

REVIEW: THE TRUTH ABOUT THE UNION

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Christopher A. Whatley **'Bought and Sold for English Gold?': Explaining the Union of 1707**, Studies in Scottish Economic and Social History No. 4., Glasgow: The Economic and Social History Society of Scotland, £4.50, pb, ISBN 09516044 3, 59pp

The Parliamentary Union of 1707, although far-reaching in its effects, is one of the most misrepresented and misunderstood episodes in Scottish history. Hume Brown offered one explanation for the general ignorance: that it was so damaging to our national reputation that we could not bear to think about it (Brown 1914, p.3). Christopher Whatley offers two others: that it is a highly complex subject and that most of the people who have written about it have deep personal convictions on one side or the other.

There are elements of truth in all of these points. The subject was evidently so painful that for a long time it was hardly discussed. Lockhart of Carnwath's **Memoirs** gave an account of the affair as seen by an active participant, which is partisan in opinion but accurate in fact. It is a lively and fascinating record, one of the best things of its kind in our literature, but it has not been reprinted since 1814. (Fortunately, a new edition will be published next year by the Association for Scottish Literary Studies.) Defoe was an English agent and propagandist and his **History of the Union** has misled generations of historians. Apart from Lockhart, the only other honest account in more than a century following the event is in Walter Scott's **Tales of a Grandfather**. Whatley says (p.16) that Scott believed in the 'necessity and virtue of union'. In fact Scott's account reveals very clearly his pain and disgust over the whole transaction.

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Adam Smith said in a letter in 1760 that the immediate effect of the Union 'was to hurt the interest of every single order of men in the country' (Smith 1977, p.68). After about 50 years the economy began to improve rapidly because of new technologies in agriculture and industry. This had little, if anything, to do with the Union; but, *post hoc ergo propter hoc*, it was given credit. There was, in any case, at that time no hope of escape from it as the suppression of the '45 amply demonstrated. The obvious course was to make the best of the inevitable and most Scots had become reconciled to the Union by about the time of Smith's letter.

By about the middle of the 19th century, belief in the Union was virtually an article of religious faith, largely because partnership in the Empire had become a substitute and compensation for the independence that was lost. It was therefore necessary to find a respectable explanation for the way in which the Union had come about. How could it be explained that a country which had courageously defended her independence against a larger neighbour for over 300 years had suddenly appeared to yield without much of a struggle? You can see the emergence of a new orthodoxy in a correspondence in 1852 between the two historians, Hill Burton and Macaulay. Burton suggested that an explanation could be found in 'the urgency of the Scots for participation in the English trade' (Dicey and Rait 1920, p.3). It became the accepted wisdom for about the next hundred years that the Union was a bargain in which the Scots (or at least their highly unrepresentative Parliament) had consciously and deliberately exchanged their independence for trading advantages. Curiously, the proponents of this idea seem to have assumed that this would have been a reasonable and honourable thing to do.

In defence of their theory that the Union was a rational bargain, these historians were obliged to engage in contortions to play down or conceal the overwhelming evidence that the Treaty was resisted and detested by the great majority of the Scottish people and that ratification by the Scottish Parliament was achieved by intimidation and bribery of diverse kinds. Robert Burns knew what he was talking about.

In fact, the theory cannot stand up to any serious examination of the contemporary evidence. A few individuals spoke of trade as a motive but the trading community as a whole petitioned against the Union because it would be ruinous to Scottish trade (Scott 1992, pp.179-180 and 205). All the evidence is that they were right and it took the Scottish economy about 50 years to recover.

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Since the circumstances which led to the Union are so often misrepresented, any new attempt to explain them should be welcomed. Unfortunately Christopher Whatley's tortuous pamphlet only adds to the confusion. He gives an incoherent account of some of the factors involved and then ends, without any new evidence or argument, by agreeing with 19th century orthodoxy. I am sorry to say too that he follows the bad example of some of his predecessors in distorting his quotations. For example, he quotes Andrew Fletcher (p.28) as saying that trade was 'the bait that covers the hook' so as to give the impression that Fletcher agreed with the theory of a bargain over trade. In fact, Fletcher goes on for several pages to argue the precise opposite. He argues that union with England brought no economic advantage to Wales. His conclusion is that 'union would certainly destroy even those manufactures we now have' and that free trade to the English plantations would bring 'the ruin of all our merchants who should vainly pretend to carry that trade from the English' (Daiches 1979, pp.117-121). (These views are remarkably similar to those expressed by Adam Smith in 1760.) Whatley also tells us (p.31) that Fletcher had at an earlier stage been in favour of union without noting that the usual sense of the word at the time when Fletcher used it was agreement or absence of discord and that it certainly did not imply the abolition of the Scottish Parliament.

An even more glaring misrepresentation is Whatley's statement (p.15) that Linda Colley has recently 'powerfully re-stated' the view that both Scotland and England gained from the Union and that the Scots 'committed themselves to it with a vengeance'. It is hardly recognisable but this is a reference to Colley's book, **Britons: Forging the Nation, 1707-1837**. In this she describes Britishness as an artificial invention, 'forged above all by war', a Protestant crusade against Catholic France. She says that the Scots were attracted eventually, not by the Union, but by the Empire (p.130). Her introduction ends by expressing the hope that 'if Britishness survives (and it may not), it will in future find a more pragmatic and more generous form'. An attempt to recruit Colley as an enthusiastic Unionist reveals desperation.

The greatest failing of the pamphlet, however, is its confused and inadequate account of the political realities. Whatley recognises that the Union of the Crowns 'had effectively removed Scotland's right to take independent action' (p.34) which from that time was 'independent in name only' (p.46). He also refers to the economic and military weakness of Scotland at the time of the Union. He then misses the two essential points: that the weakness was a direct consequence of the loss of real independence in 1603 and that it was this weakness which led to the sequence of developments in the Scottish Parliament from 1703 to 1707.

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UNION OF CROWNS

When James VI flitted to London in 1603 Scotland lost much more than the royal court and the patronage that went with it. The King was still the effective head of government with control over foreign policy, the public purse and all state appointments. Increasingly after 1603 all of these functions were exercised on the advice of English ministers and in the interests of England. Scotland provided men and money for wars fought against her traditional trading partners and much of her foreign trade was destroyed in consequence. Scotland was cut off from the rest of the world and was left neglected and defenceless at home.

The Revolution of 1688-9 brought some improvement in that the Scottish Parliament was now free to discuss and decide as it pleased, but there were still severe restrictions on Scottish autonomy. All legislation still required the royal assent and that was no mere formality. The other powers of the monarch remained. In particular, all state appointments in Scotland were still made in London and paid by London from funds raised in Scotland. These included the Officers of State (or ministers in modern parlance) who managed the Scottish government and the business of Parliament. They were appointed by London and they acted in accordance with instructions from London, as their surviving correspondence makes very plain. (See in particular Mar (1904) and Seafeld (1915).)

This semi-independence, or rather disguised dependence, was, of course, extremely unsatisfactory and it had deplorable consequences, including economic decline. It was analysed and denounced by Andrew Fletcher and there was general agreement in Scotland that it had become intolerable. Matters came to a head over the failure of the Darien scheme which exposed the impossible contradictions of Scotland's constitutional weakness. As King of Scotland, William had approved the Act establishing the Darien Company; as King of England he did all he could to sabotage it. The failure was a major economic disaster; virtually everyone in Scotland with any money to spare had invested it in the Company in a great patriotic endeavour. To make matters worse, there was a series of wet summers and bad harvests.

THE FINAL PARLIAMENT

The Parliament elected, or constituted, in 1703 (and which continued until 1707) was determined from the beginning to address this constitutional

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problem. Parliaments were then elected only to a very limited extent. There were three estates who sat together in one House. The lords were hereditary; the representatives of the burghs were appointed by self-perpetuating oligarchies; those of the shires, the lairds, were elected, but only by the other lairds. Only an infinitely small proportion of the population had a vote or any say in the matter. Parliament represented Scottish opinion only in a very general or theoretical sense; but this was, of course, true of all Parliaments wherever they existed at that time.

The Parliament of 1703 was presented with a window of opportunity. In 1700 the last of Queen Anne's children had died and she was not expected to have more; there was therefore now no obvious or automatic successor to the throne. The English Parliament, without any consultation with Scotland, passed the Act of Succession of 1701 which offered the English throne to Sophia, Electress of Hanover, and her descendants. It was now open to Scotland to escape from subordination to an absentee monarch by choosing a different successor. Queensberry as Commissioner had instructions to obtain two things from Parliament, a vote of money and acceptance of the same succession as England. Parliament had other ideas. Following the lead of Andrew Fletcher, they drew up and passed the Act of Security which offered two alternative solutions: on the death of Anne, either Parliament would choose a different successor or all power would be transferred from the monarch to Parliament itself.

During the debate on the act of Security there was an episode which showed how little Parliament was concerned about 'participation in the English trade'. On 16 July 1703 Roxburgh moved the key clause which was a clear declaration of Scottish independence. A different successor would be chosen unless 'there be such conditions of government settled and enacted as may secure the honour and independence of the Crown of this kingdom, the freedom, frequency and power of the Parliament, and the religion, liberty and trade of the Nation from the English or any foreign influence'. Four days later a member of the Government, the Lord Advocate, Stuart of Goodtrees, offered access to the English trade as an alternative: 'unless a free communication of trade, the freedom of navigation and the liberty of the Plantations be fully agreed and established by the Parliament and Kingdom of England in favour of the subjects and Kingdom of Scotland' (Scott 1992, pp.84-5). Parliament refused to be distracted from its purpose and simply adopted both clauses. Royal assent was withheld from the Act in 1703 but was given when Parliament passed the same Act again in 1704. The version of the Act approved by the Queen, however, omitted the Lord Advocate's clause about trade. We have no record that the omission provoked any

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reaction in Scotland. This seems to me a very clear proof that it was the constitutional, and not the trade, issue on which minds were focused.

So far, the English Government had been content to press for Scottish acceptance of the same successor to the throne as a means of preserving power over a nominally independent Scotland. The determined refusal of the Scottish Parliament created a new situation. In spite of all the efforts of the London Government, either more or less openly through the Officers of State or secretly by bribery, the Parliament had stubbornly asserted its intention to recover full independence on the death of Queen Anne. Even at this stage, there is plenty of firm evidence of the prevalence of bribery. Seton of Pitmedden, for instance, is often said to have made the best speech in favour of the Union. (Whatley prints it as an appendix.) He had changed sides for a pension of £100 per year. The boldest and most devastating case of all was the Duke of Hamilton. He was cheered as the leading opponent of the Union whenever he appeared on the streets of Edinburgh, but he too was in the pay of London and repeatedly undermined his own party (Scott 1992 pp.119-2- and 142).

England was unwilling to abandon control of Scotland. The first reaction was the adoption by the English Parliament of the Aliens Act on 5 February 1705. It provided for the appointment by the Queen of commissioners to treat of union with Scotland provided the Scottish Parliament took similar action. Also, unless Scotland had accepted the same succession as England by 25 December 1705, Scots would be treated as aliens in England and incapable of inheriting property and no Scottish exports of cattle, sheep, coal or lime would be allowed to enter England. These sanctions, still directed towards succession, were aimed particularly against the lords, the largest estate in the Scottish Parliament. Many of them had acquired property in England through marriage, and their land holdings gave them an interest in the exports threatened by the Act.

WHAT KIND OF UNION?

There was objection in the Scottish Parliament to the acceptance of an English ultimatum but not to the discussion of union. As I have said (and as you may confirm from the quotations of the period in the Oxford English Dictionary), union was then a vague term which could be applied to any degree of understanding between two parties or countries. There were plenty of outstanding grievances which the Scots were perfectly willing to discuss. They had not expected the appointment of the Scottish commissioners by the Queen, which meant in effect by the English government. This was achieved

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by Hamilton who misled his own supporters and afterwards wrote to his English contact: 'I have done her majesty signal service' (Scott 1992, p.142). In consequence, the Scottish team, with Lockhart of Carnwath as the only exception, consisted of the Officers of State and some of their protégés and dependants. These were men whose position and income depended on their acting on English instructions, as their voluminous surviving correspondence shows very clearly. They were going to London, not to negotiate in any real sense, but to receive new orders.

This was clear from the start of the so-called negotiations. The Scots proposed a federal arrangement, again at the time a vague term meaning some form of treaty relationship between the two countries. The English refused to discuss anything except incorporation. Mar, the Scottish Secretary of State, wrote to Carstares in Edinburgh: 'I write this freely to you, though it is not fit this should be known in Scotland, for fear of discouraging people, and making them despair of the treaty. You see what we are to treat of is not in our choice' (Scott 1992 p.151).

The minutes of the meeting of the commissioners survive and have been printed (Acts of the Parliament of Scotland, Vol XI, Appendix). They show that this matter of complexity and importance was handled with remarkable speed between 16 April and 22 July 1706. There is evidence that there was virtually no social interchange between the two teams, but proposals submitted by one were almost immediately accepted by the other. There is every sign, in other words, that all had been arranged in advance. The English could dictate terms at this stage, but they had to produce the Treaty in a form which both Parliaments would ratify. There would be no problem in England because the Treaty would accomplish an ancient objective of English policy, the subordination and control of Scotland. It would be quite another matter in Scotland where the Parliament had displayed a robust independence for three years and where no one was in any doubt about the strong feelings of the people at large.

The answer was to include in the Treaty strong appeals to the self-interest of precisely the groups of people who sat in the Scottish Parliament. A number of these clauses were tabled by the Scots but accepted at once by the English. The first was the Equivalent, a sum of £398,085 and 10 shillings, creative accounting of a high order. It was compensation to Scotland for accepting a share of responsibility for the English national debt, but also for the dissolution of the Darien company. The money was to be used in the first instance to repay the shareholders with interest. This of course was a very strong inducement indeed, because members of Parliament and their families

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were among those who had lost heavily in the failure of the company. In the long run this offer was to cost the English Treasury nothing since it was also to be repaid by the imposition in Scotland of the English excise duty on alcohol. As Sir Walter Scott said: 'the Parliament of Scotland was bribed with public money belonging to their own country. In this way, Scotland herself was made to pay the price given to her legislators for the sacrifice of her independence.' (Walter Scott 1889, p.769)

There was an inducement to the lawyers in the provisions for the continuation of Scots law and the Scots courts, to the burghs in a guarantee of their rights and privileges, to the lords and lairds in the preservation of heritable offices and jurisdictions. The Scottish lords were to lose their automatic right to a seat in Parliament, but they were to be given all the other privileges of the English peers. This included exemption from imprisonment for debt, a right of real practical advantage to many of them. The opposition of the clergy was largely disarmed during the debate on the Treaty by an Act of particular solemnity to guarantee the Church of Scotland 'in all succeeding generations'.

Compared to this packet of persuaders, the £20,000 disbursed to members of Parliament through the Earl of Glasgow was a comparatively minor matter. The Equivalent was the major part of the bribe. In particular, the Squadrone Volante, a third party which had previously supported Fletcher, were won over by the promise (which was not kept) that they would be entrusted with its distribution (Scott 1992, p.182). This defection alone was sufficient to produce a majority for the Treaty. Even so, the debate on ratifications was hard fought and lasted from 3rd October 1706 to 16th January 1707. Given all the pressures on the members, including the underlying threat of invasions to impose worse terms, many of them deserve respect for resisting with such determination.

It is time that we recognised the Treaty of Union for what it is, not a wise act of disinterested statesmanship, not a freely negotiated bargain over trade or anything else, but the ingenious and ruthless exercise of power by a larger country against a smaller at a time when it was particularly vulnerable.

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