

Public, People and Nation in Early Modern Scotland

Abstract

The emergence of modern publics as national bodies with opinions expressed in print has been described by historians focusing on early modern England, France, Germany and America. These histories have highlighted the seventeenth century as a key period for the development of the concept of a textual 'public', with public opinion being seen as authoritative by the eighteenth century. This paper considers the development of textual publics and the language of 'the public' in Scotland alongside alternative concepts of collective opinion expressed in terms of 'the people' and 'the nation'. It argues that forms of public opinion were becoming more prominent in Scottish political culture across the seventeenth century as political conflict led dissidents to challenge the judgement of the monarch and the representativeness of national assemblies. Though print markets remained restricted in Scotland, expressions of extra-parliamentary opinion developed through petitioning and other forms of direct engagement, employing the language of people and nation rather than the public.

It has been observed that 'the development of the idea of an active public was one of the most significant of the seventeenth century'.¹ In England, Geoff Baldwin has argued, a linguistic leap fuelled by an expansion in print allowed a national community at large to be designated as 'the public' from the 1650s.² According to Mark Knights, the new English public carried intrinsic authority by the late seventeenth century through an association with theories of popular sovereignty.³ By the 1730s, the term 'public opinion' had come into use and the public was recognised as, in James Van Horn Melton's words, a 'sovereign tribunal' in matters of art and politics.⁴ Influenced by Jürgen Habermas' account of the rise of a rational, print-consuming bourgeois public sphere, historians have traced the formation of textual publics in early modern England, France, Germany and America. This historiography highlights the consumption and discussion of burgeoning quantities of print in predominantly urban spaces by increasingly literate members of the public. The emergence of 'the

¹ Geoff Baldwin, 'The public as a rhetorical community in early modern England' in A. Shepard and P. Withington (eds), *Communities in Early Modern England* (Manchester, 2000), 199.

² Baldwin, 'The public'.

³ Mark Knights, *Representation and Misrepresentation in Later Stuart Britain: Partisanship and Political Culture* (Oxford, 2005), 34-37, 95-96.

⁴ J. A. W. Gunn, 'Public opinion' in R. Ball, J. Fair and R. L. Hanson (eds), *Political Innovation and Conceptual Change* (Cambridge, 1989), 249; James Van Horn Melton, *The Rise of the Public in Enlightenment Europe* (Cambridge, 2004), 2.

public' as an extra-institutional collective of reading, reasoning subjects, similar to but not the same as older notions of 'the nation' or 'the people', has been hailed as a crucial step towards the modern hegemony of public opinion.⁵

Scotland's place in the story of the public is unclear. Scholars have suggested that representations of national opinion were part of Scottish political culture in the decade prior to the Union and that Scotland became part of a British extraparliamentary public with a 'national voice' after 1707, but the deeper origins of public opinion in Scotland remain little explored.⁶ In analysing religious controversies, Alasdair Raffe has raised concerns about the applicability of the model of the public sphere in Scotland.⁷ Alasdair Mann's study of the Scottish book trade confirms that while print debates erupted at key points and market growth was more noticeable from the 1680s, print outputs remained modest across the seventeenth century.⁸ With a relatively small capital city, limited affluence and no regular domestic newspapers before 1699, Scotland's print consumption was far less than that of the London metropolis and its environs. Joad Raymond has offered a more general caution against the identification of publics and public spheres where contemporaries did not yet use this terminology.⁹ At a time when 'the public' was developing as a new concept, it is important to trace the relative meanings of alternative concepts of collective opinion, including 'the people' and 'the nation'. All of these terms had shared origins in a medieval mindset that saw a community as a holistic body with a common interest. In monarchies, that common interest was pursued by assemblies acting as the embodiment of the community of the realm (*communitas*

⁵ Jürgen Habermas, *The Structural Transformation of the Public Sphere*, trans. T. Burger with F. Lawrence (Cambridge, 1989; 2d edn 1999); Melton, *Rise of the Public*; T. C. W. Blanning, *The Culture of Power and Power of Culture* (Oxford, 2002); Michael Warner, *The Letters of the Republic: Publication and the Public Sphere in Eighteenth-Century America* (Harvard, 1990).

⁶ Knights, *Representation*, 110-11, 125, 134-5; Karin Bowie, *Scottish Public Opinion and the Anglo-Scottish Union, 1699-1707* (Woodbridge, 2007).

⁷ Alasdair Raffe, *The Culture of Controversy: Religious Arguments in Scotland, 1660-1714* (Woodbridge, 2012), 5-12.

⁸ Alastair J. Mann, *The Scottish Book Trade, 1500-1720* (East Linton, 2000), 215.

⁹ Joad Raymond, 'Perfect speech: the public sphere and communication in seventeenth-century England' in A. Benchimol and W. Maley (eds), *Spheres of Influence: Intellectual and Cultural Publics from Shakespeare to Habermas* (Oxford, 2007), 49.

regni).¹⁰ The medieval Scottish parliament contained three estates, the nobles, prelates and royal burghs, each holding property of the crown.¹¹ The estates of parliament expressed the opinions of the nation as the nation's greater or weightier part (*sanior* or *valentior pars*).¹² Though the 'nation' could contain all of the subjects of the realm, the Scottish coronation ceremony distinguished between the 'lieges', those nobles and clergy who swore personal allegiance to the monarch in the coronation ceremony, and ordinary subjects, 'the people', who swore obedience.¹³ The lieges sat in parliament as the estates of lords and clergy. Commoners had only an indirect place in the Scottish parliament, being represented by their secular and clerical landlords and urban corporations. As Alan Macdonald has shown, at the close of the sixteenth century it was expected that the monarch would call the Scottish estates regularly to provide consent and counsel on behalf of the nation and its common interest.¹⁴

Though it was understood in conventional terms that the king was meant to govern for the good of the people, the people's voice did not have an authorised form outside of national assemblies. In late medieval literary sources, invented characters spoke for the Scottish nation and its interests. In his mid-sixteenth century play, *Ane Satyre of the Thrie Estaitis*, Sir David Lindsay used the character John the Commonweil to speak not as *vox populi* but as a personification of *salus populi*.¹⁵ The 1550 pamphlet *The Complaynt of Scotland* employed the device of Dame Scotia to

¹⁰ Arthur P. Monaghan, *Consent, Coercion and Limit: The Medieval Origins of Parliamentary Democracy* (Kingston, 1987), 114-120.

¹¹ For recent studies of the three estates, see Keith M. Brown and Alan R. Macdonald (eds), *Parliament in Context, 1235-1707* (Edinburgh, 2010), 31-121.

¹² Monaghan, *Consent, Coercion and Limit*, 117. As a national collective, decisions made by parliament to serve the common good were made by consensus or majority vote (*maior pars*). Alan Macdonald, 'Voting in the Scottish Parliament before 1639', *Parliaments, Estates and Representation*, 30:2 (2010), 145-161. Macdonald notes that the burghs tended to protest when outvoted by the other estates, but the principle of an overall majority was maintained (154-55).

¹³ Roderick J. Lyall, 'The medieval coronation ceremony: some seventeenth-century evidence', *Innes Review* (1977), 6-11. Contemporary distinctions between lieges and subjects are suggested by a 1706 address that refers to 'leiges and subjects' as different groups, e.g. National Records of Scotland [NRS] Supplementary Parliamentary Papers PA7/28/16, Perthshire. See also 'Liege, n.', *Dictionary of the Scottish Language* (2004) <https://dsl.ac.uk> [DSL].

¹⁴ Alan R. Macdonald, 'Consultation and consent under James VI', *Historical Journal* 54:2 (June 2011), 287-306.

¹⁵ Sir David Lindsay, *Ane Satyre of the Thrie Estaitis*, ed. R. Lyall (Edinburgh, 1989), 1934-2043, 2227-2296, 2443-2473; Edward J. Cowan, 'Scotching the beggars: John the Commonweal and Scottish history' in A. Murdoch, E. J. Cowan and R. Finlay (eds), *The Scottish Nation: Identity and History* (Edinburgh, 2007), 1-17.

speak for the realm. Displaying a typical disdain for the popular voice, Scotia insisted that she would rather listen to ‘ten prudent men’ than the multitude.¹⁶ As J. A. W. Gunn has observed, *vox populi* could be invoked, but ‘[r]arely were the identity of the people or the mode of its being heard specified’.¹⁷ Because the Scottish parliament spoke as the nation and for the people, voices outside this assembly were not recognised as legitimate except through ritualised and restricted practices of petitioning.¹⁸ Even in petitioning, as J. P. Sommerville has noted, ‘[t]he sovereign alone was the judge of necessity.’¹⁹

This article will suggest that while late medieval Scots had to invent characters to express a national voice, by 1707 a discourse of collective opinion had developed in Scotland using the language of the nation, the people and the public. The first section will consider how far ‘the public’ came to refer to a reading and reasoning body before the early eighteenth century. The second section will show how oppositional groups experimented with assertions of collective opinion and attributed increasing political responsibility to ‘the people’, though the association of ‘the people’ with the multitude tended to limit the rhetorical potential of these approaches. A final section will suggest that ‘the nation’ offered greater legitimacy for public opinion through a stronger association with the parliamentary estates, while an expansion in political participation across the seventeenth century gave representations of national opinion increasing popular force.

The Public

¹⁶ [Robert Wedderburn?], *The Complaynt of Scotland*, ([Paris, 1550]), 98v.

¹⁷ Gunn, ‘Public opinion’, 247.

¹⁸ Petitions could be handed to parliaments and conventions from private individuals or collective groups. Political petitioning was restricted in 1633, outlawed in 1662 and restored in the 1689 Claim of Right. John R. Young, ‘Charles I and the 1633 Parliament’ in K. M. Brown and A. J. Mann (eds), *Parliament and Politics in Scotland, 1567-1707* (Edinburgh, 2005), 115; K.M. Brown et al (eds), *Records of the Parliament of Scotland [RPS] 1662/5/20*, Act for preservation of his majesty's person, authority and government, 24 June 1662 [<https://rps.ac.uk>]; *RPS 1689/3/108*, The declaration of the estates containing the Claim of Right and the offer of the crown to the king and queen of England, 11 April 1689.

¹⁹ J. P. Sommerville, ‘Absolutism and royalism’ in J. H. Burns with M. Goldie (eds), *Cambridge History of Political Thought 1450-1700* (Cambridge, 1991), 369.

In Scotland, as in England, 'public' was used as an adjective indicating the opposite of 'private'. 'Public' characterised the activities of the monarch and his government and, in a more general sense, activities undertaken before the eyes of the world. 'The world' represented perhaps the closest early modern analogue to the public sphere, indicating an open arena where reputations were made and lost. A proclamation of 1661 exemplified this in its comment that 'the world' would 'take notice' of the Scottish parliament's loyalty to Charles II as demonstrated by legislation restoring his royal authority.²⁰ Unlike the new English sense of the 'public' as a national textual body, however, 'the world' had no national boundaries. When used as a noun, 'the public' indicated a truncation of the public interest, or what a 1633 Scottish statute called the 'publick weill', or commonweal.²¹ This term reflected what contemporaries understood as *res publica*, or public affairs.²² This sense is suggested by a 1641 'committie for the publicke' which dealt with matters relating to the state and the national interest.²³ In similar terms, a warrant of 1641 ordered the king's advocate to pursue cases concerning the public.²⁴ In Scottish sources, 'public' also could refer more specifically to the Scottish treasury or public purse.²⁵ In 1644, an act encouraged loans to the government with the promise that lenders 'sall have assurance for their repeyment from the publict out of the moneyes due be the kingdome of England'.²⁶

Conflict with the king in the 1640s encouraged a separation of 'the public' from the monarch when the king was perceived to be pursuing his own private, rather than public, ends. At the 1651 coronation of Charles II, the clergyman Robert Bruce advised the new monarch that it 'becommeth a

²⁰ RPS 1661/1/362, Proclamation, 18 June 1661.

²¹ J. A. W. Gunn, 'Public interest' in Ball, Fair and Hanson (eds), *Political Innovation*; RPS 1633/6/47, Commission for surveying the laws, [28 June 1633].

²² Early Modern Research Group, 'Commonwealth: the social, cultural and conceptual contexts of an early modern keyword', *Historical Journal* 54:3 (2011), 664-5.

²³ RPS 1641/7/35, Procedure, 23 July 1641.

²⁴ RPS 1641/7/38, Warrant, 24 July 1641.

²⁵ 'Public, n.', *DSL*.

²⁶ RPS 1644/1/145, Committee for the money, 25 May 1644; 1644/1/72, Act for borrowing of money, 2 Feb 1644.

King well, to bee of a publick spirit, to care more for the publick, than his owne interest'.²⁷ In England, the morphing of 'the public' to encompass the citizenry appears to have been facilitated by overlaps in meaning between 'commonweal', 'commonwealth', 'res publica' and 'republic'. 'Commonwealth' could in different contexts refer to a polity, a body politic, the common good and the commonalty itself.²⁸ In Scotland, the more typical term for the common good was 'commonweal', which had more limited associations with polities and bodies politic. As Sharon Adams has confirmed, political thought relating to republicanism and the Cromwellian 'commonwealth' gained little purchase in Scottish political culture.²⁹ In legal and political contexts, the 'public' remained strongly associated with the Scottish king and governmental affairs. When the jurist James Dalrymple of Stair described strayed goods as 'publick' in a 1681 discussion of the Scots law of restitution, he meant that their ownership transferred to the monarch.³⁰ In 1703, Andrew Fletcher of Saltoun drafted Scottish legislation requiring parliamentary consent for royal pardons 'for transgressions against the publick', by which he meant the older sense of the public interest and national affairs.³¹

Fletcher's usage indicate the fuzziness of 'the public' at this early stage and the difficulties in determining how to read this word in particular contexts. In a 1700 essay by William Seton of Pitmedden in which he urged education in mathematics and science as being of 'more value to the Publick' than philosophical learning, it would be possible to interpret 'Publick' in either an old or new sense.³² Still, the new meaning of 'the public' most clearly appears in printed pamphlets where extra-institutional audiences were addressed. Evidence from Scottish pamphlets confirms the existence of key prerequisites for the idea of a public: the belief that individuals outside the state could act for the common good, that opinions were exposed to the world through print, and that

²⁷ *The Form and Order of the Coronation of Charles II* (Aberdeen, 1651), 33.

²⁸ Early Modern Research Group, 'Commonwealth'; Andy Wood, *The 1549 Rebellions and the Making of Early Modern England* (Cambridge, 2007), 144-145.

²⁹ Sharon Adams, 'In search of the Scottish republic' in J. Goodare and S. Adams (eds), *Scotland in the Age of Two Revolutions* (Edinburgh, 2014), 103-114.

³⁰ Sir James Dalrymple of Stair, *The Institutions of the Law of Scotland* (Edinburgh, 1681), 75.

³¹ Andrew Fletcher, *Political Works*, ed. J. Robertson (Cambridge, 1997), 139.

³² William Seton of Pitmedden, *The Interest of Scotland in Three Essays* (Edinburgh, 1700), 70.

readers formed an evaluative body. A 1627 Aberdeen pamphlet suggested that the common good could be pursued by its private readers, advising them that ‘this Tyme doeth require vs to carie publicke, and not private Mynds’.³³ In publishing a 1618 tract on the healing properties of a cold spring, a Scottish medic anxiously noted that ‘to speak in Print is to undergoe a publick censure’. He promised to ‘write my opinioun without contentioun, reserving the resolution thereof to my most learned colleagues’.³⁴ The publisher of a 1683 London edition of the memoirs of Sir James Melville of Halhill used ‘the public’ as a synonym for readers, noting his obligation to ‘Communicate such a Treasure to the Publick’ and promising that the tract would satisfy ‘men of sense’.³⁵

References to ‘the public’ become more notable in Scottish tracts by the early eighteenth century. In 1711, Patrick Abercrombie indicated his intention to ‘court the Publick into a good Opinion of my self’ with a history of Scottish military exploits. In protesting that he had ‘a nobler Motive than that interested one, of gaining the Favour of the Publick’, Abercrombie reflected a negative sense of publicity found in the phrase ‘common opinion’, implying a gossip-borne notion of fame or infamy.³⁶ In 1729, the Catholic cleric Thomas Innes attributed a more positive sense of ‘impartial judgement’ to ‘the publick’ in expressing his intention to ‘expose’ his *Critical Essay* on the history of the Scottish monarchy to public assessment.³⁷ However, these Scottish references to ‘the public’ as a critical reading body may reflect an adoption of English terminology, influenced by the interaction of the Scottish and English book markets.³⁸ More prominent in Scottish political discourse before the eighteenth century were assertions of collective opinions made in terms of the Scottish ‘people’ and ‘nation’.

The People

³³ Peter Hay, *An Advertisement to the Subjects of Scotland* (Aberdeen, 1627), ‘To the Reader’, n.p.

³⁴ Patrick Anderson, *The Colde Spring of Kinghorne Craig* (Edinburgh, 1618), sig. A2v.

³⁵ George Scott (ed.), *The Memoires of Sir James Melvil of Hal-hill* (London, 1683), sig. a2-a2v.

³⁶ [Patrick Abercrombie], *The Martial Atchievements of the Scots Nation* (Edinburgh, 1711), 1; Gunn, ‘Public opinion’, 247.

³⁷ Thomas Innes, *Critical Essay on the Ancient Inhabitants of Britain or Scotland* (London, 1729), 12.

³⁸ Mann, *Scottish Book Trade*, 212.

In theoretical terms, political power could be attributed to the Scottish 'people' as an abstract entity, yet most Scottish theorists of popular sovereignty saw little scope for an extra-institutional popular political voice. George Buchanan argued that the Scottish monarchy had been constituted by a sovereign people, but, as Roger Mason has emphasised, he expected that political action on behalf of the people in his present day would be undertaken by the nobility or the parliamentary estates.³⁹ Similarly, in his 1644 *Lex Rex*, the Presbyterian cleric Samuel Rutherford attributed original sovereignty to the people and insisted that the people had an active role in making a king, but 'the Estates' normally acted as the embodiment and voice of the political 'Communitie'.⁴⁰ Buchanan's view that king and people entered into a reciprocal contract through the coronation was echoed in 1651 by Robert Bruce, who told Charles II that 'when a king is crowned, and received by the people, there is a covenant or mutuall contract betweene him and them'. Kings could be resisted if they broke this compact and damaged true religion, but, according to Bruce, only the 'Estates of the Land', not 'private men', could take this action.⁴¹ Outside of the coronation, 'the people' had no formal political capacity.⁴²

Popular voices were by definition transgressive, though in expressing grievances these could be seen as truthful according to the maxim *vox populi vox dei*.⁴³ A former tenant farmer reduced to poverty by greedy clergy, the Pauper in Lindsay's *Satyre of the Thrie Estaitis* uttered complaints on behalf of the commons in the guise of a disruptive, noisy figure.⁴⁴ In sixteenth and seventeenth-century poems and tracts, the brash figure of Jock Upaland spoke in similar terms as a labouring husbandman against corrupt clergy and over-mighty nobles.⁴⁵ In 1597, a 'rustical letter' conveyed

³⁹ Roger A. Mason, 'People power? George Buchanan on resistance and the common man' in Robert von Friedeberg (ed.), *Widerstandsrecht in der fruhen Neuzeit* (Berlin, 2001), 163-181.

⁴⁰ Samuel Rutherford, *Lex Rex, The Law and the Prince* (London, 1644), 7-8, 19-20, 58, 63, 144-45.

⁴¹ *Form and Order*, 19, 21-22.

⁴² Lyall, 'Medieval Scottish coronation', 7, 10, 15-16.

⁴³ George Boas, *Vox Populi: Essays in the History of an Idea* (Baltimore, 1969), 8-35; Gunn, 'Public opinion', 245.

⁴⁴ Lindsay, *Satyre*, 1934-2043, 2227-2296.

⁴⁵ Tony Milligan, "'To ding their mony kingis down": Jock Upaland and the Scottish labourer stereotype', *Scottish Literary Journal* 25:1 (May 1998), 28-35.

complaints in the name of Jock Upaland on behalf of the 'poor laicks [laity] and commons' of Scotland. Blaming sycophantic clergy for allowing the king to secure greater power over the church, the letter threatened violent resistance by 'we, the commouns of this countrie of Scotland, his Majestie's subjects in God'. Jock's aim was to rescue 'his Majestie, the Kirk of God, and the commonweale of this land' from those who had misled the king and caused him to 'alienat his subjects hearts from him, without which he cannot be a king'.⁴⁶

The idea that kings were meant to maintain the affections of their people provided grounds for the practice of petitioning, which allowed grievances to be expressed before they festered into open revolt. Charles I expressed this sentiment in conventional terms in 1641 with the statement that he held 'the heartis and affectiones of his people to be his cheefe treasure'.⁴⁷ Robert Bruce in 1651 urged Charles II to ensure that he cultivated the 'inbred affection in the hearts of the people, for their King'.⁴⁸ Reflecting the importance of affection, petitions emphasised the emotional state of the petitioner, typically combining a humble obeisance with a brief explanation of the problem and a passionate plea for help.⁴⁹ The rhetoric of petitioning reinforced the idea that rational judgement and authority lay with the monarch rather than the people, yet the small voice allowed by petitioning could be amplified with a more aggressive approach.

In 1637, an unusually widespread and insistent petitioning campaign was launched against a new Scottish prayer book issued by royal proclamation. Supplications to the Privy Council were sent from six burghs, three presbyteries and thirty-four parishes, topped with a general petition from a collective of 'noblemen, barons, ministers, burgesses and commons'.⁵⁰ These petitions combined reasoned arguments against what was seen as a backsliding book issued by unconstitutional means with conventionally humble and affective language. The general petition opened with protestations of loyalty and obedience to the king and begged the Privy Council to convey the petitioners'

⁴⁶ David Calderwood, *The History of the Kirk of Scotland*, ed. T. Thomson, 8 vols (Burlington, 2006), v, 655-668.

⁴⁷ *RPS* 1641/7/6, Concerning the civil government, 1 July 1641.

⁴⁸ *Form and Order*, 25.

⁴⁹ Geoffrey Koziol, *Begging Pardon and Favor: Ritual and Political Order in Early Medieval France* (Ithaca, 1992).

⁵⁰ P. Hume Brown (ed.), *Register of the Privy Council [RPC]*, second series, 8 vols (Burlington, 2005), iv, 699-716.

concerns about the prayer book to the king in order to fulfil ‘the verie desere of our hearts’, ‘the happienes to enjoy’ true religion.⁵¹ As crowds gathered in Edinburgh to present the petitions and hear the king’s response, the movement coalesced into groups known as the Tables and proceeded to organise further protestations and representations to the Privy Council.⁵²

In February 1638, the leaders of this resistance movement began to attribute political responsibilities to the people at large. A 1581 anti-Catholic confessional oath was updated to include a requirement that swearers uphold the Presbyterian church and a limited Scottish monarchy as defined by a specific set of laws and the terms of the Scottish coronation. From 1639 the regime ordered all men and women in the parishes of Scotland to take what had become known as the National Covenant.⁵³ Drawing on older practices of bonding and confessional oaths, this went beyond parliamentary ratification of church government to commit the laity to defend a particular constitution of the church and realm.⁵⁴ With the 1643 Solemn League and Covenant, the people were asked to swear to defend a British confederal union under one monarch with congruent Presbyterian churches in Scotland, England and Ireland.⁵⁵ New research suggests that these oaths were taken seriously in many parishes by a wide swathe of the people, both male and female.⁵⁶ Many covenant-swearers would have agreed with Samuel Rutherford’s statement that ‘[r]eformation of Religion is a personal act that belongeth to all, even to any one private person according to his place’.⁵⁷

⁵¹ *Ibid*, 699.

⁵² John Leslie, earl of Rothes, *A Relation of the Proceedings Concerning the Affairs of the Kirk of Scotland, From August 1637 to July 1638* (Edinburgh, 1830), 6-53.

⁵³ RPS 1640/6/36, The act of the general assembly ordaining by ecclesiastical authority the subscription of the faith and covenant, 6 June 1640.

⁵⁴ Jane Dawson, ‘Bonding, religious allegiance and covenanting’ in S. Boardman and J. Goodare (eds), *Kings, Lords and Men in Scotland and Britain 1300-1625* (Edinburgh, 2014).

⁵⁵ RPS 1643/6/75, Covenant to be between the two kingdoms, 17 Aug. 1643.

⁵⁶ Laura A. M. Stewart, ‘Voices and voicing in the Scottish Revolution, 1637-1651’, *Many Headed Monster* (July-Aug 2015), [<https://manyheadedmonster.wordpress.com>]; Laura A. M. Stewart, ‘Authority, agency and the reception of the National Covenant of 1638’ in R. Armstrong and T. O hAnnrachain (eds), *Insular Christianity* (Manchester, 2013); Jamie McDougall, ‘The Reception of the 1643 Solemn League and Covenant’, unpublished MLitt dissertation, University of Glasgow (2014).

⁵⁷ Rutherford, ‘Preface’ in *Lex Rex*, n.p. [pp. 20-21].

The Covenanters used the coronation of Charles II to reinforce the political responsibility of the people while binding popular opinion to the terms of the covenant. In *Lex Rex*, Rutherford drew on Old Testament models to argue that the people as a body made kings by calling them to office.⁵⁸ The 1651 coronation of Charles II opened with an invitation from the people to Charles to take up the crown, contrasting with the 1633 coronation in which his father was asked humbly to take the people under his protection. Notably, instead of swearing obedience, the people in 1651 swore an oath of allegiance very similar to that voiced by the nobles in 1633, making them all the monarch's 'liege men'.⁵⁹ This new level of allegiance, however, was restricted by the covenants as both king and people had sworn the covenants prior to the coronation oaths.

The politicisation of ordinary people by the Covenanting regime created resistance to the restoration of an uncovenanted regime and church after 1660. With the eruption of violent uprisings in 1666 and 1679, some theorists became more willing to justify extra-institutional protests and resistance.⁶⁰ The jurist James Steuart of Goodtrees argued that the people made their magistrates, describing the Scottish monarchy as having been first made by the people calling Fergus as their king. Rather than waiting for a national body to represent them, an 'honest party' who remained true to the constitution of the realm could defend themselves against oppressive governors.⁶¹ Royalists responded with assertions of the unlimited power of the Scottish monarch, leaving no room for the ascription of political action to the people other than obedience.⁶² Rejecting the idea that the 'extravagant and restless multitude' could have any political role, Lord Advocate George Mackenzie of Rosehaugh based the original foundation of the Scottish monarchy on a conquest by Fergus, sealed with oaths by which the native 'Heads of the Tribes' promised that 'they should never admit of any other Form of Government then Monarchie; and that they should never

⁵⁸ Rutherford, *Lex Rex*, 7-8, 10-11, 20; Monaghan, *Consent, Coercion and Limit*, 23-27.

⁵⁹ *Form and Order*, 44-45.

⁶⁰ Ian B. Cowan, *The Scottish Covenanters 1660-1688* (London, 1976), 63-68, 94, 96-76; Tim Harris, *Restoration* (London, 2005), 118, 196-97.

⁶¹ [James Steuart of Goodtrees], *Jus Populi Vindicatum* (1669), 87-94, 95-117; Clare Jackson, *Restoration Scotland, 1660-1690* (Woodbridge, 2003), 67.

⁶² Jackson, *Restoration Scotland*, 54-59, 61-64.

obey any except Him and his Posterity'.⁶³ Mackenzie insisted that the estates constituted 'the whole Representatives of the People'.⁶⁴

From late 1688, however, popular resistance contributed to the making of the Williamite Revolution, with anti-Catholic rioting, the removal of dozens of Episcopalian ministers from southwestern parishes and the attendance of armed bands in Edinburgh during the 1689 Convention.⁶⁵ These manifestations of Presbyterian popular opinion contributed to the framing of an extraordinary statement in the name of 'the people' in the 1689 Claim of Right. In contrast to a 1661 proclamation ordering all subjects to 'abstain from meddling' with the question of church government, the Claim of Right demanded the removal of bishops from the Scottish church on the grounds that prelacy had been 'a great and insupportable grievance and trouble to this nation' and 'contrary to the inclinations of the generality of the people ever since the reformation'.⁶⁶ By capitalising on petitionary language by which an unhappy people could beg for the relief of grievances, popular opinion was inserted into what was intended as conditions on William and Mary's rule.⁶⁷ A 1689 act abolished bishops and stated that parliament would proceed to settle a form of church government 'most agreeable to the inclinations of the people'.⁶⁸ In 1690, Presbyterian government was restored on the grounds that it was 'agreeable to the word of God', had been 'received by the general consent of this nation' in a parliamentary act of 1592 and would establish 'peace and tranquillity in this realm' through popular approbation.⁶⁹

George Mackenzie, viscount Tarbat highlighted the unusual nature of these terms in a letter to his Presbyterian cousin Lord Melville, commenting 'yow I hope will consider folk's weell [weal]

⁶³ George Mackenzie of Rosehaugh, *Jus Regium, Or the Just and Solid Foundations of Monarchy* (London, 1684), 21, 27.

⁶⁴ Mackenzie, *Jus Regium*, 9.

⁶⁵ Tim Harris, *Revolution* (London, 2006), 374-78; Ann Shukman, *Bishops and Covenanters: The Church in Scotland 1688-1691* (Edinburgh, 2012), 47-64; RPS 1689/3/72, Act approving the good services done by severall persones belonging to Glasgow, Argyle and uther western shyres, 28 March 1689.

⁶⁶ RPS 1661/1/362, Proclamation, 18 June 1661; RPS 1689/3/108, The declaration of the estates containing the Claim of Right and the offer of the crown to the king and queen of England, 11 April 1689.

⁶⁷ Karin Bowie "'A legal limited monarchy": constitutionalism in the Union of Crowns, 1603-1707', *Journal of Scottish Historical Studies* 35:2 (Oct. 2015), 146-7.

⁶⁸ RPS 1689/6/36, Act abolishing prelacy, 22 July 1689.

⁶⁹ RPS 1690/4/43, Act...settling presbyterian church government, 7 June 1690.

and not their will'.⁷⁰ Opponents attacked the prelacy clause as one of the most outrageous aspects of a dangerously populist Revolution. A Jacobite memoirist attributed the abolition of bishops to the 'humors of the generality of the people'.⁷¹ Similarly, in a 1690 pamphlet Alexander Munro, the former principal of Edinburgh College, saw religion has having degenerated into 'no more than every man's fantastic humour'.⁷² Soon, however, the success of the Revolution forced Episcopalians to mount counter-claims for the inclinations of the people. By 1691, Munro was arguing that the 'New and Pedantick Tyranny' of the Presbyterian regime had 'lost the greatest part of even of such of them, as they had formerly deluded'. Though he noted that 'the perverse Inclinations of the People, be no good Argument', he proposed a 'Poll of the whole Nation' to test its preferences.⁷³ In 1703, Episcopalian leaders sought to convince Queen Anne that a national majority wanted formal toleration for Episcopalian worship. In a tactical *volte face*, George Mackenzie, now Secretary of State and earl of Cromarty, asserted that it was 'Impudence to deny this truth, that at least the half of Scotland, do desire a Toleration'.⁷⁴

By the time a treaty of union with England was proposed in 1706, the views of the people at large had become a common trope in Scottish political discourse. In 1700, concern over the monarch's treatment of the Company of Scotland and its Darien colony prompted pamphleteers to publish complaints in the guise of the people's petitioned grievances.⁷⁵ Proposals for an act of succession in 1704 led to the restatement of Scottish theories on the role of the people in the making of kings.⁷⁶ Citing a duty to express his opinion, one author argued that 'the whole Body of the People, every free born Subject, have a Natural Right to choose their own King' and that the parliament needed the 'express Consent of the People' or 'particular instructions' from their electors

⁷⁰ W. L. Melville (ed.), *Letters and State Papers Chiefly Addressed to George Earl of Melville, Secretary of State for Scotland 1689-1691* (Edinburgh, 1843), 108.

⁷¹ Richard Hay, *Genealogie of the Hays of Tweedale* (Edinburgh, 1835), 76.

⁷² Alexander Munro, 'The Fourth Letter', in *Account of the Present Persecution*, 64.

⁷³ [Alexander Monro], *Presbyterian Inquisition* (London, 1691), 14-17.

⁷⁴ [George Mackenzie, earl of Cromarty], *A Few Brief and Modest Reflexions Perswading a Just Indulgence to be Granted to the Episcopal Clergy and People in Scotland* ([Edinburgh], 1703), 4.

⁷⁵ [George Ridpath], *Scotland's Grievances Relating to Darien* ([Edinburgh], 1700); *The People of Scotland's Groans and Lamentable Complaints Pour'd Out Before the High Court of Parliament* ([Edinburgh], 1700).

⁷⁶ *A Letter from One of the Country Party to His Friend of the Court Party* ([Edinburgh], 1704).

to approve a succession act.⁷⁷ Another urged parliament to have a regard for ‘the Minds of the People they represent’.⁷⁸

Growing disillusion with the representativeness of the Scottish estates was reflected in a 1706 comment that ‘a Scots parliament that sits beyond 2 or 3 years are soe far modelled by English Influence that they are noe longer vox populi’.⁷⁹ When parliament proceeded to vote for incorporating union in 1706, Robert Wylie, the minister of Hamilton parish, generated a manifesto for a Presbyterian uprising in the name of the ‘free people of Scotland’.⁸⁰ The manifesto accused a disloyal faction of manipulating the treaty through parliament against the will of the people. The planned uprising, however, did not happen, in part because revolts and crowds remained illegitimate forms of *vox populi*. Though Andrew Fletcher of Saltoun tried to argue that riotous anti-incorporation crowds represented ‘the true spirit of this country’ and Lord Fountainhall praised the contributions of the people to Scottish history, Fountainhall’s comments were dismissed as a speech ‘in praise of mobs’.⁸¹ Similarly, when a clergyman published a call for ‘all good Patriots and persons of Honesty, to meet and give in their Protestations, against the Union’, parliament voted to burn his tract as a ‘scurrilous paper’.⁸² Statements of opinion made outside of parliament had a better chance of being seen as legitimate if they co-opted the authority of parliament by using the language of ‘the nation’.

The Nation

In early modern Scotland, the nation was seen to have a more robust claim to parliamentary representation than the people. A 1689 pamphlet spoke of ‘the States of the Kingdom’ as having a

⁷⁷ *Several Reasons Why the Succession Ought Not to Be Declar’d by this Parliament* ([Edinburgh], 1704), 3-4.

⁷⁸ *Speech Without Doors Anent the Giving of a Subsidy* ([Edinburgh], 1704), 7.

⁷⁹ National Library of Scotland, Wodrow quarto XL, Newsletters, 4 November 1706.

⁸⁰ Karin Bowie, ‘A 1706 manifesto for an armed rising against incorporating union’, *Scottish Historical Review* XCIV, 2:239 (Oct. 2015), 262-67. See also Karin Bowie, ‘Popular resistance and the ratification of the Anglo-Scottish treaty of union’, *Scottish Archives* 14 (2008), 10-26.

⁸¹ Henry Paton (ed), *Report on the Manuscripts of the Earl of Mar and Kellie* (London, 1904), 300, 339.

⁸² [Archibald Foyer], *Queries to the Presbyterian Noblemen and Gentlemen, Barons, Burgesses, Ministers and Commoners in Scotland* ([Edinburgh, 1706]); RPS 1706/10/141, Order: printing to be destroyed, 12 Dec. 1706.

‘Duty to the Nation, whom they Represent’, while a 1690 case referred to the legal decisions of parliament as ‘the judgement of the nation’.⁸³ Extra-institutional statements of opinion carried the greatest potential legitimacy if they were made in the name of recognised units of the political nation. With the 1587 formation of the shire estate, the swearing of the 1638 and 1643 covenants and expansions in tax-paying, office-holding, print consumption and national ventures across the seventeenth century, a wider range of subjects could be drawn into representations of national opinion. It became increasingly possible to imagine a parliamentary nation encompassing ordinary inhabitants in the shires and burghs, though the Scottish franchise remained limited to propertied elites.

According to the 1587 parliamentary act establishing elected representatives for Scotland’s smallest nobles, the barons, and substantial freeholders of crown estates, the new shire commissioners were meant to help the king understand the needs of ‘the commons of the realm’.⁸⁴ From the later sixteenth century, shire and burgh commissioners became increasingly prominent in parliamentary affairs.⁸⁵ John Young has characterised these estates in the 1640s as a ‘Scottish Commons’, arguing that ‘the commissioners of the shires acted as a separate parliamentary estates and were not merely adjuncts of the nobility.’⁸⁶ Within the shires, the rise of terms like ‘heritor’, ‘freeholder’ and ‘gentry’ indicated an increase in non-noble proprietorship and security of tenure through feuing, wadsets (a form of mortgage), liferent and the division of estates among portioners. The importance of these groups was recognised in 1661 when qualifying small proprietors were added to the shire electorate.⁸⁷ The idea that the Scottish parliament represented more than its electors can be seen in a 1689 act by ‘the estates of parliament, for themselves and in name and

⁸³ *Allegiance and Prerogative Considered* ([Edinburgh], 1689), 8; *RPS* 1690/4/84, Decree in favour of [Margaret Erskine], lady Castlehaven, 9 July 1690.

⁸⁴ *RPS* 1587/7/143, The king’s majesty’s declaration concerning the votes of small barons in parliament, 29 July 1587.

⁸⁵ Maureen M. Meikle, ‘The invisible divide: greater lairds and the nobility in Jacobean Scotland’, *SHR* 71:191/192 (April & Oct. 1992), 70-87; John R. Young, *The Scottish Parliament 1639-1661* (Edinburgh, 1996).

⁸⁶ John R. Young, ‘The Scottish parliament and the Covenanting revolution: the emergence of a Scottish commons’ in J. R. Young (ed.), *Celtic Dimensions of the British Civil Wars* (Edinburgh, 1997), 164-84.

⁸⁷ The franchise was extended to heritors, life-renters and wadsetters holding crown lands worth £1000 per year after feu duties. Robert S. Rait, *The Parliaments of Scotland* (Glasgow, 1924), 211.

behalf of the whole subjects of this kingdom represented by them'.⁸⁸ In 1700, William Seton of Pitmedden saw the Scottish 'Body Politick' as encompassing all subjects, though the nobles and gentry were its 'best Blood and Spirits'. Seton described the Scottish parliament as composed of nobles and commons, with the latter including the shire gentry and burgh commissioners. Seton defined the Scottish commons as merchants, mechanics and husbandmen, suggesting an indirect parliamentary constituency for shire and burgh commissioners encompassing traders, artisans, tenant farmers and labourers, but excluding dependent servants and the poorest inhabitants of burghs and shires.⁸⁹

The political responsibilities imposed by the covenants helped to expand contemporary concepts of the nation. Laura Stewart has argued that the National Covenant allowed swearers to identify with an 'imagined national community'.⁹⁰ The covenants and subsequent state oaths reached more deeply into the social order.⁹¹ The 1681 test oath, for example, was to be taken by all public office-holders and electors, down to the level of customs watch-men and burgesses voting for local deacons of trade.⁹² In 1689, all subjects were warned not to impugn the authority of the new joint monarchs and in 1690 an oath of allegiance was extended to all parliamentary electors on the grounds that it was 'the duty of all subjects to take the oath of allegiance if required thereto'.⁹³ An association to defend William's reign was signed by members of parliament in 1696 and ordered to be signed by all holders of public office.⁹⁴

⁸⁸ RPS 1689/6/11, Act recognising their majesties' royal authority, 17 June 1689.

⁸⁹ William Seton of Pitmedden, *The Interest of Scotland in Three Essays* (Edinburgh, 1700), 51-52, 73-80, 86.

⁹⁰ Stewart, 'Authority, agency', 90.

⁹¹ Alasdair Raffe, 'Scottish state oaths and the Revolution of 1688-90' in *Scotland in the Age of Two Revolutions*, 174.

⁹² RPS 1684/7/49, Additional act concerning the test, 17 Sept. 1681.

⁹³ RPS 1689/3/116, Proclamation against owning of the late King James and appointing public prayers for William and Mary, king and queen of Scotland, 13 April 1689; 1689/6/11, Act recognising their majesties' royal authority, 17 June 1689; RPS 1690/4/25, Act appointing the oath of allegiance to be taken by electors of commissioners to parliaments or conventions, 12 May 1690.

⁹⁴ RPS 1696/9/55, Act appointing the association to be subscribed by all persons in public trust, 25 Sept. 1696.

The significance of oath-taking by public officers was enhanced by an increase in office-holding. As in England, office-holding can be linked to an expansion of the political nation.⁹⁵ Julian Goodare has pointed to a marked rise in the number of public office-holders in the Scottish localities, including merchants, artisans, lairds and tenants as lay elders after 1560 and proprietors and gentlemen as Justices of the Peace after 1610.⁹⁶ The recruitment and supply of troops was organised by shire committees of war and the burghs in the 1640s while the Scottish militia was organised by shire commissioners and burghs from 1669 and by parishes and burghs from 1704.⁹⁷

As with oath-taking and office-holding, an expansion in taxation drew more subjects into national affairs. All but the poorest households faced direct taxation by the 1690s through poll and hearth taxes, muddying a traditional distinction between the tax-paying estates and ordinary inhabitants.⁹⁸ From the late sixteenth century, rising crown demands for tax income led burgh councils to extend obligations beyond burghesses.⁹⁹ An annualrents tax of 1621 required 'the lieges' to pay a tax on investment income, drawing in judges, lawyers, clerics and other professionals.¹⁰⁰ From 1644, excise taxes increased indirect levies on a range of commodities.¹⁰¹ A shift in the taxation of land to a valued rents basis in the 1640s and the formation of a shire militia in 1668 placed new demands on property-holders.¹⁰² From 1692-3, the royal burghs' tax burden was shared

⁹⁵ Mark Goldie, 'The unacknowledged republic: office-holding in early modern England' in T. Harris (ed.), *The Politics of the Excluded, c.1500-1850* (Basingstoke, 2001), 153-94.

⁹⁶ Julian Goodare, *The Government of Scotland, 1560-1625* (Oxford, 2004; online 2010), 193-204, 218.

⁹⁷ Laura Stewart, 'Military power and the Scottish burghs, 1618-1625', *Journal of Early Modern History* 15 (2011), 59-82; Edward M. Furgol, 'Scotland turned Sweden: the Scottish Covenanters and the military revolution, 1638-1651' in J. Morrill (ed.), *The Scottish National Covenant in its British Context* (Edinburgh University Press, 1990); Bruce P. Lenman, 'Militia, fencible men, and home defence, 1660-1797' in Norman MacDougall (ed.), *Scotland and War, A.D. 79-1918* (Edinburgh, 1991); *RPS* 1669/10/14, Act concerning the militia, 16 Nov. 1669; *RPS* 1704/7/68, Act for the security of the kingdom, 5 August 1704.

⁹⁸ This distinction can be seen in *RPS* 1587/7/147, Commission for setting of the order of the taxation on all estates, 29 July 1587.

⁹⁹ Michael Lynch, 'Continuity and change in urban society, 1500-1700' in R. A. Houston and I. D. Whyte (eds), *Scottish Society 1500-1800* (Cambridge, 1989), 87.

¹⁰⁰ *RPS* 1621/6/14, Regarding the taxation granted to his majesty of 30s termly upon the pound land and the twenty penny of all annualrents, 4 Aug. 1621.

¹⁰¹ *RPS* 1644/1/65, Excise, 31 January 1644; Rait, *Parliaments*, 498.

¹⁰² *RPS* 1643/6/66, Act for the loan and tax, 15 August 1643; P. Hume Brown (ed.), *RPC* third series, 14 vols, (Burlington, 2005), ii, 441; see also Julian Goodare, 'Parliamentary taxation in Scotland, 1560-1603', *SHR* 68:185, 1 (April 1989), 23-52; Laura Stewart, 'Fiscal revolution and state formation in mid-seventeenth century Scotland', *Historical Research* 84:225 (Aug 2011), 443-469.

out across burghs of barony and regality.¹⁰³ The 1693 poll tax defined obligations according to social group rather than estate, requiring a minimum payment of 6 shillings per adult from all subjects, including cottars, tenants, shopkeepers and tradesmen and excepting only those supported by charity.¹⁰⁴

In addition, modest increases in the availability of print in Scots and English helped to draw widening audiences into political affairs by supplementing communications in the Scottish Lowlands. The reformed Kirk's emphasis on the provision of basic literacy through parish schools meant that by the late seventeenth century most artisans in Scotland's larger towns could demonstrate signature literacy, though rates lagged in rural areas and among women.¹⁰⁵ The regulation of printing by the Privy Council and burgh councils and by bishops during periods of episcopal governance meant that effective pre-production control was maintained through much of the seventeenth century.¹⁰⁶ Nevertheless, significant outbursts of print can be identified at moments of conflict with the crown. The use of print by the Covenanting and Cromwellian regimes meant that by mid-century, print volumes had increased and polemical and secular prints had become more generally available.¹⁰⁷ These included tracts designed to influence ordinary people by using plain language.¹⁰⁸ Print facilitated the making of the Revolution of 1689, from the circulation of William's declaration for Scotland to the publication of the terms of the coronation oath.¹⁰⁹ From 1689, as Alasdair Raffe has demonstrated, Episcopalian opponents of the restored Presbyterian church used London presses to launch attacks on the new regime.¹¹⁰ Edinburgh presses were allowed to print regular minutes of

¹⁰³ Rait, *Parliaments*, 262.

¹⁰⁴ *RPS* 1693, Act for poll-money, 29 May 1693. See also *RPS* 1690/9/14, Act and offer to their majesties of three months' cess and hearth-money in lieu of the sixth part of annualrents, 10 Sept 1690.

¹⁰⁵ Lawrence Williams, 'Scottish Literacy' in H. Holmes (ed.), *Scottish Life and Society* (East Linton, 2000), 348-9.

¹⁰⁶ Mann, *Scottish Book Trade*, 19-27, 163-91.

¹⁰⁷ Scott Spurlock, 'Cromwell's Edinburgh press and the development of print culture in Scotland', *SHR* 90,2: 230 (Oct. 2011), 179-203.

¹⁰⁸ James Cockburn, 'Preface' in *Jacob's Vow* (Edinburgh, 1696; orig. pub. 1686) sig. A3r-v.

¹⁰⁹ *The Declaration of His Highness William Prince of Orange ... for Restoring the Laws and Liberties of the Ancient Kingdom of Scotland* (n.p., 1689); *The Solemn Oath which the Kings of Scotland Are to Take, by Virtue of an Act of Parliament...Anno 1567* ([Edinburgh], 1689).

¹¹⁰ Alistair Raffe, 'Episcopalian polemic, the London printing press and Anglo-Scottish divergence in the 1690s', *Journal of Scottish Historical Studies* 26:1-2 (2006), 23-41.

parliamentary proceedings from 1693 and, from 1699, domestic newspapers.¹¹¹ Increasing numbers of political pamphlets appeared as Scotland's system of pre-production censorship relaxed, though unacceptable tracts were still pursued after publication.¹¹² In 1705, the Scottish parliament voted to reward James Hodges and James Anderson for patriotic publishing, while censoring an English tract that challenged Scotland's independent sovereignty.¹¹³ A periodical launched in 1705 provided a snapshot of local print consumption with a dialogue between a tenant farmer and a parish schoolmaster in which they discussed pamphlets brought home from Edinburgh.¹¹⁴ In 1704-05, when the printing of news reports and pamphlets on the alleged pirating of a Scottish ship by the crew of the English ship *Worcester* caused huge crowds to gather in Edinburgh in April 1705 to demand the execution of the crew.¹¹⁵ During the Union parliament of 1706-07, the reporting of Scottish newspapers was restricted and two tracts were ordered to be burned but there was no systematic attempt to restrict pamphlet printing.¹¹⁶ Instead, Secretary Robert Harley despatched Daniel Defoe to Edinburgh to fuel vigorous print debates.¹¹⁷

A final factor creating a more inclusive political nation was the investment of financial, emotional and human resources into the Company of Scotland Trading to Africa and the Indies and its colony at Darien in present-day Panama. As Douglas Watt and Douglas Jones have shown, the 1696 investment books for the company included not just leading nobles and merchants but smaller

¹¹¹ *Minuts of the proceedings in Parliament* (Edinburgh, 1693); *Edinburgh Gazette* (2 March 1699).

¹¹² Bowie, *Scottish Public Opinion*, 49-52.

¹¹³ RPS M1705/6/18, [Gratuity awarded to authors] and [Seditious book and pamphlet ordered to be burned], 10 Aug. 1705.

¹¹⁴ [John Pierce?], *Dialogue between a country-man and a landwart schoolmaster, concerning the proceedings of the Parliament of England, in relation to Scots affairs, &c* (Edinburgh, 1705). In subsequent issues, the paper was titled *Observer, or a dialogue between a country-man and a landwart school-master*.

¹¹⁵ Karin Bowie, 'Newspapers, the early modern public sphere and the 1704-5 Worcester affair' in A. Benchimol, R. Brown and D. Shuttleton (eds), *Before Blackwood's: Scottish Journalism in the Age of Enlightenment* (London, 2015).

¹¹⁶ RPS 1706/10/114, Order: printed declaration to be burnt and printer discovered, 30 Nov. 1706; RPS M1706/10/49, Pamphlet ordered to be burnt and remitted to committee to enquire who was the printer and author, 12 Dec. 1706.

¹¹⁷ W. R. and V. B. McLeod, *Anglo-Scottish Tracts, 1701-1714* (Lawrence, Kansas, 1979); Bowie, *Scottish Public Opinion*, 92-114.

shareholders, including burgh residents clubbing together to generate the £100 minimum pledge.¹¹⁸

In contrast to the contemporaneous financing of the Bank of Scotland, the Company attracted an unusual number of female investors, from noblewomen to widows with a relict's portion.¹¹⁹ Capital came from across the Lowlands, from Ayrshire to Aberdeen, and emigrants to the Darien settlement included three clergymen charged with the founding of a presbytery of New Caledonia.¹²⁰

Excitement for the company and its outpost was generated by pamphlets, news reports and official prayers.¹²¹

Together these factors ensured that more subjects outside the propertied estates became involved in public affairs across the seventeenth century. In 1624, the Presbyterian cleric David Calderwood saw the potential leverage in contrasting the opinions of a nation at large to the votes of national assemblies. After the ratification of the Articles of Perth in the 1618 general assembly of the Church of Scotland and the 1621 parliament, a grassroots resistance campaign developed in which worshippers refused to obey an article requiring them to kneel rather than sit at communion.¹²² Claiming that 'at least three parts of the whole number of the particular congregations within the realme' refused to take communion kneeling, Calderwood asserted that the 'bodie of the Kirk is of greater authoritie, then an assemblie, although lawful, it being onlie a representative bodie'.¹²³ By claiming majority support, Calderwood was able to make the startling suggestion that opinions expressed by congregations should hold more weight than those expressed by an authorised assembly.

A similar sense of a national majority was intended by the 1637 supplications against the new Scottish prayer book. These were generated from recognised units within the civil and

¹¹⁸ Douglas Watt, *The Price of Scotland* (Edinburgh, 2007), 49-63; W. Douglas Jones, "'The bold adventurers': a quantitative analysis of the Darien subscription list", *Scottish Economic and Social History* 22:1 (2001), 22-42.

¹¹⁹ Jones, 'Bold Adventurers', 30-31.

¹²⁰ *Ibid.*, 26.

¹²¹ Bowie, *Scottish Public Opinion*, 29, 31.

¹²² Julian Goodare, 'The Scottish parliament of 1621', *Historical Journal* 38:1 (March 1995), 29-51; Laura Stewart, "'Brothers in treuth": propaganda, public opinion and the Perth Article debate' in R. Houlbrooke (ed.), *James VI and I: Ideas, Authority and Government* (Aldershot, 2006).

¹²³ [David Calderwood], *A Dispute upon Communicating at our Confused Communions* (1624), 72.

ecclesiastical nation, including royal burghs, presbyteries and parishes. A national body politic was reflected in the general petition from nobles, barons, burgesses, ministers and commons and the representative 'Tables' for nobles, barons, burgesses and ministers. John Leslie, sixth earl of Rothes stated that vast crowds gathered in Edinburgh were not an illegitimate multitude but 'the collective body of the kingdome ther present for the good and defence of religione and the countrey'.¹²⁴ Having met without the authority of the king, the Scottish parliament of 1639 insisted that it represented 'the bodie of this kingdome'.¹²⁵

After securing control of the Scottish parliament, however, the Covenanters closed ranks against extra-parliamentary voices. Samuel Rutherford's *Lex Rex* asserted the legitimacy of the Covenanters' parliament as the embodiment of the political nation.¹²⁶ When a group of gentlemen, officers and clergy published the Western Remonstrance in 1650, the parliament published a formal condemnation of these unsolicited opinions.¹²⁷ After the Restoration, however, the idea of a nation outside parliament proved useful to dissidents and the makers of the Revolution of 1688-89. Cameronian extremists made public protests in the name of 'the true presbyterian kirk and covenanted nation of Scotland', though they now saw themselves as a righteous 'remnant' rather than a national majority.¹²⁸ In 1688, William of Orange's declaration for Scotland stated his hope that his invasion would attract 'a chearful and universal Concurrance of the whole Nation'.¹²⁹ A group of sympathetic ministers, nobles and gentlemen reinforced this with an address to William asking him to remove the 'Yoke of Prelacy' on the grounds that it was 'contrary to the genius of the

¹²⁴ Rothes, *Relation*, 113.

¹²⁵ RPS 1639/8/31/10, Protestation and declaration for the estates of parliament, 14 Nov. 1639

¹²⁶ John Ford, 'Lex, rex iusto posita: Samuel Rutherford on the origins of government' in R.A. Mason (ed.), *Scots and Britons: Scottish Political Thought and the Union of 1603* (Cambridge, 1994), 264-66.

¹²⁷ RPS A1651/5/10, Act against the Western Remonstrance, 4 June 1651

¹²⁸ Gordon Donaldson, *Scottish Historical Documents* (Glasgow, 1999), 241-3.

¹²⁹ *Declaration of His Highness*, 4.

nation'.¹³⁰ Alongside its declaration in favour of the people's inclinations on church government, the Claim of Right stated that prelacy had been 'a trouble to the nation'.¹³¹

Petitioning campaigns after the Revolution expressed grievances in national terms. An address was presented to William II in March of 1700 asserting that the Company of Scotland was 'of Universal Concern to the whole Nation' and asking the king to call parliament 'for the General Good and Satisfaction of the Nation'.¹³² Another address was circulated for general subscription by 'Noblemen, Barons, Gentlemen, Burgesses and other subscribers'.¹³³ In an echo of the supplications of 1637, a set of eight petitions from five parliamentary shires and three burghs were presented to parliament in May, followed by eighteen petitions from eleven shires and seven burghs in January 1701. Speaking in name of the heritors of the shires and the town councils of the burghs, the petitions of 1700-01 presented a range of complaints in which the plight of the Company of Scotland featured. The petitioners asked parliament to take steps to resolve these issues on behalf of the nation. While most of these petitions reflected a narrow sense of the nation as parliamentary electors and proprietors, one petition from Glasgow included 475 ordinary inhabitants.¹³⁴

In stating a desire to express their 'minds' to parliament through their petition, the Glaswegians indicated a contemporary expectation that parliamentary votes should adhere to the opinion of constituents.¹³⁵ Moreover, these documents reveal a shift from the humble medieval petition to a more assertive form of 'address'. By the later seventeenth century, the term 'address' was used not just for congratulatory communiques to the monarch, but also was applied to bold statements of opinion retaining only vestigial forms of subservient language. The 1700-01 missives

¹³⁰ Robert Wodrow, *The History of the Sufferings of the Church of Scotland*, 2 vols (Edinburgh, 1721-22), ii, appendix, 211-12.

¹³¹ RPS 1689/3/108, The declaration of the estates containing the Claim of Right and the offer of the crown to the king and queen of England, 11 April 1689.

¹³² *A full and exact collection of all the considerable addresses, memorials, petitions, answers, proclamations, declarations, letters and other publick papers, relating to the Company of Scotland Trading to Africa and the Indies* ([Edinburgh], 1700), 105.

¹³³ *Ibid.*, 133-36.

¹³⁴ RPS A1700/5/3-10, Petitions, 27 May 1700; RPS A1700/10/25-42, Petitions, 9 January 1701.

¹³⁵ RPS A1700/10/42, Petition of the inhabitants of Glasgow, 9 January 1701.

to parliament most often were termed a 'humble address and petition' while the Glasgow paper was simply an 'address'.

Assertive addresses appeared again between November 1706 and January 1707 in an orchestrated attempt to demonstrate the nation's disapproval of the queen's treaty of incorporating union. Over eighty addresses were generated from local and national political bodies, including the Convention of Royal Burghs, the Company of Scotland, fifteen shires, twenty-two royal burghs and nine baronial towns, some in conjunction with their parishes, and fifty additional parishes. Four addresses came from the Commission of the General Assembly and three presbyteries sent petitions to reinforce specific complaints raised by the Commission.¹³⁶ These addresses indicate a broadening sense of the political nation, with some shires and most of the burghs and parishes including ordinary inhabitants alongside proprietors. Long scrolls contained dozens or hundreds of names, with blocks of signatures supplied for those unable to sign by notaries public and church elders. Often the place of individual signatories in the political nation was specified by a note of the office they held or the guild, parish or estate to which they were attached. The most detailed burgh petitions provided something like a local census of tradesmen and merchants.¹³⁷ The address of the small burgh of Inverkeithing in Fife was signed by the baillie, treasurer, dean of guild, four councillors, fifteen 'Gild breathing' from the merchants guild, fourteen 'Burgesses and inhabitants' and twenty-six 'Deacons of Craft and the Brethren of ther severall trades' with thirty-three names of illiterates supplied by a notary.¹³⁸ The royal burgh of Culross and the parishes of Saline, Carnock and Torryburn in Fife carefully listed its magistrates, councillors, heritors, tenants and sub-tenants in separate sections, with 'parochiners that cannot writt' being attested by elders.¹³⁹

As in the campaign of 1700-01, these documents more often termed themselves 'addresses' than 'petitions', influenced in part by a template for a 'Humble Address' circulated from

¹³⁶ NRS Supplementary Parliamentary Papers, PA 7/28/1-83 (localities), 7/20/6, 18, 19, 25, 28, 49, 50 (national bodies and presbyteries).

¹³⁷ Examples include Dunfermline (PA7/28/31), Peterhead (PA7/28/45) and Perth (PA7/28/44).

¹³⁸ NRS Supplementary Parliamentary Papers PA7/28/37 Inverkeithing.

¹³⁹ NRS Supplementary Parliamentary Papers PA7/28/65, Culross, Saline, Carnock and Torry[burn].

Edinburgh.¹⁴⁰ Many addresses expressed a confident expectation that parliament would set aside the treaty and some threatened reprisals if parliament did not adhere to national opinion. The royal burgh and parish of Dysart in Fife wrote that they 'doe assuredly expect That yow will not allow of any such Incorporating union' and that 'Wee are resolved to defend and support our Croun and Independent Sovereignitie with our lives and fortunes Conform to the Established laws of this Natione'.¹⁴¹ A group of Presbyterian extremists protested against the intended treaty and stated that they would not 'Judge our selves bound thereby, tho a prevailing party in parliament should Conclude the same, But will stand by such noble patriots with life and fortune, as are for the Maintinance and defence of the Nations independencie and freedome, and of this Churches just power and propper privileges Conform to our Attained reformation from 1638 to 1649'.¹⁴²

Opponents of the treaty insisted that parliamentary voting did not reflect the views of the national body politic. On 7 January 1707, John Murray, first duke of Atholl cited 'the multitudes of addresses and petitions from the severall parts of this kingdome, of the barons, freeholders, heritors, burrows and commons and from the commission of the generall assemblie' and argued that these demonstrated 'a generall dislike and aversion to the incorporating union'. He demanded new elections to allow parliament to voice what he called the 'sentiments of the nation'.¹⁴³ Robert Wylie's manifesto for an armed uprising also demanded new elections so that members' votes would match the 'the known mind of the nation their constituents'. He argued that ratification of the treaty would be 'not only without the consent but contrary to the publicly expressed mind of the nation'.¹⁴⁴ Before the 1706 session opened, Wylie had argued in a pamphlet that parliament could not approve the treaty without 'Consulting the whole Nation.' He proposed that this be accomplished by circulating printed copies of the treaty so that, 'after a Recess and competent time

¹⁴⁰ George Lockhart of Carnwath, *Scotland's Ruine: Lockhart of Carnwath's Memoirs of the Union*, ed. D. Szechi (Aberdeen, 1999), 149.

¹⁴¹ NRS Supplementary Parliamentary Papers, PA 7/28/32, Dysart.

¹⁴² NRS Supplementary Parliamentary Papers PA 7/28/22, Hebronites.

¹⁴³ *RPS* 1706/10/212, Protestation by the duke of Atholl, 7 January 1707

¹⁴⁴ Karin Bowie, 'A 1706 manifesto for an armed rising against incorporating union', *SHR* 94, 2: 239 (Oct. 2015), 263, 266.

to Advise', members could return with 'the fresh Sentiments & Instructions of their Constituents'.¹⁴⁵

As recorded by the member for Linlithgow, Walter Stewart of Pardovan, proposals were made in parliament for 'a Recess' to allow members to 'repair home' to see their constituents and 'receive their opinion' on the treaty.¹⁴⁶ Writing from London, the expatriate journalist George Ridpath asserted that if there were a national poll of freeholders, incorporation would be defeated.¹⁴⁷

Perhaps most strikingly, the Presbyterian pamphleteer James Hodges called for a direct vote on the treaty of union by a national assembly of 'the whole Freeborn Subjects of Scotland', male and female alike, 'Conven'd in ONE Great Assembly'.¹⁴⁸

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Hodges' call for a referendum demonstrates the rising prominence of extra-parliamentary opinion in Scottish politics in the century before the 1707 Union. Though Scottish political culture continued to value nobility and property as the basis for a hierarchical political nation, a wider range of ordinary inhabitants were drawn into political affairs across the seventeenth century. Disputes over the ratification of the 1618 Articles of Perth stimulated assertions of the authority of congregations over national assemblies. The Covenanters used a petitioning campaign to demonstrate disapproval of the king's prayer book in 1637, then used covenant and coronation oaths to enjoin ordinary people to uphold certain political and religious opinions and duties. Committed dissidents continued to express these opinions in the name of the nation and its church after the Restoration, while the 1689 Claim of Right created a constitutional foothold for popular preferences on church government. Political grievances were expressed in the name of the nation in

¹⁴⁵ [Robert Wylie], *A Letter Concerning the Union, with Sir George Mackenzie's Observations and Sir John Nisbet's Opinion upon the Same Subject* ([Edinburgh], 1706), 7.

¹⁴⁶ Walter Stewart of Pardovan, 'A short account of the proceedings of the last session of the Scots Parliament, with some necessary reflections thereupon', ([1716?]), NLS Wodrow Quarto 75, item vi, p. 5, [f. 140].

¹⁴⁷ [George Ridpath], *Considerations upon the Union of the Two Kingdoms* ([London], 1706), 62.

¹⁴⁸ [James Hodges], *The Rights and Interests of the Two British Monarchies, with a Special Respect to an United or Separate State* (London, 1706), 69-74

1700-01 and 1706-07 through assertive addressing campaigns. From 1689, debates on church government, toleration and union featured declarations of popular and national opinion. By 1706, George Lockhart of Carnwath could observe that 'everyone now pretended to understand the politicks and give their opinions freely and avowedly of state affairs'.¹⁴⁹

Historians have tended to emphasise the constitution of the early modern public through print in an extra-institutional public sphere. For Tim Blanning, the public emerged as a body of reading and reasoning subjects participating in 'public argument' through the 'historically unique medium' of print.¹⁵⁰ The Scottish case shows that while print provided a context in which 'the public' could refer to a reading citizenry, this was not the only means by which early modern public opinion could be envisaged or manifested. For a century before the term 'public opinion' became common in English, new ideas and practices of public opinion were being developed and the views of the nation and the people were contrasted to those of the Scottish parliament or general assembly. Not all of the Scottish people would have agreed with what was said in their name, but more ordinary folk, especially in Lowland regions, came to hold opinions on public affairs. The Scots referred to the 'inclinations', 'sentiments', 'genius' and 'mind' of the people and nation, superseding the anthropomorphised figures of John the Commonweil, Jock Upaland or Dame Scotia. Though these changes and formulations were not unique to Scotland, their significance in Scottish political culture has not been recognised. Print may have facilitated some of the more spectacular changes in public politics in the early modern era, but the subtle story of change found in Scotland contributes to a more nuanced picture of the birth of modern public opinion.

¹⁴⁹ Lockhart of Carnwath, *Scotland's Ruine*, 141.

¹⁵⁰ Blanning, *Culture of Power*, 8-9, 13-14.