934.

[108] Finlay, '"For or Against"' (1992), 188; and for a detailed history, see Finlay, *Independent and Free* (1994), chapter 2.

[109] See Finlay, 'For or Against' (1992), 188.

The early SNP was hardly an electoral success, and the discussions and disagreements over its future did not end with the expulsion of the SNL members in 1933. Matters came to a head over the issue of conscription in the early years of the Second World War. A key figure, who was personally involved in this issue at the time, was Douglas Young, a Greek scholar, tall and with a magnificent beard, and a commanding public presence. As described by Pentland:

> At an Aberdeen May Day meeting in 1939, Young had answered a heckler by asserting a legal and constitutional rather than a moral point: that it was ultra vires for the Westminster Parliament to impose conscription for foreign service on Scottish subjects. Young evidently tested this point on the legal expert and nationalist Andrew Dewar Gibb, whom Young had met at the party conference of 1939 and who attempted to burst his bubble with a statement of the Diceyan orthodoxy that 'Parliament can do anything'. Undeterred, Young went on to restate this approach and in November 1940 three nationalists came before Glasgow Sheriff Court and justified their failure to register on the grounds that the military service act did not apply to Scotland, because it breached the Treaty of Union.[110]

This was an important moment, but it was, as we have seen, not the first time that the Treaty of Union had been appealed to. This time, though, the stakes were personally very high, and the cases that tested this argument were also the first occasions in which the Treaty of Union was judicially discussed.

Young lost his case, with the Court not being sympathetic to his arguments against Westminster Parliamentary sovereignty, but in losing the case, and indeed being for a time imprisoned, he won many followers. In fact, he became a kind of radical hero, echoing other old-style radicals, who had used 'courtrooms and legal reporting as a soapbox for their views', stretching back to 'the state trials of the 1790s'.[111] As Pentland observed, 'From his dramatization of trial and imprisonment, through his use of constitutionalist languages, to the elaborate and choregraphed procession that marked his release, Young tapped into a long and rich radical tradition'.[112] Young further capitalised on this in numerous publications, making the constitutional arguments, which might have otherwise failed to capture the public imagination, personally dramatic.[113] As we shall see, this is not the only time that a constitutional argument,

[110] Pentland, 'Douglas Young' (2016), 153.
[111] Ibid., 155.
[112] Ibid.
[113] See Young, *Free-Minded Scot* (1942).

argued for in a courtroom, was to take on dramatic – if not tragic – personal consequences.

These wartime issues of conscription were to play their crucial part in the formation of the Scottish Convention. For, in 1942, at the SNP Annual Conference, a showdown emerged between Young, who, resisting conscription as he was, pushed a hard-line, 'fundamentalist' argument, for the separation of Scotland from the British Empire, as against the-then incumbent, William Power, an elderly journalist, a moderate, a gradualist, and very much John MacCormick's man.[114] On what has been described as a 'stiflingly hot June day', and amidst 'an ill-tempered debate',[115] John MacCormick argued passionately for Power but was defeated by thirty-three votes to twenty nine. According to Andrew Marr, the vote was in reality against the style of John MacCormick's leadership, which Marr describes as 'autocratic',[116] but either way, Power's defeat, and Young's victory, although achieved by the slimmest of margins, had very significant consequences.[117] For, in the wake of Young's victory, John MacCormick resigned his position in the SNP, and walked out, going across the road, to the Rutland Hotel, and, together with a good number of followers, who also resigned from the SNP that afternoon, formed a new cross-party initiative: the Scottish Convention.

Convention and Covenant

Established in June 1942, the Scottish Convention grew rapidly – indeed, a great deal more rapidly than the SNP, the membership of which stalled or even shrunk. Finlay notes that within a year, in 1943, the Convention had 1,000 members, already then more than the SNP,[118] and this grew steadily, especially immediately post-war: towards the end of 1945, the membership was 3,691, and then 4,733 in 1946.[119] Equally, the finances improved, reaching a surplus in 1946, assisted not only by membership but also by

[114] See also Finlay's account in Finlay, *Independent and Free* (1994), chapter 6.
[115] Marr, *The Battle for Scotland* (2013), 93.
[116] Ibid., 94; Marr also added that John MacCormick had 'organisational genius and energy': 94.
[117] Incidentally, in 1972, after Neil MacCormick got his Regius Chair in Edinburgh, Douglas Young wrote to him – on 22 July 1972 – and congratulated him warmly on it, and added 'You would be conveniently placed to function in a Scottish parliament', advising MacCormick to 'associate yourself with the Edinburgh city Labour folk, who have usually been favourable to self-government'.
[118] Finlay, *Independent and Free* (1994), 231.
[119] Somerville, *Through the Maelstrom* (2013), 29; Mitchell, *Strategies for Self-Government* (1996), 85.

raffles and bazaar schemes.[120] Although the Convention was a non-party or cross-party movement, with membership open to members of all political parties, it did maintain a link to party politics, and was certainly 'being noticed in the parliamentary arena'.[121] Scottish MPs sometimes pledged their support, and the Convention would sometimes also send delegations to London to give those MPs 'ammunition' in home rule debates in the Commons.[122]

Conventions were hardly a new political form in Scotland. Even if we just restrict ourselves to the immediate past, following the revival of the SHRA in 1918, there were calls for a Scottish National Convention in 1919. Thus, for instance, Roland Muirhead, who was largely responsible for the revival of the SHRA, called for a 'National Convention in order to consider what steps should be taken to the early establishment of a parliament in Scotland'.[123] Calls for such a Convention would be renewed throughout the 1920s, and, as we have seen above, there were Convention meetings, even if only a relatively small scale, in 1927, in which John MacCormick and his fellow students participated.

Thus, John MacCormick's efforts in the early 1940s were hardly new. Indeed, all through the 1930s John MacCormick had made various calls for such 'an all-party Scottish Convention', e.g., in 1932, when he 'made approaches to prominent Home Rulers and the SP with the aim of drumming up support for the idea'.[124] In the 1930s, the idea did not get off the ground. Members of the NPS at the time, and later, the SNP, did not warm to it, preferring to stay within the bounds of party politics, though we have also seen how MacCormick tried to steer the various parties he was involved in into more moderate waters, where something more like a general, popular, if not wholly non-party, movement for home rule could garner support.

Having split from the SNP for good in 1942, John MacCormick was arguably liberated from the constraints of party politics, and threw himself with remarkable energy into the Convention. I shall return in a moment to the Convention's rise, and its culmination in the Covenant of 1949–51, in which MacCormick, at the ages of eight to ten, was very much involved, collecting signatures and sitting in on the Convention's public meetings.

[120] Ibid.
[121] Ibid.
[122] Somerville, *Through the Maelstrom* (2013), 29.
[123] Quoted in Finlay, *Independent and Free* (1994), 3.
[124] Finlay, *Independent and Free* (1994), 100.

However, it is important to pause here, for a moment, to consider just how John MacCormick pitched this Convention. As we shall see, at stake in John MacCormick's articulation of the principles of the Convention was precisely the prospect for a long-term, morally resonant, non-party, democratic politics – something that MacCormick, the son, was to pick up on later.

An important and understudied source in this respect is not John MacCormick's memoir of the time, but instead, a thirty-five-page pamphlet entitled *The Scottish Convention: An Experiment in Democracy* published in Glasgow in 1943. Prefaced by William Power, who hails John MacCormick as descending from the 'original "Scots" of Argyll', describing him as a 'practical genius' whose 'words are winged with beauty',[125] the text is a remarkable political testament, setting out a vision not only for Scotland, but also of what politics could be.

John MacCormick's 'Scottish Convention' begins, tellingly, with a particular view of Scotland's history, including its legal and constitutional history. Scotland, he says, 'lays claim to being the oldest of all the European nations', with the 1320 Declaration of Arbroath cited as 'set[ting] forth', for 'the first time in Europe's history' 'the claim of a people to be itself'.[126] Scotland continued to be 'completely independent' until the Union of the Crowns in 1603.[127] Within that period, from 1320 to 1603, Scotland flourished, both in terms of trade as well as various other areas of policy, such as education. Perhaps most significant was its unique legal system, which 'was her own and expressed her own spirit', and which differed 'wildly from that of England, not only in particular matters but in the fundamentals of its jurisprudence': whereas 'in England law defended property', 'in Scotland law defended the person'.[128] Accordingly, the Scottish people 'were masters in the art of personal relationship', with a particular commitment to 'freedom', which was 'more real to them than almost anything else'.[129]

For John MacCormick, the Union of Crowns in 1603 was a disaster for Scotland: 'the departure of James to England at once shattered the unity of the Scottish constitution', and the 'anomaly' of operating a Legislature with an Executive so far away, and now 'animated by entirely different and often completely hostile policies', had 'tragic implications'.[130] The

[125] Power, 'Foreword' to John MacCormick, *The Scottish Convention* (1943), 3–5.
[126] MacCormick, *The Scottish Convention* (1943), 8.
[127] Ibid., 9.
[128] Ibid.
[129] Ibid., 10.
[130] Ibid., 11.

Union of 1707 was an attempt at solving the problems raised by this anomaly operating for over 100 years, but this was far from a helpful solution: 'No solemn engagement', John MacCormick said, 'has ever been so haphazard in its compromises, so lacking in self-consistency or so completely impractical in its proposals'.[131] It was not that some kind of union was a bad idea in itself: something needed to change, as the split between the executive and the legislative powers was unworkable, but the scheme was made too hastily, and under it, 'Scotland as an active nation was wiped out', unable to 'become an articulate partner in the new joint enterprise' of the Empire.[132] What happened since, in the 235 or so years from 1707, was that some administration had evolved, via the Scottish Office, but in a way that only furthered the 'anomaly', once again failing to achieve the requisite balance, in Scotland, between the various branches of government.[133]

All this was, said John MacCormick, a 'tragedy', which was now, during wartime, slowly coming to be recognised, not only because the war illuminated the problematic 'social and economic conditions in modern Scotland', which would need to be addressed urgently post-war, but also because the war was bringing about 'a sudden change in the mood of the people', with everyone showing a 'new willingness to work together to avert the disaster they foresaw might overtake their country after the victorious conclusion of the war'.[134] It was in these circumstances – 'in that atmosphere' – that 'Scottish Convention was formed'.[135] The very name 'Scottish Convention' was chosen because 'the word Convention signifies the act of a people coming together in unity of purpose' – a kind of answer, both in its unity and as an 'experiment', 'of the democratic state to the Fascist and totalitarian ideal'.[136] As John MacCormick set out somewhat more programmatically in the last page of his pamphlet, the Convention had three aims:

> (a) To provide a medium through which such matters as the better housing of our people, education and health, the redistribution and planning of our industries, and the full employment of all our resources may be discussed in a non-party atmosphere so that measures upon

[131] Ibid.
[132] Ibid., 12.
[133] See MacCormick, *The Scottish Convention* (1943), 12. The language of 'anomaly' is one that MacCormick himself later used, e.g., 'The English Constitution, the British State, and the Scottish Anomaly' (1998).
[134] MacCormick, *The Scottish Convention* (1943), 15.
[135] Ibid.
[136] Ibid., 44.

which there is substantial national agreement may be discovered and pressed forward;
(b) To find the best means of adjusting our political and economic life to the great changes which are bound to follow the War;
(c) To secure Self-Government for Scotland in federation with England and the other parts of the British Isles so that she may play a fuller and more responsible part in the affairs of the British Isles and Commonwealth and exercise her own influence in the social and economic developments which are inevitable in the world of tomorrow.[137]

It is significant, in light of MacCormick's later thought, that the aim of the Convention was clearly the pursuit of self-government within the Union: if this was nationalism, as it surely was, it was a participatory, inclusive, unionist nationalism.[138] Even if it was critical of the 1707 Union, it nevertheless did not wish to undermine it wholly. Indeed, the Convention was explicitly against the 'extreme view' that Scotland 'should sever all but the flimsiest ties with England', becoming 'again an independent kingdom or republic'.[139] As John MacCormick puts it:

> The advocates of this idea [of independence] forget that the Scottish people, even if they did not actively welcome the original Union in 1707, have at least acquiesced in it ever since. Scotland and England have thus between them created joint responsibilities in the modern world which they cannot separately discharge. They have in the same manner acquired common interests which cannot easily be disentangled. Scotland would inevitably be the loser in any severance which tacitly implied that she had always been an unwilling partner and that the assets and liabilities of the partnership should be taken over by England.[140]

John MacCormick went on, just a few pages later, to assert that 'good relations … now exist between the English and the Scots', but these good relations rest not on 'the fact that England governs Scotland', but instead 'depend upon a proper understanding of their common interests and a proper mutual appreciation of differing qualities of character and temperament'.[141] Self-government is vital, said John MacCormick, but this must

[137] Ibid.
[138] See also Torrance, *'Standing up for Scotland'* (2020); Kidd, *Union and Unionisms* (2008). I will be returning to this question of the middle ground between unionism and nationalism in chapter 7.
[139] MacCormick, *The Scottish Convention* (1943), 22.
[140] Ibid.
[141] Ibid., 30.

not be taken so far, for instance in the name of 'national freedom', so as to turn Scotland 'inward upon herself' such that she 'wrap[s] herself up in contemplation of her own perfection'; rather, John MacCormick said, what is needed is that Scotland 'become an active agent in the processes of world change and progress'.[142] To do this, Scotland needs to understand the need for global co-operation: yes, Scotland was a nation – a proud and ancient nation – but this must not be pushed so far as to render Scotland incapable of being a partner in a network of relationships. None of this, however, will happen immediately:

> It is true … that national freedom must be reconciled with international co-operation; that the old conception of sovereignty must give way to a new acceptance of world-wide loyalties. But such developments will not take place all at once. They will be evolved from natural groupings and from existing relationships. The establishment of a federal system within Great Britain and its possible growth to include the other members of the British Commonwealth of Nations, might well be one of the starting points for the new working out of international relations.[143]

As significant as this is already – for the articulation of a unionist-like nationalism – as well as prescient in light of what comes later, e.g., MacCormick's vision of Scotland's participation in Europe conceived of as a 'post-sovereign commonwealth', including his life-long call for Scotland to be part of various unions, John MacCormick's vision, however, did not stop there.

More conventionally, the text contained some particular policy proposals, e.g., for 'reform of the land law and system of land tenure', or various changes to housing, agriculture, transport, education, and health services,[144] a critique of the attempts at administrative devolution through the Scottish Office,[145] as well as an account of the powers a future Parliament would have,[146] something which the Convention would return to later in the publication of its 'Blueprint for Scotland' (1948).[147] But what makes John MacCormick's text most remarkable is the breadth and depth of its horizons. In articulating these broader and deeper horizons, John MacCormick reached into philosophical references, e.g., to John MacMurray's *Freedom in the Modern World* (1932) and even to Aristotle.

[142] Ibid., 31.
[143] Ibid.
[144] Ibid., 17.
[145] Ibid., 22–4.
[146] Ibid., 25–6.
[147] Included as Appendix One to John MacCormick, *The Flag in the Wind* (2008).

To confront Scotland as a nation was to 'develop something in the nature of a collective consciousness and character' – some kind of distinctive 'new statement of our attitude to life'.[148] In other words, what was needed was reflection on what was meant by 'politics'. And this meant precisely reaching into the philosophical depths.

What was 'the true purpose of all political activity'? Here, John MacCormick did not hold back from the 'fundamental' questions that needed to be asked:

> Are politics concerned merely with the best means of organising communities so that they may continue just to exist in their own right as complexes of human life? Are all our human problems economic in their nature and will they be solved when everyone has enough to eat and drink and wear and adequate shelter over his head? Are there any permanent values in the universe and if so have these values any relation to human activity? Has man a sense of spiritual reality and does he feel a need, however inarticulate he may be, for relating all his striving to some moral purpose?[149]

Yes, John MacCormick answered: there was more to politics than it being a 'system of organisation'; the 'dead hand' of 'efficiency' was not enough – that was not where the real spirit of politics lay.[150] There was more to the value of communal life than the pursuit of economic efficiency:

> Unless we believe that it is in itself a good thing that men should live in social intercourse with one another, then it would be unlikely that we should be concerned about the community at all. So long as I myself had all I wanted in the way of wealth and security I should have no urge to help my neighbour to a similar satiety. It is because we believe for one reason or another that the happiness and prosperity of the whole community is a desirable goal that we take an interest in any kind of politics. We somehow feel that our own individual life cannot be as fully and as rich as it might be in a community in which others live in abject poverty or in ugly and squalid surroundings. That is why we are prepared to sacrifice our leisure and often indeed our own personal security in political effort which may have an immediate economic end in view. It is, however, our belief in the 'worth-whileness' of the life of community which gives that effort any real meaning.[151]

Politics has a moral life – it is ultimately animated by a vision of the moral good of the members of the community, including the importance of a

[148] MacCormick, *The Scottish Convention* (1943), 33.
[149] Ibid., 34.
[150] Ibid., 35.
[151] Ibid.

good life for all. Here, at this moment, John MacCormick was at one with the vision – not articulated in such high-flying words, but certainly lived in action – by his wife, MacCormick's mother, Margaret Miller. Here, too, we see the seed, if not the foundation, of MacCormick's, the son's, orientation towards an inclusive, egalitarian, moderate, and gradualist politics, which was driven not by any one political aim, but more by a moral commitment to decency, considerateness, and respect for persons.

I say 'in this moment' above, because there are other aspects of John MacCormick's statement that do not echo, neither in his wife's views or sentiments, nor indeed in his son's. For John MacCormick's vision also contains a paean to the 'personalities' of 'very great men', like 'Jesus' or 'Socrates', who are 'so real, so richly alive, that' they 'radiate an influence all round' them.[152] If only we could discover, John MacCormick said, what 'makes up this quality of personality', then we could somehow steer ourselves into striving 'towards a complete expression of personality'.[153] 'The truly great man', he added, 'is in the deepest sense truly free', for 'he has escaped from those inner compulsions which enslave the rest of us', such as 'the bonds of prejudice, of custom, and of fear'.[154] John MacCormick did temper this hymn to the freedom of great men, liberated from their societies, by arguing that such freedom of personality was only possible within a community – 'He can only express his personality in his relations with other persons' and 'its highest expression will be in the quality of these relations' – an important qualification, but still one that placed, on the pedestal, the great man, the patriot, the responsible citizen, who was truly free and who showed us all what it meant to be free.[155] One has a sense, as a reader, that John MacCormick was, in part, talking about himself, at least in aspiration. He, too, wanted to be a great man.

I have spent some time setting out John MacCormick's 'philosophy' not only because there are, as we shall see, echoes – albeit selective echoes – of his views in those of MacCormick, but also because he was willing to go there: for all the talk of 'great men', and thus the elitist and establishment aspects of his views, there was, in John MacCormick, a genuine search for what was most important about life, both for individuals and communities. Further, this search included a deeper vision of politics, and what it meant, than simply the pursuit of electoral success, or even

[152] Ibid., 37.
[153] Ibid.
[154] Ibid., 38.
[155] Ibid., 38–9.

achieving certain efficient results in policy terms. Politics was a matter of morality – of finding 'a unity of moral purpose'.[156] Politics was, in the end, not far from moral philosophy itself. As John MacCormick put it, towards the end of this remarkable document:

> It [the unity of purpose, for instance as articulated in the Convention] will try to give politics a new meaning, so that the word will come to convey in the sphere of men's relations with one another something of the same significance as the word 'philosophy' does in the realm of knowledge – a synthesis of all our activities, of our art and our literature and our music, of our planning and our striving, of our toil and of our leisure; in other words, an understanding in the fullest sense, of the whole business of living together as communities of live men and women.[157]

It is this deeply morally resonant vision of politics, at one with a vision of philosophy, that MacCormick, the son, would have heard, at the impressionable age of eight to ten, and beyond, John MacCormick, his father, articulate, whether around the dinner table, in the discussions that were frequently had at 2 Park Quadrant, or on the rostrum at the many public meetings of the Convention in the years after 1943.

It is important here to give just a brief sense of the buzz of activity in those years leading up to and then culminating in the Covenant of 1949–51. Thus, for instance, in early 1947, the Convention sent out invitations to a very wide spectrum of public associations in Scotland – 'every local authority, every Church of Scotland presbytery, every trade union, chamber of commerce and trade association, and a variety of other bodies as well'[158] – inviting them to 'Scottish National Assembly' (the 'Assembly') to be held in Glasgow on 22 March 1947. The SNP was also invited, but declined to participate, though, in the end, a number of SNP members, including senior ones (such as Douglas Young), did attend and speak at the Assembly, albeit not in their official capacity. In the end, there were no less than 600 delegates from all stripes of Scottish public life. This event was described by *The Scotsman* at the time as 'perhaps the most widely representative [meeting] ever held to discuss Scottish affairs'.[159] John MacCormick, who presided over the entire proceedings, opened it in ringing tones:

> This is the first time in the history of Scotland that such a gathering has been brought together. We are, in fact, today a Convention of the Estates

[156] Ibid., 42.
[157] Ibid.
[158] Hanham, *Scottish Nationalism* (1969), 170.
[159] Somerville, *Through the Maelstrom* (2013), 31.

> of Scotland. This meeting is representative of the people of this country. There are here today representatives of no less than 60 Burghs, including the great cities of Aberdeen and Glasgow, as well as County Councils, Co-operative Societies, Trade Unions, Political Parties, the Church, and every organ of public opinion. We are gathered to consider the needs of our own country. There is ample precedent for the holding of such an Assembly. In the year 1689, for example, there was convened a Meeting of the Estates of Scotland without the authority of any King or Government. That body offered the throne of Scotland to King William and Queen Mary. It is interesting to remember the terms of their opening Resolution: 'We come together for the most serious consideration of the best means for attaining the ends before us as our ancestors in the like cases have usually done'. Today I suggest that we are met, in a similar spirit, to vindicate our ancient rights and liberties and to prove to the world that there is still life and heart in Scotland. I should like to say this, that we are here today not to find out how far we differ but in how much we agree.[160]

This opening was duly met, as the report from the proceedings indicate, with 'applause'. The object of the Assembly was to discuss and vote on three resolutions. The text of the second resolution was as follows:

> This Assembly, representative of all shades of opinion in Scotland, is convinced that a substantial majority of the Scottish people favours a large measure of Scottish Self-Government, and therefore resolves to request that the Government should forthwith introduce in Parliament a Bill to give effect to the Scottish Self-Government proposals set forth in the Declaration by a representative Committee of Scotsmen under the Chairmanship of Mr William Leonard MP, a copy of which is attached to this agenda.[161]

This Resolution was passed by a very large majority. As the Resolution envisaged, a thirty-five-person Committee, which naturally included John MacCormick, was then empowered by the Assembly delegates to form a new constitutional plan for Scotland. This Committee convened soon after the Assembly, on 7 June 1947, and just three months later published a document, 'Blueprint for Scotland' (published in blueprint), which set out a vision for the competencies of a new Scottish parliament. Published as Appendix One to John MacCormick's memoir, 'Blueprint' is a remarkable document, and all the more so for being so prescient – as MacCormick himself observed later on numerous occasions – in foreshadowing the

[160] Scottish National Assembly, *Report of Proceedings* (22 March 1947), 9.

[161] Ibid., 31; this was directly linked to what was known as the wartime Leonard Declaration, which had also argued for a Scottish parliament: see Mitchell, *Strategies for Self-Government* (1996), 86–7.

eventual *Scotland Act* 1998, e.g., by only listing explicitly the reserved matters, rather than those devolved, thereby also leaving room for the Scottish Parliament to grow and expand in scope.

There was, in Scotland at the time, genuine enthusiasm for the Convention and its 'Blueprint'. As Somerville described it, the Convention 'demonstrated the appetite which existed for non-partisan nationalism from an overwhelming and varied body of opinion in Scotland'.[162] It also, as she adds, 'produced widespread, and on the whole positive, publicity for the Home Rule movement when it was reported extensively in the Scottish press and recorded by the BBC in Scotland, an extract being broadcast the evening the Assembly convened'.[163] It clearly did capture the public's imagination and sentiment.

The official response, from the Government, was much less enthusiastic. The-then Secretary of State for Scotland, Arthur Woodburn, serving in Clement Attlee's post-war Labour government, replied dismissively to the 'Blueprint'. In reaction to that, John MacCormick decided to convene a second Assembly on 20 March 1948. The second Assembly agreed that 'a plebiscite or petition was needed to demonstrate the widespread support that existed amongst voters for a Scottish parliament',[164] and this was duly carried out, albeit on a small scale, with the Government refusing to consider holding an official plebiscite for the whole of Scotland. This, in turn, prompted a meeting of the Assembly Committee, held in April 1949, which decided to 'launch a Scottish Covenant scheme which they hoped would demonstrate beyond all reasonable doubt the widespread desire felt in Scotland for a Scottish parliament'.[165] This Covenant, echoing previous efforts, such as that mentioned above in 1930, but this time wearing its moderate and gradualist vision on its sleeve more explicitly, pledged as follows:

> We, the people of Scotland who subscribe this Engagement, declare our belief that reform in the constitution of our country is necessary to secure good government in accordance with our Scottish traditions and to promote the spiritual and economic welfare of our nation.
>
> We affirm that the desire for such reform is both deep and widespread throughout the whole community, transcending political differences and sectional interests, and we undertake to continue united in purpose for its achievement.

[162] Somerville, *Through the Maelstrom* (2013), 32.
[163] Ibid.
[164] Ibid., 35.
[165] Ibid.

> With that end in view we solemnly enter into this covenant whereby we pledge ourselves, in all loyalty to the Crown and within the framework of the United Kingdom, to do everything in our power to secure for Scotland a Parliament with adequate legislative authority in Scottish affairs.[166]

Empowered with these words, the Convention organised a third Assembly, on 29 October 1949, at the Church of Scotland's Assembly Hall, in order to begin collecting signatures in support of the Covenant. This was, on all accounts, a grand occasion, with the Duke of Montrose signing the Covenant first, followed by John MacCormick, again gaining very considerable interest from the public and the press. Indeed, the Covenant was remarkably popular, collecting 50,000 signatures by the end of the first week, and going on, in the space of two years, and thus by 1951, to collect around two million signatures – a 'staggering two-thirds of the voting population' at the time.[167] As Somerville puts it, 'It was an extraordinary endorsement for the Home Rule camp and, crucially, provided the Convention and the Assembly Committee with the evidence they needed to show St Andrew's House the popular support felt in Scotland for a firm measure of Home Rule'.[168]

In 1949, when the Covenant was launched, MacCormick was eight. He may have been too young to attend the first Assembly in 1947, but he was very likely present at this spectacular and grand third Assembly on 29 October 1949, witnessing his father speaking in front of a very large crowd, and undoubtedly feeling a complex mix of emotions, including pride and a sense that something genuinely important was being done for Scotland, not only by his father but by an enthused and broad spectrum of the community. Certainly, his father saw that day as 'one of the great occasions in the long history of our nation … a turning point in the life of our people from which there will never be any going back',[169] and one can only imagine that this passionate atmosphere filled the MacCormick household at this time. Indeed, the whole family, MacCormick included, was very active in assisting with collecting signatures for the Covenant over the period of 1949–51. MacCormick recalled, in his memoires, how 'perpetually busy' his father was, 'regularly being interviewed on the phone and photographed for and quoted in the daily papers', adding that 'we children knew a fair amount about the Scottish Covenant and the

[166] Ibid., 36.
[167] Ibid., 37.
[168] Ibid.
[169] MacCormick, *The Flag in the Wind* (2008), 130.

seemingly irresistible tide of opinion it was building up towards the re-establishment of a Scottish Parliament'.[170]

This passionate sociability, this expression of democratic energy, this collective self-consciousness and sentiment, which were clearly present on a large scale in Glasgow, and beyond, at the time, were concentrated – like nectar – in the MacCormick household. Again, they must have been powerfully affective experiences for a young boy of eight to ten. Arguably, though, they went beyond the kind of emotional experiences one might have at that age, for during this time, MacCormick would have been exposed to beliefs, arguments, ideas, dispositions, and attitudes – such as those we saw his father articulate above – and though, of course, we cannot expect him to have understood them all, given his age, it is surely more than possible that they informed his worldview. None of this is to say that MacCormick adopted his father's notions wholescale – in fact, he very much did not. However, there are echoes in his later views, of some of his father's passions and orientations, such as gradualism, a commitment to democracy, an interest in Scotland's legal and constitutional history, a sensitivity to historical wrongs and the importance of certain documents, and, perhaps most importantly, a sense of the intertwinement, at a certain moral depth, between the political and the philosophical.

The Convention and the Covenant clearly remained in MacCormick's memory. He returned to it in many speeches down the years, e.g., on 16 January 1999, on the occasion of the 71st anniversary of the SNP, he spoke of 'the Covenant strategy' and how it 'raised to national consciousness two million Scots, who were willing indeed to sign up, but most of whom were not then ready to abandon traditional party loyalty and vote SNP'.[171]

Beyond MacCormick himself, the Convention has also been actively invoked, as a precursor, in crucial moments, such as in the 1980s, with similar Conventions Assemblies, and plebiscites then held, leading to the Claim of Right. Indeed, the story of the Convention's many public meetings and speeches has been retold on numerous occasions, e.g., recently, in 2019, writing in *The Nation* with a double feature on the Convention and the Covenant, Hamish McPherson said, straightforwardly, that 'The Scottish Covenant was an important development in the long-running battle to win the Parliament, as it made home rule a live issue, which

[170] MacCormick, 'John MacCormick Memoir' (2008/9), 3.
[171] MacCormick, 'Speech on the 71st Anniversary of the SNP' (16 January 1999), 2.

people discussed'.[172] As we shall see, this democratic, cross-party, collective political energy was to bubble up to the surface in MacCormick's political and philosophical life on numerous occasions.

The Stone of Destiny

'This is the BBC Home Service: Here is the news on Christmas Day 1950. The Stone of Destiny has been removed from Westminster Abbey. It is thought that this may have been the work of the Scottish nationalists'.[173] If the Convention and the Covenant had captured some of the public's imagination, then the events of Christmas 1950 pulled at the heartstrings, and recalled, in the most theatrical way, the indignities of the past. Neal Ascherson, who remembers that, in 1951, when he was nineteen and serving in Singapore on military service, he took with him 'a copy of the Scottish Covenant … the petition for a Scottish parliament, launched by John MacCormick', wanting to show it to 'far-flung colonial Scots',[174] also said, this time about the 1950 event:

> The Christmas break-in at the Abbey electrified people in Scotland, because it was cheeky and patriotic and put right an old wrong – but also because the Stone had prompted an authentically Scottish act. No grave committee in Edinburgh had recommended this, no body composed by the Kirk and the Faculty of Advocates and the other institutions preserved by the Union. A bunch of twenty-year-old nobodies, shabby law students and a young woman in a tweed skirt, had asked nobody's leave. They had asserted, in effect, that the Union's articles did not stand at the end of every road. Beyond it, above it, there survived some residual Scottish right to change an aspect of the relationship between Scotland and England.[175]

It is important that Ascherson links the Stone to the 1707 Union, while also characterising the act of taking it as an act of the people, stemming from something deeper than any document could symbolise. The Stone of Destiny, also known as the Stone of Scone, had been woven into the Scottish imaginary for some time, most recently in the form of stories told to children by their parents and teachers. Indeed, MacCormick himself remembered that:

[172] McPherson, 'Back in the Day: The Lessons We Can Learn from "King John"'(17 December 2019) and 'Back in the Day: "King John" and the Scots' Covenant' (24 December 2019), *The Nation*.
[173] MacCormick, 'Nationalist Memoirs I' (2008/9), 1.
[174] Ascherson, *Stone Voices* (2002), 232.
[175] Ibid., 19.

> We [the children in the MacCormick household] had been brought up on the story how Edward I seized it [the Stone] from Scone in his conquest of Scotland in 1296. He took the most sacred symbol of the Scottish nation, the stone on which we crowned our kings. He had iron rings bolted into it. He had poles stuck through the rings and carried it in ostentatious triumph through Scotland to show the Scots who was their master. And he took it to London.[176]

As Ascherson put it, 'what mattered about the Stone was precisely its absence: the fact that it had been carted off by an English king in an act of plunder which was also intended to be a symbolic act of conquest'.[177] Effectively, the Stone did not just symbolise the 1296 moment: its absence was filled by many other stories, tumbling on top of that one. Rising against King Edward, and his pretension to be 'legitimate Lord of Scotland', were William Wallace and Andrew Murray, who, raising an army against him, 'drove his troops out after their great victory at Stirling Bridge'.[178] In the end, Wallace was defeated and caught and 'given the hideous torture and execution provided for "traitors" in English law then and for long after'.[179] The 'struggle' continued with King Robert, and his eventual triumph at Bannockburn in 1314, and finally the Treaty of Northampton in 1328, but still the Stone remained in London, and that Treaty was, as well as the Scots in generally were, thus 'dishonoured'.[180]

Arguably, stones have always had a place in the Scottish psyche, and thus also in its story-telling, in its history-spinning; but amongst all those stones, it was the Stone of Destiny that stood out as the talisman: the one that, in Ascherson's words, 'became, in the modern period, an indispensable foundation stone for the reconstruction of a Scottish national – and eventually political – identity'.[181]

The story of what happened in the Christmas of 1950 has been told many times before; it can be heard still today often in the streets of Edinburgh, especially near Edinburgh Castle, being retold in a myriad of languages to visitors. The idea of taking the Stone was sown, as we saw earlier in this chapter, in the 1920s when students in Glasgow joked about taking it so that John MacCormick – King John – could sit on it in the new Kingdom of Scotland. And, indeed, John MacCormick presided, as if a monarch – he was, after

[176] MacCormick, 'The Stone of Destiny: Symbol and Reality' (1996), 1.
[177] Ascherson, *Stone Voices* (2002), 23.
[178] MacCormick, 'The Stone of Destiny: Symbol and Reality' (1996), 1.
[179] Ibid.
[180] Ibid.
[181] Ascherson, *Stone Voices* (2002), 23.

all, the Rector of the University of Glasgow (which was close enough!), over the whole affair, funding the group of students who did the taking, and then hiding the Stone and leading the negotiations for its eventual return.

The four students who took the Stone – one of which was Ian Hamilton, later to become Queen's Counsel, then a law student who John MacCormick knew well and who was soon to be involved, with him, in the *MacCormick* v *Lord Advocate* case in 1953[182] – broke into Westminster Abbey on a wet, dark night, and managed, after many adventures, to drive it back to Scotland. A year later, after protracted negotiations – and especially, according to MacCormick, given the ill-health of King George VI who was known to be anxious about the Stone[183] – it was returned, albeit once again with historical poignancy, for it was left in Arbroath Abbey.[184]

Within the MacCormick household, back on Christmas Day in 1950, the atmosphere was charged with great emotion. One has to imagine the family already somewhat exhilarated, though undoubtedly also tired, this being in the middle of the Covenant's signature-collecting and soon after the election of John MacCormick to the Rectorship in Glasgow. Amongst them sits a nine-year old boy with an imagination for adventure, right there in the eye of the storm. As MacCormick recalled it, in the unpublished memoirs he recorded when ill, the news came through at one o'clock. His mother was in the kitchen making soup, along with other final preparations for Christmas dinner. Gathered together, in anticipation of the feast, was the extended MacCormick family, including MacCormick's siblings – Marion, Elspeth, and Iain – MacCormick's cousins, Donald and Alastair, as well as four aunts, two uncles, and a maternal grandmother.

Moments before the news, John MacCormick had received a call, and invited the whole family to come and listen. 'John, I'm making the soup. This is Christmas day, we don't have to listen to the wireless news today'. But John MacCormick insisted: 'Margaret, the news is just coming on. I think you should come and listen to it'. The news, when heard by all, resulted in 'prolonged cheering'. The mood was one of jubilation: there was, MacCormick recounts, 'high enthusiasm for and speculation about

[182] See Hamilton, *The Taking of the Stone of Destiny* (1991); and *A Touch of Treason* (1990).
[183] MacCormick, 'John MacCormick Memoir' (2008/9), 4.
[184] Though not, it seems, without retaining a fragment. Recently released Scottish government documents apparently show that MacCormick was given a fragment of the Stone from his father and that, in 2008, when he knew he was dying, he gave that fragment to Alex Salmond, then the first minister of Scotland. See 'Missing Stone of Destiny Chip found in SNP Cupboard', 8 January 2024, BBC. See www.bbc.co.uk/news/uk-scotland-67911483; last accessed 18 January 2024.

the daring raid on the Abbey of Westminster and retrieval of this ancient symbol both of Scottish identity and of a long-past English attempt to extinguish that identity'.[185] For all the cheering and celebrating, however, and as told to him later by his mother, the news also came with apprehension, causing not a little anxiety. John MacCormick himself remained steadfastly jubilant: 'Well, Margaret, is this not the most wonderful news?', he asked. 'No, it is not', Margaret MacCormick replied. 'I know who did it and I know that you are in it up to your neck. You have four children under twelve and who is going to look after them if you go to jail?' John MacCormick was a little put off and indeed astounded that she clearly knew more than he realised: 'How can you possibly know who did it?', he asked. 'It is that Ian Hamilton, and you have been secret talks with him for weeks. It is obvious. How did you know what was going to be on the news?'[186] The reader can draw their own inferences as to how this scene sheds light on the relationship between John and Margaret MacCormick.

Looking back, in these memoirs, at what happened in that Christmas of 1950, MacCormick is understandably charmed by his father's risk-taking. His father did, indeed, have a lot to lose, but then it was important to keep in mind, MacCormick added, 'the sacrifice he was willing to make', including in this situation, 'when an opportunity for a grand symbolic gesture came his way'.[187] One needed to situate the taking of the Stone of Destiny in the context of the Covenant: by supporting the students in their daring raid, John MacCormick was able to convey to the Scottish public that the Stone was 'a kind of symbol of Scotland's captivity in a Union that the Covenant contended was in deep need of radical amendment in favour of Scottish Home Rule'.[188] In fact, MacCormick went as far as to suggest that no real offence was committed in the Stone's taking, for it would only have been classified as a special statutory offence after the enactment of the *Theft Act* 1968.[189] Composing his memoirs, as he was here in 2008, MacCormick undoubtedly found himself living through the excitement of this period. He recalled, for instance, the many discussions of the negotiations in the ensuing year:

> As it happened, the internal layout of my parental home at 2 Park Quadrant, created a situation ideal for confidential and even conspiratorial

[185] MacCormick, 'Nationalist Memoirs I' (2008/9), 1.
[186] Ibid., 1–2.
[187] Ibid., 2–3.
[188] Ibid., 4.
[189] Ibid., 6.

> conversations involving several different parties in different rooms, each of which could be accessed via an intricate arrangement of connecting doors and corridors, so that different people in different rooms need at no point in a visit realise that anyone else was visiting in a different room (it was, as I said, a large flat – running to fourteen rooms on two internal storeys). At the climax of the negotiations, in what must have been early April or perhaps late March 1951, there were present representatives of the receivers and the custodians, the Scotsman journalist Wilfred Taylor,[190] and Sir John Cameron, all in separate rooms and none able to (or subsequently exposed to having to) confirm or deny the presence of any others.[191]

This time must, indeed, have been a thrill and a delight for a boy of nine and then ten, observing hushed, late-night discussions. On another occasion in which he recalled these discussions, MacCormick remembered a particular night:

> I remember clearly, with the vividness attaching to my recollections of a nine year old allowed out of bed very late to witness great things, the night that Neil Gunn and various other stalwarts, among them Robert Gray and William Whyte (deeply involved also in the Stone of Destiny affair, thought that was not a fact known to me then), sat talking late into the night as I sat half hidden at the edge of the circle watching and listening. I remember more of the mood and the passion than the words of those present, a mood expressed with a strangely sombre vitality by Gunn, quite the most striking person in the room with his curly grey hair, gaunt features, hollow eyes. As impressionable as I was, I felt myself in the presence of greatness and of great events in that meeting.[192]

That kind of emotion is not one that one shakes off easily, if ever: it stays, simmering, as a constant, even if not foregrounded, hum of affective memory.

Even more so than that, the Stone's absence remained firmly in MacCormick's mind years later, for he took active steps to have it returned. For instance, in November 1990, when MacCormick was SNP parliamentary candidate for Argyll and Bute, and honorary President of the SNP constituency there, he 'wrote to Secretary of State [for Scotland] Ian Lang, suggesting that the 1150th anniversary of the uniting of the Picts and Scots under Kenneth MacAlpin [dated to 843 or 844 AD] would give a good moment to celebrate the oldest monarchy in Europe, and to return

[190] See Taylor, *Scot Free* (1954).
[191] MacCormick, 'Nationalist Memoirs I' (2008/9), 5.
[192] MacCormick, 'Neil Gunn and Nationalism' (2013), 40; originally published in *Chapman* (1991–92).

the Stone'.[193] He 'proposed to him that the Government take steps to restore the Stone of Destiny to safekeeping in Scotland – with provision for its use for coronations at Westminster when required'.[194] This attempt had no immediate effect, with the Secretary replying that 'the government did not see fit to re-open the question of the proper location of the Stone', but it was only a little later, in 1995, that the decision was reversed, and the Stone was 'solemnly conveyed over the Tweed bridge between Cornhill and Coldstream to eventual safe-keeping in Edinburgh'.[195]

Like many others, MacCormick had mixed feelings on that day – a wet St Andrews Day in 1996 – when the Stone was returned. Enthusiasm was qualified, with most Scots clearly feeling that this was an attempt by the struggling Tories to gain some political capital in Scotland. As MacCormick put it, 'At the time the Conservative Government of John Major was fighting a rearguard action against the flowing tide of opinion in favour of Scottish Home Rule… Its aim was to show the high esteem in which Scotland stood within an unreformed incorporating Union'.[196] All this was, for him, as for many Scots, 'too little, too late, however'.[197] Speaking in 1996, a week before the Stone was returned, he was even more robust: 'They [the Tories] want to show that they are the patriotic party, that Scotland is a full member of the Union, well respected and entitled to her own ancient laws, institutions, and symbols. I don't think it will work. It's a high risk strategy, with pictures on the TV of English soldiers handing over the Stone at Coldream Bridge to Scottish soldiers'.[198] If anything, the act's dubious attempt to acquire political capital was likely to backfire, adding only fuel to the movement for home rule. And so it would prove to be.

One might try and explain away MacCormick's emotion by saying that it was inevitable, given the involvement of his father in the whole affair. Of course, that personal dimension cannot be denied. But we must also be careful not to take it too far. MacCormick's passionate memory of the taking of the Stone, and his fight for its return, cannot be attributed simply to the continuing of his father's project. After all, like other Scots, he was immersed in its historical connotations – in the powerful stories about the past that touched something deep-running in him and others. There was,

[193] MacCormick, 'The Stone of Destiny: Symbol and Reality' (1996), 2.
[194] MacCormick, 'Nationalist Memoirs I' (2008/9), 6–7.
[195] Ibid., 7.
[196] Ibid.
[197] Ibid.
[198] MacCormick, 'The Stone of Destiny: Symbol and Reality' (1996), 2.

undoubtedly, an experience of disrespect, if not dishonour, that was tied to the memory of the Stone. Further, this was itself inseparable from the genuine love that MacCormick, along again with his fellow Scots, had for the Scottish landscape, including its stones.[199]

None of these emotions can be easily dismissed. Indeed, it is telling that, in October 2008, when MacCormick was dying with cancer, and given, in his home, a private preview of the Hollywood film, *Stone of Destiny* (2008), with the Director also being present, he said: 'Of course I love my father very much', but 'I won't be saying, "Oh, here's a film about my dad and there's the Stone in it as well." More the other way round'.[200] For MacCormick, there was something more universally significant in a story that was nevertheless also highly personal: this was a matter of respect, which was not diluted or weakened by being wrapped up in emotion or in myth-making.

MacCormick v *Lord Advocate*

It was one thing to draw on ancient stones and mythical histories as part of political theatre, but it was another to use law and the courtroom to generate collective self-consciousness. Or was it? The strategy was not new: as we saw, above, Douglas Young used the courtroom to great political effect, echoing past acts of courtroom rebellion, though in his case, one might argue, there really was no choice. Further, Young was a classicist and not a lawyer, and he relied heavily on the advice of those who were legally trained. It was something else entirely, one might think, for a trained lawyer, with his own legal practice, to take on a case for the main purpose of communicating a political message, especially if, on legal grounds, the case itself was weak. Could law, should it, be deployed as a symbol in a political fight for self-government?

The question took on direct, personal proportions for John MacCormick in 1953. King George VI died in February 1952. Shortly afterwards, his daughter, Elizabeth, was proclaimed 'Queen Elizabeth II'. MacCormick recalled the day the proclamation was made. He was at school, and he rushed home to tell his mother about the new Queen, 'Elizabeth II'. Margaret MacCormick stopped him in his tracks: 'She is no such thing. We have had no previous Queen Elizabeth, and there has been no Elizabeth Queen of the United Kingdom. Elizabeth Tudor was Queen

[199] See generally Ascherson, *Stone Voices* (2002).

[200] 'Premier brings Stone of Destiny Home to dying son of "King John"', *The Scotsman*, Scotland on Sunday (5 October 2008). For more about the film, see Porter (2010).

of England only'. When he returned to school the next day, MacCormick says, he 'found that some other boys had been similarly informed by their parents'.[201] As the news spread throughout Scotland, matters escalated: post-boxes with the offending numerals being demolished in Edinburgh, including one with explosives.

The numeral stuck in the throat of many. As we have seen above, the Scots – not just a small group of nationalists, but many Scots, including those who had just signed up to the Covenant, which were two-thirds of the electorate – were steeped in a rebirth of historical awareness. History mattered: it was a carrier of attitudes. History was no matter of dry facts, of one event after another: it was a form of passionate, collective self-expression. In the case of the Queen's numeral, at stake was basic respect for the Scots and their ancient kingdom. As John MacCormick put it, 'The assumption in the minds of most Scots was that the numeral could only convey and was deliberately intended by her advisers to convey, that Great Britain was really England continuing and that the Union with Scotland had merely been an annexation of the smaller realm'.[202]

As we have seen above, this was not a new frustration. Certainly, for John MacCormick, this was a matter that had been brewing since the days he was a law student in the 1920s, required to read and expound what had become the traditional English constitutional position. As he recalled in his memoir:

> My own interest [in the numeral] was largely from a legal and constitutional view. Even as a law student in Glasgow University studying constitutional law and history I had resented and suspected Dicey's famous doctrine of the sovereignty of Parliament, which, of course, we were taught to regard as sacrosanct. Throughout the writings of all the English constitutional lawyers, and particularly those of Professor Dicey, there runs the arrogant assumption that the history of the Kingdom of England has been continuous from the Norman Conquest until the present day. The Treaty of Union which on 1st May 1707 created, under certain unalterable conditions, the entirely new Kingdom of Great Britain, is represented as being of no more consequence, and no more binding on subsequent Parliaments than any prior act of the English Parliament.[203]

As if poking around in a fresh wound, Dicey had famously compared the status of the Act of Union – the Act passed by the English Parliament to make effective, in English law, the Treaty of Union (the Scottish Parliament was also passing a similar Act in Scotland) – to the *Dentists Act* 1878; none

[201] MacCormick, 'John MacCormick Memoir' (2008/9), 4.
[202] John MacCormick, *The Flag in the Wind* (2008), 187.
[203] Ibid., 188.

was more important than the other.[204] The sovereignty of Parliament was unlimited and untrammelled. Dicey's view can hardly be seen in that simplistic light, e.g., his later *Thoughts on the Union between England and Scotland* (1920), co-authored with Scottish historian, Robert Rait, and some time Principal of the University of Glasgow, somewhat softened and qualified his position, indicating that his view as to the unlimited sovereignty of Westminster was probably more informed by his defence of the Union with Ireland.[205] Nevertheless, it remained an incredibly influential source of constitutional doctrine. Indeed, it had been picked up with enthusiasm by certain Scots, such as Walter Fraser, lecturer in constitutional law in Glasgow, whose *An Outline of Constitutional Law* (1938, then again in 1948) was an influential textbook of the time.

For John MacCormick, however, along with his fellow late-night discussants of Scottish history, such as Gunn and MacNeill, amongst many others, this Dicyean orthodoxy was both bad constitutional history as well as a symbol of disrespect. Even if it was accepted legal doctrine, in both England and Scotland, the sheer confidence in which it was articulated, as if it could never be doubted, as if it was an article of faith, was like a slap in the face for Scotland. It ignored so many centuries of the Scottish past.

The constitutional history of England and Scotland, insisted John MacCormick, was simply very different: in England, 'the law was the law of conquest. The king, having imposed himself on the people, could do no wrong'.[206] In Scotland, however, 'the country had never been conquered, even by the Romans'. It was not the king who could do no wrong in Scotland, but instead, the 'Community of Scotland', or the 'Community of the Realm',[207] e.g., Scotland had the law of desuetude, which meant that if a statute was not obeyed by the community, then it was no longer binding. The Parliament of Scotland, then, 'had always been subject to the ultimate sanction of community assent', and insofar as it thus 'had no sovereign powers itself', it followed that it could not 'by the Act of Union convey sovereign powers to its successor. The Parliament of Scotland could not by any conceivable rule of law create a new institution with powers wider than its own'.[208] Thus, the new Parliament – the Parliament of Great Britain – could not 'enjoy any greater powers than the Parliament of Scotland'; this

[204] Dicey, *Introduction to the Study of the Law of the Constitution* [1885] (1959), 445.
[205] See also Walters, *Dicey* (2022).
[206] MacCormick, *The Flag in the Wind* (2008), 189.
[207] See Barrow, *Robert Bruce* (1965).
[208] MacCormick, *The Flag in the Wind* (2008), 189–90.

new Parliament was, 'in any case … limited by the "entrenched" clauses in the Treaty which had created it'.[209]

Again, it bears repeating that these arguments were not provoked for the first time when Queen Elizabeth styled herself as Elizabeth II. They had been woven into the fabric of nationalist constitutional debate in Scotland from the 1920s on – certainly in the case of John MacCormick. When, then, the *Royal Style and Titles Act* 1953 was passed, the temptation to use it as an occasion to challenge the Dicyean orthodoxy must have been overwhelming.

Still, John MacCormick hesitated. As mentioned above, he was a lawyer, and it is a well-known duty of lawyers that they do not take on hopeless cases: to do that is a sign of disrespect for both the law and the legal system, in particular the courts. But was this a hopeless case? John MacCormick found himself thinking first one way, then another. He discussed the matter with his fellow partners of the law firm he helped established in Glasgow: Stewarts Nicol MacCormick and Co. They, however, did not hesitate: the case was hopeless, he should not take it on. Indeed, it was made clear to John MacCormick that if he did, the loss of reputation to the firm would be too great, and he would have to resign his position. For John MacCormick, however, the momentum of history was simply too great: such an opportunity only came around once in a lifetime, and it had been building for the last twenty-five years.

Accordingly, together with Ian Hamilton and John Bayne, John MacCormick petitioned the Court of Session 'to pronounce an order prohibiting Her Majesty's ministers from describing' the Queen as Queen Elizabeth II.[210] As it transpired, there were two hearings: first, in the Spring of 1953, before the Outer House where Lord Guthrie gave judgement. And then, in the summer, before the Inner House, with Lord President Cooper presiding, sitting with Lords Carmont and Russell. On both occasions, the courtroom was packed, and there was 'immense public interest'.[211] To some extent, already, the political gamble had worked: as with the Convention and the Covenant, the Rectorship, and the taking of the Stone of Destiny, so with the 1953 case, the issue of Scottish identity, including its constitutional past and future, was firmly in the public eye. It was discussed in the popular press as well as around dinner tables in Scottish homes – indeed, none more so of course than the MacCormick household

[209] Ibid., 190.
[210] Ibid.
[211] Ibid., 192.

itself. As MacCormick recalled, with the timing of the appeal in the summer, first the hearing and then the judgement 'cast[] a bit of a pall over the annual family holiday at Tayvallich in Argyll'.[212]

The first instance of judgement by Lord Guthrie in the Spring could not have been worse. It was, in John MacCormick's own words, 'as complete a defeat as I could possibly have feared'; there was 'not one word of comfort in his findings'.[213] Indeed, for anyone trained in the law, reading the judgement is like being in one's worst possible professional nightmare: the 'petitioners' propositions in law are unsound and indeed extravagant'; it is 'incompetent for the petitioners to crave the Court to interfere with the execution of the will of Parliament'; 'This petition appears to have been brought under misconceptions as to the respective functions under the constitution of the Legislature and the judiciary, as to the legal rights of the petitioners and as to the matters which can be competently brought before the Court'.[214] There could hardly sharper words said by a judge to a practising lawyer. The one consolation for the petitioners – but a very significant one – was that the judgement was of some length, allowing them to appeal to the Inner House. Interestingly, too, Lord Guthrie had expressly said that he did 'not feel called upon to express my opinion on the petitioners' submissions as to the historical inaccuracy of the proposed enumeration'.[215] As we shall see, Lord President Cooper, in the Inner House, as a committed historian in addition to being a jurist, did feel so called upon.[216]

The argument before the Inner House was heard on 10 July 1953, with judgement delivered on 30 July. Unsurprisingly, given how much was at stake, on the day of the hearing, John MacCormick was in quite a state:

[212] MacCormick, 'John MacCormick Memoir' (2008/9), 5.
[213] MacCormick, *The Flag in the Wind* (2008), 192.
[214] *MacCormick* v *Lord Advocate* (1953) SC 396, at 403, per Lord Guthrie.
[215] Ibid., at 404–5, per Lord Guthrie.
[216] Lord Cooper is a fascinating character in this story. See MacQueen, 'Public Law, Private Law, and National Identity' (2013), who notes that earlier, during the Second World War Cooper had 'given judgements supporting the Dicyean view of the status of the Union Agreement, but since then, he had been much involved in the travails of the History of Parliament project, as chairman of its Scottish Committee from 1948 to 1955. In 1951 the scheme became one for the history of the Westminster Parliament only, and it had been decided not to accept any break in that account at 1707': 192. This experience, says MacQueen, must have informed Cooper's view in 1953. The story is complicated too by numerous relationships, e.g., between Cooper and Andrew Dewar Gibb. About the latter, see Farmer, 'Under the Shadow of Parliamentary House' (2001); and for more on Cooper as a historian, see MacQueen, 'Legal Nationalism' (2005). MacQueen's forthcoming history of Scottish legal nationalism will undoubtedly shed more light on the figures of this period.

> I must admit that when the day came for the hearing I was in a state of acute depression and nervousness. Many of our best friends had thought it unwise to pursue the matter to such lengths and advice had not been wanting to the effect that we should just make fools of ourselves in the Inner House. I had practised law for more than twenty years, but only as a solicitor, and I was unaccustomed even to speaking in the lower Courts. Now I was to advance a thesis which had been dear to my mind from student days but which might seem in the cold light of other people's reason to be merely a wild bee in my bonnet.[217]

Indeed, when it came to speaking on the day, though John MacCormick was to open the argument, in light of the former's nerves, John Bayne spoke first. When his turn finally came, John MacCormick spoke for over two hours, eventually overcoming his nervousness, and engaging in what was, by all accounts, an intense conversation, if not cross-examination, especially as conducted by Lord President Cooper. 'I found myself', John MacCormick recalled, 'at long last proclaiming in public in the Supreme Court of Scotland [sic] the disagreement with Dicey which long ago as a student I had longed to express to my mentors'.[218] In light of this being a book about Neil MacCormick, it is difficult to underestimate this moment: here, at the age of twelve, was a son observing his father, in Scotland's highest court, taking on the English orthodox view of constitutional doctrine.

At the conclusion of the hearing, there was considerable euphoria, with matching expectations: the court appeared to have taken the petitioners seriously. Might there not even be hope for victory? Much of this came crashing down when the judgement was delivered on 30 July. The petitioners did, indeed, not have title to sue. In what MacCormick was later (in *Legal Reasoning and Legal Theory*, 1978) to classify as an argument from consequences, Lord President Cooper said: 'I cannot see how we could admit the title and interest of the present petitioners to raise the point in issue before the Court of Session without conceding a similar right to almost any opponent of almost any political action to which public opposition had arisen'.[219] Even if, Lord Cooper added, Scottish law did have an action called the *actio popularis*, 'in which any member of the public may be entitled as such to vindicate certain forms of public right', this 'device has never been extended to a case such as this'.[220]

[217] MacCormick, *The Flag in the Wind* (2008), 194.
[218] Ibid., 195.
[219] *MacCormick* v *Lord Advocate* (1953) SC 396, at 413, per Lord Cooper.
[220] Ibid.

As Lord Russell put it, 'the petition … is entirely misconceived',[221] echoing the tone of Lord Guthrie in the Inner House. Even if the Lord President's tone was softer – for instance, he went out of his way 'to place it on record that the petitioners expressly disclaimed any attempt to criticise Her Majesty or any disloyalty to her, their action being based upon considerations of which the present issue is merely symbolical',[222] it remained the case that for the great majority of the legal profession in Scotland, the case was indeed a hopeless one. The courts were simply not the proper forum for political resistance of the kind championed by John MacCormick – and he, as an experienced solicitor, should have known better. He was using, as not only the judges, but also many of his fellow practitioners, saw it, the law as a means towards a political end.

Professionally, for John MacCormick, this was a step too far. Soon after, he lost his partnership in his own law firm. Further, he tried, but failed, to subsequently qualify as an advocate (he needed dispensation for but one minor exam, but although this could have been granted by discretion, it was not). He remained unemployed, with his wife, Margaret, having to go back to work to support the family. He used the time to write his memoir, *The Flag in the Wind* (1955), but the affair of the case had largely sapped his energy, and took the wind out of his sails. Even the Convention appeared to run out of steam. The pain in his kidneys worsened, and he took to drink to alleviate the pain, sinking into a deep depression. In 1961, at the age of fifty seven, he died.

The professional and personal price paid by John MacCormick for the case was high – as high as it gets. And yet, both in the emotions of the moment, and in the longer arc of Scottish politics in the twentieth century, the case was and remains of considerable importance. It has been variously described by subsequent commentators as a 'turning point',[223] as 'nationalist unionism's intellectual high point',[224] as an event that 'marked the emergence of Scottish nationalism as a political force',[225] and as a resource seized upon by subsequent generations of nationalists in Scotland,[226] becoming a

[221] Ibid., at 414, per Lord Russell.
[222] Ibid., at 413–14, per Lord Cooper.
[223] Kidd, *Union and Unionisms* (2008), 116; see also Kidd, *From Jacobitism to the SNP* (2013), 37.
[224] McLean, 'Understanding the Union' (2020), 118.
[225] Tierney, 'Scotland in the Union' (2023), 431.
[226] Page, 'The Scottish Constitution' (2020); including legal nationalists, see Smith, 'The Union of 1707 as Fundamental Law' (1957).

kind of icon of 'a full-throated endorsement of popular sovereignty as the Scottish tradition'.[227]

As Gavin Little noted in a wonderful chapter on the case, *MacCormick* v *Lord Advocate* has been 'taught, since the mid 1950s, to generations of Scots law students as the pre-eminent Scottish case on constitutional law',[228] appearing also in influential textbooks on Scottish constitutional law, e.g., Mitchell's important text, *Constitutional Law*, in 1968. Figures such as Donald Dewar, Gordon Wilson, David Steel, Menzies Campbell, and Jim Wallace, 'all studied the case at school'.[229] The case has also featured in parliamentary debates.[230] Although the legal significance of the case has been questioned,[231] it remains very much alive. For instance, in May 2021, in a questionnaire run by *Scottish Legal News*, it was voted third in the history of the greatest Court of Session cases.[232]

Placing the case in a broader political context, one can surely say that the fact that it had been a court case truly mattered: the Court was not a political body, at least not in the conventional sense of a political party or an association or organisation actively and directly involved in ideological battles. Ironically, perhaps, it only added to the case's significance that it was lost: the court was clearly not biased in favour of the petitioners. If anything, as we have seen, it went out of its way to criticise them for bringing the case in the first place. Anything said by the court thus needed to be treated with respect: this was a source that could be cited, safely, by all sides in the debate. The case thus resonated in Scottish public opinion, in Scottish political self-consciousness, whether that be in parliamentary debates, or at times – difficult times, such as the 1980s – when something iconic had to be appealed to that spoke to the distinctiveness of a Scottish constitutional tradition.

[227] Jackson, *The Case for Scottish Independence* (2020), 136.
[228] Little, 'A Flag in the Wind' (2014), 43.
[229] Ibid.
[230] See ibid., referring to January 1998; see also the discussion in the House of Lords on 22 June 1999. See https://api.parliament.uk/historic-hansard/lords/1999/jun/22/membership-of-house-of-lords-scottish (last accessed on 16 September 2024).
[231] See, e.g., Tomkins, 'The Constitutional Law' (2004); Munro, *Studies in Constitutional Law* (2005), 137–42; and Tierney, 'Scotland in the Union' (2023); for doubts, too, about the uses of the case in histories of an allegedly distinctive Scottish constitutional tradition of 'popular sovereignty', see, e.g., Kidd, 'Sovereignty and the Scottish Constitution' (2004); and McHarg, 'The Declaration of Arbroath and Scots Law' (2020).
[232] See '*Donoghue v Stevenson* named greatest Session case' (5 May 2021). See www.scottishlegal.com/article/donoghue-v-stevenson-named-greatest-session-case (last accessed 16 September 2024).

So what was it, then, that was said that was so significant? The key passage comes about halfway through Lord President Cooper's judgement in which, effectively, he repeats, and thus endorses, John MacCormick's long-held view that Dicyean orthodoxy as to the unlimited sovereignty of Westminster Parliament was untenable, at least in the context of Scottish constitutional history:

> The principle of the unlimited sovereignty of Parliament is a distinctively English principle which has no counterpart in Scottish constitutional law. It derives its origin from Coke and Blackstone, and was widely popularised during the nineteenth century by Bagehot and Dicey, the latter having stated the doctrine in its classic form in his Law of the Constitution. Considering that the Union legislation extinguished the Parliaments of Scotland and England and replaced them by a new Parliament, I have difficulty in seeing why it should have been supposed that the new Parliament of Great Britain must inherit all the peculiar characteristics of the English Parliament but none of the Scottish Parliament, as if all that happened in 1707 was that Scottish representatives were admitted to the Parliament of England. That is not what was done.[233]

It is these words that have echoed down the years since they were written and delivered in the summer of 1953. Although not strictly necessary to decide the case – and thus falling within what the lawyers call 'obiter' – the statement was no less significant for that. In fact, if anything, it was all the more powerful politically for being said over and above what needed to be said. Did that not mean it was thus truly and passionately held? And, indeed, the words above are not without passion: 'That is not what was done', Lord Cooper pronounces, with some confidence. This confidence was also on show in other passages in the judgement, such as when Lord Cooper characterised Lord Guthrie's formulations of Dicyean orthodoxy as 'extreme', and 'not now supported', either by Dicey's own later statements made in the above-cited booklet with Rait, or indeed by later editions of various constitutional law textbooks.[234] Also significant was that, although Lord Cooper did agree that the petitioners did not have standing to sue, for their complaint regarded 'public right', he expressly said that 'I reserve my opinion with regard to the provisions relating expressly to this Court and to the laws "which concern private right: which are administered here"'.[235] This opened to the door to potential future claims,

[233] *MacCormick* v *Lord Advocate* (1953) SC 396, at 411, per Lord Cooper.
[234] See ibid., at 412, per Lord Cooper.
[235] Ibid.

legitimating such grounds for argument where they had arguably not been so legitimated previously.

There is no doubt that, for MacCormick, the son, his father's case remained imprinted in his memory, and was a matter of great pride. Indeed, MacCormick extrapolated on the significance of the case, as he saw it, on numerous occasions over the course of the half-century after 1953.[236] He did so not only in academic circles, but also in the popular press. For instance, in 1994, writing in *The Scotsman* under the title of 'Rights of a Sovereign Nation', MacCormick recalled his father speaking for two hours in the courtroom, arguing 'that traditional doctrines of parliamentary sovereignty belonged to English law and history alone', with the doctrine in Scotland being that 'the King and parliament are under law, not over it', while Lord Cooper 'listened closely and critically, interrupting, cross-questioning, pursuing every point to its logical conclusion'. And MacCormick added: 'I am rather proud to be the son of one who helped have this eminently [Scottish] civilised doctrine restored to its proper place in our constitutional law'.[237] Indeed, for some time, especially in the 1970s, MacCormick contemplated writing a book on 'the status of the Articles of Union of 1707 as the historically first Constitution of the United Kingdom', which, he acknowledged, was all very much a 'retrospective musing' on the *MacCormick* v *Lord Advocate* case.[238]

The memory of the case never left MacCormick. In 2008, when dictating his memoirs, MacCormick spent the bulk of them re-playing the memories of his father's arguments in 1953. At the time, planned reforms of the Judicial Committee of the House of Lords were coming to a head, with the Supreme Court of the UK about to be established (as it happened in 2009), following the *Constitutional Reform Act* 2005. Drawing on some 'doubts' he had already articulated in late 2003,[239] MacCormick mused, once more, that there might yet be legal significance in what he referred to as 'the Cooper doctrine':

> What remains an open possibility … is that the Court of Session itself, backed by a substantial body of opinion among Scots lawyers and the broader legally interested elements of civil society in Scotland, might

[236] See MacCormick, 'Does the UK' (1978); 'Scottish Anomaly' (1998); and 'Doubts about the Supreme Court' (2004).
[237] MacCormick, 'Rights of a Sovereign Nation' (1994), 6.
[238] See MacCormick, Letter to Secretary of Law Society, Diane Finlay (10 November 1976).
[239] Published as MacCormick, 'Doubts about the Supreme Court' (2004).

> favour carrying forward the Cooper doctrine that there is scope, even in a unitary state (now indeed a unitary-but-devolved state), for a distinctive Scottish interpretation of the fundamentals of that state's constitution. Even if in the end the Court [of Session] were to decide that the jurisdiction of the [UK] Supreme Court ought to be accepted, it would be more than interesting to see elaborated the grounds for such a holding. Is Scots law no more than a fragmentary system of private and criminal law now largely assimilated by the English common law and Westminster statute law? Or is it a complete system of private and public law capable of giving its own account of the fundamental law of the United Kingdom and the dovetailing of Scots law and the residual Scottish state into that larger entity? Can Scots law generate a distinct conception of the United Kingdom constitution, or was the Union really a take-over masquerading as a merger – an 'incorporating Union' in the strongest possible sense of the term?[240]

MacCormick did not accept his father's arguments wholescale – amongst them, he thought the most persuasive was the idea of the Treaty as fundamental law, the originally first constitution of a new state, even if vague and incomplete, at least the beginnings of one.[241] He always acknowledged that even this was not a view held by most, e.g., in a 2008 entry on 'Treaty of Union' in *The New Oxford Companion to Law* he noted that 'there had been controversy whether or not it [the Treaty] had continuing effect as "fundamental law"', but he nevertheless reiterated its importance, even if theoretical (for it had not been tested in legal practice), of 'guarantees concerning the law and the courts and the system of local government in Scotland as well as that concerning the Church of Scotland'.[242] He realised, of course, that for him, the case resonated personally, unlike for others, and that the matter should be debated and contested: but, even if for him, it arguably resulted in the loss of his father at too young an age, at no point did MacCormick suggest it was a foolhardy act, something to be embarrassed about. It was wise not to overstate the legal significance of the case: but could its political meaning – for generations of Scots – really be dismissed so easily? Were law and politics really that far apart? Was there really no role for law to play in the adoption of attitudes of respect, this time as between ancient nations?

[240] MacCormick, 'John MacCormick Memoir' (2008/9), 17; 'Doubts about the Supreme Court' (2004), 250.

[241] MacCormick, 'Doubts about the Supreme Court' (2004), 241–2.

[242] MacCormick, 'Treaty of Union' (2008), 1192; recently, see also Douglas-Scott, *Union and Disunion* (2023), chapter 1, who is likewise cautious about this claim, while noting that it does help to show that the principle of unlimited Westminster sovereignty, and thus the Dicyean orthodoxy, is doubtful.

Filial Tributes

As intimated at the outset of this chapter, there is no easy answer to the question as to whether one's childhood experiences, including the powerful emotional memories and allegiances one may have to one's parents, determines what comes later in one's life. What I have tried to show is that the emotion matters, certainly, and that there are plenty of continuities as between the beliefs, arguments, and sensibilities between MacCormick, the son, and both of his parents.

I have suggested, above, that it was MacCormick's mother, Margaret MacCormick, who perhaps influenced him most deeply: care and respect for others came to her so naturally, and was expressed by her without spectacle in daily life, that, if anything did, this must have impressed itself upon MacCormick's character in a most powerful way. But there is also no doubt that, throughout his life, MacCormick kept returning to the memory of his father, characterising and re-characterising him and the importance of his legacy in numerous ways. 'Struggle' is too strong a word for this lifelong interpretative memory, for MacCormick remained enormously and unshakeably proud of his father. But it is also true that in the course of these reflections, MacCormick came to adopt his own beliefs, arguments, and sensibilities, and perhaps most importantly, his own ways of relating with others.

In 1999, speaking on the occasion of the 71st anniversary of the SNP, MacCormick said:

> Naturally, I look back on my father with special love and regard. He was quite a remarkable orator and a brave and gallant man, carrying the torch under a burden of incurably painful illness. He was often obstinate, and sometimes wrong, but also sometimes right in his judgements. Along with other men and women of 1928 [the date of the formation of the NPS] he stands as a true architect of our own future, one of our great leaders of the lost generations who never saw their country free. I am proud to be his son.[243]

For the son, MacCormick, the father, John MacCormick, did not have to be perfect to be dearly loved. But it is also clear that, when he came to characterise his father, he chose to emphasise those aspects of his character that he found most attractive – something that undoubtedly tells us more about MacCormick than it does about his father. Thus, for instance, he said: 'my father's deepest commitments were always to Scotland – the people, the history, the philosophy and poetry, the land and landscape'.[244] His

[243] MacCormick, 'Speech on the 71st Anniversary of the SNP' (16 January 1999), 3.
[244] MacCormick, 'Introduction' to *The Flag in the Wind* (2008), xi.

father had been, he said further, 'the master of compromise in committee and a pursuer of the practical rather than the ideal, a gradualist rather than a fundamentalist in his approach to Scottish self-government'.[245] This was in 2008, but in 1974 the judgement was similar: his father was not, MacCormick said, 'in politics of his own aggrandisements … but in pursuit of an end', about which he had 'irrepressible optimism'.[246] This end was self-government for Scotland in the form of its own parliament, or, put less concretely, the democratic flourishing of Scotland, the gradual ripening of its own self-awakening as a political community. And he then quoted the final words of his father's memoir, as his was often to do:

> Flags as well as straws show the way the wind is blowing. Movements of the spirit, springing from the most deeply rooted sentiments of the people, can never be denied their goal. There is no doubt in my mind that long before the end of this century the Parliament of Scotland will once more be opened with ancient pomp and ceremony and that in this new age the representatives of her people will make her a valued partner in the British Commonwealth and an ideal ground for experiments in human progress. The promise implicit in her long history will yet be fulfilled.[247]

And so it transpired to be: what intense emotion must have been present for MacCormick, the son, on 1 July 1999, when the Scottish Parliament was indeed inaugurated in the sunny streets of Edinburgh. Whatever the judgement one may have about John MacCormick, the son was to go on to carry, until the end of his own life, the genuine passions, virtues, and hopes that he interpreted his father as having. The son was not the father, but the father did help to make the son.

[245] Ibid., xii.
[246] MacCormick, 'A Filial Look' (1974), 13.
[247] MacCormick, *The Flag in the Wind* (2008), 198.