

Northumbria Research Link

Citation: Raffe, Alasdair (2010) 1707, 2007, and the Unionist turn in Scottish history. *The Historical Journal*, 53 (04). pp. 1071-1083. ISSN 0018-246X

Published by: Cambridge University Press

URL: <http://dx.doi.org/10.1017/S0018246X10000506>
<<http://dx.doi.org/10.1017/S0018246X10000506>>

This version was downloaded from Northumbria Research Link:
<http://nrl.northumbria.ac.uk/4689/>

Northumbria University has developed Northumbria Research Link (NRL) to enable users to access the University's research output. Copyright © and moral rights for items on NRL are retained by the individual author(s) and/or other copyright owners. Single copies of full items can be reproduced, displayed or performed, and given to third parties in any format or medium for personal research or study, educational, or not-for-profit purposes without prior permission or charge, provided the authors, title and full bibliographic details are given, as well as a hyperlink and/or URL to the original metadata page. The content must not be changed in any way. Full items must not be sold commercially in any format or medium without formal permission of the copyright holder. The full policy is available online: <http://nrl.northumbria.ac.uk/policies.html>

This document may differ from the final, published version of the research and has been made available online in accordance with publisher policies. To read and/or cite from the published version of the research, please visit the publisher's website (a subscription may be required.)

www.northumbria.ac.uk/nrl



1707, 2007, AND THE UNIONIST TURN IN SCOTTISH HISTORY*

ALASDAIR RAFFE

University of Durham

ABSTRACT. *This article reviews the latest research on the making of the Anglo-Scottish parliamentary union of 1707 and unionism in modern Scotland. Stimulated by the tercentenary of the union, but running counter to the popular mood at the time of that anniversary, many of the recent publications exhibit a novel and sympathetic interest in principled support for union. Using Christopher Whatley's *The Scots and the union* (2006) and Colin Kidd's *Union and unionisms* (2008) as starting points, the article shows how the new histories differ from earlier work, while also identifying the interdisciplinary roots of the 'unionist turn' in Scottish history.*

The tercentenary of Anglo-Scottish parliamentary incorporation, in 2007, brought a flood of publications examining the origins, passage, and consequences of the union. These books and articles are the enduring legacy of a wide range of academic activity, of seminars, conferences, and public lectures. Part of the subject's appeal between autumn 2006 and the following summer lay in its contemporary political relevance. A period of intense historical discussion took place alongside a Scottish election campaign in which the legacy of the 1707 union was a central issue. Resulting in a Scottish National Party (SNP) minority government led by Alex Salmond, the election was more closely fought than others since devolution, and a possible harbinger of Scottish independence. Or so it seemed at the time.

Nationalist-leaning historians were not silent in the tercentenary debates, though few of their contributions have appeared in print.¹ But in contrast to the histories of the union published during the 1960s and 1970s, there was a striking tendency to emphasize principled support for Anglo-Scottish integration, and to look afresh at unionist concepts and convictions. This interest in unionism, it seems, is a product of a generational change in Scottish historical studies. For much of the twentieth century, Roger Mason remarks, Scottish history 'was conceived and written as the history of a nation', using categories of identity and nationhood drawn from 'an essentially 19th-century discourse'. Yet in recent years, scholars have 'discarded the straitjacket imposed by this conceptual framework',

Department of History, Durham University, 43 North Bailey, Durham DH1 3EX a.j.n.raffe@durham.ac.uk

* I am grateful to Philip Williamson for commenting on a draft of this Review, and to the Journal's referees for their suggestions.

¹ E.g. Paul Henderson Scott, *The union of 1707: why and how?* (Edinburgh, 2006).

and sought 'to recover the Scottish past on its own terms'.² One result, it can be argued, has been a unionist turn in early modern and modern Scottish history.

The phrase 'unionist turn' is not meant to attribute to Scottish historians, collectively or individually, an attitude towards contemporary constitutional arguments or party politics. The increasing irrelevance of doing so is part of Mason's point. Michael Fry suggests that the historical conclusions of leading interpreters of the union can be inferred easily from their political views, but he fails to substantiate what seems like a misrepresentation of most of the scholars active in the 1980s and 1990s.³ Nor is there much reason to suggest that Scottish historians have deliberately aimed to run contrary to the political mood.⁴ Yet the work of historians is never entirely abstracted from its contemporary political context. Earlier accounts of the 1707 union, emphasizing short-term imperatives and financial inducements, ought to be read with an awareness of the campaign for Home Rule that coloured Scottish political life in the 1960s and 1970s.⁵ And in the early twenty-first century, it is worth airing the paradox that a nationalist surge in the polls has coincided with an increased interest in unionism among Scottish historians.

As will be seen, scholarly analysis of principled unionism has well-developed, interdisciplinary roots. In the past two decades, historians have uncovered the sixteenth- and seventeenth-century arguments for Anglo-Scottish association, shown that there was a favourable case for union in 1706–7, and chronicled the union's acceptance by later generations of Scots. But the historical study of unionism seems to have crossed a threshold with the tercentenary of 1707, signified by the publication of two important books. Christopher Whatley's *The Scots and the union* (2006), written with the assistance of Derek Patrick, analyses the late seventeenth- and early eighteenth-century union negotiations, and the passage of the 1706 treaty through the Scottish parliament.⁶ *Union and unionisms* (2008), by Colin Kidd, surveys political, legal, historical and religious thought relating to the union across five centuries.⁷ Using these books as starting points, this article examines the themes and contexts of the unionist turn in Scottish history.

² Roger Mason, 'Posing the East Lothian question', *History Scotland*, 8 (2008), pp. 40–8, at pp. 41–2. Professor Mason presented a version of this article as an inaugural lecture at the University of St Andrews in October 2007.

³ Michael Fry, *The union: England, Scotland and the treaty of 1707* (Edinburgh, 2006), p. 3.

⁴ Books written to make a political splash are not discussed in this review. But see Tom Gallagher, *The illusion of freedom: Scotland under nationalism* (London, 2009), and the use made of it by the Scottish press: Rob Brown, 'Salmond accused of tapping dark side of nationalism', *Herald*, 25 Oct. 2009.

⁵ William Ferguson, 'The making of the treaty of union of 1707', *Scottish Historical Review (SHR)*, 43 (1964), pp. 89–110; idem, 'Imperial crowns: a neglected facet of the background to the treaty of union of 1707', *SHR*, 53 (1974), pp. 22–44; idem, *Scotland's relations with England: a survey to 1707* (Edinburgh, 1977), pp. 180–272; P. W. J. Riley, *The union of England and Scotland: a study in Anglo-Scottish politics of the eighteenth century* (Manchester, 1978); Paul H. Scott, *1707: the union of Scotland and England* (Edinburgh, 1979).

⁶ Christopher A. Whatley with Derek J. Patrick, *The Scots and the union* (Edinburgh, 2006).

⁷ Colin Kidd, *Union and unionisms: political thought in Scotland, 1500–2000* (Cambridge, 2008).

I

With its mass of empirical detail and close argument, *The Scots and the union* is set to have a historiographical influence comparable to that of P. W. J. Riley's *The union of England and Scotland* (1978). Whatley narrates the events leading to union, weighing the motives that brought it about: economic considerations, the geopolitical and religious context, the management of the Scottish parliament, and the 'Equivalent' paid in Scotland in compensation for its future share in the English national debt. Whatley has written widely on the economic background to the union, establishing that arguments about trade pointed towards both pro- and anti-unionist conclusions. His work has emphasized that the Scottish parliament debated the economic terms of the union treaty at length, amending them in detail, before the union was finalized.⁸ *The Scots and the union* presents a pessimistic account of the country's interrelated economic woes by the end of the 1690s. Like T. C. Smout, Whatley can identify little prospect of recovery in the early years of the eighteenth century.⁹ This interpretation is based on a careful survey of economic evidence, but Whatley's account is not confirmed by all scholars, and Allan Macinnes in particular presents a more positive view of the pre-union economy.¹⁰

Yet Whatley places at least as much emphasis on a political and religious case for the union as on the economic arguments. The leading supporters of parliamentary incorporation saw in the 1706 treaty a peaceful means of ensuring a Protestant succession to the British thrones. Incorporating union would stop a Jacobite restoration, ruling out a return to the absolutist rule and religious coercion of Charles II's and James VII's reigns. Thus Whatley argues that a core of elite supporters of the revolution of 1688–90, mostly moderate presbyterians, consistently backed further union with England. He traces continuities of personnel and principle between the Scottish commission that negotiated for union in 1706 and the earlier union commissions of 1689 and 1702. By 1706, of course, union had the further advantage of reducing the threat of military intervention in Scotland by France, as a diversionary strategy in the War of the Spanish Succession. It was also argued that union would secure the hegemony of a moderate presbyterianism in the Kirk and universities. That these desirable objectives were in reach by late 1706 gave the union treaty an advantage over more speculative federal union schemes.

⁸ Christopher A. Whatley, 'Salt, coal and the union of 1707: a revision article', *SHR*, 66 (1987), pp. 26–45; idem, *Bought and sold for English gold? Explaining the union of 1707* (2nd edn, East Linton, 2001).

⁹ Whatley with Patrick, *Scots and the union*, chs. 4–5. Whatley aligns his argument with that of T. C. Smout, *Scottish trade on the eve of union, 1660–1707* (Edinburgh, 1963); Christopher A. Whatley, 'Taking stock: Scotland at the end of the seventeenth century', in T. C. Smout, ed., *Anglo-Scottish relations from 1603 to 1900*, Proceedings of the British Academy, 127 (Oxford, 2005), p. 103.

¹⁰ Allan I. Macinnes, *Union and empire: the making of the United Kingdom in 1707* (Cambridge, 2007), esp. pp. 215–20. For a review article comparing Whatley and Macinnes, see Bob Harris, 'The Anglo-Scottish treaty of union, 1707 in 2007: defending the revolution, defeating the Jacobites', *Journal of British Studies*, 49 (2010), pp. 28–46.

Thus there were reasons for supporting the union, beyond short-term political manoeuvring and economic despair. Michael Fry, who is critical of what he sees as economic determinism in earlier accounts of Anglo-Scottish incorporation, also presents the union as a ‘genuine choice’, its terms subject to serious negotiation and debate.¹¹ Whatley’s account of principled unionism focuses most significantly on the *Squadron volante*, the crucial third party in Scottish politics, whose move to a pro-union position by 1706 ensured that the treaty would be approved by parliament. He seeks to remove the opprobrium customarily directed at the *Squadron* by critics of 1707, who see the party’s manoeuvres as proof that the pro-union votes were bought with English secret service money and the Equivalent.¹² For Whatley, an even-handed interpretation of the union’s passage through parliament has been hampered by a historiographical problem: the influence of George Lockhart of Carnwath’s near-contemporary narrative of events. With its allegations of unionist cynicism and bribery by the crown, Lockhart’s account appealed to later denigrators of the union; as Whatley remarks, Lockhart’s ‘mud has stuck’.¹³ *The Scots and the union* is a history with the mud washed off, and the unionists’ principles sympathetically restored.

Whatley’s approach gains support from the work of Iain McLean and Alastair McMillan. After a statistical analysis of voting patterns in the Scottish parliament’s final session, they conclude that unionist parliamentarians were not the corrupt ‘parcel of rogues’ of nationalist folklore. More than Lockhart’s *Memoirs*, they have the Namierite interpretation of P. W. J. Riley and William Ferguson in their sights. According to McLean and McMillan, one of their calculations, establishing that shareholders in the Company of Scotland were little more likely to vote for incorporation than were non-shareholders, ‘destroys the Namierites’ central contention’.¹⁴ In fact, Riley and Ferguson did not see the union simply as a transaction, paid for with the Equivalent. Their most important conclusion – that union was achieved on the back of improvements in parliamentary management and party voting discipline – is still widely accepted.¹⁵ McLean and McMillan admit Riley’s point about party cohesiveness, but deny his Namierite premises.

¹¹ Fry, *Union*, p. 308.

¹² For a recent discussion of the Equivalent, see Douglas Watt, *The price of Scotland: Darien, union and the wealth of nations* (Edinburgh, 2007), ch. 17.

¹³ Christopher A. Whatley, ‘The making of the union of 1707: history with a history’, in T. M. Devine, ed., *Scotland and the union, 1707–2007* (Edinburgh, 2008), p. 24; Christopher A. Whatley and Derek J. Patrick, ‘Contesting interpretations of the union of 1707: the abuse and use of George Lockhart of Carnwath’s *Memoirs*’, *Journal of Scottish Historical Studies*, 27 (2007), pp. 24–47. The chief modern target of this historiographical critique is Paul Scott. See esp. Paul H. Scott, *Andrew Fletcher and the treaty of union* (Edinburgh, 1992). The modern edition of Lockhart’s *Memoirs*, with a suitably nationalist title and a preface by Paul Scott, is George Lockhart, ‘*Scotland’s Ruine*’: *Lockhart of Carnwath’s memoirs of the union*, ed. Daniel Szechi (Aberdeen, 1995).

¹⁴ Iain McLean and Alastair McMillan, *State of the union* (Oxford, 2005), pp. 43, 60 (quotation).

¹⁵ See e.g. Karin Bowie, ‘Publicity, parties and patronage: parliamentary management and the ratification of the Anglo-Scottish union’, in Stewart J. Brown and Christopher A. Whatley, eds., *The union of 1707: new dimensions* (Edinburgh, 2008), pp. 78–93.

Suggesting ‘that there were real ideological differences between the party groupings’,¹⁶ their interpretation gives weight to the economic and religious benefits that contemporaries claimed would flow from union.

This interest in unionist motivations is echoed by John Kerrigan’s new interpretation of the ideological commitments of Daniel Defoe, perhaps the most important pamphleteer on the unionist side. Placing less emphasis than is normal on Defoe’s opportunism, Kerrigan opens up the understudied theme of early eighteenth-century English unionism, particularly the English presbyterians’ attitudes to incorporation.¹⁷ As recent historians have stressed, the leading Scottish unionists were forced to calm fears that the Church of Scotland would fall victim to Anglican hegemony in the United Kingdom. To this end, an act ratifying the 1689–90 religious settlement was moved in the Scottish parliament soon after it began to consider the union treaty.¹⁸ Of course, presbyterianism has remained an important component of Scottish distinctiveness.¹⁹ Yet a cross-border unionist mentality developed among presbyterians, allying some Scots with English dissenters in pursuit of a more tolerant, whiggish political culture. In the early eighteenth century, this attitude excluded many Scottish presbyterians, whose commitment to the National Covenant (1638) and the Solemn League and Covenant (1643) put them out of step with English dissenters.²⁰ As Whatley’s book suggests, however, presbyterian unionism may have been decisive in the passage of the union. Its trajectory in the united British polity calls for further research.

Though recent Scottish historians have turned their attention to the positive case for union in 1706–7, there are significant differences between this scholarship and the unionist interpretations prevalent in the nineteenth and early twentieth centuries. Then, historians approached 1707 with an appreciative awareness of the union’s long-term consequences: the modernization of Scotland’s society and economy, the profitable participation of Scots in the British Empire. The new histories of unionism try to avoid this teleology. Building on a wealth of scholarship, the union’s most recent historians are able to chart the initially negative economic consequences of free trade with England, and to show the importance

¹⁶ McLean and McMillan, *State of the union*, pp. 28–9.

¹⁷ John Kerrigan, *Archipelagic English: literature, history, and politics, 1603–1707* (Oxford, 2008), ch. 11. For a complementary account, see Anne M. McKim, ‘War of words: Daniel Defoe and the 1707 union’, *Journal of Irish and Scottish Studies*, 1 (2008), special issue ‘Unions: past – present – future’, pp. 29–44.

¹⁸ Jeffrey Stephen, *Scottish presbyterians and the act of union 1707* (Edinburgh, 2007); Derek J. Patrick, ‘The Kirk, parliament and the union, 1706–1707’, in Brown and Whatley, eds., *Union of 1707*, pp. 94–115.

¹⁹ E.g. Richard J. Finlay, ‘Keeping the covenant: Scottish national identity’, in T. M. Devine and J. R. Young, eds., *Eighteenth-century Scotland: new perspectives* (East Linton, 1999), pp. 122–33. See the discussion of Kidd’s *Union and unionisms* below.

²⁰ Alasdair Raffe, ‘Presbyterianism, secularization and Scottish politics after the revolution of 1688–1690’, *Historical Journal*, 53 (2010), pp. 317–37; Colin Kidd, ‘Conditional Britons: the Scots Covenanting tradition and the eighteenth-century British state’, *English Historical Review*, 117 (2002), pp. 1147–76.

of anti-unionist Jacobitism until the mid-eighteenth century.²¹ Moreover, scholars have begun to place the union in a wider continental context, using comparisons to refigure their interpretations of the Anglo-Scottish experience. Contributors to *Forging the state* (2009), a collection edited by Andrew Mackillop and Micheál Ó Siochrú, illustrate the diverse challenges posed by composite state formation and the varieties of union in early modern Europe. As Mackillop and Ó Siochrú argue, whiggish and Namierite histories of the union often depended on unsustainable assumptions of British exceptionalism. Moreover, the volume confirms that early modern Scots and English were less insular than many of their nineteenth- and twentieth-century historians.²²

Also employing a wide geographical context, Allan Macinnes's stimulating argument that the Scottish negotiators of union were 'not corrupt' but 'inept' – that they failed to achieve the best possible bargain – undermines the old whiggish interpretation from another direction.²³ Macinnes's *Union and empire* (2007) pays closer attention to English motives for uniting with Scotland than other recent works, concluding that the treaty's terms 'primarily served the interests of England'. In this interpretation, union ended the Scots' fiscally damaging evasion of the English navigation acts, and gave Queen Anne's newly united kingdom a demographic boost in its competition with other European powers. The Equivalent, Macinnes suggests, could have been larger, and Scottish access to England's eastern colonies (effectively barred in the wake of the union) might have been negotiated.²⁴ It is to be hoped that Macinnes's work stimulates new studies of the union from English historians. Though Riley's cynical Namierism has been discredited, his claim that the passage of the union 'was due directly to English rather than Scottish politics' has been insufficiently examined.²⁵

New histories of late seventeenth- and early eighteenth-century unionism have to take account of revisionist studies of the Scottish parliament itself. From the

²¹ Whatley with Patrick, *Scots and the union*, ch. 9. See e.g. T. M. Devine, 'The union of 1707 and Scottish development', *Scottish Economic and Social History*, 5 (1985), pp. 23–40, at pp. 28–31; Christopher A. Whatley, *Scottish society, 1707–1830: beyond Jacobitism, towards industrialisation* (Manchester, 2000), ch. 2; Daniel Szechi, *1715: the great Jacobite rebellion* (New Haven, CT, and London, 2006).

²² Andrew Mackillop and Micheál Ó Siochrú, 'Introduction: unions in Europe', in Andrew Mackillop and Micheál Ó Siochrú, eds., *Forging the state: European state formation and the Anglo-Scottish union of 1707* (Dundee, 2009), pp. 2–5. Other comparative perspectives are promised by a volume I was unable to consult before completing this article: Jon Arrieta and John H. Elliott, eds., *Forms of union: the British and Spanish monarchies in the seventeenth and eighteenth centuries*, Riev, cuadernos 5 (Donostia, 2009).

²³ Allan I. Macinnes, 'The treaty of union: made in England', in Devine, ed., *Scotland and the union*, p. 67.

²⁴ Macinnes, *Union and empire*, quotation at p. 314. See also Andrew Mackillop, 'A union for empire? Scotland, the English East India Company and the British union', in Brown and Whatley, eds., *Union of 1707*, pp. 116–34.

²⁵ P. W. J. Riley, 'The union of 1707 as an episode in English politics', *English Historical Review*, 84 (1969), pp. 498–527, at p. 498. For Anglo-Scottish political relations in 1707–8, see Graham Townend, 'Rendering the union more complete: the *Squadrone volante* and the abolition of the Scottish privy council', *Parliamentary History*, 28 (2009), pp. 88–99.

eighteenth century onwards, unionist writers assumed there was little to recommend the parliament abolished in 1707: its unicameral constitution offered no buffer against tyrannical monarchs, and it promoted the overweening power of the Scottish nobility. The Westminster parliament was manifestly superior, and 1707 had a liberating effect.²⁶ (This interpretation was connected with the view, which McLean and McMillan associate with A. V. Dicey, that the new British parliament stood in continuity with the old English one, inheriting its practices and traditions.)²⁷ A body of recent research has revived the reputation of the pre-1707 Scottish parliament, showing that it had the capacity to resist unwanted royal policies and embarrass ministers of the crown.²⁸ This quality was particularly evident during and after the revolution of 1688–90; indeed, the unionism of King William and Queen Anne was informed by their desire to remove an institutional nuisance. A more positive development linked to the new understanding of the Scottish parliament is that historians now pay greater attention to the government's responses to public opinion during parliamentary debates over union.²⁹ The union was not simply imposed and the Scottish people ignored. Unionism was not solely an elite idea, much less a purely English one, but a product of genuine political negotiation.³⁰

II

Colin Kidd's *Union and unionisms* discusses many of the advocates of the 1707 treaty encountered in Whatley's book. Kidd assesses the pamphlet debates that accompanied the passage of the union, but his main innovations concern the following three centuries. He begins by asking why unionism has not previously attracted much academic attention. Lambasted as unimaginative and inauthentic by its twentieth-century critics, unionism was more likely to excite suspicion than curiosity among Scottish historians. In the 1980s, moreover, 'Thatcherite unionism' increasingly became 'the cartoonish unionism depicted by its opponents'.³¹ Though scholars began to examine modern unionist politics in the 1990s,³² Kidd's study of unionist thought is nevertheless a new departure. The book is presented as a preliminary map of the unionist terrain; thus it is worth pausing over the boundaries set to that landscape. On Kidd's definition,

²⁶ Colin Kidd, 'Eighteenth-century Scotland and the three unions', in Smout, ed., *Anglo-Scottish relations*, pp. 171–88.

²⁷ McLean and McMillan, *State of the union*, p. 8.

²⁸ Conveniently sampled in Keith M. Brown and Alastair J. Mann, eds., *Parliament and politics in Scotland, 1567–1707* (Edinburgh, 2005).

²⁹ Karin Bowie, *Scottish public opinion and the Anglo-Scottish union, 1699–1707* (Woodbridge, 2007); Whatley with Patrick, *Scots and the union*, ch. 8, esp. pp. 306–11.

³⁰ John Robertson, 'An elusive sovereignty: the course of the union debate in Scotland, 1698–1707', in idem, ed., *A union for empire: political thought and the British union of 1707* (Cambridge, 1995), pp. 198–227; Clare Jackson, 'Conceptions of nationhood in the Anglo-Scottish union debates of 1707', in Brown and Whatley, eds., *Union of 1707*, pp. 61–77.

³¹ Kidd, *Union and unionisms*, p. 5.

³² Catriona M. M. Macdonald, ed., *Unionist Scotland, 1800–1997* (Edinburgh, 1998) was pioneering in this respect.

'unionists' were broadly supportive of the union, though they sometimes saw reason for considerable changes in the Anglo-Scottish relationship. They subjected the union to careful scrutiny, often in a scholarly fashion, but they did not agree as to its precise interpretation and significance. Kidd's understanding of the subject ensures that his unionism is wide-ranging, its proponents numerous and varied. Many of his surprising and stimulating arguments depend on the capaciousness of his definition. In several ways, as will be seen, Kidd's discussion succeeds in destabilizing historians' 'basic categories of political analysis'.³³

To narrow his definition, Kidd introduces two distinctions. First, he explains the relationship between Unionism and unionism.³⁴ Upper-case Unionism was the political tendency committed to maintaining the 1800–1 Union of Great Britain and Ireland, and latterly to securing the place of Northern Ireland in the United Kingdom. Gladstone's support for Irish Home Rule in the 1880s made the Hiberno-British union a rallying call for politicians, and divided the Liberal party, leading to the formation of the Scottish Unionist Association in 1912. Therefore Unionism became a political movement long before the lower-case, Anglo-Scottish unionism – based on the preservation of the 1707 union – was politicized.³⁵ Kidd's second distinction is between the thoughtful unionism on which his book concentrates, and 'banal unionism', the almost unconscious acceptance of the Anglo-Scottish union that was 'part of the wallpaper of Scottish political life' until quite recently.³⁶ In the late twentieth century, the rise of the SNP, the discovery of North Sea oil, Margaret Thatcher's decade in office, and concerns about Scottish economic underperformance combined to make Scottish Home Rule an increasingly popular option. Defenders of the constitutional status quo now had to give cogent arguments for their position. Just as the Irish Home Rule campaign 'forced [Hiberno-British] unionism out into the open',³⁷ so Anglo-Scottish unionism was required to shed its banality.

Between 1707 and these late twentieth-century developments, Kidd finds articulate unionism principally in the writings of specialists, whose work led them to think about the nature of the union. These unionists were professionally non-banal. One group, constitutional theorists, wrestled with the problem of whether the union was a fundamental law in the British polity, or (as was the majority view for much of the nineteenth and twentieth centuries) liable to amendment by a sovereign Westminster parliament. To its proponents in 1706–7, John Robertson

³³ Kidd, *Union and unionisms*, p. 304.

³⁴ The point was made in Richard J. Finlay, 'Unionism and dependency culture: politics and state intervention in Scotland, 1918–1997', in Macdonald, ed., *Unionist Scotland*, p. 101. The distinction is important to the argument in Paul Ward, *Unionism in the United Kingdom, 1918–1974* (Basingstoke, 2005), see esp. pp. ix, 4.

³⁵ See Catriona Burness, 'Strange associations': *the Irish question and the making of Scottish Unionism, 1886–1918* (East Linton, 2003); Ewen A. Cameron, 'The politics of the union in an age of unionism', in Devine, ed., *Scotland and the union*, pp. 123–39.

³⁶ Kidd, *Union and unionisms*, p. 24. The concept is adapted from Michael Billig, *Banal nationalism* (London, 1995).

³⁷ McLean and McMillan, *State of the union*, p. 113.

argues, the fact that the union was a treaty negotiated by representatives of independent kingdoms seemed to ensure that its provisions would have constitutional permanence.³⁸ Many later students of the union, particularly presbyterian ecclesiastical writers, believed that its religious terms guaranteed a semi-autonomous Church of Scotland, that the 1712 statute restoring the rights of lay patrons breached a fundamental law, and that patronage was thus unconstitutional. Aptly, Kidd explains that some Scots have been ‘strict constructionists of the [1707] Union, using its provisions as a stick with which to beat the English for their arrogance and insensitivity towards their Scottish partners-in-Union’. Nevertheless, Kidd argues that the cosmopolitanism of Scots law delayed until the mid-twentieth century the emergence of legal nationalism, which was even then rarely linked to nationalist politics.³⁹

If a large part of his book deals with legal questions, Kidd nevertheless broadens his discussion to encompass historical writing. In the racialist histories of the nineteenth century, he shows, lowland Scots were Saxons like their English neighbours, and William Wallace fought for British liberties against Plantagenet tyranny.⁴⁰ The Scottish Covenanters and the English parliamentarians of the 1640s led parallel struggles against royal absolutism. The creators of these historical narratives were thinking of the union less as a legal document than as the destiny of the Scottish and English people. Thus these historians were a sort of unionist different from the constitutional lawyers. This variety seems to call into question Kidd’s decision to distinguish between a few Scots who thought deeply about the union and a large majority who took it for granted. Perhaps one should conclude (as Kidd implies) that the union inflected all areas of Scottish culture in numerous subtle ways.⁴¹ If the boundary between banal and non-banal unionisms was indeed blurred, then it remains for future historians and critics to examine the fragmentary, unsystematic reflections on the union by writers and artists in a wide range of cultural genres other than those surveyed by Kidd.

It is not only among historians of the post-1707 period that unionism has emerged as a fruitful subject. There is now a large body of literature examining aspects of consensus in the Anglo-Scottish relationship in the century and more before parliamentary union. Stimulated by the ‘new British history’, and by the attention paid to national consciousness in works such as Linda Colley’s *Britons*,⁴² historians have looked for British identity, particularly in the period after James

³⁸ John Robertson, ‘The Anglo-Scottish union of 1707: the scope for a European perspective’, in Mackillop and Ó Siochrú, eds., *Forging the state*, pp. 63–7.

³⁹ Kidd, *Union and unionisms*, pp. 260–1 (quotation), ch. 5.

⁴⁰ See also Graeme Morton, *Unionist-nationalism: governing urban Scotland, 1830–1860* (East Linton, 1999), pp. 176–84; James Coleman, ‘Unionist-nationalism in stone? The National Wallace Monument and the hazards of commemoration in Victorian Scotland’, in Edward J. Cowan, ed., *The Wallace book* (Edinburgh, 2007), pp. 151–68.

⁴¹ Kidd, *Union and unionisms*, pp. 25–31.

⁴² Linda Colley, *Britons: forging the nation, 1707–1837* (New Haven, CT, and London, 1992). For a survey of the debates surrounding the ‘new British history’, see Glenn Burgess, ed., *The new British history: founding a modern state, 1603–1715* (London, 1999).

VI's accession to the English throne in 1603. The 'union' of crowns was certainly reversible, as Scottish parliamentarians of the early eighteenth century insisted. But when it was interpreted as a providential blessing, 1603 could encourage Scots and English, especially military men and merchants, to associate themselves with Britain.⁴³

Yet the unionist turn shifts attention away from questions of identity, towards a more explicit engagement with political thought and constitutional experimentation. To understand 1707, historians have looked back to the several seventeenth-century proposals for Anglo-Scottish union.⁴⁴ Kidd finds the roots of modern unionism even earlier, in the sixteenth century, and here he draws on important recent discussions of unionist thinkers such as John Mair and John Knox.⁴⁵ It is worth distinguishing between those writers, including Mair, who discussed union in essentially geo-political terms, and others (notably Knox) who saw it in the context of the struggle to establish Protestantism in the British Isles. Later Anglo-Scottish confessional divergence undermined the value of Knox's perspective, especially after the Covenanters of the 1640s failed in their attempt to bring religious uniformity to the kingdoms. Many of Knox's successors, beginning with his seventeenth-century editor David Buchanan, tended to make him a symbol of Scottish particularism.⁴⁶ As a result, the unionisms of 1707 and thereafter more closely resembled Mair's version than that of Knox, though the extent of Mair's direct influence is unclear. Importantly, both men dissented from one attitude to Anglo-Scottish relations voiced south of the border: that the Scottish monarchy was subject to the English imperial crown.⁴⁷ Disposing of the 'imperial crowns' canard remained important to modern unionists, because they insisted that the union had been negotiated by independent and equal powers.⁴⁸

One trend contributing to the unionist turn can be seen in the sociology of Scotland since the 1970s. Mid-twentieth-century accounts depicting a unitary

⁴³ Recent studies include Jason C. White, 'Militant Protestants: British identity in the Jacobean period, 1603–1625', *History*, 94 (2009), pp. 154–75; Steve Murdoch and J. R. Young, 'Union and identity: Scotland in a social and institutional context', in Jørgen Sevaldsen and Jens Rahbek Rasmussen, eds., *The state of the union: Scotland, 1707–2007*, Angles on the English-speaking world, 7 (Copenhagen, 2007), pp. 35–58; Steve Murdoch, 'James VI and the formation of a Scottish-British military identity', in idem and Andrew Mackillop, eds., *Fighting for identity: Scottish military experience, c. 1550–1900* (Leiden, 2002), pp. 3–31.

⁴⁴ Ferguson, *Scotland's relations with England*; Whatley with Patrick, *Scots and the union*, esp. ch. 2. See also Bruce Galloway, *The union of England and Scotland, 1603–1608* (Edinburgh, 1986); Allan I. Macinnes, 'Politically reactionary Brits?: the promotion of Anglo-Scottish union, 1603–1707', in S. J. Connolly, ed., *Kingdoms united? Great Britain and Ireland since 1500: integration and diversity* (Dublin, 1999), pp. 43–55; Clare Jackson, 'The Anglo-Scottish union negotiations of 1670', in Tony Claydon and Thomas N. Corns, eds., *Religion, culture and the national community* (Cardiff, forthcoming).

⁴⁵ Kidd, *Union and unionisms*, ch. 2. See e.g. Arthur H. Williamson, *Scottish national consciousness in the age of James VI: the apocalypse, the union and the shaping of Scotland's public culture* (Edinburgh, 1979); Roger A. Mason, 'Scotland, Elizabethan England and the idea of Britain', *Transactions of the Royal Historical Society*, 6th ser., 14 (2004), pp. 279–93; idem, 'Posing the East Lothian question'.

⁴⁶ Kidd, *Union and unionisms*, pp. 52–3. For a recent corrective, see Roger A. Mason, ed., *John Knox and the British Reformations* (Aldershot, 1998).

⁴⁷ See Ferguson, 'Imperial crowns'.

⁴⁸ Kidd, *Union and unionisms*, pp. 96–101.

British state and an integrated British society have been largely abandoned. For David McCrone, writing in 1992, Scotland was a 'stateless nation', a distinct society without a separate government. If this made it anomalous in mid-century terms, it placed Scotland 'at the centre of sociological concerns in this (post-) modern world', characterized by increasing challenges to the integrity and efficacy of the nation-state.⁴⁹ Building on this analysis, sociologists have emphasized the autonomy of Scottish civil society, with its religious, educational, and legal institutions. Civil society served as a conduit of Scottish identity, a guarantor of distinctiveness inside Britain.⁵⁰ This sustained a culture of mutual respect between the nations, in which a politician like Stanley Baldwin, whom contemporaries sometimes identified as quintessentially English, could win considerable popularity in Scotland.⁵¹ Until the mid-twentieth century, moreover, Scotland was largely self-governing at local and national levels, a privilege that ensured the support of its elites for the union. The historian Graeme Morton used the label 'unionist-nationalism' to describe commitment to this Scottish autonomy within the union among urban governors in the mid-nineteenth century.⁵² As with other fruitful concepts, subsequent scholars have applied 'unionist nationalism' less precisely, with the result that it now encompasses much of post-union political culture.⁵³ As Lindsay Paterson remarked in 1994, unionist-nationalism was 'not wholly dead even in the late twentieth century'.⁵⁴ In a chapter provocatively titled 'Early nationalism as a form of unionism', Kidd argues that much of Scottish nationalism before the 1950s had a unionist character. In doing so, he reflects this newly sophisticated understanding of politics within the union.⁵⁵

Thus the growing scrutiny of unionism has consequences for historians' understanding of nationalism. Scholars sympathetic to Scottish independence have argued that Britishness lacked deep roots, and that its late twentieth-century decline in Scotland was an almost inevitable development.⁵⁶ Criticizing this interpretation as tendentious and unhistorical, Paul Ward argues that British identity was strongly held and politically influential until the

⁴⁹ David McCrone, *Understanding Scotland: the sociology of a stateless nation* (London, 1992), p. 33. McCrone's post-devolution formulation is 'understated' nation: David McCrone, 'State, society and nation: the problem of Scotland', in Sevaldsen and Rasmussen, eds., *State of the union*, p. 21.

⁵⁰ McCrone, *Understanding Scotland*, pp. 21–4; Lindsay Paterson, *The autonomy of modern Scotland* (Edinburgh, 1994); Michael Keating, *The independence of Scotland: self-government and the shifting politics of union* (Oxford, 2009).

⁵¹ Gabrielle Ward-Smith, 'Baldwin and Scotland: more than Englishness', *Contemporary British History*, 15 (2000), pp. 61–82.

⁵² Morton, *Unionist-nationalism*. See also Alice Brown, David McCrone and Lindsay Paterson, *Politics and society in Scotland* (Basingstoke, 1996), esp. pp. 11, 50, 207, 215; Graeme Morton, 'Scotland is Britain: the union and unionist-nationalism, 1807–1907', *Journal of Irish and Scottish Studies*, 1 (2008), pp. 127–41.

⁵³ Alexander du Toit, "'Unionist nationalism'" in the eighteenth century: William Robertson and James Anderson (1662–1728)', *SHR*, 85 (2006), pp. 305–314; Ward, *Unionism in the United Kingdom*, pp. 5–6.

⁵⁴ Paterson, *Autonomy of modern Scotland*, p. 60.

⁵⁵ Kidd, *Union and unionisms*, ch. 7.

⁵⁶ E.g. Tom Nairn, *After Britain: New Labour and the return of Scotland* (London, 2000); Christopher Harvie, 'The moment of British nationalism, 1939–1970', *Political Quarterly*, 71 (2000), pp. 328–40.

1970s.⁵⁷ It was in the context of hegemonic unionism, Kidd shows, that politicians and campaigns conventionally labelled nationalist, from the National Association for the Vindication of Scottish Rights in the 1850s to John MacCormick's Scottish Covenant of a century later, emerged. Kidd critiques a teleological narrative of nationalism, which reads the concerns of recent, anti-unionist nationalists on to the movements of the past. In a related way, Richard Finlay has attempted to rescue early nationalists from the denigration of more radical successors such as Tom Nairn. Though it was distinct from secessionist nationalisms elsewhere in Europe, it is a mistake to see Scottish nationalism before the late twentieth century as a failure. Rather, nationalism's unionist character was a result of the union's – and the empire's – success.⁵⁸

There is a further reason to regard new studies of unionism as intellectually timely. Scottish nationalism, it is often remarked, has a less secessionist character now than in the recent past. Since the adoption of the 'Independence in Europe' policy in the late 1980s, the SNP has envisaged that an independent Scotland would negotiate full membership of the European Union. The party also proposes maintaining Scotland's association with numerous United Kingdom institutions, including the monarchy and the National Health Service.⁵⁹ The measures of further devolution proposed by the Calman commission, set up by the 'unionist' majority in the Scottish parliament, were less distinct from the SNP's independence plans than might have been imagined.⁶⁰ Even if the union of 1707 were rescinded, Scotland would likely make 'new unions for old', as Neil MacCormick put it.⁶¹ And if Scottish nationalism has changed, so has unionism, with strident Anglo-centrism largely pushed to the fringes, even among English Conservatives. In this context, new and nuanced assessments of past unionisms will provide excellent perspectives on future developments in Scottish politics.

That unionism was neglected by earlier generations of Scottish historians is an important historiographical observation; it says much about how their discipline developed in the twentieth century. But it is now possible to reverse the question and ask not why have historians ignored unionism, but why are increasing numbers studying it? A simple answer would emphasize the urge to explore the unexamined, to fill gaps in historical study. More fundamentally, however, the lack of histories of unionism had become anomalous, more so than with many other neglected topics. The forces bringing this about included shifts in the nature

⁵⁷ Ward, *Unionism in the United Kingdom*; idem, "'Union is not amalgamation. Scotland is a nation": unionism and Scottishness in the twentieth century', in Sevaldsen and Rasmussen, eds., *State of the union*, pp. 59–76. See also Keating, *Independence of Scotland*, p. 2.

⁵⁸ Richard J. Finlay, *A partnership for good? Scottish politics and the union since 1880* (Edinburgh, 1997), pp. 9–10, 20–1; T. C. Smout, 'Introduction', in idem, ed., *Anglo-Scottish relations*, pp. 11–12.

⁵⁹ See Iain Macwhirter, 'Does the SNP still do exactly what it says on the tin?', *Herald*, 19 Oct. 2009.

⁶⁰ See www.commissiononscottishdevolution.org.uk (accessed on 17 July 2010).

⁶¹ Neil MacCormick, 'New unions for old', in William L. Miller, ed., *Anglo-Scottish relations, from 1900 to devolution and beyond*, Proceedings of the British Academy, 128 (Oxford, 2005), pp. 249–55.

of Scottish history itself, and the wider growth in national self-confidence, catalysed by parliamentary devolution. In its early stages, it looked like the creation of a new parliament had brought a more nationalistic brand of Scottish history.⁶² Now, perhaps, the greater diversity and complexity of Scotland's political life has been mirrored in the works of its historians.

⁶² Richard J. Finlay, 'Review article: new Britain, new Scotland, new history? The impact of devolution on the development of Scottish historiography', *Journal of Contemporary History*, 36 (2001), pp. 383–93.