A farther and more forcible means of love and concorde

THE PROPAGANDISTS AND THE UNION OF 1603

In 1603 James VI, King of Scots, ascended to the throne of England. In theory there should have been ample cause for celebration. Down to that date the two ancient kingdoms had often trod contrary paths and, as a result, the course of Anglo-Scottish relations had not been a smooth one. On more than one occasion Scottish troops had trundled across the border to meet English forces or vice-versa; more often than not the Scottish forces were overwhelmed by their traditional adversaries. The dynastic union of England and Scotland as personified by James VI removed dynastic warfare from the picture. Ideally, there would never be armed English troops in Scotland again and the English would no longer have to worry about guarding their northern border. Partial amity had existed since at least the 1550's when the religious reformers in both nations worked in concert to buttress the reformed faith. When protestantism did become the official faith in Scotland in 1560, the possibility of a religious war between the two nations was removed. With religious and dynastic interests either removed or appeased, if the way had not been cleared for further union, it was certainly a much less rocky road to amity.

That the religious reformers in both kingdoms had worked together to bring about the events of 1560 in Scotland proved to be a crucial factor following 1603. In fact, the roots of 1603 are to be found in the sixteenth century. King James realized this, as did the majority of the propagandists. Indeed, they did find ample reason to champion the further union of the two kingdoms. In their minds the union of 1603 could seek justification in the religious upheaval of the sixteenth century and those who opposed the further union proffered by James were not only ignoring history and destiny but acting contrary to the will of their sovereign and of God.

When James VI moved his court from Edinburgh to London in 1603, Scottish reactions were mixed.

The king, accepting his exhortation in good part, did upon the end of the sermon make a speech to the people, which at the time were frequently convenued, and promising to have
care of them and their good, gave them a most loving and kind farewell. This was followed with such a mourning and lamentation of all sorts, as cannot be well expressed. For albeit they joyed not a little at first to hear of that accession of honour to their king; yet considering they should be deprived of his presence, and have no more a resident king among them, they were grieved out of all measure.¹

Although D.H. Willson has suggested that James had attempted to prepare his Scottish subjects for the event,² one must still question whether he was successful in doing so. The fact that kirkmen and courtiers alike tended to applaud the Union of the Crowns should in no way be seen as an indication that a general approval transcended the various levels of society. Courtiers favoured the move to London, at first, because they envisioned that the supposed wealth of England would be at their fingertips and, hence, many ‘dutifully’ followed James to the English capital.³ While it may be true that most of the officials who accompanied James south returned to Scotland fairly quickly and that apart from them there were very few others who emigrated,⁴ the English were unwavering in their resentment of the Scots. Basically, the English were concerned that hordes of Scots would continue to follow James to London in order to take advantage of the wealth, rights, and privileges that their master was bound to bestow on them. That concern remained prevalent throughout the union debates and was made manifest in the discussions concerning the naturalization of the ante-nati and the post-nati. The post-nati were Scots born after James’s accession to the English throne in 1603. More will be said of this crucial issue later but now it suffices to mention that the crux of the matter was whether or not the post-nati were automatically subjects of both nations and therefore able to hold office in either nation. The ensuing debates represented the level of resentment to the Scots in general and to Scots courtiers in particular. Interestingly enough, it would be an English courtier, Sir Francis Bacon, who delivered speeches adamantly in favour of the articles of naturalization while it is difficult to locate one so well disposed among the Scottish protagonists.

While the presence of Scottish courtiers precipitated a veritable cacophonous response from the English, the position of the kirkmen was recognizably different. Gordon Donaldson has suggested that religion probably played the leading role in drawing the two nations together, that it was, indeed, the cornerstone of Anglo-Scottish
union. If that is assumed to be true then it must necessarily apply to pre- as well as post-reformation Scotland and England since ideas on union were seriously entertained prior to 1603 and prior to the coming of the Reformation. Sir Thomas Craig, in his *De Unione Regnorum Britanniae Tractatus*, expounded on the continued efforts of English kings to unite the two realms either by conquest or marriage.

Now, I shall make it clear that since the Conquest there has not been an English king who has not seriously aimed to unite the two kingdoms; that the more warlike and ambitious designed to achieve it by conquest; and that the wiser, holding such a method questionable, and its results usually unsatisfactory, sought to unite the two dynasties by marriage, with the view and intent that an heir should be born to succeed naturally to both realms. Such a result is before us to-day.

The role played by churchmen in those proceedings appears to have been limited until Henry VIII 'threw off the yoke of Rome, and confiscated the property of the Church.' Craig tends to suggest that from that point in time ecclesiastics became increasingly involved whenever the notion of an international merger was raised.

The progress of the Reformation in both countries was chronologically comparable. In England, it is true, the designs of Henry VIII, and later those of the guardians of Edward VI, largely dictated the course of events and thus, since reformation was virtually imposed from above, England did not suffer the same tumults as did Scotland in which reformation was accomplished through revolution. The climate of opinion may actually have begun to coalesce during that period as religion blended with politics and with the more traditional forms of alliance: matrimony and conquest. In writing his history of the Scottish Reformation, John Knox commented favourably on the efforts of Henry VIII in sending Sir Ralph Sadler to Edinburgh to arrange for the marriage between the future Edward VI and Mary Stewart; Henry was thus complying with the wishes of God.

His commission and negotiation was to contract a perpetual amity betwix England and Scotland: the occasion whereof God had so offered, that to many men it appeared that from heaven He had declared his good pleasure on that behalf.
The hand of God had not only made possible the matrimonial alliance but, in so doing, seemed to portend peace and security for all in either realm.

This wonderful providence of God caused men of greatest judgment to enter in disputation with themselves whether that, with good conscience, any man might repugn to the desires of the King of England, considering that thereby all occasion of war might be cut off and great commodity might ensue to his realm. 9

That the plan was not followed through to fruition owed much to the political and religious complications engendered by Scotland’s participation in the ‘auld alliance’.

The tone adopted by Knox was also utilized by an English source. *An Epistle Exhortatorie* was written and presented to the Scots in 1548, the year following the Battle of Pinkie in which English forces decimated those of Scotland. Roger Mason has noted that Pinkie may have represented an English protestant crusade born of the conviction that the Scots were impeding the course of a providentially arranged marriage. 10 One of the messages contained in the work, which has been attributed to Protector Somerset, was that of divine intervention.

If god should graunt that whatsoeuer you would wish, should be doen what could you wish, other then that, whiche now, not by fortune hath chaunced, but by his infinite mercie and moste inscryutable prouidence, as carefull for you, he hath geuen vnte you. The whiche thinging, that you should also thinke to come of his disposicion, and not by blynd fortune how vnlucky hath it been, & how sodainly hath it turned, that the power of God might be shewed. 11

The Scots were basically being told that there were certain benefits to be had from a ‘Godly, perpetuall, and most friendly unitie and concord’. 12 The benefits included the mutual peace, security, and tranquility of both realms since there was strength in unity.

If we twoo beyng made one by amitie, bee moste hable to defende vs against all nacion: and hauing the sea for wall, the mutuall loue for garrison, and God for defence, should
make so noble and wel agreyng Monarchie, that neither in peace wee maie bee ashamed, nor in warre affraied, of any worldly or forrein power: why should not you bee as desirous of thesame, and haue as muche cause to reioyse as we? 

Most importantly, however, Somerset appeared to be offering the Scots an immediate share in the English throne and all which that entailed for the future.

We intend not to disherit your Quene, but to meke her heires inheritors also to England. What greater honor can you seke vnto your Quene than the marriage offred? What more meter marriage then this, with the kynges highnes of England? What more sure defence, in the noneage of your Quene, for the Realme of Scotlande, then to haue England patron and garrison?

That the league which Somerset had in mind was not successful owed everything to the fact that he was, after all, addressing the Scots as a conqueror. He made frequent reference to the divine sanction of such a union but Somerset was basically interested in the continuation of the Henrician policy of wooing Scotland by the sword, a fact which must have been reinforced by the inclusion of a clause which was little more than a direct threat.

If this honour of so noble a monarchy, do not moue you to take and accepte amitie, let the grief and the daungier of the before named losses, feare you to attempt that thyng whiche shall displease God, encrease warre, daungier youre Realme, destroy your landes, vnlo your children, waste your groundes, desolate youre Countreis, and bryng all Scotlande either to famyne and miserie, or to subieccion and seruitude of anothe nacion.

Little wonder that the caretaker government in Scotland was wary of the inducements to union being proffered by Somerset.

Nevertheless, the document did realize common areas of interest between the two nations and, as a result, as one authority has recently commented, it provided inspiration for virtually every Scottish tract on union in the early seventeenth century. It has been suggested that Somerset also believed he could win the Scots
over by planting protestant missionaries in the Lowlands, which he basically occupied subsequent to Pinkie.\textsuperscript{17} Therein lay one common area of interest between the two nations, the ever emergent ascendancy of protestantism. Although the Reformation had not yet come to Scotland, protestant sympathizers combined neatly with those who were dissatisfied with the established church to be openly critical of that institution. While not calling for a break with Rome, works such as the \textit{Gude and Godlie Ballatis, Ane Satyre of the Thrie Estaitis}, and the \textit{Complaynte of Scotlant} were easily utilized by those who did seek a break with Rome.\textsuperscript{18} Even after the Scottish government decided to remain ensconced in the ‘auld alliance’ in 1548, the Scottish reformers could seek refuge in England because Somerset had put an end to all persecution of protestants.\textsuperscript{19} More important to the movement, however, was the fact that Scottish and English protestants need not be enamoured of each other; they merely had to be of one mind with regard to their faith and in their detestation of a Scottish alliance with France.

In the years prior to 1560, the rulers of England and France continually vailed Scotland back and forth as if it were the key to, or the guarantor of, their foreign policy. There can be little doubt that the rulers of both England and France sought to reduce Scotland to the status of a satellite, a fact which should only have adversely affected the manner in which Scotland dealt with either of those nations especially since, as Roger Mason has noted, the Scots maintained a time-honoured belief in the continuing autonomy and sovereignty of their nation.\textsuperscript{20} That too would be a major component of the union debates following 1603. Yet, as Jenny Wormald has argued, the alliances and counter-alliances of the period were predicated on pragmatic politics rather than ideological politics.\textsuperscript{21} It was political expediency which dictated the course taken by governments. In 1548 this meant that the government of Scotland would continue to ally itself with France.

Thus the protestant movement both in Scotland and England burgeoned partly because the governments of both nations were more preoccupied with politics than religion. However, from 1553 onward, if Scotland were to remain faithful to the ‘auld alliance’ the government of Mary of Guise had to make some religious concessions. The accession to the English throne in that year of Mary Tudor had forced the protestant sympathizers resident in England to flee either to the Continent or back to Scotland. However, Mary of Guise did not regard their presence as any kind
of political threat. They were, after all, still very much a numerical minority. Yet her French policy was very unpopular in Scotland, partly because there were too many governmental positions held by Frenchmen and partly because of the omnipresent French troops. This memories of wars with England fought in French interests with disastrous consequences for Scotland were still too fresh and it has been suggested that there was a determination never to be used by the French again.

At the end of 1557 the impending marriage of Mary, Queen of Scots, to the eldest son of King Henry II of France threatened Scotland with remaining a virtual satellite of that nation. This prompted a number of nobles and lairds to ally themselves with the pro-English, or protestant, party in Scotland which had remained a reality, even if not an overly active one, ever since the death of James V. The result of this event was the First Bond of the Lords of the Congregation in which the adherents were pledged to work for the recognition of the reformed church. Although the 'first bond' failed, initially, to attract any widespread support — there were only five signatures — the hierarchy in Scotland soon realized it as portentous. It was not long before proposals for reformed worship were presented to Mary of Guise, the most notable of which dealt with the authorization of vernacular church services and the reform of the lives of the clergy, and regular congregations of protestants began to meet for purposes of worship. When Elizabeth succeeded in 1558, the hopes of protestant sympathizers in Scotland were reinforced. The first Elizabethan Parliament proceeded to dismantle the Marian church establishment and restore the Church of England. The government in Scotland may have realized that the entire framework of its church was in need of reform but the political situation in England meant that Mary of Guise could no longer temporise. While it may be true that 'the hour had passed when the mere reform of life and doctrine would have sufficed to meet the desires of the new spiritual teachers', it is also true that the reformers in Scotland were emboldened by the circumstances in England.

The role played by England in aiding the coming of the Reformation to Scotland has long been recognized by historians. Recently it has been noted that the rising of the protestant congregation in 1559 was an enormous gamble which owed its success more to English intervention than to its own popularity. John Knox, himself, realized the importance of English aid for the Scottish
cause and felt the need to inform Sir William Cecil that 'if ye lie by as neutrals, what will be the end ye may easily conjecture'. In spite of such a realization it is still true that seeking aid from England was equated with being pro-English, an unpopular stance to adopt in Scotland since at least 1296.

In the event Reformation was won in Scotland largely due to English aid. This was not meant to deride the efforts of the Scottish reformers for there can be little doubt that they utilized their opportunities to the utmost of their abilities. Overall, the Lords of the Congregation were successful whether in dealing with Mary of Guise or the equally obdurant Elizabeth. Roger Mason has noted that while religion may have been a non-starter with Elizabeth, the thought of political insurrection was not, which meant that the Congregation had to couch its propaganda in respect for Mary, and in language depicting its main purpose as the defense of Scotland against domination by the French. The urgency of the situation necessitated the hasty development of the belief in a common bond between the Scots and the English: a cultivated attitude intended to counteract the widely accepted adage that 'there shall be na familiarite betuix inglis men and scottis men, be cause of the grit defferens that is betuix there tua naturis'. Yet it was the development of that politico-religious conjunction, whether real or imagined, which permitted kirkmen to view the process of Reformation in both nations as a shared experience. God had intervened to set the two nations on a complementary religious course. That argument was carried over into the period characterized by the Union of the Crowns.

Scottish men of religion, such as Robert Pont and James Melville, generally applauded 1603. Melville spoke of the event as if it were the natural consequence of the Reformation.

So it pleasit God to magnifie his mercie and grace with his blissit Gospell of peace; the lycht quhairoff once entering in Britaine, eftir the grosse and most dark night of Poprie, beganne peace betweixt the unconciliabill natiouenes of Scottis and English: The continowing quhairof maid peace to grow, and at last perfytit the samyn be and blessit Unioune, iff it be, in the true faith of boith doctrine and discipline, knitt fast with the band of love in Chryst. Similarly, Robert Pont, in his treatise on the union entitled 'Of the
Union of Britayne’, maintained that England and Scotland had been bound by religion, ‘the strongest band to tie and knitt men’s minds together’.\(^{34}\) In fact, the entire theme of his treatise revolved around the idea that the principle of unity would imbue the king and his subjects with the strength and security necessary to defeat internal and external sources of strife.

How strong a defence and bulwark it is against all the attempts and delignements of the forrain adversary, how soveraigne remedie against the plague of intestine sedition and rebellion, both to prevent and repel it, for that no traitor of what strength or force soever, within the iland or neighboring places, is able to endure the least impression of the imperiall combined forces \(^{35}\)

Once again, however, the prevailing undercurrent is that of divine intervention. The author of the political union, no less than the religious one, was God.

But now to us hath God affoorded a third, that a prince without war or force, lineally descended from the ancient kinglie stock of the English, as the lawfull and undoubted heire hath taken the possession of the whole land ... by the hereditary right of succession, so hath God given us a farther and more forcible means of love and concorde not union onelie of the region but also of religion.\(^{36}\)

For such men of religion there could be no consideration of a debate; the religious union had foreshadowed the political union, meaning that the events of 1603 must necessarily be championed. In an age dominated by religious overtones it is probably safe to assume that the majority of laymen found themselves in agreement with the clerics. There could be no better justification for the union, and all that it entailed, than divine sanction.

Certainly King James was of the opinion that the union of the crowns had been divinely inspired. His speech to the English Parliament in 1604, proliferated with references regarding the role played by God in uniting the two kingdoms, went so far as to warn that ‘What God hath conjoined, let no man separate’.\(^{37}\) In seeking justification for his actions, if indeed he ever did, James had long favoured either citing biblical precedent or referring to the divine entity. This owed much to the fact that James effectively believed
that he stood in a special relationship with God. That combined neatly with the fact that James VI was both a king and a theologian. As king, he was comfortable with the inherent concepts of divine right monarchy. In this he was supported by Sir Thomas Craig, who believed that ‘for all systems of government monarchy is the most admirable and efficient’ because ‘it alone was instituted by Almighty God, the Author of all perfection’. As a theologian, James was able to expound on his notions concerning divine right monarchy, such as he did in 1610.

The states of monarchy is the supremest thing upon the earth; for kings are not only God’s lieutenants upon earth, and sit upon God’s throne, but even by God himself they are called gods. There be three principle similitudes that illustrate the state of monarchy: one taken out of the word of God, and the two other out of the grounds of policy and philosophy. In the Scriptures kings are called gods, and so their powers after a certain relation compared to the divine power.

James was not alone in his beliefs of divine right monarchy. A survey of European history for the period would invariably show that most monarchs, if not all, espoused similar views. Yet there can be little doubt that maintaining such views would colour his judgement regarding the union of England and Scotland and the manner in which James intended to accomplish or complete that task.

The union of the crowns of England and Scotland was a fait accompli. Yet James entertained notions of a further union. As one of his biographers has noted, James desired that there should exist but one king, faith, language, system of law, parliament, and one race of people being alike in manners and allegiance, and that any impediments to such a union should be eradicated. In order to achieve that end James did two things. The first thing he did was to press for the establishment of an English parliamentary commission to ‘assemble and meet, and thereupon to treat and consult with certain selected Commissioners to be nominated and authorised by authority of Parliament of the Realm of Scotland’. The purpose of that bipartisan commission was to adopt the measures by which further union would be achieved. There is reason to believe that James did not expect any opposition to his proposals. That may well have been true regarding the role of the
Scottish Parliament if, indeed, it was the 'obsequious and monarch-ridden body' as has been claimed. James did not have to deal with the Scottish Parliament in any direct fashion but, in any case, the corresponding body in England was quite different from its Scottish counterpart. In 1604 James also asked the Commons to allow him to change the royal style to 'King of Great Britain'. What he was doing, in effect, was asking both nations to part with their time-honoured names. Recently it has been noted that the change in royal style was purely symbolic and emotive because it was an extra-parliamentary manoeuvre which emphasized the unity and equality of both nations. True, it was in keeping with the notions of divine right and absolutism but that action was more than just symbolic and emotive. There is every reason to believe that James considered it to be a panacea, that the move would, in fact, serve to allay any protests, fears, or suspicions.

We use it as a signification of that which is in part already done, and significant prefiguration of that which is to be done hereafter; nor that we covet any new-affected name devised at our pleasure, but out of undoubted knowledge do use the true and ancient name which God and time have imposed upon this Isle, extant and received in histories, in all maps and cartes wherein this Isle is described, and in ordinary letters to ourself from divers foreign princes, warranted also by authentical charters, exemplifications under seals, and other records of great antiquity giving us precedent for our doing, not borrowed out of foreign nations but from the acts of our progenitors, Kings of this Realm of England, both before and since the Conquest, having not had so just and great cause as we have.

Almost certainly James did not intend for his proclamation to meet with such a vociferous response. Not only did the Commons refuse to alter the name of England, but a flood of propaganda ensued which focussed on the change in style and digressed from that issue to discuss related matters. The proclamation of union in 1604 was an arbitrary procedure totally in keeping with his notions of divine right. James was, after all, acting 'by force of our kingly power and prerogative' when he made his declaration. Yet that was not what stimulated the propaganda to flow; that was the by-product of speculative doom on the part of those whose concerns were for the legal ramifications of the change in style. Most, if not all of the tracts dealing with the union discussed that topic because it allowed
for an inroad to other considerations, such as the rights of Scots in England. The collation of objections to the change, presented in the Commons by Sir Francis Bacon, detailed the full range of those concerns. Basically, it was being argued that the change would adversely affect the summoning of parliament, the decisions of those parliaments, foreign affairs, the ‘laws, customs, liberties, and privileges of the kingdom’, loyalties, and the prestigious reputations both of England and King James. The change in name was thus presented as inhibiting further union rather than promoting it.

One of the benefits, which were supposed to grow out of the union, was the alleviation of enmity between England and Scotland. Sir Thomas Craig wrote in favour of the change in name, stressing that it promoted amity.

there is need of some new and closer bond if the memory of what has happened in the past is to be obliterated. Such a result can hardly be looked for so long as each country retains a name reminiscent of its ancient honour and prowess. What is chiefly needed is that every reminder of former enmities should be removed and buried, so that nothing may remain to wound either people; particularly since, if this union is to be cordial, we must enter into bonds of friendship and of lasting peace.

According to Craig, there were a number of things which were considered essential to union. There must be ‘uniformity in religion, laws, customs, and language, common rights, a single government pursuing a consistent and impartial policy, identical discipline, the same coinage, weights and measures, and, above all, the same name’. The only body of opinion which consistently harped against the change in name was the Commons. The other English and Scottish protagonists generally favoured the change. Those who did not say so directly, such as Sir Henry Savile and Sir Henry Spelman, admitted that it would neither be impossible nor inconvenient to change the name regardless of their personal preference but, invariably, they also deferred to the knowledge of the king in such matters.

Dr. Ferguson has suggested that none of the works concerned with the union of 1603 could be accepted as representative of public opinion in either nation. That may very well be true, but it is not a very fair statement to promote. One must question the represen-
tative nature of literate opinion regardless of the era or issue. The majority of tracts were written by men seeking status, privilege, or even mere recognition from James, a fact which undoubtedly coloured their approach to the topic. Yet that does not mean that they were unaware of public opinion. Brian Levack has noted that, in 1604, Scottish public opinion based itself in fear more than anything else as speeches against the union, and fasts over the same, displayed the concerns of a people uncertain as to their future and, indeed, that of their nation. This was reflected in the Scottish Parliament which instructed the commissioners for the union not to tolerate any alteration or derogation to the basic tenets of Scottish society. The fact that the Scottish Parliament expressed such concerns suggests that it too was mindful of the changes which would inevitably occur owing to union with England.

The threat of legal changes probably caused as much ink to flow from the quills of the propagandists as did the issue concerning the name change. Each nation was both rightly proud and protective of its legal system. Sir Henry Spelman argued that union could not succeed without 'changinge the lawes and auncyent usages of Scotland' because 'they ar liker to Fraunce then England.' An anonymous Scottish tract on the union argued that the alteration of laws and privileges was dangerous and therefore urged only a partial union.

none of them being either willing or able to suffer such a great and hastie alteration of their different laws and customs, or any derogation or diminution of their several privileges of estate without danger of sedition and discontentment of the whole body of the estate, interested by such innovations ... so for the perfecting of the union of annexed kingdoms, there is no necessitie to altere or change the laws, customes or privileges of estate, whereof the kingdoms have been in possession by many ages.

Another Scottish tract, that by John Russell, argued that fundamental laws should never be altered because any changes 'can import na les than the subversioun of the kingdome'. The English lawyer John Doddridge, while arguing in favour of union, noted simultaneously that 'lawes were never in any kingdome totallie altered without great danger of the everson of the whole state'. Doddridge, however, was in favour of establishing a common parliament, which would only change the problem to one of equal
representation within that body, with legal representation heading the list of virulent issues with which to be dealt.

It is evident that the writers were equally as concerned regarding the proposed legal union. Perhaps this was owing to a failure in the lines of communication between King James and his subjects. As Brian Levack has argued, James VI and I believed that a union of laws was quintessential to complete or perfect union. When still arguing vehemently for union in 1607, James categorically stated that the current state of affairs was straining the already existing regal union.

I desire a perfect Union of Lawes and persons, and such a Naturalizing as may make one body of both Kingdomes vnder mee your King ... For no more possible is it for one King to gouerne two Countries Contiguous, the one a great, the other a lesse, a richer and a poorer, the greater drawing like an Adamant the lesser to the Commodities thereof, then for one head to gouerne two bodies, or one man to be husband of two wiues ...

It was perfectly clear to James that legal union would lead to the attainment of amity between the two kingdoms, a dilemma exacerbated by the fact that the legal-minded Sir Thomas Craig tended to support the ideas proffered his King.

In 1605 Craig maintained that 'at the present day there are no nations whose laws and institutions more closely correspond than England and Scotland' since 'on fundamental principles of jurisprudence they agree perfectly, though in procedure they differ, a fact which by no means obscures the general resemblance between their systems of law'. Yet Craig could be accused of some inconsistency in this matter. In discussing the means by which the union would remain a reality for all time, he maintained that each nation must live in accordance with its own laws and customs.

The third essential to a permanent union is, that each nation be governed in accordance with its own laws and customs; that no change be made in them, or in the established methods of judicial procedure, without the expressed sanction an approbation either kingdom; that legal causes be determined in accordance with ancient practice and without appeal from the courts of one kingdom to those of the other,
a procedure intolerable to both and expressly forbidden in all the examples of union which I have mentioned above. If these conditions are not observed, the union will not be readily embraced by such as cannot patiently suffer their laws and customs to be altered.\(^\text{63}\)

Craig may have been unfamiliar with the intricacies of English law but he was well aware of public opinion in Scotland, as well as being aware of the fact that it would be Scottish institutions which would undergo alterations, not those of England.\(^\text{64}\)

Arthur Williamson has argued that the 1603 union tended to shape Scottish institutions along English lines with the result that English terminology seemed increasingly pertinent to Scottish affairs thereby encouraging the development, in this case, of a heightened legal self-consciousness.\(^\text{65}\) The increased awareness on the part of the Scots combined neatly, it has been argued, with the belief maintained by the English in the immemoriality of their own laws to effectively obstruct any form of legal union.\(^\text{66}\) The fact that the English and the Scots maintained differing legal ideologies was only exacerbated by the fact that James invariably expounded on his own thoughts regarding laws. Levack has noted that there could be little doubt that James's views differed from those proffered by either parliament.\(^\text{67}\) One would only have to look as far as his *Trew Law of Free Monarchies* to realize what James believed regarding any laws. James had basically argued throughout that treatise that 'the kings were the authors and makers of the Lawes, and not the Lawes of the kings',\(^\text{68}\) which was in perfect agreement with his notions of absolutism. Any attempt at reconciliation among the three parties would have been of the utmost futility in spite of the fact that James would impress on all concerned that it was not his intention to alter anything fundamental.

For when I speake of a perfect Vnion, I mean not a confusion of all things: you must not take from Scotland those particular Priviileges that may stand as well with this Vnion, as in England many particular customes in particular Shires, (as the Customes of Kent, and the Royalties of the Countie Palatine of Chester) do with the Common Law of the Kingdome: for every particular Shire almost, and much more every Countie, have some particular customes that are as it were naturally most fit for that people.\(^\text{69}\)
Seen in this light, James was in harmony with those ideas promulgated both by Craig and Bacon, the latter of whom would play a more prominent role in the ongoing debate concerning a legal union.

Throughout the union debates, Sir Francis Bacon had urged James to pursue a moderate course. Yet that meant that Bacon was caught between James and English Parliament, each of which maintained opposing views on the union issue even if only to frustrate the arguments of the other. Bacon discovered that his role as intermediary was not a viable option with which to continue, since his own political ambitions could not be balanced with the unfavourable task of attempting to reconcile two equally implacable mind-sets. Consequently, Bacon argued in favour of legal union, but such a union must necessarily be preceded by a general naturalization of James's Scottish subjects.

That according to true reason of estate, Naturalization is in order first and precedent to union of laws; in degree, a less matter than union of laws, and in nature, separable, not inseparable, from union of laws. For Naturalization doth but take out the marks of a foreigner, but union of laws makes them entirely as ourselves. Naturalization taketh away separation; but union of laws doth take away distinction.

In the same speech, Bacon argued that the bond which naturalization would create between the English and the Scots would benefit England in two ways. Firstly, since naturalization eliminated separation, the English no longer had to be concerned about being invaded from the north. Hence, naturalization also implied security. Secondly, and there can be little doubt that this was aimed at English vanity, the closer union could only enhance the greatness of the English kingdom. It is interesting to note that while Bacon was supposed to be arguing in favour of ‘Great Britain’, he found it necessary, when addressing the Commons, to continue his use of ‘this kingdom of England’. Perhaps that was a reflection of his realization that the Commons still considered the two nations as very much separate and distinct entities.

The message being delivered by Bacon to the Commons was that England could only gain from naturalizing the Scots. However, if further union was not achieved, then the dynastic union of 1603 would not in itself be sufficient to guarantee perpetual union.
that wheresoever several kingdoms or estates have been united in sovereignty, if that union hath not been fortified and bound in with a further union, and namely that which is now in question, of Naturalization, this hath followed, that at one time or other they have broken again, being upon all occasions apt to revolt and relapse to the former separation.\textsuperscript{75}

It would be difficult to assess the impact of such a statement on the Commons, but it is probably safe to assume that it was minimal. The English had their own ideas about what naturalization would achieve; it would ensure nothing less than the advancement of Scotland at the expense of England as Scots would flow into England, leading to “a diminution of the fortunes and conditions of those that are native subjects of this realm”.\textsuperscript{76} The Commons could not concurrently entertain any arguments to the contrary. Bacon could, and did, argue the opposing position. He maintained that naturalization would not lead to an influx of Scots in England any more than the accession of James had, and it had not. Bacon also stressed that England was far from being overcrowded, thereby suggesting that a surcharge of people would not inconvenience the nation as a whole by suddenly overcrowding it. If anything, an influx of Scots could lead to the betterment of England, given that they did not all settle in London, especially if their talents could be directed towards the alleviation of scarcity so prevalent in the more remote areas of England.\textsuperscript{77}

In continuing, Bacon stressed to the Commons that the idea of naturalization was little more than an exercise in common sense, since the people of both nations were intrinsically similar, for they are of one piece and continent with us; and truth is, we are participant both of their virtues and vices.\textsuperscript{78} In connection with this, Sir Thomas Craig had attempted to show that since Scotsmen had never been aliens in England, they could not be considered so following the union, meaning that the so-called naturalization was merely a recognition of their existing privileges and rights under English law.\textsuperscript{79} It may not be surprising that Bacon agreed with Craig on this point\textsuperscript{80} but it is interesting because these two were actually calling into question the knowledge of the Commons regarding both history and law through the concept of naturalization.

Bruce Galloway argued that there was little debate on the
principle of naturalization, the focus instead being on the actual legal positions of the ante- and the post-nati. Yet it is quite evident that the debate hinged on the practical application of the concept of naturalization. As Willson noted, the Commons had come to the conclusion that no distinction should be made between the two groups; it was quite clear that neither the ante- nor the post-nati were automatically naturalized or able to hold office or share in the same privileges as Englishmen. In other words, the Commons had rejected the principle as it stood, hence leading to the erection of a further obstacle to union. Although the debates had never flowed smoothly and the opposing sides had, more often than not, been at variance with one another, the inability to deal with the principle of naturalization is what really doomed the scheme envisioned by James. The Commons had not baulked when the Scottish Parliament inserted protectionist claims regarding the state of religion in Scotland. That may have been owing to notions of a shared religious experience or it may have been that religion was not the mover and the shaker in England as it was in Scotland. Neither had the Commons disputed the repeal of hostile laws between the two nations, even though such an action smacked of legal change. There was some debate over how to improve border justice and some concerning extradition procedures, but there was never much question that the laws which the two nations had aimed at each other prior to 1603 would be repealed. Thoroughgoing commercial union may have been a dead letter from the beginning but, as Professor Lythe noted, depending on the circumstances, the English did not object to Scottish traders so much as their wares, meaning that partial commercial amity had been achieved.

It was the argument regarding naturalization which allowed the Commons to stand union on its head. In order to avoid further discussion of the principle and to further delay the waning possibility of the union which James desired, the Commons began to argue for the necessity of a full and incorporating perfect union, creating one parliament and one body of laws for both nations. There can be little doubt that this tactic was deliberately advanced because the Commons realized that it would be unacceptable, both to James and the Scots. It allowed the Commons the luxury of appearing to be in favour of the union scheme while effectively squashing any chances of it being realized. Those pressing for union had, perhaps, invited this situation since they tended to argue in favour of mutual participation in offices and commerce. Therefore, the Commons offered exactly that, but attached the
codicil that a complete legal union was a necessary prerequisite of naturalization which, in itself, was essential if England were to open its many doors to Scots.

It was the perfect mechanism, even if an obviously destructive one. Bacon argued to the Commons that that position could not be maintained; he concluded that the motion pertaining to the union of laws, while worthy and born out of good minds, was completely 'unseasonable'. King James also found himself berating the Commons, stressing to that body that perfect union, as the members envisioned it, was an ultimate goal, not one spontaneously born. Turnabout was fair play. The Commons had managed to contort the entire issue, thus causing the project to sputter. Historians generally agree that union was a dead issue by July of 1607. Galloway's claim that the project was defeated primarily in and by the English House of Commons appears unassailable. The key to that defeat, however, lay in the naturalization debates. The principle was unfathomable. To accept the principle was to accept everything that it was believed to entail. Partial acceptance was not being sought. An all or nothing proposal demanded a like response. Therefore, the concept was rebuffed. That James was able to secure permanent naturalization of the post-nati was no major victory; he probably viewed the entire episode as a reaffirmation of his personal power.

In all fairness to the English, it should be noted that there also existed, in Scotland, an increasing distaste for both the English and the idea of union. The Scots had desired a union which was demonstrably equal and the actions of the Commons had suggested to the Scots that the results of the debates would not be favourable to Scotland. Robert Pont and John Russell had both accepted the de facto advantage to England in a union, both arguing that Scotland would basically be the accessory dominion of England and stressing that England had already received the greatest advantage of union in a resident king. A speech delivered by James in 1607 could only have served to confirm Scottish suspicions.

when you meete againe, remember I pray you, the truth and sincerity of my meaning, which in seeking Union, is onely to advance the greatness of your Empire seated here in England; And yet with such caution I wish it as may stand with the weale of both states ... Strengthen your owne felicitie, London must be the Seate of your King, and Scotland joyned to this kingdome by a Golden conquest, but
The Scots could no longer afford to be ambivalent with regards to the union issue. James had been one of the most vociferous advocates of union, yet his speeches increasingly pandered to the English when faced with stern opposition.

Yet it would be a mistake to assume that James ever retreated from the idea of union. Policies aimed at the anglicization of Scotland were nothing less than attempts to further James's notions concerning security in uniformity. The Statutes of Iona in 1609 authorized relentless pressure antagonistic to Gaelic culture. In 1614 James would initiate a program which introduced English traditions into the Scottish liturgical framework; they became known as the Five Articles of Perth. As Jenny Wormald has noted, the removal of the Scottish court to London resulted in the creation of a vacuum in Scottish political, social, and cultural life, at least among the more privileged class. Sir Thomas Craig noted that Edinburgh had already begun to suffer some ill effects from the union. The fact that Scotland no longer had an independent foreign policy meant that it too suffered the economic, and other adverse effects, of England's involvement in the Thirty Years War, although perhaps not as immediate or severe as did the English. Scots could no more predict the future than anyone else but they were, nonetheless, reluctant to enter into a union which was demonstrably unequal. Historians tend to agree that centuries of mutual bitter antagonism tainted the idea of union from the beginning. To be sure, James was unable to inspire the hearts and minds of the majority of his subjects with any notions favourable to union, but that cannot be used as a criterion for suggesting that he retreated from the idea. The dynastic union as a fait accompli and further union could be achieved through kingly machinations if necessary.

The Union of the Crowns in 1603 was the most significant event in the history of Anglo-Scottish relations down to that date. Its pre-eminence may have been eclipsed by the Union of the Parliaments in 1706-7, but the debate over the significance of both events is an ongoing one. Yet in the final analysis one thing is certain; the formation of a British monarchy was not accompanied by the creation of a British people. In their hearts and minds the Scots and the English remained exactly that. The notions of a shared experience, so prevalent in the minds of kirkmen, could only
provide limited support for the union project. In any case, the naturalization debates quelled the religious justifications for union. Indeed, the debates denied any shared experiences focussing instead on the principle that the two kingdoms and their populations were far from being alike, let alone equal. Although 'a farther and more forcible meanes of love and concorde' may have been provided in the person of King James, the 'forcible meanes' proved to be unpalatable to those who viewed the two nations as forever separate and distinct entities. The arguments expressed between 1603 and 1607 laid the foundation for future confrontations between the two nations and, indeed, Anglo-Scottish relations.

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NOTES


4. Ibid.


7. Ibid., p. 255.


9. Ibid., p. 46.


12. Ibid., p. 240.

13. Ibid., p. 245.


15. Ibid., p. 245.


40. Willson, *King James VI and I*, p. 250.


44. Tanner, ed., Constitutional Documents of the Reign of James I., p. 34.

45. Ibid., p. 34.


47. Craig, De Unione, p. 391.


58. Ibid., p. 146.


79. Craig, *De Unione*, pp. 335-47.


82. Willson, *King James VI and I*, pp. 254-5.

83. *APS*, v. 4, p. 264.


97. Wormald, *Court, Kirk and Community*, p. 192.


101. The most recent work dealing with the unions of 1603 and 17-07 is Levack, B.P., *The Formation of the British State: England, Scotland and the Union, 1603-1707*, Oxford, 1987. Unfortunately, Professor Levack's study did not become available in time to be utilized for this article.