DEBATING BRITAIN IN SEVENTEENTH-CENTURY SCOTLAND: MULTIPLE MONARCHY AND SCOTTISH SOVEREIGNTY*

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I

No historian of early modern Scotland can be unaware of the significance of 1707 as a touchstone in ongoing debates about Scottish sovereignty or, more broadly, the nature of the constitutional arrangements that resulted from the parliamentary union of that year. Nor will anyone need reminded that the outcome of the referendum on Scottish independence of September 2014 has ensured that Scotland’s relationship with England remains as contentious a subject as it has ever been. The purpose of this article, however, is not so much to argue that debating Britain has no foreseeable end-point as to suggest that 1707 is not the most appropriate starting-point. Historians are of course well aware that the Anglo-Scottish union dates, not from 1707, but from 1603, when James VI of Scotland became also James I of England and Ireland, and that debates over British union actually pre-dated the Stuart family’s long anticipated dynastic coup by many decades.1 Nonetheless, just as the union of the parliaments has attracted far more attention from historians than the union of the crowns, so

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beyond academia 1603 has little resonance at all. The intention here, therefore, is to provide a survey of how the Scots perceived Britain, and the complexities of its constitutional arrangements, which places the regal union at the centre of discussion. In so doing, it takes as its starting-point the contention that, while it is true that with the loss of its parliament Scotland lost its sovereignty and independence, it is equally true that it was precisely the nature and location of sovereignty that was the source of the seventeenth-century constitutional conflicts of which the union of 1707 was in crucial respects a product. Put another way, it needs to be acknowledged from the outset that the idea that seventeenth-century Scotland possessed independent sovereignty was far from axiomatic. It was certainly not a view to which James VI or any of his royal successors would have subscribed. For him, as for many of his loyal Scottish subjects, sovereignty was vested in the person of the king and he could no more have left it behind him when he flitted to London in 1603 than he could have left his head or his arm or his leg.

James's accession to the English throne in 1603 created a union that was in the first instance personal and dynastic. Nonetheless, it raised profound Scottish concerns about Britain, and Scotland's place within it, that were as urgent in the immediate aftermath of the regal union as they were at the time of its parliamentary equivalent. Indeed, it is argued in what follows that the nature of the Anglo-Scottish union was the subject of constant anxiety and frequent negotiation throughout the seventeenth century and that, for over a century before the union of 1707, Scots had been actively 'debating Britain' and wrestling with fundamental constitutional questions arising from the union. What is Britain and what is Scotland's status within it? Where does sovereignty lie in the Stuarts' extended patrimony? It is also argued that the most illuminating way of approaching these questions is to deploy the idea of multiple monarchy and to ask how contemporaries conceptualised the congeries of territories and jurisdictions which comprised the Britain over which James VI and his successors reigned. Before doing so, however, it is important to acknowledge that there is another set of issues to which the title 'debating Britain' might allude. That is, the modern historiographical debate over what British history actually is and whether or not it is possible—or even desirable—to write it. Here the starting-point must

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2 Thus the Scottish Government's white paper on independence, Scotland's Future: Your Guide to an Independent Scotland (Edinburgh, 2013), has a brief historical summary (Annex A: Scotland's Constitutional Journey) which ignores 1603 altogether: '2. The history of Scotland stretches back to the eighth century, but our independence was secured through the military and diplomatic achievements of Robert the Bruce 700 years ago. Thereafter, apart from a period of incorporation into the Commonwealth of Oliver Cromwell, Scotland was an independent country until the Union of 1707: Such an approach neatly sidesteps the seventeenth-century complications discussed here, replacing it with a simple (and simplistic) narrative of lost national sovereignty.

3 Discussions of the nature (and location) of Scottish sovereignty in this period are few and far between. J. Goodare, State and Society in Early Modern Scotland (Oxford, 1999), ch. 2 ('Sovereignty') is learned and interesting, but insofar as it is concerned with defining a sovereign Scottish 'state', does not necessarily reflect contemporary understanding of the concept.
be the writings of John Pocock, who challenged historians of Britain to re-
think what it was they were writing a history of, and to be more sensitive to
the interactions of the various polities that had developed in what he called
the Atlantic Archipelago—a term made necessary by justifiable Irish resistance to
inclusion under a British terminological umbrella. For Pocock, a New Zealander
working in the United States, debating Britain encompassed much more than
the constitutional relations between Scotland and England; it spoke to a wider
inquiry into what Britain is—and Pocock’s Britain includes its erstwhile colonial
dependencies—and how its history could be conceived and written. It was no
coincidence that Pocock’s critique of traditional British history—an essentially
triumphalist whig history of England with occasional Celtic embellishments—was
first launched in the 1970s when a self-confident sense of Britishness was rapidly
eroding in the face of a receding empire and the prospect of economic union
with Europe. Nor is it surprising that historians of England, Scotland, Wales and
Ireland, while doffing their caps to Pocock’s British and archipelagic agenda, have
by and large remained historians of England, Scotland, Wales and Ireland. Not
only is British history as Pocock conceived it fiendishly difficult to write, but it
has none of the emotional or psychological traction that histories of the island’s
constituent parts continue to enjoy. And that in itself is a telling point in any
discussion of Britain’s future as well as its past.

Nonetheless, for historians of early modern Britain and Ireland, Pocock’s
archipelagic paradigm has posed a refreshing and immensely stimulating challenge.
At the same time, it has meshed and cross-fertilised with a frame of reference
that takes its cue from John Elliott’s conception of a Europe of composite
monarchies. A Europe, that is, made up of agglomerations of kingdoms and
principalities, owing allegiance to a single ruler as a result primarily of dynastic
inheritance. The Spanish monarchy, of which Elliott is the pre-eminent historian,
is the pre-eminent example, a composite of a range of Iberian kingdoms and
polities (Castile, Aragon, Leon, Catalonia and for a time Portugal) together with

4 J. G. A. Pocock, ‘British History: A Plea for a New Subject’, first appeared in the New Zealand
Journal of History, 8 (1974), pp. 3–21, and was reprinted in the Journal of Modern History, 47 (1975),
pp. 601–24. This seminal article, and his subsequent writings on the same theme, can be found in

5 On the place of British history in recent Scottish historiography, see L. Stewart, ‘Power and
Faith in Early Modern Scotland’, and K. Bowie, ‘Cultural, British and Global Turns in the History
of Early Modern Scotland’, Scottish Historical Review, 92 (2013), supplement: The State of Early Modern

Elliott acknowledges the importance to his own thinking of H. G. Koenigsberger, ‘Dominium regale or
dominium politicum et regale: Monarchies and Parliaments in Early Modern Europe’, in his Politicians and
Virtuosi: Essays in Early Modern History (London, 1985), pp. 1–25. For a more recent take on Britain
as a ‘dynastic agglomeration’, see J. Morrill, ‘Uneasy Lies the head that Wears a Crown’: Dynastic Crises
in Tudor and Stuart Britain, 1504–1746, Stenton Lecture, University of Reading (Reading, 2005).
A good example of this cross-fertilisation, which broaches some of the issues addressed here, is A. I.
Macinnes, ‘Politically Reactionary Brits? The Promotion of Anglo-Scottish Union, 1603–1707’, in
kingdoms and principalities in Italy and the Low Countries. But there are a range of other examples: Brandenburg-Prussia, Poland-Lithuania, Denmark-Norway, and of course Scotland-England, with the latter’s Welsh and Irish dependencies. For anyone interested in how contemporary Scots and Englishmen might have perceived the union of 1603, Elliott’s analysis provides much food for thought. For example, he quotes the seventeenth-century Spanish jurist, Juan de Solorzano Pereira, making an immediately pertinent distinction between two kinds of union. The first was what he called an ‘accessory’ union, a union whereby one territory was simply incorporated into and ruled in the same way as another territory, subject to its government and its laws. We might prefer the term ‘incorporating’ to ‘accessory’, and we might point in a British context (as does Elliott) to the incorporation of Wales into a greater English state by the Acts of Union of 1536 and 1543. Solorzano, however, identified another form of union, one that was not untypical of the sprawling Spanish monarchy, and that is a more appropriate way of characterising how 1603 was perceived, at least in Scotland. This he described in a Latin phrase as a union *aeque principaliter*, a union in which the parties were, literally, ‘equally important’, within which they were accorded parity of status and esteem, and within which they continued to be governed according to their own customs and traditions, their own ‘laws and liberties’. In this sort of multiple monarchy, as Jenny Wormald has put it, the ruler was certainly king of all, but he was also king of each. The tensions between these two forms of union, and their implications for the location of sovereignty, provide the framework for the following discussion.

II

In the immediate aftermath of 1603, in what looks like an excess of dynastic hubris, James VI and I famously proposed that Scotland and England be brought together in what he described to the English parliament in 1607 as ‘a perfect Union of Lawes and persons, and such a naturalizing as may make one body of both Kingdomes under mee your King’. Here, and in an earlier speech of 1604 on the same theme, he talked grandiloquently, if rather vaguely, of Scots and English uniting to form something other, and greater, than the sum of their parts. The new Britain, and his new British subjects, would subsume ancient ethnic identities and animosities in a new and presumably unitary British kingdom and nation. However, while he was able by royal prerogative to issue a new British coinage, to invent a new British flag (the union jack), and to adopt a new royal style (King of Great Britain, France, and Ireland, etc), he could not gain the

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approval of the English parliament even for these measures, let alone for the more sweeping union of laws, parliaments and perhaps even religious practices that he seems at times to have envisaged.9 Sir Edwin Sandys, leading the opposition to James’s British project in the English House of Commons, proposed that the most perfect union achievable was in effect an accessory union that would see Scotland incorporated, like Wales before it, into a greater England. But this, as Sandys well knew, would be much too much for the king, let alone his Scottish subjects, to stomach.10 For the Scots, a union *aeque principaliter*, in which they were accorded parity of status and esteem, and in which their local laws and liberties were guaranteed, was the only equitable solution: a union of the crowns but not the kingdoms.

In fact, as regards dynastic union, this had been the Scots’ default position for centuries. It was first articulated in the Treaty of Birgham of 1290, the treaty by which the heir to the Scottish throne, Margaret Maid of Norway, was promised in marriage to Prince Edward, son of Edward I.11 Similarly, it was central to the Treaty of Greenwich of 1543 by which Mary Queen of Scots was betrothed to Henry VIII’s son and heir, another Prince Edward.12 Neither of these marriages took place, but the negotiations surrounding them, and much of the history of Anglo-Scottish relations between these events, speak to the Scots’ fear of simple absorption into a greater England and the need to defend their ancient (albeit very ill-defined) ‘laws and liberties’.13 And this was hardly just Scottish paranoia. If English attempts to realise hegemony over the Atlantic Archipelago were sporadic and never wholly successful, they were nonetheless persistent. The Scots had only to look to Wales and Ireland to see where they stood when it came to the English crown’s aspirations – and they too had suffered from the English monarchy’s bullying imperialism and were continually challenged to counter the age-old claim that their kingdom was a dependency of the crown of England.14 Unlike Wales and Ireland, however, at least in their own eyes, the Scots had

11 For the critical clauses guaranteeing that ‘the rights, laws, liberties and customs of the kingdom of Scotland in all things and in all ways shall remain wholly and inviolably preserved’ and that ‘the kingdom of Scotland shall remain separate and divided from the kingdom of England’, see W. C. Dickinson, G. Donaldson and I. A. Fraser (eds), *A Source Book of Scottish History* (3 vols, London and Edinburgh, 1952–4), vol. 1, pp. 107–9.
12 According to the terms of the Treaties of Greenwich, Scotland was to ‘retain the name of kingdom and be called the kingdom of Scotland, with all its laws and lawful liberties of the same kingdom, as they have always been, from the beginning, rightly and continuously used and observed and approved in the same kingdom of Scotland’; ibid., vol. 2, pp. 123–4.
13 For an overview, see N. Macdougall, ‘An Antidote to the English’: *The Auld Alliance, 1295–1560* (East Linton, 2001); see also Ferguson, *Scotland’s Relations with England*.
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long since fought and won the right to be treated *aeque principaliter*. Indeed, just as England was an empire, its monarchs recognising no superior jurisdiction or authority, so too was Scotland—and both kingdoms boasted arched imperial crowns as symbols of their sovereign status. In Scottish eyes, therefore, there was no question of being incorporated as a vassal kingdom into a greater English one. They would not, to put it more fancifully, ‘accessorise’ the English body politic like a handbag or a pair of earrings. In 1604, one cautiously enthusiastic Scottish unionist, the lawyer John Russell, expressed concern that Scotland might lose its imperial status and end up simply as ‘a pendicle [a pendant] of England’. As he put it in terms that clearly affirm the principle of *aeque principaliter*:

> The said unioun to be mutuall and reciproque, not the translatioun of the estait of ane kingdome in ane uther, not of Scotland as subalterne to Ingland, quhilk is not unioun bot ane plaine discord, the ane to be principall, the uther accessor, the ane to command, the uther to obey—thairby ancienne Scotland to loss hir beautie for evir! God forbid!16

Russell was by no means alone in his understanding of the union of 1603 as one of equals, a partnership based on parity of status and esteem rather than a union in which Scotland was an accessory to England. In 1607, the Scottish parliament, alarmed at the way its English equivalent appeared bent on promoting an incorporating union, wrote to the king expressing grave concern that:

> . . . your Majesteis antient and native kingdome sould not be so disordourit and maid confusit by turneing of it, in place of a trew and friendlie Unioun, into a conquered and slavishe province to be governed by a Viceroy or Deputye, lyke suche of the King of Spaynes provinceis.17

Rightly or wrongly, Scots clearly viewed the Spanish monarchy’s practice of appointing viceroys to represent the crown in many of its dominions as

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17 J. H. Burton et al. (eds), *The Register of the Privy Council of Scotland, 1545–1625*, first series (Edinburgh, 1877–98), vol. 7, pp. 535–6. See also the Scots’ response to the establishment of a union commission in 1604 (*The Records of the Parliaments of Scotland to 1707*, ed. K. M. Brown et al. (St Andrews, 2007–14), 1604/4/20) where it was urged that any further union should not ‘prejudge or hurt the fundammentall lawes Ancient privilegís offices and liberties of this kingdome’, for any such hurt would mean that ‘it culd no moir be a frie monarchie’.
emblematic of conquest and incorporation.\textsuperscript{18} It was therefore incompatible with the idea of parity of status and esteem on which they believed any successful Anglo-Scottish union was to be founded. This was a view that long pre-dated the union of 1603. It had first been set out in detail by one of the most distinguished Scottish academics of the early sixteenth century, John Mair (or Major), logician, philosopher and theologian of the Sorbonne, who also turned his hand to history, publishing in Paris in 1521 his punningly titled \textit{Historia Maioris Britanniae tam Angliae quam Scotiae} (\textit{History of Greater Britain as well England as Scotland}).\textsuperscript{19} The pun on ‘Maior Britannia’– Mair’s Britain as well as Greater Britain – should remind us that Mair actually used ‘greater’ in a purely quantitative and geographical sense to distinguish Britain from Brittany (Britannia Minor or ‘Little’ Britain). It was only subsequently, though perhaps as early as the 1540s, that Great Britain acquired an additional qualitative dimension.\textsuperscript{20} Be that as it may, while Mair’s \textit{History of Greater Britain} is certainly a history of both England and Scotland, it would hardly pass as British history in a Pocockian sense. Rather it interleaves chapters on England with chapters on Scotland that together tell the story of the development of the separate kingdoms from their origins until the late fifteenth century.\textsuperscript{21} This was in itself an innovative enough approach to the history of the two British kingdoms, but still more remarkable is that Mair used the device of writing their histories in tandem as a platform for arguing the case for dynastic union between them. Critically, however, this union would be a union \textit{aeque principaliter}. Although Mair did not use that particular phrase, there is no question that in his eyes an Anglo-Scottish union could only be successfully accomplished if it was seen as a union of equals. He thus went to considerable lengths to refute the age-old English claim to feudal lordship over Scotland and to assert the Scottish kingdom’s ancient and continuous independence from foreign rule. In this respect, Mair built on the established tradition of historical writing in late medieval Scotland that was primarily concerned with demonstrating the original and continuing autonomy of Scottish kingship from English dominion. At times Mair appears to anticipate James VI and I in envisioning a future in which Scots and

\begin{itemize}
\item \textsuperscript{18} Similarly, unlike in the Spanish monarchy, the term ‘province’ was understood to mean some form of subordination that was incompatible with the idea of a union of equals, see J. H. Elliott, ‘Introduction’, in J. Arrieta and J. H. Elliott (eds), \textit{Forms of Union: The British and Spanish Monarchies in the Seventeenth and Eighteenth Centuries}, in Revista Internacional de Los Estudios Vascos, 5 (2009), pp. 1–176, at p. 15.
\item \textsuperscript{19} For the standard English translation, see J. Major, \textit{A History of Greater Britain}, ed. and trans. Archibald Constable, Scottish History Society (Edinburgh, 1892).
\item \textsuperscript{21} For this and what follows, see R. A. Mason, \textit{Kingship and the Commonweal: Political Thought in Renaissance and Reformation Scotland} (Edinburgh, 1998), ch. 2: ‘Kingship, Nobility, and Anglo-Scottish Union: John Mair’s \textit{History of Greater Britain} (1521)’ (originally published in the \textit{Innes Review}, 41 [1990], pp. 182–222).
\end{itemize}
English would somehow transform themselves into new Britons. Nonetheless, in considering the more immediate consequences of dynastic intermarriage, he was adamant that any union must be entered into on the basis of a partnership between two kingdoms of equal status.22

On the face of it, this is a quite reasonable position, and it is one to which mutatis mutandis the Scots might be said to have adhered, or at least aspired, from that day on: a union based on parity of status and esteem. But, as Mair recognised, this position is not as entirely unproblematic as it seems at first sight, and it is worth digressing briefly to consider what has been called, in recognition of Mair’s birthplace near Haddington, the East Lothian Question—that is, the question of how you make a union of equals work when the partners in that union are demonstrably unequal.23 We are now all too familiar with the West Lothian Question, shorthand for the range of constitutional anomalies that have arisen as a result of ‘asymmetric devolution’—a euphemism for the hand-to-mouth way in which the ramshackle British constitution developed in the late twentieth century.24 This created a situation in which Westminster devolved a range of different powers and jurisdictions to representative assemblies at Holyrood and elsewhere, while still functioning as both the UK parliament and, by default, an English parliament. As Tam Dalyell, then the MP for West Lothian, famously argued at an early stage in the devolution debates, this would mean that, while he as a Scottish MP at Westminster could vote on matters relating exclusively to England and Wales, he would have no say in matters affecting his own constituency that would be legislated on in Scotland.25

The question might most obviously be resolved by some form of federal constitution that formally separated an English Parliament from a UK one. Here, however, the anomalies of asymmetric devolution run up against the issue at the heart of the East Lothian Question—the harsh realities of the UK’s asymmetrical political geography. How can federalism be made to work in a multi-national state so obviously dominated by one of its constituent parts? Demography makes the challenge all too apparent: in 2011, of the total population of the UK, 53 million lived in England, 5.3 million in Scotland, 3 million in Wales and 2 million in Northern Ireland.26 In terms of population, England dwarves all three of its smaller partners and neighbours put together, by a ratio of more or less 5 to 1, while it has 10 times more inhabitants than Scotland alone. John Mair had no such precise statistical evidence at his disposal, but he was clearly aware of the disparities in population, wealth and resources between Scotland and England, and was the

22 Mason, Kingship and the Commonweal, pp. 49–52.
24 For the West Lothian Question in broader context, see V. Bogdanor, Devolution in the United Kingdom (Oxford, 1999), esp. pp. 227–34.
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first to raise the issue of how this might affect a union between them. It is one thing to acknowledge a problem, however, quite another to solve it. There is a sense in which the East Lothian Question—and the disparities in population and resources that lie behind it—haunted Anglo-Scottish relations in the early modern period just as they do today. In fact the disparities were not quite so pronounced then as they are now. England’s population in 1600 was around 4 million, rising to 5 million by 1700, while Scotland's was less than 1 million in 1600 and grew to around 1.2 million in 1700. Ireland, by contrast, appears to have grown more rapidly than either Scotland or England in the seventeenth century, doubling in size from 1 million to 2 million. Significantly, London at 190,000 was already big enough in 1600 to skew the entire English economy, and by 1700 it was at 550,000 among the biggest cities on the planet. The population of Edinburgh by comparison had grown from 15,000 in 1600 to at most 40,000 in 1700—much less than a tenth of the size of the English capital—and while London accounted for well in excess of 10% of the English population, Edinburgh comprised less than 5% of Scots. While the Scottish and English populations may have grown at more or less the same rate in the seventeenth century, the growth of the English economy—and the overseas trade on which London’s phenomenal expansion was based—far outstripped the growth of Scottish trade and the Scottish economy.

This is a point to which we must return. For now, however, having laid bare the significance of the East Lothian Question, it is worth considering the seventeenth-century debates about Britain in the light of it. Two general points, one the reverse of the other, become immediately apparent. Firstly, debating Britain was a disproportionately Scottish activity. For most seventeenth-century English people, the difference between England and Britain was little more than a semantic quibble. It is true that much of the opposition to James VI and I’s plans for closer union focussed on his change to the royal style which, it was claimed, would invalidate laws and treaties that ran in the name of the English monarchy. Yet, if this was anything more than a pretext, it spoke to English discomfort at having the easy elision between Anglia and Britannia challenged and having to confront the fact that, within the new Stuart multiple monarchy, Britain might be something other than an enlarged England. Once James’s initial unionist fervour abated, however, so too did English concern about the language of Britain. It was the Scots who followed the king in insisting that it must mean something other and greater than the sum of its parts. Steve Murdoch has pointed out that

27 The early chapters of Book I of his History (pp. 5–49) provide a description of England and Scotland in which these disparities are frequently highlighted.

28 Pre-modern population statistics are notoriously imprecise, and all these figures are more or less approximate; however, they are robust enough to convey a sense of the disparities in demographic growth. For a concise overview, see R. A. Houston, The Population History of Britain and Ireland, 1550–1750 (Cambridge, 1995), esp. pp. 16–20. By 1700 London had outstripped Paris and Amsterdam, though Asian cities such as Edo (Tokyo) may have rivalled it in size. See P. Clark (ed.), The Oxford Handbook of Cities in World History (Oxford, 2013). I am grateful to Prof Rab Houston for advice on this topic.
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the term Anglo-Britannus was much more frequently used in the seventeenth century than has hitherto been recognised, especially by those who wished to identify themselves with the Stuart dynasty. Nonetheless, Scoto-Britannus (and even Cambro-Britannus) appear much more common, just as in the eighteenth-century North Briton became common parlance while South Briton was much more rarely used.29

What this points towards is the unsurprising conclusion that the Scots were much more aware of being part of a multiple monarchy than the English, and much more concerned about making it work in a way that neither disadvantaged themselves nor compromised their kingdom’s autonomy and identity. The reverse of this, the other side of the same coin, was that the English were for the most part wholly indifferent to the implications of union and multiple monarchy, and when occasionally prodded out of their indifference their default attitude was at best condescension and at worst outright hostility. When the anonymous author of an infamous Discription of Scotland, printed in the Netherlands in 1626, wrote that the country was ‘too good for those that inhabit it, and too bad for others to be at the charge of conquering it’, he was expressing a view that was probably shared by many of his countrymen.30 They had accepted, grudgingly, the accession of a Scottish king to the English throne—the alternative was in all probability a war of the English succession—but they had no further interest in a country that offered far fewer economic and social opportunities than Ireland, where ambitious Englishmen had traditionally gone to make their fortunes. No further interest, that is, unless or until Scotland posed a threat to English security. As will become clear, at critical moments—including the years prior to 1707—this proved compelling and decisive.

III

In the light of this, what is most surprising about seventeenth-century Britain is not that multiple monarchy was subject to all kinds of stresses and strains, to the point where in the 1640s it completely collapsed, but that despite the acute destabilisation brought about by what we now call the Wars of the Three Kingdoms, the union of Scotland and England survived. By way of comparison, in 1580 Portugal entered into a dynastic union with Castile, becoming part of the Habsburg’s vast composite monarchy, but in 1640, when the Spanish


30 A Discription of Scotland (n.p., 1626); reissued as A Perfect Description of the People and Country of Scotland (London, 1659). This scurrilous pamphlet had wide circulation in manuscript as well as print, but its attribution to the courtier, Sir Anthony Weldon, has been challenged: see J. Marshall and S. Kelsey, ‘Weldon, Sir Anthony (bap. 1583, d.1648)’, ODNB [http://www.oxforddnb.com/view/article/28988, accessed 9 March 2014].
monarchy similarly succumbed to unsupportable internal and external pressures, Portugal found itself a new royal dynasty and successfully re-asserted its status as a wholly independent kingdom.31 This, or so it appears, was never an option that the Scots considered with any seriousness—and it is worth asking why this was so.

One obvious reason for cleaving to the Stuart line, and thus to continuing the regal union, was the lack of any credible alternative. It is hard to imagine that any other Scottish noble family, even one with royal blood flowing through their veins (those perennial bridesmaids the Hamiltons come to mind), could have ascended the throne without plunging the country into internecine civil strife. But there is also a more positive if paradoxical reason: that is, the fact that the Stuart dynasty had come to be the most powerful symbol and guarantor of Scottish autonomy and identity. The reigning Stuart monarch was the living embodiment of Scotland’s status as the most ancient kingdom in Europe, lineally descended from Fergus I who (the Scots insisted) had founded the kingdom in 330 BCE and from whom had sprung an unbroken line of over 100 kings.32 When Charles I made his royal entry into Edinburgh in 1633, part of the lavish spectacle laid on for him was a triumphal arch decorated with the portraits of 107 of his forebears.33 The continuing symbolic potency of the line of kings is suggested by the similar series that still hangs in Holyrood Palace, painted between 1684 and 1686 by a Dutch artist, Jacob de Wett, for Charles II and his brother James Duke of York, the future James VII and II.34 This was not just an exercise in royal vanity any more than it was one of proto-Jacobite nostalgia (though the portraits were badly damaged by Hanoverian troops billeted at Holyrood in the wake of the ’45 rebellion). For George Mackenzie of Rosehaugh, for example, the doyen of Scottish Restoration royalists, the antiquity and continuity of the Fergusian line

34 According to De Wett’s contract, he was to make his portraits ‘like unto the Originals which are to be given to him’, perhaps an allusion to Jamesone’s earlier series: ‘The Contract with James Dewitte, Painter, for the Portraits of the Kings of Scotland in the Palace of Holyrood’, Bannatyne Miscellany III, Bannatyne Club (Edinburgh, 1855), pp. 327–38. Only 89 of the original 110 portraits survive.
was as important in refuting English claims to lordship over Scotland as it was in
defending indefeasible hereditary right.\textsuperscript{35} For Mackenzie, as for the generality of
seventeenth-century Scots, the line of kings was proof positive of their status as
an independent kingdom, and thus critical validation of their right to be treated
\textit{aeque principaliter} within the Stuarts’ multiple British monarchy.

This was true, paradoxically but revealingly, even when the Stuart king in
question was not only an absentee—a critical factor in shaping the politics of
multiple monarchy—but was as Anglicised and authoritarian as Charles I. If most
Stuart monarchs rode roughshod (or allowed their servants to ride roughshod)
over local laws and liberties, whether Scottish, English or Irish, none did so
quite as deliberately and systematically as the sainted royal martyr Charles I.\textsuperscript{36} Yet
when Oliver Cromwell finally took the law into his own hands, orchestrating
the king’s trial and execution in 1649 for crimes against the commonwealth
and reinventing England as a republic, the Scottish reaction was immediately to
proclaim the king’s son and heir, Charles II, king of Great Britain, France and
Ireland.\textsuperscript{37} It is an interesting question what Cromwell would have done had the
Scots simply proclaimed Charles II king of Scots. Strategic imperatives, however,
dictated that an independent Scottish monarchy, still less a Stuart monarchy with
British pretensions, could not be allowed to subsist on England’s northern border.
When not deluded by religious zeal, there was a brutal pragmatism, even honesty,
about Cromwell. There was never any doubt in his mind that England was or
should be the dominant polity in the Atlantic Archipelago. However, he clearly
distinguished between Ireland as a conquered and colonised dependency and
Scotland as something more akin to an irritating satellite that if not brought to heel
would pose a serious threat to the security of the English republic.\textsuperscript{38} The solution
to his Scottish problem was military conquest, accomplished with considerable
efficiency, and the forcible incorporation of Scotland into an enlarged English
republic. There was nothing pretty about this form of accessory union. Yet it was
not without a cosmetic dimension. Cromwell had no interest in the language of
Britain, but the 1654 Ordinance for Uniting Scotland into one Commonwealth
with England does describe him as ‘Lord Protector of the Commonwealth of
England, Scotland, and Ireland, &c’—a somewhat disingenuous allusion to a

\textsuperscript{35} See his \textit{A Defence of the Antiquity of the Royal Line of Scotland} (London, 1685) and \textit{The Antiquity of
the Royal Line farther Cleared and Defended} (London, 1686).

\textsuperscript{36} There is unusual agreement among historians over Charles I’s kingship. For an attempt to
overturn the consensus, see M. Kishlansky, ‘Charles I: A Case of Mistaken Identity’, \textit{Past & Present},
189 (2005), pp. 41–80; and for its limited success, the responses of Clive Holmes, Julian Goodare and

\textsuperscript{37} Charles was proclaimed king on 5 Feb. 1649, though his coronation did not take place until
1 Jan. 1651; see A. I. Macinnes, \textit{The British Revolution, 1629–1660} (Houndsmill, 2005), pp. 189–92;
D. Stevenson, \textit{Revolution and Counter-Revolution in Scotland, 1644–51}, revised edn (Edinburgh, 2003),
pp. 110–11, 165.

\textsuperscript{38} D. Stevenson, ‘Cromwell, Scotland and Ireland’, in J. Morrill (ed.), \textit{Oliver Cromwell and the
multiple republic rather than simply an enlarged English one. The reality was that, in a concession to their erstwhile independence, the Scots were generously admitted to the benefits of England’s much vaunted laws and liberties—albeit laws and liberties now savagely attenuated by military rule—and allotted 30 seats in a parliament which Cromwell was prone simply to dissolve when it failed to meet his expectations of it.

IV

Cromwell is frequently said to have bestowed two further benefits on the Scots. The first, free trade with England, is one to which we must return in a moment. The second was what he understood as religious toleration. So far religion has barely figured in this discussion. This has been quite deliberate as religious issues have a tendency to dominate our perceptions of the seventeenth century and it is salutary now and again to approach things from a different perspective. For contemporaries, however, the distinction between politics and religion would have seemed strained and artificial and for the historian of the period there does come a point when religion simply cannot be ignored any longer. In fact, the union of 1603 was often construed in religious terms, not least by James VI and I himself, as the fulfilment of a providential scheme, a divine plan to create a Protestant Britain that would be safe from the corrupting depredations of continental Catholicism. James resisted the messianic view of his role as the leader of the forces of Christ in the final battle with the Antichrist, but this did not prevent some of his subjects, Scots and English alike, from continuing to think in these terms—and suffering continuous disappointment. A combination of Protestantism and Britain’s geographical isolation did help to incubate a common Anglo–Scottish religious culture—one that excluded and demonised the Catholic Irish—that at least at a superficial level promoted the kind of pan-British unity


40 Cromwell’s ambivalent attitude to, and fraught relationship with, parliament is examined in detail in P. Little and D. L. Smith, *Parliament and Politics During the Cromwellian Protectorate* (Cambridge, 2007).


that King James was initially so keen on. Nevertheless, while recognising the development of a common Protestant culture, we must also acknowledge that there was a wide variety of Protestantisms, and that post-Reformation Britain was as much divided by its common faith as it was united. Scots and English might make common cause against the Catholic Antichrist, but that was in many instances the limits of their agreement.

It is easy, but an over-simplification, to see these differences in purely national terms. It is certainly the case that by 1603 the English church and Scottish kirk had developed divergent liturgical practices as well as distinct ecclesiastical organisations. It is also true that it was precisely the Scots’ perception of Charles I as attempting to ‘Anglicanise’ the church in Scotland that crystallised the opposition against him and led to the outbreak of the Covenanting Revolution in 1638. Nonetheless, in this context, the extent to which either James or Charles was intent on ecclesiastical convergence and ultimately uniformity across their three kingdoms is less important than the fact that Charles’s brand of ‘high church’ Anglicanism was as alien and objectionable to many of his English subjects as it was to his Scottish ones. The Wars of the Three Kingdoms did not so much pit nation against nation as pit an increasing variety of religious truth claims against each other—and with them competing visions of how a godly commonwealth should be defined and organised. It was not just religious hubris, therefore, or a wilful misapprehension of English Protestantism, that led Scottish presbyterians to believe that Charles’s parliamentary opponents in England shared their vision of a presbyterian Britain. Laudian episcopacy and Arminian theology were, after all, deeply unpopular in both kingdoms. Initially, however, it was the Scots who

46 P. Collinson, Richard Bancroft and Elizabethan Anti-Puritanism (Cambridge, 2013), p. 220, observes that: ‘Contrary to what most historians have believed, Presbyterianism had not vanished without trace, to reappear miraculously in the early 1640s.’ For a recent attempt to excavate the continuities of an English presbyterian tradition, see P. Ha, English Presbyterianism, 1590–1640 (Stanford, CA, 2011); more broadly, on cross-border religious affiliations, see the essays in R. Armstrong and T. Ó hAnnracháin (eds), Insular Christianity: Alternative Models of the Church in Britain and Ireland, c.1570–c. 1700 (Manchester, 2013).
made the running. The years between 1638 and 1643, between the National Covenant and the Solemn League and Covenant, were years when the Scots called the British shots in a way that they had never done before and would never do again. They were years too when Scottish presbyterians succeeded not only in entrenching their religious views as somehow intrinsically Scottish, but also – and crucially – in linking them to a political revolution that challenged the sovereignty of the crown and redefined it in constitutional terms. The parliamentary sessions of 1640 and 1641 saw the passage of a raft of legislation – including a Triennial Act and statutes requiring parliamentary approval of all officers of state, privy councillors and lords of session – that made it impossible for the monarch to rule without consultation and consent. The Covenanters, and the Covenants themselves, loudly proclaimed their loyalty to the Stuart monarchy; but it was a Stuart monarchy shorn of the pretensions to absolute sovereignty that had accompanied James VI to London in 1603. Long and uninspiring though the text of the National Covenant may be, its tedious recapitulation of the parliamentary acts that favoured a presbyterian polity gave Scotland’s ‘laws and liberties’ a statutory substance that they had hitherto lacked. Moreover, in seeking to legitimise and entrench their defence of a presbyterian kirk, the Covenanters had legislated into existence a constitutional monarchy in which sovereignty was not so much shared between the crown and the parliament to which it was accountable as shifted emphatically into the latter’s hands.

This Scottish constitutional monarchy was established in the context of a multiple British monarchy in which Scotland’s status as aeque principaliter was apparently accepted by English parliamentarians desperately in need of the Scots’ military assistance. In the wake of their own constitutional revolution of 1642, which saw Charles I’s sovereignty similarly compromised and constrained, both parties were keen to show a united front in the face of a royalist backlash. It is often said (following Robert Baillie) that the 1643 Solemn League and Covenant that resulted was understood by its English proponents as a civil league and by its Scottish promoters as a religious covenant. But this underestimates both the extent to which the English parliamentarians were sympathetic to presbyterianism and the extent to which Scottish Covenanters were committed to constitutional

49 ‘The English were for a civil League, we for a religious Covenant’: R. Baillie, Letters and Journals, 3 vols, Bannatyne Club (Edinburgh, 1841–2), vol. 2, p. 90.
monarchy—or, perhaps more accurately, to a multiple monarchy in which the crown was accountable to a parliament in each kingdom. The Solemn League and Covenant was rooted in ideas of religious uniformity on a Scottish model, but it also committed its signatories ‘to preserve the Rights and Priviledges of the Parliaments, and the Liberties of the kingdoms’ in a union that, at least from a Scottish perspective, was unambiguously \textit{aeque principaliter}.\footnote{For the text of the Solemn League and Covenant, see \textit{Source Book of Scottish History}, vol. 3, pp. 121–5. On the Covenanters’ attitude to union, see D. Stevenson, ‘The Early Covenanters and the Federal Union of Britain’, in Mason (ed.), \textit{Scotland and England}, 1286–1815, pp. 163–81. Cf. Macinnes, \textit{Union and Empire}, pp. 67–73, who argues that ‘confederal’, implying no pan-British legislative or executive body, is a more appropriate term than ‘federal’ which (at least in its later usage) does imply the existence of such bodies. Macinnes’s understanding of ‘confederal’ union can be closely aligned with the idea of union \textit{aeque principaliter} discussed here.} Such hopes and aspirations as the Solemn League and Covenant embodied, however, were rapidly overtaken by events and, in the course of the next few years, the emergence of Oliver Cromwell and the New Model Army countered and then destroyed the military advantage that the Covenanters had initially possessed. As we have seen, in the wake of the king’s execution in 1649, Cromwell first subdued Ireland through savage military reprisals and then secured Scotland, and the English republic’s northern frontier, by military conquest. In religious terms, Cromwell was as ill disposed towards presbyterianism as he was towards episcopacy; both stood for the kind of repressive clericalism that he as an Independent found utterly abhorrent.\footnote{For a recent reappraisal, see I. Gentles, \textit{Oliver Cromwell: God’s Warrior and the English Revolution} (Basingstoke, 2011), esp. ch. 7: ‘Twice Born Oliver’; see also J. Morrill, ‘Cromwell, Oliver (1599–1658)’ \textit{ODNB} [http://www.oxforddnb.com/view/article/6765/accessed 20 February 2014].} However, while presbyterian Scotland was much less offensive than Catholic Ireland, Cromwell’s attempts to introduce liberty of conscience for what the Scots denounced as ‘sectaries’ had very little impact. Scottish presbyterians bickered and fissured amongst themselves, allowing Independents and Quakers some space to flourish; but there was no equivalent in Scotland of the explosion of religio-political sects – Levellers, Diggers, Muggletonians and the like – that we associate with Cromwellian England.\footnote{See R. S. Spurlock, \textit{Cromwell and Scotland: Conquest and Religion}, 1650–1660 (Edinburgh, 2007).} 

Cromwell’s religious innovations, then, had little impact on Scotland. Indeed, the restoration of the monarchy in 1660 saw the restoration of episcopacy along with an Anglo-British royal court that acted—as it had before ‘The Troubles’—as the hub of the Stuart multiple monarchy. As a condition of his coronation as King of Great Britain in 1651, Charles II had been obliged to sign both the National Covenant and the Solemn League and Covenant, in effect acknowledging the contractual nature of monarchy. At the Restoration the contract was torn up and both the National Covenant and the Solemn League and Covenant were declared illegal.\footnote{For this and what follows, see J. Buckroyd, \textit{Church and State in Scotland, 1660–1681} (Edinburgh, 1980); and G. MacIntosh, \textit{The Scottish Parliament under Charles II, 1660–1685} (Edinburgh, 2007).} The Act Rescissory of 1661 annulled the legislation of 1640–1 by which
the Covenanters had emasculated the crown’s sovereignty and, while parliament continued to play a role in government, it was a parliament whose members were subject to an oath of allegiance to the crown (and its prerogative powers), that was subject to the managerial control of the committee of the articles, and that had no say in the appointment of royal office-holders. The sovereignty of the crown was thus restored, its supreme power over matters spiritual as well as temporal recognised through the restoration of episcopacy in 1662 and by the formal promulgation of an act of royal supremacy in 1669.54

This deeply conservative settlement was given ideological backing through the deployment of an aggressive royalism that, while perhaps more deeply rooted in Scottish political thought than is commonly acknowledged, did nonetheless adopt an unprecedentedly hostile attitude to dissent in general and religious dissent in particular.55 Scottish historiography has traditionally focused attention on the suffering of the persecuted presbyterians that was the result of this policy and that sparked the Pentland Rising of 1666 and the insurrection that followed Archbishop James Sharp’s assassination in 1679.56 However, the political elite under Charles II, unlike their counterparts under Charles I, had no stomach for rebellion and without their support such uprisings had little prospect of success. Recent historians, placing these events in the context of a Stuart multiple monarchy, have illuminated the ways in which the ecclesiastical establishments of Scotland, England and Ireland interacted with each other as well as the crown in their efforts to stem dissent and maintain stability within and between the three kingdoms.57 It has also been noted how Charles II was able to play one parliament off against another, as in 1681 during the Exclusion Crisis when the king’s brother and heir to the throne, the openly Catholic James, Duke of York, in order to discomfit the crown’s whig opponents in England, presided in person over a Scottish parliament that passed a series of measures ensuring his

For a wider British perspective, see T. Harris, Restoration: Charles II and His Kingdoms 1660–1685 (London, 2005).

54 For these and other statutes defining the Restoration Settlement, see Source Book, vol. 3, pp. 152–60.


succession and entrenching royal and episcopal authority. There were of course exclusionists in Scotland too, but the rebellion led by the Earl of Argyll against the succession of James VII and II in 1685 was even less effective than that of the Duke of Monmouth in England. Nonetheless, if the new monarch thought he could continue to rely on a compliant Scottish parliament as a counterweight to a cantankerous English one, he was quickly disabused. In 1686, his attempt to introduce statutory toleration for his co-religionists was rebuffed and, as in England, his subsequent use of the royal prerogative to achieve his aims, effectively reasserting the absolute authority of the crown, proved his undoing. It is true that the Revolution against James VII and II of 1688–9, unlike that against his father between 1638 and 1642, was driven largely by his opponents in England rather than Scotland. However, as we shall see, the Revolution Settlements—the plural is surely appropriate—served to entrench the idea that the monarch was king of all but king of each, while paradoxically rendering a union *aeque principaliter* an increasingly threadbare reality, not least when issues of trade and commerce were at stake.

V

In his discussion of composite monarchy, John Elliott observed, with reference to Scotland and England, that ‘the possession of overseas empire by one party to a union encouraged it to think in terms of domination and subordination in a way that militated against the whole conception of a composite monarchy united *aeque principaliter*. It was suggested above that a critical innovation introduced by Cromwell was free trade between Scotland and England. This had been a much-debated issue in the years after 1603 but had fallen foul of English merchants concerned that it might threaten their commercial dominance. When Cromwell did finally create a British free trade zone in the 1650s the Scottish economy was in such a parlous state that it seems to have had minimal impact—and, in any event, trade barriers were re-imposed at the Restoration when Scotland was subject to the Navigation Acts passed by the English parliament in 1660, 1663 and 1673. The Scottish parliament retaliated in kind, but it had less to protect than its English counterpart, and the landed and mercantile elite of Charles’s northern kingdom was clearly profoundly concerned with how Scotland’s economy might

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be developed in what were increasingly adverse circumstances. The growth of commercial empires, French, Spanish, Dutch and English, all based on mercantilist principles, was gradually squeezing the Scottish economy, and posing the East Lothian Question in ever more acute and uncomfortable ways. Some recent historians of the union of 1707 have challenged the orthodox view that Scotland’s declining trade and stagnant economy were critical factors in determining the outcome of these negotiations. Yet, just as the contribution of privateering, smuggling, tax evasion and tramping to circumventing the English Navigation Acts and promoting the kingdom’s commercial development is impossible to document, so the desire of the Scottish elite for access to England’s domestic and colonial markets is impossible to deny. In 1668, for example, the Scots attempted to negotiate such a commercial union, only to be rebuffed on the grounds that, while Scotland and England shared a monarch, the American colonies were English property and the English parliament had every right to exclude the Scots from its commercial benefits. As Clare Jackson has recently argued, this prompted the Scots in 1670 to propose a form of union that was strikingly similar to the basic terms hammered out in 1707: the creation not only of unitary British kingdom (and thus the extinction of a separate Scottish parliament) but also of a commercial empire (and free trade zone) encompassing the entire British Isles as well as the British monarchy’s colonial dependencies. That it did not happen in 1670 but that it did in 1707 can be put down, crudely, to one key difference. In 1707 Scotland posed a threat to English security while in 1670 it did not.

As is well known, the Scots’ attempts to develop their own commercial empire, perfectly aligned with the principle of *aeque principaliter*, began in the 1620s with the abortive plan to establish a colony in Nova Scotia (a New Scotland to complement New England) and ended in the 1690s with the catastrophic failure of the Darien scheme in Panama. In the latter case in particular, the Scots found

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64 On these strategies and their possible implications, see Macinnes, *Union and Empire*, pp. 46–7.

65 C. Jackson, ‘The Anglo–Scottish union negotiations of 1670’, in T. Claydon and T. Corns (eds), *Religion, Culture and National Community in the 1670s* (Cardiff, 2011), pp. 36–65. A sticking-point in the negotiations was Scottish representation in a British parliament. Initially set at 30, the talks collapsed when Lauderdale proposed that the Scots should have the same representation in the new parliament as they did in their own. It is hard to see this as anything other than a wrecking motion, and it has been suggested that the negotiations were essentially a feint to distract attention from Charles II’s dealings with Louis XIV over the secret Treaty of Dover. See Macinnes, *Union and Empire*, pp. 83–5; Ferguson, *Scotland’s Relations with England*, pp. 154–7.

themselves at odds with the vested interests of the British crown and the English parliament and what began as a commercial investment was transformed into a patriotic crusade. Crucially, however, the Darien debacle was played out against a political and constitutional backdrop that had been radically transformed by the Revolution of 1688–90. As hinted already, there was much more to this than the replacement of the main line of the Stuarts, now openly Catholic, with a cadet but Protestant branch represented by that curiously composite monarch, William and Mary, and subsequently by the childless Mary’s sister, Anne. The Revolution Settlements of 1689 – epitomised by the English Declaration of Right and the Scottish Claim of Right – not only excluded Catholics from the royal succession but made it impossible for the monarch to rule without recourse to parliament. In effect, the ‘Revolution Principles’ first articulated in Scotland in the Covenanting Parliaments of 1640–1 were reasserted and, further entrenching their association with constitutional monarchy, Scottish presbyterians seized the opportunity to regain control of the Scottish kirk, a control that they never subsequently lost.67 Significantly, however, for all but a few die-hards, the National Covenant and the Solemn League and Covenant were no longer the basis of a Scottish – and potentially British – constitutional monarchy. Religious uniformity across the Stuart kingdoms was no longer on the agenda and, if the Revolution Settlement hardly inaugurated an era of religious tolerance, it did signal acceptance of a basic Protestant pluralism – the Scottish and English churches were both given statutory recognition by the crown.68 Partly for this reason, the constitutional revolution of the early 1690s, while it certainly pitched Williamites against Jacobites, and presbyterians against episcopalians, did not lead to the collapse of

67 On the relationship between the settlement of 1689–90 and the legislation of 1640–1, see J. R. Young, ‘The Scottish Parliament and the Covenanting Heritage of Constitutional Reform’, in A. I. Macinnes and J. Ohlmeyer (eds), The Stuart Kingdoms in the Seventeenth Century: Awkward Neighbours (Dublin, 2002), pp. 226–50. In so far as it neither deprived the crown of the right of appointment to royal offices and the judiciary nor stipulated that parliament must be called every three years (they were simply to be called ‘frequently’), the 1689 settlement was less radical than that of 1640–1, though the exigencies of war made it impossible for William to rule without recourse to his parliaments. Much is often made of the contrast between the English claim that James II had abdicated the throne and the Scottish assertion that James VII had ‘forfaught’ it. While the latter is certainly more suggestive of contractual monarchy than the former, the key to both settlements was the limitations imposed on the use of prerogative powers and thus the establishment of a constitutional monarchy limited by law. Fuller consideration of these themes will be found in J. Halliday, ‘The Club and the Revolution in Scotland 1689–90’, Scottish Historical Review, 45 (1966), pp. 143–59; T. Harris, ‘Reluctant Revolutionaries? The Scots and Revolution of 1688–89’, in H. Nenner (ed.), Politics and the Political Imagination in Later Stuart Britain (Rochester, NY, 1997), pp. 97–117.

the Stuart multiple monarchy as it had in the 1640s. What it did do, however, was to expose as never before the political ramifications of its glaring asymmetry. For, just as sovereignty was no longer vested exclusively in the person of the monarch, so it was shared by two competing parliaments.\textsuperscript{69}

It is a commonplace that the sovereignty of the crown-in-parliament, whatever its earlier origins, was fixed in English constitutional law by the terms of the Revolution Settlement. It is very rarely acknowledged, however, that the Revolution Settlement had the effect of vesting sovereignty in a plurality of parliaments shared with a single crown.\textsuperscript{70} King William himself, though less concerned with constitutional anomalies than with military and diplomatic imperatives, was not surprisingly a staunch advocate of incorporating union, a stance he bequeathed to his successor, Queen Anne. Some Scots were also persuaded of the advantages of incorporating union. In 1689, the whig dominated Scottish convention, desperate to protect their newly-won political and religious liberties, went so far as to propose that ‘as both kingdoms are united in one head and sovereign so they may become one body politic, one nation to be represented in one parliament’.\textsuperscript{71} But the English parliament failed to reciprocate and, with the crown’s control over both parliaments now considerably weaker, the two institutions found themselves pulling in different directions as Scottish and English interests diverged in the course of the next decade. Scotland’s continued exclusion from England’s colonial trade, and the foundation of the Company of Scotland Trading to Africa and the Indies, the sponsor of the Darien scheme, is ample testimony to these tensions. And it was perhaps inevitable that tensions would escalate into a major constitutional crisis when the English parliament could so readily prevail on the British monarch to exercise sovereignty in a way that over-rode the wishes of its Scottish counterpart. What brought this to a head was the issue of the royal succession and the English parliament’s decision in 1701, following the death of Anne’s last surviving child the previous year, to forestall any future disputes by vesting it in the House of Hanover. The increasing likelihood, and subsequent reality, of a renewal of war with France (a war that was, generally speaking, very much against Scotland’s interests) lent the issue unprecedented urgency. By the same token, it gave the Scottish parliament leverage, the opportunity to seek redress for the grievances that had been building up over the previous decade, and, in effect, to re-negotiate the terms of the British union. Unlike in 1670 or 1689, on this occasion they had England’s


\textsuperscript{71} RPS, 1689/3/159: ‘Letter from the Estates to the King’s Majesty’; Whatley, \textit{Scots and the Union}, pp. 90–2.
full attention. An independent Scotland, allied to France, was a nightmare scenario that neither the crown and its London administration—nor, indeed, their whig-presbyterian allies in Scotland—could tolerate. The constitutional consequences of the Revolution Settlements—the sovereignty of the crown—in-a-plurality-of-parliaments—had reached a dangerous impasse.

The settlement of 1707 was in this perspective an act of force majeure by which the British crown and the English parliament answered the East Lothian Question, and destroyed the fiction of union aequae principaliter, by insisting that the Scottish parliament vote itself out of existence—by insisting that, forcibly if necessary, any rival to the sovereignty of the crown-in-the-English-parliament was neutralised. It is perhaps a measure of the urgency of the situation that the London government was prepared to make wholesale concessions to ensure Scottish compliance. The illusion that this was a treaty between two sovereign powers, that a new kingdom of Great Britain had been created, that the addition of a small number of Scots to the new British parliament (45 MPs and 16 lords) would radically alter its rootedness in English legal and parliamentary traditions—all this served to disguise a union that incorporated Scotland into an English body politic as surely as Cromwell’s Ordinance of 1654. There was undoubtedly a cadre of Scottish whig-presbyterians who had a principled commitment to the creation of a unitary British state and Christopher Whatley has done a great deal to uncover the continuities of personnel and principle between the incorporationists of 1689 and those of 1707. For most, however, incorporating union was a pis aller, an outcome which was becoming impossible to avoid without bloodshed, but from which some pride and dignity (and financial compensation) might still be salvaged. For this was by no means a fully incorporating union—Scotland was not entirely ‘accessorised’. Its presbyterian kirk and distinct religious culture, its legal establishment and the whole paraphernalia of local franchise courts, its universities and education system, these were all guaranteed either in the treaty itself or (crucially in the case of the kirk) by separate legislative enactment. And of course free trade with England and its colonies was granted along with hefty compensation—a substantial financial inducement—for losses sustained through the ill-fated Darien venture.


This article began by suggesting that, while 1707 is certainly an important date in the history of Scotland’s relations with England, it was by no means the beginning of the debate—or the negotiations—over the nature of the British union. What one might now argue, in the light of the foregoing, is that 1707 marked the end of the Stuart multiple monarchy and of any attempt to construct ways of governing such a monarchy on the basis of parity of status and esteem. Subsequently, any attempts to re-assert Scotland’s status aequo principaliter—not least nineteenth- and twentieth-century moves towards ‘home rule’—ran up against the increasingly entrenched doctrine of the sovereignty of a UK parliament that was predominantly English. This Diceyan understanding of parliamentary sovereignty has now been tested as never before.74 What has been characterised here as the East Lothian Question—the issue of the UK’s asymmetrical political geography—was to some extent addressed by devolution; but asymmetric devolution gave rise in turn to the serious anomalies summed up in the West Lothian Question. The referendum on Scottish independence was by definition a direct challenge to the idea of parliamentary sovereignty—and the Scottish National Party astutely spun an engaging narrative that deeply embedded notions of popular sovereignty in the Scottish past, creating a pseudo-history of Scottish constitutional exceptionalism that is no less attractive for being largely fabricated.75 The outcome of the referendum, while numerically a clear victory for a British union, has paradoxically revealed intense dissatisfaction with the nature of that union throughout the UK, raising the issue of where sovereignty lies, and who wields it, in ways that are reconfiguring the constitutional conundrum—familiar enough to seventeenth-century Britons—of how to manage a partnership of unequal equals.

One of the most vocal opponents of the 1707 union, Andrew Fletcher of Saltoun, has long been appropriated to the nationalist cause. A true son of


75 Ironically the SNP withdrew from the Scottish Constitutional Convention of 1989 that, conscious of the tercentenary of the Glorious Revolution, issued a Claim of Right asserting ‘the sovereign right of the Scottish people to determine the form of Government best suited to their needs’. Nonetheless, the Claim of Right, and its alleged precedents reaching back to the Declaration of Arbroath of 1320, are now staples of SNP rhetoric. See, e.g., the Scottish government’s Scottish Independence Bill: A Consultation on an Interim Constitution for Scotland (Edinburgh, 2014), whose fundamental premise—‘In Scotland, the people are sovereign’—is backed by the assertion that: ‘Sovereignty of the people was clearly set out as early as the Declaration of Arbroath in 1320, refined in the writings of George Buchanan in the late 16th century, declared in Scotland’s first claim of Right in 1689 and proclaimed again for modern Scotland by the Constitutional Convention of 1989’. For a critique of this perspective, see R. A. Mason, ‘Beyond the Declaration of Arbroath: Kingship, Counsel and Consent in Late Medieval and Early Modern Scotland’, in S. Boardman and J. Goodare (eds), Kings, Lords and Men in Scotland and Britain, 1300–1625: Essays in Honour of Jenny Wormald (Edinburgh, 2014), pp. 265–82.
East Lothian, however, he was no Scottish separatist. His opposition to an incorporating union, like his answer to the East Lothian Question, was altogether more imaginative. Acutely conscious of the disparities of wealth and resources between Scotland and England, and deeply concerned at the malign influence exerted by London’s commercial dominance, Fletcher was a keen supporter of the Darien venture and invested heavily in its success. Its failure, and the role of the British monarch and the English parliament in ensuring this, fuelled his opposition to incorporating union while reinforcing his commitment to imposing strict ‘limitations’ on royal authority that echo those imposed on Charles I in 1640–1. But Fletcher’s vision of union went far beyond the conventional Scottish commitment to union aequae principaliter. Driven by an over-riding fear of universal monarchy, whether Habsburg, Bourbon or Stuart, he proposed the creation of a Britain—indeed, a Europe—in which notions of national and monarchical sovereignty would be redundant. But this was a vision of a confederation of the regions, each organised on republican principles, and all imbued with classical republican values, which had as little prospect of realisation in the eighteenth century as it does in the twenty-first.

76 Indeed, although not a member of the 1689 convention that proposed a parliamentary union, he did at the time write in a private letter that ‘For my own part I think we can never come to any true settlement but by uniting with England in Parliaments and Trade, for as for our worship and particular laws we certainly can never be united in these’; see T. C. Smout, ‘The Road to Union’, in G. Holmes (ed.), Britain after the Glorious Revolution, 1698–1714 (London, 1969), pp. 183–4.