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## ACKNOWLEDGEMENTS

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In producing a work such as this, one inevitably accumulates debts to other people, and it is a pleasure to acknowledge their assistance here. Numerous friends and colleagues shouldered the burden of reading and commenting on my drafts, frequently (though probably not always) saving me from myself: Rab Houston, Keith Brown, Bill Knox, Bruce Lenman, Richard Saville, Robert Crawford, Nicholas Phillipson, Alexander Murdoch, Andrew Mackillop, Roger Emerson, Andrew Nicholls, Mark Spencer, Helena Thorley, Alexander Thorley, David Palmer and Katie Price (now Allan). I am grateful also to Hannah Scott for some important kindnesses, and to Andrew MacLennan and Heather McCallum at Longman for editorial support throughout the period from proposal to publication. Finally I should mention those undergraduates in the University of St Andrews to whom I have tried to explain different aspects of eighteenth-century Scotland. They may be surprised to learn that their suggestions and encouragement were important factors in the completion of this book.

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## CHAPTER ONE

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### Nation

One issue above all was made so problematical by eighteenth-century events that it continues to perplex the Scots even today: their nationhood – the need continually to ask ‘Who are we?’ The answer, of course, has never been entirely straightforward. A convoluted political and religious relationship with the English, the unavoidable fact of extreme geographical proximity and deeply rooted ethnic and linguistic ties have ever muddled the water. Yet the late-medieval conflicts with England, continuing sporadically into the sixteenth century, had somehow fashioned a collective identity among Scotland’s disparate inhabitants, infusing them with a profound sense of their own separateness. If knowing what properly defined a Scot remained complicated – first amid intensifying hostilities between the country’s Gaelic-speaking Highlanders and Scots-speaking Lowlanders and then because of the people’s own violent religious differences following the Reformation – a working solution to the problem, frequently repeated and almost universally endorsed by all ranks and persuasions, gradually emerged. Whatever else they might be, the Scots, by the later seventeenth century, could at least be sure that they were not English.

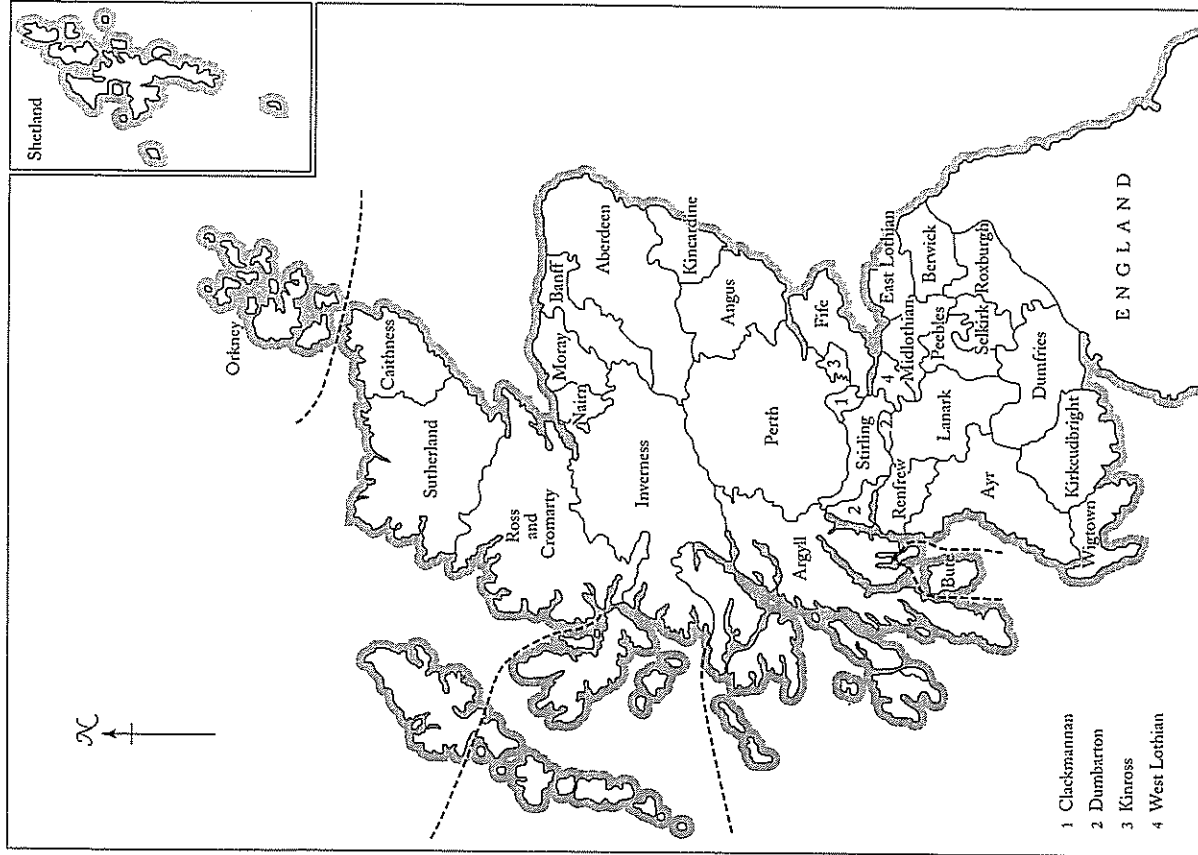
The impact of the Treaty of Union, by whose ratification in 1707 the last Edinburgh Parliament agreed that Scotland should be incorporated into a newly forged British state governed from the English capital, was therefore necessarily unsettling. Deciding whether to establish these new arrangements in the first place, as well as which of several possible variant forms they might take, inevitably caused internal convulsions. All manner of other issues were also left unresolved for the Scots by the creation of a new polity. Key questions were in fact settled not in the surprisingly laconic treaty but in the slow and difficult evolution of political practice over succeeding decades: What precisely was to be the new role of Scotland’s politicians and

institutions? How might the Scots secure their own interests within a predominantly English state? And would Westminster seek to preserve or to erode Scotland's distinctiveness? Even less clear were the ramifications for the Scots' identity. In particular, if nationhood were ordinarily expressed through the free exercise of sovereign self-government, had Scotland itself also ceased to exist in 1707? Whatever their views, and however they preferred to answer these questions, all Scots were forced to confront the consequences of Union. It is with the background to this epochal event that we must begin.

### Convergence and crisis

In 1700 the separate kingdoms of Scotland and England still had a considerable distance to travel before their slightly awkward marriage could be consummated. Mutual suspicion, at times verging on a complete breakdown in relations, marked the notably cantankerous years leading up to the treaty. Superficially it can appear that Union was the result of irresistible processes of convergence – that, if not quite inevitable, it was the product of long-term forces pressing the two neighbours ever closer to some kind of lasting political unification. While this interpretation certainly dominated between the eighteenth and mid-twentieth centuries, recent historiography, less deferential towards older pieties, has begged to differ. It is now generally agreed that, although specific trends of convergence can indeed be identified as far back as the sixteenth century (especially those arising out of both people's shared formal commitment to Protestantism), so too were deeply rooted patterns of divergence also strongly evident. These were in fact still driving the two old enemies further apart until a surprisingly advanced stage in the pre-Union proceedings.

The political developments of the seventeenth century were not the least of the hindrances to closer and happier Anglo-Scottish relations. The experience of the 'regal union' or 'union of the crowns', stemming from 1603 when James VI of Scotland had succeeded his mother's childless cousin Elizabeth, Queen of England, thus beginning an often unhappy arrangement by which two historically antagonistic kingdoms shared the same monarch, lay at the root of the strained relationship. Pro-unionists ever since 1603 have pointedly interpreted this royal connection as a milestone on the road to greater intimacy; and the Treaty of Union was indeed, as we shall see, in many ways a solution to the constitutional and diplomatic tensions which were James VI and I's peculiar legacy to his successors (though it was not, it should be added, the only possible solution: elsewhere



Map 1 Eighteenth-century Scotland

in seventeenth-century Europe, the Habsburgs' awkward tenure of both the Bohemian monarchy and the German emperors did not result in a unified state). But the intrinsic problems of multiple monarchy, especially when it is remembered that a third throne – that of Ireland – came along with James's English inheritance, led many Scots to even greater resentment of England's pre-eminence within the British Isles. It also prepared them to resist any suggestion that their own future might lie with absorption in what would inevitably be an anglocentric polity.

Historians have lately grown fond of interpreting seventeenth-century British history in terms of this so-called 'three kingdoms' perspective. Yet the tangled relationships between the separate polities ruled over by the Stuarts after 1603 do seem to provide the key to understanding many of the age's major events. The political and military crisis of the late 1630s and 1640s, for example, which lost James's son Charles I not only his three crowns but his head, might convincingly be explained as a disastrous manifestation of the problems latent in Britain's haphazardly arranged multiple monarchy, the patchwork product not of coherent planning or rational strategy but of the biological accident of James's inheritance. In this context Charles's catastrophic attempt to import essentially English religious forms into a very different Scottish environment, so compelling his irate Scottish subjects to apply pressure to their shared king by successfully invading northern England in the so-called 'Bishops' Wars', was the immediate trigger which ignited the combustible materials which had accumulated in the south by 1642.

Attempts by successive Stuarts to consolidate the narrowly personal union of 1603, and to make the multiple monarchy more congruent and more manageable, also met with little success. James himself had tried in vain to persuade his English and Scots subjects to form a unitary state. His grandson Charles II likewise failed to convince the sceptical statesmen of London and Edinburgh that royal proposals for economic union (1668) and parliamentary union (1670) were in their mutual interests. Indeed, it says something not only about the obvious administrative attractions but also about the formidable obstacles in the way of Anglo-Scottish union that between 1652 and 1660 it was Cromwell's all-conquering revolutionary regime, the only real military dictatorship in British history, which briefly boasted this unique achievement among its dubious accolades.

The fundamental contradiction of multiple monarchy – a compelling pragmatic case for institutional integration so as to make possible its more effective management, yet also continuous resistance from each kingdom arising out of distinctive identities and traditions – runs throughout the entire seventeenth century, afflicting all who shared, or aspired to share, a wider British vision. The difficulties of tripartite government, however, were

not only those of Stuart ministers or Cromwellian administrators struggling from London to rule three incorrigibly divergent peoples. Seen from the perspective of the Scottish people or the Edinburgh Parliament, multiple monarchy was not that much more satisfactory. Even discounting the ill-advised attempts by both Charles I and Charles II to impose an Anglican model on the Scots' distinctive religious institutions, always regarded as the *locus classicus* of the threat posed to Scotland by a monarch whose own ideas and inclinations were disproportionately shaped by English experiences, the decades prior to the Treaty of Union offered abundant further evidence against the regal union. In particular, this period had underlined the fact that the convoluted inheritance of James VI and I would tend more often than not to work to the disadvantage of the smaller, weaker and more distant of the two main Stuart kingdoms.

Not only had a reigning King of Scotland deigned to visit his subjects just twice since ascending the English throne (James VI in 1617 and Charles I in 1633). To the obvious problem of absentee monarchy was also added the grave constitutional risk that decisions affecting Scotland's crown – and indeed other vital aspects of her national life – would effectively be dictated by the English Parliament. On this point the seventeenth-century evidence was distinctly discouraging. It was mainly agreements between Westminster and Charles II that had brought about that king's unexpected return to his late father's three British thrones in 1660. Again in 1688–89 it was a narrow conspiracy among English parliamentarians which engineered William and Mary's successful invasion and James VII and II's consequent loss of his predecessors' British patrimony. In both cases Edinburgh was left to grapple with the results of unforeseen English decisions which nevertheless had the most drastic implications for Scotland's own government. Finding itself negotiating the conditions on which these monarchs might govern in Scotland long after their general suitability had already been determined by London, the Scots Parliament was more than once forced to accept that, precisely because they were not the concern of an exclusively English parliament at Westminster, Scotland's vital interests were being compromised by a fundamental asymmetry in the geo-political architecture of seventeenth-century Britain. Thus when William after 1689 had once more raised the possibility of parliamentary union, it is not surprising that many Scots, including some who would later oppose the 1707 treaty, favoured it. Indeed, the proposal eventually foundered more on English apathy than on Scottish resistance.

This assessment of Scotland's chronic weakness in its relations with its own sovereign, which had attained widespread credibility throughout the political community at the turn of the eighteenth century, had most recently been borne out by the events of the 1690s. England's preponderance

in national wealth, military and naval power and political ambition was becoming ever more obvious. Under William's firm hand the Westminster Parliament was emerging at the helm of a fiscal-military state of considerable authority, leading a Continental coalition at war with the France of Louis XIV between 1689 and 1697 and engaged in confident imperial and commercial extension as far afield as the Indian subcontinent and North America's eastern seaboard: small wonder that the views and advice of the king's Edinburgh parliamentarians, especially if unwelcome or contrary, were ignored. To compound insult with injury, William's wars also badly hit Scotland's export trade. Although they closed many northern European ports to all British vessels, the Scots' exclusion from England's Atlantic trade and consequent over-dependence upon North Sea commerce in particular meant that they suffered disproportionately. Worst of all, with armies still substantially controlled by kings rather than parliaments, Scottish soldiers and officers, as part of the royal army, were routinely used by William, alongside those of his regiments raised south of the Border, to pursue the crown's strategic objectives on the Continent.

By far the most dramatic recent case of English priorities overriding Scottish interests, however, was the infamous Darien scheme in which the Scots Parliament had lent its full support to an attempt to establish a trading colony on the coast of Central America. Inspired by a desire to emulate English and Dutch colonial successes, the first expedition set sail in July 1698 with orders 'to proceed to the Bay of Darien . . . and there make a settlement on the mainland as well as the said island, if proper (as we believe) and unpossessed by an European nation or state in amity with his Majesty'. Although a second voyage was made in 1699, the venture was an unmitigated disaster. The territory in question was claimed by Spain. William, whose peaceable relations with Madrid were an integral part of his strategy against Louis XIV, declined to employ his diplomatic or military resources to protect his ill-advised Scottish subjects from Iberian wrath: the king's refusal to intervene may have greatly pleased rival English trading interests (particularly the powerful East India Company) but it caused predictable fury in Scotland. It remains true that tropical disease and inept planning were also factors in a financial catastrophe which lost investors huge sums. Yet the wider constitutional lessons were no less evident to politically literate Scots. Labouring under a form of multiple monarchy which granted the peripheral kingdom little leverage over its own sovereign and no say at all in the parliamentary deliberations of the dominant nation, Scotland was in crying need of some kind of re-working of the British systems of government.

Just as these painful examples of Scotland's progressive marginalisation were accumulating, contemporary events also offered further evidence that

the country's existing political apparatus was becoming less and less effective. Indeed, even eventual opponents of the 1707 treaty seem to have become convinced that the status quo – a kingless kingdom within a multiple monarchy whose centre of gravity lay elsewhere – was no longer a viable option. The ensuing debate about Scotland's destiny, however, was strongly coloured by the economic crisis which afflicted the country throughout the 1690s. Partly this was the product of the Continental wars disrupting Scottish trade; but it was also the result of a succession of dreadful harvests across Scotland through the second half of that blighted decade. Starvation, famine and unemployment occurred on an alarming scale, all the more worrying against the backdrop of the deepening disaster in Darien, and ever greater awareness of England's contrasting plenty and prosperity, which clouded the last years of the old century.

Most Scottish politicians by 1700 were therefore agreed that fundamental change was needed to guarantee national survival. For some, like Andrew Fletcher of Saltoun, with his fiery temperament and lairdly prejudices but also his brilliantly original mind, the solution lay in a linked series of measures which he recommended as commissioner (i.e. parliamentary representative) for East Lothian and as the author of several topical pamphlets, most notably *Two Discourses Concerning the Affairs of Scotland* (1698). These included draconian measures to bind the poor to the soil and deport vagrants to the Venetian galleys; the establishment of a militia subject to ferocious discipline; a prohibition on the charging of interest; a programme of concerted agricultural development; some equalisation of personal wealth; and, most intriguingly, a speculative scheme reorganising Britain and Europe into roughly equal states under the public-spirited control of their propertied elites. Fletcher's latter-day admirers understandably gloss over the illiberal elements in this extraordinary package. But the consistent preference for devices which would check the growth of central authority also betrays his sense that Scottish liberties and Scottish interests were coming increasingly under threat from an Anglo-Dutch commercial and military superpower. This perception, leading him strongly to oppose the Treaty of Union in due course (even though he had earlier supported William's union proposals), has naturally made Fletcher an icon for modern anti-unionists. Yet the far-fetched nature of his constitutional proposals, at least to his unconvicted contemporary opponents, also spoke volumes about the state of the country. In essence, they confirmed that Scotland, unquestionably a nation in crisis, was rapidly running out of credible alternatives.

## Treating for Union

This was the variegated longer-term background to the making of the treaty: a confusion of centrifugal and centripetal forces pulling England and Scotland apart while simultaneously pushing them together, all of them at work in an environment in which informed Scottish opinion was becoming more and more convinced that the nation's condition required drastic improvement. The first years of the new century were not much different, except that, just as the reasons for seeking an Anglo-Scottish union became even more cogent, so resistance to it also grew more intense. England's burgeoning wealth and power were unarguable facts which still bewitched most Scottish observers. Yet it was actually a new problem which was to prove decisive. Crucially, it was this that finally convinced English politicians, long at least as sceptical as their Scottish counterparts, that union with the king's much smaller and poorer northern kingdom was in their own interests. Typically, however, this issue also generated even greater tension in Anglo-Scottish relations in the short term, at first making any kind of voluntary union between the kingdoms appear only a remote possibility.

The new factor was the royal succession, an issue rendered peculiarly fraught by William's childlessness and the growing awareness that Mary's younger sister Anne, whose only surviving child died in that year, was likewise unable to supply a living heir. Given the very real possibility (factually borne out in 1715) that the exiled James VII and II or his son might exploit these failings by attempting a Catholic restoration by force of arms, aided by their protector and co-religionist Louis XIV, who strongly backed their claim, Westminster once again decided to take matters into its own hands. In 1701 the Act of Settlement was passed in London, specifically excluding Catholics from the English throne. It settled the destination of the crown after Anne's death on a distant but impeccably Protestant candidate: Sophia, Electress of Hanover and the German grand-daughter of James VI and I.

This was in one sense an understandable precaution given contemporary paranoia about the twin evils of Popery and tyranny supposedly associated with the deposed Catholic line of the Stuarts. Yet the Act was greeted with horror in Edinburgh. As a unilateral English decision, it flagrantly ignored legitimate Scottish interest in the identity of future British monarchs: just as in 1660 and 1688, Westminster, concerned solely with English interests, had pre-empted any decisions by the Scots Parliament and effectively presented Scotland with a fait accompli. This realisation produced two important reactions. First, an extensive and thought-provoking debate developed among the parliamentarians as they sought to arrive at an appropriate Scottish

response: encouraged by Fletcher, they considered both the succession and, more widely, the need to secure greater control over their monarch. These discussions culminated in Scotland's own Act of Security, which explicitly restated the country's prerogatives with regard to the Scottish crown and contained thinly veiled threats that they might yet prefer a non-Hanoverian candidate unless specific restraints (particularly strengthening the powers of the Edinburgh Parliament) were placed on the government. An accompanying piece of legislation, the Act Ancient Peace and War, pointedly asserted Scotland's right to pursue an independent foreign policy after Anne's death. By the time she reluctantly gave the royal assent in 1704 in return for the Scots' grant of supply (i.e. taxes), the former statute had been watered down, but the limitations proposed on royal power, strongly influenced by Fletcher's florid denunciations of executive excess, remained prominent.

The second and no less inevitable consequence of Westminster's undiplomatic Act of Settlement was a pronounced chilling in Anglo-Scottish relations. Coming on top of centuries of intermittent mistrust and with Darien and the economic consequences of renewed English wars against France adding fuel to the fire, it is not surprising that the Scots responded aggressively. For the English, however, Scotland's Act of Security was itself both an affront and a threat, seemingly blackballing their own future monarch so as to obtain concessions for Scottish interests and, what was worse, leaving open the possibility of a rival, perhaps even a Catholic, candidate securing the throne of Scotland as a likely precursor to an attempt also to claim the English crown. London duly responded to what it perceived as an ultimatum with one of its own.

The Alien Act of 1705 gave the Scots just ten months to repeal the Act of Security and either formally endorse the Hanoverian succession or enter into meaningful negotiations about a political union between the kingdoms. If Scotland refused, then the rights of English citizenship enjoyed by Scots since James VI's time would be revoked and their duty-free imports of cattle, coal, sheep, wool and linen into England terminated. This was a crude but effective ploy, striking directly at the Scots' most vulnerable points: in the words of Sir John Clerk of Pentlands, who, significantly, gravitated from early scepticism to eventual support for union, it was simply an unavoidable truth that 'our country's fortunes depend on England; the only wealth we have comes from the horses and cattle we sell there'. Following this English move, jeopardising key economic activities about which the Scots were acutely sensitive, one of the most notorious incidents in Anglo-Scottish relations occurred: anti-English rioting in Edinburgh was accompanied by the execution of the unfortunate Captain Thomas Green and two crewmen of the English merchantman *Wrestler* — one of them ironically a Scot himself — on Leith sands in 1705, on a trumped-up charge of piracy.

As will be clear, the forces impelling the Scots and English to consider union in the first five years of the century were once again simultaneously stirring up the most determined opposition. Yet this time, after much soul-searching and not a little arm-twisting, the critical new departure which was England's willingness to embrace Scotland, together with deepening fears among the Scots about the diminishing range of sensible alternatives, eventually settled the issue. Thus it was that in the summer of 1705 the Scots Parliament finally nominated its commissioners to treat for union with their English counterparts. This was in fact to be the crucial part of the whole process, for on the composition of the negotiating team depended the nature of the treaty which would subsequently be presented for ratification in both Edinburgh and London.

An earnest debate heard all the familiar arguments rehearsed. Opponents of the government, the 'Country' party, initially appeared to have a majority. But the sense that Scotland lacked other options, and indeed the inability of the crown's miscellaneous opponents actually to produce a coherent rival solution to the intractable political and economic difficulties confronting Scotland, gradually undercut resistance. When the government finally won over James Hamilton, 4th Duke of Hamilton, previously an opposition leader (and later rewarded for his timely conversion with the English dukedom of Brandon), it was agreed that Anne, in her capacity as Queen of Scotland, should choose the commissioners herself. This, of course, ensured that they would largely be pragmatists willing to work constructively with the English delegation.

The proposals hammered out were predictably a series of compromises, between Scottish and English interests but also between a coherent programme for a mutually acceptable union and a variety of more disparate provisions designed to win the support of key interest groups and to buy off potential opponents. The latter, a necessary feature of contentious legislation in all ages, explains several striking clauses in the draft treaty. These included guarantees of the preservation of the Scots law and legal system (of obvious interest to the powerful legal lobby in Scotland), as well as compensation for the Scots acquiring a partial share in England's accumulated National Debt and reimbursement for the Darien investors (represented by a sum known as the 'Equivalent'). It was also agreed, by a separate Act of Security, that Scotland's Presbyterian church would remain forever separate from the Church of England: this, as Clerk observed, 'did something to calm the outcries of the mob and the fears of the clergy'.

But the most important question of principle was resolved only by implacable opposition from England to anything other than a fully incorporating union. It had been possible to imagine other scenarios emerging, especially a federal British union not unlike that previously proposed by

Fletcher and perhaps initially favoured by most other Scottish politicians. But the scope for continued independent Scottish action which that would entail was anathema to London's commissioners, obsessed by the need to guarantee a united British front over the succession, war and international relations. Lockhart of Carnwath, the treaty's implacable enemy (and indeed the only Scottish commissioner consistently to oppose the project), justly complained to a friend that, despite all of his colleagues' apparent enthusiasm for advancing federal solutions to their national predicament, 'upon the English declaring they'r aversion to it, they let it drop'.

It was for this reason that the draft treaty eventually brought before the Scots Parliament envisaged something quite remarkable in European history: the voluntary absorption of two kingdoms into a unitary state called Great Britain, with one sovereign (Hanoverian after Anne), one legislature (at Westminster), one executive, one flag and one citizenship. In other words, in return for sacrificing their independence, the Scots were granted a small but vital say in London, where unilateral decisions, based exclusively on English interests, had increasingly cast a pall over Scotland's own internal affairs. Furthermore, the treaty stipulated that Great Britain should have a single currency and economic regime. This too was crucial to the Scots, opening up not just England but England's vast overseas markets to unrestricted trade. Indeed, given the Scots' profound anxieties in the wake of agricultural failure and amid deepening commercial gloom, this prized concession might appear to have made the complete package almost irresistible.

The ensuing debate was a credit to the last crop of Scots parliamentarians, a series of set-piece confrontations over the separate articles of the bill to ratify the treaty. Several gave rise to such eloquent effusions and so many insightful meditations on fundamental political principle that they have achieved almost legendary status in the Scottish pantheon. Second only to Fletcher, the leading light of the anti-union cause was John Hamilton, 2nd Lord Belhaven, a landowner and disgruntled Darien subscriber who had switched from early support of William's regime to bitter hostility towards an unaccountable court and its latest brain-child. Some saccharine sentiments evoking the doleful countenance of 'our Ancient Mother Caledonia' prettify one of the most memorably emotive speeches ever delivered by a Scot. But his perceptive analysis of the constitutional problems disguised by the sheer brevity of the proposals, anticipating in particular the dangers of Scotland's relatively weak voice being continually drowned out by a deafening chorus of English interests, is what really deserves to be better known. Belhaven should rather be seen as initiating a tradition of intelligent Scottish criticism of an inevitably unequal union between a budding London-based superpower whose 'Circumstances are Great and Glorious' and what he soberly described (in a phrase which explodes the myth that anti-unionism

necessarily rested on a favourable assessment of Scotland's own position) as 'an Obscure poor People?'

Behaven's most skilful sparring partner was Sir William Seton of Primedden, son of another old enemy of James VII and one of Anne's chosen commissioners. Seton rehearsed the potent counter-argument for embracing a full incorporating union as a pious national duty, seeing it as absolutely essential for Scotland's political, religious and economic salvation. He insisted that

by this Union, we'll have Access to all the Advantages in Commerce, the English enjoy; we'll be capable, by a good Government, to improve our National Product, for the benefit of the whole Island; and we'll have our Liberty, Property, and Religion, secured under the Protection of one Sovereign, and one Parliament of Great-Britain.

These observations too were a pointer to the future. They demonstrated that Scottish patriotism and British unionism would be compatible rather than mutually contradictory for those able and willing to make the necessary leap of political imagination.

It would be nice to record that these high-minded salvos of classical rhetoric were the key to the Scots Parliament's decision between November 1706 and January 1707 to endorse the treaty. Unfortunately it would also be mistaken. For grubby politicking – 'management' as it was customarily described by apologists – also helped bind together the shaky and short-lived alliance of pro-unionists which eventually delivered an impressive-looking majority of 110 to 67 in the final division. Crucial people had in fact been detached by the 'Court' party from the oppositional 'Country' grouping: in effect, habitual enemies of royal policy were by one means or another converted into supporters, however temporarily. John Kerr, 5th Earl of Roxburgh, surprised many by changing horses in mid-race. The comparatively independent and sceptical 'Squadron Volante' (or 'Flying Squad') faction, led by the widely respected John Hay, 2nd Marquis of Tweeddale, proved especially important when they switched en bloc under encouragement from Anne's representatives John Campbell, 2nd Duke of Argyll (one of the crown's leading generals in the Continental wars, known by the impressive Gaelic soubriquet 'Red John of the Battles'), and James Douglas, 2nd Duke of Queensberry ('The Union Duke'). Roxburgh's musings in 1705, repeatedly quoted but apt nonetheless, best encapsulate the diversity of concerns which gave this heterogeneous assemblage sufficient reason to ratify the treaty: 'The motives will be, Trade with most, Hanover with some, ease and security with others, together with a general aversion at civil discords, intolerable poverty, and the constant oppression of a bad ministry.'

Yet both money and other inducements were also clearly implicated: a peerage here (notably Roxburgh's dukedom, which followed by a suspicious coincidence of timing in 1707) and payments there (including £1,750 back-pay for Tweeddale), not to mention the Equivalent (barfaced bribery or rightful compensation, depending upon how one looks at it). White-hot controversy surrounds such transactions to this day, with scholarly parsons engaged in essentially unresolvable disputes over their exact scale and consequences for individuals' behaviour. It is clear that such dealings – which is to say, the trading of gifts, opportunities, office and rewards in return for favour and support – were the normal currency of political life, not just in Scotland but also across Europe. Though falling far short of the standards expected of later British statesmen, the manoeuvres of 1703–7 were unremarkable three hundred years ago and need to be judged accordingly by the historian. But it would also be naive to think that the tempting rewards offered were not sometimes decisive in winning friends and influencing people. Several politicians performed spectacular somersaults over relatively short timescales, and it is difficult not to think ill of their reasons for doing so, however mixed their motives may actually have been: in a popular refrain that Burns later adapted to powerful effect, from some angles it did indeed appear as though the country had simply been 'bought and sold for English gold'.

Most Scots played no part in the unfolding drama, though the townspeople of Edinburgh did supply a seething chorus of discontent, roughly menacing the nervous politicians who scurried through Parliament Close. The populace also staged riots, as did the citizens of Glasgow; hostile petitions flooded in from burgh corporations and church congregations. Because of this the charge is frequently heard that the Union was, and therefore by implication must still be, illegitimate. This is, of course, a convincing riposte to any suggestion that a more democratic age should feel bound by its specific provisions. But with respect simply to the historical interpretation of an episode in early eighteenth-century politics, it is patently anachronistic. After all, accusations of unaccountability could with equal justice be levelled at the Declaration of Arbroath of 1320 – not the settled will of the wider Scottish people but the partisan rhetoric of the Bruce's chancery propagandists – or even at the seventeenth-century National Covenant, itself scarcely the product of a free and fair ballot. Not surprisingly, such objections are much more likely to be heard in relation to the events of 1706–7. Yet it is difficult to believe that the inevitably unrepresentative political processes of earlier times, when the views of the population at large were neither sought nor even considered remotely relevant, can be judged solely by whether they yielded results of which several centuries later we ourselves happen to approve.



The making of the Union – tortuous, convoluted and profoundly undemocratic as it necessarily was – was the result of the coming together of several different factors in specific historical circumstances: it was to some extent fortuitous though not remotely accidental; unsurprising rather than strictly inevitable. The problem of the succession and the need for a consistent foreign policy finally aroused England, long the most reluctant of spouses, into a state of unquenched ardour. Declining trade, arrested economic development and a recognition of growing national impotence were also understood by articulate opinion in Scotland to be matters requiring fundamental and urgent change: to do nothing was the counsel only of fools. Increasing numbers of Scottish politicians therefore persuaded themselves, or allowed themselves to be persuaded, that what this undoubtedly eligible suitor was now offering, a union bringing a generous dowry and a promise of future good behaviour, was quite simply the best (and almost certainly the only) catch available. It was this calculation, and not the play of great historical forces, which brought about something which the wildest dreams of crown propagandists and the practical needs of successive monarchs had failed to achieve: the Treaty of Union was a marriage of convenience, the two partners having different but largely complementary reasons for entering into what they both hoped would be an advantageous new relationship. The consequences of this decision marked Scotland's political life forever.

### The machinery of post-Union politics

In an important sense Union savagely culled Scotland's active politicians. The eighty-eight county and sixty-seven royal burgh representatives in the last Scots Parliament were replaced by just thirty and fifteen MPs respectively in the new Parliament of Great Britain. Scotland received fewer seats in the re-fashioned House of Commons than its probable share of Britain's then-population might have suggested (though such considerations were, strictly speaking, irrelevant to contemporaries lacking not only our democratic assumptions but also our demographic data). Offsetting this, the country also received rather more Commons representation than its tiny contribution to total British state revenues would initially have justified. Similar numerical shrinkage befell the Scottish noblemen who sought admission to the reconstructed House of Lords: the seventy-seven peers in the final Edinburgh Parliament were in fact whittled down to just sixteen elected representatives at Westminster (though to these must be added those Scottish aristocrats whose English titles or admission to the new Great Britain

peerage conferred automatic membership of the Lords). Lockhart characteristically denounced this as 'the depriving our nobility of their birthright', and it certainly excluded from direct participation many previously active noble politicians. As a result, the century saw incessant jostling among the ermined classes, even after the crown secured effective control over the nomination of Scotland's representative peers.

If the opportunities for continued parliamentary participation were thus in one sense clearly truncated by the Union, then in other ways a surprising amount of Scotland's old representative system survived, either unaltered or only slightly modified, under the new dispensation. Both the post-1707 electoral system and the sharing out of the forty-five Commons seats were determined not within the treaty but in decisions taken by the last Scots Parliament. The Scottish royal burghs were grouped into fifteen districts of four or five: for example, Ayr, Irvine, Rothesay, Campbeltown and Inveraray sent a single MP to Westminster. As the capital, Edinburgh alone now returned its own parliamentary representative. Similarly twenty-six Scottish counties were awarded an MP each, while Orkney and Shetland were treated as one and the six smallest (like Nairn and Cromartyshire, the latter a bizarre patchwork of estates associated with the eponymous earldom actually scattered across the larger county of Ross-shire) were paired and given representation in alternate parliaments.

In other respects, too, pre-Union Scottish conventions were followed religiously when integrating the counties and burghs into the Westminster system. Above all, since the Scottish elite, like their new English partners, still assumed that seats in parliament needed to be identified with local political communities rather than with equal subdivisions of the wider national population, no attempt was made to reflect changing demographic realities. Populous and economically important counties like Aberdeenshire and Perthshire returned a single MP. But so did the far smaller shires of Banff and Kirkcudbright. The historical accidents which had given no fewer than fourteen of Fifeshire's royal burghs a voice in the old Scots Parliament also continued after 1707 – even though this meant that only three of Aberdeenshire's towns, and in Perthshire the county town alone, were represented. Rapid population growth soon made these traditional imbalances even more striking. Booming industrial settlements like Motherwell and Coatbridge, which, demographically speaking, emerged virtually from nowhere after 1750, remained unrepresented at Westminster until the next century, except for their marginal influence over the Lanarkshire county elections. Even Glasgow, Scotland's largest town by the 1780s, enjoyed only a quarter-share in a district MP until the 1832 Reform Act, while Dornoch, Pittenweem and Cullen, each with populations barely in hundreds, received identical representation.



The terms on which Scottish electors participated also did not change after the Union: the old County Franchise Acts of 1661 and 1681 simply continued in force for Westminster elections after 1707. Shire voters had either to own the feudal superiority of land valued at 40 shillings under the Old Extent (a thirteenth-century tax survey), or, where that valuation could not be determined, to hold the same rights to property worth £400 Scots per annum. Not surprisingly this severely limited the size of electorates: even as late as 1788, when a group of opposition politicians commissioned a private survey of the political lie-of-the-land, they discovered that there were still only 2,668 registered voters throughout all of the Scottish counties. This narrow qualification also ensured the replication among electors of the dramatic inequalities in county representation: Bute's MP was returned by a mere twelve voters while candidates for Aberdeenshire faced a comparatively competitive electorate of 178. The agreeable convention that the newly returned member for Kincardineshire entertained his electors over dinner at the Mill Inn in Stonehaven says more about a limited franchise than it does about unusual wealth or conviviality.

Burgh representation was even more limited. Before 1707 Scotland's urban franchise had merely been extremely narrow. Afterwards, and again because the British political system simply adapted traditional Scottish practices, it was often little short of farcical. As before, votes remained the preserve of the bailies (the magistrates) and ordinary councillors. Commonly these comprised an incestuous clique, nominated annually by their own predecessors rather than chosen freely by the members of the merchant and craft guilds — let alone by the swelling population of urban-dwellers at large. The post-Union districts effectively tightened these restrictions still further through an electoral college arrangement by which each council was required to send a delegate to a district election meeting. Astonishingly, therefore, the thirty-three councillors who directly elected Edinburgh's own MP represented by far Scotland's largest urban elector-burgh council merely chose a delegate, four or five of whom would together actually elect the district's MP.

Not least because the Parliament of Great Britain was essentially seen as representing a constellation of local interests throughout the two kingdoms, it is worth looking more closely at the other political structures which existed across eighteenth-century Scotland. For here too the post-Union period overwhelmingly saw the continuation of existing practice. Participation in local government remained a privilege, and was usually accorded only to those with a significant investment in the community. Typically this meant that, even in the burghs, heredity and property were the twin determinants of personal status and political power. When John Learmonth, a Stirlingshire

merchant and landowner with business interests in the port of Leith, became a burghess of Edinburgh in 1793, he was admitted specifically because his father and grandfather (Alexanders both) had previously enjoyed this coveted rank. Yet even wealthy and well-connected men like Learmonth, who never became a magistrate or a councillor in the burgh, actually had no vote in Edinburgh's parliamentary elections: 'omnipotent, corrupt, impenetrable' was the short but devastating analysis of the capital's political machinery by Lord Cockburn, an early nineteenth-century critic.

A Scottish royal burgh's internal government was still largely prescribed by custom as enshrined in its particular 'set' (constitution). Commonly, however, its primary duty was to protect the interests of the burghesses enrolled as members of the merchant guild. The corporation, presided over by a provost or lord provost, frequently exploited the opportunities which the restricted franchise afforded for factional entrenchment: the fact that the corporation of Annan in Dumfriesshire through the 1750s was comprised entirely of the relations of two local landowners was merely an extreme illustration of what was possible under a system of literal self-perpetuation. By 1800 these closed fraternities were gradually being discredited: councillors diverted funds into their own pockets; they profited from mortgages secured on public property; they sold the common assets; and they failed to keep competent accounts (as was spectacularly found to be the case in Edinburgh itself in 1799). Conversely the council's legitimate functions were strictly limited. It upheld the burgh's regulations in respect of markets, prices, buildings, customs and other dues, particularly through the court of the dean of guild; it enforced law and order through a town guard or constables, usually the council's principal employees; and the bailies in particular had responsibility for dispensing justice in civil and petty criminal cases — though in practice their business was dominated by small debts and property disputes.

Peculiarly Scottish forms of burgh incorporation also survived the Union intact. Sixty-six royal burghs (though, in a characteristic exception, excluding traditionally non-functioning examples such as Newburgh, Falkland and Auchtermuchty in Fife) shared district representation at Westminster: major communities like Cupar, Dingwall and Jedburgh were naturally intensely proud of the foothold this gave them in national politics. The same towns also had a collective voice in the Convention of Royal Burghs, which organised their share of 'stent' (i.e. national taxation) and adjudicated when the inevitable disputes arose. By contrast, the hundreds of burghs of barony, often tiny like Livingston in West Lothian, founded by the Earls of Linlithgow, or Pitlessie in Fife, established by the Lords Lindsay of the Byres, were usually much less exalted. Essentially the creations of local noblemen and lairds, their privileges were mostly limited to the right to hold markets and

fares and to exercise certain judicial powers. Yet there remained points in common. Royal or baronial, large or small, wealthy or impoverished, the political machinery of the burghs was everywhere both antiquated and unrepresentative. Moreover, with Westminster reluctant to interfere in the unfamiliar minutiae of Scottish local government, they would continue so for more than a century after the Union.

Like the burghs, the shires' formal governmental functions also remained limited in this period, and largely confined to the provision of justice and the collection of taxes. Theoretically the sheriff, as the crown's representative, was still the most important officer. Yet in twenty counties and stewardries (the latter being districts like Kirkcudbrightshire, traditionally associated with royal proprietorship), this had long since been converted into a hereditary sinecure for a local nobleman. Moreover, despite some success in relation to certain kinds of problem — such as cases of debt, 'spuilzie' (borrowing without the owner's consent) and 'bloodwite' (brawling) — the sheriffs continued after 1707 to be only one part of the effective judicial system. Crucially, the Union had not curbed the ancient powers of the landowners. The influence of the latter continued to be felt through a confusing network of courts of barony and regality which exercised wide criminal powers across much of the country. At best these traditional structures offered a useful forum for communal self-regulation; at worst they were a crude device giving Scotland's lairds and aristocrats a hold over local affairs of which their English counterparts could only have dreamed. The distinctive flavour of Scottish franchise jurisdiction into the eighteenth century is perfectly captured in the surviving records of the Barclay family's barony of Urie near Stonehaven, a litany of petty indictments such as 'the keeping and using of a gun and shooting of hares and fowls contrair to law', 'throwing down and grappling with the said Alexander Keith, they being both inebriat', and 'beating and whiping of James Laurie'.

Only in the aftermath of the last great rising of 1745–46 on behalf of the affected Stuarts, which convinced London (wrongly, as it happens) that disaffected Scottish landowners had exploited their private judicial powers to raise a rebel army from among an abused and fearful tenantry, were most of these structures finally swept away. But even then, as the notorious Appin Murder showed in 1752, feudal power could still matter greatly in rural Scotland: the dubious conviction of James Stewart for complicity in the shooting of a government factor owed much to the Duke of Argyll's ability to pack an Inveraray jury with reliable Campbell kinsmen. More positively, the later 1740s saw the reinvigoration of Scotland's hitherto underdeveloped sheriff court system: a cadre of professional sheriffs-depute, assisted by sheriffs-substitute, now finally supplanted the old hereditary sheriffs. By the end of the century these well-trained and usually assiduous

officials — 1799, for instance, found the young lawyer and man of letters Walter Scott serving diligently as sheriff-depute of Selkirkshire — were unchallenged as the government's principal representatives in the shires, notwithstanding the eventual introduction in 1794 of patrician Lords Lieutenant on the English model.

The eighteenth century also saw efforts to re-energise another Scottish county institution, previously ineffectual following its undistinguished Jacobean transplantation from England. This was the commission of the peace — the bench of JPs — who, shortly after the Union, were finally endowed with equivalent responsibilities to their southern counterparts. They were required to convene variously in petty, quarter, general and special sessions held at regular intervals. They were also much involved in key areas of local economic regulation such as wage-determination and the fixing of grain prices. Yet their practical importance in matters criminal — not unlike the sheriffs — was constrained first by the survival for several decades of franchise jurisdictions and at all times by the enduring legal peculiarity which in Scotland reserved the 'four pleas of the crown' (murder, rape, robbery and arson) for Edinburgh's High Court of Justiciary or for its peripatetic circuit judges sitting on 'ayre', the latter also being regularised after 1707. As a consequence, eighteenth-century Scottish JPs chiefly imitated English practice in their social exclusivity, with leading patricians dominating throughout: in Lanarkshire, for example, the commission of the peace was chaired after 1707 by John Carmichael, 1st Earl of Hyndford, a former Secretary of State, and included two other members of his immediate family.

Much more important in local government across Scotland was the commission of supply, first established in the 1660s. This met several times each year in the county town or one of the other principal burghs. It was charged mainly with overseeing the collection of the cess (i.e. the Scottish land tax) and raising revenues for the county's roads, bridges and ferries. Crucially, the peers were invariably outnumbered on the commission by the lairds and other landowners: larger than the number of parliamentary voters because qualification was less stringent (Aberdeenshire, for example, had 260 eligible in 1805, as against the 178 electors identified seventeen years earlier), it very much articulated the views and interests of Scottish landed society as a whole. The executive office of collector of supply might therefore be vigorously contested between competing factions in the same way as any other representative position. But at the same time, the commission, whose assessment of property ownership and valuations for tax purposes also had obvious implications for the determination of electoral qualification, usually resisted the inevitable efforts of individual noblemen, and especially of forces external to the county's landed community itself, to exert undue influence. Indeed, as a potent organisational tool firmly in the hands

of local interests, the commission of supply was in many ways the embodiment of the traditional self-government which so often survived in Scotland in the century after 1707.

### Management and patronage

Because rather than in spite of its peculiar systems of parliamentary representation and local government, active political competition continued in post-Union Scotland. The electorate was, of course, small enough positively to invite attempts at direct manipulation. Moreover, not only were relations between candidates and voters often highly personalised. Local rivalries were also exacerbated by national tensions which divided people into supporters or critics of a particular government or into nominal members of the very loose proto-parties which since the 1680s had been emerging at Westminster — the Tories (supposedly but not always defined by staunch notional support for royal supremacy in church and state) and the Whigs (who pluralism but in reality were scattered confusingly across the entire spectrum, ranging from the establishmentarian 'Court' through the less predictable 'Squadron' grouping to dissident 'Country' radicalism). Given such polarisation and fragmentation within Britain's wider political community, keen and colourful competition for control of a locality was always likely. Yet the scope for 'management' in practice varied greatly, depending very largely upon the electorate in question.

Scotland's royal burghs posed particular difficulties in this regard. As might be expected, local proprietors could directly influence individual towns: the Roses of Kilravock, for example, traditionally controlled nearby Naim. But the complexities of the district system, with constituent towns not necessarily even in the same county (in the Northern Burghs, Kirkwall was in Orkney, Wick in Caithness, Dornoch in Sutherland and Tain and Dingwall in Ross), frequently thwarted attempts at monopolisation by a single landowner. In one crucial respect, however, urban elections were still more susceptible to interference. For, untroubled by the proud ideal of 'independence' which frequently inhibited status-conscious country gentlemen from responding to something so patently ignoble as a financial inducement, the fewer and typically more venal electors in the commercialised social milieu of the towns often proved rather more easily swayed. George Dempster's success in the Dundee Burghs in 1768 actually turned on the lavish disbursement of cash to Cupar's councillors, an expedient for which he was later unsuccessfully pursued in the High Court of Justiciary: 'Cupar

in Fife rivals Gornorrah', Dempster memorably observed of his electors' moral standards. Sir Lawrence Dundas, too, a financier and government contractor (a 'conely, jovial, Scotch gentleman, of good address but not bright parts', gossiped Boswell), first became MP for the Linlithgow Burghs in 1747 — though the Commons immediately unseated him on appeal — by purchasing the votes of the councillors of Selkirk.

The likelihood of genuine political competition in a particular Scottish county, and both the need and the scope for direct manipulation, was more commonly a function of the traditional electoral legislation as it interacted with local social and economic patterns. Fife, for example, with 187 qualified voters in 1788, lacked the overbearing influence of any dominant aristocrats. It therefore seemed propitious territory for Henry Erskine, Dean of the Faculty of Advocates, leader of Scotland's opposition and the man for whom that year's confidential survey of the county electorates was actually prepared. Perthshire, whose 277 voters were strongly polarised between two camps, the administration's Duke of Atholl and the opposition's Earl of Breadalbane, was more typical in its exposure to competitive magnate influence. But the epitome of proprietorial control was Sutherland. Here Elizabeth Leveson-Gower, eponymous countess, continued to exercise her family's traditional vice-like grip. Her crushing influence over the tiny qualified electorate of just thirty-four meant that Sutherland's parliamentary seat was effectively in her gift. In 1790, for example, she was able to return a pro-government candidate without any actual contest being forced, the opposition's researcher having accurately judged her position 'almost insurmountable' and any challenge to it as 'entirely fruitless'.

A practice which emerged precisely because of political competition was the barefaced manufacture of county votes. As we have seen, electoral qualification was predicated not on the occupation or even on the actual ownership of a given quantity of land but on formal possession of the legal right of feudal superiority. Ever-obliging lawyers duly invented conveyances bestowing upon dependent voters the requisite title to appropriate-sized subdivisions of their clients' vast estates. These 'fiferent' or 'faggot' votes, and the phalanx of so-called 'parchment barons' wielding them in the service of the larger landowners, could easily prove decisive in view of the limited size of real electorates. A notorious case in point is Lanarkshire, by no means the smallest Scottish county: here in 1788 the genuine voters (of whom there were just sixty-six) were comfortably outnumbered by the ninety-five essentially fictitious voters created either by the opposition-minded Duke of Hamilton or by his rivals working in the government interest.

Such deft sleight-of-hand, of course, illustrates very starkly the practical advantages of legal expertise in the post-Union management of Scotland. After all, career politicians themselves now spent much of their time in the

south. The Scottish Privy Council, which had formerly helped a Whitehall-based crown monitor developments and formulate its policies, had also been dissolved – in 1708, at the behest of the Whiggish ‘Squadron’, who feared its malign electoral influence on behalf of the government. It was in the resulting administrative vacuum that the professional lawyers, who had themselves survived the Union unscathed, came into their own. They possessed unrivalled specialist knowledge of the major traditional institutions rooted in Scots law: almost alone they fully understood the arcane rules and practices which governed Scotland’s electoral system, heritable property and the established church. They also inhabited a nationwide hierarchy of courts, uniquely placing them to gather information from across the country and then to disseminate instructions and ensure strict enforcement in return. Already by as early as the 1720s, the lawyers and judges had therefore become so indispensable to the major political players that, had they not existed, they would surely have had to be invented.

During those immediate post-Union decades, when the 2nd Duke of Argyll and his brother and successor Archibald, Earl of Ilay (sometimes rendered ‘Islay’), dominated Scotland’s affairs, it was their allies among the law officers who in practice ran the country. Duncan Forbes of Culloden, who rose to the commanding heights of Lord Advocate (the crown’s chief prosecutor and legal advisor) and then Lord President (head of the judiciary), was a figure of immense political authority on behalf of the judicial ‘Argathelians’ – the formidable interest maintained by the two Argyls. Forbes was in turn succeeded in 1747 by Ilay’s long-time associate Lord Milton: with supreme irony, this formidable epitome of Hanoverian management, mere Andrew Fletcher beneath the courtesy title, was the nephew of the Union’s most famous original opponent. Milton thereafter served the 3rd Duke of Argyll as Lord Justice Clerk, the office technically responsible for Scotland’s criminal law. Dispensing valuable patronage, managing a demanding electorate, alternately fending off and mollifying opponents, reporting discreetly on local developments and offering expert advice on Scottish policies and legislation, such men, sitting unchallenged atop the country’s traditional legal pyramid, were the embodiment of Scotland’s semi-autonomous government under the first two Georges.

The practice of mediating power and patronage through law officers acting as *sous-ministres* (under-ministers), and of receiving a constant flow of information and advice in return, was so effective that it easily survived the final eclipse of the Argathelian interest early in the reign of George III. It continued through their short-term replacement by James Stuart Mackenzie, Argyll’s nephew and the brother of the first Scottish Prime Minister, John Stuart, 3rd Earl of Bute: indeed, during this transitional phase, in the early 1760s, Milton’s tried-and-trusted services were prudently retained.

The power and expertise of such figures was, if anything, an even more important factor in Scottish administration by this time, with the final abandonment of yet another formal political office, the Secretaryship of State. The failure of the last incumbent, John Hay, 4th Marquis of Tweeddale, to combat the 1745–46 rebellion, together with the obvious fact that the ruthless Argathelians had managed increasingly to bypass this ineffectual relic of aristocratic government through the use of skilled and dependable professional lawyers, merely confirmed just how far politicians had in practice come to rely upon the good offices of Scotland’s legal bureaucracy.

By the 1770s matters had moved so far that an ambitious lawyer could even aspire to manage Scotland for himself rather than on behalf of a blue-blooded patrician. Henry Dundas, son of a Lord President and himself Solicitor-General (the crown’s agent in civil actions) and sometime Lord Advocate, dominated the country during the governments of North and, into the next century, William Pitt. Successively MP for Midlothian and for Edinburgh, he held cabinet office as Home Secretary, First Lord of the Admiralty, Treasurer of the Navy, Secretary for War and President of the Board of Control for India. His power, however, rested always on an awesome capacity to control Scottish elections through mutually advantageous deals struck with regional power-brokers like his friend Henry Scott, 3rd Duke of Buccleuch. At the height of his colossian powers in the 1790s, ‘Harry the Ninth’ or ‘The Uncrowned King of Scotland’, as Dundas was variously known, could deliver thirty-four of the forty-five Scottish MPs to his Westminster allies. Even Erskine, his great nemesis (and, inevitably, yet another lawyer and erstwhile Lord Advocate), was unable to compete with a professional lawyer who had either neutralised or co-opted most of the country’s leading electoral interests and fixed himself at the very hub of the British political system.

To a great extent the political leverage enjoyed by the lawyers, and especially by Scotland’s great legal office-holders, also reflected the attractiveness of well-paid employment to eighteenth-century voters. For the granting or promise of rewards was what ultimately allowed the construction of a viable political interest, cementing ties between obliging politicians and grateful electors. A Lord President or Lord Advocate, for example, was potent not least because he could attract a father’s support by finding a lucrative but not necessarily very demanding appointment for a modestly talented younger son. In the Courts of Session, Justiciary and Exchequer in Edinburgh, or in one of the numerous other public jurisdictions across Scotland, the number of positions was growing steadily under the impact of post-Union commercialisation, economic diversification and legal reform. But other openings were also available to aspiring brokers of patronage, similarly proliferating in volume and variety as the century progressed.

An increasing and very attractive source of patronage – and clearly only possible because of the Union – lay in England's, now Britain's, overseas possessions. A doctor, administrator or soldier in the East India Company might acquire not only legendary rich pickings but, for men of talent and ambition, the chance to wield great power and responsibility while still relatively young. Well-placed Scots, such as Henry Dundas himself, George Dempster (a Company director) and David Scott (MP for Angus, then the Dundee Burghs, and chairman of the Company), could oblige supporters with privileged access to a glittering world of excitement and enrichment. In effect, this granted Scotland's politicians, in Adam Smith's sardonic aside, a share 'if not in the plunder, yet in the appointment of the plunderers'.

More prosaic but no less useful were positions on the British crown's own payroll. Excise appointments and army and naval commissions proved valuable currency indeed amid expanding trade and regular eighteenth-century warfare. Many a young Scot consequently found himself an ensign aboard one of His Majesty's frigates in the Mediterranean or Caribbean on the understanding (rarely, of course, made tastelessly explicit) that his father's vote would go with a particular candidate. It was, for example, through a constant trickle of plum naval appointments that the 1st Baron Keith, ensconced at the Admiralty at the close of the century, helped preserve the Elphinstone family's influence in Stirlingshire (largely exercised, it might be noted, in steadfast independence from Dundas and the government). Small wonder that, as the Scottish novelist Tobias Smollett observed during Bute's dominance in the early 1760s, English hostility towards his countrymen appeared to have been provoked above all by the 'great numbers of those Northern adventurers who had wriggled themselves into all the different departments of civil and military institution'.

Patronage, then, was crucial to all Scots with aspirations to active participation in government. It was the essential lubricant for the smooth working of their rudimentary political machinery. It was also by far the best way, at least in an age before coherent party identities and organisational discipline had evolved, of exerting some measure of control over the progress both of elections across Britain and of legislation through Parliament – then as now, the principal occupational hazards facing politicians in any system where power ultimately depends upon being able to win sufficient votes. Used adroitly, as by Dundas's namesake and *belie voir* Sir Thomas, the son of Sir Lawrence, who for thirty years secured himself in the affections of Stirlingshire's voters, patronage could sustain an enduring political presence. Used incompetently, as by Sir James Campbell of Ardlunglas, Sir Thomas's predecessor in the 1750s, whose attempts to install an unpopular Argathelian voters, it could seriously damage an interest's electoral health.

The occasional implosion of a longstanding interest, like Berwickshire's loss by the Earls of Marchmont, in 1779–80, or indeed the Argathelians' initial relinquishing of Stirlingshire to Sir Thomas in 1768, was a salutary reminder to politicians and managers alike of just how fickle dissatisfied voters might be.

Starry-eyed foreign commentators like Voltaire and Montesquieu, who pronounced the Hanoverian constitution the quintessence of liberty, were clearly guilty of exaggeration. But they were perceptive enough about one feature of Britain's representative system of government which was highly unusual by contemporary standards: the dependence of the monarch's ministers upon a majority in the Commons, and thus on the continuing indulgence of a shifting constellation of local interests from Cornwall to Shetland. The behaviour of MPs in the lobbies was, of course, often supine. The power of the managers was certainly formidable. The electoral franchise was self-evidently exclusive. Yet those who sat in the Commons were still, both formally and often in practice, the representatives of others. This inescapable truth established a complex relationship between politicians and voters, maintained, according to universally understood social conventions, by the acknowledgement of common interests and the reciprocal exchange of favours.

### Politics and the people

Management, skilfully deployed within the framework of a restrictive franchise, meant that the outcome in most Scottish parliamentary seats was usually determined prior to election time: active competition occurred in just sixteen out of forty-five in 1790 because of Dundas's iron grip; in the event, it proved impossible even for Erskine to contest Fife. Yet the course of politics by no means always ran smooth. The best-laid plans of statesmen and managers continued to be confounded by events, and, more especially, by the unexpected tenacity of views and interests of which they had failed to take proper account. This was particularly likely in relation to Scotland. Few British ministers had first-hand knowledge of its distinctive character. Scottish society, moreover, was reasonably literate: an emerging popular press (by 1800 more than thirty towns had a newspaper) kept an interested public abreast of topical controversies and policy developments. Not only voters and politicians but also the wider public were therefore able to come into conflict – with each other, with other groups within Scotland and even with governments at Westminster. In short, and despite what is sometimes assumed, there is no good reason to believe that the Union marked the end of Scottish politics.

The 1734 parliamentary election in the Dunfermline Burghs affords a striking instance of how distinctively Scottish enmities and opinions could still be articulated within the seemingly inflexible architecture of the existing representative system. For it was here, strongly supported by the Marquis of Tweeddale and the Erskines of Mar, oppositional Squadron Whigs with territorial influence in the district, that James Erskine of Grange (later infamous for secretly imprisoning his supposedly deceased wife for seven years on St Kilda, lest she betray his treasonable plotting) attempted to secure his return to Parliament. To Grange's advantage were a set of political views calculated to win over local hearts and minds. He even took the unusual step of advertising them in print, a stratagem clearly presupposing some benefit from an appeal to the wider community. He vigorously denounced the Excise Bill, much disliked by most Scots; he praised the opposition's proposal for a triennial parliament (intended to shorten the seven-year interval between parliamentary elections); and he indicated his sympathy for the well-respected local clergyman Ebenezer Erskine, recently suspended from the Church of Scotland. Peter Halkett of Pitfirrane, an army officer and the government's man, was still eventually returned following sharp practice by a key elector, the provost of Inverkeithing. But the majority of burgh opinion seems to have been successfully mobilised behind the opposition candidate by an appeal to specific issues and concerns – some local in focus, some with a Scottish dimension, all powerfully in his favour. Even with such seemingly irresistible forces behind him, however, it proved impossible to dislodge the virtually immovable object of the Argyll interest. Grange had to console himself for the moment as MP for Clackmannanshire.

Another striking instance of authentically Scottish concerns revealing themselves in a political context, this time not among local people but at Westminster itself, occurred in the aftermath of the 1745–46 rebellion. Government, as we have seen, had determined to abolish most of Scotland's private courts. But in this situation a British government found itself falling foul of the familiar herd instinct of Scotland's politicians when faced with an issue on which their own national identity and traditions, as well as their own personal interests, seemed in jeopardy. Just as after the 1715 rebellion, when Forbes had led Argathelian attempts to moderate the government's retribution, so again was much of Scottish opinion, normally squarely behind the administrations of Henry Pelham and the Duke of Newcastle, actively mobilised in opposition. Led by the 3rd Duke of Argyll, backed also by most Scottish peers and MPs, and bolstered by a thundering chorus from Edinburgh's legal establishment, the bill's opponents pointed out that the proposals contravened the Treaty of Union; that they threatened the maintenance of law and order; that they vitiated the sacred rights of property; and, of course, that extensive compensation would be owing to

those whose incomes would be reduced by what amounted to the nationalisation of a lucrative private sector within Scotland's judicial system.

In the event the Heritable Jurisdiction Act still passed in 1747, a reminder that British governments, overwhelmingly beholden to English MPs, could on occasion choose to ignore even the most keenly felt Scottish sensitivities. But the collective will of Scotland's normally divided politicians in opposing the legislation, and the fact that even the Whiggish Argathelians' support of a Whig administration was shown to be conditional upon approval of its policies, confirms that Scottish opinion had survived as an identifiable force in British politics. This interpretation is underlined by the way in which the same interests sought to temper the government's retaliation against suspected rebel sympathisers in the Highlands. And it was seen again nearly forty years later when Dundas severed his connections with the waning Fox–North coalition and hitched himself to the rising star of Pitt, thereby keeping Scotland's main political interest usefully positioned in London. Scottish backing for government was to this extent contingent, whether upon continuing access to patronage or upon specific policy considerations. The fabled dependability of Scotland's over-managed parliamentarians for a Walpole, a Pelham or a Pitt – and, in the main, that reputation was justified – did not make it impossible for a Scottish interest to strike out on an independent course if it seemed appropriate or advantageous to do so.

Distinctively Scottish passions, however, found their most dynamic expression by means other than focused electoral or parliamentary opposition to the government of the day. More diffuse processes revealed not only the tensions between nascent British statehood and continuing Scottish semi-autonomy but also those between a narrow governing elite and the unfranchised population 'out of doors'. Such strains could produce complex political phenomena with both orthodox and extra-parliamentary dimensions. They might begin, like the controversy over the heritable jurisdictions, with a hostile Scottish reaction to a government policy or decision. But, having a popular aspect which threatened the civil order, they would accelerate when an equivocal response was offered by ambivalent members of the Scottish elite, torn between their native sympathies and their statutory responsibilities as upholders of the crown's authority. They would achieve final resolution only when a new accommodation was hammered out between leading Scottish interests and the government itself. These tangled relationships between popular opinion, the Scottish political classes and Westminster are clearly seen in two of the most famous crises of the first half of the century, the Shawfield Riots and the Porteous Riot.

The former were explosions of popular fury in June 1725 following Walpole's imposition of the malt tax. Amid general rioting in the west, a



Glasgow mob attacked the home of Daniel Campbell of Shawfield, the local MP, an Argathelian whose government affiliations made him an obvious target. The official response in Scotland, however, was initially hamstringing Roxburgh, as Secretary of State, justified the Squadron's reputation for political unreliability by declining to act. Robert Dundas, Lord Advocate, was similarly unhelpful, for he sympathised with the rioters, regarding the tax as a flagrant breach of the Union: he was duly dismissed. Responsibility eventually fell upon the shoulders of Forbes of Culloden, May's choice as Dundas's replacement. Forbes simply called in General George Wade, the Commander-in-Chief in Scotland, whose soldiers quickly restored order. Several rioters were subsequently transported. Significantly, however, Forbes also fined Glasgow corporation to compensate Campbell: the burgh's failure to prevent the disorder, and the evidence that some of the rioters had been respectable members of the citizenry, hinted at municipal complicity in a politically motivated crime. May, because of what Forbes had ultimately turned into an impressive piece of internal housekeeping, was able to use the affair to consolidate the Argathelians' growing reputation for competent management of Scotland. But the episode also served as a useful warning at Westminster that unenfranchised opinion, backed by dissident native politicians, could still vent a peculiarly Scottish sense of alienation with violent articulation.

The other case, only partly similar in structure and with very different consequences, centred on Edinburgh in 1736, where Andrew Wilson and George Robertson, two smugglers from Pittenweem in Fife, arrested during an attempted robbery of an excise officer (and thus popularly regarded as martyrs to a hated tax), faced hanging. Robertson was helped to escape; but after Wilson's sentence had been carried out, an angry mob confronted Captain John Porteous of the town guard, who ordered his men to open fire. Several people were killed or wounded. Tried by Lord Milton and Queen Caroline in London had granted him clemency, another carefully organised mob broke into the prison and lynched him – 'a figure wavering and struggling as it hung suspended above the heads of the multitude', as Scott immortalised the moment in *Heart of Midlothian*. The town council had proved itself suspiciously impotent, and the affair, like the Glaswegian case, rapidly developed into a trial of strength with a Westminster administration which believed that not only the populace but even Scottish local government was bent on humiliating the crown and its ministers. But this time there was a twist. Walpole demanded punitive legislation removing the historic privileges of Edinburgh's corporation; and this helped destroy the often tense relationship between the elderly 2nd Duke of Argyll and the Prime Minister of Great Britain.

Argyll, rehearsing his brother's role in the mid-1740s as Scotland's defender, successfully thwarted Walpole's more extreme proposals. But the experience rent the Argathelian interest asunder, also further dividing Scotland's wider political community. May, whose relations with his elder brother were frequently strained, stood by the ministry, continuing to disburse its Scottish patronage. By 1739, however, Argyll had recoiled into opposition alongside a motley assortment of frustrated Tories and embittered Squadron Whigs: in the 1741 election this unlikely alliance captured many government seats (Erskine of Grange, for example, finally secured the Dunfermline Burghs), an important factor in Walpole's epochal resignation and the collapse of the fabled 'Robinocracy'. The lessons again were clear. Scotland's sensitivities needed the most delicate handling by British ministers, especially in relation to its precious semi-autonomy in law and public administration. Furthermore, not even the most apparently loyal of political allies north of the Border could be taken completely for granted by English politicians.

Including even the admittedly colourful instance of Jacobitism (which, as an ideological phenomenon rooted in the ecclesiastical and doctrinal controversies of the previous century, is considered in the next chapter), the longest-running Scottish political concern in the first century of Union was simply the system of government itself. For intrinsically, the cause of parliamentary reform was neither radical nor unrespectable. Indeed, the conclusion that Scotland's county and burgh franchises required modification was scarcely unlikely among those smaller landowners and opposition politicians who manipulated the system less successfully than the government and the great proprietors. Even Parliament itself, with acts of 1714 and 1743, and the Court of Session, notably following the 1768 debacle when the temporary lack of a recognised government manager in Scotland produced a particularly chaotic poll, made periodic forays into the mire, attempting with limited success to stamp out the gravest abuses. David Stewart Erskine, 11th Earl of Buchan and elder brother of Henry, also began in 1768 a successful campaign for reform of the procedures by which the crown packed the Lords with compliant Scottish peers.

None of these movements, however, was remotely democratic, either in composition or in aspiration. All were self-serving to some degree. Typical were the fruitless endeavours by the commissioners of supply in Inverness-shire, Moray and Caithness after 1782 to have the subdivision of feudal superiorities outlawed: the aristocratic multiplication of fictitious votes was, of course, mainly unacceptable to the complainants because it devalued the electoral currency of their own. Campaigns for burgh reform were no more impressive. Led by Thomas McGrugar, an Edinburgh burgher, and involving Erskine and other familiar familiar opposition politicians, a committee was set



up in 1783 to demand voting rights in corporation and parliamentary burgh elections for all resident burgesses – ‘men in the middle ranks of life’, as it was put. Blocked at Westminster by Dundas and hamstrung by their own lack of coherence and determination, the disgruntled merchants were still denied a share in the narrow domination of their own communities. It would take more radical intentions, less well-heeled organisations and the disorienting impact of external events to make Scottish reformism begin seriously to worry the establishment.

In some ways Scottish responses to the French Revolution merely mirrored those in England. Initial and widespread admiration for the *Estates-General* in 1789 was followed by growing controversy and embitterment: the increasing alarm of the educated and the propertied everywhere contrasted with the greater vestigial fervour of the less respectable as political conditions in France during the early 1790s steadily deteriorated. The recantation of George Dempster, long-standing opposition MP and former sympathiser with a project which had at first seemed to promise ‘the happiness of mankind’, was typical of so many erstwhile Scottish reformers: ‘alas’, he complained to a friend about the violent turn of French events, ‘our philosophers only open’d the gates of the police to let in a band of ruffians to cut their throats . . .’

Even so, progressive political instincts always remained more visible – and perhaps more common – in Scotland. The raw egalitarian experience of national poverty in the recent past may well have encouraged greater Scottish susceptibility to French arguments for equality and fraternity. This tendency was doubtless reinforced by the populist suspicion of hierarchical authority which was such a cherished part of the Scots’ religious heritage. The liberal Whig politics of some influential university teachers may also have promoted the same sympathies: John Millar at Glasgow (of whom Erskine, for example, had been a favourite student) eagerly taught the crucial importance of socio-economic status in determining access to political power; William Ogilvie of King’s College, Aberdeen, even advocated common ownership of the land. Ardour for France, perhaps especially of this more cerebral and educated kind, was certainly encountered in Scotland at a later stage than in the south. It is no surprise that it was a young Inverness-shire lawyer, Sir James Mackintosh, ‘the Whig Cicero’, a student of arts at Aberdeen and of medicine at Edinburgh, who in *Vindiciae Gallicae* (1791) offered the definitive rebuttal of Edmund Burke’s famous attack on the French experiment – although, like most, Mackintosh eventually changed his mind about the Revolution before pursuing a highly successful career in India.

The stronger Scottish support for the Revolution also exacerbated domestic political divisions. France became, as Cockburn recollected, ‘the all

in all. Everything, not this or that thing, but literally everything, was soaked in this one event.’ In newspapers, among academics, in burgh councils and among the lawyers, businessmen and landowners, respectable opinion, broadly sympathetic to the French experiment in 1789, became not only bitterly split but also, on balance, increasingly hostile. Every word of deepening radicalism across the Channel ensured that the well-heeled in Scotland grew more nervous about domestic reform. This in turn ensured that the relative influence of other groups on Scottish reformism grew proportionately, further encouraged by comparatively high levels of popular literacy (contemporaries noted how the country’s lower orders devoured Paine’s *Rights of Man* in particular). In July 1792 the Scottish Association of the Friends of the People was founded in Edinburgh’s Fortune’s Tavern. This earnest organisation avowed constitutional activity but also aimed openly to promote the democratic ideals of the French: discernibly less gentrified than its English counterpart, the Scottish organisation was much more obviously the creature of shopkeepers, weavers and other skilled craftsmen. Loyalist organisations, like the Goldsmiths’ Hall Association in Edinburgh, also emerged in the increasingly polarised atmosphere. Sympathisers with the French Jacobins vented their feelings on the king’s birthday, 4 June 1792, burning an effigy of Dundas and rioting through the streets of the capital.

A prominent friend at the movement’s first Edinburgh convention, the advocate Thomas Muir of Huntershill, previously rusticated from the University of Glasgow for his irascible conduct, defended one of the rioters, Alex Lochie, who was transported. Against a background of economic stringency (the harvest of 1792 was poor), a willingness to challenge the governmental structures of Scotland and Britain grew, again particularly among groups, such as the skilled craftworkers, not hitherto much involved in active politics. Muir attempted unsuccessfully to ally the Friends with the leading burgh reformers and the parliamentary Whigs: both shied away from an inflammatory demagogue and from people whose motives and ideas they mistrusted, judgements which further reveal a lack of cohesion among Scotland’s disparate reformers. By January 1793, with events in France demonstrably spiralling out of control (Louis XVI was executed that month and France declared war on Britain shortly afterwards), moderate opinion was shying away from reformist politics, exposing and isolating those who remained.

Even Erskine and many other leading Whigs now backed off, arguing that agitation for domestic reform was unwise given the perilous international situation. Muir himself was arrested for seditious words spoken at a Friends’ convention. After a lengthy delay, during which time he actually visited France, he found himself before Robert MacQueen, Lord Braxfield and Lord Justice Clerk. Muir’s conduct of his own defence was neither

calm nor competent (he had rashly rejected Erskine's offer of assistance), but the result, with the martinet Braxfield able to pack the jury and sentenced to fourteen years' transportation to Botany Bay. Other radicals, like the dissenting clergyman Thomas Fyfe Palmer of Dundee, prominent in the Friends' second convention, were similarly condemned. In both cases it had been expected that the convicts would request clemency, which could then be granted with a show of ostentatious official mercy; but both Muir and Palmer preferred political martyrdom and they were duly despatched to Australia. After a third convention in Edinburgh in November 1793, at which the much-reduced band of disproportionately extremist Friends talked bombastically about armed resistance, further arrests were inevitable.

Dundas not only by these means removed the handful of leading Scottish radicals. He also secured the suspension of the Act Anent Wrangous Imprisonment of 1701, which had prohibited detention without trial. Times were desperate, and desperate measures seemed justified. In France, any signs of a similar trajectory in Scotland were now regarded with the utmost seriousness, increasingly by former liberals as well as by hardened reactionaries. Thus when a cache of arms was discovered in Edinburgh in 1794, a full-blown conspiracy, the 'Pike Plot', was soon unravelled, the government claiming that it stretched all the way from the Friends in the capital to the poor labouring districts around Glasgow. Robert Watt, a former government spy, was executed for treason, though most historians remain sceptical about the scheme's wider extent. Another shadowy movement also emerges indistinctly at around this time: the United Scotsmen, a covert insurrectionary grouping of artisans and weavers. Strong throughout central Scotland in towns like Glasgow, Perth and Dundee, they were inspired by the contemporary United Irishmen, who organised the great Irish rising of 1798. The Scots' leader, George Mealmaker, a Dundee weaver, was transported for sedition in 1797. Committed to universal male suffrage — still a strange notion from the far end of the contemporary radical spectrum — the movement was effectively suppressed within two years.

In the same year the government's decision to form a Scottish militia by parish ballot provoked rioting in the mining community of Tranent in East Lothian: eleven died when dragoons were called in. Similar outbursts occurred elsewhere, notably among the colliers of Bathgate in West Lothian in 1799. Yet it is significant that recruitment to the newly formed Volunteers met with much less hostility. Indeed the Scots flocked to the colours rather more enthusiastically than the English: 4 per cent of the eligible male population (against just 2 per cent in England) volunteered initially; by 1804 the proportion of Scottish males who were either serving or had

indicated their preparedness to do so had reached impressive levels, especially in traditional rural counties (91 per cent in Argyllshire and 71 per cent in Ross-shire). Eulogies like that on James Grant, minister of Liberton near Edinburgh from 1789, who 'in the period of social and political danger which followed the French Revolution . . . was strongly and actively loyal, and chiefly instrumental in raising a local volunteer corps, in which he held a commission as lieutenant', well reflect the passionately conservative affiliations of very many forgotten Scots from this period. In particular they caution against regarding understandable hostility to the then-innovative practice of military conscription as convincing evidence of near-universal popular political radicalism.

As British commerce and liberty were imperilled by an imminently expected French invasion, patriotism was in fact the preponderant public posture in Scotland at the end of the eighteenth century, the accompanying language of king and country instinctively aped and echoed by the clear majority of the articulate. With the country already the personal fiefdom of Henry Dundas, the internal situation and the external threat together ensured almost complete quiescence: calls even for the most modest reforms now seemed not just untimely but positively dangerous. Yet a satisfactory explanation for this outcome, and so for the failure of late eighteenth-century radicalism, must take full measure not only of events after 1789. It must also consider the wider character of post-Union Scotland and its governmental arrangements. For, despite glaring faults that in easier times had attracted well-merited criticism, the existing order possessed crucial advantages in the estimation of very many politically active contemporaries.

Above all, Scotland was a largely self-governing country within a successful British polity which, by prevailing standards, was also relatively permissive of divergent views and normally respectful of the rule of law: the very fact that the madcap Watt, caught in possession of revolutionary weaponry in wartime, was the sole Scottish radical to be executed emphatically sets apart the mundane reality of the so-called 'Dundas despotism' from those far less pragmatic regimes, from revolutionary France to twentieth-century Europe, under whom the sacrificial victims of an unbending ideology would literally prove numberless. Nor is it coincidental that Scotland's traditional elites of the 1790s, like those in England, successfully avoided the grisly fate of their French counterparts. They retained strong instincts in favour of paternalistic flexibility. They also, as we shall see, co-opted the most ambitious members of other social groups, thereby further enriching and dynamising rather than undermining their own social and political system. The obvious next question, however, is whether the Scots' distinctive politics, which survived the Union and then successfully absorbed the more immediate shocks of domestic radicalism during the 1790s and of a threatened

French invasion around 1800, also sustained a continuing sense of identity: in short, did patriotic Scots still believe that they were a nation?

### Patriotism and identity

By his retirement as a major in the Royal Marines, Thomas Arnot of Chapel had served the British state for thirty years. Beginning his career in 1755, before the Seven Years War, in which Britain's amphibious forces launched successful attacks on the French coast and on Louisbourg, Guadeloupe and Cuba, Arnot served through to the end of the American war in the early 1780s, in which George III's maritime forces once again were prominently involved. By 1788, however, Arnot was comfortably installed back at his family home on the hill above Kingskettle in the Howe of Fife. There, on the same estate which his ancestors had held for more than two hundred years, he lived the distinctive life of a traditional Scottish proprietor, a veritable pillar of the community. A 'heritor' in his parish (that is, an owner of inherited property who shared legal responsibility for the church, school and minister's manse), he also held a county vote in the next Westminster election, tactically allied with the larger interest of his cousin and neighbour Balfour of Balbirnie. Such varied ties affected growing numbers of eighteenth-century Scots, within the elite but often far beyond; and they complicated the previously straightforward patriotic identities of people on whom not just traditional Scottish but also strongly British and even global experiences and loyalties were exerting an increasingly powerful pull. For the sake of convenience, three broad positions on national identity might be delineated in these dramatically altered circumstances of the first post-Union century: retaining older notions of exclusive Scottishness; abandoning that Scottishness for full immersion in a new British identity, and hovering ambivalently somewhere between these two extremes.

The first form, traditional in nature and reliably signalled by forceful expressions of antipathy towards the English and all their works, had its heyday in the first decades after 1707. This is hardly surprising. For most people who lived through the immediate post-Union years recognised that, if the promised benefits of the treaty had not yet materialised, the drawbacks certainly had. The imposition of England's treason laws in 1709, controversial measures affecting the Church of Scotland in 1712, and various government proposals for a Scottish malt tax – each of these did violence to the letter or spirit of the treaty. Such grievances not only amply vindicated the continuing doubts and fears of the Union's original opponents. They also strengthened the reservations of those less committed (or,

among the politicians, biddable) Scots who had initially persuaded themselves of its merits.

From the outset, however, clear-cut anti-Unionism of this sort, based on the constitutional and economic cases for revoking the treaty, co-existed with other attitudes less exclusively defined by a desire for renewed Scottish political independence. Above all in the early decades, expressions of intense hostility towards the Union came to be associated with support for the return to his British thrones of the son of the deposed James VII, the self-proclaimed James VIII, who was astute enough to promise solemnly (if, given the Stuarts' congenital unionism, somewhat implausibly) to annul the treaty once reinstated. In individuals like Lockhart of Carnwath, the Lanarkshire laird who opposed the Union into the 1730s, or Thomas Ruddiman, the Edinburgh scholar-publisher who as late as the 1740s was still engaged in patriotic polemic against perceived English slights, conventional expressions of Scottish patriotism intermingled naturally with pro-Stuart sentiments: 'Is it commendable in a Scotsman to write against the ancient constitution of his own Nation', Ruddiman demanded of one of his countrymen during a protracted wrangle over the traditional autonomy of the crown of Scotland, 'and run down the Antiquity and Independency of it?'

Other early eighteenth-century Scots, though certainly willing to argue for independence, were also transparently motivated more by a festering mass of personal and factional resentments than by straightforward political nationalism. In June 1713, for example, the most unlikely temporary alliance coalesced at Westminster to engineer the repeal of the treaty. It included men as different as the previously pro-Unionist Earl of Mar and the unreconstructed anti-Unionist George Baillie of Jerviswood. According to Lockhart, who was inevitably a participant in the plan, it also embraced Ilay, subsequently the bulwark of the Hanoverian monarchy, as well as his equally Whiggish brother Argyll, one of the Union's original architects. But even this seemingly definitive outbreak of traditional hostility to English dominance of Scottish affairs, which eventually failed by just four votes in the Lords, scarcely represented the re-awakening of the political elite's collective commitment to the ideal of an independent Scotland. Rather, their utterly contradictory motives, ranging from anti-government pique and covert Stuart dynasticism to a partisan desire to maintain the presbyterian clergy's grip on the Scottish church, indicates that their opposition to the treaty, and articulation of the conventional patriotic affinities which invariably went along with it, was essentially opportunistic – merely a useful means by which a set of individuals pursued a wide variety of mutually exclusive ends.

Some Scots in the early post-Union years, of course, did retain a more straightforward relationship with traditional patriotism, readily harking back to the loss of ancient liberties, conceived here simply as Scotland's age-old

freedom from English domination. Even the symbols of Gaelic-speaking Scotland, which in other circumstances signified only the superstition and backwardness of their estranged Highland relations, might for some Lowland Scots after 1707 increasingly appear preferable to embracing the Union flag. Such thoughts were certainly entertained by some hardline presbyterians, particularly following the rash of unwelcome Scottish ecclesiastical legislation imposed by Westminster in the first years after the Union. For example, William Wright, minister of Kilmarnock, claimed in 1717 that, despite the substantial economic sweeteners offered with the treaty, the political losses suffered by the Scottish nation remained the more important consideration: 'Liberty is the best of all Things', he insisted, 'I'd rather have a Highland Plaid with Liberty, than the greatest Dainties, with a Hook in the Heart of it.'

Yet as the years passed, exclusively Scottish patriotism of this older kind faded, perhaps tainted by its association with the Stuart cause and certainly undercut by the accumulating evidence of the treaty's substantial benefits. Anti-Unionism and a hankering after renewed Scottish independence became less and less common by mid-century. Indeed, by the 1770s, strong expressions of Scottishness had begun to serve new and quite different political purposes. No longer was militant Scottish patriotism the preserve of unreconstructed conservatives who wished simply to turn the clock back to 1707, reconstituting Scotland as a self-governing state. Emphatic Scottishness was now more often expressed by forward-looking critics of the British state's antiquated representative apparatus. Robert Burns is the best-known mouthpiece: 'Scots, Wha Hae', for example, with its recollection of the victories of medieval patriots over the presumptuous English ('Lay the proud usurpers low!/ Tyrants fall in every foe!/ Liberty's in every blow!/ Let us do, or die!'), skillfully transformed the ancient rhetoric of national independence into powerful buttressing for the poet's plea for modern constitutional change. The 11th Earl of Buchan, Henry Erskine's elder brother, was similarly adept at putting this traditional Scottish patriotism to new purposes: a progressive peer most comfortable when wallowing in his country's martial heritage (and who sponsored the re-publication of Wallace's biography), in 1784 he told his friends that 'as a Friend to Peace, to Liberty & to Science... I considered myself as an inhabitant of an United Kingdom; but as a Citizen I could not help remembering that I was a Scot'.

Nevertheless the evidence for an increasingly radical tinge to Scottish patriotism can also be pushed too far. Certainly it does not support any rigid equation of progressive politics with specifically Scottish national consciousness. For in other instances, such as the 'national' conventions of the Friends of the People (which actually referred to the British, not Scottish, nation), the key roles of Irish and English campaigners in Scotland (notably

Palmer of Dundee, who was actually a Bedfordshire clergyman) and, above all, the widespread tendency of articulate Scottish reformers to hanker loudly and vacuously after a return to a mythical golden age of pan-British constitutional liberty (commonly utilising not very well-disguised adaptations of the hallowed 'rights of free-born Englishmen' or 'Magna Carta' traditionally evoked in the south), even the radicals of the 1790s as often embraced a British as a Scottish identity. Indeed, this facility was doubtless encouraged by the fact that Scottish and English politics were in certain respects demonstrably converging: for example, between 1754 and 1790, no fewer than sixty Scots managed to secure English constituencies; and by the 1780s Scots like William Murray, 1st Earl of Mansfield (Lord Chief Justice), and Alexander Wedderburn, Lord Loughborough (Lord Chancellor), had reached the very apex of England's own supposedly separate legal system. Such convergence inevitably served to moderate exclusively Scottish patriotic idioms – which were implicitly if not explicitly anti-Union in import – in respectable public discourse.

At the same time, it is important to recognise that the second form of patriotic identity available, the kind where Britishness simply supplanted any remaining attachment to Scotland, was even less common than the long-term survival of militant anti-Unionism. John Bellour, writing at a time of heightened British military and commercial self-confidence, did use his *History of Scotland* (1770) to issue a most striking request: 'may the disagreeable distinction of Englishman and Scotchman be for ever lost', he pleaded, 'in the common, in the glorious, and in the envied name of – BRITON'. Yet this desire entirely to replace Scottish with British identity was extremely rare. Indeed, the necessary preconception that nationhoods must by nature be exclusive – that, in other words, a commitment to Britishness is incompatible with the retention of Scottishness – appears to have been unfamiliar to most Scots after the mid-eighteenth century who cared to vent their patriotic feelings. Certainly such clear-cut demarcations would not help at all in making sense of the accumulated experiences of increasing numbers of contemporaries, people like Thomas Arnot himself, whose personal affiliations elicited loyalties simultaneously as immediate as the parish church and as distant as the North American colonies.

Alexander 'Jupiter' Carlyle, the famous minister of Inveresk near Edinburgh, is an instructive example of how the ambiguities inherent in being a Scottish Briton in the post-Union age not only established tensions with which contemporaries were forced to grapple but, more often than not, also allowed them to arrive at a practical resolution. Carlyle's vigorous arguments in support of the campaign to allow Scotland to raise a militia for coastal defence, long resisted by untrusting London governments still wary of Scots bearing arms, skillfully interweaved the two patriotisms, British and

Scottish. On the one hand Carlyle argued in 1760 that the proposal would reinforce, as any English pamphleteer might have put it, the 'liberty, strength, and security of Great Britain'. In other words, extending to the Scots the same rights of active military participation as the English already enjoyed was essential to the proper functioning and survival of the Anglo-Scottish state. But on the other hand, Carlyle also drew upon the familiar resources of distinctively Scottish libertarianism, conjuring up the spirit of the Wars of Independence to suggest that, if not permitted to defend themselves, the Scots would become 'silent and spiritless, like the effeminate inhabitants of a conquered nation'. Union, he insisted, had inaugurated a partnership of equals. Not the subjugation of the Scots and the sublimation of Scottishness but rather the successful mobilisation and incorporation of Scotland's traditional martial libertarianism within a British framework was what would allow both peoples' political destiny to be fulfilled.

Such appeals to Scotland's distinctive heritage in fact occurred even in the staunchest supporters of Union, particularly when English indifference or hostility was suspected. William Robertson, Carlyle's associate and the leader of the established church, confronted English insouciance in his *History of Scotland* (actually published in London in 1759) with some tart reminders of 'the reputation for military virtue, which has always been the characteristic of the Scotch Nation'. The Edinburgh schoolmaster John Lawrie, no anglophobe but still nervous lest Scotland's peculiar value to the British state be underestimated in the south, expatiated at length upon 'that glorious undaunted military courage, for which [the Scots] have always been accounted famous, both at home and abroad'. Even John Belfour, despite his express wish to see the two nations' identities subsumed within a new British consciousness, felt a twinge of traditional pride sufficient to recall at the same time 'those brave and warlike people the Scots - who, of old, struggled in the cause of liberty, with the most amazing fortitude'.

These conscious and usually fruitful ambiguities of allegiance, particularly significant in later eighteenth-century discussions of political relations within Britain, also had frequent parallels in relation to the Scots' broader sense of identity from 1750 onwards. David Hume's frantic self-purging of so-called 'Scotticisms' from his language is well-known; though elsewhere, as we shall see, he could flourish Scotland's achievements with considerable patriotic emphasis. Equally curious are the endeavours by James Beattie to help his fellow countrymen overcome their supposed linguistic disabilities (famously his *Scotticisms, Arranged in Alphabetical Order, Designed to Correct Improperities of Speech and Writing* (1779)), as well as the enthusiastic reception accorded in Edinburgh in 1761 to Thomas Sheridan's - that is, an Irishman's - public lectures on correct English usage. In neither of these cases, of course, did a sense of linguistic inferiority prevent enthusiastic acknowledgement of

a continuing Scottish identity. Indeed, resolute pride in Scotland continued to be expressed forcefully through vehicles such as the militia campaign (actually led by some of those who cheerfully submitted themselves to Sheridan's hectoring), or through the celebration of the country's distinctive intellectual culture (again, even those who wished to expunge their own native dialect had little patience with English jibes about the Scots' alleged ignorance or superstition). It was, however, where politics, history and national culture most problematically intersected, in the domain of religious faith and its accompanying institutional structures, that Scotland's distinctiveness from England - and to a considerable extent the continued separate identity of the Scots as a people - was to be most influentially maintained in the century after Union. It is to this crucial aspect of contemporary Scottish life that we must now turn.