

Andrew Fletcher, England, Europe and the Search for a New British Polity

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The purpose of this paper is to locate the actions and activities of Andrew Fletcher in a wider British and European context as this is essential to understanding the main thrust of his intellectual assault on the incorporating Union of 1707. Other scholars have already drawn attention to Fletcher's ideas within the European tradition of political thought and his role in the machinations of the Scottish parliamentary sessions leading up to 1707.ⁱ What has arguably received less attention, particularly in a Scottish context, is that the period from the Revolutions of 1688 and 1690 leading up to the Union was set against the wider backdrop of the future of Europe.ⁱⁱ In particular, foreign policy and international relations were determined by the question of the dominance of Louis XIV and the belief that he sought to establish a 'universal monarchy' that would create a French hegemony in the known world. As Steve Pincus notes, this was a Europe polarized between the ambitions of the French absolutist and bureaucratic regime and the Dutch and English led alliance that sought to protect 'the national integrity of each and every European state.'ⁱⁱⁱ It was not, as has often been claimed, a fundamental division between Protestants and Catholics that engulfed Europe, as the British and Dutch alliance with Catholic Spain, the Hapsburg Empire and various southern European principalities and kingdoms illustrate. That said, however, is not to deny the importance of religion as a motivation for many people.^{iv} Put plainly, domestic bigotry in both Scotland and England did not impact on the conduct of foreign policy. Indeed, staunch supporter of the Revolution settlement as he was, Fletcher was not a Protestant bigot as his many writings testify.^v Nor was it necessarily a competition between a forward-looking constitutional model that paved the way for parliamentary democracy as many Whig historians have argued, versus that of a backward-looking and anachronistic model of absolutism.^{vi} Indeed, both were designed to create modern powerful states and the success of Louis' France meant that it was the ideal model for James VII to emulate in order to achieve his ambitions of establishing absolutism and building a first rate European power.^{vii} The war of Spanish Succession (1702-1713) that followed on from the Nine Years war (1688-97) had the same *raison d'etre*: containing the territorial ambition of Louis, which in 1702 had the added frightening prospect of the Bourbon House of France inheriting the Hapsburg throne of Spain and all its dominions to create a Catholic imperial superpower. Yet, as Allan Macinnes has pointed out, the war for the Spanish succession was also a war for the British succession because had Louis won, he would have restored the Stuarts.^{viii}

It was in this highly charged and uncertain European political environment that Fletcher sought to reformulate a new British polity. Nationalist as he was, there is no question that Fletcher did not envisage some form of cooperation with England as this was essential to safeguard the Revolution Settlement and there is no doubt that victory for Louis would dismantle this.^{ix} At this point, some explanation is required as to what is meant by 'British polity'. Although legally separate kingdoms, a British polity had come into effect, if not before, with the Union of the Crowns.^x Given the constitutional balance of power at that time and the centrality of monarchy to government, the one king who had three kingdoms effectively guaranteed a degree of coherence. Indeed, under the later Stuarts, it was an advantage to their absolutist tendencies to have three separate governments as James's effective establishment of absolutism in Ireland and Scotland,

though not in England, demonstrated.^{xi} Following the revolutions in Scotland and England, however, the constitutional balance of power shifted to the parliaments in Scotland and England at the expense of the monarchy and effectively undermined the key aspect that maintained the internal coherence of a British polity. Although this process was not readily apparent to most contemporaries, Fletcher's criticism of the neglect of Scottish interests under the Union of the Crowns was not just an indictment of past failures, but was a recognition that with more powerful parliaments in both Scotland and England to safeguard national interests some form of new accommodation would have to be reached. Put simply, the abuses of the past were no longer sustainable in the post-revolutionary era.

What will be argued below is that firstly, the growth of nationalism, meaning the articulation of a national interest, was not only a Scottish phenomenon of this period, but was widespread throughout Europe and was particularly pronounced in England.^{xii} As much as anything, Fletcher's articulation of a Scottish national interest was a reaction to the growth of an increasingly expressive and aggressive English national interest. While the Scottish political backdrop to the Union has been studied intensively, little attention has focussed on English politics and strategy.^{xiii} The obvious questions are why did the English want a Union and what did they hope it would achieve? At the time, English politics was absorbed by the war of the Spanish Succession and competing visions of how it should be fought. It was riven by bitter animosity between Whigs and Tories in what Queen Anne called the 'rage of party' and was rendered unstable by the impact of the Triennial Act that imposed elections every three years.^{xiv} The growth of English nationalism and the party political machinations of the English parliament are central to framing Fletcher's and other Scottish politicians' response to the Union debate. A second related issue is that of the suitability of the incorporating union as a feasible and sensible option in the creation of a new British polity. In many respects, when it comes to the reformulation of a British polity we know more about what Fletcher did not want than what he did. Indeed, much of Fletcher's historical legacy is shaped by his negativity to the Union, so much so that he has acquired the sobriquet 'the Patriot' for his unbending opposition. Yet, the issue to be explored is how much of that opposition was conditioned by the poor quality of English thought, judgement and care in refashioning Anglo-Scottish relations? For Fletcher, an incorporating Union would not only betray the principles of the Scottish Revolution, but it would undermine the principles of the English Revolution as it would enhance the Court's authority in Scotland. After all, was this not similar to the policies pursued by James VII where the parliamentary process was circumvented first in the lesser kingdoms of Scotland and Ireland?^{xv} Finally, the English absorption of Scotland was totally at odds with the objectives of the Grand Alliance against Louis XIV. Indeed, in an almost throwaway remark in 1701 Fletcher pondered the possibility of William as absolute monarch of the United Provinces and Britain and hinted that such a scenario was more likely to create a universal monarchy than the ambitions of Louis.^{xvi} All of which takes us to our third point and Fletcher's goal to protect not just the revolution from dangers without, but also from dangers within. In a sense, he put his finger on the paradox of the Revolution Settlement; safeguarding the Revolution from external enemies required the creation of a strong state, but a strong state created the ideal climate for the growth of the power of the prince who would inevitably use such powers to enhance his authority and undo the principles of the

Revolution.^{xvii} We see this not only in his growing disillusionment with William, but also in his growing quasi-republican sentiments in the first decade of the eighteenth century. For Fletcher, power had to be devolved to prevent the growth of authoritarianism. In this sense, Fletcher was remarkably prescient in warning of the dangers of the authority of the Fiscal Military State and indeed, during the course of the eighteenth century, much of the achievement of the Revolution in England was dismantled. As Geoffrey Homes reminds us, the franchise in Britain after the Great Reform Act in 1832 was actually slightly more restrictive than it was in 1700.^{xviii}

Nationalism

In English history, nationalism is the ideology that dare not speak its name.^{xix} Indeed, in assessing Scottish accounts of the Union of 1707, one would be tempted to conclude that the Union was the English reaction to the growth of Scottish nationalism as formulated in the Act of Security and the Act anent War and Peace in which the Scots would not agree to the same line of succession as England unless guarantees were first given to Scotland and the right to declare war was to be taken from the monarch and reserved to the Scottish parliament. The issue of the succession was brought about by the passing by the English parliament in 1701 of the Act of Settlement following the death of Anne's last surviving child, the duke of Gloucester. As the heir apparent was unlikely to produce any successor, the English parliament, without consulting its Scottish counterpart, decided that the succession would continue in the Hanoverian line of the family.^{xx} Needless to say, the Scots took umbrage at not being consulted. Yet, this is only part of the story. While the Act of Settlement is lauded in English historiography for the limitations it put on the future monarch and is deemed to mark the growth of parliamentary sovereignty, less attention has focussed on its nationalist dimension.^{xxi} Although the term nationalism is problematic when discussing the early modern era and it should not be conflated with its modern ideological variant, the fact remains that the term is appropriate if it is used in relation to the articulation of a clear sense of national interests.^{xxii} The Act of Settlement emerged as a result of Tory discontent that much English blood and treasure had been expended on pursuing a foreign policy to protect William's United Provinces. In future, war and peace would be taken out of the King's hands and placed in parliament. Nor would he be able to travel abroad without Parliament's approval. William was unpopular on account of the rewards and promotions of his Dutch favourites such as Bentinck and Portland and in future, the Privy Council would be confined to those born in the British Isles. William was a Calvinist who was deemed to be apathetic to the interest of the Church of England and in future the monarch would have to be a practicing Anglican. In short, the limitations on the English monarchy were imposed precisely to safeguard an English national interest that would be maintained in future by Parliament. The Act of Settlement was a nationalist document in that it was produced in response to the experience of having a Dutch King with the future prospect of a German one.^{xxiii}

When Queen Anne ascended to the English throne, she told the English Parliament that 'I know mine own heart to be entirely English.'^{xxiv} This met with approval, unlike her exhortation to create a Union with Scotland which was passed over in silence in the official response to the monarch's speech to parliament. Although English politics was engulfed by the 'rage of parties', both Tories and Whigs clearly articulated a vision of an

English national interest. For Tories, this was a defence of the prerogatives and privileges of the Church of England, a championing of the gentry and the power of the land, especially denouncing the land tax as a means of funding the war, and the pursuit of a blue water strategy that focussed on empire rather than the Whigs' policy of continental intervention on the European mainland. Although Fletcher was clearly Whig, he did favour the blue water strategy largely on account of the fact that the navy could not pose as great a threat to internal liberty limited as it was to the sea and coast, unlike the army which could be deployed at home.^{xxv} Whigs maintained that religious pluralism was more in line with national character, that war in the continent was necessary to safeguard English national interests and that future prosperity would be found not in land, but in manufacturing, trade and the City. While Fletcher broadly fits into this camp, he remained suspicious of the power of London to suck the economic life blood out of the surrounding environment and the corrupting influences of wealth and luxury brought about by trade.^{xxvi} Also, like most Tories, he had great faith in the economic potential of land and agriculture.^{xxvii} Underlying these opposing Whig and Tory views were opinions on the Revolution. At the one extreme were some Tories who believed that the Revolution replaced a bad king with a good one and that was that. At the other end of the spectrum were the Whigs who believed that the Revolution had ushered in profound political and constitutional change that had eradicated the previous system lock stock and barrel.^{xxviii} Needless to say, the majority of views hovered between these two points and was complicated further by the fact that some such as Sunderland could change their views radically without a second thought and others such as Robert Harley who started out as a Whig but became more and more Tory.^{xxix} English nationalism can be seen in Bills against Occasional Conformity designed to keep non-conformists out of official positions, Bills against immigrants and Jews and in the ways in which both Whigs and Tories chose to present Scotland as either full of Republican, non-conformist Whigs or Die-Hard Jacobite absolutists.^{xxx} In short Scotland was a useful metaphor to portray the worse excess of the opposition.

The tendency of historians to view the Scottish and English parliaments in isolation has obscured the ways in which they influenced one another. It can be said that the Union came about because the Court had lost control of the Scottish parliament, but it must also be remembered that the Court had difficulty in controlling the English parliament. Domestic political instability was a hall-mark of both nations at the time. For example, the technique of 'tacking' whereby a problematic piece of legislation that might not secure the approval of the House of Lords or the Queen was added on to legislation for Supply - the preserve of the House of Commons only - was used in England to try and get the controversial Occasional Conformity Bill through in 1702, though thrown out by the Lords.^{xxxi} This technique was used to greater effect in Scotland where the Act of Security was 'tacked' to the Bill of Supply which meant that with no upper chamber to reject it, it had to go through. In England this caused consternation, with the Lord Chancellor, Godolphin, coming under Whig attack for not urging the Queen to use her prerogative to veto it.^{xxxii} This placed the Whigs in an invidious position in that as the constitutional party in favour of the Rights of 1688, they were calling on the government to use royal prerogative against a piece of legislation passed legitimately by a free parliament. For Godolphin, it was a way to demonstrate the effects of what would happen if the Whigs had their way and created a form of government that limited royal authority.

Unexpectedly bounced by this, the Whigs then pushed the Alien Act which many believed illegal and by all accounts, was a clumsy endeavour that created so much bad blood in Scotland that it seemed that it would push Anglo Scottish rapprochement further back.^{xxxiii} The Whigs that stood for constitutional liberty and the rights of the individual under the law ended up pushing a piece of legislation that discriminated against some of the monarchs subjects. Whig consciences could be assuaged to some extent by the fact that they clearly believed that the hanging of the crew of the Worcester clearly broke a common understanding of Anglo-Scottish legal harmony.^{xxxiv} The lengthy and protracted debates on the Union in the Scottish parliament, made English political managers come to the conclusion that there should be no debate and only a vote in the English Parliament to stop the opposition using stalling tactics. This caused a number of Tories to withdraw from the house in opposition and the Union was passed by 274 to 116 (211 to 105 and 274 to 160 in other accounts).^{xxxv} Sir John Packington said he was against it because 'it was like marrying a women against her consent: An Union that was carried on by corruption and bribery indoors and by force and violence without'.^{xxxvi} In the House of Lords about twenty five members consistently put opposition in its way and fourteen formally protested against it. The Earl of Nottingham objected to the name of Great Britain which he claimed 'subverted all the laws of England' and the Bishop of Bath and Wells claimed the Union was 'mixing strong liquors of contrary nature in one and the same vessel, which would go nigh being burst asunder by furious fermentation'.^{xxxvii} It is worth remembering that the English vote took place in February when attendance was normally low and that the Court had about one hundred compliant members of the House of Commons that were usually loyal. Furthermore, there appears to have been considerable effort to mobilize parliamentary support. It is not the case that the Union was carried in the English parliaments with great enthusiasm and indeed, there was a persistent, if minority, opposition.. A further point can be made. The proposals in the Scottish parliament to move to elections every three years and extend the Burgh franchise were designed to emulate the English parliament and consolidate the Revolution. If successfully passed, had these reforms come into effect (they were cancelled out by the Union), then it would have been more difficult for the Court to control the Scottish parliament as management and patronage would have to be reasserted every three years.^{xxxviii} Furthermore, Fletcher was probably uneasy at the way in which English politics was moving. Whereas the Scottish parliament had given the Court a bloody nose and was intent on pushing through reform, the English parliament was becoming more conservative, better managed by Court and the intellectual debate was moving away from revolution principles, particularly after the accession of Anne. The growth of a strong Anglican sentiment, the belief in non-resistance and passive obedience, together with a strengthening cult surrounding the martyrdom of Charles I and more conservative interpretations of 1688, all would be an anathema to Fletcher's Whig principles.^{xxxix}

As an astute observer of English politics,^{xl} the promotion of an English national interest did not go unnoticed by Fletcher and in many ways, both the Act of Security, the Act anent War and Peace and the Limitations proposed on the power of the crown were simply a Scottish reflection of what had already happened in England. Whereas the English parliament took out safeguards on the prospect of being ruled by a foreign prince, the Scottish parliament, of which Fletcher was a leading instigator, merely took out

safeguards against the prospect of being ruled by a King of England. Just as in England, the national interest would be left to parliament to decide. The obvious point to stress here is that there was no coherent articulation of a *British* national interest coming from south of the border that took Scottish interests into consideration. This can be demonstrated by the perennial stumbling block of open trade between two allies at war under the same monarch in which the English insisted that the Scots be treated as foreigners and subject to restrictions. The absurdity of this can be illustrated by imagining what would have happened to Anglo-American relations during the Second World War if the British had insisted that the Americans pay tariffs on lease-lend. It might be contended that open trade between the two nations was the ace up the sleeve in bringing about Union.^{xli} Yet, there was no enthusiasm in England for Union until late in the day.^{xlii} Rather, what it clearly illustrates is the overwhelming priority given to a key national interest at the expense of relations with an ally. While English and Dutch opposition to Darien has often been explained in terms of the diplomatic upset this would cause to Spain, as Fletcher pointed out, the Company of Scotland's exemption from taxes for twenty-one years was a lucrative proposition to English traders, and this explains why it so popular initially among London traders, until William clamped down on it.^{xliii} Crucially it could have provided a northern tax haven that would have denuded the English state of much needed revenue to pay for its mounting national debt.^{xliv} English commercial relations with Ireland, likewise reveal a ruthless national interest at work in which Irish goods were subject to tariffs on the demand of English merchants.^{xlv} The Treaty of Utrecht which brought the War of Spanish Succession to an end, likewise witnessed allies sold out to promote commercial interests.^{xlvi} Finally, one of the key stipulations of the Union was that the Company of Scotland be wound up to remove any potential trading rivals.^{xlvii} So far from the Union being an English response to the growth of Scottish nationalism, the trigger was in fact the opposite, as Scots, led in the main by Fletcher's penetrating analysis, believed their national interest was in danger of being rode over roughshod by an English Court party determined to pursue its own national interest at all costs. For Fletcher, any future British polity had to have safeguards to protect the Scottish national interest which had been eroded since 1603. As things stood, he claimed, the constitutional position of the Court in Scottish politics was simply the English Ministry writ large.^{xlviii}

As John Robertson has noted Fletcher was well aware that the existence of small kingdoms depended on the development of the European state system and were in danger of being swallowed up. In a casual remark in the *Discourse Concerning the Affairs of Spain* he blithely writes that should the Spaniards move their court to Lisbon 'the Portuguese will then be content to give up their own language and customs, and with them every memory of being an independent country or government'.^{xlix} Written before Union was a serious proposition, it indicates that Fletcher was well aware of what the potential consequences for Scotland could be when faced with a determined expansionist English state. Indeed, the central thrust of his criticism of the state of affairs under the Union of the Crowns was that Scottish sovereignty had been eroded and that the solution was for its reassertion. As we shall see, one of Fletcher's persistent criticisms was that the Scottish Revolution Settlement was not adequately recognised in England and that 'This kingdom must need be looked upon by the English to be in a state of vassalage and dependency'.¹ Notwithstanding the great indignities he complains of, he said he was

for an 'honourable Treaty with England.' For Fletcher that meant being treated as a sovereign equal and explains his constant endeavours to have the parliament appoint formal ambassadors and maintain other trappings of national sovereignty, including diplomatic status for the Scottish Commissioners appointed to negotiate the Union.^{li}

Incorporating Union as a Solution to the British Polity

Undoubtedly for Fletcher, incorporating Union was a bad idea *per se*. As a political loner, he was largely by-passed in the machinations of the various political factions in the Scottish parliament and Fletcher had only an imperfect grasp of the political realities of the workings of Scottish politics at the time. His conviction that an incorporating union was such a bad idea blinded him to the possibility that backdoor manoeuvring by the Court Party would outweigh the cut and thrust of intellectual argument on the floor of parliament. His naivety as to the realities of the union's growing momentum is captured in a letter written by the brother of the Earl of Mar:

He believes [Fletcher] that the nation is so generally averse to it that it will not stand out one seredunt in the parliament and that the promoters of it will think themselves happy if they can get it quickly smothered but that he and those against it will endeavour to bring it in and have it debated that they may oppose it for ever. he thinks too, that it will not carry in the English parliament tho it should be ratified in ours ... Salton is altogether singular in believing that it will meet with so very few friend in our parliament.^{liii}

The conventional approach to understanding the reasons why the Scottish parliamentarians acquiesced in the process of incorporating union with England involves explaining, in the main, the shift from opposition to support by the New Party or *Squadron Volante* and a few others, as this gave the Court the necessary numbers to command a majority in the Scottish parliament. The explanation why opinion shifted from opposition to support tends to turn on interpretations revolving around base self-interest through management and corruption or pragmatism and points of political principle. Arguably, the intensity of debate surrounding the motivation of Scottish politicians has obfuscated two fundamental issues. Firstly, was incorporating union a sensible and realistic solution to the difficulties of a British polity in this period? Fletcher believed it was not. Secondly, what was the motivation of English politicians? After all, it takes two to tango. An introspective obsession with ascribing particular motivations to Scottish politicians will only illuminate half the issue. Without English acquiescence there could be no union.

The reasons given for the English pursuit of the Union were to secure both the Northern border and the Hanoverian succession at a time of war in Europe. Undoubtedly Fletcher had probably calculated that in the middle of a conflagration, English politicians may have been more amenable to accept demands for a reassertion of Scottish sovereignty and that a bargain could be struck.^{liiii} After all, logic would seem to dictate that from a strategic perspective, the last thing that was needed was to create a crisis on the northern border. Yet, this is precisely what English strategy did. All of which begs some fundamental questions. If English strategy was designed to secure both the northern

border and the Hanoverian succession; was a policy of Incorporating Union the safest and most secure strategy to pursue? Although the Scottish parliament had become unmanageable and was forcefully reasserting its independence; did this actually constitute a major threat to English interests? In reality, Scottish politics had become sunk in a quagmire with the various factions unable to establish a clear position of authority. It is also the case that the issue of Supply was in danger of being held up and that payment for the Scottish military contribution would not be forthcoming. In many respects, Scottish government was in danger of grinding to a halt. But was this a threat? The Scottish Supply was paltry compared to the subsidies that England was paying to European allies, so it was no great loss.^{liv} There was no immediate prospect of Queen Anne dying, so the issue of the Succession was not critical. With a baldly functioning government, what possible threat could the Scots pose to the Northern border when the prospect was that they were too busy fighting among themselves to bother with anyone else?

Yet, by forcing the issue of Union, the danger for the English is that they would in fact galvanize an opposition into existence. Union was the one thing that would bring Whigs and Jacobites together and indeed, English spies, of which there were a great many, reported back that the prospect of the Union was in fact making Scotland more unstable and increasing hostility to England. As one report to Robert Harley, the English Northern Secretary, claimed in 1705:

on the conclusion of the Union was a proper time for the King of France to send some troops with some money and ammunition and some arms and some officers; and if the Prince of Wales should come himself the most of the Kingdom would join him withal.^{lv}

Nor did things get any better when the prospect of Union become more likely:

the Jacobites have some designs in their heads this Summer for they have been very busy in caballing and plotting all this Spring ... They laugh at anything of an Union and to divert that business they have a story that the King of France will give Scotland far better terms than ever they can expect from England, that Scotland may have freedom and liberty of trade to all the French and Spanish plantations abroad ... for since I can remember I never saw the Jacobites in such heart.^{lvi}

Any impartial reading of English intelligence reports on Scotland and the prospect on Union highlight its unpopularity and its ability to galvanize and rouse the crowd. They also reveal considerable doubts about its prospect of success in the face of such overwhelming opposition. When Fletcher wrote that 'I consider that it a state of separation from England, my country would be perpetually involved in bloody and destructive wars', it is somewhat paradoxical that a policy of incorporating Union was fairly likely to achieve that outcome. If we forget about the eventual outcome and hindsight, English policy towards Scotland was risky and highly dangerous and had the potential to do more damage to English national interests than fix any real problems.

That it was a reckless policy can be seen by the fact that the prospect of an Anglo Scottish war reared its ugly head. It is well documented that troop movements were in

place to effect a military solution should that be necessary, though Chris Whatley has cautioned against reading too much into this.^{lvii} Certainly the threat was there. Furthermore, Scottish politicians were acquiescent in these developments. Roxburgh believed that English troops 'are the only security I know'^{lviii} and none were more explicit than the Earl of Stair writing to Robert Harley in November 1706:

I acknowledge there is great ground to believe the opposers are so bold and resolute that they will spare no means to obstruct the ratification of the Treaty, and will take off foully some persons that may be most forward, or else raise the country in arms, towards which there are too many open steps made already... I could wish to hear of your troops in the North of England and Ireland, for it encourages our enemies to think that you have none near. .. It is easier to stifle ill inclinations than to reduce open rebellion upon popular sentiments, therefore, I long to hear of the troops; and upon the arrival of the Duke of Marlborough I doubt not they are ordered to march. For the first effect of the country's rising would be to chase us home, and the baulking of the Union at this time may be an irreparable loss to this nation, and to the liberty of Europe and our religion.^{lix}

Yet, a military intervention in Scotland at a time of war on the continent would have meant diverting forces away from crucial theatres of operations. The Duke of Marlborough was especially unhappy about the prospect that troops had to be diverted from Flanders to Spain in 1707.^{lx} Particularly at this time when there was a stalemate and every soldier counted. It would have handed a major propaganda victory to Louis by demonstrating that his principle enemy was unable to keep order in his own backyard. Of necessity it would have meant the deployment of foreign mercenaries on British soil, which was bound to be unpopular. It would raise the spectre of civil war. It could have split the Protestant minority in Ireland as Irish Presbyterians took side with their Scottish coreligionists. The Anglican dominated Irish parliament had stated quite categorically:

And in case any difference shall arise between England and Scotland, we will most firmly adhere to the Imperial Crown of England in maintaining the succession in the protestant line as the same as settled by the late Acts of parliament made in England against all persons who shall attempt to disentangle your Majesty's Kingdoms or to receive any other successors in any of them.^{lxi}

Irrespective of the final military outcome, the fact that armed intervention was necessary would have been seen as a colossal political failure. Why then embark on such a risky venture?

Part of the explanation is to be found in the fact that there was no coherent English policy towards Scotland; it was largely improvised on the hoof. The one thing that both nationalist and unionists readings of the Union share is that Scotland mattered, and this assumption has arguably blinded us to what was in reality a quite haphazard accommodation between one interested party (Scotland) and one that was, to put it mildly, indifferent (England). Certainly there is no real evidence that the English conducted what today we would call a risk assessment. As has already been mentioned, the 'rage of party' and the difficulty of conducting war pushed Scotland down the political

agenda to such an extent that it was not given much attention or serious thought. As J. D. C. Clark has noted, 'contingency' has been underestimated in accounts of eighteenth century political development as historians have been overly keen to ascribe ideological imperatives to political actions, when in actual fact more mundane features such as expediency, party political advantage and opportunity dictated events.^{lxii} It does not necessarily follow that great events in history spring from great causes. Although it can not be stated with absolute certainty, a major factor why the issue of Union loomed large, but had little to do directly with Scotland, was that it was an unintended by product of the English 'rage of party' which used the issue of Succession as a club to beat the opposition. English Whigs mercilessly used the question of Hanoverian loyalty to cause maximum discomfort to Tory opponents as can be seen in 1702 when the voluntary oath of abjuration of the 'Pretended Prince of Wales' caused serious misgivings among Tories in the House of Lords.^{lxiii} The number of Tory abstentions was gleefully totted up to tar the party with Jacobitism. Meanwhile, Tories could shamefacedly call for the Duke of Cambridge (the future George II) to take his seat in the House of Lords following his naturalization in 1705, knowing full well that Queen Anne was resolutely opposed to a Hanoverian residence in London during her lifetime.^{lxiv} All of which cast a shadow of ambiguity on the Queen's commitment to Hanover. As the issue of the Succession was used as a political football in England, it is not surprising that the fact that the Scots had not yet settled the issue should remain in the spotlight. After all, both Whigs and Tories could mine the issue for political capital. Even a cursory glance at the political correspondence of English ministers reveals that Scotland was a problem, but not seen as a crisis, and as such received little detailed attention. Often, Scotland appears simply as an afterthought or addendum to more pressing matters of state.

As P.W.J. Riley noted, English domestic politics were the primary reason for the Union gathering momentum in 1705 as Whigs sought to use the issue of the Scottish Act of Security to bring pressure to bear on Godolphin for his handling of the succession.^{lxv} The Whigs had been traditionally opposed to the idea of a Union on the grounds that Scottish MPs and Lords would be more susceptible to Court influence. Whereas Godolphin and Marlborough were quite happy to let the issue rumble on, the Whigs sought to embarrass the Court and by pushing the Alien Act brought the issue back into the spotlight. It was also a way to increase their influence during any Anglo- Scottish negotiations. Godolphin eager to deflect attention away from the issue, acquiesced in the decision to open talks with the Scots. There is a danger, however, of viewing the Anglo-Scottish problem in isolation from the wider English political picture because it tends to magnify the seriousness of the issue. While Secretary Vernon's correspondence to his political master Lord Shrewsbury does report quite extensively on the Scottish issue, Shrewsbury's own correspondence hardly covers it at all.^{lxvi} In the wider political picture, the Scottish problem was simply one of many and by placing it in this context, an explanation as to the motivation of English politicians becomes a little clearer. As a despondent Lord Peterborough told the House of Lords 'the folly of Portugal, the obstinacy of the Emperor, the selfishness of the Dutch and the madness of Scotland all superadded to the power of France.'^{lxvii} In short, the English did not have their problems to seek. English strategy and objectives on the Union were made largely incoherent in that it was pursued from competing party political priorities which tended to obscure wider strategic considerations. Lord Somers, often described as the key architect of the

union, told Jonathan Swift that his primary objective was to undo the damage of the Scottish Act of Security and nothing more.^{lxviii}

Following Marlborough's victory at Blenheim, military pressure was relieved, although problems remained. Just prior to the news of military success, the Queen had given her assent to the Scottish Act of Security. The Whigs were keen to bring pressure to bear on the Court to have a greater influence on war strategy and the 'Scotch problem' was an issue likely to pay political dividends. As was mentioned earlier, Godolphin may have assumed that the Whigs would find themselves in the invidious position of proposing the Queen to use her royal veto as their only possible means of opposition. Certainly Godolphin believed that giving royal assent was the best choice available as 'there may have been more immediate danger in refusing it.'^{lxix} Furthermore, the Scots had given express notice that they would not tolerate its refusal and if it was, this would make an agreement on succession less likely.^{lxx} Whatever Godolphin's motivation, in many ways he was in a no win situation, and royal assent of the Scottish Act of Security caused a political furore in England, especially as it called for the creation of a Scottish Militia which was interpreted as a sign that the Scots were 'tending to defeat the Protestant succession and to alienate the two Kingdoms from one another.'^{lxxi} In all probability the issue was one that the Whigs thought they could exploit for political capital without endangering the war effort. The Whigs were also careful to play the nationalist card by framing the Alien Act as one designed to protect the English national interest and although the Bill started out fairly mildly in the House of Lords, it became progressively tougher as it made its way through the House of Commons. A point not given enough attention in the historiography was the fact that there was an explicit recognition of the right of the Scottish parliament to pass the Act and the Whigs played a duplicitous game of, on the one hand, arguing for the use of the Veto, but on the other making the proposal that one piece of legislation had to be countered by another. As Somers put it, the Scots had to be countered by 'legislative' means:

They were not for telling the Scotch they ought not to pass any act that the House should not like, but leaving them to their own freedom and independence, which they showed such jealousy of. When they saw anything done that this Kingdom ought to be affected with, it seemed more Parliamentary to obviate it in a legislative way ... They might show that if the Scotch pretended to set up a separate Kingdom, they in all probability would be the greater losers by it.^{lxxii}

Although not noticed at the time, the Alien Act was a *de facto* recognition of the sovereignty of the Scottish parliament. Perhaps Fletcher's proposal to counter the Alien Act with Scottish economic sanctions, though meeting with no support, was designed to reinforce Scottish legislative authority.

The role of Queen Anne was a vital factor. Although she was prepared to live with English limitations on the prerogative of the crown, a separate set of Scottish limitations from the lesser northern kingdom was deemed to be a hurt to the dignity of Her Majesty. As the English Lord Treasurer Godolphin curtly put it to the Scottish Chancellor, Seafield:

no body can be surprised when the Parliament will not settle the succession if the

Queen refuses her royal assent to any act for a Treaty that will be clogged with restrictions and diminutions of that little power which is yet left to the Crown.^{lxxiii}

Although the issue of Anglo-Scottish relations had oscillated around the Succession, it was Anne's determined view that the issue was best accomplished by an incorporating Union and as such, gave a clear policy lead to her ministers, whatever their reservations.^{lxxiv} Anne's view of the relationship between the Crown and ministers was that the latter should behave as personal servants and although the English political engagement with Union was lacklustre, that of the Queen was not. The monarch's promotion of the issue was essential to build up the necessary momentum and Anne's interest is ably testified by the fact that she turned up in person at crucial debates in parliament to let her influence carry maximum weight.^{lxxv} Even once the Union was safely passed by both parliaments, leading English politicians still had their reservations and hinted at the Queen's responsibility for the affair. Marlborough wrote to Harley:

I give thanks for your letter and the votes of the House of Commons, by which I find they persist in their first thoughts of the matter as I always believed they would; but though this be their unanimous sense and the sense of all England; yet if it be against the sense of Scotland and contrary to the apprehension of the treaty, I doubt it may bring a very great difficulty at this time upon the Queen.^{lxxvi}

The Lord Treasurer Godolphin was hardly cock-a-hoop about the Union's success: 'I foresee a thousand difficulties and inconveniences during this whole summer, and perhaps longer, of making the management of the revenues of that Kingdom but tolerable practical'.^{lxxvii}

English ambivalence to the Union was predicated on a number of factors. Firstly, although they had a steam of intelligence on Scottish motivation, strategy and intention, there was the difficulty of assessing how reliable it was. Throughout the negotiations in 1706, fears persisted as to how serious the Scots were and if it was not some elaborate ruse in which negotiations might fail as had happened in 1703. A leading Whig warned that 'perhaps the Act for a Treaty is not designed to set a foot a Union, but to affront England'.^{lxxviii} As Harley admitted frankly to Marlborough 'I do not understand that country and therefore can not tell what will be the success'.^{lxxix} Suspicions of Scottish motives probably encouraged a hard line and the refusal of the English Commissioners to discuss anything other than incorporating union made sense. It was the most likely option to fail and if this happened, it could easily be blamed on Scottish intransigence, giving the Ministry a quick exit strategy, having done the Queen's bidding. Even when the Scottish Commissioners agreed to incorporating union, suspicions still remained. After all its unpopularity might bring it down in the Scottish parliament and that was perhaps an intended strategy as the Scottish Commissioners could claim to have done the Queen's bidding. Certainly the Whigs became the most nervous and furiously blamed the Scots for leaking information:

The Lord Whigs rail against your Commissioners for having betrayed to the Lord Treasurer what passed between them, they suspect most Ormiston. The Lord Treasurer owns that he never knew so much of the Whig Lords disposition with

respect to himself as he has done since the Treaty.^{lxxx}

The Whigs also rumbled the Jacobite, Lockhart of Carnwarth. English ambivalence was encouraged by a second factor; calculating the political consequences of both success and failure. The Scots also had difficulty in assessing English motivation and there were suspicions that the Union was a party political rouse:

most think here that the English Ministry as little sincere in their design of a Union as ever, and some who pretend to be Whigs and know that party well in England tell us that the managing Whigs such as Lords Wharton, Somers and Halifax, and even Mr Harley, whatever they pretend, are really the greatest enemies to Union, and will though indirectly yet effectively obstruct it, because it is by the present confusions and difference that they make themselves necessary to a Court that in their heart hates them.^{lxxxii}

Reports coming to Scotland indicated that both Godolphin and Harley were not in favour of a union and that it was the Whigs and the Hanoverian representative, Schulz, who were most keen.^{lxxxiii} In fact, Godolphin was keen and in October 1706 was reasonably confident of success: 'Our letters today from Scotland are full of hopes to carry the Union. Lord Sunderland is much pleased with the news; and Lord Somers much more.'^{lxxxiii} In many ways, there was no monolithic English position on a union with Scotland and both the Whigs and Court made their various calculations regarding both a positive and negative outcome. Put simply, both weighed up events in terms of best possible party advantage. Whigs believed that Scottish Lords and members of the Commons would be more liable to Court control and as such sought to limit their numbers.^{lxxxiv} The Scots were only given better terms in numbers of representatives because the Court thought it would be to its own advantage.^{lxxxv} Although it was a frequent taunt after the union that the Scots could have held out for better conditions, the reality was that both the English Court and Whigs were likely to sink the whole venture if it was thought that one side or the other was to secure a major party advantage. Undoubtedly the acquiescence of the Scottish Commissioners was heightened by the need to try and accommodate both English perspectives.

As Colin Kidd has remarked, as a project the Union lacked the 'vision thing'. Incorporating Union did not have a natural ideological fit with either Whig or Tory.^{lxxxvi} It was decidedly at odds with the Tories passionate defence of the Church of England and their equally passionate hatred of Presbyterians. The Union would, after all give the Scottish Church a legal constitutional position and abandon their Episcopalian brethren north of the border. Nor did it sit comfortably with the Whig notion of a grand alliance of liberty in defence of constitutionalism against arbitrary and despotic power. That said, the Whigs were traditionally reluctant to tolerate alternative legislative bodies as their campaign against the Convocation of the Church of England shows.^{lxxxvii} Also, it must not be forgotten that the Scots were unpopular in England. Traditional historical prejudice was reinforced by the Act of Security which was widely interpreted as Scottish aggression against England, as was the *Worcester* incident. The latter was widely condemned and was not forgotten about.^{lxxxviii} As we shall see, in many ways the Union was a bastard child that no one in England, apart from the Queen, really wanted to claim

as their own. What both Whigs and Tories shared, however, was a long held tradition in the belief of an indivisible sovereignty in government. Culturally, it was difficult to accept that following the Revolution, the growth in the powers of the Scottish parliament meant that power over the *British* polity was no longer a monopoly, but would have to be shared with the Scots. This was a political fact of life that English politicians found difficult to accept and the progress of the Union demonstrated that English political assumptions about Scotland had not changed. It was the one thing that Tory and Whig shared. It was as if the Revolution had never happened and more than anything it was this failure to recognise that the fundamentals of the British polity had changed after 1690 that caused Fletcher so much ire. In fairness, it was a political fact of life that many Scottish politicians also failed to grasp.

A point that Fletcher made was that too many of the old guard who had served under James VII still remained in power and it is no coincidence that he was drawn to a younger generation in the Scottish parliament who were unsullied by any association with the old regime.^{lxxxix} In England, there was a lively political debate as to what had changed at the Revolution and its meaning was contested.^{xc} Not surprisingly, if there was confusion about what the Revolution meant in England, then there was difficulty in coming to terms with what it meant in Scotland. This was especially the case in that many of the key ministers, such as Sunderland, Marlborough and Godolphin, had all served under James. The ingrained cultural assumption was that Scotland should do as it was told. It was also shared by many Scots: the issue facing the Scots is whether they will be subject to the English ministry with or without trade.^{xc1} Baron John Somers, one of the principle Whig architects of the Union in his *History of the Kings and Queens of England* denounced Edward III for 'the dishonour of his Kingdom and its irreparable loss, a peace is concluded with the Scots .. the king surrenders to the Scots, by his charter, his title of sovereignty to the Kingdom of Scotland ... And in consideration of all this King Bruce was to pay thirty thousand marks. A price too small in comparison of the value of what we parted with.'^{xcii} Clearly, Scotland should have belonged to England. Similar cultural assumptions were shared by some Scots. Stair referred to the English parliament as the Parliament of Great Britain.^{xciii} It was the Revolution that framed Fletcher's opposition to the Union and his proposals for limitations on the Crown were part and parcel of solidifying the transition of power from monarchy to parliament. Queen Anne, who already believed that the dignity of monarch was already under threat accepted English limitations, but separate and possibly more draconian Scottish ones were considered a step too far. Furthermore, as was well known, the Scots had avoided any legal fiction about the abdication of James VII in the Claim of Right, unlike in England where there was considerable back-peddling, particularly on the right of indefeasible hereditary succession; Queen Anne convinced herself of the story that James VIII was an impostor smuggled in at birth in a bed-warming pan. Undoubtedly, Anne's sensitivity was a major factor in her personal enthusiasm for Union, whatever reservations her ministers may have had. Furthermore, the fact that her Scottish coronation oath called upon her to uphold the *Claim of Right* simply drew attention to the divergent Scottish and English constitutional positions regarding the deposition of monarchy. Fletcher's proposals featured heavily in accounts written by English spies, most of which portrayed him as a republican. For English Whigs, keen to avoid being tarred with the republican brush, the fact that the Scottish parliament devoted a considerable amount of time on the issue of

limitations and Fletcher's contractual notion of monarchy was not especially welcome. A spat between Fletcher and Stair in August 1705 illustrates how the debate was framed within the context of the revolution settlement when Stair complained that 'Fletcher was so resolved by his limitations as the ape did by her young ones that grasped them so fast, till at last she stifled them'. The retort was equally stinging that Stair 'stretched the prerogative till it had well nigh cracked when he open the declaration for arbitrary power'.^{xciv} While the debate on the meaning of the Revolution had settled down to a conservative consensus in England, Fletcher's proposals on limitations was bringing contentious issues to the surface again. As was mentioned earlier, Scottish and English politics did not operate in a vacuum and what went on in one kingdom would have ramifications in the other. It was not a debate that English politicians wanted to reopen.

In many ways, Stair was right because Fletcher did not believe that monarchy had much purpose beyond being a symbol of sovereignty. That said, all agreed that the monarch as a symbol of sovereignty was essential and a neglected aspect about the discussion surrounding the Treaty is that article two extinguished the separate Scottish crown. In the eyes of contemporaries the Union of 1707 was as much a legal union of the Crowns of Scotland and England as it was the Parliaments. Hence the protest of the duke of Atholl that the Union would make the crown of Scotland a dependent crown of England as was the case in Ireland. But for Fletcher, who the monarch was did not matter. It was this assertion of radical Whig principles that has led to him being classed as a republican. As he noted, it did not matter whether the King was a catholic or not, the critical issue was that the institution of monarchy was bound by a legal framework in which the national interest could be protected by parliament. Given that Princes were determined by a biological lottery only a clearly defined constitutional and legal framework could, at the end of the day, protect liberty. After all, there was no other way to defend against a monarch who was born bad. His promotion of the King of Prussia as a potential candidate for the throne of Scotland has been much derided and it has been claimed that it lost him much credibility. But an alternative explanation can be advanced in that Fletcher was trying to demonstrate that the political principles of the Revolution were more important than biological connection. It was a stark assertion and too stark for many.

there was no way of left to make the Scots a happy people, but by separating from England and setting up a King of their own. Not King James 8th (or rather the St Germaine gentleman), because he would never content himself with Scotland alone, unless endeavours were used to bring England under his obedience, nor could we be secure from those threatening inconveniences which we so happily escaped under his father's reign; not one of the House of Hanover, because they maintain consubstantiation which to him was as absurd as transubstantiation and therefore we ought to choose the Prince of Prussia, who was of our religion and able besides, by his powerful interests abroad, secure us from uneasiness from a jealous neighbour.^{xcv}

Although subject to ridicule then and since, at least the King of Prussia was a King, unlike the minor nobility of Hanover. It can also be pointed out that the Elector of Hanover was an absolute ruler in his own domain.^{xcvi} However serious his intention,

Fletcher had a grasp of European *realpolitik*. Prussia was the one monarchy that could keep the future Hanoverian dynasty in check. As Brendan Simms has pointed out, the Hanoverian succession gifted the British with a vulnerable northern European outpost on the mainland that would drag British foreign policy into the heart of continental politics as it had to construct diplomatic alliances that would secure the King's homeland from potential invasion threats.^{xcvii}

Modernity and the State

In his *Account of a Conversation* Fletcher put forward a utopian vision of a Europe dominated by city states. As was noted earlier, this was in contrast to the current realities of Europe at the time when large powerful states were jostling for power. Although the Revolution had established liberty, a paradox emerged in that in order to defend that liberty from despotic powers, the liberal state had to become more powerful and in so doing, created many of the mechanisms such as standing armies, a powerful state bureaucracy and increased financial power, all of which were devices that could be used to threaten liberty and establish despotic power. It was well testified in the writings of Fletcher that when Prince's become too powerful, they became corrupt. But what about governments? For Fletcher, the crux of the issue was that a concentration of power leads to corruption and his ideas of independent city states and the creation of a militia were mechanisms to ensure that power was dispersed and would not be concentrated in the hands of the court. The trend in Britain seemed to be moving in the opposite direction and Fletcher's denunciation of the power of the English court and its influence on Scotland can be seen in the overall context of his political thought that a coalescence of power was a bad thing. Similarly his Whig contemporaries in England had initially feared an incorporating Union would enhance the power of the Court. His warning about the power of princes went unheeded and in spite of the Act of Settlement, the powers of George I and II increased to such an extent that most of the limitations imposed in 1701 were overturned.^{xcviii} For Fletcher, the Union would not only overturn the principles of the Scottish Revolution, but would it also undermine those of the English Revolution by giving the Court an undue influence over the northern kingdom. There is also the issue of the Union as a means of bringing about peace and security for both Scotland and England.

Eighteenth century Scottish politics became a by-word for corruption greased as it was by access to a growing reservoir of state power and patronage. Although Scottish political representation in Westminster was small, in a fluid political arena of shifting allegiances and alliances, the presence of Scottish parliamentarians was significant. At a time when the regular sittings in the House of Commons amounted to about three hundred, the Scots could make up more than ten percent of the total. The same was true for the House of Lords. Scottish political managers working for the Court soon caught on to this elementary fact of political arithmetic. The political system in Scotland became more closed and less open. Indeed, the Court's successful dominance of the Scottish political system following the Hanoverian succession in 1714 was such that Tories and Jacobites were completely frozen out, leading the latter to conclude that there was nothing to lose by a military rising. Participation declined and the Scottish aristocracy were one of the few in Europe to find that its political, social and economic power was

more greatly enhanced at the end of the eighteenth century than it was at the beginning.

In spite of official stage-managed English celebrations, there was considerable disquiet in England about the Union, in particular the constitutional implications. An obvious point, and one to which we will return, were the consequences of allowing into the English political system men who had demonstrated no patriotism and who were widely believed to have had sold their country. Shortly after the Union negotiations were concluded, an anonymous pamphlet was circulating in London that caused court politicians in both Scotland and England considerable embarrassment. *Vulpone: Or the Scotch Riddle* made a blistering attack on Godolphin's handling of Scottish relations and highlighted the various inconsistencies, twists and turns and apparent contradictions in dealing with the Scottish parliament. In particular, it made the case that a federal or confederal arrangement around the same succession and foreign policy in exchange for access to trade would have produced a more stable and harmonious state of affairs between Scotland and England. The brinkmanship of both Scottish and English politicians was without sense and dangerous. As things stood, it was argued, the prospect of an incorporating union was bleak:

The peace of both nations is in danger by this consolidating Union, and it may perhaps deserve our enquiry, whether some of our great men here, have not had positive information that some of the greatest men there, that it will be impossible to bring that nation into the present scheme without a conquest and a standing army, and if that should happen to be the case, we can easily foresee what the consequences may one day be to England.^{xcix}

According to another near contemporary, the Scots had played a too clever game of brinkmanship and their bluff had been called; 'if the protestant Succession had been settled on the foot of the Revolution Settlement in both Kingdoms, England would have been as cool in the affair of the Union as it had always been'.^c A lot of English opposition to the Union centred on the danger to the Church of England, but the issue of the constitution was also brought up. The widespread perception that the Scots had been 'bought' raised issues regarding their integrity in the new British House of Commons and Lords: 'their peers being poor, they are liable to tentation (sic) or may be brought to vote or elect for those most capable of giving them pensions or places'.^{ci} Scottish MPs were, it was argued, just as dangerous to England's constitutional liberty:

contrary to the express instructions of their electors, [Scottish parliamentarians] have given up their own constitution, are not likely to be more zealous for ours, but in all probability may be gained by the like methods to concur with any future Prince in forming a new scheme of government here, as they have done at home; and there's the more reason to suppose this, because no Constitution could be better fenced than that of Scotland, as appears by the protestations of their Country Party in Parliament, who refer to several laws, making it no less than high treason to alter or innovate the same.^{cii}

Undoubtedly the bad press dished out to Scottish parliamentarians at the time of the

Union stuck and was reinforced as the eighteenth century wore on. It reached its zenith in the Scotophobia surrounding the prime minister the Earl of Bute in 1763.^{ciii} By this time, the reputation of Scottish MPs for corruption and venality was well established, much, it has to be said, as English critics of the Union claimed it would.

The Union did not make more secure the northern border nor the Hanoverian succession as was intended as the evidence of a planned invasion in 1708, and risings in 1715 and 45 testify. As soon as news of the incorporating Union leaked out, it created massive instability in Scotland with mounting public discontent. Hindsight is the curse of the historical profession, and the story of the Union is dominated by the notion of 'all's well that ends well'. Yet, it nearly did not. In assessing the Union as a political strategy, it narrowly avoided disaster and that must be taken into account in assessing its legitimacy as a viable political strategy for both English and Scottish politicians to pursue. Troops had to be placed on standby in case they were needed and the prospect of Union showed signs that it had the potential to unite Covenanters and Jacobites in common cause; a remarkable feat in itself. The missing piece of the equation was political leadership and this was something that no one could predict with certainty would not happen, especially given the Scottish political tendency to vacillation and opportunism. Certainly there was a willing populace looking to be led in opposition to the Union and Fletcher speaking of the mob that daily vented its discontent outside the Scottish parliament 'said it was the true spirit of the country, for the Reformation and Revolution were both brought about by them.'^{civ} It was a remarkable political gamble that paid off. The confused nature of English attitudes towards the Union can be demonstrated by asking the simple question: what would have happened if there was a Scottish insurrection or rising? From a geo-strategic perspective, the timing could not have been worse. The war in north west Europe had ground to a stalemate, and although Louis had been checked, he could not be defeated. The Iberian Peninsular was emerging as the most important theatre of war and a diversion of troops to Scotland would have undoubtedly weakened this front at a time when the Whig war cry was 'no peace without Spain'. Yet, the Whigs were the keenest proponents of Union. Furthermore, Union rode roughshod over Harley and the Court's subsequent endeavour to hint that the issue of the Succession might be reopened to prevent a domestic Jacobite Rising, but their intelligence reports indicate that this was a most likely consequence of Union. As war weariness was beginning to bite in 1707, it might be expected that a conflict on the northern border would lead to a withdrawal from the continental campaign to concentrate on domestic security and pursuit of a 'blue water' strategy, a policy favoured by anti-unionist Tories. Pro-Unionist Whigs would have found that with domestic security in danger, the continental strategy might rapidly lose support. Again, it has to be remembered that if things got too hot, as a nervous debate in the House of Lords indicated, the plug could be pulled.

Indeed, the sorry state that abounded in political circles in 1708 demonstrates the confused nature of English policy. Harley was attacked for the poor state of Scottish defences while Queen Anne used her royal veto for the one and only time to stop the creation of a Scottish militia on the grounds that it could not be trusted.^{cv} The arrest of many Scottish politicians following the invasion scare of 1708 further added to Anglo Scottish tensions. As a political ideal, Union could not transcend party politics as the Whigs sought to place the Court under pressure during peace negotiations in 1711 to end the War of Spanish Succession. The creation of the Duke of Hamilton's British peerage

of Brandon brought a furious Whig onslaught in the House of Lords in which they were able to solicit the support of both Tories and Whigs favourable to the Court. A Whig fear that Scots peers ennobled into the British peerage was simply a way for the Court to create biddable lobby fodder for the House of Lords was their primary motivation.^{cvi} This was especially the case when it was demonstrated how powerful the Court's grip was on the election of peers in the election of 1708 when in spite of an anti-Tory backlash following the invasion scare, the Whigs could only secure the nomination of six Scottish peers. It was argued that the Union had set the Scottish representative peers at 16 and that to increase it by promoting Scottish peers to the British peerage was a violation of the terms of the Union, in spite of the fact that Queensbury had such a promotion, though he was now dead. This won support from some of the more legalistic minds among the Tory Lords and Hamilton was barred for taking his seat in the Lords. Undoubtedly, there was an element of English chauvinism at the prospect of the dilution of the peerage with more Scots. For the Scottish nobility this was crassly insulting and led to dire warnings about the future prospects of the Union. It was especially galling for the Scottish aristocracy as it was heavily hinted during the Union negotiations that the creation of British peerages for Scots was likely.^{cvi} That had clearly come to nought and Harley's method of securing the passage of peace negotiations in the House of Lords was simply to create twelve new peers, none of whom were Scots and could not be subject to legal challenge, simply added insult to injury. Not only were Scottish interests under attack from the Whigs, Tories began their campaign for Episcopalian toleration in Scotland and secured a repeal of the Patronage Act; itself a violation of the terms of the Union. Paradoxically, the Tories who had most to benefit from the growth of Court influence in Scotland following the Union, and the Whigs who were the Union's English primary architects, both thought nothing about increasing anti-Unionist sentiment in Scotland in pursuit of their own interests. Nothing better illustrates the contingent nature of English support for the Union and the overriding dominance of party interests in the last years of Anne's reign. Furthermore, both the Hamilton case and the issues of toleration and patronage illustrated how few friends the Scots had in Westminster. Worse was to follow with the Malt Act in 1713 which was again widely interpreted as a violation of the Union. In many ways this was the straw that broke the camel's back. A motion in the Lords against the Union was narrowly defeated by the use of four proxy votes as the Whigs in their determination to disrupt and embarrass the government over the peace treaty voted that the Union should be disbanded so long as the succession was in question. Although Geoffrey Holmes has argued that this was primarily a tactical device used by the Whigs, a more cynical interpretation is that the political union with Scotland, as opposed to securing the Hanoverian succession, was not a key priority.^{cvi}

Although frequently denounced as an Anglophobe, Fletcher's opposition to the Union was not based on anti-English sentiment but rather that it would not enhance Anglo-Scottish cooperation and that it would open up the Scots to the same corrupting influences that had dogged the nation since the union of the crowns. More seriously, as English nationalism and its pursuit of an English national interest was becoming increasingly pronounced, a political surrender would not afford the Scottish national interest much protection. A point made by many Scottish Lords during the 1713 debate on whether to end the Union.^{cix}

More than anything, for Fletcher, the Union was a sordid deal that brought out the

worst elements of corruption that he so assiduously warned against. Patronage, places, pensions and bribery were all there in abundance. It was a betrayal of the Revolution principles that formed the core of his political philosophy. Furthermore, it was a view that many in England shared and it raised awkward issues about the future constitutional integrity of the new British state, with many questioning the behaviour of the Scots, especially their lack of patriotism. Scottish patriotism was not condemned in England, and although Fletcher was frequently represented as a republican, there was sympathy to the anti-Unionist position:

Some who opposed the Union, did not do it out of opposition to the House of Hanover, but out of regard to the ancient sovereignty and independency to Scotland and to their constitution, the Estates in parliament. These without doubt had the honour and interests of their country at heart.^{cx}

Perhaps worse of all, the Union was an affront to his sense of Scottish national dignity. Once the Union was passed in both countries, the Whigs could not conceal their contempt for their Scottish allies:

The Whig Lords indulge themselves mightily in vilifying the Scottish nobility for their part in the Union. My Lord Wharton owned in the House yesterday, that he doubted much he could have been prevailed upon to have parted with his birthright had he been a Scotch Lord and indeed, such are the times we live in that I can scarcely persuade anybody that some have done it out of love for country.^{cx1}

Worse still; 'The Whig Lords all run you down, particularly your nobility, who, they declare, might have had better terms if they had pressed for them, and that they themselves and that they themselves were ashamed that they made themselves so cheap.'^{cxii} The Earl of Rochester believed that the Scottish elected peers had divested themselves of their peerage and he wondered 'how the Scotch came to accept such unreasonable conditions or how their Lordships [English] could entertain the thought of permitting such peers by election to sit among them.'^{cxiii} Although it is often said that Scottish unionists acted out of a sense of patriotism, it was an argument that cut no ice with the English at the time. Significantly, there was considerable debate as to the legality of the Union as it would violate the *Claim of Right*, which was treason in Scots law. As one well versed in English politics, the most hurtful aspect of the Union would be knowing what the English felt about it. Harley's sneer that the English had bought Scotland and the fact that many of the House of Lords were uneasy at admitting elected Scottish peers because they had sold their birth right did not auger well for Anglo Scottish cooperation. Similar anti Scottish sentiments following the Union were echoed by Marlborough and Godolphin who concurred that the Scots had sold themselves cheaply and dishonourably. Indeed they had. The Equivalent was paltry compared to the amounts that were paid in subsidies to English allies in the War of Spanish Succession.^{cxiv} What was worse, by taking on England's national debt, they would be paying for it themselves. When parliament met in 1707 as the first parliament of Great Britain, it was not a new one - calls for an election were dismissed - it was the continuation of the old one with some new Scottish additions. Godolphin did not even

prepare a proper speech. For someone like Fletcher, proud, dignified and sensitive to a sense of national honour, nothing could have been worse.

ⁱ In particular John Robertson (ed.), *Andrew Fletcher: Political Works*, (Cambridge, 1997), ix-xxv and Paul Henderson Scott, *Andrew Fletcher and the Treaty of Union*, (Edinburgh, 1992).

ⁱⁱ Notable exceptions are John R. Young 'The Parliamentary Incorporating Union of 1707: Political management, Anti-Unionism and Foreign Policy' in T.M. Devine & J. R. Young (eds.), *Eighteenth Century Scotland: New Perspectives*, (East Linton, 1999), 24-52 and Chris Storrs 'The Union of 1707 and the War of Spanish Succession', *Scottish Historical Review*, LXXXVII (2008), 31-44.

ⁱⁱⁱ Steve Pincus, *1688: The First Modern Revolution*, (Yale, 2009), 344.

^{iv} For examples of the relationship between religion and domestic politics in England see J. D.C. Clark, *The Language of Liberty, 1660-1832, Political Discourse and Social Dynamics in the Anglo-American World*, (Cambridge, 1994), 141-153; 167-190 and Geoffrey Holmes, *Politics, Religion and Society in England, 1679-1742*, (London, 1986), 181-249 and for the role of the Kirk see Jeffrey Stephen, *Scottish Presbyterians and the Act of Union, 1707*, (Edinburgh, 2007).

^v For example see Robertson (ed.), *Works, A Discourse Concerning the Affairs of Spain*, 14-117; *Speeches by a member of Parliament*, 136, 161 and his denunciation in Parliament of the Kirk for 'imposing lately new oaths and bonds as terms of communion upon all ministers and probationers, and this without any allowance from Her Majesty's Parliament or General Assembly', reported by William Gregg to Robert Harley, 21 August, 1705, *Portland Manuscript*, vol. iv, 226.

^{vi} The classic exponent of which was Thomas Babington Macaulay whose *History of England* cast a long shadow over the subsequent historiography of the Revolution which had the effect of magnifying the significance of the role of the House of Commons. This had the effect of inverting the importance early eighteenth century contemporaries attached to political institutions who would still see the Crown and the House of Lords as being more significant in the constitutional balance than the Commons.

^{vii} Pincus, *1688*, 118-178.

^{viii} Allan I. Macinnes, *Union and Empire The Making of the United Kingdom in 1707*, (Cambridge, 2007), 10.

^{ix} For example in *Works, Two Discourse concerning the Affairs of Scotland*, 'when the English nation shall come to a perfect knowledge of their interest, they will be convinced that riches in Scotland will be beneficial to England, since the seat of the monarchy is there', 39

^x A point made by Jenny Wormald in 'James VI and I; Two Kings or One?', *History*, 68 (1983), 187-209 and Allan I. Macinnes has recently made the point that a British perspective is essential to understand the career of one of the leading seventeenth century Scottish politicians; *The British Confederate: Archibald Campbell, Marquis of Argyll, c1607-1661*, (Edinburgh, 2011)

^{xi} Tim Harris, *Revolution: The Great Crisis of the British Monarchy, 1685-1720*, (London, 2007), chapters 3 and 4.

^{xii} Most historians place the crisis on Anglo Scottish relations as beginning with the English *response* to the Scottish parliament's acts of Security and anent war and peace.

^{xiii} See Macinnes, *Union and Empire*, 12-50 for a discussion of the historiography of the Union that shows

how little recent input has come from English/British historians who have largely run with the changing currents of Scottish interpretations.

^{xiv} The classic account is Geoffrey Holmes, *British Politics in the Age of Anne*, (London, 1987 edn.).

^{xv} A point made by Fletcher in his discussion of standing armies was that under one monarchy the suppression of liberties in either Scotland or England posed a threat to the other., *A Discourse of Government*, 11-12.

^{xvi} *Discourse concerning the Affairs of Spain*, 108

^{xvii} A key factor in his argument against standing armies was that this enhanced the power of the prince because 'nor can the power of granting or refusing money, though vested in the subject, be a sufficient security for liberty, where a standing mercenary army is kept up in time of peace: for he that is armed, is always master of the purse of him that is unarmed.' *Discourse of Government*, 4.

^{xviii} Holmes, *Politics, Religion and Society*, 14.

^{xix} See Robert Colls, *Identity of England*, (Oxford, 2002); Krishan Kumer, *The Making of English National Identity*, (Cambridge, 2003) and Gerald Newman, *The Rise of English Nationalism: a cultural history, 1740-1830*, (London, 1997 edn.) who does not distinguish between Britain and England.

^{xx} For a discussion of the Act of Settlement see Holmes, *Politics, Religion and Society*, 38-40.

^{xxi} See W.A. Speck, *The Birth of Britain: A New Nation, 1700-1710*, (London, 1994), 24-26.

^{xxii} For the problem of using the term nationalism in the early modern era see Colin Kidd, *British Identities Before Nationalism: Ethnicity and Nationhood in the Atlantic World, 1600-1800*, (Cambridge, 1999).

^{xxiii} For a discussion of how ineffective the Act was in curtailing the independence of the Crown see J. C. D. Clark, *Revolution and Rebellion: State and Society in England in the Seventeenth and Eighteenth Centuries*, (Cambridge, 1986), 75-83.

^{xxiv} Chandler, *The History and Proceedings of the House of Commons, volume three, 1695-1706*, (1742), 197-203.

^{xxv} *Discourse of Government*, 29.

^{xxvi} *Account of a Conversation*, 179-83.

^{xxvii} Controversially Fletcher advocated the reintroduction of serfdom or slavery modelled on ancient Greek and Roman lines to achieve such improvements, *Two Discourses concerning the Affairs of Scotland*, 60-70.

^{xxviii} The classic account of the different interpretations of the Revolution and its political consequences is J. P. Kenyon, *Revolution Principles: The Politics of Party, 1689-1720*, (Cambridge, 1977).

^{xxix} Brian W. Hill, *Robert Harley: Speaker, Secretary of State and Premier Minister*, (Yale, 1988).

^{xxx} Holmes, *British Politics in the Age of Anne*, 100-2, 35-6, 105-6. Tories tended to use the establishment of Presbyterianism in Scotland as part of their roll call of evidence that the Church of England was in

danger, while Whigs could posit no other explanation for the Scottish refusal to agree to the same line of succession as England as a result of Jacobite intrigues.

xxxⁱ Holmes, *Politics, Religion and Society*, 196-202.

xxxⁱⁱ *Journal of the House of Lords*, volume 17, 11 December, 1704, 595, 13 December, 1704, 602; Reports of the debates are to be found in G. P. R. James (ed.), *Letters Illustrative of the Reign of William III from 1696 to 1708 addressed to the duke of Shrewsbury by James Vernon, Esq. vol. III*, (1841) [hereafter *Vernon Correspondence*], December, 1704, 268-85.

xxxⁱⁱⁱ An account of how the Act was received in the Scottish parliament and communicated back to England can be found in Gregg to Robert Harley, 28th August, 1705, *Portland Manuscript*, vol. IV, 232-34.

xxx^{iv} An account of the trial of Captain Green is given in T.B. Howell, *A Complete Collection of State Trials and Proceedings*, vol. xiv, (1812) and for comment on how it did not conform to English legal norms, see 1310 in particular.

xxx^v *Longleat Mss.*, James Stanhope to Earl Rivers, March 9-20, 1707, p.167.

xxx^{vi} *The History and Proceedings of the House of Commons*, vol. IV, 1706-1713, (1742), 45-68.

xxx^{vii} Debates in the House of Lords quoted by John Oldmixon, *The History of England during the reigns of King William and Queen Mary, Queen Anne, George I*, (1735), 384-85.

xxx^{viii} See Holmes, *Politics, Religion, Society*, 35-56.

xxx^{ix} See Clark, *English Society*, 83-105.

x^l As John Robertson notes Fletcher was regularly in England throughout the 1690s and continued to visit even after elected as a MP in 1703, *Political Works*, xiii.

x^{li} For the predominance of economic issues in the historiography of the Union see Christopher Whatley, *Bought and Sold for English Gold?: The Union of 1707*, (East Linton, 2001).

x^{lii} Best illustrated by the half-hearted endeavours in 1703.

x^{liii} The Company of Scotland's tax exemption has not received much comment in the recent historiography but its importance was noted by William Law Mathieson, *Scotland and the Union: A History of Scotland from 1695 to 1747*, (1905), 30. Fletcher noted this in *Two Discourses*, 38-39.

x^{liv} It is worth pointing out that England faced a number of economic problems at this time, in particular the recoinage of 1696 and the growing national debt. For an interesting take on the political consequences of the growth of English national debt see Bruce G. Carruthers, *City of Capital: Politics and Markets in the English Financial Revolution*, (Princeton, 1996).

x^{lv} See David Dickson, *New Foundations: Ireland, 1660-1800*, (Dublin, 1999) and L. M. Cullen, *An Economic History of Ireland Since 1660*, (1897).

x^{lvi} This included the Assiento which gave Britain a monopoly on the Latin American slave trade.

xlvi See Andrew Mackillop, 'A Union for Empire? Scotland, the English East India Company and the British Union', *Scottish Historical Review*, vol. 87, 3, 116-134.

xlvi *Speeches by a Member of the Parliament*, 141.

xlix *Discourse concerning the Affairs of Spain*, 96.

^l Report of the debates in the Scottish Parliament by John Greg to Robert Harley, 28 August, 1705, *Portland Mss*, vol. iv, 232.

^{li} *ibid.*, 234.

^{lii} *Mar and Kellie Mss.*, James Erskine to the Earl of Mar, 22 June, 1706, 267-68.

^{liii} This was a view held by a number of English commentators who believed that the Scots overplayed their hand and had their bluff called. See for example, Oldmixon, *History of England*, 375 and reiterated later in the century by James McPherson in *Original Papers Containing the Secret History of Great Britain from the Restoration to the Accession of the House of Hanover*, vol. ii, (1775), 361.

^{liv} The money was for the maintenance of three frigates and some garrison troops, *Vernon Correspondence*, Vernon to Shrewsbury, 18 August, 1704, 267.

^{lv} *Portland Mss*, vol IV, Captain John Ogilvie Memorandum on Scotch Affairs 1705, 276.

^{lvi} *ibid.*, Jo. Foster to Harley, 26 April, 1706, 296.

^{lvii} Christopher A. Whatley with Derek J. Patrick, *The Scots and the Union*, (Edinburgh, 2006), 55.

^{lviii} *Jerviswood Correspondence*, Roxburgh to Jerviswood, 28 November 1705, 130.

^{lix} *Portland Mss*, vol. VI, Stair to Harley, 26 November, 1706, 359.

^{lx} William Coxe, *The Memoirs of John Duke of Marlborough* vol. iii, (1819), Marlborough to Godolphin, 19 September, 1707, 353-54.

^{lxi} Quoted in Abel Boyer, *The History of the Reign of Queen Anne digested into annals*, vol. iii, (1705), 455.

^{lxii} Clarke, *Revolution and Rebellion*, 17-18.

^{lxiii} Rapin de Thoyras, *The History of England*, vol. III (1744), 502.

^{lxiv} Baron John Somers (ed. Sir Walter Scott), *A Collection of Scarce and Valuable Tracts*, (1815), 'Her Majesty's Reason for Creating the Electoral Prince of Hanover as a Peer of the Realm', (1712), 215.

^{lxv} P. W. J. Riley, *The Union of England and Scotland: a Study in Anglo-Scottish Politics in the Eighteenth Century*, (Manchester, 1978), 162-68.

^{lxvi} William Coxe (ed.), *The Private and Original Correspondence of Charles Talbot, duke of Shrewsbury*, (1821) chapter XII.

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- lxvii *Vernon Correspondence*, 8 December, 1704, 281.
- lxviii Harold Williams, *The Correspondence of Jonathan Swift*, vol. II, (Oxford, 1963), 115.
- lxix *Vernon Correspondence*, 1 December, 1704, 277.
- lxx *ibid.*, 1 December, 1704, 277.
- lxxi *ibid.*, 8 December, 1704, 279.
- lxxii *ibid.* 279- 80.
- lxxiii Peter Hume Brown (ed.), *Letters Relating to Scotland in the Reign of Queen Anne*, Godolphin to Seafield, 13 July, 1707, 206.
- lxxiv Edward Gregg, *Queen Anne*, (1980), 130.
- lxxv Crucially as the Bill was debated in the Lords
- lxxvi Longleat Mss., Marlborough to Harley, 17 April, 1707, 169.
- lxxvii *ibid.*, Godolphin to Harley, 22 April, 1707, 170.
- lxxviii *Letters Relating to Scotland.*, Halifax to Godolphin, 4 September, 1705, 160-63.
- lxxix Coxe, *Marlborough*, Harley to Marlborough, 16 September, 1706, 125.
- lxxx *Correspondence of George Bailie of Jerviswood*, Secretary Johnstone to Jerviswood, 21 September, 1706, 161.
- lxxxi *Portland Mss.*, vol. iv, Major J. Cranstoun to Robert Cunningham, 1 October, 1705, 250.
- lxxxii *Jerviswood Correspondence*, Johnston to Jerviswood, 9 September, 1705, 120, 28 November, 1706, 171.
- lxxxiii Coxe, *Marlborough*, iii, Godolphin to Duchess to Marlborough, 18 October, 1706, 131.
- lxxxiv Riley, *Union*, 163.
- lxxxv *Portland Mss.*, vol. VI, Newcastle to Harley 17 June, 1706, 33.
- lxxxvi Colin Kidd, *Union and Unionism: Political Thought in Scotland, 1500-2000*, (Cambridge, 2008).
- lxxxvii J. D. C. Clark, *Revolution and Rebellion*, 129.
- lxxxviii Longleat Mss, Godolphin to Harley, 14 march, 1707, 166.
- lxxxix Scott, *Fletcher*, 75.
- xc J. P. Kenyon, *Revolution Principles: The Politics of Party, 1689-1720*, (1990).

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- xcⁱ *Jerviswood Correspondence*, 14 December, 1706, 176.
- xcⁱⁱ Baron John Somers, *The true secret history of the lives and reigns of all the kings and queen of England from William the first, called the Conqueror*, (1702), 76.
- xcⁱⁱⁱ *Portland Mss.*, vol. IV, Stair to Harley, 12 November, 1706, 348.
- xc^{iv} *Ibid.*, vol. IV, Gregg to Harley, 16 August, 1705, 223-4.
- xc^v *Ibid*, vol. IV, Gregg to Harley, 2 August, 1705, 215.
- xc^{vi} Something that was commented on at the time
- xc^{vii} Brendan Simms, *Three Victories and a Defeat: The Rise and Fall of the First British Empire*, (2008).
- xc^{viii} Clark, *Revolution and Rebellion*, 75.
- xc^{ix} *Valpone or some remarks on some proceedings in Scotland pertaining to the Union and the Protestant Succession*, (1707), 22.
- ^c John Oldmixon, *The History of England*, 375
- ci *Valpone*, 23
- cii *ibid*, 24
- ciii Karl W. Schweizer (ed.), *Lord Bute: Essays in Reinterpretation* , (Leicester, 1988).
- civ *Mar and Kellie Mss*, Mar to Sir David Nairne, 26 October, 1706, 300.
- cv Holmes, *British Politics in the Age of Anne*, 186
- cvi Holmes , *Politics, Religion and Society*, 83-109.
- cviⁱ *Marchmont Papers*, vol. iii, Stair to Godolphin, 22 February, 1707, 447.
- cviⁱⁱⁱ Holmes, *Politics, Religion and Society*, 109-39.
- cix *House of Lords Journal*, vol. 19, 555-6.
- cx Oldmixon, *History of England*, 378
- cxⁱ *Jerviswood Correspondence*, Johnstone to Jerviswood, 25 February, 1707.
- cxⁱⁱ *ibid.*, 4 March, 1707.
- cxⁱⁱⁱ Quoted in Oldmixon, *History of England*, 385.
- cx^{iv} In 1706, for example, the subsidies paid to English allies were; £34,000 for the Palatines, £43,000 for

the Saxons, Bothman Dragoons £9,000 all of which were paid from Supply and in direct subsidies £494,000 for the allies; £500,000 augmentation for the Duke of Savoy and a further £100,000 for Savoy's special services and £22,000 for the Hessians, Oldmixon, *History of England*, 396.