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The Political Thought of Andrew Fletcher of Saltoun (1653-1716)

Giovanni Lista

Thesis submitted for assessment with a view to
obtaining the degree of Doctor of History and Civilization
of the European University Institute

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European University Institute
Department of History and Civilization

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To my brothers and sisters,
to Mariaelena

ABSTRACT

The purpose of this thesis is twofold. On the one hand, it attempts to achieve a proper contextualisation of the works of the Scottish patriot Andrew Fletcher of Saltoun (1653-1712), drawing on but going beyond the studies of pure intellectual historians and focusing on Fletcher's political stances. In this sense, his pamphlets are considered in chronological order and singularly in their most immediate context, that is the concrete issues they addressed, following the trajectory of their reception and the way they managed to modify the ongoing debates in relation to their practical aims. What emerges is the figure of a political activist rather than a systematic thinker, whose brilliant intuitions also belonged to the realm of concrete proposals rather than to utopian speculation only.

On the other, the following dissertation bridges a gap in current historiography, constituting a first comprehensive and modern monograph on Fletcher. The introductory chapter indulges on his life, including some new sources and a specific section on his personal library. Chapter two focuses on the militia debate, exploring the distinctive radicality of Fletcher's interventions, meant for an English and a Scottish audience. The third chapter deals with the economic reforms Fletcher designed for Scotland, reading them as an expression of English political arithmetic and a viable programme. The following chapter revolves around the intertwined ideas of reason of State and commerce, which Fletcher addressed in his Italian pamphlet on the Spanish succession crisis. The following section reconstructs the usage of the natural law theories in the debate about the Darien colony and Fletcher's attack on the rise of factions in the English parliament. The closing chapter explores Fletcher's role in the Union debates, looking at the reception of his parliamentary proposals and at the practical aims his last attributed publication tried to attain.

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the awakening of my social life took place against the backdrop of several new or unexplored acquaintances, which effortlessly turned into amities: I am thinking of the Florentines (whether adopted or natives) Lapo, Carlotta, Emanuela, Riccardo, Clarissa, Andrea, Riccardo, David, Bernardo, Stefano, Giovanni and Andrea amongst others, although the list of people with whom I shared even the slightest bits of my academic burdens sipping a beer or having a dinner should be much longer. My recent housing emergency brings me to also thank Pietro and Andrea, who kindly hosted me for a while this summer, and the amazing landlords Anne and Andrea, who proved surpassingly generous in helping me out several times. Finally, besides being friends Lorenzo and Jacopo became my flatmates in November last: furnishing a flat with makeshift means and taking care of each other felt like a much needed, new beginning.

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INTRODUCTION

“a Scotch gentleman of great parts, and many virtues, but a most violent republican, and extravagantly passionate”

Gilbert Burnet, *History of his own Time*

In 2003, the Saltire Society published a collection of commemorative speeches, delivered since the 1960s, to celebrate the memory of Andrew Fletcher of Saltoun (1653-1716). Eminent historians and politicians of Scotland took turns in praising the life of “the Patriot”, the last and uncorrupted defender of Scottish independence, in the church of East Saltoun where he was buried. For his admirers, over the years Fletcher has been the object of enthusiastic tributes and interpretations, variously associating him with issues such as the Union with England and nationalism, the radicality of Scottish political thought and its constitutional aspects, the possibility of a European union, cosmopolitanism and international wars. As a result, Fletcher is often perceived as a hollow signifier, ready to reverberate contemporary political stances of other periods, such as the 2014 referendum for Scottish independence.¹

¹ *The Saltoun Papers: Reflections on Andrew Fletcher*, ed. by P. Henderson Scott, Edinburgh, The Saltire Society, 2003; Angus Macleod, ‘Salmond to Promote Scotland as a “Good Citizen of the World” during London trip (News)’, *The Times (London, England)*, 2011, p. 5; Gillian Bowditch,

This thesis sets the objective of giving proper historical contextualisations of Fletcher's life and political thought. Building on the current, scattered historiography, its aim is to furnish a more comprehensive canvass of a man whose importance for Scottish and British history has often been noted, often without fully grasping the contours and complexity of his ideas and actions. In this introduction I will first sketch the state of the art on the matter, which situates Fletcher inside the framework of XVIIth and XVIIIth century intellectual history. Second, I will set out the main reasons for undertaking this project and its objectives, indicating the gaps of the historiography. The third section introduces the five chapters of this thesis, while the last two sections deal with the approach I used to study the different facets of Fletcher's ideas and with the sources of this study.

1. State of the art: Fletcher as thinker or as political activist?

Twenty-five years ago, John G. A. Pocock hailed Andrew Fletcher as "the last great developer" of the British republican literature.² Since the beginning of the post-war period, many studies in intellectual history helped to shape what since then has been labeled as republican theory. Through the works of Zera S. Fink, Felix Gilbert and Hans Baron among others, republicanism emerged as a political model, with a strong identity, distinct from the liberal tradition.³ In the British context, Caroline Robbins' *The Eighteenth Century Commonwealthman* (1959) was the first work to claim Fletcher's importance, looking at his ideas as

'Salmond Must Spell out What Independence Will Look like.(Editorial)', *Sunday Times (London, England)*, 2011, p. 22.

² J. G. A. Pocock, 'Review of the Book *Virtue Transformed: Political Argument in England, 1688-1740* by Shelley Burt', *The American Historical Review*, 98, n°3 (1993), pp. 869-871.

³ Hans Baron, *The Crisis of the Early Italian Renaissance Civic Humanism and Republican Liberty in an Age of Classicism and Tyranny*, Princeton, Princeton University Press, 1955 and 'Machiavelli: The Republican Citizen and the Author of "the Prince"', *The English Historical Review*, 76, n°299 (1961), pp. 217-253; Zera S. Fink, *The Classical Republicans: An Essay in the Recovery of a Pattern of Thought in the Seventeenth Century England*, Evanston, Northeastern University Press, 1962; Felix Gilbert, *Machiavelli and Guicciardini: Politics and History in Sixteenth Century Florence*, Princeton, Princeton University Press, 1965.

the expression of a first generation “real Whig” and underlining his English and Irish connections, rather than confining his figure to its Scottish dimension. Robbins’ pioneering efforts set the stage for further investigations, exploring the different strands of a new radical line of enquiry.⁴

It is in elaborating on Robbins’ insights among others that Pocock wrote *The Machiavellian Moment* (1975), which famously established a *fil rouge* running from Aristotelian concepts of positive liberty through political participation to the ideas of Italian Renaissance authors such as Niccolò Machiavelli and Francesco Guicciardini. The Florentine humanist tradition constituted the foremost inspiration for the formulation of a distinctively republican English political discourse to be found in Civil Wars authors such as James Harrington. In Pocock’s reconstruction, Fletcher’s publications belong to this “civic humanist” and neo-Harringtonian interpretative paradigm, and their originality consists in an ambivalent historicism that foresaw the menacing epochal change brought about by commerce and standing armies in the Western world without advocating a defence of a Gothic and uncivilised European past.⁵

The classical republican elements of Fletcher’s thought also formed the starting point for the efforts of Nicholas Phillipson and John Robertson to reformulate the narrative on moral philosophy in the context of the Scottish Enlightenment. In a series of essays from the 1980s, both endorsed Pocock’s emphasis on the idiom of civic humanism in order to link the end of its political dimensions in Scotland with the concept of sociability. The Union of 1707 with England modified the language of virtue Fletcher introduced north of the border, giving rise to an expanding commercial society whose culture was based on politeness. For Phillipson, Fletcher’s anti-feudal and anti-gothic stances are coupled with a focus on education that does not lead to Machiavellian political

⁴ Caroline Robbins, *The Eighteenth-Century Commonwealthman. Studies in the Transmission, Development and Circumstance of English Liberal Thought from the Restoration of Charles II Until the War with the Thirteen Colonies*, New York, Atheneum, 1959.

⁵ John G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition*, Princeton, Princeton University Press, 1975. From Pocock, see also ‘Machiavelli, Harrington and English Political Ideologies in the Eighteenth Century’, *The William and Mary Quarterly*, 22, n°4 (1965), pp. 549–583; *Politics, Language, and Time: Essays on Political Thought and History*, Chicago, University of Chicago Press, 1971; ‘The Machiavellian Moment Revisited: A Study in History and Ideology’, *The Journal of Modern History*, 53, n°1 (1981), pp. 49–72. The latest stance on Fletcher can be found in J. G. A. Pocock, *Barbarism and Religion*, 6 vols., Cambridge, Cambridge University Press, 1999, vol. I, THE ENLIGHTENMENTS OF EDWARD GIBBON, 1737-1764, pp. 98-128.

and warlike *virtù*, but rather to a different understanding of the public interest and citizenship in a progressive and refined British society.⁶

Robertson's research initially focused on the question of the armed forces as central to illustrate this shift from civic to civil virtue and to elucidate different views in the broader intellectual experience of XVIIIth century Scotland. His *The Scottish Enlightenment and the Militia Issue* (1985) demonstrated how the civic humanist tradition, brought about by Fletcher at the turn of the century, survived in the conception of Adam Ferguson, who, like Fletcher, advocated full participation in the national militia as the basis of a free and virtuous citizenship. Conversely, thinkers such as Adam Smith and David Hume rather chose a jurisprudential notion of liberty, dismissing with the militia the classical preference for a self-governed community for a stable monarchical rule. To Robertson, this divide indicates how Fletcher's neo-Machiavellian categories of analysis had reached their outermost limits. In doing so, he confirmed Pocock's view of the Scot as the last of his kind.⁷

Within this broadly defined framework, the way Fletcher used these theoretical tools to write and think about the main questions of his time has then been the object of a series of essays by different authors. Istvan Hont for instance

⁶ See in particular *Scotland in the age of improvement: essays in Scottish history in the eighteenth century*, ed. by Nicholas Phillipson and Rosalind Mitchison, Edinburgh, Edinburgh University Press, 1970; Nicholas Phillipson, 'Culture and society in the 18th century province: the case of Edinburgh and the Scottish Enlightenment', in *The university in society*, vol. II, *Europe, Scotland, and the United States from the 16th to the 20th century*, ed. by L. Stone, 2 vols., Oxford, Oxford University Press, 1975, pp. 407–448; 'Adam Smith as a Civic Moralizer', in *Wealth and Virtue: The Shaping of Political Economy in the Scottish Enlightenment*, ed. by Istvan Hont and Michael Ignatieff, Cambridge, Cambridge University Press, 1983, pp. 179–202; 'Politics, Politeness and the Anglicisation of Early Eighteenth-Century Scottish Culture', in *Scotland and England, 1286-1815*, ed. by Roger A. Mason, Edinburgh, John Donald Publishers LTD, 1987, pp. 226–246.

⁷ John Robertson, *The Scottish Enlightenment and the Militia Issue*, Edinburgh, John Donald, 1985. See also John Robertson, 'The Scottish Enlightenment at the Limits of the Civic Tradition', and J. G. A. Pocock, 'Cambridge Paradigms and Scotch Philosophers: A Study of the Relations Between the Civic Humanist and the Civil Jurisprudential Interpretation of Eighteenth-Century Social Thought', in *Wealth and Virtue*, pp. 137-178 and 235-252; Adam Ferguson, *Reflections Previous to the Establishment of a Militia*, London, 1756; Richard B. Sher, 'Adam Ferguson, Adam Smith, and the Problem of National Defense', *The Journal of Modern History*, 61, n°2 (1989), pp. 240–268; Marco Geuna, 'Republicanism and Commercial Society in the Scottish Enlightenment: The Case of Adam Ferguson', in *Republicanism: A Shared European Heritage*, ed. by Martin van Gelderen and Quentin Skinner, 2 vols., Cambridge, Cambridge University Press, 2002, II, pp. 177–195. On the differences between Fletcher and Ferguson, see Iain McDaniel, *Adam Ferguson in the Scottish Enlightenment*, Harvard, Harvard University Press, 2013. A resume of the current historiography on the issue can be found in Silvia Sebastiani, 'Barbarism and Republicanism', in *Scottish Philosophy in the Eighteenth Century. Volume I, Morals, Politics, Art, Religion*, ed. by Aaron Garrett and James A. Harris, Oxford, Oxford University Press, 2015, I, pp. 323–360.

has focused on commercial competition between early modern European States, defining the birth of political economy as an aggressive expression of the civic humanist tradition, including Fletcher's final critique of it in his investigations.⁸ Taking the same sources, Shigemi Muramatsu explored the pure economic dimensions of Fletcher's thought, qualifying his position as ultimately anti-modern and anti-commercial.⁹ Nostalgia for an ancient past also constitutes a central feature of the Scot's writings in Blair Worden's study of English republicanism, where Fletcher belongs to the third generation of 1690s commowaltheim, which also includes Walter Moyle, John Toland and Robert Molesworth.¹⁰ From a Scottish perspective, Colin Kidd likewise highlighted the Gothic facets of Fletcher's reflections together with his strongly anti-aristocratic leanings.¹¹

In the context of intellectual history the scholar who contributed most to the study of Fletcher's political discourse is Robertson, whose publications are very much the state of the art on the Scot. In contemplating the interconnected themes of Fletcher's writings, Robertson reconstructed his position: Fletcher's visions of empire and universal monarchy composed the theoretical basis to formulate his views in respect of Scottish sovereignty, within the debates that led to the union of Scotland with England. Robertson's interpretation of the civic tradition, which is wider than Pocock's, also enabled him to consider a strand of

⁸ Istvan Hont, 'Free Trade and the Economic Limits to National Politics: Neo-Machiavellian Political Economy Reconsidered', in *The Economic Limits to Modern Politics*, ed. by John Dunn, Cambridge, Cambridge University Press, 1990, pp. 41–120. See also the recent collection of essays from Hont *Jealousy of Trade: International Competition and the Nation State in Historical Perspective*, Cambridge, Harvard University Press, 2005.

⁹ Shigemi Muramatsu, 'Some Types of National Interest in the Anglo-Scottish Union of 1707: Scotland's Responses to England's Political Arithmetic', *Journal of Economics, Kumamoto-Gakuen University*, 3, n°1 (1996), pp. 1–14 and 'Andrew Fletcher's Criticism of Commercial Civilization and His Plan for European Federal Union', in *The Rise of Political Economy in the Scottish Enlightenment*, ed. by Tatsuya Sakamoto and Hideo Tanaka, London, Routledge, 2003, pp. 8–21.

¹⁰ Blair Worden, 'English Republicanism', in *The Cambridge History of Political Thought, 1450–1700*, ed. by John H. Burns and Mark Goldie, Cambridge, Cambridge University Press, 1991, pp. 443–478 and 'The Revolution of 1688–9 and the English Republican Tradition', in *The Anglo-Dutch Moment: Essays on the Glorious Revolution and Its World Impact*, Cambridge, Cambridge University Press, 1991, pp. 241–277.

¹¹ Colin Kidd, *Subverting Scotland's Past: Scottish Whig Historians and the Creation of an Anglo-British Identity 1689–1830*, Cambridge, Cambridge University Press, 1993, pp. 35–36, 48–50 and *British Identities before Nationalism: Ethnicity and Nationhood in the Atlantic World, 1600–1800*, Cambridge, Cambridge University Press, 1999, pp. 230–31, 241, 280.

natural law arguments amongst Fletcher's reflections, enriching their contours.¹² This series of studies culminated in the modern Cambridge edition of Fletcher's political works, published by Robertson in 1997, which definitively asserted the former's importance in the history of Western political thought.¹³

In addition, Fletcher's opposition to the Union has drawn the attention of scholars dealing with the subject, their studies constituting a parallel line of enquiry directed at defining his patriotic commitments.¹⁴ From this perspective, Paul Henderson Scott's *Andrew Fletcher and the Treaty of Union* (1992) represents the latest and only monograph.¹⁵ In shifting the emphasis from Fletcher's intellectual merits to his parliamentary actions, Scott's volume is significant in summarising the nationalist narrative surrounding Fletcher's figure. Yet, despite regrouping most of the Union debates' sources, it raises more questions than it answers in making Fletcher the unchallenged hero of Scottish independence.¹⁶ In particular, the tension between this interpretation and Robertson's gave birth to a thorny repartee among the two historians: while Fletcher's analysis ultimately implied that an equal union with England was impossible, his political initiatives always struggled to promote the interest of Scotland.¹⁷

In sum, as elegantly put by Kenneth Fraser, the present historiography Andrew Fletcher of Saltoun seems to have lived two different and somehow

¹² John Robertson, 'Andrew Fletcher's Vision of Union', in *Scotland and England*, pp. 203–225; 'The Political Intelligence of Andrew Fletcher of Saltoun', *Chapman*, 1990, pp. 106–115; 'Universal Monarchy and the Liberties of Europe: David Hume's Critique of an English Whig Doctrine', in *Political Discourse in Early Modern Britain*, ed. by Nicholas Phillipson and Quentin Skinner, Cambridge, Cambridge University Press, 1993, pp. 349–373; 'An Elusive Sovereignty: The Course of the Union Debate in Scotland 1698–1707', in *A Union for Empire: Political Thought and the British Union of 1707*, ed. by John Robertson, Cambridge, Cambridge University Press, 1995, pp. 198–227, but the whole volume deserves attention. A summary on Fletcher can be found in John Robertson, *The Case for the Enlightenment: Scotland and Naples, 1680–1760*, Cambridge, Cambridge University Press, 2005, pp. 161–183.

¹³ Andrew Fletcher, *Political Works*, ed. by John Robertson for Cambridge Texts in the History of Political Thought, Cambridge, Cambridge University Press, 1997.

¹⁴ See the first among modern attempt in the classic account by William Ferguson, *Scotland's Relations with England: A Survey to 1707*, Edinburgh, The Saltire Society, 1977, pp. 188–198.

¹⁵ See however the biographies from George William Thomson Omond, *Fletcher of Saltoun*, Edinburgh, Charles' Scribner Sons, 1897 and William Cook Mackenzie, *Andrew Fletcher of Saltoun: His Life and Times*, Edinburgh, The Porpoise press, 1935.

¹⁶ Paul H. Scott, *Andrew Fletcher and the Treaty of Union*, Edinburgh, J. Donald, 1992.

¹⁷ John Robertson, 'Andrew Fletcher and the Treaty of Union, by Paul H. Scott', *The English Historical Review*, 110, n°438 (1995), pp. 1008–1009; P. H Scott, 'The Patriot Maligned: Andrew Fletcher of Saltoun in the Oxford Dictionary of National Biography', *History Scotland*, 5, n°3 (2005), pp. 51–52.

separated lives.¹⁸ On the one hand, historians of ideas have focused on his political theories, proposing narratives that emphasised his contributions in the framework of the successive developments in the field of intellectual history. This often led to 'tunnel histories' where the classical republican and Utopian strands of Fletcher's compositions constitute a litmus test for the Scottish Enlightenment, which, the story goes, definitely broke with his ideas. On the other hand, Fletcher's defence of Scottish independence both inside and outside the parliament at Holyrood naturally offered him a place in the pantheon of Scottish national heroes with accounts of his life eager to inflate his role. This dichotomy needs to be addressed to offer a better understanding of Fletcher.

2. Main objectives and contributions

In the light of what stated above, the present thesis sets three objectives. First of all, the absence of a proper monograph on Andrew Fletcher is a gap in the current historiography that deserves to be addressed. Often found into different strands of academic research, Fletcher's thought has been mostly accessory to broader narratives; it rarely was the single subject of a comprehensive and in-depth examination.¹⁹ For this reason, in what follows I will therefore put Fletcher at the centre of the attention, unifying the various strands of scholarship in more comprehensive study with a systematic approach and historical contextualisation. This in itself represents a simple but major addition to the state of the art.

Secondly and accordingly, this study endeavours to integrate the two main aspects of Fletcher's life that have generated historical interest: his few published works and his many political activities. Such an attempt has not been made before, and, as we will see, it elucidates apparent contradictions that are

¹⁸ Kenneth C. Fraser, 'The Two Lives of Andrew Fletcher', *History Scotland*, 4, n°3 (2004), pp. 21–27.

¹⁹ In the context of political theory, an attempt in this sense can be found in Clairelouise Anderson, 'Andrew Fletcher: Bridging the Gap between Early Modern and Civic Republicanism', unpublished PhD thesis, University of St. Andrews, 2012.

essential to portray the Scot more fairly. The most impelling task is to redress the balance in favour of his concrete political commitments in strong connection to his written contributions, which are slightly unexplored territory compared to the attention received from intellectual historians in linking him to successive periods. To consider the practical aspects of Fletcher's pamphlets will shed new light on his ideas and problematise his figure, contributing, in doing so, to the current debate around Scottish independence. Accordingly, insisting on biographical elements will enable me to retrace the trajectory of Fletcher's stances in their immediate contexts and for their own sake.

Thirdly, much of the understanding of his thought still rests its foundations on works and canons of the past century. When the historian is confronted with the latest studies of XVIIth century intellectual history, some of the categories used to frame Fletcher's thought appear unable to fully represent its density and riches, and new instruments should be used to study it. This applies to the republican conception of political liberty, recently redefined by Quentin Skinner and Philip Pettit as non-domination, or to the category of republicanism itself, encompassing additional continental contexts and traditions such as natural law.²⁰ Moreover, this is also true when looking at the contemporary reinterpretations of British history or of the history of the Union between England and Scotland, which have a direct impact on our views on the background in which Fletcher lived, wrote, and spoke, modifying our perception of the Scot.²¹

²⁰ See as illustrative examples Philip Pettit, *Republicanism : A Theory of Freedom and Government: A Theory of Freedom and Government*, Oxford, Clarendon Press, 1997; Quentin Skinner, *Liberty Before Liberalism: An Inaugural Lecture Delivered Before the University of Cambridge on 12th November 1997*, Cambridge, Cambridge University Press, 1998 and 'A Third Concept of Liberty', *Proceedings of the British Academy*, 2002, pp. 237–268; Martin van Gelderen and Quentin Skinner, eds., *Republicanism: A Shared European Heritage*, 2 vols., Cambridge, Cambridge University Press, 2002; Gaby Mahlberg and Dirk Wiemann, eds., *European Contexts for English Republicanism*, London, Routledge, 2016.

²¹ See, among others, Tim Harris, *Revolution: The Great Crisis of the British Monarchy, 1685-1720*, London, Penguin Books, 2006; Christopher A. Whatley, *The Scots and the Union*, Edinburgh, Edinburgh University Press, 2006; Allan I. Macinnes, *Union and Empire: The Making of the United Kingdom in 1707*, Cambridge, Cambridge University Press, 2007.

3. Outline of the thesis

The present study is divided in five chapters, which follow a chronological order. How and to what extent their contents affect the current historiography will be evaluated together in an introductory state of the art section for each chapter. The first one reconstructs Fletcher's life, from his birth to the beginning of his career as a pamphletist. It offers an updated biography, and includes new sources from both Scottish and foreign archives. Furthermore, it considers previous accounts and documents in the light of the latest studies, opening up a wider British and European perspective for the study of Fletcher's movements and subversive activities of the 1680s. This enables me to give a clearer account of the Scot's intellectual involvement in the different plots of the period and to set out a proper context for his political position during the 1689 Revolution. I will focus on Fletcher's connections and acquaintances, and dedicate a separate section to his remarkable private library and the way it was built over the years. On the whole, this first chapter sets the stage for the analysis of Fletcher's writings, insisting on the radicality of his initial political activities.

The second chapter considers his first published work, *A Discourse concerning Militia's and Standing Armies* (1697). Grounded on the studies of Pocock and Robertson, this chapter will first retrace the different phases of the debates revolving around the possibility to dismiss William III's standing armies in their original English context. This highlights the particularity of Fletcher's pamphlet and the dialogue he had with other authors, doing so through a semantic analysis, closely linked to the contemporary parliamentary discussions. Furthermore, taking up the legal perspective of the *jus gladii* recently developed by Charles-Édouard Levillain,²² Fletcher turns out to be much more radical than his propaganda companions in reclaiming the right to hold the sword for the people instead of the king. The successive modified Scottish edition of his pamphlet and parliamentary proposals in 1703 confirms that Fletcher's armed

²² Charles-Édouard Levillain, *Un glaive pour un Royaume. La querelle de la milice dans l'Angleterre du XVIIème siècle*, Paris, Honoré Champion, 2014.

populus is to transcend both the conservative neo-Harringtonian definition connected to landed property and the Buchananite account of nobility in arms.

The third chapter of this thesis places Scottish development and Fletcher's *Two Discourses concerning the Affairs of Scotland* (1698) in different contexts. Aiming at promoting economic growth, the *Discourses* display the classical inspiration Robertson found in the model of ancient Greece republics: Fletcher's redistribution of lands and introduction of serfdom to increase their productivity is shaped along classical republican lines with devastating, egalitarian political consequences. But as I will argue, the contents of his project have an immediate correspondence with contemporary English debates on political economy. In particular, the additional contexts of political arithmetic theories by William Petty and more aggressive mercantilist policies advocated by Charles Davenant will be taken into account, with specific sections dedicated to the interest of money debate and to the shocking proposal of enslaving the poor. As a result, Fletcher's *Discourses* will prove much more fitting with both English and Scottish contemporary economic discourses than initially sustained by Muramatsu, losing their anti-modern, agrarian glaze.

The fourth chapter's length is justified insofar as it addresses the grand issues of commerce and empires, central to Fletcher's reflections. It opens with a thorough semantic analysis of his Italian work *Discorso delle Cose di Spagna* (1698), which, for the first time, fully develops Robertson's hints in revealing its rhetorical tones, in between Machiavelli's *Prince* and Giovanni Botero's *ragion di Stato*. The chapter also offers another perspective, in exposing additional sources for Fletcher's extravagant work, such as Traiano Boccalini, François-Paul de Lisola and Pieter de La Court, shifting the context from a humanist monarchical discourse to contemporary republican and commercial Reason of State theories. After proposing an English context for the *Discorso*, a next section will deal with the Scottish version of 'empire for trade', constituted by the Darien venture, sketching the collective defence of the free colony with its appeals to natural law arguments from Hugo Grotius and Samuel Pufendorf, that also directly involved Fletcher himself.

English opposition to Scotland's colonial scheme also triggered a discussion on sovereignty, which stressed the difference between clan-based and

aristocratic conceptions of the past and Fletcher's wider and more radical parliamentary understanding of it. The chapter closes with the first exhaustive contextualisation of *A Speech upon the State of the Nation* (1701) in the framework of London's party politics. Dealing with English foreign policy, the tract scolds both Whigs and Tories alike for their factional strifes, as harbingers of tyranny. Additionally, it sets Fletcher's anti-monarchism in an enlarged international context. The picture that emerges in this chapter highlights Fletcher's recognition of both Reason of State and natural law theories as shaping the contemporary debates on empire and also of how the nature of the latter had changed: from expansive monarchical empires to commercial monopolies.

The last chapter of this thesis is then dedicated to the Union debates (1703-1707). It considers both Fletcher's speeches delivered in Holyrood in 1703 and his final work, the *Account of a Conversation* (1704), connecting their apparently different contexts and meanings. Following the lead of Karin Bowie's recent works,²³ the first sections of the chapter shift the focus of research from the different kind of unions between England and Scotland as elucidated by Robertson to the "limitations" on the king's prerogatives that Fletcher actually proposed in Holyrood. His notion of constitutional monarchy based on popular sovereignty will be discussed, together with the strong resonance of his proposals in the public debates, overlooked thus far. I will then address the problem of communication of trade between England and Scotland, again linking Fletcher's concrete behaviour in parliament to his land-based, mercantilistic conception of political economy.

The final sections of this last chapter explore Fletcher's theoretical understanding of unions. First, I will show how his Grotian conception of incorporation as conquest was shared both among Court and Country authors, with the same historical perspective counterposing overgrown empires as warlike, civilising forces to small Gothic polities as peaceful inhabitants of the

²³ Karin Bowie, *Scottish Public Opinion and the Anglo-Scottish Union, 1699-1707*, Woodbridge, Boydell Press, 2007; 'Popular Resistance and the Ratification of the Anglo-Scottish Treaty of Union', *Scottish Archives*, 14 (2008), pp. 10-26; 'A 1706 Manifesto for an Armed Rising against Incorporating Union', *The Scottish Historical Review*, 94, n°2 (2015), pp. 237-267; "'A Legal Limited Monarchy': Scottish Constitutionalism in the Union of Crowns, 1603-1707", *Journal of Scottish Historical Studies*, 35, n°2 (2015), pp. 131-154.

Western world. Then, I will consider the ways Fletcher's overtly Utopian scheme for the general peace of mankind, as proposed in the *Account*, contained strong echoes of the issues he was confronted with during his whole life, overcoming the nostalgia for a Gothic past of mixed polities. Comparing it with similar peace projects, his confederal system of States stands out by his recognition of interest and balance of power as the only foundations for a durable international order. In Fletcher's mind, only when resting on popular and undivisible sovereignty could the interest of the republican governments he would design correspond to those of mankind as a whole. The final conclusions will then provide a brief overview of how Fletcher's ideas were received and understood, showing the ways his legacy survived, and should be mainly intended precisely in the most radical aspects of his political writings.

4. Approaches

The primary approach for this thesis is the historical contextualism of the so-called Cambridge School of intellectual history, notably defined by the works of Skinner and Pocock. I have reconstructed the meanings of Fletcher's writings by first looking at the languages of the controversies and of the public debates he took part in. On the one hand, this allowed me to reassess the different traditions of thought he directly and implicitly engaged with, from civic humanism and natural jurisprudence to Reason of State and utopianism. On the other hand, in doing so I was able to recover Fletcher's diverse and multiple intentions, through different contextualisations of his pamphlets.²⁴ To make these contexts clear, each of the following chapters includes a specific section dedicated to a concise analysis of the linguistic and conceptual frameworks in which I determined the examined writings should be set.

²⁴ See for instance the latest and recapitulatory Quentin Skinner, *Visions of Politics*, 2 vols., vol. I, REGARDING METHOD, Cambridge, Cambridge University Press, 2002; John G. A Pocock, *Political Thought and History: Essays on Theory and Method*, Cambridge, Cambridge University Press, 2009.

The emphasis on intellectual and linguistic contexts, pursued by both Pocock and Robertson in investigating Fletcher's written production, inevitably tends to exclude the author from the picture, and to downsize the particular political, economic, cultural and social contexts in which the latter evolved. These elements I tried to incorporate in the thesis, taking Fletcher's interventions as political acts hoping to obtain practical results in the corresponding parliamentary debates he was witnessing at the time. This is all the more necessary if we consider that Fletcher always published anonymously and that he seldom mentioned his sources, whose importance, I maintain, go well beyond mere illustrative examples derived from classical history.

Therefore, while making extensive use of the catalogue of Fletcher's private library to link some of his formulations to particular genealogies of thought, I paid particular attention to additional contexts and sources. The third chapter is a key example: the *Two Discourses* belong to the civic humanist linguistic paradigm, but must also be considered as a piece of contemporary economic and social engineering, whose guidelines find a direct confirmation in Fletcher's advocacy of mercantilist legislation in parliament some years later. Along the same lines, the sincere and intimate friendship he maintained with John Locke throughout his whole life should warn us not to exclude any possible reception of the latter's ideas in the Scot's compositions, on the basis of linguistic formulations only. In doing so, I believe Fletcher's figure, person and thought can be enriched, problematised, and ultimately redefined.

5. Archival and printed sources

The starting point for this thesis is of course constituted by the *corpus* of Fletcher's writings. In what follows I decided to use the original pamphlets in their *editio princeps* rather than the successive editions, unless otherwise specified in the footnotes. This preference is motivated by the necessity of recovering the original orthography of the texts rather than the successive

modernised versions, for the sake of clarity and interpretation. I also had to choose among the several pamphlets that were not firmly attributed to Fletcher, and opted to focus my analysis on those whose authorship is confirmed (unless otherwise specified in the footnotes). The same applies for the bulk of tracts covering the period of Fletcher's production, which constitute the lines of comparison for his ideas.

Besides printed texts, many archives contain some materials on Fletcher. First of all, the so-called *Saltoun Papers* in the National Library of Scotland (NLS) include bills and receipts from some of his journeys abroad, which can attest some of Fletcher's movements. Letters to and from him of various content, together with the two catalogues of his personal library, also add a lot to the general picture and to some aspects of his thought. Secondly, both the NLS and the National Archives of Scotland (NAS) hold a good deal of correspondence from different periods directly or indirectly referring to him, together with the parliamentary records regarding his activities as a member of Holyrood. It is mainly from these two archives in Edinburgh that the materials to write the following thesis have been acquired, although more scattered documents can be found elsewhere and will be reported in the footnotes. The bibliography at the end of this study will sum up the totality manuscript sources I used.²⁵

During my research I followed Fletcher's movements on the continent, looking for additional sources to retrace his connections and political involvements. In the limited time I could spend there, the Archives Nationales in Paris did not offer any new material, nor did the Nationaal Archief in Den Haag: nevertheless, their depth still appear promising. In the Netherlands, I also spent some time in the University Archives of Leiden and Amsterdam, with better results. The same applies to the English National Archives in Kew, which also rewarded me with some interesting documents. I believe more extensive research in European archives could still be useful, to better grasp the contours of Fletcher's suspicious activities abroad.

²⁵ Another interesting fund, although mainly containing materials from the XVIII century onwards and relating to the family estates, is the Fletcher of Saltoun Collection, to be found in the Department of Special Collections, MS. 109, Kenneth Spencer Research Library, University of Kansas Libraries.

CHAPTER 1

A biography

“...ceux qui ne connoissent pas Fletcher, pourront croire que vous écrivez votre vie sous le nom de la siene, car la ressemblance est très grande, il y en a meme dans la figure, quoique vous êtes mieux que lui”

George Keith to Jean Jacques Rousseau, 20th October 1764

Andrew Fletcher of Saltoun led an intense and eventful life. He was not a scholar in the strict sense, but rather a man of action, an outsider with solid knowledge and strong opinions, which he certainly did not hesitate to sustain vehemently, never indulging too much in theoretical trivialities. By reading the available sources that survived to this day, one always gets the impression that the frenetic political activities he was involved in might well have been as interesting as the intuitions contained in his writings, to the point of inspiring popular novels and episodes of TV series.²⁶ Often the biographer is confronted with the feeling of being unable to fully grasp the extent and terms of these activities. Few letters testify to Fletcher’s connections, as more are hopefully waiting to be found through extensive archival work all over Europe, tracking

²⁶ While Fletcher is the protagonist of one of Nigel Tranter’s many popular vulgates of Scottish history *The Patriot*, London, Hodder & Stoughton, 1982, it is Brian Cox who interpreted him in two episodes of the UK television show *Scotland’s Story* (‘Disaster at Darien’ and ‘Act of Union’) aired by Channel Four in October 1984.

down his frequent journeys abroad. In the meanwhile, the estate papers prove themselves inappropriate to write a fully satisfying biography.

Actually, Fletcher himself complained about the confusion in his accounts when he was called to present convincing evidence in his trial against the Aberladyes about pending debts: a confusion, he stated, that “must be imputed to the losse of my papers during my forfeiture”.²⁷ In 1686, after he had been accused of high treason, the Saltoun estates were indeed given to the commander of Scottish forces and royal favourite George Douglas, earl of Dumbarton, who kept them until the forfeiture was rescinded in 1690. What Dumbarton did with the family documents is difficult to establish, but following this lead Scott Macfie came to the rather discouraging supposition that Dumbarton might have destroyed many of the papers in Saltoun, in spite of his benevolent commitments to James Douglas, duke of Hamilton, regarding the fair management of Fletcher’s estates.²⁸

Among the remaining hypotheses on the lack of documents regarding Fletcher figures the suggestive one related to an episode involving Jean-Jacques Rousseau.²⁹ The diaries of James Boswell report how George Keith, earl Marischal convinced his *philosophe* friend to write Fletcher’s biography instead of his own.³⁰ For this reason Boswell was gathering anecdotes on Fletcher and had direct and enthusiastic confirmation of Rousseau’s promise when he met him in Neuchâtel in July 1764.³¹ Meanwhile, Keith was getting Fletcher’s life and discourse on the militia translated in French, and by the beginning of 1765

²⁷ Andrew Fletcher to William Johnstone, earl of Annandale, 11th November 1697, printed in Historical Manuscripts Commission, Fifteenth report, appendix, part IX, London, 1897, p. 101; Lord John Lauder Fountainhall, *The Decisions of the Lords of Council and Session, from June 6th, 1678, to July 30th, 1712: Collected by the Honourable Sir John Lauder of Fountainhall*, Edinburgh, G. Hamilton and J. Balfour, 1761, pp. 17–18.

²⁸ NAS GD 406/1/6172-6173, GD406/1/6183; James Ogilvie to the earl of Findlater, 21st of November 1685 and 5th January 1686, in James Grant, ed., *Seafield Correspondence from 1685 to 1708*, Edinburgh, Scottish History Society, 1912, pp. 14–16; Robert Andrew Scott Macfie, *A Bibliography of Andrew Fletcher of Saltoun 1653-1716*, Edinburgh, priv. print., 1901, p. 5.

²⁹ See for instance Paul H. Scott, *Andrew Fletcher and the Treaty of Union*, Edinburgh, J. Donald, 1992, pp. 8–12.

³⁰ On a possibly fictionalised encounter between Keith and Fletcher himself in 1715, see Charles Rogers, *Boswelliana: The Commonplace Book of James Boswell*, London, Grampian Club, 1874, pp. 236–237.

³¹ James Boswell, *James Boswell: The Journal of His German and Swiss Travels, 1764*, ed. by Marlies K. Danziger, Edinburgh, Edinburgh University Press, 2008, pp. 46–47, 255–259.

Rousseau received a first bulk of papers.³² It is established by the memoirs of one of the Fletchers' descendants, Elisabeth Haklett, that Keith later even received materials from Saltoun to be transmitted to Rousseau.³³ What happened to the documents collected by Keith still remains obscure, but everything had disappeared by 1779, while Rousseau, confronted with other affairs, eventually never wrote the biography, and the quest for Fletcher's manuscripts continued over the years in Scotland.³⁴

As for the secondary literature regarding Fletcher's life, the *Essays on the Lives and Writings of Fletcher of Saltoun and the Poet Thomson* (1792) by David S. Erskine, earl of Buchan, is heavily inspired by Haklett's family memoirs and results more in a piece of Jacobin propaganda than in a factual profile. The successive George W. T. Omond's *Fletcher of Saltoun* (1897) and William C. Mackenzie's *Andrew Fletcher of Saltoun: His Life and Times* (1935) have an altogether different depth of analysis and remain a solid starting point for further research. *Andrew Fletcher and The Treaty of Union* (1992) by Paul H. Scott is beyond doubt up to date, except the author focuses on Fletcher's parliamentary activity and ultimately on the debates of 1703-1707, inevitably overlooking some earlier parts of his life. Finally, John Robertson's entry in the *Oxford Dictionary of National Biography* (2004) seems to set the standard and constitutes the reference primarily for its intellectual history approach.

³² Neuchâtel University Library, MSR 316, ff. 101-104, 109-110.

³³ See the "Memoir of the Fletchers of Salton - Lally" written in 1785, to be found in the Edinburgh University Library, MS La III.364, pp. 21-22.

³⁴ Glasgow University Library, MS Murray 502/80, Patrick Bannerman, minister of Saltoun, to Liston, solicitor in Edinburgh, 25th November 1782. The documents sent to Rousseau apparently remained with his friend Pierre-Alexandre DuPeyrou and are now collected in the Fonds Jean-Jacques Rousseau in the Neuchâtel University Library, under the name "Recueil des écrits de Fletcher". Unfortunately however, the fund only contains the French translations sent by Keith to Rousseau.

1.1 Early years, travels and education

According to the family genealogy, Andrew Fletcher was most probably born in 1653 in Saltoun, in Haddingtonshire, from Sir Robert Fletcher of Saltoun (1625-1665) and Katharine Bruce (d. 1713). He was the first of four brothers, and both his parents were of high descent. His father, despite having acquired the Saltoun estate — a few miles east from Edinburgh, in East Lothian — only in 1643, already possessed the title of laird from other lands his family held in Angus. He had been educated in Paris and developed an interest in natural philosophy. Additionally, from his mother's side Andrew is supposed to have inherited the regal blood of king Robert Bruce, of whom Katharine was said to be an indirect descendant. Being one of the some five thousands landowners and voters constituting the gentry of Scotland, Fletcher was thus raised in a very privileged environment, belonging to a rich family and one of the most politically influential and wealthy classes of the country.³⁵

Katharine in particular seems to have had a strong influence on Fletcher, who was deeply attached to her by strong bonds of affection. An episode to be found in the family memoirs is quite telling, as after having played some music for his guests in Saltoun, Fletcher declared to a gentleman looking at Katharine's portrait: "that is my mother, and if there is anything in my education or acquirements, during the early part of my life, I owe them entirely to that woman".³⁶ Whether the further education of Fletcher has to be attributed to the illustrious clergyman and historian Gilbert Burnet, afterwards bishop of Salisbury, is questionable. It is true that Robert Fletcher, right before his death in 1665, entrusted both the education of his sons and the parish of Saltoun to Burnet,³⁷ who for sure had an impact on the formation of Andrew during his stay until 1670. For this reason, the early biographer of Fletcher William MacKenzie resorts to Burnet's *Thoughts on Education*, composed in 1668 and precisely in

³⁵ For the genealogy of the Fletcher family, see NLS MSS 17858, fols. 18, 20-26 and 17860. For the estate papers, see MS 17450. See also Scott Macfie, *A Bibliography*, p. 5.

³⁶ NLS MS 17858, fol. 3.

³⁷ NLS MS 16502, fol. 101.

Saltoun, to venture a list of topics that might have been taught to the young Andrew.³⁸

As a moderate Episcopalian, Burnet, who drafted a sermon he preached at Robert Fletcher's funeral,³⁹ was at that stage actively involved in promoting a church policy based on toleration of the less radical among the increasing Presbyterian dissenters after the Restoration settlement. His early association with the Cambridge Platonists, a circle of Irenicist clergymen underlining the importance of natural reason and free will to the detriment of predestination, brought him to later embrace a plain Latitudinarian position; its tolerant and rational approach to doctrinal matters became dominant in eighteenth century England.⁴⁰ Influential in Scotland,⁴¹ this position constituted a common ground for coping with local religious divisions. Burnet himself eventually had to face a charge of Socinianism.⁴² As a scholar, his predilection for history and its educative function made him contribute to the renewal of the Scottish humanist tradition, insisting, like Fletcher would have done, on causal mechanisms to explain the broad mutations occurring in societies.⁴³

Whilst their paths crossed several times over the years, the extent of Burnet's influence on Fletcher's education has to be put back in its right perspective. In early 1667 the young laird was already registered at the St Andrews University, as the greater part of Scottish lesser nobles who carried on their studies had done since the XVI century.⁴⁴ John Robertson accordingly mentions the strict figure of Patrick Scougal, minister in Saltoun from 1659 until

³⁸ MacKenzie, *Andrew Fletcher of Saltoun*, p. 4. See also Gilbert Burnet, *Thoughts on Education*, London, 1761, pp. 55-68.

³⁹ Fletcher's father is described as a pious man, indifferent to contemporary religious disputes. See Gilbert Burnet, *A Discourse on the Memory of That Rare and Truly Virtuous Person Sir Robert Fletcher of Saltoun Who Died the 13 of January Last, in the Thirty Ninth Year of His Age*, Edinburgh, 1665, pp. 65-67, 128-131.

⁴⁰ Sarah Hutton, 'The Cambridge Platonists: Some New Studies', *British Journal for the History of Philosophy*, 25, n°5 (2017), pp. 851-857.

⁴¹ Sarah Hutton, 'From Cudworth to Hume: Cambridge Platonism and the Scottish Enlightenment', *Canadian Journal of Philosophy*, n°42 (2012), pp. 8-26.

⁴² Martin Ignatius Joseph Griffin, *Latitudinarianism in the Seventeenth-Century Church of England*, Leiden, BRILL, 1992.

⁴³ David Allan, *Virtue, Learning and the Scottish Enlightenment: Ideas of Scholarship in Early Modern History*, Edinburgh, Edinburgh University Press, 1993, pp. 51-64; Tony Claydon, 'Latitudinarianism and Apocalyptic History in the Worldview of Gilbert Burnet, 1643-1715', *The Historical Journal*, 51, n°3 (2008), pp. 577-597.

⁴⁴ See the *Acta Rectorum* of the St. Andrews University, MS UY/305/3, p. 425, as signalled in Robertson's biography.

Burnet's arrival, as more likely to have contributed to Fletcher's early instruction. This alternative seems plausible if we consider the long friendship that Fletcher entertained with Henry Scougal, son of Patrick and later theologian at King's College in Aberdeen, where as a moderate Episcopalian himself he became an advocate of creedal minimalism.⁴⁵ The two probably met in Saltoun in their early years and thought highly of each other.⁴⁶

Considering the lineage of Fletcher, it is probable that he learned Latin, history and geography, some rudiments of politics and foreign languages such as Italian, French and Spanish.⁴⁷ The same kind of conjecture has to be made for his period at the University, since we have no evidence of what he studied. We know he attended, together with his brother Henry, St Leonard's College, which had among its alumni the illustrious figures of George Buchanan and John Knox. The standard curriculum of the time focused mainly on Latin, ethics and logics, but it is difficult to evaluate the effects of these teachings if we consider that Fletcher moved once again in August 1668 for London, where the regent of Humanity at St Leonard's James Graham, later pastor in Saltoun and close family friend, accompanied him as his ruler.⁴⁸ Graham's figure would also deserve further investigation: after having demitted his charge in 1681 for refusing to subscribe to the Test Act, he was deposed from his new parish in Dunfermline by the synod of Fife in 1701, after a trial for Arminianism.⁴⁹

Starting with his London trip, there is a huge interruption in the sources concerning Fletcher's life. His activities in a period that stretches from 1668 to 1678, when he was back in Scotland, are mostly unknown. The hypothesis of a *Grand Tour*, once again according to the conventions of the time, remains plausible: the tour would have included Italy, France and Germany, even though

⁴⁵ Thomas Ahnert, *The Moral Culture of the Scottish Enlightenment, 1690-1805*, Yale, Yale University Press, 2015, pp. 22-25.

⁴⁶ Robertson, 'Fletcher, Andrew'. See moreover the dedication on the embroidered scroll donated by Henry to the Fletchers in 1673 and still in Saltoun Hall.

⁴⁷ Erskine, *Essays on the Lives and Writings*, p. 7; Omond, *Fletcher of Saltoun*, pp. 11-12; Mackenzie, *Andrew Fletcher of Saltoun*, pp. 3-4.

⁴⁸ NLS MSS 16854, fols. 1-7 and 16831, fol. 9. Cf. also Robertson, 'Fletcher, Andrew'.

⁴⁹ Alasdair Raffe, *The Culture of Controversy: Religious Arguments in Scotland, 1660-1714*, Woodbridge, The Boydell Press, 2012, pp. 48-49, 83-84; James Graham, *The Famous Tryal of the Late Reverend and Learned Mr. James Grame, Episcopal Minister of Dunfermline; Formerly Professor of Humanity at St. Andrew's, before the Several Courts of Church Judicature, in Scotland*, London, 1719.

Fletcher was only sixteen at the time.⁵⁰ Some family papers can help us to at least trace some of Fletcher's movements and give us a slightly different picture: from receipts and bills it appears that the young Andrew chose Paris as his camp base, most probably to complete his education as his father did, in 1670. During 1671 he travelled widely across the Netherlands, as we find him in The Hague, Leiden, Dordrecht and Rotterdam. Back in Paris by 1672, he seems to have resided in the French capital quite continuously for a while, except for a few trips to London in 1675 and possibly to Rouen in 1674, where the young Pierre Bayle was teaching as a tutor. Whether he met Bayle in this occasion is unclear. By the end of 1677, he eventually returned to London.⁵¹

Since the beginning, Fletcher's life thus proved rather lively. The privileged family he was part of gave him many possibilities to increase his knowledge and receive the best education he could in both Scotland and most likely in Paris. It seems, rather than becoming a rigorous scholar, he preferred to travel and directly experience different social, cultural and political contexts very early in his life, after gathering the instruments to understand them. It is also important to note that Fletcher was born under the English occupation and raised in Restoration Scotland, where all of his supposed mentors tried to promote a certain degree of toleration and a rational attitude to reduce doctrinal strife in religious matters. This attitude affected Fletcher. Its result was a certain open-mindedness bordering on indifference, when confronted with religious topics. Conversely, the political condition and culture of his homeland contrasted considerably with what he witnessed during his frequent trips to the United Provinces, as he was to find out for himself.

⁵⁰ For this suggestion, see Omond, *Fletcher of Saltoun*, pp. 12-13; Mackenzie, *Andrew Fletcher of Saltoun*, p. 5 and Scott, *Andrew Fletcher*, pp. 17-18. See also Keith Brown, *Noble Society in Scotland: Wealth, Family and Culture from the Reformation to the Revolutions*, Edinburgh, Edinburgh University Press, 2004, pp. 190-196.

⁵¹ NLS MS 16854, fols. 15, 25, 27, 30 and MS 16831, fols. 10-56; NAS GD29/1471, fol. 18.

1.2 Political activities and resistance in Scotland

Following a brief stay in the English capital, Fletcher went back to Scotland and began his political career, after the inheritance of the lands and barony of Saltoun had been ratified by the Parliament in 1672.⁵² In June 1678, he was elected to take part in the Convention of Estates as a commissioner of excise for Haddingtonshire, by virtue of a rudimental but effective political campaign led by the increasingly organised opposition to the government's absolutist policies.⁵³ The climate was particularly tense, as the High Commissioner John Maitland, duke of Lauderdale gauchely alternated leniency and repression to administrate Scottish affairs in London's stead, suffocating the possibility of a constitutional debate on the Restoration settlement and its violent methods of modernisation of the State through cursory demands to the estates of the nation.⁵⁴ Indeed, the Convention had been summoned with the sole purpose of raising funds to maintain the so-called Highland Host, an armed force mainly constituted by Highlanders and raised to persecute political and religious adversaries of Charles II, while in London the king's prerogative over the army was questioned by the Whig MPs captained by Ashley Cooper, earl of Shaftesbury.⁵⁵

South of the Tweed, a solid opposition forced Charles II to use his royal veto in November, to stop a reform bill aimed at placing the control of the English troops in the hands of Westminster, following Shaftesbury's famous political manifesto that accused the Stuarts of attempting to establish a military government in clear civic humanist terms.⁵⁶ On that occasion, Shaftesbury also denounced the unashamed absolutist government in Scotland, in a speech he

⁵² NAS PA2/29, fols. 237v-238v.

⁵³ NAS PA8/1, fols. 175v-176v.; Gillian H. MacIntosh, *The Scottish Parliament Under Charles II, 1660-1685*, Edinburgh, Edinburgh University Press, 2007, pp. 153-155. In the records of his first Convention, Fletcher is mistakenly referred to as 'James Fletcher of Saltoun', although there is no doubt about his real identity.

⁵⁴ Gillian H. MacIntosh, 'Arise King John: Commissioner Lauderdale and Parliament in the Restoration Era', in *Parliament and Politics in Scotland, 1567-1707*, ed. by Keith Brown and Alastair J. Mann, Edinburgh, Edinburgh University Press, 2005, vol. II, 163-183.

⁵⁵ Rosalind Mitchison, *A History of Scotland*, London, Routledge, 2002, pp. 262-264.

⁵⁶ Anthony Ashley Cooper, first earl of Shaftesbury, *A Letter from a Person of Quality, to His Friend in the Country*, London, 1673.

made sure to print and send to Edinburgh, where his influential ally William Douglas, duke of Hamilton, had been opposing Lauderdale's rule since the Parliament of 1669. But as the king had proved deaf to the several petitions from English MPs asking to remove Lauderdale from his office, Hamilton once again tried to rally a cohesive front during the Convention proceedings, usually dominated by compliant members whose presence in the assembly was now made sure by debatable electoral disputes.⁵⁷

When compared with its English counterpart, Scottish opposition resulted both weak and divided. While a strong royalist political culture impeded the development of an alternative humanist republican line of argument during the Restoration, Buchanan's radical inheritance was partly appropriated by the second generation of Covenanters and extremist Presbyterians, from which Hamilton's group, defending the role of the Parliament and the fundamental laws of the kingdom, tried to distance itself.⁵⁸ It was in this intricate context that the young Fletcher was first confronted with the constitutionally crucial question of standing armies, and notwithstanding the official commentaries mentioning how "cheerfully and unanimously" the Estates voted the supplies asked by Lauderdale, the accounts of the lawyer Sir John Lauder of Fountainhall registered a few dissenters, amongst which Fletcher's name figures.⁵⁹

Such a dissent was not meant to pass by unnoticed, since the strategy of Hamilton's group consisted in consciously challenging Lauderdale's authority in order to reveal the arbitrariness of his method of government. In this sense, when his brother Henry was sent to the Tolbooth for his unauthorised attendance at the Convention, Fletcher responded by imposing to Lauderdale the formulation of an explicit plea of privilege to explain the presence of one of his servants in the room.⁶⁰ The High Commissioner accordingly attempted to exclude the laird of Saltoun, among others, from being appointed commissioner

⁵⁷ Clare Jackson, *Restoration Scotland, 1660-1690: Royalist Politics, Religion and Ideas*, Woodbridge, Boydell Press, 2003, pp. 73-75, 94-95; John Spurr, *Anthony Ashley Cooper, First Earl of Shaftesbury, 1621-1683*, Burlington, Ashgate Publishing Ltd., 2011, pp. 193-196; MacIntosh, *The Scottish Parliament Under Charles II*, pp. 132, 143, 156-166.

⁵⁸ John Coffey, 'George Buchanan and the Scottish Covenanters', in Roger A. Mason and Caroline Erskine, eds., *George Buchanan: Political Thought in Early Modern Britain and Europe*, Farnham, Ashgate Publishing Ltd, 2012, pp. 189-204; Jackson, *Restoration Scotland*, pp. 6, 64-66, 86-101.

⁵⁹ NAS PA7/22/137, fols. 281-282 and Sir John Lauder of Fountainhall, *Historical Observes, 1680-1686*, Edinburgh, Bannatyne Club, 1840, pp. 270-271.

⁶⁰ Fountainhall, *Observes*, p. 277.

of the cess, with the pretext of their disagreement within the Convention regarding the supplies. When Fletcher stood up against Lauderdale's illegitimate attempt, only Hamilton's timely intervention stifled the ensuing discussion and solved the issue without further consequences. Shortly after, both had left the Convention together with other flared up members of the opposition, manifestly upset by Lauderdale's purges.⁶¹

What looked like a duel continued outside the assembly, when the authorities decided to impose the free quarter of parts of the Highland Host precisely in Haddingtonshire. The Host had been billeted mainly in the Covenanted shires of the southwest, where Presbyterians were exposed to intimidation by means of plundering and physical violence, in explicit contradiction with the Militia Acts of 1661 and 1663 that protected Scottish people from the forceful maintenance of armies and garrisons. Fletcher's reaction was to immediately join a petition promoted by his neighbour and political ally John Hay, Marquis of Tweeddale that denied the king's right to keep a standing army on foot in times of peace and denounced it as an illegal invasion of private property, like many addresses to Charles II had formulated it in the same period. By the end of July 1680, Fletcher was summoned by the Privy Council together with two other gentlemen to justify their hindrance to the government's use of the militia to collect fiscal dues and suppress what was left of the militant Covenanters.⁶²

Apparently, the nomination of the Roman Catholic and soon to be king James Stuart, duke of York in October 1679 to replace a by then disgraced Lauderdale as High Commissioner embittered Fletcher's opposition to the government's policies, which eventually resulted in a dodgy effort to exclude him from the new parliament that met on the 28th of July 1681: in line with what had been a common procedure during Lauderdale's rule, it was "for the sake of serving the King", to use the words of the Bishop of Edinburgh and chairman of the committee on disputed elections John Paterson, that some of the votes given

⁶¹ NAS PA8/1, fols. 182-190 and GD6/1108, fols. 43-46; MacIntosh, *The Scottish Parliament Under Charles II*, pp. 168-169.

⁶² Mackenzie, *Andrew Fletcher of Saltoun*, p. 8; Robertson, 'Fletcher, Andrew'; Tim Harris, *Restoration: Charles II and his Kingdoms, 1660-1685*, London, Penguin Books, 2005, pp. 124-126, 134 and Jackson, *Restoration Scotland*, p. 143.

in Haddingtonshire to Fletcher of Saltoun and Cockburn of Ormiston should have been omitted. The government, however, did not go that far, mainly to avoid raising further tensions, and by the 18th of August both were sitting in the assembly amongst the now enlarged Hamilton's ranks, after having signed a declaration condemning Covenants and other forms of collective resistance.⁶³

The situation had become more complicated by the Exclusion Crisis (1679-1681) in England, which endangered the succession of James to his brother Charles II due to their religious beliefs. A dint of political tracts now attached the threat of popery to that of standing armies and sustained the bold parliamentary action of the Whigs.⁶⁴ To answer the crisis, after the dissolution of the Oxford Parliament in March 1681, James called a parliament in Scotland as part of a conscious British strategy, to defuse English attempts to delegitimise the Stuart monarchy as the Tory propaganda waved the threat of a new civil war. North of the border, although the defeat of the Covenanters' army at Bothwell Bridge in June 1679 did not eliminate the government's most radical adversaries, it definitely furnished the occasion to reinforce James' position. Unsurprisingly, the latter's first move as viceroy consisted in passing a Succession Act to avoid dangerous contagion in Scotland, to firmly ascertaining the indefeasibility of hereditary succession and to restate the divine origin of the king's *ab legibus solutus* power.⁶⁵

Still entangled with contested elections, Fletcher was not present at the beginning of the proceedings but, according again to Fountainhall's report, he nonetheless distributed anonymous letters, to persuade the parliamentarians to reject the Succession Act on the basis of James' faith and tyrannical behaviour.⁶⁶ In the dispute about the rights of succession in the oldest kingdom in Europe,

⁶³ NAS PA2/31, fol. 6v., PA7/11/9, 8, fol. 44; Sir John Lauder of Fountainhall, *Historical Notices of Scottish Affairs*, vol. I, Edinburgh, Bannatyne Club, 1840, pp. 306-307; Maitland Club, *Miscellany of the Maitland Club: Consisting of Original Papers and Other Documents Illustrative of the History and Literature of Scotland*, Edinburgh, vol. III, 1843, pp. 379-385.

⁶⁴ Richard Ashcraft, *Revolutionary Politics & Locke's Two Treatises of Government*, Princeton, Princeton University Press, 1986, *passim* and pp. 201-202 in particular.

⁶⁵ Harris, *Restoration*, pp. 345-356; *Id.*, 'Scotland under Charles II and James VII and II: In Search of the British Causes of the Glorious Revolution', in Tim Harris and Stephen Taylor, eds., *The Final Crisis of the Stuart Monarchy: The Revolutions of 1688-91 in Their British, Atlantic and European Contexts*, Woodbridge, Boydell Press, 2013, pp. 109-132.

⁶⁶ Fountainhall, *Observes*, p. 209. Many letters were also sent to Lauderdale himself: see for instance *A Letter Sent to D[uke] L[auderdale]*, London, 1679, which compares Lauderdale's behaviour to that of Machiavelli's Prince, Cesare Borgia.

Fletcher undoubtedly situated the origin of the king's sovereignty within the Scottish community, thus conceiving the latter's possibility of denying the crown to a monarch.⁶⁷ The supposed banter with the professor of medicine at Leiden University Archibald Pitcairne, comparing the absurdity of a hereditary chair with that of a throne renders Fletcher's feelings accurately.⁶⁸ With this same polemical spirit, once inside Holyrood he did not hesitate to continue his personal battle against the Stuarts, by often asking to record his disagreement and ostensibly voting against new resolutions and the concession of additional supplies.⁶⁹

According to the later chronicles of Sir James Dalrymple, it was in the debates on the Test Act, at the end of August, that Fletcher gave the best of himself, intervening "with the fire of ancient eloquence".⁷⁰ The act aimed at further strengthening the regime by introducing an oath of royal supremacy for every person holding a public office, which prevented any possible change in the Scottish Restoration settlement in the face of the contemporary English political crisis. The Test also attempted to reinforce the unstable bases of Scottish Episcopacy by adding a profession of faith. Although the accounts of the proceedings differ, the shrewd move of introducing a definition of Protestantism referring to the obscure Confession of Faith (1560) might have been Fletcher's,⁷¹ but in any event the Confession, which justified resistance against tyrannical government, made the Act internally inconsistent in its first shape. Together with his future exile companions James Dalrymple, viscount of Stair, and Archibald Campbell, earl of Argyll, Fletcher voted against the Test in itself and its extension

⁶⁷ The terms of the debate are brilliantly resumed in Jackson, *Restoration Scotland*, pp. 48-72.

⁶⁸ Erskine, *Essays on the Lives and Writings*, pp. 37-38.

⁶⁹ NAS PA7/11/8, 7, fols. 31-32 and PA7/11/8, 8-9, fols. 34-35.

⁷⁰ Sir John Dalrymple, *Memoirs of Great Britain and Ireland; from the Dissolution of the Last Parliament of Charles II. till the Capture of the French and Spanish Fleets at Vigo*, part I, book I, London, 1771, p. 6.

⁷¹ See *ibidem* for a support to this claim, but the contemporary – and more reliable – account of Gilbert Burnet, *History of my Own Time*, vol. II, Oxford, Clarendon Press, 1823, pp. 313-315 attributes the idea to Stair. Fletcher's involvement in defining the strategy of the "Fanatical Party" resisting the Court is however confirmed in Sir George Mackenzie, *A True and Plain Account of the Discoveries Made in Scotland, of the Late Conspiracies against His Majesty and the Government Extracted from the Proofs Lying in the Records of His Majesties Privy Council, and the High Justice Court of the Nation*, Edinburgh, 1685, pp. 1-3. See also Jackson, *Restoration Scotland*, pp. 149-151.

to the electors of the commissioners in Parliament, that is his own political class and estate.⁷²

Yet, the reason for Fletcher's retreat from Scotland by the middle of 1682 remains not altogether clear. Unlike other Scottish dissidents, he did not face any trial nor was he formally accused. However, his incessant conflicts with authorities most likely suggested him to join the refugees abroad both to avoid persecution and organise an effective extra-parliamentary strategy, as his voice in an overall very loyal assembly at most committed to mild constitutionalism, could barely be heard. The last trace we have of Fletcher before he left shows again his obstruction in the operations of quartering troops in East Lothian: in particular, as a commissioner of cess and excise, he refused to levy the taxes aimed at furnishing victuals to the soldiers and their horses, as his duty implied, instigating another admonishment from the Privy Council in April 1682. Eventually supplies were conceded, but such open defiance and obstinacy unquestionably constituted a constant trait of his behaviour.⁷³

As shown above, in his first involvement as a MP Fletcher also exhibited his courage and high ideals in resisting the government's attempts to strengthen the executive to the detriment of the assembly. Among the issues he faced, the one regarding the standing armies for sure had a strong impact on him. His intransigent position, based on sound republican principles, was confirmed and thoroughly illustrated in his first pamphlet some twenty years later. Moreover, from this experience emerges a parliamentary conduct that appears to be very attentive to the political developments in London and their theoretical dimensions, although they were only partially echoed in the Scottish context, where Fletcher became close to Hamilton's belligerent minority in Holyrood but with an altogether different and radical spirit. It is not by chance that he thus followed Argyll, Stair and other rebellious Scots in the English capital by May.

⁷² NAS PA7/11/9, 14, fol. 50, NAS PA2/31, fol. 10v. and Robertson, 'Fletcher, Andrew'.

⁷³ Fountainhall, *Notices*, vol. I, p. 352.

1.3 Plotting, exile and the Monmouth rebellion

Fletcher was part of a group of British men of different interests that joined the underground opposition to Charles' government. The eminent jurist Stair held a moderate position, and retired to scholarly life after refusing to get involved in plotting activities. Argyll, on the other hand, was a magnate and clan leader with a power base in the Highlands; he had been imprisoned for treason and managed to escape Edinburgh castle. He had daily contacts with Shaftesbury and his secretary John Locke to organise the Scottish part of a coordinated British insurrection in September. Whether Fletcher participated to the secret meetings of this period is debatable, but it is safe to assume he did so among the ranks of non-identified Scottish conspirators, especially if we compare the dates of Shaftesbury's rushed departure for the United Provinces with his own in November 1682.⁷⁴

Another interesting figure gravitating around these meetings was Algernon Sidney, who trusted Scottish nobility as historically crucial to resist the encroachments of royal power and later constituted a theoretical inspiration for Fletcher.⁷⁵ Unsurprisingly, from the beginning of his political exile onwards the latter's name has thus been associated to many conspiracies of the early 1680s. Reliable though partial sources for this period are the accounts of British agents in European cities, following and reporting his movements. We know from the English emissary in The Hague, Thomas Chudleigh, that Fletcher, "full of spleen against the government", was touring the United Provinces with the minister William Carstares in April 1683, connecting with the lively Scottish exile

⁷⁴ See NLS MS 16502, fols. 121-122, MS 16809, fols. 10-11, MS 17858, fol. 16 and Ashcraft, *Revolutionary Politics*, pp. 348-360. For an opposite point of view on Locke's and the Scots' involvement, see Linda G. Fryer, 'Documents Relating to the Formation of the Carolina Company in Scotland, 1682', *The South Carolina Historical Magazine*, 99, n°2 (1998), pp. 110-134; Philip Milton, 'John Locke and the Rye House Plot', *The Historical Journal*, 43, n°3 (2000), pp. 647-668; David Armitage, 'John Locke, Carolina, and the "Two Treatises of Government"', *Political Theory*, 32, n°5 (2004), pp. 602-627.

⁷⁵ Jonathan Scott, *Algernon Sidney and the Restoration Crisis, 1677-1683*, Cambridge, Cambridge University Press, 2002, pp. 48, 146-152. See the next chapter for a closer explanation on the theoretical links between the two.

community there.⁷⁶ At the beginning of October, the envoy in France Richard Graham, first viscount Preston, wrote to the Privy Council, marking the presence in Paris of “one Fletcher, Laird of Salton”, a “very busy and very virulent” fanatic he suspected of having “some commission” in the French capital, where he would have met with his former preceptor Gilbert Burnet before moving on again.⁷⁷

Some chronicles of the time suggest he then arrived in London in search for further allies to overthrow king Charles II, following Carstares and the conspirator Robert Baillie of Jerviswood, who supposedly refused to give Fletcher away during torture after having been arrested.⁷⁸ Whereas his involvement in the Rye House Plot can be reasonably excluded, the Scot most likely had some acquaintances in the Council of Six, a group of dissidents that catalysed British discontent and included the very popular king’s bastard son James Scott, duke of Monmouth. At any rate, it was in late November 1684 that the Scottish government first formally accused him of having seditious conversations with rebels abroad, summoning him to Edinburgh from Holland, where he had found refuge again at the beginning of the year.⁷⁹ According to later depositions in his trial for high treason, Fletcher then moved to Brussels and met several times with Monmouth there, until the latter convinced him to come back to Amsterdam in 1685.⁸⁰

He was thus welcomed by Argyll, Robert Ferguson “the Plotter” and Lord Grey of Wark among other exiles, waiting for the right occasion to make a move. The first part of a coordinated plan was constituted by Argyll’s mission, aimed at provoking an uprising in the Highlands thanks to the spark provided by the

⁷⁶ *The dispatches of Thomas Plott (1681-1682) and Thomas Chudleigh (1682-1685): English envoys at The Hague*, ed. by F. A. Middlebush, Martinus Nijhoff, The Hague, 1926, pp. 230-231; Ginny Gardner, *The Scottish Exile Community in the Netherlands, 1660-1690: ‘Shaken Together in the Bag of Affliction’*, East Linton, Tuckwell Press, 2004, pp. 144-146.

⁷⁷ Seventh report of the Royal Commission on Historical Manuscripts, Part I, Report and Appendix, London, 1878-79, pp. 343-344.

⁷⁸ Fountainhall, *Observes*, pp. 213-214. See also Haklett, *Memoir*, p. 24; Dalrymple, *Memoirs of Great Britain and Ireland*, vol. I, London, 1790, pp. 95-97; Erskine, *Essays on the Lives and Writings*, pp. 8-9; Robert Herbert Story, *William Carstares: A Character and Career of the Revolutionary Epoch, 1649-1715*, London, Macmillan, 1874, p. 65.

⁷⁹ Fountainhall, *Notices*, vol. I, p. 517; Haklett, *Memoir*, p. 23. Fletcher knew a procedure was started against him and declared himself innocent to his mother, then addressing a petition to Holyrood. See NLS MS 16502, fols. 129-130 and RPS C1685/4/22.

⁸⁰ See in NAS, JC 39/67, fols. 3 and 5, containing the depositions of Anthony Buÿse and William Williams, given on the 19th of August and 18th of November 1685 to the High Court of Justiciary in Edinburgh.

Campbells' clan. For the occasion, the resistance theorist James Stewart of Goodtrees composed a *Declaration* to accompany and justify Argyll's offensive in May. But while it appealed to the obligation to take arms against tyrants and to defend the Protestant religion, the document was vague on the political outcomes of the rebellion; it lingered over Argyll's personal injuries to be restored, spoiling the aims of his cause.⁸¹ Fletcher accordingly remained cold in front of the project, to the point of not answering Argyll's letters at this stage.⁸² As we will see later, the former openly distrusted the Scottish aristocracy's motives and its self-fashioning as people in arms.

The coronation of James II at Charles' death in February had made Monmouth the popular hero and Protestant champion of the dissenters' cause and hastened the preparations for invasion, as the second part of a scheme designed in the previous winter was set.⁸³ In Dalrymple's account of the affair, Fletcher is defined as "the person in whom the Duke of Monmouth chiefly confided" and for sure was among his closest advisors, trying to dissuade him and his companions from an attempt he believed could not succeed.⁸⁴ However, as certified by Burnet, when an expedition to England was eventually set and Monmouth himself talked into it, Fletcher resolved to follow the duke and give his support.⁸⁵

The so-called 'Monmouth rebellion' aimed at precipitating a revolutionary crisis with the landing in June 1685 of a frigate and two tenders at Lyme Bay. It failed, like Argyll's attempt in Scotland, and almost every conspirator was captured and executed within a month after mooring in England. The action was ill-timed, as the Tories' political support to the new king James was in full swing in summer. During the brief campaign, the militia proved an effective police force to contain Monmouth's operations and defeat him, giving Fletcher another example of its crucial role as an instrument of suppression of dissent in the

⁸¹ Anon., *The Declaration and Apology of the Protestant People*, Campbelltown, 1685. See Tim Harris, *Revolution: The Great Crisis of the British Monarchy, 1685-1720*, London, Penguin Books, 2006, pp. 73-78; Ashcraft, *Revolutionary Politics*, pp. 467-469; Gardner, *The Scottish Exile Community in the Netherlands*, pp. 148-152; Jackson, *Restoration Scotland*, pp. 156-157.

⁸² Fountainhall, *Observes*, p. 208.

⁸³ Wolfram Schmidgen, 'The Last Royal Bastard and the Multitude', *Journal of British Studies*, n°47 (2008), pp. 53-76; Omond, *Fletcher of Saltoun*, pp. 23-24.

⁸⁴ Dalrymple, *Memoirs of Great Britain and Ireland*, vol. II, p. 137.

⁸⁵ Burnet, *History of His Own Times*, pp. 23-25.

hands of the sovereign.⁸⁶ To the victorious Tory administration's relief, the propaganda reaffirming the divine right of monarchy, non-resistance and passive obedience gained the upper hand over the theoretically audacious position officially held by the bastard king's rebels.⁸⁷

Ultimately penned by Ferguson, the *Declaration* supporting Monmouth's enterprise was the collective result of several large meetings in Amsterdam at Thomas Dare's house, which included radicals of all kinds and most likely Fletcher himself.⁸⁸ Compared with Argyll's, it referred to the necessity of restoring Protestantism, but also proposed a religious toleration in England that included Catholics. It appealed to the ancient government of the kingdom against the tyranny of James II, and sustained the further necessity of annual parliaments with the power of appointing judges, the repeal of the Militia Acts of the Restoration and the decentralisation of the armed forces, substantially limiting the power of the new sovereign.⁸⁹ Overall, it constituted a political programme that failed to gather wide support for its radicalism and eventually left the expedition open to the Tories' accusations of republicanism and non-conformism.⁹⁰

In the light of his positions in the debates at the turn of the century, it is clear Fletcher personally backed Monmouth's audacious programme. A late biographer even sustained that it was the latter's decision to proclaim himself king that made Fletcher walk away from the enterprise, as it contradicted the essential intention stated in the *Declaration* of asking for the consent of

⁸⁶ W. MacDonald Wigfield, *The Monmouth Rebellion: A Social History*, Moonraker Press, 1980; Lorna Jenner, *The Monmouth Rebellion & the Battle of Sedgemoor, 1685*, Somerset County Council Heritage Service, 2007; Charles-Édouard Levillain, *Un glaive pour un royaume. La querelle de la milice dans l'Angleterre du XVIIème siècle*, Paris, Honoré Champion, 2014, pp. 286–299; Christopher L. Scott, *The Maligned Militia: The West Country Militia of the Monmouth Rebellion, 1685*, Farnham, Ashgate, 2015.

⁸⁷ Mark Goldie, 'The Damning of King Monmouth: Pulpit Toryism in the Reign of James II', in *The Final Crisis of the Stuart Monarchy*, pp. 33–55.

⁸⁸ Ashcraft, *Revolutionary Politics*, pp. 451, 462–463. For Fletcher's presence at the reunions, see the statements of Monmouth's servant William Williams in the proceedings against Fletcher, in NAS, JC 39/67, fol. 5.

⁸⁹ Robert Ferguson, *The Declaration of James Duke of Monmouth, & the Noblemen, Gentlemen & Others, Now in Arms, for Defence & Vindication of the Protestant Religion, & the Laws, Rights, & Privileges of England, from the Invasion Made upon Them, & for Delivering the Kingdom from the Usurpation & Tyranny of James Duke of York*, London, 1685.

⁹⁰ Anon., *Some Remarks upon a Scandalous Libel, Intituled, The Declaration of James Duke of Monmouth*, London, 1685. See also Melinda S. Zook, *Radical Whigs and Conspiratorial Politics in Late Stuart England*, Penn State Press, 2010, pp. 126–137; Harris, *Revolution*, pp. 83–88 Levillain, *Un glaive pour un royaume*, pp. 299–303.

Westminster to do so.⁹¹ But it was only by an accident caused by his quick temper that Fletcher did not meet the same fate as his co-conspirators. Before the final defeat of the rebels' army in July, he was indeed forced to quit the expedition, after he shot Dare dead for a quarrel concerning the property of a horse in the surroundings of Taunton, on the 13th of June.⁹² Besides hosting the preliminary reunions, Dare was financing the whole expedition, being decisive to raise local support: if the rebellion was to be carried on, Fletcher had to leave, and Monmouth had to do without one of his "two best officers".⁹³

Most probably, Fletcher's intentions were to return to Amsterdam, but the vessel on which he sailed eventually landed in Santander by the middle of July because of a mutiny, immediately raising the suspicions of local authorities. As soon as he reached Bilbao with some of the passengers of the ship, Fletcher was arrested. The English consul in the city William Frankland later confirmed that by the morning after "the Scotch Gentleman escaped" leaving some valuable "curiosities" behind during his getaway.⁹⁴ Inventive accounts of his escape and wanderings in Spain, often involving supernatural interventions, were possibly meant to nourish his celebrated reputation.⁹⁵ What evidence says is that on the 4th January 1686 Fletcher was sentenced to death in Edinburgh and his estates forfeited to the crown, before being given to the earl of Dumbarton for his successful quashing of the Argyll's rebellion at the head of the royal army. Again, Fletcher had to travel across Europe undercover to avoid getting arrested.⁹⁶

In conclusion, although it is difficult to grasp the precise contours of Fletcher's involvement in the several parallel plots of the 1680s, the radical activities he took part in testify to the steps he was willing to take to overthrow

⁹¹ Robert Watson, ed., *The Political Works of Fletcher of Salton: With Notes, &c., to Which Is Prefixed a Sketch of His Life, with Observations, Moral, Philosophical and Political*, London, 1798, pp. 49–50.

⁹² The episode became so famous that it is constantly reported when a reference to Fletcher is made. See for instance the description of David Hume in his *The History of England. From the Invasion of Julius Cæsar to the Revolution in 1688*, vol. XII, Basel, 1789, p. 85.

⁹³ James Ferguson, *Robert Ferguson, the Plotter*, Edinburgh, 1887, pp. 220-221, reported in Scott, *Andrew Fletcher*, pp. 40-41.

⁹⁴ The National Archives, Public Record Office, SP 94/71, fols. 255-256 and SP94/210, fols. 54, 60-61, 67 referred to in Gardner, *The Scottish Exile Community*, p. 152, fn. 80.

⁹⁵ See Erskine, *Essays on the Lives and Writings*, pp. 19-21 and Elisabeth Haklett's *Memoir*, pp. 29-30.

⁹⁶ The acts of the trial are to be found in *Cobbett's Complete collection of state trials*, vol. XI, ed. T. B. Howell and T. J. Howell, 34 vols. (1809–1828), pp. 1023-1057.

Charles II first and his brother James II afterwards. Although ten years later there is no explicit trace of an advocacy of the right or duty to rebel to a tyrannical ruler in his writings, Fletcher's behaviour was clear in pursuing this possibility. His political formation further evolved, again embracing a British perspective in close contact with the most radical among the Whigs, in an attempt to trigger a revolution in the three kingdoms, but without finding the proper champion for his cause. In this sense, the remark reported by the Hannoverian spy John Macky around 1703 is quite telling: "believing all Princes are made *by* and *for* the good of the People", Fletcher was "jealous of the growing Power of all Princes"⁹⁷ he was witnessing at the time.

1.4 In the United Provinces, *incognito* towards the revolution

Fletcher's reputation was furthermore increased by the widely accepted story that like some of his compatriots he fought with the imperial armies against the Turks in Hungary, under the command of the duke of Lorraine, in 1686.⁹⁸ Besides the fact that other accounts report the same episode as occurring in 1683,⁹⁹ sound evidence constituted by bills and receipts makes Fletcher reappear in Leipzig, Cleves, Geneva and the major Dutch towns between 1686 and 1687, leaving him little time to fight the infidels.¹⁰⁰ Other suggestive hypotheses see him passing from Spain to Naples and its lively intellectual community *incognito* in 1686 before getting back to the United Provinces.¹⁰¹ Close to the Dutch border and famous for its religious toleration, Cleves in particular constituted a centre where many of the British exiles hid since 1684.

⁹⁷ John Macky, *Memoirs of the Secret Services of John Macky, Esq., during the Reigns of King William, Queen Anne, and King George I.*, London, 1895, p. 221.

⁹⁸ See Haklett's *Memoir*, pp. 30-31; Erskine, *Essays on the Lives and Writings*, pp. 19-21 and Dalrymple, *Memoirs of Great Britain and Ireland*, vol. I, p. 173; Gardner, *The Scottish Exile Community*, pp. 82-83.

⁹⁹ Macky, *Memoirs of the Secret Agent John Mackay*, p. 220.

¹⁰⁰ NLS MS 16831, fols. 58-60, NAS RH15/106/638/12, RH15/106/626/15, signalled in Gardner, *The Scottish Exile Community in the Netherlands*, p. 153, fn. 86.

¹⁰¹ See chapter 4 below on this possibility.

An allusive report of the Marquis d'Albeville, English agent in The Hague, suggests Fletcher might have been a host of the Elector of Brandenburg Frederick William, although his presence is ascertained in Cleves only in October 1687.¹⁰²

In any case, it is actually in the United Provinces that Fletcher found a stable and safe hideout by the end of 1687, convening with the waves of rebels coming from the failed plots of the mid-eighties. Among his dearest friends were William Livingstone, deacon of the Church of Rotterdam since 1683 and his merchant brother-in-law Andrew Russell, who financed Fletcher's second exile with conspicuous loans and acted as an intermediary for the money remitted from his mother and contacts in Scotland.¹⁰³ More importantly, Russell's archive reveals the pseudonym Fletcher was using at the time, as the letters with his very familiar calligraphy are signed 'Ebron' from July 1687 onwards.¹⁰⁴ Given Fletcher's prudence, it comes as no surprise that we know virtually nothing of his activities before he got involved in the preparation of the Glorious Revolution.

The situation he found in the Netherlands was explosive. In July 1687, an indulgence promoted by James II in Scotland granted substantial advantages to Presbyterians, arbitrarily invalidating the parliamentary approved Test Act and thus dividing the exiles on the question. While the leaders Carstares and Sir Patrick Hume of Polwarth remained the main correspondents with the Dutch court, refusing the suspect compromise and supporting William of Orange's Protestant views in opposition to James' Catholic policies, other expatriates preferred to finally return home. In contrast with his previous position, Stewart of Goodtrees decided to actively promote the indulgence on James' behalf, sincerely believing his intentions. The debate that raged throughout 1687 and the beginning of 1688 over toleration both among the exiles and in Scotland did

¹⁰² BL Add. MS 41816, fol. 231r and NLS MS 16831, f. 60.

¹⁰³ NLS MS 16831, fols. 58v; NAS RH15/106/648/22, 24-25, RH15/106/656/3-4, RH15/106/661/12.

¹⁰⁴ Gardner suggests Fletcher chose Ebron using the name John Dryden gave to Scotland in his poem *Absalom and Architophel* (1681)(see p. 190 fn. 41). Another most likely possibility is that Fletcher wanted to celebrate Sir John Hepburn, *le chevalier d'Hebron*, a heroic colonel from Haddingtonshire serving in the French army in 1630s and founder of the Scottish Brigade. See Francisque-Michel, *Les Écossais en France, les français en Écosse*, vol. II, London, 1862, pp. 291-292, 305-313.

not change the position of William, who refused to support the indulgence and wanted to secure a Protestant succession in the British kingdoms.¹⁰⁵

Whereas Fletcher rejected any conciliation, Goodtrees nonetheless remained one of his closest acquaintances, keeping him updated about his relatives and sending money whenever he could, as he went back and forth between Edinburgh and Rotterdam. By the end of October 1688, Fletcher was asked by Russell to circulate a letter Goodtrees had sent him, trying to prevent the Dutch offensive. Fletcher showed the letter to Carstares and to Henry Sidney, by then major general of the invasion force, who agreed to present it to William of Orange.¹⁰⁶ It has been noted that the necessity of this mediation suggests Fletcher's relative distance from the control room, in contrast with his significant role in the Monmouth's rebellion.¹⁰⁷ It is undeniable, however, that Fletcher was part of the network that was planning the revolution and that he actively supported it since its earliest stage.

Once again through Russell, a veritable sorting centre for the exile community, he corresponded with the agent William Blackadder, who was sent to Edinburgh to test the waters and distribute propaganda for the Dutch expedition.¹⁰⁸ Together with Polwarth, Ferguson and Burnet, Fletcher was expressly excluded from the universal indemnity James II dispensed in September 1688, in a desperate effort to stop the incoming invasion that led to his deposition.¹⁰⁹ He and Polwarth also figured in a report from October by the English envoy in The Hague, which listed the exiles who "appear here publicly and at Court with resolution to accompany the Prince in his invasion".¹¹⁰ Fletcher's meticulous correspondence with Russell from The Hague about his provisions confirms that he joined the expedition as a volunteer and was getting

¹⁰⁵ Cory Cotter, 'Anglo-Dutch Dissent: British Dissenters in the Netherlands 1662-1688', unpublished Ph.D. dissertation, University of Virginia, 2011, pp. 124-131; Gardner, *The Scottish Exile Community in the Netherlands*, pp. 155-177; Ashcraft, *Revolutionary Politics*, pp. 473-497; Harris, *Revolution*, pp. 166-167, 171.

¹⁰⁶ NAS RH15/106/663/25 and RH15/106/648/23, both referred to in Gardner, *The Scottish Exile Community in the Netherlands*, p. 189, fn. 40.

¹⁰⁷ Robertson, 'Fletcher, Andrew'.

¹⁰⁸ MS 16502, fols. 142-143 and Gardner, *The Scottish Exile Community in the Netherlands*, pp. 127, 181-183.

¹⁰⁹ [James II], *By the King, a Proclamation Containing His Majesties Gracious and Ample Indemnity*, Edinburgh, 1688 and Registry of the Privy Council of Scotland, 1686-1689, p. X.

¹¹⁰ BL Add. MS 41816, fol. 238v, reported in Gardner, *The Scottish Exile Community in the Netherlands*, p. 188, fn. 38.

ready to reach Rotterdam.¹¹¹ Whether he then actually sailed for Torbay with William or he landed in England afterwards is not clear, but we can find him in London again by January 1689.¹¹²

As in the case of Monmouth's rebellion, the propaganda pouring out of the United Provinces helps to sketch the context for Fletcher's support to William's enterprise. Before sailing for the British Isles, the Prince of Orange had released two widely circulated and separate *Declarations*, one for England and one for Scotland. This effort of rallying the support of the local magnates and ruling classes resulted in an unprecedented and formidable Anglo-Dutch propaganda achievement.¹¹³ Written without the participation of exiled Whigs but rather from a draft by a Tory opponent of James' regime, the English document consists of a conservative manifesto appealing to the ancient constitution of the kingdom and listing the king's tyrannical abuses. It cautiously avoided mentioning the accountability of the sovereign to Westminster and aimed to obtain the widest possible support in England.¹¹⁴

The Scottish version of William's programme went much further, in agreeing to revive the parliamentary autonomy of his northern kingdom and transforming it to a constitutional monarchy without any English interference. In this sense, it crucially condemned Charles II's policies along with James' more blatant crimes.¹¹⁵ Such a promise was certainly effective in appealing to Fletcher and most of his fellow compatriots, willing to regain a first rank political role in Scotland. The question of the relationship between England and Scotland that would constitute the core of Fletcher's successive battles was thus already being discussed before William's landing. The original possibility of a separate

¹¹¹ NAS RH/15/106/648, fols. 22-25.

¹¹² Robertson, 'Fletcher, Andrew'; Scott, *Andrew Fletcher*, p. 44.

¹¹³ See Jonathan I. Israel, *The Anglo-Dutch Moment: Essays on the Glorious Revolution and Its World Impact*, Cambridge, Cambridge University Press, 1991, pp. 1-43 and especially 13-22; Lois G. Schwoerer, 'Propaganda in the Revolution of 1688-89', *The American Historical Review*, 82, n°4 (1977), pp. 843-874.

¹¹⁴ William III, *The Declaration of His Highness William Henry, by the Grace of God Prince of Orange, &c. of the Reasons Inducing Him, to Appear in Armes in the Kingdome of England, for Preserving of the Protestant Religion, and for Restoring the Lawes and Liberties of England, Scotland and Ireland*, The Hague, 1688; Levillain, *Un glaive pour un royaume*, pp. 351-354.

¹¹⁵ William III, *The Declaration of His Highness William Henry, by the Grace of God, Prince of Orange, &c. of the Reasons Inducing Him, to Appear in Arms for Preserving of the Protestant Religion, and for Restoring the Laws and Liberties of the Ancient Kingdom of Scotland*, Edinburgh, 1689.

settlement for the two kingdoms inevitably created the premises for a double-track negotiation in London, where Fletcher tried to be included in the decision process and carry some weight.

1.5 Back home: the struggle for a settlement under William

What was at stake in the English capital was the revolution's settlement in Scotland, whilst the military campaign against the Jacobite armies of viscount Preston was still ongoing north of the Tweed. On the 7th of January, William discussed the ways to secure Protestant religion and restore the laws and liberties of the kingdom with Scottish gentry and peers, asking their advice at a meeting in the council chamber at Whitehall, which Fletcher attended as the laird of Saltoun.¹¹⁶ Whilst unanimously asking for the calling of a Convention of Estates, among the Williamites coexisted a variety of positions, ranging from the most extremist Presbyterians, promoters of a radical settlement openly nostalgic of the achievements of the 1640s, like Sir James Montgomery of Skelmorlie, to the centrist and inclusive positions of ambitious figures such as Tweeddale, Stair and the duke of Hamilton himself, who sought to consider as many interests as possible in the negotiations to avoid the risks of a one-sided arrangement.¹¹⁷

According to Fletcher, corresponding with Russell during these frenetic days of continual consultations at the Ship Tavern, the greatest difficulty consisted in finding a proper "regulation of the elections for burroughs in the designed convention".¹¹⁸ By the end of 1686 James II had suspended the vote in the royal burghs, preferring to nominate compliant magistrates and councillors himself until 1688, continuing to impose the presence of Catholics in both local and central administration. An agreement was eventually found that created a

¹¹⁶ Anon., *A Specimen of Dr. Burnet's Behaviour in Private Cases, Represented in His Behaviour to Sir Alexander Brand, of Brandsfield, Knt.*, London, 1724, pp. 1–11.

¹¹⁷ William III, *His Highness the Prince of Orange, His Speech to the Scots, Lords and Gentlemen with Their Address, and His Highness His Answer : With a True Account of What Past at Their Meeting in the Council-Chamber at White-Hall, Jan. 1688/9.*, London, 1689; Harris, *Revolution*, pp. 379–382.

¹¹⁸ NAS RH15/106/690, fol. 7, Andrew Fletcher to Andrew Russell, 8th January 1689.

general ballot for all the burgesses, to which Presbyterians could now access in virtue of the repeal of the Test Act.¹¹⁹ Most crucially, writing from his lodging near St James' Gate, Fletcher also confessed his views on the pressing issue of a possible union between Scotland and England, arguing "we can never come to any trew setelment but by uniting with England in parliaments, and Traid for as for our worship & particular laws we certainly can never be united to them in these",¹²⁰ in a position similar to that later held by Stair at the Convention.

In the light of the anti-unionist stance attributed to Fletcher during the union debates from 1703 onwards, the interpretation of such a statement has puzzled several historians.¹²¹ Favoured by Episcopalians, hoping to strengthen their position by uniting with Anglican England, the possibility of a union was opposed by Presbyterians on the same grounds. Interestingly however, it was the moderate mastermind of Tweeddale to formulate an Address to the Prince of Orange in the name of the gentlemen and burghs of East Lothian, to consider the possibility of uniting the two kingdoms and reform Scottish government in order to prevent any future alteration of its laws and religion.¹²² The Address constituted a theoretical starting point for the negotiations towards a "more strict and inseparable union" under a free parliament and without standing armies, and Fletcher figures among those who could not sign it only "for want of time", with much satisfaction of Tweeddale.¹²³

In a context in which the Jacobites still constituted a concrete presence in a deeply divided Scotland, meddling with the issue of a closer union with England could guarantee the Prince of Orange's effort in preventing James' return and avoid a war between the two kingdoms. Another element to consider is that the Scottish pressure towards union was in part instrumental to guarantee the transformation of the Convention into a Whig-dominated parliament in 1689, and accordingly the subject was dropped immediately

¹¹⁹ Harris, *Revolution*, pp. 178, 387.

¹²⁰ NAS RH15/106/690, fol. 7.

¹²¹ A resume of the different views on the matter, which will be considered thoroughly in the next chapters, can be found in Alvin Jackson, *The Two Unions: Ireland, Scotland, and the Survival of the United Kingdom, 1707-2007*, Oxford, Oxford University Press, 2011, pp. 49.

¹²² Harris, *Revolution*, pp. 384-385.

¹²³ NLS MS 7026, fols. 94, 99, 102.

afterwards by the local élites.¹²⁴ The progressive ascent of the lesser aristocracy since the Restoration culminated in the possibility of a concrete renewal of the ruling class in Scotland, together with the temporary collapse of the noble interest in the turmoil of the revolution. At this point, Fletcher very much confided in William's commitment to a far-reaching development of the constitutional momentum, supporting a union provided that it rested on solid and radical political principles.

His hopes were soon to be deluded. In England, the Declaration of Rights formulated in February was enacted into a bill by the end of 1689 and accompanied by a Toleration Act, resulting in a settlement that proved highly disappointing to the radicals, who did not have sufficient strength to impose a republican programme able to substantially limit William's power. While the revolution did remove the ambiguities that had allowed Stuart absolutism by solving age-old constitutional issues in favour of the Houses of Parliament, it did not renovate the English type of monarchical government. Restoring the ancient liberties of the kingdom, the settlement constituted a stable, although conservative compromise between many different forces, from Anglican interests to dissenters, passing through Latitudinarian and Whig sections of the political arena in Westminster.¹²⁵

Fletcher's disappointment was no doubt increased by the fact that as he returned to Scotland he was not elected in the new Convention of Estates, which met on the 11th March in order to answer the concerns raised by James II's flight. The suspended return of his confiscated estates, for which he addressed a formal complaint to the Convention, might have had a role in these developments, even though it did not prevent other former exiles from being elected.¹²⁶ Rather, although Fletcher was counted among the Country ranks when Tweeddale

¹²⁴ Allan I. MacInnes, *Union and Empire: The Making of the United Kingdom in 1707*, Cambridge, Cambridge University Press, 2007, pp. 86–88.

¹²⁵ Harris, *Revolution*, pp. 349–354; Henry Horwitz, *Parliament, Policy, and Politics in the Reign of William III*, Manchester, Manchester University Press, 1977, pp. 30–37; Mark Goldie, 'The Roots of True Whiggism 1688–94', *History of Political Thought*, 1, n°2 (1980), pp. 195–236; John Stephen Morrill, 'The Sensible Revolution' and Blair Worden, 'The Revolution of 1688–9 and the English Republican Tradition', in *The Anglo-Dutch Moment*, pp. 73–104 and 41–77; Lois Schwoerer, 'The Bills of Rights, 1689, Revisited', in *The World of William and Mary. Anglo-Dutch Perspectives on the Revolution of 1688–89*, ed. by Dale Hoak and Mordechai Feingold, Stanford, Stanford University Press, 1996, pp. 42–58.

¹²⁶ Omond, *Fletcher of Saltoun*, pp. 45–46; Gardner, *The Scottish Exile Community in the Netherlands*, pp. 197–198.

evaluated the weight of the different political forces before the elections, the latter was surprised to find out he simply did not get enough votes in the long run.¹²⁷ Similarly, while he was appointed governor of the island of Bass Rock in 1689,¹²⁸ Fletcher later felt that as a result of the intricated powerplay of the revolutionary process he had been left behind, lamenting “how little I signify here [...] never having had the least incouragement to pretend to anything”.¹²⁹

He reacted by associating with ‘the Club’, a mixed opposition group that met at Penston’s tavern in Edinburgh High Street to organise the Scottish political agenda. Led by Montgomery and the former exile Polwarth, its assorted members pressured the new assembly, both from inside and outside, towards radical constitutional reforms, often negotiating with the Court to additionally obtain places of influence.¹³⁰ On the 11th of July, Sir William Lockhart wrote to the Secretary of the Privy Council of Scotland Lord Melville on his concerns about the Club’s activities, considering “no man, tho not a member [of parliament], busier than Saltoun”.¹³¹ The latter for instance urged Polwarth, then member of many of the committees discussing the new settlement, “to assert the Claime of right in its most considerable article, viz. that against a Popish King” and convince common acquaintances sitting in the assembly to do the same.¹³²

Compared with the English Bill of Rights, the Claim of Right passed in April 1689 proved to be a much more innovative instrument of government. It explicitly stated that James had been deposed as king of Scotland, refusing the English milder version that preferred the politically safer device of abdication. The Claim indeed insisted on the contractual and conditional nature of the monarchy, including a binding Coronation Oath and some Articles of Grievances to be redressed in Holyrood in order to create a limited version of the Scottish government and reform the national church, precisely defined by a written

¹²⁷ NLS MS 7026, fols. 132, 137, 149; John P. Derek, ‘People and Parliament in Scotland, 1689-1702’, unpublished Ph.D. thesis, University of St. Andrews, 2002, pp. 168–170.

¹²⁸ The Fletchers administration proved disastrous, as a handful of Jacobites managed to occupy the stronghold for four years. See Henry and Andrew Fletcher’s letters to Lord Melville in NAS GD26/9/233 and 323.

¹²⁹ NAS RH15/106/708/7, Andrew Fletcher to Andrew Russell, 16th April 1690.

¹³⁰ James Halliday, ‘The Club and the Revolution in Scotland 1689-1690’, *The Scottish Historical Review*, XLV (1966), pp. 143–159.

¹³¹ *Leven and Melville Papers*, Edinburgh, Bannatyne Club, 1843, p. 159, letter reported in Scott, *Andrew Fletcher*, p. 47, fn. 10.

¹³² Andrew Fletcher to Sir Patrick Hume of Polwarth, 18th September 1689, printed in Historical Manuscripts Commission, Fourteenth report, Appendix, part III, London, 1894, p. 119.

constitution.¹³³ William's unwilling acceptance of the Claim in exchange for the crown in May opened the door to major transformations. By withholding the supplies William required for the continental wars against Louis XIV, the Club managed to obtain an acceptable Erastian settlement and the abolition of the Lords of Articles by the summer of 1690, restoring the legislative power of the Scottish parliament by the end of the decade.¹³⁴

Far from proving the Scots to be "reluctant revolutionaries", the theoretical implications of the revolution were considerable and the interpretation of its settlement constituted a pivotal point of contention up to the Union debates in 1703.¹³⁵ Fletcher approved of the direction the reforms were taking, but was still worried about the composition of Holyrood, where too many from the "Court party" figured and those of "the presbyterian party" were deliberately "made tools of".¹³⁶ He similarly disapproved of the conduct of the English MPs in London, which he still followed with great attention in the 1690s.¹³⁷ But according to the Jacobite memoirist George Lockhart of Carnwath, it was William who had particularly clashed Fletcher's hopes.¹³⁸ The king's

¹³³ Derek, 'People and Parliament in Scotland, 1689-1702', pp. 301-322; Tim Harris, 'The People, the Law, and the Constitution in Scotland and England: A Comparative Approach to the Glorious Revolution', *Journal of British Studies*, 38, n°1 (1999), pp. 28-58; Macinnes, *Union and Empire*, p. 87; Christopher A. Whatley, *The Scots and the Union*, Edinburgh, Edinburgh University Press, 2006, pp. 94-95; Karin Bowie, "A Legal Limited Monarchy": Scottish Constitutionalism in the Union of Crowns, 1603-1707', *Journal of Scottish Historical Studies*, 35, n°2 (2015), 131-154.

¹³⁴ Alan R. MacDonald, 'Deliberative Processes in Parliament c.1567-1639: Multicameralism and the Lords of the Articles', *The Scottish Historical Review*, 81, n°211 (2002), pp. 23-51; Alastair J. Mann, 'Inglorious Revolution: Administrative Muddle and Constitutional Change in the Scottish Parliament of William and Mary', *Parliamentary History (Edinburgh University Press)*, 22, n°2 (2003), pp. 121-144; Alastair J. Mann, "James VII, King of the Articles": Political Management and Parliamentary Failure', in *Parliament and Politics in Scotland, 1567-1707*, vol. 2, pp. 184-207; Alasdair Raffe, 'Scottish State Oaths and the Revolution of 1688-1690', in *Scotland in the Age of Two Revolutions*, ed. by Sharon Adams and Julian Goodare, Woodbridge, Boydell Press, 2014, pp. 173-191.

¹³⁵ On this issue, see Ian B. Cowan, 'The Reluctant Revolutionaries: Scotland in 1688', in *By Force or by Default? The Revolution of 1688-89*, ed. by Eveline Cruickshanks, Edinburgh, Edinburgh University Press, 1989, pp. 65-81; Bruce Lenman, 'The Scottish Nobility and the Revolution of 1688-1690', in *The Revolutions of 1688*, ed. by Robert Beddard, Oxford, Oxford University Press, 1991, pp. 137-162; *Id.*, 'The Poverty of Political Theory in the Scottish Revolution of 1688-1690', in *The Revolution of 1688-1689: Changing Perspectives*, ed. by Lois Schwoerer, Cambridge, Cambridge University Press, 1992, pp. 244-259; Tim Harris, "Reluctant Revolutionaries": The Scots and the Revolution of 1688-89', in *Politics and the Political Imagination in Later Stuart Britain*, ed. by Howard Nenner, Rochester, University of Rochester Press, 1998, pp. 97-117; Jackson, *Restoration Scotland*, pp. 191-205.

¹³⁶ NAS RH15/106/708/7, Andrew Fletcher to Andrew Russell, 16th April 1690.

¹³⁷ NAS GD40/2/8/74, Robert Kerr, marquess of Lothian to Lady Lothian, 1st December 1693.

¹³⁸ George Lockhart, *The Lockhart Papers, containing Memoirs and Commentaries upon the Affairs of Scotland from 1702 to 1715*, vol. 1, London, 1817, p. 75.

attitude towards his northern territory oscillated between disinterest and bother, trying to restrain the local developments and focus on the continental wars.

In this regard, when Fletcher's forfeiture was finally rescinded¹³⁹ his supposed line to the commissioner James Douglas, duke of Hamilton, is worth reporting: "you can tell King William from me that he has not soe good a right to his croun as I have to my estate".¹⁴⁰ The centralising government of William III proved equally clumsy in managing the tensions in Scotland, as the rebellion of the Irish Jacobites merged with the royalist clans from the Highlands. The reaction, resulting in the shocking episode known as the 'Glencoe Massacre' in early 1692, contributed to further alienate consent from the new regime.¹⁴¹ As the rumours of a possible French invasion in support of James II circulated in parliament, Fletcher wrote to Hamilton asking him to resume his role as opposition leader now that the country was in peril, and to prevent things to "go into confusion". Hamilton's influential presence was needed to control and channel discontent.¹⁴²

In sum, Fletcher's role in the veritable State-building process Scotland faced was limited, mainly because his political ideas were difficult to square with the achievements Holyrood actually obtained and with the different forces at play. He disapproved of the most fanatical sections of the Presbyterian movement, like Cameronians and Hebronites, as they sustained government was a divine institution ratified through the National Covenant.¹⁴³ Fletcher likewise despised the moderate parliamentary expression of the Kirk for bargaining the possibility of far-reaching political reforms with the abolition of Episcopatism

¹³⁹ PA7/13/18, fols. 1-2; Acts of the Parliament of Scotland, *Act rescinding the forfeiture of Andrew Fletcher of Saltoun*, 30th June 1690.

¹⁴⁰ The episode is reported by the Presbyterian historian Robert Wodrow, "being in conversation with the Laird of Saltoun", and reported in his *Analecta*, vol. II, Edinburgh, Maitland Club, 1842, pp. 44-46.

¹⁴¹ Paul Hopkins, *Glencoe and the End of the Highland War*, Edinburgh, John Donald Publishers, 1986; Mark Kishlansky, *A Monarchy Transformed. Britain 1603-1714*, London, The Penguin Press, 1996 pp. 382-384; John Duncan Mackie, *A History of Scotland*, p. 251; Mitchison, *A History of Scotland*, p. 287.

¹⁴² NAS GD406/1/3718 and 3710, Andrew Fletcher to James Douglas, duke of Hamilton, 29th of April 1692. A printed version is to be found in the Historical Manuscript Commission, Eleventh report, Appendix, part VI, London, 1887, p. 195.

¹⁴³ See for instance their manifesto by Alexander Shields, *A Hind Let Loose, or an Historical Representation of the Testimonies of the Church of Scotland*, Edinburgh, 1687.

and the reassertion of its independent authority in ecclesiastical matters.¹⁴⁴ He of course opposed a possible return of the Stuarts whom he had been resisting for decades, notwithstanding his distrust towards William and the fact that among the Jacobites there was a wide variety of nuanced theoretical positions, including Whig tendencies.¹⁴⁵ Eventually, the Williamites who supported the revolution very soon proved to be closer to the Court than to the principles advocated in the 1680s, in part in exchange of offices and in part out of sincere support to the king's policies.

Fletcher found his place amongst the most radical within the later-formed Country party, who considered the Grievances in the Claim of Right as new limitations actually binding the sovereign and constantly negotiated with the Court to affirm Holyrood's autonomy at the turn of the century. Although he did not sit back in parliament before 1703, Fletcher agreed with the Country party's aim of finding a proper settlement within the union of the crowns, as he could not be happy with the equivocal and moderate compromise reached after William's landing. This necessity was reinforced by the awareness that the new king naturally favoured London's interests over Edinburgh's, at best leaving Scotland alone to deal with the issues that would catch Fletcher's attention and efforts as a pamphletist afterwards. The economic distress the country was facing certainly constituted a priority in this sense.

¹⁴⁴ Jeffrey Stephen, *Scottish Presbyterians and the Act of Union 1707*, Edinburgh, Edinburgh University Press, 2007, pp. 1-10; Jeffrey Stephen, 'Defending the Revolution: The Church of Scotland and the Scottish Parliament, 1689-95', *Scottish Historical Review*, 89, n°1 (2010), pp. 19-53; Alasdair Raffe, 'Presbyterianism, Secularisation and Scottish Politics after the Revolution of 1688-1690', *The Historical Journal*, 53, n°2 (2010), pp. 317-337; Alasdair Raffe, 'The Restoration, the Revolution and the Failure of Episcopacy in Scotland', in *The Final Crisis of the Stuart Monarchy*, pp. 87-108.

¹⁴⁵ Eveline Cruickshanks, ed., *Ideology and Conspiracy: Aspects of Jacobitism, 1689-1759*, Edinburgh, J. Donald, 1982; Allan I. Macinnes, 'Jacobitism in Scotland: Episodic Cause or National Movement?', *The Scottish Historical Review*, 86, n°2 (2007), pp. 225-252; Mark Goldie and Clare Jackson, 'Williamite Tyranny and the Whig Jacobites', in *Redefining William III: The Impact of the King- Stadholder in International Context*, ed. by Esther Mijers and David Onnekink, Burlington, Ashgate Publishing, Ltd., 2007, pp. 177-200.

1.6 The involvement in the Darien venture

Despite his absence from institutions and official debates, Fletcher thus managed to take part in Scottish affairs. After the parliamentary and religious reforms had been negotiated, the constitutionally unclear relationship with England had widened the political leeway of Edinburgh so that further programmes could be carried out. In this context, a new essential objective was the active promotion of economic growth, which became one of Fletcher's main concerns, as we will see in the next chapters. Since 1693, the Scottish assembly discussed decisive measures to encourage agricultural improvement and modernisation in response to harvest failures that hit the countryside. In addition, Holyrood also took the initiative in designing the financial instrument of the Bank of Scotland in 1695 and in promoting commerce by authorizing the establishment of joint stock companies.¹⁴⁶

An important step in this direction was the *Act for a Company Trading to Africa and the Indies* of 1695, which formed the Company of Scotland, a commercial venture initially meant to be private and open, involving English and Scottish merchants and based in London. Although many investors from the City subscribed large sums to the Company's fund, by the end of the year the successful lobbying of the House of Lords by the East India Company drove the Scots out of London's capital market. William announced that he had been "ill served in Scotland", where, in an outburst of patriotic spirit sustained by widespread discontent against the English opposition, a considerable sum was raised. After further attempts to secure more capital in Amsterdam and Hamburg were made unsuccessful by the diplomatic pressure of London, the Company decided to settle a colony in Darién, the current Isthmus of Panama, following the visionary plan of the founder of the Bank of England, William Paterson.¹⁴⁷

¹⁴⁶ John R. Young, 'The Scottish Parliament and the Politics of Empire: Parliament and the Darien Project, 1695-1707', *Parliaments, Estates and Representation*, 27 (2007), pp. 175-190 (pp. 177-178).

¹⁴⁷ Sabrina Juliet Garzon, 'Darien, the Dream of a Scottish Empire in the Americas', in *Third Global International Studies Conference*, 2011, pp. 3-4; Douglas Watt, *The Price of Scotland: Darien, Union and the Wealth of Nations*, Edinburgh, Luath, 2007, pp. 42-103.

Discussed since the 1680s in Amsterdam's coffeehouses to find sponsors, Paterson's grand design aimed at making the port of Darien an open *emporium* able to connect East and West, in which goods from all over the world could be exchanged freely. Reshaping trade routes, "this door of the seas, and the key of the universe"¹⁴⁸ would have somehow anticipated the effects of the Panama Canal, competing with the Dutch and English exclusive companies in a radically different way. Indeed, the colony of Darien would have welcomed any merchant who wanted to invest in the venture and toil for its success, in a commonwealth originally planned to promote a programme of general naturalisation, liberty of conscience and freedom of government.¹⁴⁹ Of course, the area had been temporarily occupied by the Spanish, also giving birth to the necessity of justifying the Scottish enterprise on the grounds of natural law theory, as it will be shown in the next chapters.

In this farfetched effort to take part in international trade, Fletcher had an important role to play. He himself subscribed 1,000£ as soon as the subscription books opened in Edinburgh on the 26th of February 1696.¹⁵⁰ Moreover, the diarist and subscriber George Home of Kimmerghame recorded that he met Fletcher in an Edinburgh coffeehouse at the beginning of March, together with one of the directors James Smyth and the responsible for advertisement, Sir John Swinton. The three of them most probably convinced Home of the necessity of a further investment in the Company, as he afterwards pressed his entourage and tenants to contribute to what became a national cause. While not yet in an official capacity, Fletcher was therefore endorsing the venture and was closely associated with its promoters.¹⁵¹

Later on, Fletcher also took part in the early shaping of the Company. On April 3rd 1696, a meeting of the subscribers was summoned in order to elect a

¹⁴⁸ Paterson to the Company of Scotland, 17th January 1700, in Sir John Dalrymple, *Memoirs of Great Britain and Ireland; from the Dissolution of the Last Parliament of Charles II. till the Capture of the French and Spanish Fleets at Vigo. A New Edition, in Three Volumes; with the Appendixes Complete*, London, 1790, vol. III, part III, book VI, p. 166.

¹⁴⁹ David Armitage, 'The Scottish Vision of Empire: Intellectual Origins of the Darien Venture', in *A Union for Empire: Political Thought and the British Union of 1707*, Cambridge, Cambridge University Press, 1995, pp. 97–118 (p. 104).

¹⁵⁰ Company of Scotland Trading to Africa and the Indies, *A perfect list of the several persons residents in Scotland who have subscribed as adventurers in the joint-stock of the Company of Scotland Trading to Africa and the Indies*, Edinburgh, 1696, pp. 13, 27.

¹⁵¹ NAS GD1/649/1, pp. 171-174; Douglas Watt, *The Price of Scotland*, p. 52.

committee of twenty people, whose office was to frame a set of rules to run the whole organisation. Fletcher, who evidently benefited from the trust of his fellow shareholders at this stage, was eventually elected with 969 votes, and thus contributed to draft a 'constitution' by the middle of the month. Many norms were articulated to avoid the formation of a strong hierarchy inside the administration, for instance by the very unusual device of appointing a different president at each meeting and opening the position of director to any shareholder having at least £1,000 stock. This enlarged the active participation in the Company, but inevitably weakened its decision processes. Whilst Fletcher matched the requisite, he was never elected as a director.¹⁵²

Some additional though controversial sources coming from the propaganda war that surrounded the issue in both Scotland and England seem to suggest that Fletcher's role in the Company was relevant even after this foundational moment. According to the surgeon and detractor of the venture Walter Harris, in April 1697 Fletcher, together with the ship Captain Robert Pennecuik, met in London with Lionel Wafer, a buccaneer who crossed the Darien isthmus in 1680. In that period, the Company had not yet decided how to use its capital and was considering Paterson's project. Wafer's expertise seems to have been obtained by Fletcher, who negotiated with him on behalf of the Company and organised a meeting in his house in Saltoun to find out whether Darien could have been a suitable place to establish a prosperous colony.¹⁵³

Another account stresses the personal relationship between Fletcher and William Paterson. If not in the United Provinces, the two Scots met in London, where Fletcher, after hearing of his plan, persuaded Paterson to rally to the Company's cause and to follow him to Scotland, where he would have found the support of his fellow countrymen and fulfilled his patriotic duty. In Saltoun, he introduced him to the new High Commissioner and his own neighbour John Hay,

¹⁵² Company of Scotland Trading to Africa and the Indies, *Edinburgh, April 3d. 1696 at a General Meeting of the Company of Scotland, Trading to Africa, and the Indies, My Lord Belhaven Chosen Praeses*, Edinburgh, 1696, the original of which is to be found in NLS MS 14493, fol. 112; *Id.*, *Constitutions of the Company of Scotland, Trading to Africa and the Indies*, Edinburgh, 1696; Douglas Watt, *The Price of Scotland*, pp. 65–67.

¹⁵³ Walter Harris, *A Defence of the Scots Abdicating Darien Including an Answer to the Defence of the Scots Settlement There*, Edinburgh [?], 1700, pp. 38–40; Watt, p. 128.

Marquis of Tweeddale who, convinced “by arguments of public good”¹⁵⁴, decided to support Paterson’s visionary project in parliament by pushing to pass the appropriate legislation. In this probably embroidered version of facts, Fletcher is no less than the main actor in the story that led the Darien scheme to be endorsed by Scotland, and the reasons to assign him such a role, apart from his solid reputation as a lover of his country, are to be found in the intellectual dimensions of the venture.¹⁵⁵

Fletcher and Paterson shared the hopes of a commercial venture that did not entail the risks of corruption ran by empires based on expansion and conquest, by occupying a small portion of land under a free government and making the Scots, in Paterson’s words, peaceful and impartial “Arbitrators of the Commercial world”.¹⁵⁶ In addition, the project was for sure designed to boost the Scottish economy and gain ground in comparison with the other European competitors, but being open to investors from all over the world it would have not enriched only one metropolitan trading centre, avoiding the excessive accumulation of luxuries that constituted the cause of decay for both ancient and modern commercial empires.¹⁵⁷ All of these issues, as we will see in detail in the following chapters, lied at the heart of Fletcher’s conception of political economy and made his association with the venture significant.

1.7 Further interests, private life and religious beliefs

In addition to Fletcher’s public life and patriotic commitments, there was his interesting private life. It is from the *Saltoun Papers* that we come to know the management of his estates was constantly on his mind every time he wrote home from abroad. Whereas it was Henry who took charge of the administration

¹⁵⁴ Dalrymple, *Memoirs of Great Britain and Ireland*, vol. III, part III, book VI, p. 129.

¹⁵⁵ *Ibidem*, pp. 128-130. See also Armitage, ‘The Scottish Vision of Empire’, p. 105. Fletcher’s suggestive role is restated in a historical novel evoking this popular episode, see Eliot G. Warburton, *Darien; Or, The Merchant Prince*, London, 1852, vol. I, pp. 72-80.

¹⁵⁶ Paterson to the Company of Scotland, 17 January 1700, quoted in Armitage, pp. 104-105.

¹⁵⁷ See John Robertson, ‘An Elusive Sovereignty: The Course of the Union Debate in Scotland 1698-1707’, in *A Union for Empire*, pp. 198-227 (p. 200).

of the family lands from the recovery of Saltoun to the Fletchers, Andrew still exchanged detailed views with him on how to improve the cultivation of the ground and modernise the management of the family estates.¹⁵⁸ His journeys allowed him to witness with lively interest the most advanced agricultural techniques of the Continent, which he tried to apply to his property describing them minutely in his letters, as it happens for the enclosure of the fields he observed in Brabant.¹⁵⁹ Similarly, he took care of nominating the ministers for the church of Saltoun and even of offering his neighbour George Sinclair a late model the “Air-Pump” for his mechanical experiments, in a vein similar to those Fletcher could have witnessed in Paris by the natural philosopher Robert Boyle.¹⁶⁰

Some accounts furthermore indicate Fletcher was the first landowner to introduce the winnowing machine and the barley mill in Britain, later in his life.¹⁶¹ But notwithstanding Andrew’s hard-won compliance and direct support, the Saltoun mill seems to have been an idea of Henry, who indeed contracted the agricultural engineer James Meikle to bring the designs and pieces for constructing the mill, together with Dutch fanners to winnow corn indoors, from Holland. Actually, Andrew was quite dubious about the mill’s capacity to generate profits and his stubbornness raised tensions with his brother. The difference between the sober, faithful character of Henry and Andrew’s lofty motives and quick temper emerges fully in their frequent epistolary exchanges.¹⁶² Understandably, the fact that Fletcher had described Henry’s spouse Margaret Carnegie, also very active in the administration of the Saltoun’s

¹⁵⁸ NLS MS 16502, fols. 151-152.

¹⁵⁹ NLS MS 16502, fols. 169-172, 193-194.

¹⁶⁰ NLS 16502, fol. 163, Andrew Fletcher to George Sinclair, 3rd July 1696; George Sinclair, *The Hydrostaticks, or, the Weight, Force, and Pressure of Fluid Bodies, Made Evident by Physical, and Sensible Experiments*, Edinburgh, 1672, To the reader.

¹⁶¹ John Bailey, *General view of the agriculture of the County of Northumberland, with observations on the means of its improvement*, Newcastle, 1797, pp. 54-55; see also the leading British journal from Lothian *The Farmers' Magazine: A Periodical Work Exclusively Devoted to Agriculture, and Rural Affairs*, 1800, Edinburgh, 1802, pp. 158-159.

¹⁶² Andrew Fletcher to James Meikle, 18th June 1710, printed in *The Farmers' Magazine*, p. 161; NLS MS 16503, fols. 49-53; NAS RH4/189/5-11; East Lothian Council Library, Articles of agreement between Henry Fletcher and James Meikle, 1710; Stephen Bunyan, ‘The Fletchers of Saltoun’, *Transaction of the East Lothian Antiquarian and Field Naturalists' Society*, XXIV (2000), pp. 67-76.

domains, as “the woman that should have been my wife” might have given birth to additional tensions between the two brothers.¹⁶³

Likewise, we learn that Fletcher cultivated an artistic vein, tackling with drawing and architecture. He discussed the proportions of buildings with Henry, always referring to the excellence of classical models, and avowed his appreciation of Italian houses he might have seen during his voyages. He also sent his brother some plans of cubic houses he designed himself, in a vaguely utopian taste, in the seeming attempt of adapting the typical Palladian design of Venetian villas to the Scottish inclement weather.¹⁶⁴ Through the good offices of his Tory friend the Newtonian mathematician and astronomer David Gregory,¹⁶⁵ Fletcher even presented some of his sketches to the notable architects Nicholas Hawksmoor and Christopher Wren, with the latter expressing sincere agreement. He nurtured the passion for design until later in his life, when his eyes became too weak to draw using his precious instruments.¹⁶⁶

Another stimulating written dialogue must have been the one Fletcher had with the mathematician in Oxford, John Wallis, who was asked whether and to what extent music and arts could have instilled virtue and discouraged vice in a young man, like they did in ancient times. Unfortunately, we do not have Fletcher’s letters available, but Wallis’ answers, referring to Plato and Aristotle, confirm the profound admiration for the ancients that clearly permeated Fletcher’s life as well as his political beliefs.¹⁶⁷ It also confirms the latter’s attention to the question of education, another topic Fletcher lingered over in his pamphlets. On his part, his close friend John Locke had to admit that Lady Masham “might passe many days in learning from you the wisdom and virtue of

¹⁶³ NLS MS 17858, fols. 3-4.

¹⁶⁴ Iain Gordon Brown, ‘Water, Windows, and Women: The Significance of Venice for Scots in the Age of the Grand Tour’, *Eighteenth-Century Life*, n°30 (2006), pp. 1–50 (p. 39).

¹⁶⁵ Anita Guerrini, ‘The Tory Newtonians: Gregory, Pitcairne and Their Circle’, *Journal of British Studies*, n°25 (1986), pp. 288–311; John Robertson, *The Case for the Enlightenment: Scotland and Naples, 1680-1760*, Cambridge, Cambridge University Press, 2005, pp. 110, 115, 137.

¹⁶⁶ NLS MS 16502, fols. 169-170, 208-209; MS 17873, fols. 1-6, “Elevation and plans of a home based on a cube, Andrew Fletcher of Saltoun, 1699”; NAS GD124/15/413/15.

¹⁶⁷ NLS MS 16502, fols. 165-168. The first of the two letters from Wallis has been published as John Wallis, ‘A Letter of Dr. John Wallis, to Mr. Andrew Fletcher; Concerning the Strange Effects Reported of Musick in Former Times, Beyond What Is to Be Found in Later Ages’, *Philosophical Transactions (1683-1775)*, n°20 (1698), pp. 297–303.

the ancients without caring what this foolish world is doing”, whenever Fletcher visited them at Sir Francis Masham’s home in Oates.¹⁶⁸

The correspondence between the two reveals a genuine intimacy, as Locke held Fletcher in high regard, to the point of asking his assistance to indicate a tutor for the son of the Irish scientist and MP William Molyneux.¹⁶⁹ On the other hand, the Scot frequently requested Locke’s medical advice about the health of his loved ones. He also kept Locke up to date about his activities, like an investigation on the origins of priestcraft he individuated in Egypt, as the third earl of Shaftesbury did later on.¹⁷⁰ Recently reformulated in James Harrington’s writings, an extremely disapproving attitude toward institutional religion was common to many of the acquaintances Fletcher used to meet in London, like the Irish propagandist and thinker John Toland or Locke himself. All of them contested priestcraft as a superstition that interfered with politics, bringing instability in the commonwealth, and accordingly supported general religious toleration instead, sometimes embracing Deism.¹⁷¹

Fletcher’s beliefs in matter of faith are problematic to ascertain. On the one hand, while the family memoirs by Haklett perhaps insist on his piety and adherence to the Protestant religion too much,¹⁷² his ironic remark on the immortality of the soul horrified the Presbyterian journalist George Ridpath, leaving some room to the accusations of Socinianism that were addressed to many of Fletcher’s friends.¹⁷³ On the other, the Scot had friendly relationships with many Episcopalians, like the founder of William and Mary College in

¹⁶⁸ Esmond S. de Beer, *The Correspondence of John Locke*, vol. VIII, Oxford, Oxford University Press, 1976-1989, pp. 434-436, John Locke to Andrew Fletcher, 1st March 1695.

¹⁶⁹ *Ibidem*, vol. V, pp. 79-80, John Locke to William Molyneux, 28th June 1694 and pp. 82-83, Andrew Fletcher to John Locke, in early July 1694.

¹⁷⁰ Anthony Ashley Cooper, third earl of Shaftesbury, *Characteristicks of Men, Manners, Opinions, Times*, London, 1711, pp. 357-364.

¹⁷¹ Justin Champion, *The Pillars of Priestcraft Shaken: The Church of England and Its Enemies, 1660-1730*, Cambridge, Cambridge University Press, 1992; Lawrence E. Klein, *Shaftesbury and the Culture of Politeness: Moral Discourse and Cultural Politics in Early Eighteenth-Century England*, Cambridge, Cambridge University Press, 1994, pp. 137, 160-73; Daniel Carey, *Locke, Shaftesbury, and Hutcheson: Contesting Diversity in the Enlightenment and Beyond*, Cambridge, Cambridge University Press, 2006, pp. 127-28, 139-40; Katherine A. East, ‘Superstitionis Malleus: John Toland, Cicero, and the War on Priestcraft in Early Enlightenment England’, *History of European Ideas*, 40, n°7 (2014), pp. 965-983.

¹⁷² EUL MS La III.364, pp. 19-20.

¹⁷³ NAS GD158/1074/2, George Ridpath to Sir Patrick Hume of Polwarth, 14th of July 1698; Andrew Fletcher, *Two Discourses Concerning the Affairs of Scotland: Written in the Year 1698*, 1698, pp. 10-11;

Virginia James Blair.¹⁷⁴ He welcomed the divinity professor Laurence Charteris in Saltoun, as he retired to private life after refusing to take the Test in 1683,¹⁷⁵ and advised the divine John Strachan to “keep quiet for a while” abroad when Presbyterians gained the upper hand in the revolution’s negotiations.¹⁷⁶ As we have seen, being raised in non-doctrinal post-Restoration Scotland left a profound mark on Fletcher.¹⁷⁷

His motives to support general toleration, for instance, were mainly political and in particular economic, as it will be clarified in the next chapters.¹⁷⁸ The safest assumption to be made is that Fletcher was a convinced Erastian, like his fellow republican thinkers Harrington or Henry Neville, advocating the superiority of the State over the Church in ecclesiastical matters. Whether his Erastianism derived from a Hobbesian vein or from his Arminian encounters in the United Provinces,¹⁷⁹ it clearly emerged from a late dialogue with the Presbyterian historian Robert Wodrow. The former illustrated a scheme to reorganise the national Church, in order to limit the power of the Kirk assemblies to nominate their ministers, ultimately leaving the choice to the people and civil powers.¹⁸⁰ Fletcher’s practical attitude in religious matters is also confirmed by his political evaluation of Sacheverell trial’s in 1710 and his proposal of a Comprehension Act in the 1703, to move on from the stalemate over toleration during the Union debates.¹⁸¹

¹⁷⁴ James Blair to John Locke 18th February, in de Beer, *The Correspondence of John Locke*, vol. VI, p. 135.

¹⁷⁵ See the correspondence between the two, NLS MS 16502, fol. 173, [Laurence Charteris] to [Andrew Fletcher], 26th December 1699, and Fletcher’s confirming his esteem of Charteris to Locke in de Beer, *The Correspondence of John Locke*, vol. V, p. 82.

¹⁷⁶ NAS RH15/106/690, fol. 7.

¹⁷⁷ Jackson, *Restoration Scotland*, pp. 190, 220.

¹⁷⁸ Andrew Fletcher, *Discorso Delle Cose Di Spagna Scritto Nel Mese Di Luglio 1698*, Napoli [i. e. Edinburgh], 1698; Ryan K. Frace, ‘The Foundations of Enlightenment: Transformations in Religious Toleration, Orthodoxy, and Pluralism in Early Modern Scotland, 1660–1752’ unpublished Ph.D. dissertation, University of Chicago, 2005.

¹⁷⁹ A. P. Martinich, ‘Interpreting the Religion of Thomas Hobbes: An Exchange Hobbes’s Erastianism and Interpretation’, *Journal of the History of Ideas*, 70, n°1 (2009), pp. 143–163; Charles D. Gunnoe, ‘The Evolution of Erastianism: Hugo Grotius’s Engagement with Thomas Erastus’, *Grotiana*, 34, n°1 (2013), pp. 41–61.

¹⁸⁰ Wodrow, *Analecta*, vol. II, pp. 46–47; Robertson, ‘Fletcher, Andrew’.

¹⁸¹ Sir David Hume of Crossrig, *A Diary of the Proceedings in the Parliament and the Privy Council of Scotland*, 1828, pp. 102–103; Brian Cowan, ‘The Spin Doctor: Sacheverell’s Trial Speech and Political Performance in the Divided Society’, *Parliamentary History*, 31, n°1 (2012), pp. 28–46; John Spurr, ‘The Church of England, Comprehension and the Toleration Act of 1689’, *The English Historical Review*, 104, n°413 (1989), pp. 927–946.

Lastly, Fletcher's travels confirm his predilection for great cities, the hubs where his ideas and personality were shaped. Notwithstanding the unconditioned love for his country, he never settled in Scotland, but lived most of his life abroad. It was mainly in the English capital that he liked to spend his time, in stimulating environments with refined companies, to the extent that Locke once had to ask him facetiously "to live a few days out of the Chocolate house" and reach "us poore honest country folke".¹⁸² Together with London, where he used to spend the winter since his return from exile, his favourite destinations were Paris and the dense network of Dutch cities, Amsterdam and Rotterdam in particular. Fletcher enjoyed the possibilities international metropolises could offer: making inspiring acquaintances, having exciting conversations and collect books, an intimate pleasure he never left aside.¹⁸³

1.8 The private library and book trading

Fletcher's activity as a book collector began very early in his life. The first receipt we have available is dated 1669, and concerns the acquisition of the second volume of Matthew Poole's *Synopsis*, a brief outline of the critical works of biblical commentators that his former tutor James Graham found "so very useful" to borrow from Saltoun Hall later on.¹⁸⁴ At his death in 1716, his private library, one of the finest of Great Britain, counted some 6,000 volumes in different languages, including several pieces of inestimable value and curious tomes coming from his wanderings across Europe. He acquired with knowledge and intuition, according to his personal taste and often participating, personally or through reliable agents, in several auctions. He also occasionally advised other collectors on what to buy, as with Poggio Bracciolini's apograph of Quintilian's

¹⁸² *Ibidem*, vol. VIII, p. 436. For the rest of their epistolary exchange, see also vol. V, pp. 274-275; vol. VI, pp. 302-304, 314 and vol. VII, pp. 471-472.

¹⁸³ See John Robertson's introduction to Andrew Fletcher, *Political Works*, Cambridge, Cambridge University Press, 1997, pp. xi-xv and Robertson, 'Fletcher, Andrew'.

¹⁸⁴ NLS MS 16854, fol. 8 and MS 16502, fol. 159-160, James Graham to Henry Fletcher, 9th July 1695.

Institutiones, which he suggested to his friend Charles Spencer, earl of Sunderland, after recognising it at Nicolas Heinsius' library sale in Leiden in 1682.¹⁸⁵

James Graham, who also preserved part of Fletcher's books during his forfeiture, intermittently received volumes sent to Saltoun from abroad, taking care of conserving them "not stained or sullied".¹⁸⁶ The precise instructions Fletcher wrote home while traveling to manage his collection indeed involved the whole household, as Henry himself was asked to keep an eye on possible incoming auctions in Edinburgh, besides accumulating and keeping track of his brother's expensive purchases.¹⁸⁷ But part of Fletcher's library was always traveling with him, as several volumes followed his movements from one lodging of a European city to another, never resting in Saltoun too long. Books became his real life companions, trustful allies of his discussions and writings.

Although the prodigious collection put together by Fletcher was dispersed in the 1960s, two handwritten catalogues survived to this day and are now preserved at the NLS: the first one appears to be a confused draft Fletcher built up over many years, probably according to the succession in which the books were bought, while the second one is an attempt to organise his possessions in a more systematic way and is largely incomplete.¹⁸⁸ The meticulous work of Peter Willems made it possible to elaborate a modern, rearranged list of the books owned by Fletcher, identifying the titles scribbled down in haste on the draft. The result allows us to better appreciate many *editio princeps*, like Thomas More's *Utopia* or Niccolò Machiavelli's *Discorsi*; rare editions of several classical authors, like Cicero or Ovid; and extremely scarce contemporary editions like Jacques Abbadie's *Traité de la Vérité de la religion chrétienne*.¹⁸⁹

¹⁸⁵ Michael H. Hoeflich, 'Dutch Scholars and British Lords: Poggio's Quintilian in the Seventeenth and Eighteenth Centuries', *Quaerendo*, 12, n°1 (1982), pp. 52-59; John A. Sibbald, 'The Heinsiana—Almost a Seventeenth-Century Universal Short Title Catalogue', in *Documenting the Early Modern Book World. Inventories and Catalogues in Manuscript and Print*, ed. by Malcolm Walsby and Natasha Costantinidou, Leiden, BRILL, 2013, pp. 141-159.

¹⁸⁶ MS 16502, fol. 116, James Graham to Andrew Fletcher, 29th October 1680.

¹⁸⁷ MS 16502, fols. 151-152.

¹⁸⁸ NLS MS. 17863 and MS. 17864.

¹⁸⁹ Peter J. M. Willems, *Bibliotheca Fletcheriana, or, The Extraordinary Library of Andrew Fletcher of Saltoun*, privately published in Wassenaar, 1999.

How Fletcher came to gather so many high quality volumes is a question that has multiple answers. To begin with, he himself bought from antiquarian bookdealers, in basically every town he happened to go. In Paris, his partner was the tutor and keen bibliophile James Fall, with whom he used to wander round the bookshops, trying to get a bargain. Writing to the Marquis of Tweeddale who had asked to purchase some books in his stead, Fall warned that he should not “expect to have them at so easy rates as either Saltoun or I had most of them”, as they did not hesitate to market on second hand volumes.¹⁹⁰ Even at the very beginning of his exile, among Fletcher’s first thoughts was increasing his collection, as Fall sent him on demand a list of books with their prices, advising not to buy them “except you had so much money as you know not what to do with it”.¹⁹¹

Fletcher’s trip in Groningen in April 1688 was most probably planned to attend a formidable auction Locke himself was awaiting with excitement.¹⁹² The long stays in the United Provinces also result in a huge amount of contemporary Dutch imprints in Fletcher’s catalogue, mostly from the publishers Johann Hendrik Wetstein in Amsterdam and Reynier Leers in Rotterdam, who dealt with most of the heterodox publications of the time. Similarly, Willems noted the presence of a large quantity of obscure Spanish books, to testify that during his journey *in incognito* through the Iberian Peninsula he nevertheless kept an eye on rare titles. We of course cannot think of tracing Fletcher’s movements by reading the catalogues of his private library, but the possession of some uncommon volumes of Hungarian interest, like the *Journal de la glorieuse conquête de la Ville de Bude*, revive some arguments about his possible role in the war against the Turk.¹⁹³

To measure the depths of the Dutch book market, Fletcher also availed himself of agents to buy and ship books. He took advantage of the extended network provided by the Scottish-Dutch duo of merchants in Amsterdam John

¹⁹⁰ NLS MS 14407, fols. 53-54, James Fall to the earl of Tweeddale, 13th May 1678. See also Murray C. T. Simpson, “Some aspects of Book purchasing in Restoration Scotland: Two Letters from James Fall to the earl of Tweeddale, May 1678”, in *Edinburgh bibliographical Society Transactions*, vol. VI, 1990, pp. 2-9.

¹⁹¹ NLS MS 16502, fols. 121-122, James Fall to Andrew Fletcher, 24th November 1682.

¹⁹² See John Locke to Benjamin Furley, 19th and 26th January 1688 in de Beer, *The Correspondence of John Locke*, vol. III, pp. 330-337.

¹⁹³ Willems, *Bibliotheca Fletcheriana*, p. xii.

Drummond and Jasper van der Heyden, who purchased volumes for him. Right after the 1689 revolution, he asked his loyal friend Andrew Russell to take care of shipping some “7 boxes of books” he had left in Rotterdam back to Scotland.¹⁹⁴ But Fletcher’s most trusted agent was the Scottish collector based in The Hague, Alexander Cunningham of Block, whose taste and international contacts also helped in shaping the prestigious library of Sunderland.¹⁹⁵ Cunningham bought and sent books regularly, and also transported some himself from the United Provinces to England for Fletcher.¹⁹⁶ He furthermore rapidly became a family friend, eventually tutoring Henry Fletcher’s son Andrew, future Lord Milton.¹⁹⁷

Since his matriculation at the Leiden University in 1714, Andrew himself became a privileged interlocutor for Fletcher, who frequently wrote to his beloved nephew suggesting useful volumes for his law studies, like Antoine Faber’s *De Erroribus*, containing instructions for practitioners. On his part, Andrew was of course not surprised to find book lists and requests of auction catalogues and purchases enclosed in the letters he received from Paris, where his uncle lodged by the end of 1715. The young Andrew also acted as an intermediary between Fletcher and Cunningham, when the former needed some help to identify unknown volumes, or simply wanted to enthusiastically share with his friend that “there are more curious books at Paris than I imagined.”¹⁹⁸ Less enthusiasm was showed by Henry, who had to care about the possible troubles at the customs caused by the numerous deviating tomes his son sent home on behalf of his brother.¹⁹⁹

¹⁹⁴ RH15/106/690/7, 10 and NAS GD24/1/464A/11, 73.

¹⁹⁵ John W. Cairns, ‘Alexander Cunningham’s Proposed Edition of the Digest: An Episode in the History of the Dutch Elegant School of Roman Law (Part II)’, *Tijdschrift Voor Rechtsgeschiedenis*, 69, n°4 (2001), pp. 307–360 and ‘Alexander Cunningham, Book Dealer: Scholarship, Patronage and Politics’, *Journal of the Edinburgh Bibliographical Society*, n°5 (2010), pp. 11–35.

¹⁹⁶ See for instance the short lists in Fletcher’s catalogue: NLS MS 17863, fols. 90r, “Books sent for from Mr. Cuningam” and 96r–96v, “Sent with Mr. Cuningame into England”.

¹⁹⁷ Esther Mijers, *News from the Republic of Letters: Scottish Students, Charles Mackie and the United Provinces, 1650–1750*, Leiden, BRILL, 2012, pp. 130–135.

¹⁹⁸ Andrew Fletcher to his nephew, 27th October 1715, to be found in Irene J. Murray, ‘Letters of Andrew Fletcher of Saltoun and His Family’, in *Miscellany X*, Scottish History Society, Fourth Series, Edinburgh, 1965, pp. 149–150.

¹⁹⁹ Henry Fletcher to his son, 16th May 1716, in *ibidem*, p. 162.

1.9 Bibliophiles, acquaintances and intellectual milieus

Not surprisingly, Fletcher's relentless book-hunt additionally awarded him with a number of donation copies from contemporary authors, as a good library was a mark of cultural status, cosmopolitanism and an instrument of sociability. The Dutch classical scholars Jacobus Gronovius and Jacob Perizonius presented him with modern editions of Roman works, both being professors of ancient history at the Leiden University and editors of Hugo Grotius' works.²⁰⁰ It is likely that Cunningham or Andrew acted as intermediaries, in the same way as with the donated copy of the *Compendium Historiae Universalis* published by the Arminian theologian Jean Le Clerc in 1698. Fletcher had become acquainted with Le Clerc during his exile in Amsterdam, where they met a few times, and after the revolution he immediately resumed contact. In particular, he asked Le Clerc about the edition of the Bible in Latin he was preparing, insisting on the problems of exact translation and the limits of existing editions.²⁰¹

Neither the rare and literal version of the Bible printed by Jerónimo de Vargas in Spanish nor the elegant French translation furnished by Sebastien Chateillon appeared to satisfy Fletcher's taste. The catalogue of his library shows some sixty diverse versions of the Holy Scriptures in several different languages, suggesting a strong predilection for them. He proudly owned the first Bible ever printed in America in 1661 and cherished a *Biblia Hebraica* printed in Basel with Latin text placed by the side, "the first of its kind done by a protestant, 160 years ago."²⁰² It clearly emerges that the collector's ambitions here combined with the necessity of a complete comprehension of the texts, which proved crucial in his arguments to extend serfdom in Scotland later on. Keen on the issue, Fletcher furthermore subscribed for Le Clerc's incoming edition of *Genesis* through the good office of Locke, confirming to be attentive to contemporary religious

²⁰⁰ See Willems, *Bibliotheca Fletcheriana*, pp. 235-236, "Provenances" list; Mijers, 'News from the Republick of Letters', pp. 74-75, 132-133.

²⁰¹ Universiteit van Amsterdam Bibliotheek, OTM:hs. J 29, Thomas [sic.] Fletcher to Jean Leclerc, 25th January 1691. This letter has also been published in Jean Le Clerc, *Epistolario*, vol. II (1690-1705), ed. by Maria Grazia and Mario Sina, Florence, Leo S. Olschki, 1987, pp. 44-46.

²⁰² NLS MS 16502, fols. 159-160, the Bible is a 1535 famous version by Sebastian Münster.

publications and their interpretations like many of his intellectual companions of the time.²⁰³

Far from being confined to health issues, the relationship between Fletcher and Locke was of course equally affected by book exchanges. The former made a present of his copy of John Gregory's *Notes and Observations upon some Passages of Scripture* to Locke, who in turn gave Fletcher a second edition of his *An Essay concerning Humane Understanding*.²⁰⁴ The Scot also proved to know the curiosities of his friend very well by recommending to Locke his fellow countryman Martin Martin, author of an "account concerning [...] the Second, but more properly the first or prophetick sight; as well as smell and hearing."²⁰⁵ In the latest part of his life, when his condition prevented him from moving from Oates, Locke nevertheless asked his friend Anthony Collins to give him an account of fresh publications "from abroad", and was always concerned about getting a copy of Fletcher's tracts.²⁰⁶

Collins, who had a justified reputation as an insatiable bibliophile, found no difficulty in providing Locke with Fletcher's pamphlets he himself possessed. Being well connected with French booksellers in London in particular, he presented Fletcher with an edition of Cicero's *Lettres de Brutus* published in Paris in 1663.²⁰⁷ Besides a passion for books, the two also shared the political views of the commonwealth tradition, frequented the same bookshops in London, like John and Awnsham Churchill's famous store near St. Paul's cathedral, and the same taverns, like 'The Grecian' in Devereux Court.²⁰⁸ Collins furthermore constantly incited collectors and freethinkers to access his huge collection at Great Baddow and to borrow his volumes, so that it is safe to assume that he invited Fletcher for one of his famous suppers, or that they met at Oates in company of their common friend Locke.²⁰⁹

²⁰³ Le Clerc, *Epistolario*, vol. II, Jean Le Clerc to John Locke, 17th February 1693, pp. 89-90, fn 6.

²⁰⁴ See Locke's copy of the *Notes* at the Bodleian Library, Locke 9.120.

²⁰⁵ de Beer, *The Correspondence of John Locke*, vol. VII, pp. 471-472.

²⁰⁶ See the epistolary exchange between the two in *ibidem*, vol. VIII, pp. 122-130.

²⁰⁷ The dedication on the back-cover of the book, now in the private library of Prof. Willems, recites: "Mr. Collins me give present de ce livre".

²⁰⁸ de Beer, *The Correspondence of John Locke*, vol. VIII, p. 76, John Churchill to John Locke, 9th October 1703; Giovanni Tarantino, *Lo scrittoio di Anthony Collins (1676-1729): I libri e i tempi di un libero pensatore*, Milan, FrancoAngeli, 2007.

²⁰⁹ Justin Champion, *Republican Learning: John Toland and the Crisis of Christian Culture, 1696-1722*, Manchester, Manchester University Press, 2003, pp. 38-40; Caroline Robbins, *The*

If Collins' library with its heterodox and radical shelves constituted an attraction in England, the same applies to the collection of another close friend of Locke: the Quaker merchant in Rotterdam Benjamin Furly. A must-see for many learned men of the time, his library's reputation as "suspect" rested on a huge amount of books dangerously dealing with theology, which constituted the basis for the discussions of visiting philosophers, such as Pierre Bayle and the third earl of Shaftesbury, or theologians, such as Le Clerc and the leader of the Dutch Arminians Philippus van Limborch.²¹⁰ During one of his sojourns in Amsterdam, Fletcher was introduced to van Limborch by Furly, and was his guest for a while. Besides higher arguments impossible to establish, the two also discussed the excesses of John Toland, which Fletcher had met beforehand.²¹¹

Yet, to ascertain to what extent Fletcher was part of this European *république des lettres* is an extremely complicated task. That he kept track of unconventional and daring religious publications, discussed by the advanced intellectual circles he clearly was in touch with, is further proved by the presence of heterodox authors, like Charles Blount or Matthew Tindal among others, in his library. But its shelves barely considered the latest developments of natural philosophy, and rather indulged in classical texts, history volumes and, of course, political treatises: his favourite argument and main interest. Furthermore, Fletcher's reluctance in delivering his thoughts to written correspondence, joint with the relative absence from his acquaintances' epistolary exchanges, seems to confirm an impression "of remarkable self-sufficiency, intellectual as well as personal".²¹²

In his own way, Fletcher's library did however contribute to enhance Scottish cultural life. In relation to his political thought, it constituted a balanced collection of ancient and modern authors. Perhaps it did not represent an international attraction like Furly's or Collins', also because of its itinerant

Eighteenth-Century Commonwealthman. Studies in the Transmission, Development and Circumstance of English Liberal Thought from the Restoration of Charles II Until the War with the Thirteen Colonies, New York, Atheneum, 1968, pp. 14-17.

²¹⁰ See the whole volume edited by Sarah Hutton, *Benjamin Furly, 1646-1714: A Quaker Merchant and His Milieu*, Florence, L. S. Olschki, 2007 and Luisa Simonutti, *Arminianesimo e tolleranza nel seicento olandese. Il carteggio Ph. van Limborch J. Le Clerc*, Florence, L. S. Olschki, 1984.

²¹¹ de Beer, *The Correspondence of John Locke*, vol. VI, pp. 660-662, 686-690, Philippus van Limborch to John Locke, August-September 1699.

²¹² Robertson, 'Fletcher, Andrew'.

owner, but it nevertheless opened its doors to some seventy different learned borrowers, mainly from Scotland.²¹³ One in particular, the publisher in Edinburgh, Robert Freebairn, desired to publicly acknowledge Fletcher for having lent some of his twenty-three editions of George Buchanan's works, making possible for the eminent scholar Thomas Ruddiman to edit a new *Opera Omnia*. In the preface to the first edition of 1715, Fletcher is thus honoured with the epithet of "Cato nostri seculi" for his staunch republican principles and renowned moral integrity he showed throughout his whole life.²¹⁴

In sum, Fletcher's life is very telling of his intellectual stances, and should be taken as an additional, crucial context for his ideas. What emerges from the chapter above is the figure of a man of action and major principles, who endorsed the right to resist tyrannical rulers, popular sovereignty and a radical idea of religious toleration. His patriotic commitment matched with a genuine cosmopolitan attitude that made him appreciate different milieus, companies and ideas without however cutting off his country roots. The perception of the 1689 revolution as a partial result to be completed over time will be the main constant objective of his life, in a political context that proved refractory to both his strong republican beliefs and his uncompromising attitude. Member of the lesser nobility, he was an outsider in the shaken but still standing Scottish settlement dominated by aristocracy. As we will see in what follows, his idea of government would prove very different from anything else ever defined north of the Tweed.

²¹³ See the "Lent books" list in MS 17863, fols. 93r-94v, 96r.

²¹⁴ John Robertson, *The Case for the Enlightenment*, pp. 113-116; Willems, *Bibliotheca Fletcheriana*, p. XI.

CHAPTER 2

The Militia Controversy

“Fletcher saw nothing in his scheme that gave any hopes: so he argued much against it. And he said to me, that the Duke of Monmouth was pushed on to it against his own sense and reason. Lord Grey said, that Henry the seventh landed with a smaller number, and succeeded. Fletcher answered, he was sure of several of the Nobility, who were little Princes in those days”

Gilbert Burnet, *History of his own time*

On the 30th of March 1689, before the fugitive James VII was removed from the Scottish throne and William of Orange took his place, the Convention of Estates summoned the militia, in defence of the nation “in this time of common danger”. Part of the regiment of the shire of Haddington, which had to gather by the 14th of April at Beanston, Andrew Fletcher of Saltoun was designated captain and commander of the cavalry, with the power of nominating his under-officers.²¹⁵ The day before the meeting, however, the Convention appointed John Hamilton, Lord Belhaven, to replace him, so that Fletcher eventually did not take part in the struggle that the Jacobite Rising imposed on Scotland until 1692.²¹⁶

²¹⁵ NAS, RPS, PA2/33, fols. 23v-28v.

²¹⁶ NAS, RPS, PA2/33, fol. 44; NLS, MS 7026, fol. 173, John Hay, marquiss of Tweeddale to Lord Yester, 28th of March 1689.

Whereas it is difficult to ascertain whether he ever actually served in the militia during his youth, Fletcher was confronted since the beginning of his political career with the issue of its possible reform.

Apart from his refusal to concede the supplies Charles II needed in July 1678 to fund the repression of the Presbyterians,²¹⁷ Fletcher opposed the successive plans prepared by the king to introduce a 'New Model' of militia. Charles' schemes would have given birth to a tightly controlled standing army of some 5,000 infantry and 500 cavalry units, in part financed directly by the crown. Its soldiers would have had to take an oath of passive obedience, supplying the king with the troops he was not able to obtain in England. Together with Sinclair of Stevenson and Murray of Blackbarronie, in July 1680 Fletcher publicly obstructed the selection of the special troops, but avoided prison despite being accused in front of the Privy Council. What he perceived as an attempt of establishing an army at Charles' complete and unrestrained disposal eventually failed, but the issue was soon to present itself once more in a different context; it constituted the beginning of Fletcher's career as a pamphleteer.²¹⁸

This brief and intense career began in 1697. His first work, *A Discourse concerning Militias and Standing Armies; with relation to the Past and Present Governments of Europe and of England in particular* was published in London by the end of the year, in the midst of the dispute on the maintenance of William III's armies that followed the Treaty of Ryswick. In the English capital, Fletcher associated with a group of radical writers, whose tracts often were the results of animated discussions, if not of collective writing. The same work, with minor changes and decisive additions, was then republished in 1698 under the abridged and telling title *A Discourse of Government with relation to Militia's*, in Edinburgh. Since the Scottish Parliament was meeting in July, Fletcher considered it necessary to circulate his pamphlet again for a different audience,

²¹⁷ NAS PA7/22/137, fols. 281-282.

²¹⁸ Bruce Lenman, 'Militia, Fencible Men, and Home Defence, 1660-1797', in *Scotland and War, AD 79-1918*, ed. by Norman MacDougall, Savage, Barnes and Nobles Books, 1991, pp. 170-192 (pp. 182-184); Omond, *Fletcher of Saltoun*, pp. 14-16; *The Register of the Privy Council of Scotland*, Third Series, vol. VI, ed. by P. Hume Brown, pp. xix-xxii.

but also for a partially different purpose: to present a project to reform the existing militia, in order to constitute a reliable alternative to standing armies.

These two first pamphlets and their two different contexts are an appropriate starting point for the study of Fletcher's thought, since they enable us to investigate his idea of government. As already highlighted by John Pocock, they contain a powerful, European historical analysis that alone is sufficient to claim Fletcher's originality, compared to the speculations of the other anti-army authors taking part in the standing army controversy. This historical analysis, which underpinned every successive composition, confirms Fletcher's acute awareness of an evolution that gradually transformed European societies and consequently the shape and substance of warfare and governments from the XVI century onwards. If contemporaries can be believed, the sharp riposte to Lord Grey during the preparation of the Monmouth rebellion in Amsterdam, reported by Gilbert Burnet and opening this chapter, may not be free from a hint of nostalgia, which often constituted a distinctive facet of what Pocock defined as neo-Harringtonianism.²¹⁹

Certainly, Fletcher's words closely resemble James Harrington's description of the long gone feudal lords, who "were not only called *reguli* or little kings, but were such indeed" before the reforms introduced in England by Henry VII.²²⁰ But like Harrington, and unlike most of the pamphleteers who took part in the 1697-1699 controversy, Fletcher also believed those "little princes" had lost their former power and, as a consequence, their former role of bulwark against absolutism. For this reason, he included a scheme to reform the army in his Scottish version of the militia pamphlet, in order to provide an alternative both to the already vanishing feudal order, connected to a by then precarious 'Gothic constitution', and to the necessity of mercenary troops, although under the control of the purse of the House of Commons in London.

It has been argued by John Robertson that Fletcher's tract finds its full expression and meaning in the Scottish context, if considered together with the other reforms presented in the *Two Discourses concerning the Affairs of Scotland*, also written in 1698. Whereas it is undeniable that considering the two works

²¹⁹ For the Monmouth rebellion, see above, pp. 30-32.

²²⁰ James Harrington, *The Commonwealth of Oceana*, in *The Political Works of James Harrington*, ed. by John G. A. Pocock, Cambridge, Cambridge University Press, 1977, p. 193.

together adds depth to the analysis, such an operation appears to overlook the London version of the militia *Discourse* and its lively context, as it is admittedly aimed to constitute a solid theoretical basis to investigate the further developments of a central issue for the Scottish enlightenment.²²¹ Furthermore, remaining inside the civic humanist analysis of Fletcher's thought on the militia, Robertson's volume omits the crucial legal question of the ownership of the *jus gladii*, lately raised by Charles-Édouard Levillain in his most recent work on the subject. In fact, it is especially when observed from this different point of view that Fletcher's pamphlet, it will be argued, maintains its distinctive originality and radicalness, answering the question of the army as such in addition to that of mercenary troops.²²²

In what follows, the first writing against the standing armies will thus be integrated in an English context already slightly illustrated by Caroline Robbins and further enriched by the more specific works of John Western, Lois Schwoerer, Roger B. Manning and Levillain: that is, it will be considered against the backdrop of the parliamentary debates, international politics and the pamphlet war which took place in London. The main reason for this choice is that it will help recreate the intellectual dialogue that actually took place between Fletcher and his radical Whig associates, like Walter Moyle or John Trenchard. Furthermore, this framework makes it easier to appreciate the importance of the political nature of the clash with his theoretical adversaries, amongst whom Daniel Defoe stands out. To exclude such interactions would render a poor and partial picture of a moment that had a strong echo in Fletcher's thinking.

It is also important to note that the project for the reform of the militia contained in the Scottish version of the pamphlet, with its 'natural' context in Edinburgh, only gave birth to a fragmented debate in Scotland. Although Fletcher tried to raise the issue in his homeland and Holyrood partly discussed the organisation of the army, his pamphlet only received delayed feedback and inspired belated compositions. Conversely, if we turn back to London, the

²²¹ See John Robertson, *The Scottish Enlightenment and the Militia Issue*, Edinburgh, John Donald, 1985, chapter 2, "The Challenge of Andrew Fletcher".

²²² See Charles-Édouard Levillain, *Un glaive pour un royaume. La querelle de la milice dans l'Angleterre du XVII^{ème} siècle*, Paris, Honoré Champion, 2014.

flourishing discussion offers there many intellectual correspondences to the 1698's tract, like John Toland's project, also issued in the same period. Moreover, Fletcher's final composition on the militia can also be considered as a definitive answer to his main opponent Daniel Defoe, although from a distinctively Scottish perspective. In this respect, it will be anyway useful to give a short overview of the history of the Scottish militia from its Restoration settlement, to have a better understanding of Fletcher's standpoint and also reconstruct part of the intellectual framework of his revised pamphlet.

To understand the reasons and languages of the militia side, I will thus begin by sketching the intellectual circumstances that gave it its voice. Afterwards, I will consider Fletcher's circle of acquaintances in the capital, before moving to the controversy itself and reconstruct the main lines of its arguments. Then, by putting Fletcher's intervention at the centre of the picture, I will underline how and why his position stands out when compared with that of his fellow pamphleteers, as his understanding of the issue proved much more radical than theirs. Another section will then measure the impact of *A Discourse concerning Militias* and the responses to it. After considering the plans to reform the militia that were elaborated in London, I will eventually place Fletcher's second version of the militia pamphlet in the Scottish context and underline how it fits with its immediate theoretical and political frameworks.

2.1 The theoretical bases of the anti-army arguments

To individuate the common basis of the opposition to the Court during the debates of 1697-1701 is a difficult matter. For sure, an anti-army attitude was present in the British kingdoms at least since the beginning of the XVII century. It spawned from different and scattered sources: irrational fear, the relative isolation of the Isles that retarded the necessity of an extended military force, the spread of humanist readings in an English traditional society that praised the role of the militia since its feudal origins. Knight service, which

obliged the secular and religious tenants of the king to furnish a quantity of men for his battles, was established during the XI century.²²³ In the pamphlet war that is the object of this chapter, it is the republican thinking that gave an intellectual vest to this attitude, although filtered through and intermingled with various other traditions of thought. What participants in the debates tried to define and tame was a century-long process that gradually transformed the experience of warfare in a professionalised expression of the modern State.²²⁴

As far as Fletcher's theoretical background is concerned, John Pocock has convincingly reconstructed the development of a political discourse based on the restatement of some of James Harrington's civic humanist arguments in the aftermath of the Restoration, known as neo-Harringtonianism.²²⁵ Jonathan Scott and Felix Raab among others have recently questioned whether this category can be considered a useful tool of analysis, giving birth to a discussion eventually involving Pocock himself.²²⁶ Notwithstanding the several problems and exceptions it generates, the term can still be employed in its essential definition, to cluster the several authors who accepted Harrington's correlation between power and landed property, amongst whom Fletcher seems to figure appropriately. A proper definition of the term is thus essential here.²²⁷

In itself, Harrington's *The Commonwealth of Oceana*, first published in 1656, could hardly have constituted a practicable political programme by the end of the century. Even if its strongly utopian strands were to be overlooked,

²²³ Thomas Babington, Baron Macaulay, *The History of England from the Accession of James II*, vol. V, Philadelphia, J.B. Lippincott, 1871, p. 2; Lois G. Schworer, *'No Standing Armies!': The Antiarmy Ideology in Seventeenth-Century England*, London, Johns Hopkins University Press, 1974, pp. 1-18; Levillain, *Un glaive pour un royaume*, pp. 35-36.

²²⁴ Roger B. Manning, *An Apprenticeship in Arms: The Origins of the British Army 1585-1702*, Oxford, Oxford University Press, 2006.

²²⁵ See especially *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition*, Princeton, Princeton University Press, 2003 and the essays collected in *Politics, Language, and Time: Essays on Political Thought and History*, Chicago, University of Chicago Press, 1989.

²²⁶ From Jonathan Scott, see 'The Rapture of Motion: James Harrington's Republicanism', in *Political Discourse in Early Modern Britain*, ed. by Nicholas T. Philipson and Quentin Skinner, Cambridge, Cambridge University Press, 1993, pp. 139-164; *Algernon Sidney and the English Republic 1623-1677*, Cambridge, Cambridge University Press, 2005 and *Algernon Sidney and the Restoration Crisis, 1677-1683*, Cambridge, Cambridge University Press, 2002. See also John G. A. Pocock, 'England's Cato: The Virtues and Fortunes of Algernon Sidney', *The Historical Journal*, 37 (1994), pp. 915-935 and Jesse R. Goodale, 'J. G. A. Pocock's neo-Harringtonians', *History of Political Thought*, 1 (1980), pp. 237-259.

²²⁷ See Blair Worden, 'Republicanism and Restoration, 1660-1683', *Republicanism, Liberty, and Commercial Society, 1649-1776*, ed. by David Wootton, Stanford, Stanford University Press, 1994, pp. 139-193 (pp. 140-141).

the historical opportunity of realising its aims had passed, together with Cromwell's rule and the institutional uncertainties of the Interregnum.²²⁸ But the ideas it contained, along those of other authors from the republican pantheon, were readapted to the context of post-Restoration politics, serving the purpose of the radical and country Whigs during the standing army controversy. How that happened has been described in a series of publications by John Pocock culminating in *The Machiavellian Moment* (1975), which established a continuity between Florentine civil humanism and the debate on the constitution of the United States of America, by the way of England's XVII century political thought and Harrington's in particular.²²⁹

To shape his *Oceana*, Harrington heavily drew on whom he regarded as the best among modern political thinkers, Niccolò Machiavelli. The Italian theorist, who never trusted mercenary forces to defend his homeland, had tried during his service to the Florentine republic to plan a practical reform for the militia.²³⁰ Since his early works, he stressed the importance of *arme proprie* to maintain a healthy and durable commonwealth, successively rendering the bearing of arms a requisite for citizenship in a free state in the *Discorsi* and the *Arte della Guerra*. Through the idealisation of ancient and republican Rome, Machiavelli had described a popular commonwealth where civic virtue tightly connected with military *virtù*: to serve the republic and to become a citizen, the individual was to be part of a *buona milizia*. Rome had succeeded in expanding itself to the edge of the world because it unleashed the full potential of its citizens, fighting for their freedom and their properties.²³¹

²²⁸ See the introduction to John G. A. Pocock, *Harrington: 'The Commonwealth of Oceana' and 'A System of Politics'*, Cambridge, Cambridge University Press, 1992, pp. i–xxiv.

²²⁹ On the links between the two sides of the Atlantic, to be touched on in the conclusions below, see also Lawrence Delbert Cress, 'Radical Whiggery on the Role of the Military: Ideological Roots of the American Revolutionary Militia', *Journal of the History of Ideas*, 40, n°1 (1979), pp. 43–60 and *Citizens in Arms: The Army and Militia in American Society to the War of 1812*, Chapel Hill, The University of North Carolina Press, 1982; Joyce Lee Malcolm, *To Keep and Bear Arms: The Origins of an Anglo-American Right*, Harvard, Harvard University Press, 1996.

²³⁰ Mikael Hörnqvist, 'Perché non si usa allegare i Romani: Machiavelli and the Florentine Militia of 1506', *Renaissance Quarterly*, 55, n°1 (2002), pp. 148–191.

²³¹ Gennaro Sasso, *Niccolò Machiavelli*, vol. I, Bologna, Il Mulino, 1993, pp. 188–212, 479–558 On the militia in earlier works, see also Michael Mallett, 'The theory and practice of warfare in Machiavelli's republic', in *Machiavelli and Republicanism*, ed. by Gisela Bock, Quentin Skinner, and Maurizio Viroli, Cambridge, Cambridge University Press, 1990, pp. 173–180.

In Pocock's reading, the *Discorsi* then studied how decline materialised when *corruzione* began to shake the *buoni costumi*, the basis of the good laws of the Roman republic. Corruption was engendered, among other things, by the loss of *equalità*, which occurred when Romans started to pursue individual interests instead of the common good. Rather than being governed by its best citizens elected for their qualities, Rome began to be the prey of social climbers able to gather consent and obtain the backing of powerful allies. This gave rise to factions and to the multiplication of *gentiluomini*, incompatible with republican government. They abandoned the use of arms, leaving it to their private armies of *sudditi* that constituted several alternative centres of power. By progressively transferring the sword to client soldiers, citizens thus lost the equality of their participation in the republic and, ultimately, the republic itself, which became a tyrannical empire ruled by one.²³²

Machiavelli concludes his historical reconstruction in the third book of the *Discorsi*, where the overextension of military commands permitted to Sulla first and then Caesar to submit the capital of the republic, marking its end. One of the major contributions of Harrington to the Machiavellian synthesis, as outlined by Pocock, was to continue the narrative of this corruptive process, framing the feudal society as the successive step to Roman decline. This is carried out in the second part of the preliminaries of *Oceana*, which describes how government by 'ancient prudence' gradually vanished: whereas the people of Rome formerly participated in the military campaigns and received the conquered lands accordingly, by the time of Sulla it was mercenaries who earned the land through their service in war. The whole empire basically rested on the distribution of estates from the emperor to the army, which made it an ancestor of Gothic feudalism in Harrington's eyes and induced him to argue that political power eventually depended on the possession of landed property.²³³

Transposed in the English context, the *gentiluomini* described by Machiavelli are thus none other than the lords, in a system that the barbarian

²³² See Machiavelli's *Discorsi sopra la prima deca di Tito Livio*, especially I, 10, 17, 55 and III, 24, together with Pocock, *The Machiavellian Moment*, pp. 156–218.

²³³ James Harrington, *The Commonwealth of Oceana*, in *The Political Works of James Harrington*, ed. by John G. A. Pocock, Cambridge, Cambridge University Press, 1977, pp. 188–190 and introduction, pp. 43–48.

tribes had taken over when the Roman Empire crumbled and where the vassals had to perform military service in exchange for their lands, renewing the dependence of the many on the few. It is from this point that Harrington starts to describe how the imaginary commonwealth of Oceana — i. e. a fictionalised version of England — came to its present condition, that is the post Civil War disorder during which the book was written. Through an unmerciful analysis of the sovereigns that succeeded the throne, Harrington shows the difficult evolution of the ‘Gothick balance’, the instable constitution resulting from the constant frictions between the king and the barons. It was not until the reforms of Henry VII by the end of the XVth century, which undermined the power of the nobles by removing their military tenants, that the balance was disrupted.²³⁴

Passed this stage, the breakup of the Civil War was just a matter of time, as the vassals, emancipated from the control of the nobility, became independent freeholders with the power of the sword, and the general distribution of property, i. e. of the lands, did not match the distribution of power anymore, so that revolution and a new order were needed. To use Harrington’s own words again, “where there is equality of estates, there must be equality of power; and where there is equality of power, there can be no monarchy”.²³⁵ A crucial advance compared to Machiavellian theory is therefore the connection of landownership with the bearing of arms. The Florentine Secretary made the use of the sword a requisite of citizenship, and Harrington made the further move of making the possession of lands a requisite for the use of the sword.²³⁶ The restoration of ‘ancient prudence’, with a citizenship of freeholders in arms, was now necessary, and the rest of *Oceana* continues in suggesting to Oliver Cromwell the laws to complete this transformation in an expanding republic.²³⁷

²³⁴ *Ibidem*, pp. 191-198 and 49-50; Blair Worden, ‘James Harrington and The Commonwealth of Oceana, 1656’, in *Republicanism, Liberty, and Commercial Society, 1649-1776*, ed. by David Wootton, Stanford, Stanford University Press, 1994, pp. 82-110.

²³⁵ James Harrington, *The Commonwealth of Oceana*, p. 201.

²³⁶ For a different interpretation of Machiavelli’s militia and its reception in England during the Civil War, see Paul A. Rahe, *Against Throne and Altar: Machiavelli and Political Theory Under the English Republic*, Cambridge, Cambridge University Press, 2008, pp. 239-241.

²³⁷ *Ibidem*, pp. 51-73, and *passim*. See also, for the context of the Interregnum John G. A. Pocock, *The Ancient Constitution and the Feudal Law a Study of English Historical Thought in the Seventeenth Century: A Reissue with a Retrospect*, Cambridge, Cambridge University Press, 1987, pp. 124-147; Blair Worden, ‘Harrington’s ‘Oceana’: Origins and Aftermath, 1651-1660’, in *Republicanism, Liberty, and Commercial Society*, pp. 111-138 and Arihiro Fukuda, *Sovereignty and*

According to Pocock, the republican arguments contained in *Oceana* underwent a partial reversal, along with a substantial curb to square with the successive Restoration and the survival of parliamentary monarchy, which Harrington had hastily dismissed as surpassed by history.²³⁸ During the 1670s, it was the struggle between Westminster, willing to preserve its independence, and the executive, trying to constitute a docile Court party in the Houses through clientelist practices, that gave birth to a restated language of civic humanist origins aimed to define a crisis. Directly from Machiavelli, widely circulated in England in its new translation by Henry Neville, was adapted the concept of *corruzione*, to describe the dependence of the ministers on the Court who granted them personal favours and protection.²³⁹ By contrast, the Harringtonian claim that only landed property ensured independence furnished an effective counterpart and a theoretical background to the Country party. Harrington himself, after all, although despising ‘modern prudence’, admittedly preferred its rudeness to the contemporary duplicity of courtiers. The readers of *Oceana* thus started to look at the gentry as the virtuous citizens opposed to the placemen depending on public offices.²⁴⁰

In this context, Charles II’s wars and his efforts to secure an efficient army constituted a crucial issue. If the Court pressured and corrupted the Commons, it was to vote the necessary supplies for the growth of a military establishment, made of pensioners assimilated to parasites. The overstressed presence of army officers in the Parliament, voting for taxes to live at the expenses of the public, aggravated the picture, besides reviving the nightmare of a House made of the generals of the New Model in the aftermath of the Civil War. Turning again to Harrington, who had condemned Cromwell’s use of the standing army to rule, the Country party argued that the sole ownership of the land ensured the

the Sword: Harrington, Hobbes, and Mixed Government in the English Civil Wars, Oxford, Oxford University Press, 1997, pp. 69–125.

²³⁸ The extent of this reversal, questioned in the decades following Pocock’s *Machiavellian Moment*, ultimately varies from author to author. See Blair Worden, ‘Republicanism and Restoration, 1660-1683’, pp. 175-176 and Fukuda, *Sovereignty and the Sword*, pp. 127-140.

²³⁹ Neville’s translation was published in 1675. On Machiavelli’s diffusion, see the classic text from Felix Raab, *The English Face of Machiavelli: A Changing Interpretation 1500-1700*, London, Routledge & Keegan Paul, 1964.

²⁴⁰ The whole detailed process of adaptation is described from the parliamentary debates successive to Cromwell’s death in J. G. A. Pocock, ‘James Harrington and the Good Old Cause: A Study of the Ideological Context of His Writings’, *Journal of British Studies*, 10 (1970), pp. 30–48; Pocock, *The Machiavellian Moment*, pp. 401–408.

legitimate bearing of arms, but after the Restoration it was the county militia to be the ideal and viable alternative to corruptive mercenary forces, rather than the *populus* in arms imagined in substitution of feudal military service.²⁴¹

As a direct consequence, the followers of Harrington eventually overturned his verdict by mourning the disappearance of feudal nobility, considered decisive to contain the now overwhelming powers of the king, merging the ancestral Gothic theory with civic humanism.²⁴² Whereas Harrington had described the Gothic politics a relic of a turbulent, despicable past, neo-Harringtonians perceived them as the free 'ancient constitution' of the realm, part of a linear history of England already praised in Sir John Fortescue's *De Laudibus Legum Angliae* (1537). Their historical analysis did not locate the commonwealth of arm-bearing and landowning citizens only in an alien classical past, but above all in the English traditional order of a mixed constitution. In these terms, the present was a corrupted version of secular liberties, in which the Court was endangering the time-honoured Country independence.²⁴³

To focus on the classical strands of neo-Harringtonianism, however, implies that other dimensions of the political discourse revolving around the army might be overlooked, as the question is set along the simplified dichotomy between corruptive standing armies and virtuous militias. Charles-Édouard Levillain conversely outlined the legal aspects of the struggle between the king and the Parliament, placing the royal prerogative at the centre of the picture. When *A Letter from a Person of Quality to his Friend in the Country*, a pivotal document for Pocock's reconstruction, cried against the dangers of a military government in 1675, its author indeed condemned professional troops, but also the unrestrained control that Charles II had over the militia. Besides the risks of corruption in Machiavellian vest rested what the parliamentarians perceived as a concrete possibility of an absolute military monarchy.²⁴⁴

²⁴¹ John G. A. Pocock, 'Machiavelli, Harrington and English Political Ideologies in the Eighteenth Century', *The William and Mary Quarterly*, Third Series, 22 (1965), pp. 549–583, *The Machiavellian Moment*, pp. 409–412 and *The Political Works of James Harrington*, pp. 128–132.

²⁴² On the persistence of Gothic theory in English politics, see R. J. Smith, *The Gothic Bequest: Medieval Institutions in British Thought, 1688–1863*, Cambridge, Cambridge University Press, 2002, especially pp. 10–41.

²⁴³ John G. A. Pocock, 'The Machiavellian Moment Revisited: A Study in History and Ideology', *The Journal of Modern History*, 53 (1981), pp. 49–72 (pp. 61–62).

²⁴⁴ Levillain, *Un glaive pour un royaume*, pp. 235–239.

As Thomas Hobbes defined the control of the army as the first requisite of sovereignty, the Militia Acts of 1661-1663, central to the Restoration regime, bridged the secular constitutional gap that ultimately caused the Civil War, *de facto* transferring the *jus gladii* to the king, now sole owner of the right to command the British forces and appoint lieutenants and officers.²⁴⁵ Charles II's use of the veto during the parliamentary debates in 1678, to block a bill introduced in the Commons to partially amend the militia laws, threatened to revive the rupture of the Civil War, when the Ordinance of 1642 constituted the spark that triggered the armed conflict between the king and the Parliament. Like it had been with his father in 1642, it was Charles' prerogative to be questioned by Westminster, as its most radical members doubted there was a difference between a standing army of mercenary forces and a militia as it had been shaped. With the monopoly of the sword firmly in his hands, the king had eventually become a Leviathan, in exchange for the definitive end of intestine wars.²⁴⁶

The Glorious revolution and the following Bill of Rights (1689) eventually invested the subjects with the right to bear arms and prohibited the new monarch William III to maintain a standing army in time of peace without the consent of the Parliament.²⁴⁷ However, in spite of reframing the king's prerogatives under the stricter control of Westminster, the act did not directly intervene on the militia.²⁴⁸ On the one hand, besides some technical questions that were solved, the domestic armed force remained obsolete, as William's duel with Louis XIV on the continent was sustained with modern mercenary soldiers

²⁴⁵ Charles II, 1661 - *An Act Declaring the Sole Right of the Militia to Be in King and for the Present Ordering & Disposing the Same*, in *Statutes of the Realm: volume 5: 1628-80*, London, 1819, pp. 308-309; Charles II, 1662 - *An Act for Ordering the Forces in the Several Counties of This Kingdom*, in *ibidem*, pp. 358-364; Charles II, 1663 - *An Additional Act for the Better Ordering the Forces in the Severall Counties of This Kingdome*, in *ibidem*, pp. 443-446.

²⁴⁶ John R. Western, *The English Militia in Eighteenth Century: The Story of a Political Issue, 1660-1802*, Routledge & Keegan Paul, 1965, pp. 3-29, 77-85; Levillain, *Un glaive pour un royaume*, pp. 82-85; John G. A. Pocock, 'Standing Army and Public Credit: The Institutions of Leviathan', in *The World of William and Mary: Anglo-Dutch Perspectives on the Revolution of 1688-89*, ed. by Dale Hoak and Mordechai Feingold, Stanford, Stanford University Press, 1996, pp. 87-103 (pp. 95-96).

²⁴⁷ Lois G. Schwoerer, 'To Hold and Bear Arms: The English Perspective', *Chicago-Kent Law Review*, n°76 (2000), pp. 27-60.

²⁴⁸ Western, *The English Militia*, pp. 85-89; Levillain, *Un glaive pour un royaume*, pp. 367-372. An article of the first draft of the Bill actually stated that the Militia Acts should be reformed, but got excluded from the final document. See Schwoerer, 'No Standing Armies!', p. 149.

during the Nine Years' War (1688-1697). This was made possible by the "financial revolution" that occurred around 1695 and created the possibility of public credit through the national debt and the Bank of England, institutions that promised to transform England in a government based on money, rather than landed property.²⁴⁹ On the other, the right to use the sword rested with William, notwithstanding the protest of the most radical members of the Convention, who were not satisfied with the limits set to the king's warfare in Europe and tried once more to introduce a bill to reform the militia, without success.

In summary, as soon as the peace of Ryswick was signed in October 1697 and William was back in London to summon a new assembly, two questions were to be tackled, involving two intertwined matters. Firstly, whether the victorious mercenary troops had to be disbanded or not. In the ways and for the reasons described above, neo-Harringtonians strongly endorsed the disbandment. They did not exploit the lessons of *Oceana* to emancipate from an oppressing feudal order and establish a republic, but to resist the encroachments of the rising modern bureaucratic State and find a new balance between Court and Country. A standing army, taking away the sword from the hands of the landed gentry, would have corrupted the ancient constitution of England, destroying its foundations by undermining the independence of the Parliament. The commonwealth and the militia remained inseparable as in Harrington's speculations, but it was now opposed to professional armies, as it constituted a bulwark against absolutism.²⁵⁰

Secondly, even if the actual sword remained in the hands of the subjects, and a militia were to be preferred to mercenary soldiers, it had to be reformed to create an efficient army able to defend the country in a period of international instability. How and to what extent was a matter that crucially also questioned the right to use the sword. Since the Restoration, this right stayed within the uncontested prerogative of the king, who exercised it through the nomination or displacement of lieutenants and officers at his will. Whether the *jus gladii* could

²⁴⁹ On the matter, see Peter G. M. Dickson, *The Financial Revolution in England: A Study in the Development of Public Credit, 1688-1756*, London, Macmillan, 1967; John Brewer, *The Sinews of Power: War, Money, and the English State, 1688-1783*, Harvard, Harvard University Press, 1990.

²⁵⁰ Pocock, 'Machiavelli, Harrington and English Political Ideologies in the Eighteenth Century', p. 567; *The Political Works of James Harrington*, pp. 132-133.

be shared with the Parliament, in a way that would radically redefine the nature of William's realm itself, without precipitating another Civil War, was to be a central issue during the debates inside and outside the assembly by the end of 1697. On this matter, Fletcher's proposal was radical, more than any other discussed at the turn of the century.

2.2 London taverns and radical Whigs' connections

At the beginning of November 1697, Fletcher was in London. Worried about his affairs in Scotland, and in particular because of his trial before the Court of Session regarding the possession of the Aberlady estates, he wrote to his friends in Edinburgh. In one missive, he asked the president of the Privy Council William Johnstone, marquess of Annandale, that "the justice of the nation to be used with equity in difficultys", referring to the loss of his compt book "during the late disorders" due to his forfeiture.²⁵¹ At the end of the letter, he took care of sending the regards of Thomas Livingstone, a common acquaintance recently made major-officer of the English forces by the king after he proved his valour on the battlefield.²⁵² On the same day, Fletcher also wrote to his former exile companion Patrick Hume of Polwarth, now chancellor of Scotland for his loyal services to William, about the same matter. Polwarth reassured him about the firmness of their old friendship, dispelling his fears and accepting the fact that "where you are is your place of business"²⁵³

The "business" that held Fletcher in the English capital was undoubtedly the incoming session of the Parliament, opening on the 3rd of December primarily to decide whether the continental troops of William III had to be disbanded or not. The king, distrusting Louis XIV's intentions, pushed for a continental commitment, which would have required the maintenance of his

²⁵¹ See above, pp. 16, 42.

²⁵² Andrew Fletcher to William Johnstone, earl of Annandale, 11th November 1697, printed in Historical Manuscripts Commission, Fifteenth report, appendix, part IX, London, 1897, p. 101.

²⁵³ NAS GD158/964/304, Patrick Hume of Polwarth to Andrew Fletcher, 30th December 1697.

land forces. The instability of the international situation, complicated by the imminent extinction of the Spanish Habsburg line and the consequent vacancy of the Iberian throne, made it indeed necessary in William's eyes to stand the ground and discourage the apparently overwhelming ambitions of the *Roi Soleil*, even if temporarily soothed. To do so, according to the Bill of Rights, the consent of Westminster was needed.²⁵⁴

The matter, however, proved anything but simple. On the one hand, the subsistence of a permanent land force clashed with the traditional English anti-army attitude. On the other and as we have seen, by actually questioning the very nature of English government, the issue aroused the thoughts and reflections of many scholars, politicians and pamphleteers of the time, bound by their common opposition to mercenary forces. The expiration of the Licensing of the Press Act (1662) in 1695 only made it easier for an outburst of publications to freely circulate in the capital before, during and after the parliamentary debates, in an attempt to argue for the disbandment of William's army, while propagandists on the payroll of the Court struggled to strike back. This gave life to a controversy, in which Fletcher decided to enter and take a side.

In doing so, he did not disdain mixing business with pleasure. London, an ideal haunt for freethinkers and onlookers, was filled with informal clubs where anyone could exchange ideas and discuss recent events. Many of the most heated discussions took place in taverns and coffeehouses while enjoying a beverage, an activity that Fletcher certainly relished. Every different meeting place, among the several different activities it offered, broadly corresponded with a crowd of *habitués*, passionately debating about a particular argument. 'The Grecian' tavern, so called because of its Greek owner Constantine, was situated in Devereux Court, off Essex street, and usually witnessed conversations revolving around antiquity and classical learning.²⁵⁵ It had been the by then elderly republican writer Henry Neville, editor and translator of Machiavelli, to possibly

²⁵⁴ Schwoerer, *No Standing Armies!*, pp. 146–158.

²⁵⁵ Henry C. Shelley, *Inns and Taverns of Old London*, Wildside Press, 2004, pp. 110–111. On the Grecian, see Jonathan Harris, 'The Grecian Coffee House and Political Debate in London 1688–1714', *The London Journal*, 25, n°1 (2000), pp. 1–13. In general, see Steve Pincus, "'Coffee Politicians Does Create": Coffeehouses and Restoration Political Culture', *The Journal of Modern History*, 67, n°4 (1995), pp. 807–834 and Brian Cowan, *The Social Life of Coffee: The Emergence of the British Coffeehouse*, Yale, Yale University Press, 2008.

commence the tradition in the 1680s, and since his interventions ‘the Grecian’ became the favourite stage for political discussions of the City’s commonwealthmen. Whether Fletcher found his natural environment on its benches is not supported by direct proofs, but is strongly suggested by circumstantial evidence, eminent claims and contemporaries.²⁵⁶

For sure, Fletcher knew and frequented several of the ‘Grecian’ customers. One of its earliest regulars was the young classical scholar and politician Walter Moyle, who made it on time to witness the eloquence of “Plato Neville”. Brilliant translator of Lucian and Xenophon, Moyle was himself the author of a few essays on ancient governments and a member of the Parliament since 1695. His interests made him a good friend of Fletcher and an excellent interlocutor.²⁵⁷ Moyle furthermore collaborated with the Irish publicist John Trenchard, another frequent customer of the ‘Grecian’, with whom he actually started the pamphlet war about the standing army. It is reported that Fletcher considered the unconventional philosopher and deist John Toland, who likewise enjoyed coffee house meetings and discussions, a “bigoted atheist” and disapproved of his lies and bragging.²⁵⁸ Nevertheless, their printed contributions to the controversy had many elements in common, as we will see hereinafter.

Fletcher’s connections also included other London personalities. Among them, the MP of Country interests Anthony Hammond, intimate of Moyle to the point of later editing his works, was famous for his tirades against corrupted parliamentary politics and fittingly enjoyed Fletcher’s company.²⁵⁹ Similarly, the young thinker Anthony Ashley Cooper, third earl of Shaftesbury, also associated with the Scot for a while. His early political thinking indeed developed within a classical republican tradition with which the whole clientele of the ‘Grecian’ was

²⁵⁶ Caroline Robbins, in describing the fauna and activities at the Grecian, includes Fletcher among its customers, as does Lois Schwoerer citing several pamphlets. See *The Eighteenth-Century Commonwealthman*, pp. 3–4, 89, 92, 176 and ‘*No Standing Armies!*’, pp. 177, fn. 94.

²⁵⁷ Robbins, *The Eighteenth-Century Commonwealthman*, p. 30; *Id.*, *Two English Republican Tracts: Plato Redivivus; Essay on the Constitution of Roman Government*, London, Cambridge University Press, 1969, pp. 24–25; Walter Moyle and Anthony Hammond, *The Whole Works of Walter Moyle, Esq; That Were Published by Himself. To Which Is Prefixed Some Account of His Life and Writings, by Anthony Hammond, Esq*, London, 1727, pp. 18–21, 22–27, 49, 75–76, 243.

Walter Moyle and Anthony Hammond,

²⁵⁸ The anecdote was reported to Erskine for the drafting of Fletcher’s biography in EUL MS Lang II 588/E4, David Dalrymple, Lord Hailes to David Steuart Erskine, Lord Buchan, April 1787. See also de Beer, *The Correspondence of John Locke*, vol. VI, p. 661.

²⁵⁹ See Moyle and Hammond, *The Whole Works of Walter Moyle*, p. 21.

imbibed, until he left active politics together with his parliamentary seat by 1698. While reconsidering this experience in the light of his following introspective philosophical turn, Shaftesbury remembered Fletcher as one of the strongest examples of grave orators “engagd in for the commonwealth”. His prestigious list also mentioned the political economist of neo-Machiavellian inspiration Charles Davenant and the author of the widely read *An Account of Denmark* (1694), Robert Molesworth.²⁶⁰

How men of such different milieus and minds could share a broadly common position can be explained by looking at Neville’s *Plato Redivivus*, first published in 1681 and most likely the textbook of his speeches at the ‘Grecian’. Neville, who had been thought of assisting Harrington in writing *Oceana* and who constituted a direct bridge with the Civil War and Interregnum period, was less uncompromising than his friend and understood the necessity of both restating Harringtonian concepts for a different context and allying with a more moderate Whig audience to formulate an actual programme for political action. Thus, *Plato* complained about the efforts made by the Court to bribe the Commons through pensions and offices, and protested the Crown’s power to appoint militia officers as an usurpation of local prerogatives, condemning standing armies as an instrument of tyranny. Moreover, it significantly situated republican features of government in the ‘ancient constitution’, regretting the disappearance of Gothic monarchy whose institutions guaranteed “poor England [...] its former perfect health.”²⁶¹

Aimed at reshaping monarchical power to resolve the instability of the English constitution and avoid any absolutist degeneration, the collective reinterpretation of the republican ideas of the mid 1650s took shape consistently through the reissue of the classics in a modified vest, in order to purge republicanism from its regicidal and most violent elements and furnish an

²⁶⁰ Lawrence E. Klein, *Shaftesbury and the Culture of Politeness: Moral Discourse and Cultural Politics in Early Eighteenth-Century England*, Cambridge, Cambridge University Press, 1994, pp. 16, 126–127, 136–138.

²⁶¹ Henry Neville, *Plato Redivivus*, in *Two English Republican Tracts*, p. 174. For the coherence of Neville’s ideas along his life, see Zera Silver Fink, *The Classical Republicans: An Essay in the Recovery of a Pattern of Thought in the Seventeenth Century England*, 2nd ed., Evanston, Northeastern University Press, 1962, pp. 123–148 and especially Gaby Mahlberg, *Henry Neville and English Republican Culture in the Seventeenth Century: Dreaming of Another Game*, Manchester, Manchester University Press, 2009, pp. 139–186.

attractive language to contemporary Country Whigs' political aims. In this process, Toland played the leading role, in crafting modern editions and biographies of John Milton, Algernon Sidney, Edmund Ludlow, Denzil Holles and James Harrington among others, which Fletcher partly collected.²⁶² The volumes were issued roughly between 1697 and 1700, in collaboration with London's radical publishers, republican friends, MPs and aristocratic patrons. Harrington's *Oceana*, for instance, was apparently reprinted at the request of the MP Robert Harley with the clear mention that neither he nor Toland "imagin'd the model itself to be practicable".²⁶³

The behaviour of Harley, who together with the speaker at the Commons Paul Foley was the leader of the unusual coalition of Tories and radical Whigs known as the "New Country Party", clearly describes how the connivance between politicians and pamphleteers gave life to a precisely orchestrated propaganda campaign against William's standing armies during 1697-1699.²⁶⁴ To what extent Fletcher was part of this concerted effort cannot be determined with certainty, although Harley considered him his friend.²⁶⁵ However, his intransigent and incorruptible character often made him incompatible with political compromise. According to the secret agent John Macky, by the end of the 1690s Fletcher's highly placed acquaintances in London had deluded him. His friendship with the Whig politician Charles Talbot, duke of Shrewsbury, ended with the latter's spectacular volte-face, which led him to accept the role Secretary of State in 1694 and provide the votes in the Commons to pass the financial acts to support William's wars. Similarly, the passion for books Fletcher shared with Charles Spencer, earl of Sunderland did not suffice to make the Scot forget his vote for the maintenance of the king's army.²⁶⁶

²⁶² See NLS MS 17863, fols. 23, 40, 63, 119.

²⁶³ John Toland to Robert Harley, as quoted in *The Political Works of James Harrington*, p. 141. The classic account on this editorial work is to be found in the introduction to Edmund Ludlow, *A Voyce from the Watchtower. Part Five: 1660-1662*, ed. by Blair Worden, Camden Fourth Series, London, Royal Historical Society London, XXI, especially pp. 17-31, 39-52. See also the more recent Champion, *Republican Learning*, pp. 93-115.

²⁶⁴ On this matter, see James A. Downie, *Robert Harley and the Press: Propaganda and Public Opinion in the Age of Swift and Defoe*, Cambridge, Cambridge University Press, 1979, especially pp. 19-40.

²⁶⁵ William Carstares to Robert Harley, 25th August 1704, in *The Manuscripts of His Grace the Duke of Portland*, London, 1907, vol. 8, pp. 141-142.

²⁶⁶ Macky, *Memoirs of the Secret Services of John Macky*, pp. 222-223.

All evidence considered, it is reasonable to say that, though Fletcher had various connections in London, frequented the liveliest taverns and participated in the political discussions of his associates, he nonetheless kept a certain distance from the New Country Party's planned strategy to direct the debates or to temper republican orthodoxy, unlike Trenchard or Toland. His closest friends in Westminster, Moyle and Hammond, definitely remained his nearest companions among the radicals, with whom he shared a stronger political stance. Fletcher surprisingly neither held a copy of any of the pamphlets produced during the controversy, although his tracts demonstrate he was aware of the contents of many of them, adapting their expressions and language to the dominant context. It is thus from an independent standpoint, as it is to be expected from him, that Fletcher gave his opinion on the standing armies issue.

2.3 Setting the stage of the controversy

To define the framework of the anti-army side was *An Account of Denmark*, a European bestseller published in late 1693 by the Anglo-Irish diplomat of republican leanings Robert Molesworth. Describing the transformations of the northern kingdom from an old Gothic monarchy into modern hereditary absolutism through a *coup d'état* in 1660, the former Envoy in Copenhagen observed how the nobility of Denmark, once crucial for the government of the realm, lost its public spirit and eventually became responsible for the absolutist turn. A decisive role was obviously played by the army, which had not been disbanded after the Treaty of Copenhagen that ended the war with Sweden. The same loss of liberty was occurring throughout "all Europe", which "was in a manner a free country till very lately"²⁶⁷ under the institutions

²⁶⁷ Robert Molesworth, *An Account of Denmark as It Was in the Year 1692*, London, 1694, p. xxii.

introduced by the Goths, so that if England wanted to keep its freedom, it had to educate its youth and preserve its constitution, the best in the world.²⁶⁸

Molesworth's point was that, far from being a popish degeneration like Louis XIV's government, "tyranny usually steals upon a state by degrees and is like a hectic fever",²⁶⁹ ready to contaminate even the most righteous Protestant nations. Although its aims were to sustain the war against the *Roi Soleil* and plead for a direct English commitment in continental affairs,²⁷⁰ after the peace of Ryswick the *Account* assumed a completely different perspective, becoming the outline of a corruptive process that many recognised as taking place in England, if the mercenaries hired by William were not disbanded. Molesworth himself sat in the Parliament of 1697-1699 and gave a virulent speech against standing armies, as his friends of the 'Grecian' quoted the *Account* and listed Denmark among the numerous examples of what could happen to England.²⁷¹

As a spark to ignite the controversy in print, the first publication that appeared before the beginning of the debates at Westminster was the result of the collaboration between John Trenchard and Walter Moyle. By November 1697,²⁷² *An Argument Shewing That a Standing Army Is Inconsistent with a Free Government* basically set the tone of the dispute, reciting all the themes and *topoi* that were to be modulated in the successive pamphlets: the fleet as a sufficient guarantee against possible French invasion, since "the Sea is our Element";²⁷³ the examples of the virtuous militias of ancient republics, from Sparta to Rome, and

²⁶⁸ *Ibidem*, pp. i-xxi, 44-69. See also Robbins, *The Eighteenth-Century Commonwealthman*, pp. 94-99; Worden, *Republicanism and Restoration*, pp. 176, 187.

²⁶⁹ Molesworth, *An Account of Denmark*, p. XXVII.

²⁷⁰ On this matter, see in particular Steve Pincus, 'Absolutism, Ideology and English foreign policy: the ideological context of Robert Molesworth's *Account of Denmark*', in *Ideology and Foreign Policy in Early Modern Europe (1650-1750)*, ed. by David Onnekink and Gijs Rommelse, London, Ashgate Publishing Ltd., 2013, pp. 29-54 and David W. Hayton, 'The Personal and Political Contexts of Robert Molesworth's *Account of Denmark*', in *Northern Antiquities and National Identities: Symposium Held in Copenhagen, August 2005*, ed. by Knud Haakonssen and Henrik Horstbøll, *Historisk-Filosofiske Meddelelser*, 101, Copenhagen, Det Kongelige Danske Videnskabernes Selskab, 2008, pp. 41-67.

²⁷¹ See for example John Trenchard and Walter Moyle, *An Argument Shewing That a Standing Army Is Inconsistent with a Free Government and Absolutely Destructive to the Constitution of the English Monarchy*, London, 1697, p. 13. For Molesworth, see *Calendar of State Papers, Domestic series*, 1698, p. 23.

²⁷² Every reference to the authorship or publication date of the pamphlets will be taken from Lois G. Schwoerer, 'Chronology and Authorship of the Standing Army Tracts, 1697-1699', *Notes & Queries*, n°13 (1966), pp. 382-390 and James A. Downie, 'Chronology and Authorship of the Standing Army Tracts: A Supplement', *Notes & Queries*, n°23 (1976), pp. 342-346.

²⁷³ Trenchard and Moyle, *An Argument Shewing That a Standing Army Is Inconsistent with a Free Government*, p. 21.

those of the governments that succumbed to tyranny for entrusting themselves to standing armies for defence, as “the same causes will produce like effects in all ages”;²⁷⁴ the necessity to reform the existing militia, along with the refusal to consider it an obsolete instrument of modern warfare, sustained by the contemporary examples of Switzerland and Poland.²⁷⁵

More interestingly, Trenchard and Moyle also quoted “Mr. Harrington”, who had “founded his whole *Oceana* upon a trained militia”,²⁷⁶ and claimed that the free government of England they tried to protect from the threat of standing armies was a Gothic kind of mixed constitution, in which the nobility played the central role of balance between the king and the people.²⁷⁷ In a pure neo-Harringtonian idiom, the *Argument* thus reminded how crucial it was, in order to keep this “Gothick balance”, to make “the militia consist of the same persons as have the property”,²⁷⁸ instead of keeping professional troops on foot like the previous sovereigns attempted to do to enslave the nation. Using mercenary forces to resist Louis XIV’s tyranny was thus nonsense, since it would transform England in an absolute monarchy anyway, and “protestant and popish are both alike” if the destiny of European nations had to be followed.²⁷⁹ Conversely, if the sword remained in hands of the landowners, the constitution would be safe.²⁸⁰

Confronted with the wide circulation and success of the *Argument*, which earned Trenchard the government’s attentions, William III was not caught off guard. In a growing anxiety to convince a hostile public opinion, the king prompted a counter-propaganda campaign, led by the responses of the Court through the pen of the Lord Chancellor John Somers and the journalist Daniel Defoe.²⁸¹ Somers, one of the leading figures in the collective direction of the Whig party known as the “Whig junto”, was an early supporter of William’s policies

²⁷⁴ *Ibidem*, p. 8, 7-12.

²⁷⁵ *Ibidem*, pp. 22-25. For an overview of the pamphleteers’ common topics, see E. Arnold Miller, ‘Some Arguments Used by English Pamphleteers, 1697-1700, Concerning a Standing Army’, *The Journal of Modern History*, n°18 (1946), pp. 306-313.

²⁷⁶ Trenchard and Moyle, *An Argument Shewing That a Standing Army Is Inconsistent with a Free Government*, p. 26.

²⁷⁷ *Ibidem*, pp. 6-8.

²⁷⁸ *Ibidem*, p. 8.

²⁷⁹ *Ibidem*, p. 20.

²⁸⁰ *Ibidem*, p. 24 and *passim*.

²⁸¹ For William’s standpoint, see Lois G. Schworer, ‘The Role of King William III of England in the Standing Army Controversy - 1697-1699’, *Journal of British Studies*, 5 (1966), pp. 74-94.

and settlement, for which he praised the role of the Parliament.²⁸² In an evident attempt to dampen the MPs spirits and well represent the government's position, he published a moderate tract entitled *A letter, ballancing the necessity of keeping a land-force in times of peace: with the dangers that may follow on it*. Far from embroiling himself in constitutional matters, Somers avoided strong claims and showed comprehension towards the anti-army camp. He agreed with the *Argument* that it was necessary to "maintain our empire on the sea",²⁸³ praised the militia as the best in the world and declared himself "far from the thought of a standing army".²⁸⁴

But, much as Somers could be sympathetic with the radicals, he also outlined the crude reality of international politics. The precarious peace obtained from Louis XIV could not be guaranteed by the treaties or the fleet only, but had to be secured with "a land-force",²⁸⁵ able to contain the French king's designs. To reform the militia, that Somers shows to be unreliable with examples from modern English history, would take too much time to face the possible dangers that a "reasonable force"²⁸⁶ could handle more easily. A similar conciliatory tone can be found in the anonymous *The Argument against a Standing Army, Rectified*, which in siding with the militia supporters also weighed the Court's reasons for a standing army. Although it was true that Louis XIV was getting old and starting to lack money and men, the possibility of a union of the French crown with that of the Spanish Empire due to the imminent death of the last Habsburg Charles II made it necessary to have a prepared land force.²⁸⁷

What makes Somers' answer so relevant are two sets of remarks. First of all, it underlines how the change of times and of the methods of war makes the professional troops better suited for warfare. In that sense, the examples of

²⁸² See William L. Sachse, *Lord Somers: A Political Portrait*, Manchester, Manchester University Press, 1975.

²⁸³ John Somers, Baron Somers, *A Letter Ballancing, the Necessity of Keeping a Land-Force in Times of Peace: with the Dangers that May Follow on it*, [London], 1697, p. 2.

²⁸⁴ *Ibidem*, pp. 3 and 7.

²⁸⁵ *Ibidem*, p. 3.

²⁸⁶ *Ibidem*.

²⁸⁷ *The Argument against a Standing Army Rectified, and the Reflections and Remarks upon It in Several Pamphlets, Consider'd in a Letter to a Friend*, London, 1697, pp. 5, 10. See also Anon., *Some Remarks upon a Late Paper, Entitled, An Argument, Shewing That a Standing Army Is Inconsistent with a Free Government, and Absolutely Destructive to the Constitution of the English Monarchy*, London, 1697, pp. 7-8, 16, arguing the same way.

Sparta and Rome furnished by Trenchard and Moyle could not pertain to the current situation of England, as “it is a wrong way of arguing, to apply the precedent of any one time to another”.²⁸⁸ If the pamphleteers sustaining the militia set the stage of the debate trying to search for the right precedents to sustain their cause, and thus employed the logical approach of the common law when reading classic history, Somers, while accepting the challenge and supplying equally convincing counterexamples, also reminded his audience that England was not an ancient military republic based on agriculture, but a modern and refined society, with trade and luxury unknown to the ancients.²⁸⁹

Secondly, even though avoiding the slippery road of the constitutional implications of a standing army and being rather interested in the practical issue of the parliamentary session, Somers’ tract insisted “we must trust England to a House of Commons, that is to it self.”²⁹⁰ In particular, the Lord Chancellor proposed that the army would be reviewed by the Parliament from year to year and remodelled according to the mutating necessities of the European politics. Whilst the risks of corruption denounced by the anti-army party were understandable, the traditional love for liberty of the English subjects would secure the constitution of the realm.²⁹¹ In a distinctively Whiggish rhetoric, Somers essentially answered to the *Argument’s* defence of the Gothic constitution with highlighting the centrality of the role of the Parliament as a guardian of liberty, while the sword had to be devolved upon professionals. Even the author of the *Argument Rectified* agreed that Westminster would have been “the fittest judge”²⁹² to watch on the army.

The same concepts were advanced with fewer regards for his adversaries by Daniel Defoe, in a tract issued shortly after the opening of the debates in Parliament. After ending an unfortunate career as a merchant and investor with bankruptcy and imprisonment, Defoe was by the middle of the 1690s an exceptional pen to hire and an indefatigable supporter of king William. His *An*

²⁸⁸ Somers, *A Letter Ballancing*, p. 9. See also Anon., *The Case of disbanding the army at present briefly and impartially considered*, London, 1698, pp. 1-2, sustaining the same thing.

²⁸⁹ *Ibidem*, p. 10; Levillain, *Un glaive pour un royaume*, p. 32. See also *Some Remarks upon a Late Paper*, p. 1, where Trenchard and Moyle are described by the Whig anonymous author as pleading their cause “like a true lawyer”.

²⁹⁰ Somers, *A Letter Ballancing*, p. 15.

²⁹¹ *Ibidem*, pp. 3, 14-15.

²⁹² Anon., *The Argument Rectified*, p. 26.

Essay upon Projects, published early in 1697, listed a number of proposals to come out of the economic crisis that undermined England, in a moment when the frenzy for schemes and plans, like the Darien one in Scotland, was at its peak. Defoe also listed a number of inventions that made warfare more expensive and advanced, making it the true powerful drive for the improvement of England and the proof of the superiority of modernity towards the ancient world. Nowadays, Defoe concluded, “tis’ not he who has the longest sword so much as he who has the longest purse, will hold the war out best.”²⁹³

Despite opening with a long list of unflattering precedents of the militia’s conduct to contest every single case illustrated in the *Argument*, Defoe’s first brief intervention in the debate thus pushed Somers’ intuitions further, assuming that “war has become a science, and arms an employment”.²⁹⁴ Although still in a short and reduced form, Defoe made it clear that a new age made its appearance, where there was no room for an amateur army of militias. Professionals now replaced the individual praised by Trenchard and Moyle, who was at the same time a citizen, a soldier and a husbandman, in military tasks. Instead, the “magnipotent”²⁹⁵ Parliament, made up of the representatives of the whole nation, would regulate the standing forces by deciding whether funding them, preventing the risks of tyranny.

The controversy thus took shape along two lines. On the one hand, there was the constitutional issue: whereas the militia party pushed to preserve the Gothic constitution, and thus to maintain the sword in the hands of the landowners to avoid tyranny, the Court pamphleteers played down the problem, replying that the Parliament was perfectly fit for the task of controlling the army

²⁹³ Daniel Defoe, *An Essay upon Projects*, London, 1697, p. 258 and introduction; Paula R. Backscheider, *Daniel Defoe: His Life*, London, John Hopkins University Press, 1989, pp. 41–71; Manuel Schonhorn, *Defoe’s Politics: Parliament, Power, Kingship, and Robinson Crusoe*, Cambridge, Cambridge University Press, 1991, pp. 49–56; Laurence Dickey, ‘Power, Commerce and Natural Law in Daniel Defoe’s Political Writings 1698-1707’, in *A Union for Empire: Political Thought and the British Union of 1707*, Cambridge: Cambridge University Press, 1995, pp. 63–96 (p. 68).

²⁹⁴ Daniel Defoe, *Some Reflections on a Pamphlet Lately Published Entituled An Argument Shewing That a Standing Army Is Inconsistent with a Free Government and Absolutely Destructive to the Constitution of the English Monarchy*, London, 1697, p. 16. Defoe made this point even clearer by the end of 1698, when he stated “war is no longer an accident, but a trade [...] that it requires people to make it their whole employment [...]. The gentlemen of the club can say what they please, [...] but I must tell them management is the principle art of war.” See Daniel Defoe, *A Brief Reply to the History of Standing Armies in England with Some Account of the Authors*, London, 1698, p. 14.

²⁹⁵ *Ibidem*, p. II.

through the allocation of funds to keep it on foot. As new publications abounded, sometimes resulting in ironical pieces,²⁹⁶ Trenchard tried to make his arguments clearer, rejecting Somers' solution of a yearly revision of the troops by Westminster as upsetting the balance of government, while the Reverend Samuel Johnson, who had already written against the army in 1689, accused the Lord Chancellor of aiming to introduce absolutism in England.²⁹⁷ A second part of Trenchard's *Argument* also appeared, giving further refined historical examples from European history trying to demonstrate that "to limit a prince with law when there is an army, is to bind Sampson with his locks on."²⁹⁸

On the other hand, the controversy of 1697-1699 also questioned the efficacy of the old fashioned militia in the face of contemporary warfare. The anti-army side saw no contradiction between the two. Trenchard and Moyle believed the advances in the art of war made modern military training "much shorter and easier than the ancient",²⁹⁹ while they kept asking why the militia could not be reformed along new lines and made as disciplined as a standing army, besides being more numerous and endowed with the traditional English courage able to smite any enemy.³⁰⁰ Generally speaking, the pamphleteers' conviction that the militia was enough for the defence of the country lied on the central role they attributed to the fleet and thus on their vision of international politics. Whereas the radical Whigs thus supported a basically isolationist position, Defoe and Somers advocated England's presence on the Continent as necessary to protect the nation's territory and interests, on the behalf of the Court.

²⁹⁶ See the poem from Matthew Prior, *A New Answer to an Argument against a Standing Army*, London, 1697 and the satirical list contained in Anon., *Several Reasons for the Establishment of a Standing Army, and the Dissolving the Militia*, London, 1700.

²⁹⁷ John Trenchard, *A Letter from the Author of the Argument against a Standing Army to the Author of the Balancing Letter*, London, 1697, pp. 7, 14-15; Samuel Johnson, *A Confutation of a Late Pamphlet Intituled A Letter Ballancing the Necessity of Keeping a Land-Force in Times of Peace, with the Dangers That May Follow on It*, London, 1698, p. 12 and *passim*.

²⁹⁸ John Trenchard, *The Second Part of an Argument Shewing That a Standing Army Is Inconsistent with a Free Government, and Absolutely Destructive to the Constitution of the English Monarchy with Remarks on the Late Published List of King James's Irish Forces in France*, London, 1697, p. 9.

²⁹⁹ Trenchard and Moyle, *An Argument Shewing That a Standing Army Is Inconsistent with a Free Government*, p. 26.

³⁰⁰ *Ibidem*, p. 25; Trenchard, *A Letter from the Author of the Argument*, p. 8; Johnson, *A Confutation of a Late Pamphlet*, pp. 17-21.

It was precisely to continue along the path of continental involvement that William III opened the new parliamentary session on the 3rd of December with a prudent speech about the necessity of a land force. Conscious of venturing on a dangerous ground, the king used vague terms, without entering the details of the size of the army, but asking for the funds needed to keep one on foot. The results could not have disappointed William more, as in a week time Harley was able to formulate and pass a resolution that disbanded all the forces raised since the peace of Nijmegen in 1680, reducing the king's army to some 10,000 men. Moyle and Hammond were appointed to prepare a Bill to restore former soldiers to their occupations, while a committee was created to improve and reform the existing militia. The New Country Party, also because of the successful propaganda against standing armies, thus obtained a temporary but rolling victory over the Whig junto ministries.³⁰¹

2.4 *A Discourse concerning Militias* and its theoretical consequences

To complete the analysis of this first part of the debates, it remains to at last take Fletcher's intervention into account. Although it is difficult to date its publication with certainty, we know John Locke asked his trustful bookseller Churchill for the *Discourse concerning Militias*, together with the pamphlets issued by Somers and Trenchard, and received them by the 21st of December 1697.³⁰² Taken with the references to other tracts contained in the *Discourse*, this information allows us to state that it was most likely written, printed and distributed in the month of December, after William's speech. It is equally

³⁰¹ *Journals of the House of Commons*, vol. XII, London, 1803, pp. 1–12; William Cobbett, *Cobbett's Parliamentary History of England: From the Norman Conquest, in 1066 to the Year 1803. Comprising the Period from the Revolution, in 1688, to the Accession of Queen Anne, in 1702*, London, Bagshaw, 1809, pp. 1665–1668; Henry Horwitz, *Parliament, Policy, and Politics in the Reign of William III*, Manchester, Manchester University Press, 1977, pp. 224–229.

³⁰² J. R. Milton and Philip Milton, *John Locke: An Essay Concerning Toleration: And Other Writings on Law and Politics, 1667-1683*, Oxford, Oxford University Press, 2006, p. 115, fn. 2. Notwithstanding Locke's curiosity in the standing army debate, he does not seem to have ever expressed a position on the matter.

difficult to ascertain if Fletcher used John Darby's printing press like the rest of the anti-army authors, but his tract could be found along with all the others in Abigail Baldwin's shop, near St. Paul.³⁰³ It circulated widely among his companions in the debate and had a significant impact on the discussion, bringing it to a new level of sophistication, where only Defoe and some others followed him. Published anonymously, it was written in order to represent a distinctively English point of view on the issue.

Apparently, Fletcher's premises are indeed similar to the rest of the tracts considered thus far, as the Scot observes that the greatest part of mankind was suffering "indignity and cruelty [...] under a pretence of government",³⁰⁴ and many "continue to dream that they shall still enjoy their former liberty."³⁰⁵ But whereas others had seen this as the result of the "contrivance of ill-designing men",³⁰⁶ advancing instances from the ancient world to parallel modern cases of tyranny in Europe, Fletcher individuates the causes in a historical process started around 1500. The institutions introduced by the barbarian tribes after the collapse of the Roman Empire, which firmly consigned the sword to the barons and their vassals, were slowly but inevitably tarnished by the symptomatic events of the revival of ancient learning and the inventions of printing, the compass and gunpowder.³⁰⁷

These three discoveries, indicated by the philosopher Francis Bacon as subverting the world's order, introduced modernity,³⁰⁸ and radically changed the way of living. Whilst printing permitted the circulation of refined ancient texts, which enhanced a new sensitivity to arts eventually resulting in the Italian

³⁰³ Lois G. Schwoerer, "The Literature of the Standing Army Controversy, 1697-1699", *Huntington Library Quarterly*, 28 (1965), pp. 187-212 (p. 193); Robert A. Scott Macfie, *A Bibliography of Andrew Fletcher of Saltoun 1653-1716*, Edinburgh, priv. print., 1901, p. 9.

³⁰⁴ Andrew Fletcher, *A Discourse Concerning Militia's and Standing Armies with Relation to the Past and Present Governments of Europe and of England in Particular*, London, 1697, p. 3.

³⁰⁵ *Ibidem*, p. 4.

³⁰⁶ *Ibidem*, p. 5.

³⁰⁷ *Ibidem*, p. 5-7.

³⁰⁸ See Sir Francis Bacon, *Novum Organum*, ed. by Joseph Devey, New York, P.F. Collier, 1902, p. 105: 'Again, we should notice the force, effect, and consequences of inventions, which are nowhere more conspicuous than in those three which were unknown to the ancients; namely, printing, gunpowder, and the compass. For these three have changed the appearance and state of the whole world: first in literature, then in warfare, and lastly in navigation; and innumerable changes have been thence derived, so that no empire, sect, or star, appears to have exercised a greater power and influence on human affairs than these mechanical discoveries.' Trenchard and Moyle also quoted Bacon, but as an opponent of standing armies: see *An Argument Shewing That a Standing Army Is Inconsistent with a Free Government*, p. 25.

Renaissance, new tastes were nourished by luxuries coming from Asia and America through enhanced navigation, so that Europe “sank into an abyss of pleasure.”³⁰⁹ Frugal life and military exercises being set aside, “the sword fell from the hands of the barons”³¹⁰, who transformed the feudal military service the vassals owed them for their lands into rents and leases to afford the new expensive lifestyle. The sword was thus collected by the kings to defend their territories, and took the shape of mercenary troops raised by taxation. The excuse to make standing armies perpetual was given by gunpowder, which made sieges longer, “tedious and chargeable,” so that “war grew a constant trade to live by”,³¹¹ made of professionals at the king’s will.

As far as monarchies are concerned, Fletcher thus furnished an articulate and neo-Harringtonian reconstruction of an historical process, as illuminated by Pocock and Robertson, which basically provided Defoe with a solid explanation for his statements on the professionalisation of warfare and enlarged the Anglocentric perspective of the debates. But Fletcher’s position, when taking England into account, was more problematic. On the one hand, he indeed reiterated some of the most common rhetorical devices of the anti-army side, like the belief that adequate defence could be furnished by the fleet,³¹² that Louis XIV’s resources and energies were about to wear short,³¹³ or that Somers’ idea of an army reviewed year by year was fallacious, all of this accompanied with usual references to English liberties and examples from the history of Rome or Carthage.³¹⁴ On the other hand, the process Fletcher described was that of the birth of modern society, which was beyond the control of men and could not be reversed.

Apart from a distinctively Machiavellian condemnation of the alteration of the *buoni costumi*, on which free commonwealths rested, what Fletcher described, and dreaded with more awareness than other militia supporters, was the specialization of the individual person. Compared with his Gothic

³⁰⁹ Fletcher, *A Discourse Concerning Militia’s*, p. 9.

³¹⁰ *Ibidem*, p. 10.

³¹¹ *Ibidem*, p. 11. The same expression “tedious and chargeable” is to be found in Trenchard and Moyle’s *Argument*, p. 14, referred to the Civil War.

³¹² *Ibidem*, pp. 27-28.

³¹³ *Ibidem*, pp. 15-16.

³¹⁴ *Ibidem*, pp. 15, 17, 28-29.

counterpart, XVIIIth century man decided to drop his sword and chose to pay for his defence in order to pursue his private interests and curiosities, be they in luxury, fashion or knowledge, instead of the common good. This mutation in society provoked and corresponded with the transformation of the State into a tyranny: whether England got involved in continental wars by its new Dutch king like never before or not, historical development would eventually make the self-interested nature of man emerge, while sweeping away the remainders of the Gothic order, resulting in absolute monarchy.³¹⁵

It is striking that Fletcher's elaborated reasoning rules out the hopes of Trenchard and the others to preserve the 'ancient constitution' of England for long, making the *Discourse* much different from the rest of the controversy's publications, being based on a global vision of unique scope and thoroughness.³¹⁶ And there is more. Of all the possible ways of limiting the power of the king, Fletcher does not consider any so crucial for the protection of the liberties of the people, "than that which placed the sword in the hands of the subject."³¹⁷ This security failed with the dissolution of the baronial "ancient militia"³¹⁸ by the process described above, even though Fletcher tells us some new kinds of "modern militia's"³¹⁹ were established in most parts of Europe. The reason for this is that the contemporary militias lacked the "essential quality requisite" to continue the "former balance of government"³²⁰: their officers and commanders were designated by the king, not by the people.

What Fletcher is arguing, is that since the Militia Acts of the Restoration, the English militia was not carrying out its role as a balance to the king's power anymore. It would have continued to do so if the sword fallen from the hands of the barons would have been picked up by the "commons"³²¹, like Harrington had believed and hoped for, but even though under the shape of a militia, it was the sovereign that held a firm grip on the armed forces. Fletcher's historical insight permitted him to recognise that the militia itself had mutated in an absolutist

³¹⁵ Pocock, *The Machiavellian Moment*, pp. 427–432; Robertson, *The Scottish Enlightenment and the Militia Issue*, pp. 29–30.

³¹⁶ Robertson, *The Scottish Enlightenment and the Militia Issue*, p. 30, made this point clear.

³¹⁷ Fletcher, *A Discourse Concerning Militia's*, p. 6.

³¹⁸ *Ibidem*, p. 22.

³¹⁹ *Ibidem*, p. 25.

³²⁰ *Ibidem*, pp. 22–23.

³²¹ *Ibidem*, p. 22.

direction. While the barons of the pre-modern era were an actual part of the government of the realm, exercising their consultative and executive powers through the constitutional mechanism of the militias, Charles II and the Cavalier Parliament, desperately needing to reaffirm the king's rule after the Interregnum, established in 1661-1663 a centralised system that put local powers under the control of the royal prerogative through the appointment of the lieutenants and officers.³²² Neville and Sidney had addressed this crucial point along the same lines during the Exclusion Crisis (1679-1681), in their attempts to resist centralisation.³²³

Regrettably, "we have quitted our antient security, and put the militia into the power of the king,"³²⁴ Fletcher claimed, proclaiming the Gothic institutions had definitely withered away, contrary to his fellow pamphleteers, who were still worrying about defending them.³²⁵ Fletcher's position was closer to the radicalism of Henry Neville or Algernon Sidney, who both bemoaned the disappearance of a warlike feudal nobility in the framework of a strictly limited monarchy, than for instance to Trenchard's delicate rhetoric, which passively accepted that the king could "model the army as he pleases"³²⁶ in a free monarchy. Like Neville, Fletcher had read and accepted Harrington's death notice of the Gothic prudence, adding an outstanding historical explanation for it. Like Sidney, who had been the first to recover the theory of the Gothic polities originally elaborated by Tacitus, Fletcher believed modernity was responsible for this demise and pushed towards absolutism, now knocking at England's door much more menacingly than Louis XIV. In continuity with both, he despised the

³²² Levillain, *Un glaive pour un royaume*, pp. 35-41, 153-164; Western, *The English Militia in Eighteenth Century*, pp. 16-18.

³²³ Algernon Sidney, *Discourses on Government*, London, 1698, pp. 526, 571; Neville, *Plato Redivivus*, in *Two English Republican Tracts*, pp. 124-127; Mahlberg, *Henry Neville and English Republican Culture*, p. 42.

³²⁴ Fletcher, *A Discourse Concerning Militia's*, p. 20.

³²⁵ In that sense, it is symptomatic that Fletcher never uses the expression "Gothic constitution" in his pamphlet.

³²⁶ Trenchard and Moyle, *An Argument Shewing That a Standing Army Is Inconsistent with a Free Government*, p. 11. In the *Argument*, the nomination of officers by the king is accepted as a necessary feature of monarchy, although something to look out for, compared with commonwealths like Holland or Venice where they were designated by the people. See *ibidem*, pp. 13-14.

XVIIth century aristocracy, who preferred to frequent the Court rather than the battlefields.³²⁷

Fletcher's radicalism did not pass unnoticed. The Scot was defined "a person of greater calmness, but less caution" than his counterparts, for arguing that "the crown ought not to be trusted with the militia."³²⁸ The anonymous author of *A Letter to A, B, C, D, E, F, &c*, who declared himself a critic of the royal prerogative, also underlined, in a language close to that of Sidney, how the "great commanders over the militia" during the "Saxon times" were not so because of their virtue, but because they were made so "by the free choice of the people."³²⁹ Besides getting Fletcher's point straight, the author was also attentive and learned enough to stress the divergences inside the anti-army camp unleashed by his claims, asking whether the militia "is now in the hands of the king, or of the nobility, gentry and freeholders."³³⁰ In its answer to Trenchard and Moyle and their *Argument, A Letter* acknowledged that their reading of Harrington was erroneous, because their theory of mixed constitution clearly contradicted his teachings, "unless [the king's] property be at least equal to either of the other's"³³¹ estates. Actually, the only natural conclusion from the premises of the two authors, who believed, like Harrington did, in an occurred redistribution of the land, would have been "that all the males of the nation should be brought to the use of arms",³³² which is exactly what Fletcher had in mind.³³³

Indeed, apart from leaving the sword in the hands of the king through the nomination of lieutenants and officers, among the mistakes that were committed when the modern militias were formed during the Restoration, "one of the chief was, the discontinuing to exercise the whole people," and allowing the "men of quality and estate" to send their "wretched servants"³³⁴ to practice and fight,

³²⁷ Pocock, 'England's Cato', pp. 930-931; Worden, 'Republicanism and Restoration; Scott, *Algernon Sidney and the Restoration Crisis*, pp. 245-269; Mahlberg, *Henry Neville and English Republican Culture*, *passim*.

³²⁸ Anon., *A Letter to A, B, C, D, E, F, &c., Concerning their Argument about a Standing Army Examining their Notions of the Supposed Gothick or Other Ballance, by the Constitution and Interest of the English Monarchy*, London, 1698, p. 35.

³²⁹ *Ibidem*, pp. 11-12.

³³⁰ *Ibidem*, p. 35.

³³¹ *Ibidem*.

³³² *Ibidem*.

³³³ The same logical conclusion of Harringtonian theories was also expressed in *The Argument Rectified*, pp. 13-14, but from the perspective of a cautious supporter of a standing army.

³³⁴ Fletcher, *A Discourse Concerning Militia's*, p. 25.

instead of participating in the armed force themselves. Without any further indication, it seems at this point that Fletcher's "whole people" was composed by the totality of the freeholders, in recognisable Harringtonian rhetoric. But when it comes to remedy these errors and elaborate more, Fletcher stops short, without proposing a new model of militia because "a Parliament only can do that."³³⁵ Most probably because a commission had been created in Westminster to reform the militia in the days the pamphlet appeared, and a first vote in the Commons seemed to direct the issue in the right direction disbanding a huge part of William's troops, the Scot refrained from intervening further, after he had made his key points.

In summary, Fletcher's first pamphlet turned the first part of the debates upside down. On the one hand, whereas Trenchard and Moyle had defended the Gothic constitution, Fletcher, although praising the feudal past of England, ratified its end like Harrington had originally done, getting closer to the precedent generation of republican *enragés* like Sidney, John Milton and Neville. His description of the bursting of modernity merges with *Oceana's* theory of the distribution of lands, leaving England in between its traditional ancient constitution, which was no more, and William's ambitions on the continent, which threatened to lead to a new bureaucratic absolutism based on taxation. Fletcher's vision partly touched on radical remedies to this ambiguity, which would have followed Harrington's instructions, rather than advocating a feeble conservatism to feed the parliamentarian opposition to the Court.

On the other hand, neo-Harringtonians set the controversy along the antithesis between standing armies and militia, while Fletcher questioned the settlement of the army as a whole, independently from its shape. In terms, that exemplify Pettit's definition of freedom as non-domination,³³⁶ "not only that government is tyrannical, which is tyrannically exercised; but all governments are tyrannical, which have not in their constitution a sufficient security against the arbitrary power of the prince".³³⁷ The simple fact that the king still held the right to the sword revealed, as Fletcher saw it, the shortcomings of the

³³⁵ *Ibidem*, p. 26.

³³⁶ Philip Pettit, *Republicanism : A Theory of Freedom and Government: A Theory of Freedom and Government*, Clarendon Press, 1997.

³³⁷ *Ibidem*, p. 7.

settlement of 1689 and the nature of English kingdom, now similar to “a French fashion of monarchy”.³³⁸ Not only were the standing armies to be avoided, but the royal prerogative had to be further limited to restore the people of “the security for any thing they possess.”³³⁹ This radical standpoint, with no equivalence among the pamphlets considered thus far, creates a rift between Fletcher’s bold republicanism and the tracts published mostly out of a concerted MPs’ propaganda.

2.5 Moyle, Defoe and the challenge of commercial society

As it escaped the logic of political patronage and thanks to the way it basically set the discussion, Fletcher’s tract was appreciated among the supporters of the militia front. Trenchard urged everyone still not convinced that a standing army would introduce slavery in England to read the *Discourse*, together with his *Argument* and a new edition of Ludlow’s *Memoirs* — which preface unsurprisingly referred to the on going debate³⁴⁰ — in his late pamphlet *A Short History of Standing Armies in England*.³⁴¹ To write this piece, Robert Harley supplied Trenchard with the necessary material, in confirmation of the New Country leader’s complicity in the publications of 1697-1699.³⁴² Although accepting the challenge of the higher standard Fletcher had set for the discussion, Trenchard’s history remains limited in scope, dealing only with

³³⁸ *Ibidem*, p. 20. The expression, also employed in the preface of Samuel Johnson, *The Second Part of The Confutation of the Ballancing Letter Containing an Occasional Discourse in Vindication of Magna Charta*, 1700, is most probably taken from the radical ancient constitutionalists Nathaniel Bacon and John Selden’s *An Historical and Political Discourse of the Laws and Government of England, from the First Times to the End of the Reign of Queen Elizabeth*, of which Fletcher possessed an original edition of 1647. See p. 114 of Brown’s edition, London, 1739.

³³⁹ *Ibidem*, p. 20. Fletcher compares England to France, finding no difference between the two if a standing army was to be kept on foot: the comparison closely echoes Fortescue’s *De Laudibus Angliae*, in confirmation of the fact that Fletcher used and mastered the English political idiom during the controversy.

³⁴⁰ Edmund Ludlow, *Memoirs of Edmund Ludlow, Esq.; Lieutenant General of the Horse, Commander in Chief of the Forces in Ireland, One of the Council of State, and a Member of the Parliament which began on November 3, 1640*, Vivay, 1698, especially p. i-iv.

³⁴¹ John Trenchard, *A Short History of Standing Armies in England*, London, 1698, p. 2.

³⁴² Downie, *Chronology and Authorship of the Standing Army Tracts: A Supplement*, p. 345.

England's events. Even when referring to Charles II's reign, the author ignores the issues raised by the Militia Acts of 1661-1663, nor does he call into question the ambiguous consequences of the Bill of Rights of 1689 further on.³⁴³

Only Walter Moyle, who was most probably only responsible for the classical references of the *Argument*,³⁴⁴ evidently understood and shared Fletcher's perplexities. During the late 1690s, two manuscript copies of his later published essays were circulating among the republican clubs of the capital, and they are worth analysing here. *An Essay on the Lacedaemonian Government*, underway in 1697, opens with the familiar remark that, when not properly ordered, polities make humankind suffer "indignities and cruelties under a pretence of government, as, you know, Fletcher loves to maintain."³⁴⁵ In continuing his imaginary dialogue with Anthony Hammond, to whom the essay is dedicated, Moyle observes how Lycurgus, among the fair laws he sanctioned for the free commonwealth of Sparta, also arranged for an equal division of lands. An agrarian law, like Harrington recommended, set the ancient Greek city free for seven hundred years, under an extremely limited mixed monarchy in which the king's only power was to command his armies in war, and officers could be removed by the people.³⁴⁶

Conversely, the Roman State described in *An Essay upon the Roman Government, in Two Parts*, also written in the same period, took a different path to liberty. The first king Romulus, by framing the new laws of the realm, wisely constituted the orders of nobility and commons, making them interdependent through the practice of patronage, but kept the whole executive power in his hands, establishing a free monarchy.³⁴⁷ Problems started to arise when the equal distribution of the lands conquered by the commonwealth's armies provoked tensions in Romulus' constitution, since "whenever the balance of property sways to the people, it becomes a popular government",³⁴⁸ even though Rome

³⁴³ Trenchard, *A Short History of Standing Armies*, pp. 10-16, 20-21.

³⁴⁴ Schwoerer, 'No Standing Armies!', p. 176.

³⁴⁵ *A Select Collection of Tracts by Walter Moyle, Esq; Containing I. An Essay upon the Roman Government. II. Remarks upon Dr. Prideaux Connection of the Old and New Testament. III. An Essay upon the Lacedaemonian Government. IV. An Argument against a Standing Army*, Dublin, 1728, p. 167.

³⁴⁶ *Ibidem*, pp. 168-172.

³⁴⁷ *Ibidem*, p. 6-10

³⁴⁸ *Ibidem*, pp. 45-47.

did not have popular institutions. Because kings had too many powers, among which “the absolute command of the whole military power of the state”³⁴⁹ figured centrally, the city underwent violent constitutional sprains, until it eventually reached the shape of a republic.³⁵⁰

Essentially, in this view England had now become just what Rome had been, after its lands had been redistributed, that is a “pretence” of monarchy, to use Fletcher’s word. It was not the old Gothic constitution, where “the power of the militia belong’d to the nobility and the gentry, in a manner independent of the crown,”³⁵¹ nor did it resemble the virtuous commonwealth of Sparta, where the monarchy was equally limited. Since the distribution of power did not mirror the distribution of landed property, the English government was, by Harringtonian standards, a violent government. Indeed, “the boundaries and limits of *prerogative* and *liberty*,” Moyle said to Hammond, “are not yet so well stated with us.”³⁵² Whether Fletcher inspired Moyle’s compositions or the other way around, it is clear that the latter gave the *Discourse* a scholarly vest that the fire of the debate did not permit to the Scot, urgency constituting a recurring feature of his production. Similarly, the two friends shared the conviction that the king’s prerogative should be drastically reshaped, and hoped the problem could be addressed in Parliament once and for all.³⁵³

The members of the militia committee in Westminster, however, were not the only ones to search for an alternative solution to the existing ambiguous situation. In an operation similar to Moyle’s but pulling in the opposite direction, Jonathan Swift later published his first work on Athenian and Roman governments, distorting civic humanism in order to defend a more royalist version of the English constitution.³⁵⁴ Daniel Defoe, probably with the assistance and on the behalf of the Lord Chancellor Somers, decided to write a new

³⁴⁹ *Ibidem*, p. 78.

³⁵⁰ *Ibidem*, pp. 52-72.

³⁵¹ *Ibidem*, p. 77.

³⁵² *Ibidem*, p. 177.

³⁵³ The practice of criticising William’s reign through historical parallels, to avoid suspicion, was common in the 1690s. See Ludlow, *A Voyage from the Watchtower*, p. 49. Moyle is considered one of the last classical republicans in Fink, *The Classical Republicans*, pp. 170-174.

³⁵⁴ Jonathan Swift, *A Discourse of the Contests and Dissensions Between the Nobles and the Commons in Athens and Rome*, London, 1701; See also M. M. Goldsmith, ‘Liberty, Luxury and the Pursuit of Happiness’, in *The Languages of Political Theory in Early-Modern Europe*, ed. by Anthony Pagden, Cambridge, Cambridge University Press, 1987, pp. 225-252 (pp. 234-236).

intervention in the debate to settle the question.³⁵⁵ His tract, although shaped to answer both the two parts of the *Argument* and Fletcher's *Discourse*, especially accepted the latter's challenge and premises, only to arrive to different conclusions. Indeed, since its very beginning, Defoe's tract takes distance from the extreme positions showed in either side of the controversy, aiming at demonstrating how the current situation already represented "the safe *medium* which may please us all."³⁵⁶ This medium was, as already anticipated in *Some Reflections*, the Parliament's purse as a sufficient guarantee against possible tyrannical degeneration.

The significance of Defoe's pamphlet as the *manifesto* of a new commercial society, defined against the martial Gothic past Fletcher praised, has been already highlighted thoroughly. In speaking to the Country opposition, which represented the "English-Freeholder, who has a share in the *Terra Firma*,"³⁵⁷ Defoe tried to convince it of the difference Fletcher had remarkably stated, between "England now" and "England formerly",³⁵⁸ in terms of warfare, international politics and, above all, society. The mutations, explained Defoe quoting the *Discourse* at length, did not constitute a degeneration to be stemmed, but rather led towards an emancipation of the vassals, freed from the tyranny of the barons, and a stable, authentic balance between king and Parliament, which would leave behind the medieval violence of civil wars and the feuds between nobles.³⁵⁹ Now that the Gothic institutions were gone and wars were made with money, the army was under the control of the Parliament, as "the purse is a power equivalent to the power of the sword."³⁶⁰

According to Defoe, who, in contrast to other pamphleteers, did not forget Fletcher's remarks on the *jus gladii*, the "general sense of the nation"³⁶¹ represented at Westminster was the only legitimate balance to the king's power

³⁵⁵ Backscheider, *Daniel Defoe*, pp. 71–72.

³⁵⁶ Daniel Defoe, *An Argument Shewing, That a Standing Army, with Consent of Parliament, Is Not Inconsistent with a Free Government, &c.*, London, 1698, p. 2.

³⁵⁷ *Ibidem*, p. 3.

³⁵⁸ *Ibidem*.

³⁵⁹ *Ibidem*, pp. 15–16.

³⁶⁰ *Ibidem*, p. 17. For a classic account of the dicotomy between Fletcher's and Defoe's position on modernity, see Pocock, *The Machiavellian Moment*, pp. 432–435.

³⁶¹ *Ibidem*, p. 12.

and the middle ground where Court and Country could agree.³⁶² In the revolutionary settlement, he admits, “the sword is indeed trusted in the hands of the king,”³⁶³ but since Charles II’s reforms, Parliament never questioned the issue, and even the latest proposition made and passed by the New Country Party to reduce the troops at William’s disposal confirmed that the assembly accepted the possibility of professional armies.³⁶⁴ Defoe’s trust in the Parliament’s purse was such that, even though he admitted that the militia “are commissioned by the king,” since it could refuse to meet twice until the charges were paid to the country, “our law [...] tacitly puts the sword into the hands of the people.”³⁶⁵

By offering an historical explanation that owed much to Fletcher’s arguments, Defoe articulated the main argument in favour of a standing army, which was parliamentary control on war expenses, better than any other propagandist of the Court. The troops under William’s command were to become a “Parliament army”, another writer said, provided with efficient officers paid by Westminster and loyal to the government, while the militia elsewhere described *à la* Harrington and Thomas More “will prove a guard only fit to defend his commonwealths of *Oceana* and *Utopia*.”³⁶⁶ What all of them failed to recognise was that the transformations that led to turn wars among armed bands of civilians into conflicts between organised states and professional soldiers fostered by commerce also gave life to interest groups inside Westminster. This, for neo-Harringtonians, meant the corruption of the body politic.³⁶⁷

What has been termed as “the modern military-financial nexus”³⁶⁸ indicated the very concrete possibility that the growing presence in the Commons of merchants, projectors and financiers, to whom the perspective of a continued war was equivalent to that of greater earnings, could push England to

³⁶² On Defoe’s *penchant* for the monarchical institution and his urge to delimitate the power of the Parliament, which differentiate him from the purest modern Whigs, see Schonhorn, *Defoe’s Politics*, pp. 59-61.

³⁶³ Defoe, *An Argument Shewing*, p. 16.

³⁶⁴ *Ibidem*, p. 12.

³⁶⁵ *Ibidem*, p. 17.

³⁶⁶ Anon., *Some Remarks upon a Late Paper*, p. 17.

³⁶⁷ A brief but clear account of this assumption, apart from what reported at the beginning of the chapter, can be found in Levillain, *Un glaive pour un royaume*, pp. 381-383.

³⁶⁸ Robertson, *The Scottish Enlightenment and the Militia Issue*, p. 30.

international conflicts not aimed at the public good. Mercenaries could be kept on foot with the consent of parasite officers ending in Parliament out of gratitude, or of investors whose principal source of income was the warfare industry. Instead of resting upon solid landed property, the commonwealth was now based on money. When the leader of the New Country Party Paul Foley was not re-elected as a speaker for the new parliamentary session in December 1698, Anthony Hammond protested it had been a way for the Court to distort the debates. Public debt grew while the standing army was still on foot, so that “England can never be thoroughly ruined but by a Parliament.”³⁶⁹

Other pamphleteers, alleged spokesmen of the military establishment, argued for the reform of the militia and launched attacks with similar arguments. Thomas Orme, by twist of fate a former officer of the militia and now member of the Parliament, accused “stock-jobbers particularly”³⁷⁰ of enriching themselves while taxation was kept high in order to pay idle troops. These, he suggested, should be set to do works of public utility like mending highways or cutting rivers to earn their salary and be kept in shape.³⁷¹ From the navy came another voice against military expenses, as an unidentified “sailor” praised the merits of the fleet, in his opinion able to ward off any invasion from abroad. Additionally, the seaman blamed mercenaries and “the great folk at Whitehall, fingering the money raised to pay them”, who did not really care about a possible invasion “as long as their trade goes forward.”³⁷²

Basically, only Moyle’s *Essays* paralleled Fletcher’s *Discourse* in its boldness, and the anti-army participants in the debate, although they recognised the Scot’s contribution as original and useful to the cause, preferred to aim at plausible objectives to be reached within the framework of the revolutionary settlement. Fletcher also obliged the Court to resort to its best pen to counter his arguments, but gave Defoe an historical insight that could be used for his own purpose. Nevertheless, whereas Defoe’s answer underlined the dissolution of the

³⁶⁹ Anthony Hammond, *Considerations upon the Choice of a Speaker of the House of Commons in the Approaching Session*, London, 1698, p. 1.

³⁷⁰ Thomas Orme, *The Late Prints for a Standing Army and in Vindication of the Militia Consider’d, Are in Some Parts Reconcil’d*, London, 1698, pp. 4–5.

³⁷¹ *Ibidem*, pp. 8–9.

³⁷² Anon., *The Seaman’s Opinion of a Standing Army in England, in Opposition to a Fleet at Sea, as the Best Security of This Kingdom in a Letter to a Merchant, Written by a Sailor*, 1699, pp. 7–9, 13.

Gothic constitution as the birth of new kind of liberty, making his position attractive to the growing ambitions of the mercantile class, it did not provide a solution for the corruptive nature of its relationships with and inside the Parliament. It is to work out this solution, after the committee in Westminster failed to reform the militia, that Fletcher wrote his second pamphlet.

2.6 Some plans for reform

Although the beginning of the parliamentary session foreshadowed a possible victory of the anti-army front, things proved more complicated than they appeared initially. The committee set up on the 17th of December 1697 to draft a reform bill for the militia, under the coordination of the Whig Sir Richard Onslow, was made of gentlemen of different political positions, which proved difficult to reconcile. What they were asked to achieve was to replace the Militia Acts of 1661-63, modernise the armed forces and make them useful for more than internal police. On the 28th of February 1698 a first version of a bill was presented, but not taken into account until the 7th of March, when it was entrusted to a committee of the whole house for further revision after having been read twice. Levillain's brief analysis of its content and marginal notes allows us to see how the question of discipline was underlined, but also how the mechanism of choosing the soldiers within the group of summoned freeholders belonged to the freeholders themselves in the mind of the designers of the bill.³⁷³

In spite of these daring formulations paralleling the Roman centuriates in a way Fletcher for sure appreciated, the Scot was by the beginning of 1698 worried about the votes in Westminster. Still in London, he wrote to Locke on the 25th of January alluding to private affairs which he preferred not to write about in a letter, but also to the recent decision of the Commons to grant half of

³⁷³ Charles-Édouard Levillain, 'William III's Military and Political Career in Neo-Roman Context, 1672-1702', *The Historical Journal*, 48 (2005), pp. 321-350 (pp. 341-342) and *Un glaive pour un royaume*, pp. 391-394; *Journals of the House of Commons*, vol. XII, pp. 12, 37, 45-46, 127; Horwitz, *Parliament, Policy, and Politics*, pp. 227, 235.

their salaries to the disbanded commissioned officers of the army, until a clear decision was taken about them.³⁷⁴ Notwithstanding his gratitude for Sir Francis Masham's opposition to the measure, Fletcher told Locke "the libertys of this [nation] are at an end."³⁷⁵ The fact that the king's chosen officers were basically kept on hold at his disposal was to the radical author of the *Discourse* equal to keeping them on foot, as William himself was relieved to know that he could count on some 1,500 trusted men able to gather a considerable force on short notice.³⁷⁶ Probably, Fletcher also realised what turn the events were taking.

Actually, the Commons, worried by the worsened condition of Charles II of Spain, had also left to William the possibility to decide the timing and ways of the disbandment decided in December. The king, who kind of relived the frustrating stalemate he experienced with the Amsterdam town Council during the 1680s, resorted to different strategies to postpone the disbandment of the troops, as the initial heat around the issue of standing armies appeared to have constituted a mere opportunity to attack William's ministers. While the moderates slowly regrouped with the Court, the idea to reform the militia seemed to have been conceived mainly as an instrument to put some pressure on the executive in order to cut the rapidly growing defence costs. The urge waned, and the militia bill disappeared from the political agenda by April, also because of the difficulties to implement it. Despite being shortly revived in December 1698, when the elections reinforced the anti-ministerial Whig faction in the Commons, it was definitely dropped after two more readings.³⁷⁷

Outside Westminster, however, the wave of publications continued to suggest ways to improve the existing militia. It is possible to find general proposals about the necessary adjustments since the first pamphlets of 1697 and until the last one on the matter, published in 1701.³⁷⁸ All of them insisted, like the stranded bill in Parliament, that the discipline of the troops had to be enhanced to meet that of professional soldiers and avoid embarrassing

³⁷⁴ Cobbett, *Parliamentary History of England*, vol. V, p. 1169.

³⁷⁵ de Beer, *The Correspondence of John Locke*, vol. VI, pp. 303-304, Andrew Fletcher to John Locke, 28th January 1698.

³⁷⁶ Schwoerer, *'No Standing Armies!'*, p. 168.

³⁷⁷ The bill's "progress" can be traced in *Journals of the House of Commons*, vol. XII, pp. 147, 162, 169, 177-178, 192, 197, 206, 243. See also Western, *The English Militia in Eighteenth Century*, pp. 94-101 and Schwoerer, *'No Standing Armies!'*, pp. 164-168, 170.

³⁷⁸ See the brief but concise Anon., *An Essay for the Better Regulating the Militia*, London, 1701.

performances of the past.³⁷⁹ Moyle's *Essay* on Rome reaffirmed the concept, by listing discipline as one of the key factors in the growth and preservation of the ancient commonwealth.³⁸⁰ As examples from Roman history were very common when the degeneration introduced by standing armies was to be described, the same applied when it came to shape the armed forces.

The complete genealogy of works describing the ways Roman armies trained, organised and fought, constituted a source of inspiration for the propagandists and circulated widely among them. Fletcher himself possessed various publications on the subject, from the first recorded annotations contained in Polybius' *Histories* to successive commentaries like Machiavelli's *Dell'arte della guerra* (1521) and prestigious aggregate works like Francesco Patrizi's *La militia romana* (1583).³⁸¹ It was above all Justus Lipsius' *De militia romana* (1595), which decisively developed a systematic account of Roman warfare, that became a huge bestseller in northern Europe and laid the foundations for drawing parallels with the decadence of modern fighting.³⁸² In England in particular, Henry Savile's *Commentarius de militia romana* (1601)³⁸³ enabled several authors to draw inspiration from the "best [militia] that ever was"³⁸⁴ and make their points.³⁸⁵

Some, like Trenchard and Johnson, believed few precautions were necessary to revive traditional English courage, like enacting the old laws requiring the subjects to practice archery, adapting them to the new "artillery of

³⁷⁹ See Trenchard and Moyle, *An Argument Shewing*, p. 25; Trenchard, *A Letter from the Author*, p. 8; Anon., *The seaman's opinion*, p. 10; Anon., *An essay*, p. 1.

³⁸⁰ Moyle, *An Essay upon the Roman Government*, p. 91.

³⁸¹ See NLS MS 17863, fols. 9-10, 118, 168-169, 171.

³⁸² Jeanine De Landtsheer, 'Justus Lipsius's *De Militia Romana*: Polybius Revived or How an Ancient Historian Was Turned into a Manual of Early Modern Warfare', in *Recreating Ancient History: Episodes from the Greek and Roman Past in the Arts and Literature of the Early Modern Period*, ed. by Karl A. Enenkel, Jan L. De Jong, and Jeanine De Landtsheer, Leiden, BRILL, 2002, pp. 101-122.

³⁸³ Levillain, *Un glaive pour un royaume*, pp. 379-381.

³⁸⁴ Somers, *A Letter Ballancing*, p. 11. As noted by Robertson, Fletcher uses the same expression in the Scottish version of his pamphlet. See Robertson, *The Scottish Enlightenment and the Militia Issue*, p. 28 and Fletcher, *A Discourse of Government with Relation to Militia's*, Edinburgh, 1698, p. 41.

³⁸⁵ For XVIth and early XVIIth century inspirational sources and proposals, see also Manning, *An Apprenticeship in Arms*, pp. 126-157. On the usage of Lipsius and Polybius, see for instance Anon., *The Claims of the People of England Essayed, In a Letter from the Country*, London, 1701, pp. 10-14.

the world.”³⁸⁶ How many days per year the militians should train was open to debate, but nearly all the pamphleteers agreed that the currently established time of fourteen days a year was not enough.³⁸⁷ Anti-army authors differed on the number of soldiers that should make up the reformed army.³⁸⁸ Whether only freeholders could participate in the defence of the nation was also questioned, referring to the routine of gentlemen sending “servants” in their stead to avoid raw military exercise.³⁸⁹ The issue of participation to the armed force provoked the most acute divisions, as a further contemplated step was to blend the disbanded professional soldiers with the existing militia to take advantage of their experience and in order to recover the “martial disposition”³⁹⁰ of England’s subjects. The idea, although earning the appreciation of the standing army camp, contributed to blur the difference between William’s mercenaries and a militia, both being in his absolute command.³⁹¹

Only two pamphlets furnished a detailed plan to improve the armed force: *The militia reform’d* by John Toland and Fletcher’s second version of his 1697 piece, published under the new title of *A Discourse of Government with relation to militias*. Toland’s tract, issued at the beginning of 1698, was written at the request of a politician, most probably one of his patrons, such as Robert Harley or the earl of Shaftesbury, to circulate a proposal for a model of militia from which the parliamentarians drafting the new bill could draw some elements.³⁹² After acknowledging, like the majority of pamphleteers, that England was in need of a strong land force, and that the militia was “burdensome and

³⁸⁶ Both authors use the same expression: Trenchard and Moyle, *An Agument Shewing*, p. 24 and Johnson, *A Confutation*, p. 20.

³⁸⁷ Orme, *The Late Prints*, pp. 13-14; Trenchard and Moyle, *An Argument*, p. 21; Anon., *An Essay*, pp. 5-6.

³⁸⁸ Anon., *The Seaman’s Opinion*, pp. 11-12; Trenchard and Moyle, *An Argument*, p. 21; Orme, *The Late Prints*, p. 10. Anon., *An Essay*, p. 2.

³⁸⁹ Harrington of course despised this practice, but Trenchard did not consider it a heresy, as did the author of *An Essay*. See *The Commonwealth of Oceana*, pp. 228-229; *An Argument*, p. 21 and *An Essay*, p. 9.

³⁹⁰ Orme, *The Late Prints*, p. 18. Trenchard also proposed the same thing in both his *Argument*, p. 21 and *A Letter*, p. 8.

³⁹¹ Trenchard, *An Argument*, p. 21 and Orme, *The Late Prints*, p. 17. Trenchard and Orme agreed on the necessity of merging the troops, an idea praised by the author of *The Argument rectified*, pp. 16-17. However, *The Case of disbanding*, pp. 5-7 expressed his perplexities on the matter.

³⁹² John Toland, *The Militia Reform’d, Or, An Easy Scheme of Furnishing England with a Constant Land-Force Capable to Prevent or to Subdue Any Forein Power, and to Maintain Perpetual Quiet at Home, without Endangering the Publick Liberty*, London, 1698, pp. 3, 6-9.

useless,”³⁹³ Toland stresses that “government or education”³⁹⁴ is decisive to enhance civil and military discipline. Like Rome was once conquering the world and is now poor and enslaved, so in England much has lately been done to “render ourselves luxurious and illiterate” to “dispose us to favour the tyrannical designs of our late kings.”³⁹⁵ What is lacking among English subjects and needs to be implemented is a proper civic education of the people, in order to resist the temptation of a standing army and an absolute government.

With ten propositions, illustrated with several examples from the virtuous history of Rome, Toland highlights that “the most excellent *institution* imaginable cannot be of any considerable duration, unless extraordinary care be taken of the education of youth.”³⁹⁶ Besides all the practical aspects of his reform, involving physical exercises, it would be crucial for Toland to teach the members of the militia mathematics, astronomy, navigation, and geography, together with ancient and modern history. When sent to the continent to accumulate further experience, it would be necessary to even “make the ordinary Tour of *Holland, Germany, Italy and France*,”³⁹⁷ like any respectable gentleman would do in his early years. In sum, at the end of their training, “men of arts and arms will be the very same species among us, whereas now they are extremely different in most parts of the world; for the former are generally *cowards*, and the latter *barbarous and rude*.”³⁹⁸

In a clear and powerful description, Toland was trying no less than to combine the virtuous and warlike arm bearing citizen of ancient times with the refined, civilised individual of modernity. Understanding, just like Fletcher had, the mutations that occurred in European societies, Toland proposes a solution that would oblige the subjects to participate in the militia, learn virtue, and pursue the common good. The problem, therefore, turns out to be less about the actual efficacy of the project from a mere military point of view and more about the possibility for the individual to become a virtuous citizen in the classical sense whilst living in corruptive modernity. A further step in that sense, for

³⁹³ *Ibidem*, p. 12.

³⁹⁴ *Ibidem*.

³⁹⁵ *Ibidem*.

³⁹⁶ *Ibidem*, p. 55.

³⁹⁷ *Ibidem*, p. 60.

³⁹⁸ *Ibidem*, pp. 74-75.

instance, would be to make actual military service in at least two campaigns abroad a requisite for holding public office.³⁹⁹

Toland's project also proves brilliantly attentive to the necessities of warfare, framing a very concrete plan to make the militia effective. To compose it, only the freemen, that is "men of property,"⁴⁰⁰ should be included, although "servants" should also exercise to form an auxiliary force. Training time would be increased to once per week for everyone from sixteen to forty years old, while greater battalions, to reproduce the order of the "comitia centuriata of the Romans,"⁴⁰¹ should meet four times a year to exercise and participate in collective games to demonstrate their valour. From an organisational point of view, England would be divided into three equal districts or "classes", of twenty thousand men each, subjected to triennial rotation for further training to build a camp and march.⁴⁰² Overall, Levillain underlines how Toland's model can be compared with the Roman militia as Servius Tullius designed it around 570 b. C.: an army subdivided in classes according to census, to form a strong hierarchy.⁴⁰³

The fact that Toland took inspiration from a reform planned by a king of classical Rome is quite telling, especially if we look at the issue of the right to the sword. On the one hand, the author declares himself "for arming all the people,"⁴⁰⁴ as he lingers on the usual correspondence between a free government and the sword in hands of the people.⁴⁰⁵ In that sense, Toland seemed to somehow open the doors to a "proletarianisation of the army."⁴⁰⁶ On the other hand, Toland probably also had to balance his ambitions as an autonomous writer with his actual role of spokesman of the Country Whigs, although later compositions seem to confirm a sincere commitment to the militia's reform.⁴⁰⁷ Toland was careful not to take too much power "out the king's hand,"⁴⁰⁸ by leaving it to William to appoint lieutenants and officers and decide their

³⁹⁹ *Ibidem*, p. 56.

⁴⁰⁰ *Ibidem*, p. 18.

⁴⁰¹ *Ibidem*, p. 32.

⁴⁰² *Ibidem*, p. 37.

⁴⁰³ Levillain, *Un glaive pour un royaume*, pp. 387-389.

⁴⁰⁴ Toland, *The Militia Reform'd*, p. 86.

⁴⁰⁵ *Ibidem*, p. 22.

⁴⁰⁶ The fortunate expression is Levillain's, *Un glaive pour un royaume*, p. 389.

⁴⁰⁷ Toland, *The Art of Governing by Partys*, London, 1701, pp. 156-158.

⁴⁰⁸ *Id.*, *The Militia Reform'd*, p. 53.

substitution. Toland even suggested the nomination of colonels, majors and captains should be left to the king.⁴⁰⁹

By way of a general evaluation of the pamphlets published during the late part of the debates on standing armies, a second chapter of *A Letter to A, B, C, D, E, F, &c* came out in 1699, its author again underlining the inaccuracies of the anti-army side with great awareness. In addition to reversing historical examples provided by Trenchard in his *A Short History*, performed through an extensive quotation of many key documents of English history, the anonymous scholar also criticised Toland's reconstruction of the mechanisms of the Roman army, reviewing the actual laws that managed the selection of its troops.⁴¹⁰ Furthermore, the tract underlined how Trenchard's definition of a standing army, "Horse and Foot rais'd under Commission granted by the King, with Swords and Pistols [...] to kill men,"⁴¹¹ sounded ironically similar to that of the English militia. Conversely, to actually put the sword in the hands of the people, the author replied to Toland's pamphlet, "the Commanders of these *Freemen* ought not to be commissioned by the King."⁴¹² The ambiguities of the militia party's juggling were therefore once again noticed and exposed, while the author seems to have been unaware of the existence of Fletcher's second writing on the matter.

As it had been for the previous tracts in these debates, ancient Rome was the perfect model to admire and to imitate, but the radicalness of its republican institutions had to be tamed for the English monarchy and, above all, party politics. Toland proved to be a master in finding the middle ground, demonstrating he had understood what was at stake beyond both military organisation and anti-army rhetoric: the education of English subjects to public virtue, in order to resist to the corruption of modern, luxurious commercial societies, but without refusing their advantages. Trying to produce a perfect synthesis of ancients and moderns, Toland however hesitated in touching the

⁴⁰⁹ *Ibidem*, pp. 47-54.

⁴¹⁰ Anon., *A True Account of Land Forces in England, and Provisions for Them, from before the Reputed Conquest Downwards, and of the Regard Had to Foreigners in a Letter to A.B.C. T.T.T. &c. with Animadversions upon Their Argument and History of Standing Armies, Militia Reformed, Pretended Confutation of the Ballancing Letter, Life of Milton, and Letters Concerning Guards, Garrisons, and Mariners*, London, 1699, pp. 13-21, 24-40.

⁴¹¹ The definition is quoted from *A Letter from the Author of the Argument*, p. 5.

⁴¹² Anon., *A True Account*, p. 14.

royal prerogative, probably to make his ideas more attractive and feasible. Fletcher's proposals, besides being directed to a different audience, were less inclined to compromise for the sake they wanted to achieve.

2.7 *A Discourse of Government concerning Militias*: its Scottish contexts

Although the month of publication in Edinburgh of the *Discourse of Government* is unknown, the publisher Abigail Baldwin sold the pamphlet by 1699 in London, as she did with the other publications on standing armies.⁴¹³ It most probably was the printer George Mosman to issue the copies of the tract, on paper furnished by Fletcher himself, which shows the watermark of the coat of arms of the city of Amsterdam.⁴¹⁴ Fletcher's second version of his pamphlet received little attention in England, apart from Harley who remained very attentive to his seditious behaviour and book collectors such as John Bridges.⁴¹⁵ The fact that the two successive pamphlets the Scot published in Edinburgh were composed in June suggests that Fletcher came back to Scotland during the spring, after the militia bill in Westminster was abandoned in April, to focus on the issues of his homeland. The convening of the Scottish Parliament on the 19th of July caught his attention as a renewed opportunity to elaborate on the first version of his tract and propose a plan himself.

Yet, the Scottish context was much different from London's. On the one hand, the martial heritage of Scotland deeply shaped its society throughout centuries, and had long been the main solid base for any claim of independence and expression of national unity. This made the militia issue a problem of the

⁴¹³ See the advertisement on the last page of William Stephens, *A Letter to His Most Excellent Majesty King William III*, London, 1699.

⁴¹⁴ Macfie, *A Bibliography of Andrew Fletcher of Saltoun*, p. 9. Fletcher used this paper in his private correspondence in the 1690s, sharing it with his Dutch acquaintances: see for instance NAS GD26/9/323.

⁴¹⁵ See *Catalogus Bibliothecae Harleianae*, London, p. 828; *Bibliothecae Bridgesianae Catalogus: Or, a Catalogue of the Entire Library of John Bridges*, London, 1725, p. 131.

greatest relevance, to be debated repeatedly during the XVIIIth century by the most important figures of the Scottish Enlightenment. On the other hand, Fletcher's contemporaries north of the Tweed had a relatively limited understanding of the term militia. It had not been until 1663, when the Estates of the realm offered Charles II a permanent force to be put under his prerogative, that anything like it was constituted, and the army was conceived as a duty for all the fencible men of the nation.⁴¹⁶ The force that was thus designed by 1669 placed its soldiers under the command of noblemen of known political loyalty, chosen from specific areas of Scotland, and Charles managed to get himself the army he had long been trying to raise in England without success.⁴¹⁷ The pact with local aristocracy, however, proved unstable during several uprisings in the 1670s, giving birth to the later attempt of Charles II to strengthen his command on the most faithful part of his troops, which met Fletcher's opposition inside and outside Parliament.⁴¹⁸

Such a mechanism of power sharing was dismantled in 1685 by James II, who would have preferred to rely on a much more manageable standing army rather than on the Scottish nobility. The successive revolution, whilst bloodless in England, had a more complicated development in Scotland, where eventually Presbyterian militias managed its deflagration and opposed the rebel troops mobilised by the Jacobites. To William's discontent, this led to a revolutionary settlement much more radical than the one arranged in England, and measures such as the Claim of Right and the abolition of the Lord of the Articles and of episcopacy were basically imposed on the new king by the Club, where, as we have seen, Fletcher was active.⁴¹⁹ By 1692, Scotland became directly involved in European affairs, and its resources committed to continental rivalries.⁴²⁰ William

⁴¹⁶ NAS, PA2/28, fols. 110v-111, 'A Humble Tender to his Sacred Majestie of the duetie and loyaltie of his antient Kingdome of Scotland', which declared to put 20,000 foot and 2,000 horses at the disposal of the king.

⁴¹⁷ Trenchard also describes the episode in these terms in his *A Short History*, p. 13.

⁴¹⁸ Richard Ashcraft, *Revolutionary Politics & Locke's Two Treatises of Government*, Princeton, Princeton University Press, 1986, pp. 35-37; Robertson, *The Scottish Enlightenment and the Militia Issue*, pp. 1-8; Lenman, 'Militia, Fencible Men, and Home Defence', pp. 175-185.

⁴¹⁹ See chapter 1 above, pp. 40-41.

⁴²⁰ David Onnekink, 'The Earl of Portland and Scotland (1689-1699): A Re-Evaluation of Williamite Policy', *The Scottish Historical Review*, 85, n°2 (2006), pp. 231-249.

levied some troops during the Nine Years' war in 1695 and 1696,⁴²¹ as the traditional production of warriors offered by the Scottish nobility, after having sustained many different mercenary regiments across Europe, began to be absorbed by the regular British army and sent to the continent.⁴²²

In the light of a process that gradually assimilated the organisation of the Scottish army to the English practice of mercenary troops,⁴²³ it was thus mainly to maintain his professional soldiers that William summoned a new Parliament in Edinburgh in July, on an issue that, as in England, underlined the ambiguity of the Revolution's settlement. The interpretation of the Claim of Right was indeed central to foster the battle of the Country against the Court between 1698 and 1702, since keeping a standing army on foot without Holyrood's consent figured among the Articles of Grievances but forbidding it had not become a statute as such.⁴²⁴ For Fletcher and a few others,⁴²⁵ it still constituted one of the main reasons "in the Forfaulture of the late King James"⁴²⁶, confirming a radical reading of the Claim. Like it had happened in London, Fletcher thus tried to convince his audience to deny the supplies to the king, and later insisted on the issue of disbandment as the primary goal the Country party should pursue against the Court.⁴²⁷

⁴²¹ See the Act for the levies and the Act anent the levy of a thousand men, NAS, PA2/36, fols. 122-123, 281v.-282v. and the Court propaganda, as in John Murray, duke of Atholl, *The Speech of John Earl of Tullibardine His Majesties High Commissioner to the Parliament of Scotland, on Tuesday the Eight of September, 1696*, Edinburgh, 1696.

⁴²² Manning, *An Apprenticeship in Arms*, pp. 371-400; Matthew Glozier, *Scottish Soldiers in France in the Reign of the Sun King: Nursery for Men of Honour*, Leiden, BRILL, 2004; Hew Strachan, 'Scotland's Military Identity', *The Scottish Historical Review*, 85, n°2 (2006), pp. 315-332; Edward M. Spiers, Jeremy Crang, and Matthew Strickland, eds., *A Military History of Scotland*, Edinburgh, Edinburgh University Press, 2012; Victoria Henshaw, *Scotland and the British Army, 1700-1750: Defending the Union*, New York, Bloomsbury Publishing, 2014. See also, for the constitutional settlement of Scotland, Craig Rose, *England in the 1690s: Revolution, Religion and War*, Brighton, Blackwell Publishers, 1999, pp. 210-218.

⁴²³ Allan I. Macinnes, *Union and Empire: The Making of the United Kingdom in 1707*, Cambridge, Cambridge University Press, 2007, pp. 221-222.

⁴²⁴ John P. Derek, 'People and Parliament in Scotland, 1689-1702', unpublished Ph.D. thesis, University of St. Andrews, 2002, pp. 309-310, 319.

⁴²⁵ Anon., *Some Thoughts Concerning the Affairs of This Session of Parliament, 1700*, Edinburgh, 1700; William Seton, *Memorial to the Members of Parliament of the Court Party*, Edinburgh, 1700 and *The Interest of Scotland in Three Essays, I. The True Original and Indifferency of Church-Government. II. The Union of Scotland and England into One Monarchy. III. The Present State of Scotland*, Edinburgh, 1700.

⁴²⁶ Andrew Fletcher, *Two Discourses Concerning the Affairs of Scotland: Written in the Year 1698*, Edinburgh, 1698, p. 22.

⁴²⁷ See Gentleman at London, *A Letter from a Gentleman at London to His Friend at Edinburgh*, London, 1700, attributed to Fletcher by John Robertson. A project of a militia had been first

In order to do so, the Scot was able to enrich his pamphlet with further historical examples, away from the heat of the English debate. On the one hand, referring to the fate of the Duchy of Burgundy, enslaved by standing armies introduced by Charles the Bold during his wars with France, Fletcher translated and quoted the XVI century French historians Philippe de Commines and François de Beaucaire, showing he was well read on the matter.⁴²⁸ De Commines's *Memoires* in particular, critical of Louis XI behaviour, were a must read, and constituted a source for Sidney's same example in the *Discourses*, also published in 1698.⁴²⁹ Trenchard recommended it to dispel the doubts of his readers about the damages caused by mercenary troops;⁴³⁰ moreover, examples from French history furnished an obvious parallel with the current despotism of Louis XIV.⁴³¹

On the other hand, Fletcher of course fairly insisted on Scottish precedents. When Mary of Guise, on her French advisors' suggestion, tried to introduce a new tax in 1555 to hire professional soldiers, three hundred members of the lesser aristocracy of Scotland opposed the measure, inviting the regent to put her trust "in the militia of the barons,"⁴³² which had always been successful against the English neighbours. Similarly, when Queen Mary attempted to introduce mercenary guards, these were abolished soon after having been hired, and not even her son James VI had any other guard than the faithful barons "whilst he was King of Scotland only."⁴³³ A close examination of this passage, as undertaken by Robertson, reveals a loose translation of Geroge

presented by the duke of Hamilton to the Privy Council in 1691, but the debate about standing armies only reached its peak in 1701, after the Darien expedition collapsed. See Derek, 'People and Parliament', pp. 266-270, 288-291, 314-320 and *State-Papers and Letters Addressed to William Carstares*, London, 1774, pp. 143-147, 290-291, 307-312, 394, 400-403, 514-518, 565-566, 680-683.

⁴²⁸ Andrew Fletcher, *A Discourse of Government with Relation to Militia's*, Edinburgh, 1698, pp. 15-18. The references to the French chronicles are individuated by Robertson in his edition of Fletcher of course possessed the works he quoted in his library.

⁴²⁹ Scott, *Algernon Sidney and the Restoration Crisis*, pp. 245-247. Fletcher owned a copy of the work recently published by Toland, see NLS MS 17863, fol. 119.

⁴³⁰ Trenchard, *A Short History of Standing Armies*, pp. 1-2.

⁴³¹ For instance, Trenchard and Moyle quoted Paul Hay du Chastelet's *Traité de la politique de France*, Cologne, 1669, on the possibility of ruining England by compelling it to keep mercenary troops. See Trenchard and Moyle, *An Argument*, p. 24. Of course, Fletcher also owned a copy of this book in his library, as in MS 17863, fol. 131.

⁴³² Fletcher, *A Discourse of Government*, p. 22.

⁴³³ *Ibidem*, p. 23.

Buchanan's *Rerum Scotticarum Historia* (1579),⁴³⁴ of which new editions in English and Latin were issued in Edinburgh and London just before the standing armies controversy burst out, from 1690 to 1697. Fletcher's choice of the *Historia* was of course instrumental to convince the local audience, but the usage of Buchanan instead of other more royalist accounts of Scottish past shows a clear endorsement of his theory of resistance as a subtext of the *Discourse*.⁴³⁵

Fletcher's reading of Buchanan's account of Scottish history imbued with Ciceronian Stoicism also involved a reformulation of Scotland's martial past, previously utilised in its traditional form by a substantial group of medieval historians to assert Scottish independence and identity. Introducing classical humanism to this type of political discourse, Buchanan refocused it from a raw claim to autonomy of a community of armed clans to a concept of radical political liberty of sensible constitutional depth. On the basis of historical argument, Scottish warriors became republican citizens in arms, participating in the government and resisting absolutism. Fletcher's originality, when compared to his English counterparts, comes from his belonging to this Scottish tradition, and his account of historical transformations in Europe first published in 1697 in London introduced a distinctively Scottish variable in the debates, as political discourse in Scotland was essentially historical in shape. In his Edinburgh edition of 1698, however, Fletcher takes a further step towards emancipation from this martial heritage, to be later completed by the Scottish Enlightenment.⁴³⁶

Far from advocating a return to a XVIth century precarious Gothic inheritance he anyway believed was doomed to vanish,⁴³⁷ Fletcher proposes to reform Scotland's government by releasing it from the remnants of its feudal past, towards a new order based on civic humanist principles.⁴³⁸ The instrument to do so is of course to reshape the militia, "the chief part of the Constitution of

⁴³⁴ See Robertson's edition, p. 10, fn. 8-9.

⁴³⁵ See *George Buchanan: Political Thought in Early Modern Britain and Europe*, ed. by Roger A. Mason and Caroline Erskine, Farnham, Ashgate, 2012.

⁴³⁶ Colin Kidd, *Subverting Scotland's Past. Scottish Whig Historians and the Creation of an Anglo-British Identity 1689-1830*, Cambridge, Cambridge University Press, 1993, pp. 27-28; David Allan, *Virtue, Learning and the Scottish Enlightenment: Ideas of Scholarship in Early Modern History*, Edinburgh, Edinburgh University Press, 1993, pp. 29-41, 78-80.

⁴³⁷ For a different point of view, see Colin Kidd, *British Identities before Nationalism: Ethnicity and Nationhood in the Atlantic World, 1600-1800*, Cambridge, Cambridge University Press, 1999, pp. 230-31, 280.

⁴³⁸ Robertson, *The Scottish Enlightenment*, pp. 37-38.

any free Government”⁴³⁹. To Toland’s three camps in England, setting out his plan in some detail, Fletcher adds one more in Scotland, where from the age of twenty-two every man would train for two years. They would learn to march and move the encampment every week, eat the same frugal food, drink the same beverages and wear the same uniforms. No “Churchman” or woman would be admitted to the camp, where adamant discipline would prevail. After this intensive period of exercises, a yearly recall for a training week, the only feature which “might be imitated”⁴⁴⁰ from ancient Rome without difficulty, should suffice.⁴⁴¹

This last proposal and the geographical division in different camps can also be found in Toland’s project, of which Fletcher’s seems to echo some features. Both also despised, like Harrington did, the practice of the aristocracy of sending substitutes to serve in the militia, as they inversely invested the nobility of major responsibilities. For Toland, the officers and lieutenants were to be picked from landowners of estates proportional to their degree, whereas Fletcher believed that “Persons of Quality or Estates”⁴⁴² should also learn the science of fortification, gunnery and war engineering, constituting the *élite* of the militia and the backbone of the cavalry.⁴⁴³ But as for the participation to the armed forces as a whole, Fletcher made it clear that the totality of the free people of both nations had to exercise, in order to be able to choose the members of the regiments “in Countries where Husbandry, Trade, Manufactures and other mechanical Arts are carried on”⁴⁴⁴ without undermining these activities. In the Scottish version of his tract, Fletcher thus included the additional classes of merchants, artisans and husbandsmen traditionally belonging to the burghs in his militia, proving himself more radical and modern than Machiavelli or

⁴³⁹ Fletcher, *A Discourse of Government*, pp. 44-45.

⁴⁴⁰ *Ibidem*, p. 57.

⁴⁴¹ *Ibidem*, pp. 51-57.

⁴⁴² *Ibidem*, p. 53.

⁴⁴³ Toland, *The Militia Reform’d*, pp. 47-49; Fletcher, *A Discourse of Government*, pp. 47-48, 53, 57. Like Toland, Fletcher also lingered upon the possibility of sending some regiments to the continent to accumulate experience on the battlefield and help allies, see p. 58.

⁴⁴⁴ Fletcher, *A Discourse of Government*, p. 46.

Harrington who still considered the propertied class as the only part of society trusted enough to compose the army.⁴⁴⁵

While in his new capacity as chancellor Patrick Hume now sustained the Court propaganda for standing armies in Holyrood in the name of the king,⁴⁴⁶ many Country authors reverberated Fletcher's arguments in the following years. But his inclusive and antiaristocratic plan diverged pungently from the classic account of the Scottish nobility in arms, still considered as the true depository of the sovereignty and independency of the nation by many influential figures. The strongest case was made by the London-based journalist George Ridpath, who like Fletcher initially addressed the English audience before moving back to his fellow countrymen.⁴⁴⁷ If, on the one hand, Ridpath asked for a reform of the militia and used the same Buchananite historical precedents,⁴⁴⁸ his reading of Scottish history was mostly Presbyterian and his clan-based theory of sovereignty was difficult to square with Fletcher's proposals during the Union debates.⁴⁴⁹ No wonder Ridpath was irritated that "the Gentleman" joined "with that party here who under the Notion of a Republick are for a perfect anarchy in Church and State", thus constituting a danger comparable to the Jacobites for the government.⁴⁵⁰

Opposed to the Gothic balance and overriding the feudal order, Fletcher's scheme turned out to be "a modernised variant of Toland's,"⁴⁵¹ where his deep personal knowledge in warfare expressed itself altogether and the praised

⁴⁴⁵ See the analysis by Maarten Prak, 'Citizens, Soldiers and Civic Militias in Late Medieval and Early Modern Europe', *Past & Present*, 228, n°1 (2015), pp. 93–123 (pp. 98–102).

⁴⁴⁶ Patrick Hume, *The Speech of Patrick Earl of Marchmont, &c. His Majesties High Commissioner to the Parliament of Scotland. On Munday the 22 of August 1698*, Edinburgh, 1698; *Id.*, *The Speech of Patrick Earl of March-Mount, &c., His Majesties High Commissioner to the Parliament of Scotland, on Tuesday the Nineteenth of July, 1698. The Speech of James Viscount of Seafield, Principal Secretary of State, and President to the Parliament of Scotland, on Tuesday the Nineteenth of July 1698*, Edinburgh, 1698; *Id.*, *The Speech of Patrick Earl of Marchmont, &c., Lord High Chancellor to the Parliament of Scotland on Tuesday 21 May 1700*, Edinburgh, 1700.

⁴⁴⁷ George Ridpath, *A (Second) Dialogue Betwixt Jack and Will about a Standing Army*, London, 1697.

⁴⁴⁸ The issue will be better discussed in chapter five. See George Ridpath, *Scotland's Grievances Relating to Darien, &c Humbly Represented to the Parliament*, Edinburgh, 1700 and James Johnston, *Reflections on a Late Speech by the Lord Haversham*, London, 1704.

⁴⁴⁹ George Ridpath, *An Historical Account of the Ancient Rights and Power of the Parliament of Scotland*, Edinburgh, 1703. The topic will be addressed in the fourth and fifth chapters, although Ridpath would agree with Fletcher that in Scotland the officials were named by the parliament in ancient times.

⁴⁵⁰ NAS GD158/1074/2, George Ridpath to Patrick Hume of Polwarth, 14th July 1698.

⁴⁵¹ Western, *The English Militia*, p. 93.

example of Rome was integrated by looking at the model of Sparta previously described by Moyle.⁴⁵² The impression is that far from using the proposal mainly as a rhetorical device against standing armies, Fletcher really was at pains to formulate a drastic but feasible alternative to professional forces, which he kept modifying and refining until the end of his life.⁴⁵³ However, although the Scot stressed that “the model which I shall propose, have not the authority of the antients,”⁴⁵⁴ he designed it to create “as great a School of Vertue as of military Discipline”⁴⁵⁵ for the youth, so that they would learn frugality and the pursuit of common good through the life in training camps.⁴⁵⁶

In reading military treatises and history books, the members of the militia would learn Christian and moral duties by the examples of virtuous men, receiving an education that would continue during their whole life.⁴⁵⁷ In a vein similar to Toland’s, Fletcher gives preponderant importance to the teachings that would establish the roots of a renewed Scottish society and its moral regeneration,⁴⁵⁸ able to resist “the Corruption of a Nation, the Tendency of the way of Living, the Genius of the Age, and the Example of the World.”⁴⁵⁹ In civic humanist terms, both the schemes would have reconstituted the Machiavellian trinomial *buone leggi, buona educazione, buone arme*, as foundations of a free and stable commonwealth.⁴⁶⁰ However, the change of emphasis from doctrinal purity to virtuous moral conduct in religious issues in Scotland constitutes an additional context for Fletcher’s plan, as several societies for the reformation of

⁴⁵² Varad Mehta, ‘Sparta, Modernity, Enlightenment’, in *On Civic Republicanism: Ancient Lessons for Global Politics*, ed. by Geoffrey C. Kellow and Neven Leddy, Toronto, University of Toronto Press, 2016, pp. 205–226 (pp. 207–208).

⁴⁵³ It was by the hand of his nephew David Fletcher that some minor corrections were inserted by the author on a printed copy of the tract (like lowering the minimum age to eighteen years old and adding a fifth camp for Ireland), now preserved at the NLS. See Robertson’s edition of *Political Works*, p. 1, p. 24 fn. 27 and the List of variants, p. 216 and ff.

⁴⁵⁴ Fletcher, *A Discourse of Government*, p. 50.

⁴⁵⁵ *Ibidem*, p. 60.

⁴⁵⁶ Although no other project was published in Scotland, some advocated the creation of an “Academy of war and Universal learning”, as in James Hodges, *A Letter from Mr. Hodges at London. To a Member of the Parliament of Scotland*, Edinburgh, 1703.

⁴⁵⁷ *Ibidem*, pp. 53–54.

⁴⁵⁸ Matthew McCormack, *Embodying the Militia in Georgian England*, Oxford, Oxford University Press, 2015, pp. 20–21.

⁴⁵⁹ *Ibidem*, p. 26.

⁴⁶⁰ Pocock, *The Machiavellian Moment*, p. 432. About Machiavelli’s and Moyle’s praise of Lacedaemonian military education, that instilled private virtue at the basis of Sparta’s public government, see *A Select Collection of Tracts*, p. 177.

manners were created at the turn of the century in Britain, in Edinburgh in particular.⁴⁶¹

Besides highlighting the role of education as an instrument to modify social developments, Fletcher's plan also created a joint militia force including both Scottish and English regiments. Each camp, to bestow punishments and dispose rewards, should nominate a council of war to apply "certain Articles drawn up and approved by the respective Parliaments."⁴⁶² Similarly, the "Officers and Masters," responsible for the education of the youth, should be chosen among the most expert members of the regiments, after the established two years of military service. Although Fletcher remains vague, for brevity's sake, and possibly in order to convince the most royalists among his audience, his scheme "was republicanism (not to say anarchism) brought in by the back door,"⁴⁶³ which loudly gave the sword back to the people, albeit in a context that would have been much different from Gothic ages.

Actually, the other objective Fletcher attempted to achieve was to create a mechanism that would have also protected Scotland from English interference. The troubled history of the two kingdoms since the union of the crowns contributed to strengthen his distrust in the centralising policies of London, which had often been pursued with the brute force of internal police controlled by the monarch. Fletcher himself was born and raised under the English occupation by the hand of the Lord Lieutenant George Monck. He later witnessed the incursions of the royalist militia called the Highland Host in 1678, which was eventually quartered in Haddingtonshire to punish Fletcher's dissent.⁴⁶⁴ In his first ten years as king, William had not proved much different from the Stuarts in this regard, as he consented too lightly in the physical elimination of the MacDonalds clan of Glencoe by the hand of the Campbells in 1692, for their delay in taking the oath of allegiance to the new king, in the episode known as the Glencoe massacre. This represented the crudest of the many occasions in which

⁴⁶¹ Thomas Ahnert, *The Moral Culture of the Scottish Enlightenment, 1690-1805*, Yale, Yale University Press, 2015; Francis Grant, *A Brief Account of the Nature, Rise, and Progress of the Societies for Reformation of Manners &c. in England and Ireland with a Preface Exhorting to the Use of Such Societies in Scotland*, Edinburgh, 1700.

⁴⁶² Fletcher, *A Discourse of Government*, p. 55.

⁴⁶³ Western, *The English Militia*, p. 93.

⁴⁶⁴ See above, p. 24.

Scottish regiments were deployed against their own to secure William's settlement in Scotland, but it was also symptomatic of the recrudescence of the medieval order based on blood feud, from which Fletcher tried to emancipate his homeland.⁴⁶⁵

In this sense, the author of *The Argument Rectified* had declared that the existing union of the crowns "leaves room for Princes of Arbitrary Tempers to dash us one against the other, and to make us Instruments of their Tyranny by turns,"⁴⁶⁶ suggesting a tighter union between the two nations as a solution.⁴⁶⁷ The Irish perspective on the matter, voiced by Fletcher's friend and Machiavellian theorist Henry Maxwell, also thought a closer union would solve the problem.⁴⁶⁸ But the Scot rather promoted a 'federal' kind of militia, which would have prevented the king from acting as a tyrant by taking away from his hands the means to do so. The militia he had in mind would have been under the firm control of the two Parliaments, each of them managing the camps of the respective nation. While Toland had devoted a few pages in praising William's wisdom and sagacity to convince his audience to trust him with the power he held, Fletcher underlined how wise princes were more dangerous than others, because more capable of effectively using the instruments of tyranny.⁴⁶⁹ By reducing the king's prerogative, Fletcher hoped to increase Scotland's autonomy.

The educational purposes of the training camps would have also given Fletcher's scheme a solid base to guarantee its functioning as an alternative to standing armies. Recovering their former virtue, English and Scottish people would have constituted a disciplined and effective militia. It would also have laid

⁴⁶⁵ Notwithstanding William's complicity in the event has been successively excluded, the Scottish public opinion held him largely responsible, furnishing the Jacobites with a further instrument of propaganda. See Allan Macinnes, 'William of Orange – Disaster for Scotland?', in *Redefining William III: The Impact of the King-Stadholder in International Context*, ed. by Esther Mijers and David Onnekink, Burlington, Ashgate Publishing Ltd., 2007, pp. 201-226 (pp. 208-212).

⁴⁶⁶ Anon., *The Argument Rectified*, p. 28.

⁴⁶⁷ See also Anon., *A Manifesto, Asserting and Clearing the Legal Right of the Princess Sophia, and Her Issue, the Serene House of Hanover, to the Succession of Scotland*, [London?], 1704, making the same point.

⁴⁶⁸ Henry Maxwell, *An Essay upon an Union of Ireland with England: Most Humbly Offered to the Consideration of the Queen's Most Excellent Majesty, and Both Houses of Parliament*, Dublin, 1703; 'Henry Maxwell, M.P., Author of "An Essay upon an Union of Ireland with England (1703)"', *Eighteenth-Century Ireland / Iris an Dá Chultúr*, n°22 (2007), pp. 28-63; Neal Garnham, *The Militia in Eighteenth-Century Ireland: In Defence of the Protestant Interest*, Woodbridge, The Boydell Press, 2012, pp. 1-35.

⁴⁶⁹ Cf. Toland, *The Militia Reform'd*, pp. 50-53 with Fletcher, *A Discourse of Government*, pp. 18-19.

the foundations of a society that could have been, in Fletcher's eyes, the real advance when compared to the Gothic constitution: not a Whig vision of parliamentary sovereignty, but the reformulation of civic humanist principles. Answering Defoe's proposition to trust the Parliament's power to supply the necessary funding for warfare, Fletcher finally elaborated a scheme that would have reduced the raising impact of mobile property on political issues, in the shape of interest groups and lobbies inside Westminster.

2.8 Outcomes, developments and the economic priorities of Scotland

From an English perspective, it has been observed that the parliamentarian battle in London for the disbandment of the armies resulted in a success. After the reduction to 10,000 men, ratified by the end of 1697, William's army was further reshaped to around 7,000 soldiers by the Disbanding Act of March 1699, which excluded non-British subjects from the army, while his Dutch guards were eventually sent back to the continent. In the opposition's victory, the pamphlet storm that took place in the City played a prominent role, together with Harley's able leadership in Westminster.⁴⁷⁰ However, besides a substantial reduction of the troops, which concurred with a reduction of the fiscal pressure on landowners much to the Country MPs satisfaction, no valuable alternative was set up, nor the instrument of professional armies in itself abandoned or the militia actually reformed.

The events in Scotland proved to be of much more dramatic consequences. At the opening of the 1698 session in Holyrood a letter from William warned it was "absolutely necessary for your preservation that the forces upon the present establishment be continued,"⁴⁷¹ trying to convince his northern subjects to allow him the necessary funds he had so many difficulties to raise in England. In the next days, a committee for the security of the kingdom

⁴⁷⁰ Schwoerer, *'No Standing Armies!'*, p. 156; Levillain, *William III in Neo-Roman Context*, p. 338; Horwitz, *Parliament, Polity and Politics*, pp. 249-254.

⁴⁷¹ NAS, PA2/37, fols. 91-92.

was elected, and by the 30th of July an act for granting sixteen months' of supplies to the king was drafted, read and approved almost without debate, so that the Scots contributed dearly to the maintenance of the British troops until 1700, notwithstanding Fletcher's attempt to convince them otherwise.⁴⁷² Thomas Livingstone, whom he had met in London at the end of 1697, was appointed Viscount of Teviot for having defeated the Jacobite troops at Cromdale in 1690; the question of mercenary soldiers remained a topic for the following years.⁴⁷³

Apart from formulating many arguments that were to be used by Scottish pamphleteers of the Country-front such as Ridpath, William Seton or James Hodges, Fletcher also had the occasion to present a concrete clause to arm all fencible men of the nation as an MP in 1703. In Holyrood, he maintained that no "Kingdom" could "be really secur'd but by arming the People", since "the Possession of Arms is the distinction of a Freeman from a Slave".⁴⁷⁴ He again lingered over historical examples from the Scottish past, vesting them in recognisable Machiavellian terms to make his case against arbitrary government, this time obtaining the support of both Jacobites, Country representatives and figures close to the Court.⁴⁷⁵ Part of his proposal, passed under the name of *Act anent Peace and War* (1703), remedied the ambiguity of the Claim of Right by prohibiting to the monarch to enter or cease any foreign conflict without parliamentary approval.⁴⁷⁶

Fletcher arrived to the point of being spotted "in Holland buying armes etc in pursuance of the clause for arming"⁴⁷⁷ the people that he pushed to incorporate to the Act of Security (1704), which created burgh and parish

⁴⁷² NAS, PA2/37, fols. 94-94v, 96v-99.

⁴⁷³ NAS. PA2/37, fol. 89.

⁴⁷⁴ Andrew Fletcher, *Speeches by a Member of the Parliament Which Began at Edinburgh the 6th of May 1703*, Edinburgh, 1703, p. 43, 81.

⁴⁷⁵ Anon., *The Great Danger, of Scotland, as to All Its Sacred and Civil Concerns, from These, Who Are Commonly Known by the Name of Jacobites. In a Letter to a Friend*, Edinburgh, 1704; Anon., *The Act of Security, Is the Only Rational Method of Procuring Scotland a Happy Constitution, Free from the Illegal Invasion of It's Liberties and Laws, and the Base Usurpation of It's Ancient Sovereignty*, Edinburgh, 1704; Peter Paxton, *A Scheme of Union between England and Scotland, with Advantages to Both Kingdoms*, Edinburgh, 1705; Patrick Abercrombie, *The Advantages of the Act of Security, Compar'd with These of the Intended Union*, Edinburgh, 1706.

⁴⁷⁶ Christopher A. Whatley, *The Scots and the Union: Then and Now*, Edinburgh, Edinburgh University Press, 2014, pp. 224-227; Macinnes, *Union and Empire*, pp. 129, 259-261.

⁴⁷⁷ John Churchill, earl of Marlborough to Sidney Godolphin, earl of Godolphin, 19th December 1704, in *The Marlborough-Godolphin correspondence*, vol. 1, ed. by Henry L. Snyder, Oxford, Oxford University Press, 1975, pp. 408-409, fn. 6.

militias, as the stalemate in the Union talks resulted in a growing tension and fear of an English invasion. But as the negotiations turned to the advantage of the Court, Fletcher's nightmare came to life when the government sent militia troops in the parliament's close on the 25th of October 1706, officially to ensure the articles of the treaty of Union with England were approved without unpleasant incidents caused by Edinburgh's unsettled mob. Fletcher protested it constituted a violation of Holyrood's privileges. He triggered a long debate, but ultimately to no avail.⁴⁷⁸ Although he thus achieved to prove the centrality of the issue and benefited from a Pyrrhic political victory in 1703, Fletcher's practical objectives met with no success.

Overall, his position proved sharp and peculiar when compared to any other British author of the time. On the one hand, when considered in its English context, Fletcher's *Discourse of Government* reveals a radicality only matched by the most republican compositions of the Civil War period like Harrington's, or by the radical authors of the next political turmoil like Neville or Sidney, who composed their tracts during the Exclusion Crisis. To bring back the sword in the hand of the subjects through parliamentary control, dismissing both mercenary armies and the royal nomination of the militia officers, was a solution that none of the other participants in the controversy dared to propose. Harley's orchestration of the Country propaganda had a much more immediate political aim, linked to Westminster's balance of forces and the economic interests of its members. Conversely, Fletcher needed to create a mechanism able to effectively safeguard Scotland's independence from London's interference, without looking back to medieval times.

On the other hand, his Scottish perspective referred to the strong local ethos of a nobility in arms, but only partially in order to gather consent, as his proposal was anti-aristocratic and modern in its substance. The European scope of his historical analysis and the awareness of the irreversibility of the process that dominated the continent since the XVIth century made it impossible for him to stick with a *topos* that was as much familiar and reliable in his homeland as it was ineffective to create a proper alternative to standing armies or an obsolete

⁴⁷⁸ Jeffrey Stephen, *Scottish Presbyterians and the Act of Union 1707*, Edinburgh, Edinburgh University Press, 2007, p. 140; Karin Bowie, 'Popular Resistance and the Ratification of the Anglo-Scottish Treaty of Union', *Scottish Archives*, n°14 (2008), pp. 10-26.

militia. In the context of a royalist and post-Restoration political culture, where a humanist and republican discourse struggled to emerge, in Ridpath's account and reading of Buchanan the Scottish *populus* was constituted by the clans in arms. Contrariwise, Fletcher's enlargement of the militia base is genuinely proposed in civic humanist terms, in a way that ultimately includes landless citizens and thus even transcends both Harrington's classical agrarian vision itself and Sidney's Gothic nostalgia.

In addition to setting out the risks of a tyrannical use of the standing armies from a sound theoretical basis, Fletcher's apprehensions in 1698 went further. In the conclusion of his *Discourse*, he composed a concerned final appeal to disband William's forces, outlining the traits that characterised the liberty of the two peoples of England and Scotland. While the former is described as a country "everywhere cultivated and improved by the industry of rich husbandmen," filled with "cities, towns, and village enriched with manufactures" nurtured by the freedom of its government, Scotland is depicted as a nation "which has a gentry born to excel in arms," for ages able to defend its liberty from several attempts of invasion and its own tyrannical sovereigns.⁴⁷⁹ The contrast between the wealth of the English and the economic crisis that he was witnessing in Scotland added a prosaic motive to his opposition to the possibility of granting supplies to the crown: his homeland was too poor to keep unnecessary armies on foot, especially as it invested most of its capital in the Darien commercial venture.⁴⁸⁰

As it will be shown in the next chapter, in his *Two Discourses concerning the Affairs of Scotland* Fletcher in part abandoned his sophisticated republican rhetoric to directly address the parliamentarians in Edinburgh. Published almost simultaneously with the *Discourse of Government*, one of its objectives was to convince the MPs that Scotland could not afford the wages of the mercenaries raised by William to pursue his continental interests without running the risk of sinking in irreparable poverty. In this sense, Fletcher's position was dictated by very practical motives, and in this sense an opposite and equal figure in the whole debate was Charles Davenant. From his English point of view, Davenant

⁴⁷⁹ Fletcher, *A Discourse of Government*, pp. 63-65.

⁴⁸⁰ Robertson, *The Scottish Enlightenment*, p. 26 makes the same remark.

also noticed and regretted the evolution Western societies were taking, destroying the virtuous and frugal way their progenitors used to live, only to promote luxury. But in order to succeed in the international struggle for survival, modernity had to be embraced, and the riches England produced through corruptive trade constituted a necessary evil, just like mercenary troops.⁴⁸¹ In the *Two Discourses*, Fletcher's proposals offer a remedy to Scotland's poverty, without ceding to the corruption of modernity and indeed using some of Davenant's intuitions in political arithmetic.

⁴⁸¹ See Charles Davenant, *An Essay upon Ways and Means of Supplying the War*, London, 1694 and *Discourses on the Publick Revenues*, part II, *Discourse I That foreign Trade is Beneficial to England*, London, 1697.

CHAPTER 3

The improvement of Scotland

“Nay, it is very observable, that the most eminent Republican Writers, such as LOCKE, FLETCHER of *Saltown*, and ROUSSEAU himself, pretend to justify the making Slaves of others, whilst they are pleading so warmly for Liberty for themselves”

Josiah Tucker, *A Treatise concerning Civil government*

As early as January 1694, Fletcher was, from his favourite wintertime hideout in London, congratulating his brother Henry for successfully arranging the lands around the farm *toun* of Blackburn, in West Lothian. The next step for his brother, acting as a proper factor, would be “to get good tenants” for the family estates and from there start “to think on projects of husbandry, & plantations”⁴⁸² together as soon as possible. While Fletcher was abroad for political purposes, Henry regularly informed him of the administration of the barony of Saltoun, often asking for directions when particular decisions had to

⁴⁸² NLS MS 16502, fols. 151-152.

be taken, such as those regarding extraordinary maintenance work, the relationships with particular tenants or how much of the wood stock to sell. For his part, Fletcher participated in the management of his lands in disclosing the knowledge he had acquired from his readings, voyages and conversations, explaining his views on various subjects, like the utility of enclosures or the right crops to plant.⁴⁸³

The necessity to upgrade the techniques of cultivation and increase the agricultural production of their estates was a concern Fletcher shared with many of his neighbours in the Lowlands. In part, it constituted a reaction to the devastating famine known as the 'Seven ill Years' during the 1690s, when severe scarcity following the unsuccessful harvests of 1695-6 and 1698 resulted in a significant population reduction and the multiplication of vagrants and poor begging for food. Landowners like Lord Belhaven or physicians like Sir Robert Sibbald expressed their views precisely to stop the crisis and rescue Scotland from distress. In addition and from a wider perspective, it was the functioning of the Scottish economy itself that was perceived as modest when compared with its English counterpart, and the formulation of various schemes to improve husbandry at the turn of the century contributed to the rise of an economic discourse, to be further shaped during the Union debates of 1703-1707, albeit with a much stronger emphasis on trade.

Published in Edinburgh in July 1698, shortly before the meeting of the Scottish parliament and right after the sailing of the Darien expedition, Fletcher's *Two Discourses concerning the Affairs of Scotland* undoubtedly represent an early example of this literature for economic development in time of crisis. Mainly formulated as a plan to reform Scottish agriculture, the second discourse in particular has been considered by economic historians like Thomas C. Smout and Ian Whyte as one of the forerunner texts of the improvers movement that emerged in the 1720s as a patriotic undertaking to promote scientific advances in the agricultural field.⁴⁸⁴ Although it is commonly reckoned that there generally was scarce attention to agronomy in late seventeenth century Scotland, the few

⁴⁸³ NLS MS 16502, fols. 154-155, 169-172, 193-194.

⁴⁸⁴ Thomas C. Smout, *Scottish Trade on the Eve of Union, 1660-1707*, Edinburgh, Oliver & Boyd, 1963, pp. 206-220; Ian Whyte, *Agriculture and Society in Seventeenth-century Scotland*, Edinburgh, Donald Publishers, 1979, pp. 251-255.

pamphlets issued on the matter during that period naturally compose a first context in which the *Two Discourses* can be looked at. But as so often, Fletcher was a remarkable exception in the Scottish intellectual landscape, and his reflections should be considered within additional contexts, namely the English economic theories he was familiar with.

Shigemi Muramatsu has recently undertaken this task in two essays, which take English political arithmetic as the main model in reaction to which the principal tracts concerning the advance of Scottish economy were published in the wake of the Union debates, like those by William Seton or David Black.⁴⁸⁵ However, besides inevitably putting the *Two Discourses* in a very different context than that of 1698, Muramatsu's articles also suggest Fletcher's ignorance of William Petty's works until his last work, the *Account of a Conversation* issued in 1703. As we will see in this chapter, the *Two Discourses* conversely include many traces of Petty's ideas and, when closely examined in the context of English economic thought, also show different echoes of the debates started in London in the wake of the so called Financial revolution, such as the one on the rate of interest on money and the employment of the poor. Possibly because Fletcher has, perhaps hurriedly, been labelled as a "dyspeptic student of modern political economy",⁴⁸⁶ an accurate investigation of his economic insights has regrettably never been proposed.

Actually, what remains the most precise study of the *Two Discourses* is John Robertson's analysis, focusing on the republican aspects of Fletcher's tract.⁴⁸⁷ In particular, together with the scheme for an Agrarian law, the shocking proposal of compelling the Scottish poor to a condition of domestic servitude easily evokes classical sources. Besides striking his contemporaries as an

⁴⁸⁵ Shigemi Muramatsu, 'Some Types of National Interest in the Anglo-Scottish Union of 1707: Scotland's Responses to England's Political Arithmetic', in *Journal of economics, Kumamoto-Gakuen University*, 3 (1996), pp. 1-14 and 'Andrew Fletcher's criticism of commercial civilization and his plan for European federal union', in *The rise of political economy in the Scottish enlightenment*, edited by Tatsuya Sakamoto and Hideo Tanaka, London, Routledge, 2003, pp. 8-21.

⁴⁸⁶ David Armitage, *The Ideological Origins of the British Empire*, Cambridge, Cambridge University Press, 2000, p. 161.

⁴⁸⁷ See John Robertson, 'The Scottish Enlightenment at the limits of the civic tradition', in *Wealth and Virtue: The Shaping of Political Economy in the Scottish Enlightenment*, Cambridge, Cambridge University Press, 1983, pp. 137-178 (pp. 141-151); *The Scottish Enlightenment and the Militia Issue*, Edinburgh, John Donald, 1985, pp. 32-40 and *The Case for the Enlightenment: Scotland and Naples, 1680-1760*, New York, Cambridge University Press, 2005, pp. 168-170.

unrealistic solution, Fletcher's draconian measure was almost the single part of his scheme to gather the attention of his audience over time, raising questions about his idea of liberty for successive thinkers such as Josiah Tucker, honestly despising the apparent incoherence between advocating slavery and pleading for liberty. On this matter, Robertson's perceptive answer pointing at the republican distinction between political and individual freedom leaves us slightly unsatisfied, as it overlooks other possible answers to be found in contemporary intellectual and social contexts.

Overall, this chapter constitutes an attempt to depart from what has been defined as a "Whig interpretation of economics"⁴⁸⁸, often concerned with the technical accuracy of economic solutions from the point of view of contemporary classical economics, rather than with the social and political context in which these solutions were elaborated to answer a precise set of problems. Too frequently, the pamphlets published before the formal codification and theorisation of economic thought, roughly by the middle of the eighteenth century, are inevitably disqualified or marked as irrational in the elements that do not somehow anticipate successive developments in the field. It is necessary for the historian, instead of dismissing these publications as irrelevant, to assess the reasons for these 'irrationalities', to be found in the social and political contexts of the moment in which they were formulated and in the ethical, political, moral or religious beliefs of their authors. Only doing so it is possible to fully appreciate Fletcher's *Two Discourses* and also to confront them with more systematic works, such as Petty's or Josiah Child's.⁴⁸⁹

In what follows, I will thus first of all give a brief overview of two main kinds of economic language used in England at Fletcher's time, that is political arithmetic, already mentioned, and mercantilism, a problematic category often employed by current historiography to investigate and define economic ideas developed during the seventeenth and eighteenth century. Secondly, I will furnish a detailed resume of Scotland's economic situation at the turn of the

⁴⁸⁸ For instance, see the methodological issues contained in Amiya Kumar Bagchi, 'Contextual Political Economy, Not Whig Economics', *Cambridge Journal of Economics* 38, no. 3 (May 2014), pp. 545–562.

⁴⁸⁹ This question is fully addressed in Philippe Steiner's introduction to his *Sociologie de la connaissance économique: Essais sur les rationalisations de la connaissance économique (1750-1850)*, Paris, Presses Universitaires de France, 1998.

century, focusing especially on the agricultural sector and its crisis during the 1690s. This done, I will take into account the Scottish pamphlets published during the crisis usually associated with Fletcher's, mentioning, where possible, the reception of languages and methods coming from England. The first half of the chapter will be concluded with an examination of the *Two Discourses*, which will show how they fit in this context.

The second half of the chapter will open with a section on the well-known analysis of the republican features of Fletcher's economic discourse elaborated by Robertson, rectifying some of the currently established claims. After that, I will apply the proper lens of political arithmetic and mercantilism to elucidate the essentially economic background of the *Discourses*, situating it through a comparison with works published in London in the 1690s, such as Charles Davenant's or Josiah Child's. This done, I will spend one section contextualising the system of domestic servitude imagined by Fletcher, revealing its inherent tensions and different sources. Finally, a conclusive section will briefly deal with the echoes the *Discourses* had in the subsequent publications addressing the issue of economic prosperity in Scotland.

3.1 The theoretical bases of economic discourses in seventeenth century Britain

To develop a comprehensive and coherent theoretical framework to analyse 'economic' publications in pre-Smithian Britain, without running the risk of creating an anachronistic set of references taken from modern disciplines, constitutes a challenging work. When the confused mixture of pamphlets, treatises and *pièces d'occasions* brought to light from the beginning of the seventeenth century onwards has been taken into account by historians of economic thought, it has often been with the more or less conscious intent of retracing the origins of successive developments, which inevitably resulted in a

decontextualized Whiggish history of a scattered selection of notions.⁴⁹⁰ In addition, the absence of a precise place for economic matters in the early modern intellectual world makes it necessary to rely on different intermingled languages and newly-crafted labels, which, besides being unable to fully grasp the variable contents of early economic discourses, frequently exclude some issues while overstressing others. To briefly define the contours of some of these languages is thus crucial to render a full picture of the question.⁴⁹¹

The period in which Fletcher published his tracts, for instance, has been, appropriately, described as “the golden age of political arithmetic”⁴⁹² in England, roughly lasting from the Restoration until the Hanoverian succession. In the famous words of Davenant, this “Art of Reasoning by Figures, upon Things relating to Government”⁴⁹³ constituted a new quantitative approach to issues of public interest and was later celebrated as the foundation of modern statistics, social sciences and political economy.⁴⁹⁴ Through calculation and estimates of variables like national income, population or the extension of cultivated lands, economic growth could be planned by implementing policies in different sectors, according to necessity. Although this method was common to all of the most relevant authors experimenting with it, as a new-born science its application could meet matters as diverse as the military power of a kingdom, the social order lying at its base or the ways to relieve the poor inhabiting it.⁴⁹⁵

⁴⁹⁰ See for instance the remarkable quest for the origins of liberalism by Joyce Oldham Appleby, *Economic Thought and Ideology in Seventeenth-Century England*, Princeton, Princeton University Press, 1978 and its reviews by John G. A. Pocock, “To Market, to Market: Economic Thought in Early Modern England,” *The Journal of Interdisciplinary History*, 10, n°2 (October 1979), pp. 303–309, and Donald Winch, “Economic Liberalism as Ideology: The Appleby Version,” *The Economic History Review*, New Series, 38, n°2 (May 1985), pp. 287–297.

⁴⁹¹ Thomas W. Hutchison, *Before Adam Smith: The Emergence of Political Economy, 1662-1776*, Oxford, B. Blackwell, 1988; Julian Hoppit, “The Contexts and Contours of British Economic Literature, 1660-1760,” *The Historical Journal*, 49, n°1 (March 1, 2006), pp. 79–110.

⁴⁹² Julian Hoppit, “Political Arithmetic in Eighteenth-Century England,” *The Economic History Review*, New Series, 49, no. 3 (August 1996), pp. 516–540 (p. 516).

⁴⁹³ Charles Davenant, *Discourses on the Publick Revenues, and on the Trade of England. In Two Parts. Viz. I. Of the Use of Political Arithmetick ... II. On Credit, and the Means and Methods by Which It May Be Restored. III. On the Management of the King’s Revenues. IV. Whither to Farm the Revenues, May Not, in This Juncture, Be Most for the Publick Service? V. On the Publick Debts and Engagements. Volume 1*, London, 1697, First discourse, p. 2.

⁴⁹⁴ Such a claim can be found in Tony Aspromourgos, *On the Origins of Classical Economics: Distribution and Value from William Petty to Adam Smith*, London, Routledge 1996.

⁴⁹⁵ Ted McCormick, “Political Arithmetic’s 18th Century Histories: Quantification in Politics, Religion, and the Public Sphere,” *History Compass*, 12, n°3 (March 2014), pp. 239–251; Hoppit, “Political Arithmetic in Eighteenth-Century England”, pp. 516-517.

Its renowned designer, the natural philosopher Sir William Petty, first coined the term political arithmetic in the 1670s as part of a wider programme for the settlement of Ireland, to follow a quantitative analysis of society with a direct governmental involvement to improve it.⁴⁹⁶ As wealth was becoming a decisive component in the struggle for supremacy among European nations, it became necessary for every individual to contribute to national prosperity, and Petty's plan for the Irish colony aimed precisely at transforming problematic subjects into a productive population through the means of uncompromising social engineering.⁴⁹⁷ *Political Arithmetick*, printed in 1690, constitutes the outcome of Petty's early career during Cromwell's protectorate, when he could realise an unprecedented survey to map and measure the quantity of land seized for the army in Ireland, in order to redistribute it to Protestant owners.⁴⁹⁸

Central to Petty's calculation was Baconian practical philosophy and the experimental method that spread consistently during the Commonwealth period, when it became the basis of Samuel Hartlib's heterogeneous circle of philosophers and scientists among which Petty figured. Their radical aims were to improve England by intervening in nature in order to achieve the social and political aims of the Commonwealth, through elaborated technical innovations and utopian solutions, described in several pamphlets, like the promotion of plans to employ the poor or outlines of new mechanical devices to make agriculture more productive.⁴⁹⁹ In this context, Petty also became acquainted with James Harrington, whose theory of balance of property and notion of natural policy had a lasting influence upon him, constituting an inspiration for his quantitative investigation on lands, corporatist conception of economic relations and interventionism.⁵⁰⁰

⁴⁹⁶ Sir William Petty, *Political Arithmetick: Or a Discourse Concerning, the Extent and Value of Lands, People, Buildings, &c*, London, 1690.

⁴⁹⁷ John G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition*, Princeton, Princeton University Press, 1975, p. 425; Ted McCormick, *William Petty: And the Ambitions of Political Arithmetic*, Oxford, Oxford University Press, 2009, pp. 169–208.

⁴⁹⁸ McCormick, *William Petty*, pp. 84–118.

⁴⁹⁹ Charles Webster, *The Great Instauration: Science, Medicine and Reform, 1626–1660*, London, Duckworth, 1975, *passim*.

⁵⁰⁰ Maria Luisa Pesante, "Paradigms in English Political Economy: Interregnum to Glorious Revolution," *The European Journal of the History of Economic Thought*, 3, n°3 (1996), pp. 353–378 (pp. 365–368); McCormick, *William Petty*, pp. 126–131, 137, 146.

As land represented the most important factor of the capitalist method of production emerging at that juncture, it was in the attempt to delineate its value that Petty's main reflections were directed. In *A Treatise of Taxes and Contributions* (1662), the main determinant of the value of land, i. e. rent, is defined as the surplus product of land net of the costs of production, such as labour, in a theoretical model which, taking corn as the only economic input, can be accurately described as an early example of an agrarian capitalist system. The landlord, the tenant and the wage labourer naturally compose the structure of the farm, whose production is destined for the market by the tenant, in order to pay the rent to his landlord. Even though trade also was an integral part of Petty's computations, agricultural surplus, in this vision of things, forms the basis for both taxation and the economic growth of the nation.⁵⁰¹

Another variable to be regulated in Petty's account was thus population: as the improvement of lands through advanced cultivation increased production and generated wealth, it also freed workers from the agrarian sector to be used in other activities, like manufacturing, which were productive for the kingdom in a virtuous cycle of refinement that invested the whole society.⁵⁰² In this sense, the clearest formulation comes from John Graunt, a political arithmetician and Petty's friend whose *Natural and Political Observations* (1662) is thought to have inaugurated statistical demography. Looking at the mortality bills of London, Graunt managed to calculate the capital's population growth, showing the possible economic opportunities that a detailed census on a national basis could offer and projecting demography as a further field of State intervention. His data, for instance, presented the question of what to do with the healthy beggars of the City, able to work and yet unemployed and maintained by society.⁵⁰³

⁵⁰¹ Petty seems quite clear when he states that 'Labour is the Father and active principle of Wealth, as Lands are the Mother'. See William Petty, *A Treatise of Taxes and Contributions*, London, 1662, pp. 23-26, 49; David McNally, *Political Economy and the Rise of Capitalism: A Reinterpretation*, Los Angeles, University of California Press, 1990, pp. 49-54.

⁵⁰² Petty, *A Treatise of Taxes*, pp. 12-13, 56; McCormick, *William Petty*, pp. 139-142; Tony Aspromourgos, "The Invention of the Concept of Social Surplus: Petty in the Hartlib Circle", *The European Journal of the History of Economic Thought*, 12, n°1 (March, 2005), pp. 1-24.

⁵⁰³ John Graunt, *Natural and Political Observations, Mentioned in a Following Index, and Made upon the Bills of Mortality*, London, 1662, p. 19; McCormick, *William Petty*, pp. 131-136; On population, see also Steve Pincus, "From Holy Cause to Economic Interest: The Study of Population and the Invention of the State," in Alan Houston and Steve Pincus, eds., *A Nation Transformed: England after the Restoration*, Cambridge, Cambridge University Press, 2001, pp. 272-98 and Ted McCormick, "Modes of Seventeenth-Century Demographic Thought", in Philip J.

As an instrument, political arithmetic proved useful also to the next generation of projectors, in a context in which the Glorious Revolution of 1688 gave a new impulse to the transformation of England in a fiscal and military State while the Financial Revolution proposed new sets of numbers to deal with. The foundation of the Bank of England in 1694 and the institution of public credit indeed made the whole picture more elaborate, as political arithmeticians evolved from committed natural philosophers to professional bureaucrats, whose political involvements became very much flexible. The method somehow became neutral, able to serve the purposes of whoever wanted to learn it. In the parliamentary politics of William III's realm, calculations and estimates turned out to be a tool that Tories and Whigs alike could use to endorse their diverging economic policies.⁵⁰⁴

It has been argued that in conjunction with the Glorious Revolution and its outburst of publications revolving around economic issues, a mercantilist form of discourse — born during the previous crisis of the 1620s — also reached its definitive level of maturity in England.⁵⁰⁵ The label of 'mercantilism' opens up another dimension of economic discourse, to be likewise taken into account for Fletcher's time, even though the accuracy of a category created *ex post* from Adam Smith's works has been repeatedly challenged and redefined over the years.⁵⁰⁶ Broadly describing the practices and theoretical basis of a protectionist attitude of the State and its interventions in the market, the contents of mercantilist policies have been convincingly outlined in a set of themes discussed by authors going from Thomas Mun to John Locke, Josiah Child and Davenant himself: the necessity of a profitable balance of commerce with other

Stern and Carl Wennerlind, eds., *Mercantilism Reimagined: Political Economy in Early Modern Britain and Its Empire*, Oxford University Press, 2013, pp. 25–41.

⁵⁰⁴ McCormick, *William Petty*, pp. 300–302; John Brewer, *The Sinews of Power: War, Money, and the English State, 1688–1783*, Harvard, Harvard University Press, 1990; Peter George Muir Dickson, *The Financial Revolution in England: A Study in the Development of Public Credit, 1688–1756*, London, Macmillan, 1967.

⁵⁰⁵ Lars Magnusson, *Mercantilism: The Shaping of an Economic Language*, London, Routledge, 1994 and *Id.*, *The Political Economy of Mercantilism*, London, Routledge, 2015.

⁵⁰⁶ For a resume of the question, see *ibidem*, pp. 21–59, Steve Pincus, "Rethinking Mercantilism: Political Economy, the British Empire, and the Atlantic World in the Seventeenth and Eighteenth Centuries", *The William and Mary Quarterly*, 69, n°1 (January 2012), pp. 3–34 and the Introduction to *Mercantilism Reimagined*, by Philip J. Stern and Carl Wennerlind, pp. 3–18.

countries, the possibility of creating regulated or free trade companies, to debase the currency or intervene on the interest rates of money.⁵⁰⁷

In post-revolutionary debates, the divisions between Tories and Whigs did not follow the traditional lines of old-fashioned supporters of State interventionism vs. enlightened and liberal pioneers of free trade. Both parties warmly welcomed regulations. The main battleground was how the State should intervene in order to define the economic programme of a rising capitalist empire. On the one hand, Tory merchants like Child asked for a land-centred political economy, reflection of a conception of property as natural and thus finite in which the products of the land were exchanged in a zero-sum game. To him, monopolies such as the East India Trade company were necessary to grasp resources and wealth. On the other hand, Whig commentators like Carew Reynell insisted that labour was the main source of potentially infinite wealth, and thus that a public national bank had to support manufactures, as the backbone of the English economy.⁵⁰⁸

Of course, both the teachings of political arithmetic and the themes debated by English mercantilist pamphlets had a significant resonance in Scotland, as did the alternative model of the United Provinces. The union of the crowns of 1603 had undoubtedly created a strong tension between English and Scottish commercial interests, especially after London had strengthened the Navigation Acts and entrusted their enforcement to a Board of Trade in the last decade of the seventeenth century. Increasingly, north of the border the issue of economic progress was perceived and discussed as imperative to ensure the survival of the nation through improvement.⁵⁰⁹ Following this lead, the light has been principally shed over Scottish economic pamphlets, within the context of the Union debates (1703-1706), when the political existence of Scotland was at stake. The result of some recent investigations was to find correspondences with English publications, and in particular with political arithmetic authors such as

⁵⁰⁷ Magnusson, *Mercantilism*, pp. 101-112.

⁵⁰⁸ See Steve Pincus, *1688: The First Modern Revolution*, Yale University Press, 2009, Chapter 12, who outlined the complexity of economic debates *contra* Pocock's classical views contained in *The Machiavellian Moment*.

⁵⁰⁹ Allan I. MacInnes, *Union and Empire: The Making of the United Kingdom in 1707*, Cambridge, Cambridge University Press, 2007, pp. 181-200; Karin Bowie, *Scottish Public Opinion and the Anglo-Scottish Union, 1699-1707*, Woodbridge, Boydell Press, 2007, pp. 67-68.

Petty and Davenant, assuming they were introduced in the wake of those debates.⁵¹⁰ But the picture remains partially inaccurate, since, as we will see, some traces of political arithmetic can be found in earlier Scottish pamphlets.

Thus and in the first place, to position Fletcher's *Two Discourses*, written in 1698 when the hopes of a Scottish colony in America were very much alive and a devastating famine was at its worse, together with the writings of William Seton or David Black, who gave their views with a concrete possibility of putting an incorporation with England on the negotiation table some five intense years after, renders, to say the least, only a partial picture. Secondly, Fletcher's plan to reform the agrarian sector, being expressed in a classical republican language, casts on his economic insights a dusty layer of obsolescence, privileging the *Discourses'* linguistic form over their substance. In this sense, the brilliant critique of commercial society contained in the later *Account of a Conversation* (1704) is used to reinforce the claims of his anti-commercial attitude, while the time lapse between the two publications is considered as a necessary period of time to fill the gap in economic knowledge and eventually read English writers.⁵¹¹

To believe that Fletcher's use of republican discourse implies his inability to participate in the economic discussion of his time, with the same theoretical tools as his contemporaries, is inaccurate. Overcoming this inaccuracy, Macinnes has associated Fletcher to the party that, again during the Union debates, considered landed enterprise as the best and most secure way to restore Scottish prosperity, in opposition to the commentators supporting the path of overseas trade to stimulate manufactures.⁵¹² In spite of not taking Fletcher's different contexts into account, this picture is altogether more correct and maintains a consistence all across his writings. However, it does not furnish an in-depth analysis of the *Discourses*, able to shed a light on the intellectual resources at their basis, nor differentiates between Country and Court authors.

Of all the seminal authors mentioned in this section, Fletcher owned a copy of one or more major works in his private library, a clear sign he was as usual attentive to contemporary issues south of the Tweed. In the *Two Discourses*

⁵¹⁰ Muramatsu, 'Some Types of National Interest in the Anglo-Scottish Union of 1707'.

⁵¹¹ *Id.*, 'Andrew Fletcher's criticism of commercial civilization'.

⁵¹² Macinnes, *Union and Empire*, pp. 231-239.

discernible traces of the readings of these contemporary tracts can be clearly individuated, both in the set of problems he decided to tackle and in the solutions he attempted to propose. As a member of the gentry addressing other landowners, who in Scotland constituted the economically and politically dominant class of the country, the largest part of his reflections naturally revolves around agrarian issues. As a republican thinker, these reflections had clear and radical political implications. Like any other author confronted with the promotion of economic growth at the time, his solutions contain valuable intuitions, modern insights and dubious measures, all of them relevant to the context in which they were formulated.

3.2 Scottish agriculture and the crisis of the 1690s

Until recently, pre-Union Scotland has often been depicted especially as an economically backward country, when compared to England. Its archaic social structures survived until the pressing agricultural and industrial transformations of the mid-eighteenth century promoted a complete emancipation from its past, mainly made of poverty, unruly feudal clashes and violent religious disputes. When not overlooked by historians, Scottish peculiarities before the Union of 1707, especially for English scholars, at best constituted the anomalous basis for a romantic story, able to feed the necessity of affirming an otherwise fading sense of uniqueness.⁵¹³ Furthermore, the widely positive light cast on the union treaty contributed to shape the one-dimensional Whig story that Scotland was being rescued from herself, highlighting the improvements of the early eighteenth century towards genuine progress instead

⁵¹³ For a resume of these trends, see K. E. Wrightson, 'Kindred adjoining kingdoms: An English Perspective on the Social and Economic History of Early Modern Scotland', in R. A. Houston and Ian Whyte, eds., *Scottish Society, 1500-1800*, Cambridge, Cambridge University Press, 1989, pp. 245-260 and the short bibliography in David Stevenson, 'Twilight Before Night or Darkness Before Dawn? Interpreting Seventeenth-Century Scotland', in Rosalind Mitchison, ed., *Why Scottish History Matters*, Edinburgh, Edinburgh University Press, 1991, pp. 37-47.

of the more debatable socio-economic conditions of the country before the incorporation with England.⁵¹⁴

In the last few decades, however, in the wake of a general tendency to define Scottish development on its own terms, many studies have eventually approached the history of the late seventeenth century trying to understand how the processes of change that brought Scotland to a level of prominence within a century began before the Union, stressing the continuities rather than the interruptions towards economic advance.⁵¹⁵ It now clearly appears that, often led by an increasingly focused intervention of the State, various businesses were launched, such as glass and paper industries, and others were authorised and helped, like the herring fisheries designed by the Parliament along the Dutch model, one of which counted Fletcher as a member.⁵¹⁶ Newly promulgated acts during the parliamentary sessions of 1693 and 1695 furnished the proper framework for coal mining and gave protection to the expanding textile manufacture. The foundation of the Bank of Scotland in 1695 by an alliance of Whig landed aristocracy and mercantile classes was meant to furnish the capital to support commercial expansion, while the new linen company was to produce what became the second most exported Scottish commodity.⁵¹⁷ In general, a system to incentive native enterprises was outlined with the help of a revived Council of Trade from 1681 onwards.⁵¹⁸

But it was in the agricultural sector in particular, which by far represented the largest part of Scottish economy at Fletcher's time, employing some eighty per cent of the total population, that a series of internal processes

⁵¹⁴ An example in this sense is Hugh Trevor-Roper, 'The Anglo-Scottish Union', in *From Counter-Reformation to Glorious Revolution*, London, University of Chicago Press, 1992, pp. 287-302.

⁵¹⁵ See, among others, Ian Whyte, *Agriculture and Society in Seventeenth-Century Scotland*, Edinburgh, John Donald Publishers Ltd, 1979; Robert A. Dodgshon, *Land and Society in Early Scotland*, Oxford, Clarendon Press, 1981; Rosalind Mitchison and Peter Roebuck, eds., *Economy and Society in Scotland and Ireland, 1500-1939*, Edinburgh, John Donald Publishers Ltd, 1988; the essays in *Scottish Society, 1500-1800* and Richard Saville, "Scottish Modernisation Prior to the Industrial Revolution, 1688-1763," in Thomas M. Devine and John R. Young, eds., *Eighteenth Century Scotland: New Perspectives*, East Linton, Tuckwell Press, 1999, pp. 6-23.

⁵¹⁶ Fishing Society of Scotland, *The Names of the Members of the Fishing Society*, Edinburgh, 1670; Bob Harris, "Scotland's Herring Fisheries and the Prosperity of the Nation, c.1660-1760," *The Scottish Historical Review*, 79, n°1 (April, 2000): 39-60; Jill Turnbull, *The Scottish Glass Industry 1610-1750: "to Serve the Whole Nation with Glass"*, Society Antiquaries Scotland, 2001.

⁵¹⁷ Richard Saville, *Bank of Scotland: A History, 1695-1995*, Edinburgh, Edinburgh University Press, 1996, pp. 1-9.

⁵¹⁸ Christopher A. Whatley, *The Scots and the Union*, Edinburgh, Edinburgh University Press, 2006, pp. 74-75, 109-110, 116-117.

were taking place, setting the ground for the spectacular agricultural revolution to be completed by the middle of the eighteenth century. It is now fully accepted that, despite still being moored to the hierarchy of a conventional rural order, the Scottish agricultural system proved flexible enough to progressively become more market-responsive, as land was increasingly perceived more as an economic resource than as the sheer origin of feudal rights. When compared with other European states, such as the Kingdom of Naples, Scotland's agrarian economy was neither underperforming nor antiquated, but showed the capacity of evolving towards more profitable forms of exploitation.⁵¹⁹

Signs of this modernisation can be seen in the disappearance of multiple tenancies in favour of single ones. Multiple tenancies still constituted the most usual accommodation of property, especially in the Highlands, as in *commonty touns* different tenants conjointly possessed and used small parcels of land, while in other cases the ground was scrupulously allocated through the complicated *runrig* system, in a way that guaranteed equal private shares but intermingled the different belongings, making cultivation or pasture thorny.⁵²⁰ But by the late seventeenth century the number of tenants began to diminish remarkably in the most advanced areas of the Lowlands, while acreage was starting to be reallocated to single holders by landlords or through agreements between tenants themselves, with the aim of better defining properties' borders and thus make their management more efficient. The substitution of the traditional and fragmentary *runrig* communities with larger individually-run farms in itself constituted one of the premises to the on-going passage from an agriculture of subsistence to a commercial one.⁵²¹

Another noteworthy transformation to this end was the introduction of written and longer leases since the Restoration, which also contributed to secure the possessions of the tenants. By substituting verbal bargains between landlords and husbandmen with solid legal documents, written leases also prove

⁵¹⁹ Thomas M. Devine, *The Transformation of Rural Scotland: Social Change and the Agrarian Economy 1660-1815*, Edinburgh, Edinburgh University Press, 1994, pp. 1.

⁵²⁰ Whyte, *Agriculture and Society in Seventeenth-Century Scotland*, pp. 145-152.

⁵²¹ Robert A. Dodgshon, 'The Removal of Runrig in Roxburghshire, 1680-1766', *Scottish Studies*, 16 (1972), pp. 121-137 and *Land and Society in Early Scotland*, p. 78; Whyte, *Agriculture and Society in Seventeenth-Century Scotland*, pp. 151-152; Devine, *The Transformation of Rural Scotland*, pp. 7-11.

the increasing interest towards agriculture as a profitable activity, while the extension in time of the contracts, although still limited to some small parts of southern Scotland, started to make it possible for the single holders to better plan their investments and render their estates more fruitful in the long run. Especially in the areas surrounding Edinburgh, like Fletcher's estates, the rising demand of grain due to constant demographic growth in the capital and second largest city in Britain stimulated the formation of new local markets. Scottish agricultural economy proved able to produce surplus to be sold internally and abroad through expanding commercial networks, as case studies also demonstrate the existence of advanced credit mechanisms inside the pluriform rural world.⁵²² Fletcher himself, besides producing corn, also concluded contracts in money to sell bear to East Lothian's brewers.⁵²³

However, the emergence of a clear long-term trend towards a market oriented agriculture coexisted during the late seventeenth century with persisting and less productive structural conditions. For instance, although some rents or at least part of them began to be paid in money, payment in kind still constituted the most widespread method until deep into the eighteenth century. The production surplus was usually commercialised by the landlords, with relatively little possibility for the vast majority of tenants to accumulate considerable amounts of fresh capital by directly engaging with the market. The unmuted structure of payment was partly responsible for the very low level of tenant marketing at the turn of the century, and also for the enduring absence of a consistent and entrepreneurial middle class. The landlords' position remained politically and economically dominant, as in a twisted continuity with the vanished feudal order the great proprietors remained the first moving cause of the alterations in the rural world.⁵²⁴

⁵²² Whyte, *Agriculture and Society in Seventeenth-Century Scotland*, pp. 152-162, 223-234; Devine, *The Transformation of Rural Scotland*, pp. 2, 16, 21; Thomas C. Smout and Alexander Fenton, 'Scottish Agriculture before the Improvers - an Exploration', *The Agricultural History Review*, 13, n°2 (1965), pp. 73-93; Ian and K. A. Whyte, 'Debt and Credit, Poverty and Prosperity in a Seventeenth-Century Scottish Rural Community', in *Economy and Society in Scotland and Ireland*, pp. 70-80.

⁵²³ NAS GD1/1123/90, fols. 1-30, Contract between Andrew Fletcher of Saltoun and Sir James Dick of Prestonfield for delivery by Fletcher of bear to Dick's brewers at Clearburn, with bundle of associated receipts, 1692.

⁵²⁴ Whyte, *Agriculture and Society in Seventeenth-Century Scotland*, pp. 29-31; Devine, *The Transformation of Rural Scotland*, pp. 5-8; Robert A. Dodgshon, 'The Clearances and the

This is true if we look at the development of enclosure in Scotland, which began before the Civil wars although the process did not come to a conclusion before the end of the next century. Privatisation of acreage through the fencing of its perimeter sanctioned the end of the traditional rights on common land, laying an important foundation of capitalist agriculture. During the Protectorate, Scottish landowners were supported in their initiatives to develop plantations and extractive industries. But instead of coming from the enterprise of husbandmen, enclosures were promoted mainly by the landlords of large domains who had sufficient sums to face the huge costs of enclosing grounds, with little consequences for the tenants' parcels.⁵²⁵ As the process of refinement of manners described by Fletcher in his militia essays triggered the conversion of fortified castles into fashionable countryside houses, the decorative purpose of enclosures was a fine pair with their utility. The admirable sketches to transform the architecture of Saltoun Hall and make it a centre of agricultural activity as described in Andrea Palladio's *I Quattro libri dell'architettura* (1570) and constitute Fletcher's early example of a general trend towards improvement, looking to continental and English models.⁵²⁶

The existence of a strong landed *élite* in Scotland able to control much of the national economy was also showing through the political authority that the gentry and great nobles exerted in both local and national government. After the Glorious revolution had restored the legislative power of Holyrood, two decisive parliamentary acts were approved in the summer of 1695 to make sure that the on-going economic transformations could be tamed and exploited by landowners. The *Act anent lands lying in run-rig* constituted a direct attack to the *runrig* practice, reporting its incompatibility with improvement and giving the possibility to appeal to a local sheriff to force the allocation of ground to one of

Transformation of the Scottish Countryside', in Thomas M. Devine and Jenny Wormald, eds., *The Oxford Handbook of Modern Scottish History*, Oxford, Oxford University Press, 2012, pp. 130–159; Muir Johnstone, 'Farm Rents and Improvement: East Lothian and Lanarkshire, 1670-1830', *Agricultural History Review*, 57, n°1 (2009), pp. 37–57.

⁵²⁵ Whyte, *Agriculture and Society in Seventeenth-Century Scotland*, pp. 113-133; Devine, *The Transformation of Rural Scotland*, pp. 51-53. Macinnes, *Union and Empire*, p. 204.

⁵²⁶ See chapter I above, p. 53 and John Lowrey, 'Practical Palladianism: The Scottish Country House and the Concept of the Villa in the Late Seventeenth Century', *Architectural Heritage*, 18, n°1 (November 2007) pp. 151–167. See also Rosalind K. Marshall, *The Days of Duchess Anne: Life in the Household of the Duchess of Hamilton, 1656-1716*, East Linton, Tuckwell Press, 2000.

the parties involved, redesigning the countryside in more linear ways.⁵²⁷ Similarly, the *Act concerning the dividing of the commonties* was intended to reduce shared lands and give the possibility to tenants having rights to a *commonty* to divide it and grasp their portion. Landed interest was indeed at the vanguard of a newly available political economy the great magnates were anxious to fashion to reduce the debts they fell into through a more sophisticated way of life.⁵²⁸

These measures formed the latest legislation at Fletcher's time, in clear continuity with other acts issued since the Restoration and, although they had a limited immediate impact, they guaranteed a solid base for the large-scale transformations enacted by the so-called 'Improvers Movement'. Made of the next generation of landowners who found themselves in the unique situation of acting with no restraint and with the law on their side in promoting agrarian reform during the eighteenth century, the Improvers muscularly completed the process of modernisation of Scottish agriculture.⁵²⁹ The social consequences of this modernisation involved the displacement of several different categories of labourers — like subtenants, farm servants and cottars —, who passed from being granted part of the product of the land they laboured for their subsistence, to being reabsorbed in the new agricultural economy as salaried but landless workers. Since manpower became more necessary with the development of agricultural techniques, the delicate transition proved easier than expected in the long run, showing its contradictions at the beginning of the process. Fletcher's plan to manage the labour force of Scotland was aimed at solving an emergency that was both contingent and structural.⁵³⁰

⁵²⁷ NAS PA2/36, fol. 82.

⁵²⁸ NAS PA2/36, fol. 125v.; Whyte, *Agriculture and Society in Seventeenth-Century Scotland*, pp. 100-110; Julian Hoppit, 'The Landed Interest and the National Interest, 1660-1800', in Julian Hoppit, ed., *Parliaments, Nations and Identities in Britain and Ireland, 1660-1850*, Manchester, Manchester University Press, 2003, pp. 83-102; Thomas C. Smout, 'Scottish Landonwers and Economic Growth, 1650-1850', in *Scottish Journal of Political Economy*, XI (1964), pp. 218-235; L. Timperley, 'The Pattern of Landholding in Eighteenth-Century Scotland', in Martin L. Parry and T. R. Slater, eds., *The Making of the Scottish Countryside*, London, Croom Helm, 1980, pp. 14-54.

⁵²⁹ Eric J. Hobsbawm, 'Capitalisme et Agriculture: Les réformateurs Écossais au XVIIIème siècle,' *Annales. Économies, Sociétés, Civilisations*, 33, n°3 (1978), pp. 580-601.

⁵³⁰ Thomas M. Devine, 'Social Responses to Agrarian "Improvement": The Highland and Lowland Clearances in Scotland', in *Scottish Society 1500-1800*, pp. 148-168; *Id.*, *The Transformation of Rural Scotland*, pp. 51-52, 63-65; Dodgshon, 'The Clearances and the Transformation of the Scottish Countryside', pp. 140-142.

Furthermore, what made this transformation more disruptive as it started to unravel before the eyes of Fletcher and his contemporaries was the combination of decisive obstacles that fell upon Scotland in the 1690s, compromising its slow growth. Tightly interwoven with the Glorious Revolution, the Nine Years' War (1688-1697), besides alienating France as a time-honoured trading partner, also generated intense fiscal pressure on the fragile Scottish economy to face English military expenditures, after new forms of taxation were introduced between 1690 and 1698. In addition to the latest French tariffs on a series of Scottish goods, the English government likewise raised its import duties on linen, undermining the manufactures of Scotland's principal export in a moment of general European recession that contracted international markets.

The enduring condition of capital shortage was worsened by the want of governmental control over exchange rates, which made Scottish international transactions painstaking and convinced the Bank of Scotland to stamp sterling notes to facilitate dealings with the English market. The Scottish financial crisis of 1696 was indeed connected with the one taking place south of the border in correspondence with the general recoinage and war expenditures. With these premises, the financial mania triggered by the Darien expedition, sailing in the summer of 1698, monopolised the scarce capital at the investors' disposal, making the venture decisive for a society where the shortage of money remained endemic and the government's resources too feeble to promote manufacturing investment, as their totality was employed to face the distress of the last national famine of Scottish history.⁵³¹

The main difficulty, indeed, came from the agricultural sector itself, put to the test by an unprecedented cycle of weather hardships in the context of what some historians described as a 'Little Ice Age', roughly lasting from 1680 to 1730.⁵³² Although it has been convincingly argued that Scottish agriculture had been successful in furnishing the means of subsistence to the population

⁵³¹ Christopher A. Whatley, 'Taking Stock: Scotland at the End of the Seventeenth Century', in *Anglo-Scottish Relations from 1603 to 1900*, by Christopher T. Smout, ed., Oxford, Oxford University Press, 2005, pp. 103-125; *Id.*, *The Scots and the Union*, pp. 140, 148-149; Smout, *Scottish Trade on the Eve of Union*, pp. 232-235; Douglas Watt, *The Price of Scotland: Darien, Union and the Wealth of Nations*, Edinburgh, Luath, 2007, pp. 80-85, 112-113; Macinnes, *Union and Empire*, p. 226.

⁵³² Jean M. Grove, *The Little Ice Age*, London, Routledge, 1988.

throughout the seventeenth century, the unprecedented conditions of its last decade, which similarly lashed other European countries like France or Sweden, proved that the system could not absorb the shock of the bad crops rendered since as early as the 1680s, entering a severe famine crisis on a national level that lasted from 1695 to 1700. Due to forced migration, starvation and disease, population dropped within a range from 5 to 15 per cent of its total, making the last demographic disaster in Britain go down in history as an echo of the biblical 'Seven Ill Years' caused by God's wrath upon a sinful nation.⁵³³

As a shattering consequence of the bad harvests of 1695, 1696 and 1698, grain prices multiplied by a number that made it nearly impossible for several labourers to buy food with their wages, forcing them to rely on the rudimentary poor relief system based on charity controlled by kirk sessions and parishes. The Privy Council tried to intervene to control the prices by first prohibiting exports of grain and then by buying corn on foreign markets for the value of the entire annual revenues, making more capital abandon the country but with little success overall. Tenants themselves, whose economic resources and seed reserves could not overcome more than one scarce year, were often obliged to desert their lots because of accumulated debts when they could not negotiate rent reductions with their landlords, besides losing much of their livestock in the famine. Even proprietors, whose position was undoubtedly safer, felt the cumulative effects of the crisis, losing huge sums, sometimes facing bankruptcy and eventually selling their estates.⁵³⁴

It is to face this severe contingency that the reflections of contemporaries began to take shape. What they managed to observe was, on the one hand, an existing trend towards the formation of capitalist and modern estate agriculture, showing itself predominantly in the Lowlands in a way that clearly forestalled the advances of the next century. In this sense, Fletcher's viewpoint, as a wealthy landowner in East Lothian near the capital, was the best suited to define these

⁵³³ Anon., *A Call to Scotland for Threatning Famine, Or, A Discourse*, Edinburgh, 1698; Devine, *The Transformation of Rural Scotland*, pp. 10-18; Karen J. Cullen, Christopher A. Whatley, and Mary Young, 'King William's Ill Years: New Evidence on the Impact of Scarcity and Harvest Failure during the Crisis of the 1690s on Tayside', *The Scottish Historical Review* 85, no. 2 (October 2006), pp. 250-276; Karen J. Cullen, *Famine in Scotland: The "Ill Years" of the 1690s*, Edinburgh, Edinburgh University Press, 2010, pp. 1-2, 28-29, 123-156.

⁵³⁴ Cullen, *Famine in Scotland*, pp. 27, 44-52, 65-72, 96-104; Ian and K. A. Whyte, 'Debt and Credit', pp. 78; Whatley, 'Taking Stock', p. 110.

developments. However, the cautious modernising elements emerging in Scottish agriculture were dramatically overshadowed by the short-term distressing conditions of the 1690s, which underlined the persisting inadequacies of the sector and urged for its prompt reformation. Therefore, extraordinary circumstances dictated by the economic crisis and the famine hastened many publications, which had to deal with unfamiliar topics forced by the national emergency and, not least, by the post-Revolution possibility of a proper political economy promoted by the Scottish Privy Council.

3.3 A first generation of Improvers

Just like its society, Scotland's intellectual life has also recently been reconsidered, overcoming old-fashioned misconceptions about its peripheral importance. Especially in searching for the roots of the Enlightenment, different scholars highlighted the existence during the Restoration era of several publications and personalities of interest, which exemplify the cultural undertakings of the Scots, tightly linked with the most advanced nations of the international community.⁵³⁵ Even way before the Union of 1707, which was deemed to be the watershed to reanimate an otherwise languishing cultural environment, Scottish thinkers were undoubtedly able to produce original works in many different areas of knowledge, debating with their European peers on the latest topics of discussion, and showed to have an increasingly up-to-date collections of intellectually valuable books.⁵³⁶

As part of this lively context, economic discourse also started to mature in the second half of the seventeenth century. It was mainly through the emergence of natural jurisprudence and geography that measurements of the resources of

⁵³⁵ See for instance the essays in R. H. Campbell and Andrew S. Skinner, eds., *The Origins and Nature of the Scottish Enlightenment*, Edinburgh, John Donald Publishers Ltd, 1982.

⁵³⁶ Andrew Hook, "Cultural Life from the Restoration to the Union", in Andrew Hook, ed., *The History of Scottish Literature: 1660-1800*, vol. II, Aberdeen, Aberdeen University Press, 1987, pp. 11-32; Roger L. Emerson, "Scottish Cultural Change, 1660-1710 and the Union of 1707", in John Robertson, ed., *A Union for Empire: Political Thought and the British Union of 1707*, Cambridge, Cambridge University Press, 1995, pp. 122-144.

of Scotland began to be included in accurate accounts.⁵³⁷ The multifaceted figure and interests of Sir Robert Sibbald, a friend with whom Fletcher exchanged different volumes of his library,⁵³⁸ represent the clearest example of this development. A passionate bibliophile, renowned physician and Geographer Royal from 1682, Sibbald undertook the composition of atlases and different forms of empirical investigation of nature, very much in a Baconian vein, in order to produce utilitarian knowledge aimed at improving Scotland.⁵³⁹ An unpublished manuscript from Sibbald is interesting here, as it closely follows some of Fletcher's intuitions.

Possibly a project to be conducted together, the systematic but incomplete *Discourses anent the improvements may be made in Scotland* extensively quotes Fletcher's works. It accepts the historical reconstruction provided by the *Discourse of Government* (considered above) on the change of lifestyle of the Scottish nobility, now pursuing expensive pleasures rather than frugality, also taking England as an example of an improved country. Sibbald shared Fletcher's critique of the aristocracy, inciting them to direct their efforts towards economic developments, describing these in detail.⁵⁴⁰ At the same time, the former also used much of William Petty's and John Graunt's methodology to craft Scottish national identity, rendering his arithmetical measurements political: through surveys, he attempted to assess the wealth and social position of several members of the gentry and nobility, to map the country and better define its capacities and social order in a way that closely paralleled earlier English achievements.⁵⁴¹

To cover the whole of the Scottish territory in his inquiries, Sibbald also gathered information soliciting the help of other scientists, such as the chorographer Martin Martin, an acquaintance Fletcher recommended to Locke

⁵³⁷ Charles W. J. Withers, *Geography, Science and National Identity: Scotland Since 1520*, Cambridge, Cambridge University Press, 2001.

⁵³⁸ NLS MS 17863, fol. 93r.

⁵³⁹ Robert Sibbald Sir, *Scotland Illustrated, Or, An Essay of Natural History in Which Are Exquisitely Displayed the Nature of the Country ... and the Manifold Productions of Nature in Its Three-Fold Kingdom*, Edinburgh, 1684.

⁵⁴⁰ NLS MS 33.5.16, ff. 76-93v.

⁵⁴¹ Charles W. J. Withers, "Geography, Science and National Identity in Early Modern Britain: The Case of Scotland and the Work of Sir Robert Sibbald (1641-1722)," *Annals of Science*, 53, n°1 (January 1996), pp. 29-73, (pp. 37-38, 48-54).

when he moved to London.⁵⁴² At the turn of the century, Sibbald also assembled a circle of Country *virtuosi* from the clubs of Edinburgh and proposed to found the Royal Society of Scotland, to promote the “improvement of Arts useful to Humane Lyfe”, such as “Husbandry, Gardenry, Medicine and the knowledge of Natural things that are the products of this Country, and may be useful for Mechanick arts, and Matters of Trade”.⁵⁴³ As part of this shared concern for the relief of the country in a time of severe crisis, Sibbald also published a practical guide to the feeding of the poor overwhelmed by dearth, suggesting uncommon edible plants and meats to overcome scarcity, following the examples of the past, reported for instance in Boetius or Pliny.⁵⁴⁴

But Sibbald’s concerns were also very much personal. In a letter to the Duke of Hamilton, he confessed, “where there are many Poor, the Rich cannot be secure in the Possession of what they have”.⁵⁴⁵ It was after he had acquired the heavily indebted family estates in Fife in 1698 that Sibbald composed the unfinished *Discourse anent the improvements*, where he analysed the state of the nation before listing the possible remedies to be enacted by the Parliament in matters of trade, proposing the formation of fisheries and the foundation of academies following continental and English models, since progress was nothing but a natural consequence of the expansion of knowledge. Similarly, he also suggested a series of possible improvements of land, mentioning the better application of the *General enclosure* act of 1661 as vital both for pasture and cultivation, and showing how liming and marling gave excellent results in his shire. As a proprietor longing for progress, he also accordingly sustained the removal of *commonties*.⁵⁴⁶

Of the founding members of the Royal Society projected by Sibbald, the majority were landowners who would have taken advantage of the improving

⁵⁴² See above, p. 144-145, 161. Martin's *A Description of the Western Islands of Scotland*, London, 1703, also lingers over climate, soil and products of the islands taken into account, together with techniques of improvement of cultivation methods.

⁵⁴³ See *Ane Overture presented to the Commisionary and Several of the Nobility & Gentry for erecting the Royal Society of Scotland for improving of Usefull Arts* in Roger L. Emerson, “Sir Robert Sibbald, Kt, The Royal Society of Scotland and the Origins of the Scottish Enlightenment,” *Annals of Science*, 45, n°1 (January 1988), pp. 41–72, Appendix I.

⁵⁴⁴ Robert Sibbald, *Provision for the Poor in Time of Dearth and Scarcity*, Edinburgh, 1699.

⁵⁴⁵ Quoted in Whatley, ‘Taking Stock’, p. 115.

⁵⁴⁶ NLS Advocates MS 33.5.16, ft. 29-30. See also Whyte, *Agriculture and Society in Seventeenth-Century Scotland*, pp. 101, 121, 206, 208-209, 213.

activities of the Society, while some had already entered thoroughly into the role of pioneers of agricultural change.⁵⁴⁷ It was the case of John Hamilton, Lord Belhaven, who was Fletcher's neighbour and became his replacement at the head of the cavalry troops for Haddingtonshire during the Revolution, as well as a fierce opponent of the Test act of 1681 and of the Union later on. Being a successful proprietor from the most advanced area of Scotland, he was also among the planners of the 1695 legislation against *runrig* and an early promoter of enclosures on his lands, contributing to the early development of agrarian capitalism. In 1699, he published a widely read tract in which he shared his experiences in applying new techniques of cultivation on his small productive estates in Biel, to the practical benefit of all the farmers of East Lothian willing to increase their produce.⁵⁴⁸

The Countrey-Man's Rudiments is, however, dedicated to the idle gentry of Scotland, in a cautious attempt to remind them, with the examples of Romans and Greeks, of the nobleness of husbandry, as the neglect of the latter resulted in the famine crisis.⁵⁴⁹ Indeed, together with valuable and innovative concrete advice, like the rotation of crops in order to make the ground rest or the use of different fertilisers according to the characteristics of the soils,⁵⁵⁰ Belhaven also lingered over interesting considerations about the conditions of the agricultural system as a whole and the role of husbandry. Based on his successful experience, he argued "against great farms", which he believed nearly "impossible to improve", and in favour of "long Leases" in a way that would make the tenant able to gradually promote upgrades on his parcel, both to his advantage and that of his master.⁵⁵¹ Paying the rent "half Victual and half Money"⁵⁵² would also counterbalance the ill effects of the payments in kind in times of scarcity on both sides.

⁵⁴⁷ Emerson, "Sir Robert Sibbald, Kt, The Royal Society of Scotland and the Origins of the Scottish Enlightenment," p. 52.

⁵⁴⁸ Whyte, *Agriculture and Society in Seventeenth-Century Scotland*, pp. 103-104, 107, 131.

⁵⁴⁹ Lord Belhaven, *The Countrey-Man's Rudiments, or an Advice to the Farmers in East Lothian How to Labour and Improve Their Ground*, Edinburgh, 1699, *Dedication to the Young Nobility and Gentry of Scotland*.

⁵⁵⁰ *Ibidem*, pp. 6-8, 17-21, 33-34.

⁵⁵¹ *Ibidem*, p. 37.

⁵⁵² *Ibidem*, p. 38.

Although Belhaven's pragmatic approach suggests realistic improvements to be implemented in East Lothian, it is evident that "the English, who indeed excel in the Knowledge of Husbandry"⁵⁵³ constitute his model. The proposal of having the tenants pay a lump sum to make their leases become hereditary denotes an attempt to establish a more independent class of tenants, like English freeholders or yeomen, whose absence limited the dynamism of Scottish husbandry in Belhaven's eyes. By driving the tenants to the market and asking part of their fee in money while shielded by a transmissible contract, the new setting would have encouraged the progressive husbandmen in difficult economic circumstances "to the general advantage of the Nation, for in a good Yeamandrie, both the Riches and Strength of a Nation consisteth, as Witnes our Neighbours in *England*".⁵⁵⁴

In the few theoretical remarks he concedes, Belhaven further clarifies his thoughts by affirming, "Husbandrie is the Foundation, and Trade the Superstructure", as the former "furnishes the Materials for Trade" and this latter produces money, "which still tends for the further Improvement of our Lands"⁵⁵⁵. Whilst it is clear that Belhaven sees agriculture as the base of both English and Scottish economies, for his own position and interest as a landowner seeking to attract investments in the agrarian sector, his observations also underline a clear conception of market-oriented farming, whose commercialised surplus proved vital to economic growth in fundamentally rural societies as already noted by William Petty. As a member of the Committee of Trade reconstituted in 1695 in the wake of the Darien venture, Belhaven confirmed to adhere to a conception of economic development that followed the English model based on a land-centered political economy and aggressive mercantilist policies to defend trade.⁵⁵⁶

The same concern lies at the centre of *Husbandry Anatomized*, the most comprehensive Scottish tract of the period written by the agricultural projector James Donaldson in 1697. Forerunner of many technical advances later introduced, Donaldson aimed at reforming the whole Scottish farming system,

⁵⁵³ *Ibidem*, p. 6.

⁵⁵⁴ *Ibidem*, p. 42.

⁵⁵⁵ *Ibidem*, p. 4.

⁵⁵⁶ NAS, PA7/15, fols. 58-65.

modernising the use of fertilisers, the process of tillage and planting, and promoting enclosures and infield rotation of crops, on a larger scale than Belhaven's proposals and with the help of precise tables and calculations closely resembling Petty's.⁵⁵⁷ The problem, however, was that landowners and tenants were often short-sighted and could not put innovations in perspective, preferring to collect poor harvests rather than leave their land grass and vary their cultivations. As for Belhaven, according to Donaldson the reason for this lied in the attitude the owner had towards his landholder: if the latter managed to overcome financial difficulties and improve his lot, "the Landlord obligeth him either to augment his Rent, or remove"⁵⁵⁸.

On the contrary, Donaldson argued what should be done is giving the tenants "good Security for continuing in possession of their Lands" so that "they might thereby be much Encouraged to improve them"⁵⁵⁹. Additionally, poverty was the second chief problem which a farmer willing to develop his acreage had to face, so that the landowners should also concede easy starting conditions by reducing or suspending the rent for a while, enabling the tenant to accumulate the necessary capital to introduce enhancements in his lot.⁵⁶⁰ The whole of these extensive directions, formulated "with an Eye to the publick Good", are addressed to Patrick Hume of Polwarth, Fletcher's former exile companion and freshly appointed Lord Chancellor of Scotland, in hopes of convincing him to enact them nationwide. As he makes clear in a *Postscript* published in 1698, Donaldson was at pains to convince great landowners sitting in Holyrood of the profits they would receive from his reform plan: "the Honour, Wealth and Power of the Kingdom" could be doubled in short time if it was to be implemented.⁵⁶¹

While the immediate impact of Donaldson's project would have reinforced the tenants' position, in the long run heritors would have been able to accumulate considerable capital, from safe rents and an elaborate system of compensations for the initial favours lavished to the farmers. Such a "Moveable Stock" could have then been invested in manufactures and fisheries, where the

⁵⁵⁷ James Donaldson, *Husbandry Anatomized*, Edinburgh, 1697, pp. 15-25, 58, 110-120 and *passim*.

⁵⁵⁸ *Ibidem*, p. 124.

⁵⁵⁹ *Ibidem*.

⁵⁶⁰ *Ibidem*, p. 43.

⁵⁶¹ James Donaldson, *Postscript to Husbandry Anatomiz'd*, Edinburgh, 1698, pp. 5-23.

workers freed from the agricultural sector thanks to technical advances would have been reabsorbed, in a virtuous circle able to boost the languishing economy.⁵⁶² As in Belhaven's, in Donaldson's mind the process of economic development had to begin with the enhancement of agriculture before moving to the next stage of refinement, as Petty had suggested. Efforts had to be made to magnify production, which could be achieved in providing better financial, legal and environmental conditions to husbandmen, as it occurred in neighbouring England.⁵⁶³ This was a shared perception among the few 'improvers' *ante litteram* who at the end of the seventeenth century were dealing with the delicate situation that the country was facing.

In sum, in the 1690s Scottish authors were elaborating different solutions to promote the improvement of the nation. Those considered above, who were close to Fletcher in different ways, did so by looking at the English theories and practices of the time. As extensive landowners and members of the Scottish aristocracy, they perceived land as the primary resource at their disposal to promote economic growth and thus thought along the lines of a Tory conception of political economy. They also looked at Petty's instrument of political arithmetic to advance their claims, and accepted Fletcher's reconstruction of historical developments as moving towards a commercial society. However, against the view of these projectors craving for improvement stood the majority of Scotland's nobility, to which these appeals were addressed, who were not eager to bring into question the existing equilibrium of the rural world. Fletcher's intervention, which was formulated in the same period as those considered above, was similarly aimed at convincing the ruling class to apply similar rationalising measures, although with a much more radical understanding of their social and political implications.

⁵⁶² *Ibidem*, pp. 25-28.

⁵⁶³ Colin Kidd, *Subverting Scotland's Past. Scottish Whig Historians and the Creation of an Anglo-British Identity 1689-1830*, Cambridge, Cambridge University Press, 1993, p. 35.

3.4 The *Two Discourses concerning the Affairs of Scotland*

Published in Edinburgh before the opening of the parliamentary session in July 19th 1698, the *Two Discourses concerning the Affairs of Scotland* had been originally published in London. A few days earlier, George Ridpath hurriedly wrote to the Lord Chancellor, to send him Fletcher's book "designed principally as I am informed for Scotland, where I wish all the copies of it were, or in the bottom of the sea". Shocked by its contents, Ridpath tried to prevent the *Two Discourses'* circulation by refusing to advertise it in his *Flying Post*, and he was outraged a hundred copies had been smuggled north of the border.⁵⁶⁴ Nevertheless, the pamphlet was publicised on *The Post Man* on the 12th of July, confirming Fletcher's precise timing and intentions together with the work's theoretical background.⁵⁶⁵ The *Two Discourses* take the shape of two distinct but correlated speeches he wished he could have been able to give in front of his fellow countrymen MPs, concretely influencing the course of the debates.

Lucidly reading William's motives and the expectations of the Court party, at the beginning of his exhortation Fletcher assumes that "the business of the Army may be first taken into consideration",⁵⁶⁶ but tries to restrain himself from restating in detail how standing armies are inconsistent with a free government, rather indulging in sheer financial arguments, to convince his audience to refuse the supplies demanded by the king to keep his troops on foot. If the forefathers of the current MPs had the securities of holding "both the sword and the purse"⁵⁶⁷ in negotiating with the sovereign, now only the second was left in their hands to balance the king's power and obtain good laws. Compared with the English setting of the controversy, however, Scotland could count on "a stronger argument" against mercenary forces, "that of the Nation's being exhausted of Mony by a three years scarcity next to a famine"⁵⁶⁸.

⁵⁶⁴ NAS GD158/1074/2, George Ridpath to Patrick Hume of Polwarth, 14th July 1698.

⁵⁶⁵ Laurence Kennedy, "Standing Armies Revisited (1697–1700): Authorship, Chronology, and Public Perception," *Notes and Queries*, 43, n°3 (September, 1996), pp. 287-292 (p. 291).

⁵⁶⁶ Andrew Fletcher, *Two Discourses Concerning the Affairs of Scotland: Written in the Year 1698*, Edinburgh, 1698, First Discourse, p. 8.

⁵⁶⁷ *Ibidem*, p. 50.

⁵⁶⁸ *Ibidem*, p. 19.

Indeed, even if contemporary practice was to be accepted and warfare conducted with the purse, as Defoe had sustained, the Scots would have no possibility to contribute, besides having no concern in protecting English and Dutch trade, especially after the treaty of Ryswick (1697) had neglected to restore the old commercial privileges Scotland had with France.⁵⁶⁹ Instead, the proceeds of a twelve-months *cess* should be used to support the Darien venture, its fleet freshly sailed from Leith with the last hopes to finally partake in international trade and “recover us from our present miserable and despicable condition”⁵⁷⁰. The expected profits coming from the American colony would have then been used to relieve the languishing public finances. To Fletcher, it was certain that one of the reasons for Scottish poverty was that the country had been “the only part of Europe which did not apply it self to Commerce”, and Darien constituted the one and possibly last opportunity to remedy this fatal mistake.⁵⁷¹

In clear continuity with the increasing involvement of the government in the economy, Fletcher further pleads for public funding by asking that a permanent land tax be instituted, since money “laid out yearly in Husbandry, Manufactures, and Trade may [...] vastly enrich this nation.” While soldiers do not produce anything and conversely consume domestic resources, the “labour and industry” of the people employed in economic activities “is an overplus of Wealth”.⁵⁷² Furthermore, as “one of the greatest things in Trade is to encourage Exportation”, to charge the landowners with a useless duty would be a mistake, since “it is known that the greatest Commodity of this Kingdom is Corn”;⁵⁷³ and such a burden would force the proprietors to increase its price when selling to the merchants, inevitably lowering the profits of the latter category, charged with exporting it.

What emerges from this first discourse is certainly Fletcher’s consciousness of the critical problem of investment in domestic production and

⁵⁶⁹ *Ibidem*, pp. 10-16.

⁵⁷⁰ *Ibidem*, p. 12. The *cess* was one of the land taxes collected by the Commissioners of Supply that hit the nobles’ and gentry’s estates.

⁵⁷¹ *Ibidem*, p. 11 and *passim*. The details and involvements of the Darien affair will be at the centre of chapter 4.

⁵⁷² *Ibidem*, p. 27.

⁵⁷³ *Ibidem*, pp. 35-36.

of the necessity of addressing the question to the landed *élite*, in order to involve the State deeper in the national economy. While the lively mercantile Scottish community was not particularly interested in investing their profits from overseas trade in internal manufacturing, landowners could, instead of remaining inert, contribute to Scotland's prosperity by deciding to use their tax money as capital. Fletcher knew that the proprietors were of course inclined to consider proposals based on landed enterprise, besides asking them for a stronger public commitment to the Darien scheme. Furthermore, his views on trade reflect the attention the Committee of Trade gave to the balance of payments between imports and exports.⁵⁷⁴

In the second discourse, the author then admits that "Trade being of late years vastly increased in Europe", its importance might have been overrated, so that "the poverty of any Nation is always imputed to their want of that advantage"⁵⁷⁵, whatever their economic conditions. Conversely, in Scotland's case the "principal and original source" of poverty was the letting of land at such an excessive rate, as it caused the domino effect of making "the Tenant poorer even than his Servant", unable to pay his day-labourers and furnish at a proper price the lesser tradesmen of the countries or the wholesale town merchants, while the landowner could not accumulate the necessary capital to improve his estates. The condition of lesser freeholders, a small minority in Scotland, was not better, since "living not as Husbandmen but as Gentlemen", they neglected cultivation and were similarly incapable of gathering the stock to enclose their grounds.⁵⁷⁶

From a strictly technical point of view, enclosures constituted an important matter for a conscientious proprietor like Fletcher. In the written exchanges with his brother Henry, he pondered the different ways to implement them in the Saltoun estate, drawing from examples he had seen "in Brabant and they begin now to imitate in England"⁵⁷⁷ or from a "conversation about husbandry"⁵⁷⁸ he had had in London a few years later, when he resolved to use

⁵⁷⁴ Macinnes, *Union and Empire*, pp. 210, 227-228.

⁵⁷⁵ Fletcher, *Two Discourses*, p. 34.

⁵⁷⁶ *Ibidem*, pp. 34-35.

⁵⁷⁷ NLS MS 16502, fol. 172.

⁵⁷⁸ NLS MS 16502, fol. 193.

both a stone hedge and a row of trees around it, just like both his friend Sibbald and his neighbour Belhaven had suggested.⁵⁷⁹ Besides keeping the cultivated grounds protected, enclosures also sheltered sheep and cattle during winter, a concern Fletcher shared with Donaldson.⁵⁸⁰ Overall, the impression given by the former's private correspondence on the matter is that of an informed countryman, able for instance to know what wood could grow on barren soil and devoted enough to introduce non-native beech in Scotland as a long-term investment in timber.⁵⁸¹

Unsurprisingly, Fletcher's knowledge in husbandry and agronomy is demonstrated by some of the titles of his inexhaustible library; and his volumes on the matter apparently constitute an exception in the Scottish collections of his time. Uniting as usual ancient treatises from the classical world like Columella's and Varo's and current tomes published in England and the continent, which included milestones like Walter Blith's *The English Improver* (1649) and Leonard Meager's *The Mystery of Husbandry* (1697), he definitely had many sources at his disposal to solve practical issues.⁵⁸² For instance, it would be safe to assume that his curiosity for Dutch techniques of cultivation he was willing to introduce on his lands could have come from Samuel Hartlib's *summa* of his circle's republican programme to promote and modernise husbandry in England, after the Civil War made it possible to liberate the cultivation of the fields from the oppressive obstructions of the lords.⁵⁸³

Fletcher, however, had to avoid putting the blame for Scotland's condition on the same landlords he was trying to convince to change the *status quo*. He rather accuses payment in kind of being the "chief cause" of the disproportionate rents vexing the leaseholders, which basically drove the landowners to take

⁵⁷⁹ Sibbald, *Discourse Anent the Improvements may be made in Scotland*, fol. 93 and Belhaven, *The Country-Mans Rudiments*, p. 25.

⁵⁸⁰ Donaldson, *Husbandry Anatomised*, pp. 57-59, 94.

⁵⁸¹ NLS MS 16502, fols. 193-194; Whyte, *Agriculture and Society in Seventeenth-Century Scotland*, pp. 119-122.

⁵⁸² Thomas C. Smout, "A New Look at the Scottish Improvers," *The Scottish Historical Review*, 91, n°1 (March 2012), (pp. 127-128 and Appendix pp. 148-149).

⁵⁸³ Samuel Hartlib, *Samuel Hartlib His Legacie: Or an Enlargement of the Discourse of Husbandry Used in Brabant & Flavnders: Wherein Are Bequeathed to the Commonwealth of England, More Outlandish and Domestick Experiments and Secrets, in Reference to Universall Husbandry*, London, 1651. Fletcher also owned another edition of this work, printed in 1655, see MS 17863, fols. 67.

advantage of anachronistic practices such as *roup*⁵⁸⁴, to use unilateral measures like rack-renting to increase their incomes in arable produce, or to ask for exorbitant entry-fines for the rental of their lands. Triggering a cycle of instability and indebtedness, rent in kind was indeed harmful to both tenants and proprietors, who could neither exploit an abundant harvest nor overcome a scarce one. Contrariwise, “money rent has a yearly balance in it”, in addition of preventing the carpet use of tillage, indispensable to intensify the cultivation in order to gather enough grain to pay the rent but responsible for ruining “all the best countries” of the nation.⁵⁸⁵

Having outlined the same shortcomings of the Scottish agrarian sector mentioned by Belhaven and Donaldson, which made it inevitable that “no man of any substance will take a farm in Scotland”, Fletcher then provides a similar cure, consisting in the creation of a more independent and entrepreneurial class of tenants. He referred to the “method of most other countries”, where reasonable rents were paid in money, long leases were granted to tenants with considerable stock of capital to improve lands, and these latter were willing to invest because of a more secure and clear mechanism of tenure of the land. Fletcher undoubtedly had the typical model of English capitalist husbandry in mind.⁵⁸⁶ Were all the existing obstructions due to the “general bad custom” of the nation removed, Scottish agriculture could hope to reach the same considerable results, but this could not be achieved “without a general regulation”.

In order to illustrate the reform proposal presented by Fletcher, it may be usefull to integrally quote its “Articles” before commenting them:

All interest on mony to be forbidden.

No man to possess more Land than he cultivates by
Servants.

⁵⁸⁴ Fletcher, *Two Discourses*, p. 40. The word *roup* in seventeenth century Scotland defined the custom of letting some lands by auction and for a very short period of time, making the effort of promoting improvements completely unprofitable to the tenant.

⁵⁸⁵ Proper tilling and was also a concern for Belhaven and Donaldson, who addressed the issue from a practical perspective in Belhaven, *The Countrey-Mans Rudiments*, p. 8-11 and Donaldson as reported above.

⁵⁸⁶ For a further opinion in this sense, see Robertson’s edition of the *Political Works*, p. 74, fn. 37. For a description of English husbandry, see Mark Overton, *Agricultural Revolution in England: The Transformation of the Agrarian Economy, 1500-1850*, Cambridge, Cambridge University Press, 1996.

Every man cultivating Land under the value of 200 pounds Sterling clear profits a year, to pay yearly half of the clear profits to some other man who shall buy that Rent at twenty years purchase; and for his security should be preferred to all other Creditors.

No man to buy or possess those Rents, unless he cultivate Land to the value of at least 200 pounds Sterling clear profits yearly.

Minors, Women unmarried and persons absent upon a publick account, may buy or possess those Rents, tho they cultivate no Lands.⁵⁸⁷

To enact the first of these drastic measures, the interest on money had to be gradually decreased by one per cent yearly until it would be abolished entirely, so that “most men who have small sums at Interest, will be obliged to employ it in Trade” or “to take Land for it”.⁵⁸⁸ The second article, that no man could possess more land than he could directly cultivate, would force the landowners to sell the estates they did not keep productive. Such a quantity of land is precisely defined in the third article as 200£ clear profits a year, which implies the intention of spreading medium-sized lots. But more than anything else, what Fletcher wanted to achieve was to compel the richest part of nobility to invest “either in cultivating Lands, or in Trade and Manufactures”, so that “the whole Mony as well as People of this Nation, would be presently employed”, and the country “quickly improved to the greatest height of which the soil is capable”.⁵⁸⁹

Yet, Fletcher did not trust Scottish noblemen as a progressive force capable of driving a full transformation. He despised both the scarce care they had for their estates, like Belhaven and Donaldson, and their corrupted inclination to seek idle military careers as “Soldier[s] of Fortune”,⁵⁹⁰ instead of getting involved in trade or husbandry for the good of the nation. To expect a

⁵⁸⁷ Fletcher, *Two Discourses*, pp. 44-45.

⁵⁸⁸ *Ibidem*, p. 45.

⁵⁸⁹ *Ibidem*, p. 43.

⁵⁹⁰ *Ibidem*, p. 28.

great landowner “to employ the whole Mony” ensuing from the sale of his excess of land “in a thing so uncertain he would judg Trade to be”⁵⁹¹ was a pure illusion, as overseas trade had proved much less appealing than landed enterprise to the influential proprietors. Consequently, the most alluring way to manage the funds was to reinvest them in the agricultural sector itself, by allowing the great possessors to buy the rent of the owners under the proper size of 200£ at twenty years purchase. In return for the capital they needed to improve their lands, the small possessors would then be required to pay half of their clear profits as a money rent for the twenty-years-long contract described in the third article.

The immediate consequences of these intricate arrangements would have been the formation of two different classes of landholders: those meeting the crucial threshold of £200 would make their incomes and the proceeds of the sales of their excessive land productive by investing them in trade, manufactures or purchasing the rents of those not meeting the £200 divide, remedying the chronic shortage of money that afflicted Scotland. Those below the £200 threshold would become substantial tenants, finally stimulated and able to improve their lands thanks to the capital derived from a sound twenty years contract with the richer landowners. For this reform to be effective, Fletcher concludes, it was necessary to make all lands of the kingdom “allodial”, that is to free their possessors from any remaining feudal obligation, so that “every man may be upon an equal foot with another”⁵⁹² and negotiate easily, avoiding legal encroachments on the path of improvement and liberalisation of sales.

When considered against the backdrop of his radical beliefs, the political implications of Fletcher’s plan are significant. It thus comes as no surprise that, trying to make his proposal more attractive to the landed class of Scotland, he repetitively modified and simplified it in the manuscript at the hand of his nephew David Fletcher, with an open mind as to make the threshold more flexible and possibly the newly created tenants’ rents lower.⁵⁹³ But his precise outline of the deficiencies and evils of Scottish agricultural system was largely

⁵⁹¹ *Ibidem*, p. 43.

⁵⁹² *Ibidem*, p. 50.

⁵⁹³ Fletcher definitively knew that “it will be look’d on as an extravagancy to make a man of 5000 pd St. a yr [...] to pay the half of the yearly rental to any other man”. For the manuscript emendations, see *Two Discourses*, in Robertson’s edition, pp. 76-77, fn. 39 and pp. 79-80, fn. 41 and the list of variants, pp. 227-231.

shared both by his contemporary fellow countrymen although their aims were much less revolutionary. Fletcher's *Discourses* asked for a massive involvement of the State in the economy, to direct investments, redistribute private property and capitals, and make the whole kingdom thrive for the public good.

3.5 The political aspects of Fletcher's reforms

Fletcher's acknowledged classical inspiration has caught the attention of many scholars of political thought. When coming to his agrarian reform, the critique of the Scottish landed society he shared with the other 'improvers' has been considered inside the framework of a distinctively neo-Harringtonian language and *contra* the traditional conception of Buchananite descent that praised the feudal aristocracy of Scotland as the guardian of national liberty. In this reading, it is the political side of Fletcher's reform that come to the fore, as the emphasis is set on the creation of a citizenship of freeholders by an Agrarian law that both Niccolò Machiavelli and James Harrington would have welcomed. The main originality of the *Two Discourses* rests in their attempt to promote economic growth within the framework of a civic humanist social order, besides offering a much more elaborated critique of the landed interest in Scotland than Belhaven's or Donaldson's — a critique to be picked up in the next century.⁵⁹⁴

Robertson has interpreted the arrangements Fletcher described in his second discourse as a distinct attempt to reshape Scotland's economy along the lines of the civic humanist tradition, with the example of ancient Greece's city-States in mind. Dovetailed in a rigid social and political hierarchy, the small but autonomous husbandmen would take care of the production necessary for the economic well-being of the commonwealth through their domestic servants, while the landowners above the established soil of 200£ would be relatively free from such a duty, rather employing their time in the management of the public

⁵⁹⁴ Colin Kidd, *Subverting Scotland's Past*, pp. 35–36, 48; John Robertson, *The Case for the Enlightenment*, p. 170.

affairs, ultimately constituting a class of *ottimati*. Incidentally, when taken with the contemporary pamphlet on the militia, the scheme appears to form the precondition of the army of freeholders longed for by the massive redistribution of the property of lands, with the small possessors constituting the backbone of the armed force and the greater landowners responsible for military command and cavalry, the regiment to which Fletcher himself belonged.⁵⁹⁵

It is interesting to note that in trying not to upset his audience of great landowners whose support he needed, Fletcher had Machiavelli's account of the Gracchian reform in the Roman republic in mind. When commenting on Livy, the Florentine certainly praised the Agrarian law as formulated by the Gracchi brothers, since in setting a limit for the possession of lands, it would theoretically have contributed to restore the *equalità* among the members of the commonwealth and to uniformly redistribute the spoils of war coming from territorial expansion. But, on the other hand, Machiavelli somehow condemned the Gracchi's naïf attempt, underlining how the nobles of Rome had been offended by the plan that basically confiscated part of their possessions and prevented their increase, generating discord and accelerating the inevitable collapse of the Republic. Even though Machiavelli recommended keeping the citizens poor and the public rich, deeply mistrusting large-scale landholdings that permitted the *gentiluomini* to dangerously live in luxury out of their rents without taking part in direct cultivation, to attack their privileges was eventually advised against.⁵⁹⁶

The formulation of an Agrarian law to directly influence Fletcher's redistribution of lands is rather Harrington's, whose *Commonwealth of Oceana* pointed to the lack of such a constitutional device to explain the degeneration of Rome. Contrary to Machiavelli, for the English author it was crucial to maintain the equality of land possession and concord in order to render a republic potentially eternal, as the connection between political power and landed property had proved. Following the example of Jewish Agrarian Laws described

⁵⁹⁵ Robertson, 'The Scottish Enlightenment at the limits of the civic tradition', p. 145, *The Scottish Enlightenment and the Militia Issue*, pp. 33–37 and *Andrew Fletcher: Political Works*, p. XXII.

⁵⁹⁶ Niccolò Machiavelli, *Discorsi sopra la prima deca di Tito Livio*, I, 37 and 55, in *Edizione nazionale delle opere di Niccolò Machiavelli*, vol. II, ed. by F. Bausi, Cittadella, Salerno Editrice, 2001, pp. 180–183. Gennaro Sasso, *Niccolò Machiavelli*, vol. I, Bologna, Il Mulino, 1993, pp. 534–536, 572–575.

by the Dutch humanist Petrus Cunaeus, *Oceana* would have been divided in parcels of acreage not exceeding the yearly rent of 2000£ to restrain the natural covetousness of men, while some norms intervening on the inheritance procedure would have strongly limited any larger acquisition of land.⁵⁹⁷ The necessity of increasing trade and wealth would have then been projected towards the outside, as conquest would have constituted the basis of economic growth, like in Machiavelli's Rome but without its corruptive effects.⁵⁹⁸

From a political point of view, Fletcher's expropriation of nobles indeed involves the creation of a larger base of electors to be invested with sovereignty, downsizing the high nobility nominated by the crown and way too receptive to London's interests. As noted by Muramatsu, the question of the original possessors of Scottish lands was central in defining who ultimately held sovereignty. Sir George Mackenzie's royalist *Institutions of the Law of Scotland* (1684) insisted that as a conquered nation it had been the king, who constituted the true depositary of sovereignty, to distribute Scotland's possessions.⁵⁹⁹ Conversely, Ridpath's repulsion for the *Two Discourses* likely derived from the opposite narrative, where the estates originally held the lands and elected the king as a military commander in ancient times.⁶⁰⁰ Fletcher's scheme implied the redistribution of property in a sense that would have completely shattered both narratives, insisting on the crown or on the nobility.

Fletcher can be categorised among the thinkers that refuse to accept hierarchy as natural, but see it as a pre-political creation of man and favour an

⁵⁹⁷ On the differences between Machiavelli and Harrington, see Lea Campos Boralevi, 'James Harrington's "Machiavellian" Anti-Machiavellism', *History of European Ideas*, 37, n°2 (2011), pp. 113–119. See also Marco Barducci, 'Harrington, Grotius, and the Commonwealth of the Jews, 1656-1660', in *European Contexts for English Republicanism*, ed. by Gaby Mahlberg and Dirk Wiemann, Burlington, Ashgate Publishing, Ltd., 2013, pp. 63–80 and Mark Somos, 'Irenic Secularization and the Hebrew Republic in Harrington's *Oceana*', pp. 81–104 in the same volume, together with Petrus Cunaeus, *De republica Hebraeorum: libri 3*, Amsterdam, Elzevier, 1617.

⁵⁹⁸ James Harrington, *The Political Works of James Harrington*, Cambridge, Cambridge University Press, 1977, pp. 231–240. It must be noticed that for Marpesia, i. e. the conquered province of Scotland in *Oceana*, the soil is set in proportion to 500£.

⁵⁹⁹ Sir George Mackenzie, *The Institutions of the Law of Scotland*, Edinburgh, 1684; Clare Jackson, *Restoration Scotland, 1660-1690: Royalist Politics, Religion and Ideas*, Woodbridge, Boydell Press, 2003, pp. 25–27.

⁶⁰⁰ George Ridpath, *An Historical Account of the Ancient Rights and Power of the Parliament of Scotland*. Edinburgh, 1703.

enlargement of landed property rather than defending great landowners.⁶⁰¹ Like Harrington and like economic authors with a Harringtonian set of mind such as William Petty, Fletcher is not interested in the original rights to lands, but uses arguments of necessity to support his scheme. One of them is the classic republican stance of associating the certainty of property with the possibility of economic development. But in forcing landowners to cultivate their lands or alienate them, Fletcher clearly agrees with the Lockean conception of a common right to preservation as ultimately opposed to private property rights. The Scot's redistribution of lands according to the capacity of their owners to cultivate them resembles John Locke's definition of property as connected to labour. Here, Fletcher seems to make a twisted use of Locke's colonial theories, directing them towards the idle local nobility, a category both friends despised.⁶⁰²

When compared with Harrington's version, Fletcher's 'Agrarian law' shows an inherent tension between economic and political motives. *Oceana's* rigid constitutional rules intervene in the property balance with the declared political aim of shaping a *populus* of restrained participants in the militia of an immutable, motionless and Utopian commonwealth.⁶⁰³ Conversely, Fletcher's articles enumerated in the *Two Discourses* are presented as resulting from economic distress and contingency. In explaining them Fletcher tries to nuance and reduce the unavoidable political earthquake their application would provoke in Scotland, like the inevitable enlargement of the Scottish electoral constituency given by the freehold on land. While Robertson's interpretation of the threshold of 200£ as a mark to distinguish the order of producers from that of statesmen has solid theoretical foundations, Fletcher, knowing "these Proposals [...] will be

⁶⁰¹ For a the possibility of the enlargement of landed property as a political divide among economic authors, see Maria Luisa Pesante, "Avere un interesse nella terra. Alcune teorie inglesi e francesi della proprietà nel discorso economico del Settecento", *Studi Settecenteschi*, XXIV (2004), pp. 71–103.

⁶⁰² See the chapter "On property" in John Locke, *Locke: Two Treatises of Government*, Cambridge, Cambridge University Press, 1988 with Richard Ashcraft, *Revolutionary Politics & Locke's Two Treatises of Government*, Princeton, Princeton University Press, 1986; James Tully, *A Discourse on Property: John Locke and His Adversaries*, Cambridge, Cambridge University Press, 1980; Matthew H. Kramer, *John Locke and the Origins of Private Property: Philosophical Explorations of Individualism, Community, and Equality*, Cambridge Cambridge University Press, 1997.

⁶⁰³ Jonathan Scott, 'The Rapture of Motion: James Harrington's Republicanism', in *Political Discourse in Early Modern Britain*, ed. by Nicholas Phillipson and Quentin Skinner, Cambridge, Cambridge University Press, 1993, pp. 139–163; J. C. Davis, *Alternative Worlds Imagined, 1500-1700 Essays on Radicalism, Utopianism and Reality*, Springer International Publishing, Palgrave Macmillan, 2017, pp. 205–226.

looked upon as visionary”⁶⁰⁴, endeavoured to somehow simply preserve the legitimacy of the great landowners, while in fact compelling them to invest and expropriating their lands to promote a strongly egalitarian settlement in Scotland.

Addressing the Parliament, Fletcher thus struggled to situate himself between the classical principles constituting his sound inspiration and language — besides being his ideal and radical setting — and the legacy of a feudal order he wanted to sweep away to promote economic growth but realistically knew could not be set aside without upsetting the aristocracy of Scotland. This ambiguity leads Fletcher to describe a potentially Harringtonian order, in which the redistribution of landed property is balanced but ultimately flexible, without really tackling the political consequences of this arrangement, in fact rather avoiding them. In this sense, if we look again at the interconnection with the militia pamphlet, the apparent effort of constituting an Utopian citizenry of equal freeholders in arms like *Oceana*’s is juxtaposed to Fletcher’s pragmatic necessity of training the whole of the nation to war, “for in Countries where Husbandry, Trade, Manufactures and other mechanical Arts are carried on”, not many men could be raised “without disturbing those employments, which are the vitals of the political body.”⁶⁰⁵

In making economic performance the basis of political survival it becomes clear that the *Discourses*, besides using the idiom of Renaissance and classical republicanism, do not exclude trade or political economy as such, as neither Harrington did.⁶⁰⁶ Far from being merely an ode to the ancient world, Fletcher’s pieces fit in the contemporary framework provided by a combination of politics

⁶⁰⁴ Fletcher, *Two Discourses*, p. 51.

⁶⁰⁵ Fletcher, *A Discourse of Government*, p. 46.

⁶⁰⁶ On this issue, see John G. A. Pocock, ‘The Machiavellian Moment Revisited: A Study in History and Ideology’, *The Journal of Modern History*, 53, n°1 (1981), pp. 49–72 together with Steve Pincus, ‘Neither Machiavellian Moment nor Possessive Individualism: Commercial Society and the Defenders of the English Commonwealth’, *The American Historical Review*, 103, n°3 (1998), pp. 705–736; Mark Jurdjevic, ‘Virtue, Commerce, and the Enduring Florentine Republican Moment: Reintegrating Italy into the Atlantic Republican Debate’, *Journal of the History of Ideas*, 62, n°4 (2001), pp. 721–743; Jonathan Scott, *Commonwealth Principles*, Cambridge, Cambridge University Press, 2007, *passim*.; Justin Champion, ‘“Mysterious Politicks”: Land, Credit and Commonwealth Political Economy, 1656-1722’, in *Money and Political Economy in the Enlightenment*, ed. by Daniel Carey, Oxford, Voltaire Foundation, 2014, pp. 117–162; Mark Somos, ‘Harrington’s Project: The Balance of Money, a Republican Constitution for Europe, and England’s Patronage of the World’, in *Commerce and Peace in the Enlightenment*, ed. by Béla Kapossy, Isaac Nakhimovsky, and Richard Whatmore, Cambridge, Cambridge University Press, 2017, pp. 20–43.

and commerce in the shape of “post-Machiavellian reason of State”, which according to Istvan Hont composes the hybrid tones of a distorted republican theory issued from continental wars and European competition of the 1690s. As public wealth was becoming the key to national security, political economy acquired the contours of the aggressive territorial expansion Machiavelli had outlined as the true *grandezza* of Rome. It was crucial to maintain its independence and survival for a State to grasp share in international trade. In this context, Fletcher’s effort to preserve the economic interests of Scotland against external threats from England is quite telling.⁶⁰⁷

Especially the first discourse is a veritable *cahier de doléances*, in which the author lists the injuries that Scotland endured because of the ambiguous constitutional relationship with England, arising from the union of the crowns in 1603: the supposed undermining by the Court of “the fishing company in King Charles’s time”, established to compete with the Dutch in 1661 in the herring trade;⁶⁰⁸ the “affair of Hamborough”, when English diplomats prevented the Scots to obtain foreign investments for the Darien project; or the already mentioned obliviousness of Scottish commerce with France when discussing the terms of the latest peace of Ryswick with Louis XIV. Truth was that since King William was not able to “distribute impartial justice”, letting “every one have the proportionable reward of his industry”, Scotland should care for its own “separate interest from England, which must always be in matters of trade”, as had been eventually done with the Darien scheme, a defiant colonial venture in the true sense of the word.

Basically, while Fletcher accepts the crude rules of international trade, using the language of interest and defining the crucial centrality of commerce to enflame the MPs at Holyrood, he also condemns England for its selfish policy, blatantly unaware of its northern neighbour, and consistently asks for properly separated governments, able to pursue their own particular benefits on the European and Atlantic scene in the race towards the accumulation of public wealth. The political dimensions of the *Two Discourses* are thus clear: whereas in the second discourse, revolving around his plan for an agricultural reform,

⁶⁰⁷ Istvan Hont, *Jealousy of Trade: International Competition and the Nation State in Historical Perspective*, Cambridge, Harvard University Press, 2005, pp. 6–17, 63–66.

⁶⁰⁸ Harris, “Scotland’s Herring Fisheries and the Prosperity of the Nation, c.1660–1760”, p. 44.

Fletcher's republican inspiration took the classical shape of an Agrarian law to restructure the backbone of domestic economy, the first discourse, defending Scottish sovereignty and opportunity to partake in international trade developing its own industries and ventures, undoubtedly includes commerce as part of reason of State, which instrumentally mirrors English aggressive policies.

In particular Fletcher was heavily relying on the huge opportunities that a settlement "under a free constitution" in the Americas would have granted to Scotland, in order to close the gap with England and eventually release his country from the interference of London. Without being able to match English economic achievements, Scotland was doomed to succumb to the influence of its richer neighbour, so that it comes as no surprise that the Darien affair eventually resulted in a sovereignty issue and Fletcher's anxieties for his country can be seen as a most concrete application of it, after the Glorious Revolution made the country glimpse at the possibility of an autonomous political economy. For instance, it is in this same context that the cry against the decision taken in the previous Parliament about "farming the Customs to the State of the Burroughs"⁶⁰⁹ must be seen.

Long abolished in England, the practice of giving the administration of customs and the relative economic benefits to an estate of Parliament in exchange for their votes in the assembly constituted a way for the court to control the legislative power of Westminster. In Scotland, it very often were local alliances of landowners and merchants who were appointed to the duty, with the result of preventing the reinforcement of the State's authority and favouring evasion.⁶¹⁰ In Fletcher's eyes, this method was part of a process of "Corruption" that *de facto* bribed the MPs and was the harbinger of "the subversion of a Constitution", eventually resulting in the approval of "standing Armies, oppressive Taxes, Slavery".⁶¹¹ As we have seen in the previous chapter, in neo-Harringtonian terms the condition of being economically dependent on the government through pensions and offices endangered the commonwealth, prefiguring tyranny. In contrast, the possession of freehold land rendered the

⁶⁰⁹ Fletcher, *Two Discourses*, p. 5.

⁶¹⁰ Macinnes, *Union and Empire*, pp. 220-221.

⁶¹¹ Fletcher, *Two Discourses*, p. 6.

citizens economically independent and thus immune to political patronage, in this case coming from London.⁶¹²

The use of a markedly Whig language that rhymes with what was expressed in the *Discourse of Government* is thus enriched by another dimension, which is secondary in English republican writings: the possibility of entering a regime of public servitude, in which the deliberations of a body politic are subjected to the will of another State. As on this level Fletcher is reasoning along the lines of a neo-Roman concept of liberty, that is collective freedom enjoyed by the whole community without interference, his concern is to avoid the fate that seemed to await Scotland if the encroaching relationship with England was not set on an equal basis and thus if the economic growth of his country was not achieved. Best defined by Livy but mainly ignored by English republican writers for obvious reasons, the fear of public servitude lurks throughout the whole of the first discourse and constituted an explicit issue during the Union debates. Then, in order to recover Scotland from its condition of poverty, Fletcher turned precisely to English writers on economic matters.⁶¹³

3.6 Elements of English political economy

It was necessary to reconstruct the economic situation that Fletcher perceived, in order to highlight the accuracy of his analysis and attempts to modify it. Accordingly, the circle of Scottish authors he was acquainted with and who shared similar concerns constitute an indispensable intellectual context for the *Two Discourses*. To this context had to be added the civic humanist shape of discourse Fletcher always employed in his publications. The result is to individuate an element of sheer originality in the *Discourses* when compared to its Scottish counterparts, both in the inspiration, by the classical device of an

⁶¹² Pocock, *The Machiavellian Moment*, p. 464, and "Civic Humanism and Its Role in Anglo-American Political Thought" in *Virtue, Commerce, and History*, Cambridge, Cambridge University Press, 1985.

⁶¹³ Quentin Skinner, *Liberty before Liberalism*, Cambridge, Cambridge University Press, 1998, pp. 44–50.

Agrarian law, and in the strong political dimensions of the tract, emerging through the use of a sharp Whiggish language and of the sturdy tones of reason of State. But Fletcher's urge was primarily economic and, as it will be shown in this section, when it comes to actual economic terms it was towards contemporary Tory English pamphleteers that he turned his attention to formulate his reform and requests.

Fletcher's latest stay in London, after his intervention in the standing armies controversy, ended most probably by spring 1698, when he came back to Scotland to follow domestic issues. By that time, he certainly had collected the current London publications on matters of trade and husbandry that followed the public debates regarding the financial settlement of England after the Glorious revolution, revolving around issues such as the necessity of coining new money, reducing its interest rate or discussing the monopolies of the East India Company.⁶¹⁴ A general and renewed interest in improvement spread, through the printing of adjusted editions of classical economic works and of several journals directed to any productive class of the English society, dealing with topics such as agricultural techniques, market prices or international commerce. What Daniel Defoe had described as the "projecting age" thus came with a flood of printed proposals to advance England's economy.⁶¹⁵

Among these latter, Fletcher saved the monthly periodical *A Collection of Letters For the Improvement of Husbandry and Trade*, edited by the member of the Royal Society and political arithmetician John Houghton from 1681 until 1685. Houghton personally dispatched the publication to a circle of interested correspondents, while addressing in his progressive editorials the most common issues connected to land improvement and agriculture.⁶¹⁶ As to pamphlets and tracts, two authors stand out as inspiration sources for Fletcher: the neo-Machiavellian economist Charles Davenant, as the most present single author on economic matters in Fletcher's library, and the merchant director of the East

⁶¹⁴ Ming-Hsun Li, *The Great Recoinage of 1696 to 1699*, London, 1963; Emily Erikson, *Between Monopoly and Free Trade: The English East India Company, 1600-1757*, Princeton, Princeton University Press, 2014.

⁶¹⁵ Daniel Defoe, *An Essay upon Projects*, London, 1697, pp. 1-2; Paul Slack, *The Invention of Improvement: Information and Material Progress in Seventeenth-Century England*, Oxford, Oxford University Press, 2014, pp. 170-174.

⁶¹⁶ Slack, *The Invention of Improvement*, pp. 142-146. See NLS MS 17863, fols. 78-79.

India Company, Sir Josiah Child. Similarly, some elements of William Petty's method and ideas can be individuated, although as usual the Scot privileged efficiency in the heat of the debates, over detailed theoretical explanations and accuracy.

It is also likely that Fletcher personally knew and had fruitful conversations with some of the authors intervening in the political economy debates and frequenting the same milieus. At the Grecian tavern, for instance, he might have very well met Davenant through his friend Walter Moyle, who was in a close relation with him. In particular, Davenant had asked Moyle to translate Xenophon's discourse on the revenues of Athens, because of the latter's penchant for economic concerns he also pushed in Westminster as MP. Moyle's version stresses the possibility of increasing the wealth of the city-state by improving its land, by favouring trade of both manufactured and natural products and by creating a public fund through voluntary subscription to finance the construction of merchant ships, profitable ventures or any other useful public undertaking. The result was so highly praised by Davenant, that he included the tract in his own *Discourses on the Publick Revenues* published at the beginning of 1698, boasting "how ancient the true notions were, concerning Revenues and Trade".⁶¹⁷

Just as Fletcher had confessed during the militia debate, Davenant had an admiration for the way "our Ancestors" used to live, before luxury trade changed societies. Theoretically, he argued in his first discourse, the population of England could subsist out of the exchanges of natural products. "A rich soil", duly improved, sprouted, and it was possible to recover a feudal and for sure more virtuous way of life, although "ancient frugality must be restored; rents must be paid in kind, and the gentry must live at their own seats"⁶¹⁸. But the main reason why such an attempt was doomed to failure was that "the Power of our

⁶¹⁷ Walter Moyle, *A Discourse upon Improving the Revenue of the State of Athens Written Originally in Greek by Xenophon; and Made English from the Original with Some Historical Notes by W.M. Esq.*, London, 1697; Caroline Robbins, ed., *Two English Republican Tracts: Plato Redivivus; Essay on the Constitution of Roman Government*, Cambridge, Cambridge University Press, 1969, pp. 25–26; Davenant, *Discourses on the Publick Revenues*, part I, pp. 33–35; Joseph N. Jansen, "After Empire: Xenophon's Poroi and the Reorientation of Athens' Political Economy", Ph.D. thesis, University of Texas, 2007.

⁶¹⁸ Davenant, *Discourses on the Publick Revenues*, part II, *Discourse I That foreign Trade is Beneficial to England*, p. 5.

Neighbours, both by Land, and by Sea, is grown so formidable”, that to compete with adversaries such as Louis XIV for survival demanded more resources than granted by “the Natural Produce and Income of our Country”.⁶¹⁹ In order to find these resources, it was thus necessary to accept “artificial Helps” furnished by extensive trade.

While, as a follower of Machiavelli, Davenant despised luxury as corruptive, the Nine Years’ War conducted by King William on the continent convinced him that to preserve its liberty, England had to increase its public wealth. He appropriately changed his attitude towards commerce, moving from a moralist standpoint to the practical doctrine of reason of State, able to control the damaging mutations provoked by the financial revolution.⁶²⁰ In *An Essay upon Ways and Means of Supplying the War* (1694), Davenant had made it clear that, when compared with the magnificent examples of ancient Rome or Sparta, “now the whole Art of War is in a manner reduced to Money”, so that in the war against France, in which England was deeply involved, it was crucial to preserve the trade of the nation, “as it is now become the Strength of the Kingdom”.⁶²¹ Only additionally could taxes help to sustain the military effort as another source of income, but not continuously, since they generated “private and public Poverty”. The whole pamphlet is thus aimed at finding the best ways to finance public expenses, examining taxation and the income of the State.⁶²²

In a section that closely resembles Fletcher’s critique on conceding supplies, Davenant states that from the beginning of the war, taxes had been renewed year after year following the promise of an incoming peace, with the result of creating discontent and obstructing both economy and trade with unjust fiscal pressure, mainly lying on the landed interest, already in distress to collect the rents properly.⁶²³ Using Petty’s political arithmetick, Davenant’s answer is to redistribute the weight of taxes by creating an “Impartial Land-Tax”,

⁶¹⁹ *Ibidem*, p. 6.

⁶²⁰ Hont, *Jealousy of Trade*, pp. 201-208; Andrea Finkelstein, *Harmony and the Balance: An Intellectual History of Seventeenth-Century English Economic Thought*, Ann Arbor, The University of Michigan Press, 2000, pp. 219–228.

⁶²¹ Charles Davenant, *An Essay upon Ways and Means of Supplying the War*, London, 1694, pp. 27–28.

⁶²² *Ibidem*, p. 31 and *passim*.

⁶²³ In Fletcher’s first discourse, evaluating the possibility of making the land tax last for the whole of William’s reign: “During the late War, Land Taxes were only demanded from year to year, and we gave them cheerfully, in hopes that a few years would put an end to that charge.”, p. 35.

proportionate to the wealth of the different regions of England, thoroughly estimated with charts and “most agreeable to the Ancient Constitution of this Kingdom.”⁶²⁴ Conversely, high and long lasting taxation upon land, like the one Fletcher opposed in 1698, also fostered the danger of putting the gentry of the nation in financial difficulties, giving way to debts and exposing the political basis of England to corruption, thus “putting them more in power of the Court”, as it was put in a rhetoric Davenant certainly shared with the Scot.⁶²⁵

This “Art of Reasoning by Figures, upon Things relating to Government” as Davenant himself defined it in the opening pages of his *Discourses* was not unknown to Fletcher, who to a closer look and likewise employed Petty’s method to reinforce his claims. Sometimes accurately, for instance when “by a modest computation”⁶²⁶ he calculated the total of Scottish mariners employed in the war against France to serve in the Dutch and English fleets,⁶²⁷ and sometimes less precisely, like when he exaggerated the number of vagrants and poor moving across the country because of the famine,⁶²⁸ Fletcher did not hesitate to offer his numbers to the Scottish audience. Chiefly, as Petty’s calculations were often utilised to compare the economic power of England’s rivals such as France and the United Provinces, Fletcher uses the same approach to measure the differences in terms of population and wealth between England and Scotland, to underline the disproportion that exists in the subsidies’ requests presented by William to finance his armies, thus adapting Davenant’s attempt to different terms for comparison.

Although Davenant’s support for standing armies during the war appears to constitute a general disagreement in an otherwise emerging correspondence with Fletcher’s point of view as expressed in the *Two Discourses*, a further reading offers different suggestions. Underlining that the “king of France is infirm, and in years”, Davenant stressed that “the proper and natural strength of

⁶²⁴ Davenant, *An Essay upon Ways and Means*, p. 117.

⁶²⁵ *Ibidem*, pp. 155-158.

⁶²⁶ Fletcher, *Two Discourses*, p. 20.

⁶²⁷ As noted in Robertson’s edition of the Political Works, Fletcher’s estimates are roughly right John Childs, *The British Army of William III, 1689-1702*, Manchester, Manchester University Press, 1987, pp. 15-16.

⁶²⁸ For this claim, see Rosalind Mitchison, *The Old Poor Law in Scotland: The Experience of Poverty, 1574-1845*, Edinburgh, Edinburgh University Press, 2000, pp. 27, 147 and Cullen, *Famine in Scotland*, p. 158.

England and Holland is at Sea”⁶²⁹, using two *topoi* of the anti-army side. As soon as the dust of the battle settled and the immediate exigency of landed forces failed, he indeed sided with Trenchard, Fletcher and the other Country Whigs and Tories who openly sustained a plain blue-water policy, arguing the fleet was enough to “be for some time upon our guard”⁶³⁰ against possible last ditch efforts from France.⁶³¹ But even after Ryswick, trade remained central to assure England’s survival, as besides breeding seamen and maintaining the navy, “is there any thing in the World, that should be more thought a Matter of State than Trade, especially in an Island [...]?”⁶³²

When it comes to define the kind of trade he is referring to, Davenant is clear. On a general basis, just as for his mentor William Petty, “the spring and original” foundation of commerce “in all nations, is the natural or artificial product of the country; that is to say, what their land, or what their labour and industry produces.”⁶³³ Adopting the classical Aristotelian distinction, also used by Thomas Mun, between artificial and natural goods,⁶³⁴ he was convinced the amount of commodities that England was able to export constituted “a certain wealth to the Kingdom”.⁶³⁵ Consequentially, domestic production was a primary concern for the nation. An example in this sense can be found in his *Essay on the East-India Trade* (1696), where the woollen manufacture is considered “truly the Principal Nourishment of Our Body Politick,” so that contrary to the “Private Interest of Land” represented by the gentry, it is best for the public to “work the Commodity so Cheap” and keep its price so low “as to under-sell all Comers to the Markets abroad.”⁶³⁶ As we have seen before, from the perspective of a

⁶²⁹ *Ibidem*, pp. 12-15. Again, Fletcher’s *Discourse of Government* closely rhymes when considering that “the French King is old and diseased” and that “the sea is the only empire which can naturally belong to us”, see *A Discourse of Government*, p. 26.

⁶³⁰ Davenant, *Discourses on the Publick Revenues*, part II, *Discourse I, That foreign Trade is Beneficial to England*, p. 6.

⁶³¹ Lois G. Schworer, “No Standing Armies!”: *The Antiarmy Ideology in Seventeenth-Century England*, London, Johns Hopkins University Press, 1974, pp. 10–18, 62, 181–182.

⁶³² Charles Davenant, *An Essay on the East-India Trade*, London, 1696, p. 7.

⁶³³ Davenant, *Discourses on the Publick Revenues*, part II, *Discourse I That foreign Trade is Beneficial to England*, p.

⁶³⁴ See Thomas Mun, *England’s Treasure by Forraign Trade: Or, the Balance of Our Forraign Trade Is the Rule of Our Treasure*, London, 1669, pp. 7-12. The volume, also in Fletcher’s library, constitute a classic work in advocating the maximisation of exports through the increase in the production of both natural and artificial goods, see NLS MS 17863, fol. 92.

⁶³⁵ *Ibidem*, p. 3.

⁶³⁶ Davenant, *An Essay on the East-India Trade*, pp. 9-10, 28.

landowner, a couple of years later Fletcher similarly considered corn as the “greatest commodity of this kingdom” to be sold as cheap as possible to the merchants charged to export it from Scotland.

Among the initiatives that were taken by the Scottish government to boost commerce and redress a faulty balance of trade was the *Act for Encouraging the Export of Victual*, passed in July 1695 following its English counterpart, which had defined grains of all sorts along Fletcher’s words and their exportation necessary “for the promoting of tillage and improvement of trade”.⁶³⁷ To support agriculture, the act, quickly known as ‘Corn Bounty Act’, removed all the duties on exports and additionally offered a payment to compensate the great producers for the low prices of the early 1690s that followed abundant harvests. However, the situation quickly deteriorated, and the act was replaced in October 1696 with one rather promoting grain imports, as the famine that hit the country after the disastrous yields from 1695 onwards made prices rise dramatically, especially in East Lothian where Fletcher held his lands.⁶³⁸

In this case, the Scot had lamented that the land tax was a measure in clear disagreement with the basic principles of mercantilism articulated by Davenant, forcing the proprietors to sell their production at a higher price and thus slowing the economy down. He followed the fluctuation of the value of corn even from London, when, as late as in February 1699, he commented to his brother Henry that, after the scarcity started losing its grip, “the prices of corns are falling” and that in England the restriction on its exportation had been finally removed. His worries also concerned Scottish industries, when the House of Lords discussed the possibility of imposing discriminatory tariffs on linen, the main manufactured export coming from north of the Tweed.⁶³⁹ Overall, Fletcher’s remarks meet Davenant’s considerations on the nature of trade, as both underline the necessity of producing cheaply and exporting the stock of the

⁶³⁷ NAS. PA2/36, fols. 121v-122: “the greatest product and commodity of this nation”.

⁶³⁸ NAS. PA2/36, fol. 285. Rosalind Mitchison, ‘The Movements of Scottish Corn Prices in the Seventeenth and Eighteenth Centuries’, *Economic History Review* 18, no. 2, August 1965, pp. 278–291; Alex J. S. Gibson and Thomas C. Smout, *Prices, Food and Wages in Scotland, 1550-1780*, Cambridge, Cambridge University Press, 1995, pp. 167–171.

⁶³⁹ NLS MS 16502, fols. 169-170. Macinnes, *Union and Empire*, p. 217; Whatley, *The Scots and the Union*, pp. 109-110, 147.

nation as the first step towards economic growth, while failing in the task had been accordingly considered the principal source of Scottish poverty by the former. The critiques of both regarding domestic consumption further confirms their adherence to the balance of trade theory based on production rather than simply on bullion.⁶⁴⁰

The problem was, however, that for Davenant, precisely because based on the stock of national resources, the quantity of national products that could be sold abroad was finite, so that a different kind of trade was additionally necessary. Being a leading Tory pamphleteer, bitterly criticising the Whig Junto political economy based on taxation and public debt, Davenant conceived property as grounded in land and trade as a zero-sum game, in which it was decisive to aggressively undersell the European neighbours by establishing monopolies for certain commodities to be acquired overseas and re-exported on the continent, ultimately creating an empire made of commercial routes.⁶⁴¹ This conception was at the basis of his defence of the privileges of the East India Company, to which he repeatedly offered his services. Shipping goods from the Indies to the European markets was crucial to surpass Dutch trade, and whoever managed to gain “the full and undisputed Possession” of the East India trade could easily “give Law to all the Commercial World.”⁶⁴²

Unsurprisingly enough, William Paterson would use exactly the same expression to describe the potentially immeasurable benefits the Darien venture he designed could have brought to Scotland a few years later.⁶⁴³ Fletcher, who sustained the project of the Company of Scotland both with concrete actions and his pen, had understood what was at stake in the modern commercial world and

⁶⁴⁰ See Davenant, *An Essay on the East-India Trade*, pp. 25-26, relating to wool and Fletcher's remarks on soldiers and workers consuming resources in the *Two Discourses*, p. 28.

⁶⁴¹ Davenant, *Discourses on the Publick Revenues*, vol. II, *Discourse III On the Plantation Trade*, pp. 211-212, 316; David Waddell, “Charles Davenant (1656-1714) - A Biographical Sketch”, in *The Economic History Review* 11, no. 2 (January 1958), pp. 279-88 and “Charles Davenant and the East India Company,” *Economica*, 23, n°91 (August 1956), pp. 261-264; Kustaa Multamäki, *Towards Great Britain: Commerce & Conquest in the Thought of Algernon Sidney and Charles Davenant*, Finnish Academy of Science & Letters, Finland, 1999, pp. 149-186; Steve Pincus, “Addison's Empire: Whig Conceptions of Empire in the Early 18th Century”, in *Parliamentary History (Wiley-Blackwell)*, 31, n°1 (February 2012), pp. 102-105; Hont, *Jealousy of Trade*, pp. 213-216. See also Thomas Leng, “Commercial Conflict and Regulation in the Discourse of Trade in Seventeenth-Century England,” *The Historical Journal*, 48, n°4 (December 2005), pp. 933-954.

⁶⁴² Davenant, *An Essay on the East-India Trade*, p. 18.

⁶⁴³ See above, pp. 49.

was willing to embrace it in order to match England along the path of economic development. Besides maximising the domestic production of natural goods through a severe reform, it was also necessary to finally participate in the international struggle for wealth to achieve Scotland's prosperity, following the canvas depicted by Davenant: with a strong national company acting overseas.⁶⁴⁴ The difference however, as we will see in the next chapter revolving around the matter, was in the nature of the settlement to be set on the Panama isthmus, where an open emporium under a free government would have represented the alternative model to the exclusive and imperial plantations promoted by the English.⁶⁴⁵

3.7 Josiah Child and the interest rate controversy

Besides the common admiration for Machiavelli, Fletcher shared Davenant's views of wealth pursuit cheap production based on land and exportation of staple domestic commodities, combined with an extensive overseas trade following the guidance of a public commercial company. But it was from Josiah Child that he took his arguments to focus his attention on the agrarian sector of the Scottish economy. Like Davenant's, Child's understanding of property was formulated in terms of land, which implied that for him, the output of husbandry constituted the whole of England's limited wealth. This Tory vision of political economy, which Child was able to implement as director of the East India Company, made him point its efforts towards territorial expansion in Asia during the 1680s and assume an influential position under James II and beyond, until the Whigs managed to break the Company's monopoly

⁶⁴⁴ When Fletcher lamented that Scotland had been "the only part of Europe which did not apply it self to Commerce" he referred to the absence of a national trading company, now created thanks to the "unforeseen and unexpected change in the genius of this Nation" pushing the Scots together towards trade. See *Two Discourses*, pp. 11-12.

⁶⁴⁵ On the nature of the English East India Company, see Philip J. Stern, "'A Politie of Civill & Military Power': Political Thought and the Late Seventeenth-Century Foundations of the East India Company-State," *Journal of British Studies*, 47, n°2 (April 2008), pp. 253-283.

by the end of 1698. By that time, he had already acquired considerable fame as an economist.⁶⁴⁶

Of the *Discourse about Trade* (1690), written in the 1660s, and of its extended and widely circulating version published in 1693, Fletcher owned a copy he certainly found useful in weaving together the most ‘economically oriented’ thread of his second discourse.⁶⁴⁷ Indeed, Child’s bias towards husbandry, reinforced by his reading of William Petty’s model of agrarian capitalism, made him adopt the point of view of the landed gentry of England when setting out his main recipe for the nation’s economic growth through agricultural improvement, around which the whole of his work revolves: the reduction of the interest rate on money.⁶⁴⁸ For Child, having a higher interest rate than the Dutch — whose economic performance he was attempting to explain by listing the policies they adopted — “doth render our Lands [...] of vile and base esteem”, because it prevented the necessary investment of capital that would foster soil improvement, which in turn would guarantee an increase in the value of land, full employment and the prompt expansion of commerce in which he was obviously very interested.⁶⁴⁹

Matter of discussion in Westminster since the late 1660s, the possibility of intervening on the interest rate was by the end of the century emptied of its moral dimension, and essentially related to the fear of a general scarcity of money circulating in the kingdom. Child himself had participated in the early dispute that broadly defined two main fronts in competition for capital: the mercantile class of the City, whose increasing members relied on loans to expand their activities, as opposed to the gentry, who lamented the heavy taxes pending over their lands and the lack of money due to the high costs of borrowing, which inhibited them from acting as entrepreneurs.⁶⁵⁰ The question was very much alive in 1690, when a bill was presented in the House of Commons to lower the

⁶⁴⁶ Pincus, *1688*, pp. 373-376.

⁶⁴⁷ NLS MS 17863, fol. 102.

⁶⁴⁸ Sir Josiah Child, *A Discourse about Trade: Wherein the Reduction of Interest of Money to 4 L. Per Centum, Is Recommended*, London, 1690; McNally, *Political Economy and the Rise of Capitalism*, pp. 55-58.

⁶⁴⁹ Sir Josiah Child, *A New Discourse of Trade*, London, 1693, Preface.

⁶⁵⁰ *Id.*, *Brief Observations concerning Trade and Interest on Money*, London, 1668; Tim Keirn and Frank T. Melton, “Thomas Manley and the Rate-Of-Interest Debate, 1668-1673,” *Journal of British Studies*, 29, n°2 (April, 1990), pp. 147-173; Magnusson, *Mercantilism, passim*.

interest rate from 6 to 4 per cent; a bill was eventually passed in 1692 reducing the interest to 5 per cent. The outburst of a major controversy that also involved a general reform of the coinage implicated Child, Davenant himself, and John Locke at the Privy Council's request in 1695, to deal with the massive expenses of the Nine Years' war.⁶⁵¹

Whereas from the rigorous point of view of modern economics Child's proposition of lowering the statutory limit of interest to revive the English economy meant confusing the symptom with the cause, it also denoted the will to reallocate the profits from the moneylenders to the investors. Whatever their economic activities, Child wanted to increase production through the control of the State rather than the sterile "Trade of Bankering", hurtful inasmuch as it obstructed a profitable circulation of money throughout the kingdom.⁶⁵² In the historical analysis he offered to the readers to justify his proposition, Child attempted to show how the reductions of interest of 1624 and 1651, decided by the MPs and "greatest Owners of our Territory", corresponded with a number of positive consequences for the nation's economy. Reduction "hath greatly advanced Lands in purchase as well as improved Rents, by meliorating the Lands themselves, those improvements by marling, limeing, draining, &c." being slowly accomplished throughout the seventeenth century thanks to the higher availability of capital to invest.⁶⁵³

For Child, in countries such as Scotland and Ireland, "where ten and twelve *per cent* is paid for Interest, the people are poor and despicable, [...] and Money intollerably scarce", with the consequence that landowners can only grant short leases not "above 8 or 10 years purchase at the most", whatever the real productive capacity of the soil.⁶⁵⁴ The general solution was thus to lower the

⁶⁵¹ Peter Laslett, 'John Locke, the Great Recoinage, and the Origins of the Board of Trade: 1695-1698', *The William and Mary Quarterly*, 14, n°3 (1957), pp. 370-402; D. W. Jones, *War and Economy in the Age of William III and Marlborough*, Oxford, Oxford University Press, 1988; P. H. Kelly, ed., *Locke on Money*, Oxford, Oxford University Press, 1991; Kwasi Kwarteng, 'The Political Thought of the Great Recoinage Crisis, 1695-97', unpublished Ph.D. thesis, University of Cambridge, 2000; Charles Larkin, 'The Great Recoinage of 1696: Charles Davenant and Monetary Theory' and Daniel Carey, 'John Locke's Philosophy of Money', in *Money and Political Economy in the Enlightenment*, pp. 57-116.

⁶⁵² Appleby, *Economic Thought and Ideology*, pp. 86-95; Finkelstein, *Harmony and the Balance*, p. 137.

⁶⁵³ Child, *A New Discourse of Trade*, pp. 43-45.

⁶⁵⁴ *Ibidem*, pp. 11-12. The adjective "despicable" is also used by Fletcher to define Scotland's condition, see *Two Discourses*, p. 12.

rate just as England had done, “gradually”, at a maximum of two per cent at the time, although “it is a work of Ages” before the positive effects of the abatement should show themselves.⁶⁵⁵ In particular, the nobility and gentry would see the value of their land double, the tradesmen would have money at a lower rate and increase the volume of their commerce, the great merchants would cease to just lend their capitals and remain inactive, and the farmers could sell their products at a better price.⁶⁵⁶ A virtuous circle would be triggered, bringing plenty and wealth for all the productive members of the society.⁶⁵⁷

Although being mostly inaccurate, the historical reconstruction proposed by Child was explicitly accepted by Davenant, who similarly saw the scarcity of money as the main cause for the low value of Scottish lands.⁶⁵⁸ The echoing of Child’s analysis in the *Two Discourses* appears to be further evident when the English merchant sets the natural price of lands in England to be at “20 Years Purchase”, as the result of the abatements occurred earlier in the century. Was it not for “accidental Pressures”, such as heavy land taxes, the racking of rents or the “innovated practice of Bankers in London”, this would be the “genuine” price of land in proportion with an English interest rate of six per cent. Being the legally established rate in Scotland at the time, Fletcher also sticks to six per cent as the starting point while formulating his plan for gradual reduction to zero per cent interest.⁶⁵⁹

Even in the main pamphlet opposing Child’s solution, Locke’s *Some Considerations of the Consequences of the Lowering of Interest* (1692), the price of land remains a central concern. In answering Child’s argument, Locke correctly overturned the causal relation between interest rate and prosperity, asking for the natural fluctuation of the former without any intervention from the State. But the reason for this was that he believed a lower interest on money would make investors export funds abroad, where the rate was higher, forcing the prices down together with rents and the value of lands. Scarcity of money rather

⁶⁵⁵ *Ibidem*, p. 59.

⁶⁵⁶ *Ibidem*, pp. 18-20.

⁶⁵⁷ *Ibidem*, pp. 62-64.

⁶⁵⁸ See Davenant, *An Essay upon Ways and Means*, pp. 29-30, 43-44 and *Discourses on the Publick Revenues*, Part I, Discourse II, *Concerning Credit, and the Means and Methods by which it may be restor’d*, pp. 51-53.

⁶⁵⁹ “Interest for Mony should fall next year from six per Cent. to five, and so on, falling every year one per Cent. till it cease”, p. 48.

depended on the monopoly the London bankers held on capital, as Locke advocated a better currency circulation able to reach the countryside and thus stimulate trade.⁶⁶⁰ In this respect, Locke agrees with Davenant and Child's insistence on the necessity of a close synergy between agrarian production and trade, all of this combined with an explicit hostility towards the City's capital draining.⁶⁶¹

Besides this last point, what Fletcher certainly shared with his friend in the countryside was the blame Locke put on the idle and luxurious way of life of landowners, together with the necessity for the government of encouraging the right cultivation of lands for the common good. But in the interest rate controversy, he sided with Child. As we have seen, it is unquestionable that the Scot was using English agriculture, and especially the figure of independent yeomen, as his model to reform the primary sector of Scottish economy. The terms in which he was willing to accomplish this reform strongly suggest he had read Child's history of English agricultural development and accepted its explanation of the means to achieve it. Fletcher's proposals for the forceful redistribution of lands and gradual elimination of the interest rate to foster investments constitute an attempt to get on the same long path of economic growth in one formidable leap forward. This leap had to be designed following the most convincing English directions.

To sum up, Fletcher's aim was to complete the reforms Holyrood had been pushing since 1693 in a *dirigiste* sense. He wanted to create a strong national economy, in a context in which scarce capital and the survival of feudal structures complicated Scotland's road to prosperity, if not the survival of its population. To address the Parliament, he chose to use a mixture of Whig political rhetoric and language of reason of State, as only through prosperity could Scottish independence be secured. Knowing he had to convince an audience of landed aristocracy and out of personal interest, he placed land at the

⁶⁶⁰ John Locke, *Some Considerations of the Consequences of Lowering the Interest and Raising the Value of Money*, London, 1692. See also Richard Ashcraft, *Revolutionary Politics*, pp. 101–103; McNally, *Political Economy and the Rise of Capitalism*, pp. 59–63. For a general interpretation of Locke's economic stand, see for instance Neal Wood, *John Locke and Agrarian Capitalism*, Berkeley, University of California Press, 1984.

⁶⁶¹ Be it in the form of an excessive taxation or as banking activities. See Child, *A New Discourse of Trade*, preface and Davenant, and *Discourses on the Publick Revenues*, Part I, Discourse II, *Concerning Credit, and the Means and Methods by which it may be restor'd*, pp. 48–51.

centre of his scheme for development. Accordingly, he drew his inspiration from English Tory writers, vesting his proposals with the classical republican idiom. His conception of political economy stemmed from a combination of structural, contingent, political and personal reasons. One last issue he had to face was the problem of organising Scotland's workforce in the most productive way.

3.8 Labour, servitude and citizenship

At the basis of the economic considerations formulated by Petty and his disciples was the idea of shaping England as a "productive engine". Decisive to wealth creation were production and supply, and in order to improve them all of the members of the community had to contribute through their labour. Accordingly, every source of workforce had to be exploited, and authors from all across the political spectrum advanced suggestions to set what they perceived as inactive or underemployed multitudes to work. In the writings of Child, Davenant and Petty considered so far, the labouring class that had emancipated itself from feudal obligations and had lost the subsistence guaranteed by the cultivation of common lands, had to be redirected towards activities to increase the riches of the nation. Day labourers, seasonal workers, beggars and poor constituted a confused group of individuals that fitted irregularly in the hierarchical social order these writers were eventually trying to preserve.⁶⁶²

Sir William Petty had emphasised the role of population in the pursuit of economic development, and advocated direct governmental intervention to create the most effective ratio of hands to land through social engineering. To reduce public charges, it was furthermore recommendable to stop maintaining the poor and rather use them in works of public utility such as the construction of highways, bridges or mines. Instead of letting the poor beg in the streets, even

⁶⁶² Appleby, *Economic Thought and Ideology*, pp. 129–157; Finkelstein, *Harmony and the Balance*, pp. 1–12; Maria Luisa Pesante, "Contro l'uguaglianza civile. Discorsi inglesi sulla gerarchia nella seconda metà del Settecento," *Rivista Storica Italiana*, CXVII (2005), pp. 448–493; Ted McCormick, "Population. Modes of Seventeenth-Century Demographic Thought", in *Mercantilism Reimagined*, pp. 25–40.

making them “build a useless Pyramid upon *Salisbury Plain*” on a minimum salary would keep them applied to labour.⁶⁶³ More in detail, Josiah Child examined the current legislation, going from the Elizabethan Poor Laws to their reformed version of 1662, to correct the deficiencies that made the English poor “Unprofitable to the Kingdom”.⁶⁶⁴ He accordingly outlined a national system of workhouses to manage the able-bodied but idle population and proposed the creation of a national council to decide how to employ it, fulfilling “our Duty to God and Nature”.⁶⁶⁵

The English poor laws had established a publicly financed relief organisation based on local parishes, which were charged to take care of their own poor in order to control labour migration across the country. Local administrations were responsible for building workhouses and employ the healthy and indigent vagrants, but apart from some sporadic experiments the system had proved inadequate and merely provided assistance.⁶⁶⁶ Notwithstanding William III’s appeals,⁶⁶⁷ the global economic recession coupled with scarce crops threatened to put the whole system under severe pressure, to the point that since 1696 the Board of Trade started gathering data on poor rates, while its members formulated schemes that were debated in the Commons with little result: John Locke’s memorandum composed in 1697 was taken into account, while Charles Davenant later presented his estimates and a specific plan to Westminster to transform lazy mendicants into a productive class.⁶⁶⁸

⁶⁶³ Petty, *A Treatise of Taxes & Contributions*, pp. 10-13, 19, 67.

⁶⁶⁴ Child, *A New Discourse of Trade*, p. 81.

⁶⁶⁵ *Ibidem*, pp. 82 and 80-102.

⁶⁶⁶ Paul Slack, *The English Poor Law, 1531-1782*, Cambridge, Cambridge University Press, 1990, pp. 1-44; Anthony Brundage, *The English Poor Laws, 1700-1930*, New York, Palgrave Macmillan, 2002, pp. 9-13; Morgan Kelly and Cormac Ó. Gráda, “The Poor Law of Old England: Institutional Innovation and Demographic Regimes,” in *Journal of Interdisciplinary History*, 41, n°3 (Winter 2011), pp. 339-366.

⁶⁶⁷ *By the King and Queen, a Proclamation, for Preventing the Exportation of Corn to France, and Enhausing of Prices Thereof at Home, and for Setting the Poor on Work*, London, 1693.

⁶⁶⁸ See Slack, *The Invention of Improvement*, pp. 176-179; John Locke, *The Report of the Board of Trade on the reform of the Poor Law*, 1697; Charles Davenant, *An Essay upon the Probable Methods of Making a People Gainers in the Ballance of Trade*, London, 1699, pp. 52-70. Contemporary English publications also included Thomas Firmin, *Some Proposals for the Employing of the Poor, Especially in and about the City of London*, London, 1678; Anon., *A Modest Proposal for the More Certain and yet More Easie Provision for the Poor*, London, 1696; Anon., *A Letter from a Citizen of London to a Member of Parliament Proposing a Method from the Employment of the Vagrant Poor*, London, 1697; Anon., *Some Thoughts Concerning the Maintenance of the Poor, in a Letter to a Member of Parliament*, London, 1700.

In Scotland, the regulations concerning the destitute worked differently. By the end the sixteenth century, the Kirk sessions were officially recognised as the main actors in poor relief through local taxation and charity, under the supervision of presbyteries. Notwithstanding James VI's introduction of the Justices of Peace in Scotland, local administrations did not have the strength to prevent vagabonds to move across the country in search for alms outside of their parish. Only in 1649 was the necessity of setting the poor to work mentioned in the *Act anent the poor*, together with the admission that most of the contributions for the relief of the poor were in fact voluntary. Three subsequent Restoration acts tried to turn the screws on the matter, by describing "an entirely imaginary treatment for beggars"⁶⁶⁹ that included correction houses to lodge the wandering poor for eleven years, compulsive unpaid labour in private manufactories whose proprietor would cloth and feed them and the introduction of excises to fund the operations at the expense of tenants and heritors.⁶⁷⁰

In the aftermath of the Glorious Revolution the disorders due to the enforced removal of Episcopalian ministers from their parishes compromised the functioning of the relief system. Before the famine, the Privy Council recorded an increase in the number of the poor and issued proclamations aimed at urging heritors to assume a primary role in providing for the indigent, according to the existing legislation.⁶⁷¹ After the first bad harvests, the Parliament intervened in 1696 to empower the Privy Council to form a commission for employing the poor and, in March 1698, to impose the construction of correction houses to manage the emergency.⁶⁷² However, like the previous regulations the Acts remained dead letter mainly because of the resistance of landowners, and by midsummer the mortality rates had augmented to the point that deceased persons could be found along the roads in the countryside.⁶⁷³

⁶⁶⁹ Rosalind Mitchison, "The Making of the Old Scottish Poor Law," *Past & Present*, n°63 (May 1974), pp. 58-93 (p.68).

⁶⁷⁰ Mitchison, *The Old Poor Law in Scotland*, pp. 159-172.

⁶⁷¹ *A Proclamation Anent the Beggars*, Edinburgh, 11th August 1692; *A Proclamation Anent Beggars*, Edinburgh, 29th August 1693. See also Cullen, *Famine in Scotland*, pp. 93-97.

⁶⁷² *Act for the better provideing of the Poor and repressing of Beggars*, Edinburgh, 9th October 1696.

⁶⁷³ Cullen, *Famine in Scotland*, pp. 111-117; Mitchison, "The Making of the Old Scottish Poor Law", pp. 75-76.

Reformulating the government's intentions, Fletcher's answer to the national emergency consisted in perpetually compelling "every man of a certain Estate [...] to take a proportionable number of those Vagabonds"⁶⁷⁴ by law, employing them in any activity they would think fit. These "Servants" could either be taught "some mechanical Art" and work in the landowner's manufactory to "bring great profit to the Master" through commerce; or cultivate and improve the lands previously redistributed, according to the second article of his reform.⁶⁷⁵ In exchange, servants would be maintained with food, clothing and lodging, but would also be granted an education through "the principles of Morality and Religion", the teaching of reading and the "use of certain Books", to impart a virtuous lifestyle in both them and their families.⁶⁷⁶ In addition, hospitals should take care of the sick and provide assistance for the elderly, and a law would ensure protection against possible abuse of power of the masters.⁶⁷⁷

When looking at contemporary attempts to reorganise labour in England, Fletcher's economic logic is defined in clear terms. Besides Child's grand scheme, Davenant had also recommended the employment of the poor so that "no Hands remain useless"⁶⁷⁸. In considering the importance of wool and corn, his aim was the reduction of the costs of production that would allow England to export at a lower price, increasing its competitiveness on the international market. By coercing the indigent in it, "the Woollen Manufacture would advance without any Unnatural Driving or Compulsion", while improving waste land "would allow us to carry out Corn, at a Cheap Rate".⁶⁷⁹ Fletcher agreed, but in "so poor a country" as Scotland was, the population could "never be all maintained by Manufactures, or publick Work-houses, or any other way, but that which I have mentioned".⁶⁸⁰ The private enterprise led by landowners was the way out of the Scottish crisis, with agricultural produce as the main commodity to be generated cheaply by employing the poor in husbandry.

⁶⁷⁴ Fletcher, *Two Discourses*, p. 28.

⁶⁷⁵ *Ibidem*.

⁶⁷⁶ *Ibidem*, p. 14.

⁶⁷⁷ *Ibidem*, p. 15.

⁶⁷⁸ Davenant, *An Essay upon the Probable Methods*, p. 69.

⁶⁷⁹ Davenant, *An Essay upon the East-India Trade*, pp. 28, 35.

⁶⁸⁰ Fletcher, *Two Discourses*, p. 26.

To Fletcher, the only nation that could financially afford a functioning model of public workhouses was that of “the Hollanders” which, “being a Commonwealth” and having “the greatest share in the Trade of the World”,⁶⁸¹ had more facility in providing for the poor. He himself set aside charity money during his numerous stays in the United Provinces and possibly witnessed the assistance that the Dutch authorities granted to the exiles in the 1680s through the institution of workhouses.⁶⁸² But he believed that Scotland could not imitate this system, and did not follow English commentators such as Child who shaped their plans according to the Dutch achievements.⁶⁸³ Nor was the similarly praised Colbertian model of workhouses to be replicated, since “under a Government like that of France” such institutions were held by force only and would ultimately “fall into confusion and ruin”.⁶⁸⁴

Eventually, it was “the conduct of the wise Antients”⁶⁸⁵ that Fletcher used as a rhetorical argument to advocate the private management of unemployed workforce by landowners, giving rise to Robertson’s interpretation of the *Two Discourses*. The classical republican inspiration of Fletcher’s reform outlined above is confirmed by his description of the “great advantages”⁶⁸⁶ that the system of domestic serfdom in ancient times provided. Works of public utility were easily realised, along with magnificent artistic achievements, guaranteeing the subsistence of the whole population without destroying “virtue and simplicity of manners”⁶⁸⁷. Even Fletcher’s dramatic portrayal of the present condition of Scotland, swarming with vagabonds and undermined by obnoxious gentry, seems to be borrowed from Thomas More’s account of the English nobility under Henry VII contained in *Utopia*, reinforcing the perception of the *Discourses* as an *exercice de style*.⁶⁸⁸ This said however, the shocking effort to

⁶⁸¹ *Ibidem*, pp. 4-5, 9-10.

⁶⁸² NLS MS 16831, fol. 59. See Daniëlle Teeuwen, *Financing Poor Relief through Charitable Collections in Dutch Towns, C. 1600-1800*, Amsterdam, Amsterdam University Press, 2015.

⁶⁸³ Child, *A New Discourse of Trade*, pp. 82, 97.

⁶⁸⁴ Fletcher, *Two Discourses*, p. 10. See also Davenant, *An Essay upon Ways and Means of Supplying the War*, p. 9; Child, *A New Discourse of Trade*, pp. 82 and Hutchison, *Before Adam Smith*, p. 89.

⁶⁸⁵ *Ibidem*, p. 5.

⁶⁸⁶ *Ibidem*, p. 18.

⁶⁸⁷ *Ibidem*, p. 21.

⁶⁸⁸ This link has been suggested by the historian Lord Woodhouselee in his biography of the judge and agricultural improver Lord Kames. See the extensive footnote in Lord Alexander Fraser Tytler Woodhouselee, *Memoirs of the Life and Writings of the Honourable Henry Home of Kames*, Edinburgh, T. Cadell and W. Davies, 1814, vol. II, pp. 228–233 and cf. Thomas More, *Utopia: Latin*

“bring back Slavery into the world”⁶⁸⁹ still needs to be accurately contextualised and deserves to be taken seriously.

Fletcher’s constant attention to the irreversibility of historical processes should warn us from perceiving his proposal as a return to an ancient past, while his political commitment should prevent us from considering it as a mere illustratory or descriptive example. While dismantling the remainders of the Scottish feudal order with his reform, Fletcher sought to bring a class of now landless labourers back to cultivate the fields. But lacking a settled labour market and at the peak of an unprecedented economic crisis, the way to do so would have been to establish a new bond between the landlords and the workers, ensured by the Parliament’s authority. Fletcher’s solution to reabsorb the unemployed population as wage labourers in the transitional stage between the development of agrarian capitalism and the end of early modern rural society in Scotland was, as could be expected from him, one bold stroke instead of an articulated process. It thus comes as no surprise that a footnote in Karl Marx’s *Capital* quotes Fletcher’s proposal as a result of the expropriation of the agricultural population from the lands.⁶⁹⁰

Neither was Fletcher’s idea of implementing servile obligations cut off from the Scottish labour structure. On the contrary, the “excellent Laws” passed under “King James the sixth” had laid the legal foundations to compel the vagrants in a regime of lifelong servitude under any “Subject of sufficient Estate”, although their execution eventually proved ineffectual.⁶⁹¹ From the same period, the *Act anent Coalyiers and Salters* (1606) more resolutely responded to the growing commercial interests of landowners by defining the worker as an instrument perpetually bound to the mine or the pan where he belonged, with so much better results that this regime was partially extended to lead miners and some fishermen’s communities. The Fletchers apparently had direct jurisdiction

Text and an English Translation, ed. by George M. Logan, Robert M. Adams & Clarence H. Miller, Cambridge, Cambridge University Press, 1995, pp. 56–59.

⁶⁸⁹ Fletcher, *Two Discourses*, p. 11.

⁶⁹⁰ The footnote is usually attributed to Friedrich Engels, see Karl Marx, *Capital: A Critique of Political Economy*, vol. I, book I, London, Penguin, 2004, pp. 510, 517.

⁶⁹¹ Fletcher, *Two Discourses*, pp. 4–5. See the *Act for the punishment of strong and Idle Beggars, and relief of the poor and impotent* (1579), in Thomas Thomson and Cosmo Innes, eds., *The Acts of the Parliaments of Scotland, 1567–1592*, vol. III, London, 1814, pp. 139–141 and *Strong beggars, vagabonds and Egyptians should be punished* (1597) in *ibidem*, 1593–1625, vol. IV, London, 1816, p. 140.

over the port of Prestonpans and its salters.⁶⁹² As for the agrarian sector, farm servants were paid in kind for their full-time work and lived in the landowner's household with their families, for periods up to one year. Answering to the need of manpower and the necessity of limiting the social damages of the agricultural revolution, farm service thus subsisted alongside other forms of waged labour until deep into the nineteenth century, especially in East Lothian.⁶⁹³

Given this social and legal context, the reflections contained in contemporary attempts at codifying Scottish law and its sources are all the more significant. From its strong royalist and Episcopalian stand, Mackenzie's *Institutions* mentioned above conceived all laws as derived from the sovereign's supreme authority given by divine right, and hereditary succession as rationally instituted by the law of nature. In defending the monarch's position during the Restoration era, Mackenzie had deprived the *ius naturae* of any moral quality, giving a minimal definition of it as "innate instinct", common to humans and animals alike.⁶⁹⁴ The only concern that positive law, unquestionably originated by the king had, was with civil and ecclesiastic persons. From this voluntarist perspective, Mackenzie did not dedicate much attention to serfdom in his tract: there was no use for Roman law teachings regarding slavery in Scotland, because "we as *Christians* allow no Men to be made *Slaves*".⁶⁹⁵

Fletcher's former exile companion and now Lord President of Session, James Dalrymple, viscount of Stair had published his own *The Institutions of the Law of Scotland* (1681), where, in drawing together the different sources of

⁶⁹² On this issue, see Baron F. Duckham, "Serfdom in Eighteenth Century Scotland," *The Journal of the Historical Association*, 54, n°181 (June 1969), pp. 178–197 and *A History of the Scottish Coal Industry, 1700-1815*, vol. I, Newton Abbot, David & Charles, 1970, pp. 240–279; Christopher A. Whatley, *The Scottish Salt Industry 1570-1850: An Economic and Social History*, Aberdeen, Aberdeen University Press, 1987, pp. 98–125, "Collier Serfdom in Mid-Eighteenth-Century Scotland: New Light from the Rothes Manuscripts," *Archives*, 22, n°93 (April 1995), pp. 25–33 and "The Dark Side of the Enlightenment? Sorting Out Serfdom", in *Eighteenth Century Scotland: New Perspectives*, pp. 259–274.

⁶⁹³ Thomas C. Smout, *A History of the Scottish People: 1650-1830*, London, Collins, 1969, pp. 144–156; Thomas M. Devine, "Introduction: Scottish Farm Service in the Agricultural Revolution", in Thomas M. Devine, ed., *Farm Servants and Labour in Lowland Scotland: 1770 - 1914*, Edinburgh, John Donald, 1984, pp. 1-15 and *The Transformation of Rural Scotland*, pp. 12-21, 153-157. For a comparative stand on the matter, see Larry Patriquin, "Why Was There No 'Old Poor Law' in Scotland and Ireland?," *Journal of Peasant Studies*, 33, n°2 (April, 2006), pp. 219–247.

⁶⁹⁴ Sir George Mackenzie, *The Institutions of the Law of Scotland*, Edinburgh, 1684, p. 2; Clare Jackson, *Restoration Scotland, 1660-1690: Royalist Politics, Religion and Ideas*, Woodbridge, Boydell Press, 2003, pp. 25–26, 48–50, 139–140.

⁶⁹⁵ Mackenzie, *The Institutions of the Law of Scotland*, p. 43.

Scottish law, he focused on defining the rights people could enjoy, using a very different, Grotian theory of natural law. To Stair, positive law had to follow the rational and universal perfection of the *ius naturae*: liberty constituted a natural right that was “diminished” when subjected to the “authority” of the society the individual became part of, while “*Bondage, Slavery or Servitude*” would extinguish it completely, although being lawful according to the *ius gentium*.⁶⁹⁶ Just like Mackenzie, Stair believed the latter condition had been abolished in Scotland, but conceded “there remains some Vestiges of it in *Coaliers* and *Salters*” that were constrained by law, “though there were no Paction or Ingagement”.⁶⁹⁷

Rather, the laws introducing the enserfment of colliers and salters had been “introduced upon the common Interest”, for it had been “so necessary to this Kingdom”, especially as coal was “very profitable abroad”.⁶⁹⁸ In the midst of the famine of 1698, Fletcher’s arguments for his proposal appealed to the same vocabulary of common interest and necessity, as he stressed and overestimated the number of beggars paralysing the country with their condition and behaviour.⁶⁹⁹ But more importantly, what matters here is that to Fletcher, “the condition of such a Servant” as he wanted to introduce “is to be esteemed free; because in the most essential things he is only subject to the Laws, and not to the will of his Master”.⁷⁰⁰ As he makes repeatedly clear, “in every thing, except their duty as Servants” they would be under “the protection of the Law”, like any other Scottish subject.⁷⁰¹

The lines along which Fletcher is stating the difference between servants and slaves are recognisably ascribable to the neo-Roman concept of liberty as defined by Quentin Skinner and Philip Pettit.⁷⁰² To the Scot, the servant’s status

⁶⁹⁶ James Dalrymple Stair, *The Institutions of the Law of Scotland, Deduced from Its Originals, and Collated with the Civil, Canon, and Feudal-Laws; and with the Customs of Neighbouring Nations*, Edinburgh, 1693, p. 18; For Stair’s conception of liberty, see John D. Ford, “Stair’s Title ‘Of Liberty and Servitude,’” in A. D. E. Lewis and D. J. Ibbetson, eds., *The Roman Law Tradition*, Cambridge, Cambridge University Press, 1994, pp. 135–58.

⁶⁹⁷ Stair, *The Institutions of the Law of Scotland*, p. 707.

⁶⁹⁸ *Ibidem*.

⁶⁹⁹ Fletcher, *Two Discourses*, p. 24. Mitchison has noticed how Fletcher’s description of the beggars’ subculture strongly rhymes with some of the proclamations issued under James VI and Charles I during the famines of the 1620s, see “The Making of the Old Scottish Poor Law”, pp. 64–65.

⁷⁰⁰ *Ibidem*, p. 16.

⁷⁰¹ *Ibidem*, p. 15.

⁷⁰² Philip Pettit, *Republicanism: A Theory of Freedom and Government*, Oxford, Clarendon Press, 1997; Quentin Skinner, Liberty before Liberalism and “A Third Concept of Liberty,” *Proceedings*

would be *sui iuris*, that is free to act according to his own will inside the boundaries of the laws of the commonwealth. Conversely, he argues, “there is not a free man in France”, that kingdom being an absolute monarchy, while the Turks “are all Slaves to the Grand Signor, and have no remedy against his will”⁷⁰³, giving a definition of political slavery reminiscent of Algernon Sidney’s.⁷⁰⁴ The servants’ condition would be free from the domination that any subject acting *sub potestate* of an arbitrary and tyrannical ruler would suffer. However, theoretical tensions arise when we consider that the servant would still fall short from enjoying an active citizenship, which Fletcher based on the possession of land in an Harringtonian sense, able to ensure that the laws he is subjected to are decided with his own participation and not imposed on him. Here, the difference between a positive conception of liberty given to citizens and the freedom as non-domination left to the servants is striking.

While Stair is reasoning within the framework of natural law theory, which implies the necessity of a pact between two naturally free subjects to create a voluntary obligation of one towards the other,⁷⁰⁵ in Fletcher’s commonwealth natural rights of individuals give way to the laws and duties of citizenship in a Hobbesian vein.⁷⁰⁶ Fletcher does consider the fact servants “could possess nothing, and might be sold” to be “an alienation of their Service without their consent”,⁷⁰⁷ but not to limit their liberty inside a free political community.⁷⁰⁸ Closer to Mackenzie’s attempt to stress the authority of the government’s laws during a severe crisis, Fletcher forthrightly preserved and tried to extend the social hierarchy existing in Scotland, where he perceived the dependent work of landless labourers as a servile employment, through the lens

of the *British Academy*, n°117, 2002, pp. 237–268; Quentin Skinner, “States and the Freedom of Citizens,” in Quentin Skinner and Bo Strath, eds., *States & Citizens*, Cambridge, Cambridge University Press, 2003, pp. 11–28.

⁷⁰³ Fletcher, *Two Discourses*, p. 12.

⁷⁰⁴ Algernon Sidney, *Discourses Concerning Government*, London, 1751, section V, ‘To depend upon the will of a man is slavery’, p. 12.

⁷⁰⁵ Maria Luisa Pesante, “Slaves, Servants and Wage Earners: Free and Unfree Labour, from Grotius to Blackstone”, *History of European Ideas*, 35, n°3 (September 2009), pp. 289–320.

⁷⁰⁶ On the dichotomy between “city” and “nature”, see Annabel S. Brett, *Changes of State: Nature and the Limits of the City in Early Modern Natural Law*, Woodstock, Princeton University Press, 2011.

⁷⁰⁷ Fletcher, *Two Discourses*, p. 15.

⁷⁰⁸ Stair, following the *Digest* of Roman law, explicitly lists these two conditions as precisely part of being *alieni iuris*. See *The Institutions of the Law of Scotland*, p. 18.

of classicism and domestic humanism rather than as a legacy of the former feudal order.⁷⁰⁹

But as it happened with Fletcher's economic ideas discussed above, his deliberate choice to use a classical republican form of discourse does not mean that he ignored other sources. Conscious of dealing with a thorny issue, Fletcher resorted to all the intellectual resources at his disposal to convince his audience, including continental jurists. As so often, the Scot started by tracing back the origin of the process that led to the "multitude of beggars which now oppress the World"⁷¹⁰, finding it in the first diffusion of the Christian religion. His account typically follows Samuel von Pufendorf's disdain for such a regretful event, set out in his *De Jure Naturae et Gentium libri octo* (1672).⁷¹¹ Fletcher also looks at the German jurist in unsteadily rejecting the moral distinction imputed to Aristotle between natural slaves, incapable of governing themselves and for whom a form of coercion is necessary, and those able to make use of their liberty and live according to their own inclinations.⁷¹²

Going on, Fletcher then underlines the present confusion to "have proceeded from Churchmen", who in ancient times undermined "good Government" in recommending to the masters to release of their slaves for the "Salvation of their Souls".⁷¹³ As a proof of the interference of spiritual power with the secular issues, he quotes from the first *Epistle of Saint Paul to the Corinthians*, using the same alternative translation Hugo Grotius employed to justify the Stoic acceptance of a condition of slavery provided it was derived from a just cause.⁷¹⁴

⁷⁰⁹ Maria Luisa Pesante, *Come servi: figure del lavoro salariato dal diritto naturale all'economia politica*, Milan, FrancoAngeli, 2013, especially pp. 7-29, 95.

⁷¹⁰ Fletcher, *Two Discourses*, p. 5.

⁷¹¹ See Samuel von Pufendorf, *Of the Law of Nature and Nations: Eight Books*, Clark, The Lawbook Exchange, Ltd., 2005, Book VI, Chapter III, paragraph X, pp. 621-622. Manuscript notes in one of the *Two Discourses'* copies analysed by Macfie also suggest the Flemish diplomat Augerius Gislenius Busbequius' *De Legationis Turcicae Epistolae Quatuor*, Frankfurt, Wechelius, 1595, pp. 126-128 to be a source of inspiration, as Busbequius will often be quoted when relating to the topic of slavery, even in the XIX century. More than a copy is to be found in NLS MS 17863, fols. 87-89.

⁷¹² Fletcher refers to the poor as "People born with natural Endowments, perhaps not inferiour to our own, and fellow Citizens" in the *Two Discourses*, p. 3. Cf. with Pufendorf, *Of the Law of Nature and Nations*, Book VI, Chapter III, paragraph II, pp. 614-615.

⁷¹³ *Ibidem*, p. 5.

⁷¹⁴ *Ibidem*, p. 6., to cf. with Hugo Grotius, *The Rights of War and Peace*, ed. Richard Tuck and Jean Barbeyrac, Indianapolis, Liberty Fund, 2005, pp. 1105-1106 and John W. Cairns, "Stoicism, Slavery, and Law Grotian Jurisprudence and Its Reception," *Grotiana*, 22, n°1 (June 2001), pp.

The main difference however was that focusing like Stair on individual rights, both Grotius and Pufendorf insisted on the expression of voluntary consent as necessary to enter the state of a perpetual servitude, and formulated this status as being under the control of the master. Conversely, while struggling to articulate legal arguments without undermining his own position, Fletcher somehow delineates the conditions of the contract through the laws of the commonwealth, but defining his servant's condition as *sui iuris*.⁷¹⁵

This theoretical tension generated by the uncertainty of the *status* of the poor displaced from the cultivation of common lands, we also find in John Locke, whose plan he might well have shared with his Scottish friend. As a Commissioner of the Board of Trade, Locke's position on slavery in America still constitutes a major object of investigation when analysed in the context of his political writings.⁷¹⁶ But when it comes to his proposal to set the poor of the commonwealth to work, Locke's tones depict the latter both as a burden for the public and an unexploited economic resource, coherently with the mercantilist projects composed in England at the time. Partly reviving existing poor laws, his compulsory system of labour included the seizing of beggars and their forceful education to land cultivation or artisanal work through punishments.⁷¹⁷ Like Fletcher, Locke does not consider the poor as naturally inferior but rather as belonging to a lesser social rank, and grants them the status of half-citizenship, defined through a set of limited civil rights and duties, to contribute to the national economic interest, although without their explicit consent. His

197–231. For the difference between the authorised version and the one Fletcher uses, see Robertson's edition of the *Political Works*, pp. 58–59, fn. 27.

⁷¹⁵ See the *Elements of Universal Jurisprudence in Two Books*, in Samuel Pufendorf, *The Political Writings of Samuel Pufendorf*, ed. by Craig L. Carr and trans. by Michael J. Seidler, Oxford, Oxford University Press, 1994, book I, definition 3, paragraph 7, p. 38; Pesante, *Come servi*, pp. 42–49; M.J. Rozbicki, "To Save Them from Themselves: Proposals to Enslave the British Poor, 1698–1755," *Slavery & Abolition*, 22, n°2 (2001), pp. 29–50.

⁷¹⁶ David Armitage, "John Locke, Carolina, and the 'Two Treatises of Government,'" *Political Theory*, 32, n°5 (October 2004), pp. 602–627; James Farr, "Locke, Natural Law, and New World Slavery," *Political Theory*, 36, n°4 (August 2008), pp. 495–522; Brad Hinshelwood, "The Carolinian Context of John Locke's Theory of Slavery," *Political Theory*, 41, n°4 (2013), pp. 562–590; John Marshall, "Whig Thought and the Revolution of 1688–91," in *The Final Crisis of the Stuart Monarchy: The Revolution of 1688–91 in Their British, Atlantic and European Contexts*, ed. Tim Harris and Stephen Taylor, Woodbridge, The Boydell Press, 2013, pp. 57–86; Holly Brewer, "Slavery, Sovereignty, and 'Inheritable Blood': Reconsidering John Locke and the Origins of American Slavery," *The American Historical Review*, 122, n°4 (October 2017), pp. 1038–1078.

⁷¹⁷ See the *Essay on the Poor Law* (1697) in John Locke, *Political Essays*, ed. by Mark Goldie, Cambridge, Cambridge University Press, 1997, pp. 182–200.

considerations belong to a context in which slavery is not even taken into account, nor was his plan perceived as implementing it.⁷¹⁸

Overall, Fletcher's position thus comes close to the one Locke expressed on the status of the English poor: they were part of the commonwealth and enjoyed a set of liberties granted by the State, but had no political agency, eventually obtaining some kind of half-citizenship neither of the two considered as slavish. The difficulty of framing the role of this part of the population for both natural law theory and civic humanist speculation resulted for Fletcher in giving the priority to the rational use that could have been made of their industry, to be put at the service of the State. In between the end of the feudal order and the birth of a modern and capitalist job market, England had become a commercial society, before being able to conceptually formulate a role for wage labourers, so that the most applied and theorised solution was that of promoting the direct action of the State.

3.9 Conclusions and Scottish economic solutions

Fletcher's *Two Discourses* received a good deal of attention on both sides of the border. In London, Robert Harley's persisting attention for the Scot's opinions included owning a copy, as did his ally Thomas Coke.⁷¹⁹ The Tory MP in particular got involved from 1698 in the committee for the reform of the Poor Laws in the Commons, and had enough interest in the issue to look at Fletcher's scheme.⁷²⁰ In the United Provinces, the republican merchant Benjamin Furley collected a copy for his prodigious library, mindful of when the Scot had been his guest.⁷²¹ The Scottish memoirist Sir George Home of Kimmergham also managed

⁷¹⁸ Emily C. Nacol, "Poverty, Work and 'The People' in Locke's Political Thought", Cornell University paper, 2015.

⁷¹⁹ *A Catalogue of the Collection of Pictures, Drawings, Prints, and Valuable Library of Books, of the Right Honourable Thomas Coke*, London, 1728, p. 10; Edward Harley, *Catalogus Bibliothecae Harleianae: In Locos Communes Distributus Cum Indice Auctorum*, London, 1744, vol. IV, p. 593.

⁷²⁰ Henry Horwitz, *Parliament, Policy, and Politics in the Reign of William III*, Manchester, Manchester University Press, 1977, pp. 266, 300–302.

⁷²¹ *Bibliotheca Furliana, Sive Catalogus Librorum*, Rotterdam, 1714, p. 534.

to get a copy in 1700, a sign that the *Two Discourses* were still circulating in Scotland at that time.⁷²² This is all the more important as many late publications addressed the same issues Fletcher tackled, showing clear signs of reception.

While an *Act anent the poor* restated the existing legislation, its lack of concrete execution made the problem of the unemployed beggars an enduring topic.⁷²³ Donaldson published a pamphlet on the matter, advocating the construction of workhouses on continental models and a more rigorous application of the laws.⁷²⁴ In a *Postscript* to his first volume on husbandry however, he kept a more conciliating attitude with great landowners to reorganise the production of lands than Fletcher's, making sure his realistic project did not entail the dependence of the workforce on their masters. It would have been easier to conclude private contracts than convince "a Society of People" to carry on whimsical schemes with the "concurrence of the Multitude".⁷²⁵ Donaldson distributed copies of his tracts in Edinburgh's coffehouses, where he discussed these issues and where political meetings of the Country party also involved Fletcher himself.⁷²⁶

Among its members figured the Whig MP William Seton of Pitmedden, whose political positions were close to Fletcher's until his substantial *volteface* during the Union debates. Praising Davenant's approach, Seton put husbandry at the centre of his scheme to revive Scottish economy, calling for long leases, a lower interest rate and the employment of the poor. His critique of landed aristocracy eventually resulted in advocating an incorporating union with England, in order to limit the influence of the local magnates and to protect property rights to make Scotland prosper.⁷²⁷ In the wake of the parliamentary

⁷²² NAS GD 1/649/3 p. 122, which reads "Saturday 12th october 1700: Sir John Home came here in the morning, on his way to Polwarth House. I got from him two discourses of Salton's, printed in 1698 about what was fit to be done in the then ensuing Parliament, about disbandin the army and giving a Cesse for carrying on our trade to America and the Indies: the disposing of the poor, and improvement of the country. Cavers came here at night, and a little after him, Sir John Home. I returned him Salton's book, having run slightly over it."

⁷²³ NAS PA2/37, f.161v-162v.

⁷²⁴ James Donaldson, *Certain and Infallible Measures Laid Down. Whereby the Whole Begging-Poor of the Kingdom May Be Alimented at Much Less Charge than They Are at Present*, Edinburgh, 1701.

⁷²⁵ Donaldson, *Postscript to Husbandry Anatomiz'd*, p. 26.

⁷²⁶ *Ibidem*, p. 1-5; Bowie, *Scottish Public Opinion*, p. 24.

⁷²⁷ William Seton, *Memorial to the Members of Parliament of the Court Party*, Edinburgh, 1700; *A Short Speech Prepared to Be Spoken by a Worthy Member in Parliament Concerning the Present State of the Nation*, Edinburgh, 1700; *The Interest of Scotland in Three Essays, I. The True Original*

sessions of 1700 and 1702, many other anonymous tracts, some of which have been attributed to Fletcher, similarly shared the latter's topics and analysis, from the value of money to the employment of the poor.⁷²⁸ The political dominance of the landed class naturally oriented the discussion towards agriculture and manufactures before the opportunity of a communication of trade with England was discussed during the Union debates, as did the Darien disaster, which became public in 1701.

In sum, the present chapter is an attempt to properly contextualise Fletcher's *Two Discourses*. In primarily underlining its economic aspects rather than its political ones, the attention of the Scot for contemporary English debates and theories for improvement is confirmed. The reported structural and contingent situation Scotland was living in gave rise to a series of enquiries and initiatives from a circle of people Fletcher was part of, who approached the issues on the basis of an English model of political economy essentially based on landed enterprise. This model stemmed from William Petty's political arithmetic and echoed Charles Davenant's contemporary writings. The reasoning behind the *Two Discourses* fits into this context, as Fletcher also included Josiah Child's considerations on money interest rate, as linked to agricultural investments, in his reflections. As it will become clear in the last chapter dealing with the Union debates (1703-1707), political arithmetic and the English model of mercantilism enjoyed a wide reception in Scotland.

Furthermore, Fletcher's tract was among the first to open a critical line of enquiry towards Scottish magnates based on economic reasons, to be shared by successive publications. His radical political stance, however, proved difficult to square with other similar pamphlets. Some authors like Donaldson were appalled by the extensive social implications of the *Two Discourses*. Notwithstanding their Country beliefs, others like Seton considered a closer

and Indifferency of Church-Government. II. The Union of Scotland and England into One Monarchy. III. The Present State of Scotland, London, 1702.

⁷²⁸ [Andrew Fletcher?], *Overtures Offered to the Parliament, in Which This Proposition Is Advanced: That a Small Summ Imposed on the Nation, for Reforming Our Standard, and for Repairing the Losses of the African and Indian Company*, Edinburgh, 1700; [Andrew Fletcher?], *Some Thoughts Concerning the Affairs of This Session of Parliament. 1700*, [Edinburgh?], 1700; Anon., *A Letter to a Member of Parliament, Occasioned, by the Growing Poverty of the Nation*, Edinburgh, 1700; Anon., *A Letter from One in the Country, to a Member of Parliament, Intreating This Session, May Take to Their Consideration, the Lamentable Condition of the Poor*, Edinburgh, 1700; Anon., *A Serious Advice to the African and Indian Company*, [Edinburgh?], 1700.

union with England as the only solution to dismantle the existing difficulties coming from the conservative landed aristocracy. The necessity of a massive State intervention in national economy was dictated by the concern for the public good, to shape Scotland as an effective productive engine. His proposal for domestic servitude confirms Fletcher's intention of maintaining a social hierarchy between landowners and labourers, but shows correspondences with contemporary legal contexts and a particular attention for continental jurists, also widely read in Scotland.

Finally, it is important to notice that the models Fletcher took into account to formulate his schemes do not exclude or downsize commerce altogether, nor do they represent an obsolete solution when compared with contemporary publications on the matter. On the contrary, the *Two Discourses* constitute an attempt to realign Scotland with England through an independent political economy that would have permitted an increase in production and exports, laying a sound basis for its participation in international trade. As we will see in detail in the next chapter, Fletcher also plainly supported the innovative scheme of the Darien colony and asked for its funding, and was well aware that commerce was to determine European hegemony much more than the continental battlefields. His extravagant *Discorso delle cose di Spagna*, composed in this same period, was outstanding in this sense.

CHAPTER 4

Reason of State, Commerce and Universal Monarchies

“Tell *Fletcher* it was with Tears in my Eyes that I read the Account of his *Apostasy*: Is it possible that such a surly Patriot, who all his Life long had talked, writ and rebelled for *Liberty*, should all of a sudden turn *Projector* for an *Universal Monarchy*?”

Walter Moyle to Anthony Hammond, 26th January 1699

In May 1686, the Neapolitan philosopher and bibliophile Giuseppe Valletta wrote to the librarian of Cosimo III de' Medici in Florence, Antonio Magliabechi, one of his frequent letters. The two were central figures of the literary life of their respective cities, and often welcomed scholars from all around Europe to visit their prodigious libraries, a must-see for any respectable member of the *république des lettres*.⁷²⁹ In his missive, Valletta complained to Magliabechi he could not properly assist a common friend in these frenetic days, since “three most literate men had appeared” in Naples, somehow unexpectedly, and had now left. Amongst this group, composed of “a Scot, a Swede and an

⁷²⁹ Vittor Ivo Comparato, *Giuseppe Valletta: Un intellettuale napoletano della fine del Seicento*, Naples, Istituto italiano per gli studi storici, 1970; Salvo Mastellone, ‘Antonio Magliabechi: un libertino fiorentino?’, *Il Pensiero Politico*, 8, n°1 (1975), pp. 33–53; *Lettere dal Regno ad Antonio Magliabechi*, ed. by Amedeo Quondam and Michele Rak, Naples, Guida Editore, 1978, 2 vols.

Englishman”, one of them happened to be “a great friend of the famous Burnet”.⁷³⁰

John Robertson has recently pondered the temptation of identifying this *litteratissimo* Scottish man with Andrew Fletcher of Saltoun, by then escaping incognito from Spain in the disastrous aftermath of the Monmouth rebellion, although without the support of direct evidence.⁷³¹ The reason for this tempting identification lies in the appearance, some twelve years later, of Fletcher’s *Discorso Delle Cose di Spagna, Scritto nel mese di Luglio 1698*, strangely written in Italian and showing Naples as the place of publication on its front page. While it most probably was Fletcher himself to publish the pamphlet in Edinburgh, he must have benefited from the help of an Italian author to revise its prose.⁷³² A related episode suggests that although he had acquired great “knowledge of Italian”, when he met with the Prince Eugene of Savoy, probably at the presence of common acquaintances and book collectors like Anthony Collins or Benjamin Furly, “Fletcher was not able to answer *yes* or *no*”.⁷³³

Constituting a description of the ways and means to realise a universal monarchy in the wake of the Spanish Succession crisis (1698-1701), the *Discorso* and its language reveal a strong Italian context. As Robertson has pointed out, on the one hand its appeal for the advent of a European *principe nuovo* able to reform the disorderly Spanish empire is clearly Machiavellian. On the other, the guidelines to preserve its territory, exploit its resources and obtain the control of the seas owe much to Giovanni Botero’s formulation of the Reason of State theory. This line was then for example incorporated in Tommaso Campanella’s *De Monarchia Hispanica*, an esoteric tract supporting the attempt of Philip II of Spain to become *dominus totius orbis*. Composed in Naples in the wake of the

⁷³⁰ *Lettere dal Regno ad Antonio Magliabechi*, vol. II, p. 1080, Giuseppe Valletta to Antonio Magliabechi, 20th of May 1686.

⁷³¹ John Robertson, *The Case for the Enlightenment: Scotland and Naples, 1680-1760*, Cambridge, Cambridge University Press, 2005, p. 162, from which the reference above is taken.

⁷³² Robert Andrew Scott Macfie, *A Bibliography of Andrew Fletcher of Saltoun 1653-1716*, Edinburgh: priv. print., 1901, p. 12.

⁷³³ EUL, MS Lang II 588/E4, David Dalrymple, Lord Hailes to David Steuart Erskine, earl of Buchan, 26th of April 1787. On Prince Eugene exceptional library, see Justin Champion, ‘The fodder of our understanding: Benjamin Furly’s library and intellectual conversation c1680-1714’, in Sarah Hutton, *Benjamin Furly, 1646-1714: A Quaker Merchant and His Milieu*, Florence, Leo Olschki, 2007, p. 142; Justin Champion, *Republican Learning: John Toland and the Crisis of Christian Culture, 1696-1722*, Manchester, Manchester University Press, 2003, pp. 7–8, 33.

seventeenth century, Campanella's work seems to have been the inspiration for Fletcher's elaborate and extravagant pamphlet.⁷³⁴

But his standpoint, which lucidly considers the possibilities of the several pretenders to the throne of Castile, is also that of a Scot setting the issues of his country in a broader and contemporary European framework. Like the kingdom of Naples, Scotland faced the threat of losing its political independence in a world of gargantuan States and would-be universal monarchs. The real intent of the *Discorso*, perfectly understood by Walter Moyle in his ironic remark to Anthony Hammond reported above, was thus to warn its readers about the possibility of a Spanish *renovatio imperii* during the negotiations to divide the interminable territories controlled by Madrid. At the turn of the eighteenth century, Fletcher had recognised it was commerce that turned the balance of international order, and the reforms he proposed to revitalise the Spanish empire accordingly aimed at realising an "Imperio del mare", i. e. a worldwide monopoly of trade.⁷³⁵

Spanish sovereignty was thus at the centre of another international issue: as discussed in the first chapter, the Darien venture aimed at founding a colony on the Isthmus of Panama, constituting an independent Scottish attempt to take part in the race for overseas resources and encroaching on Madrid's sphere of influence in Americas.⁷³⁶ David Armitage has stressed how the very nature of the project shows the intent of departing from the aggressive logic of fenced commercial empires. Besides his personal involvement in the early steps of the venture, Fletcher's pamphlets indeed also contain many references to Darien.⁷³⁷ However, his support to the natural law arguments used by the Company of Scotland to defend its settlement at a later stage deserves further attention. The lawfulness of the Scottish colony was the main topic of the debates that raged both in Scotland and England at the turn of the century, when a wave of

⁷³⁴ John Robertson, 'Andrew Fletcher's Vision of Union', in *Scotland and England, 1286-1815*, ed. by Roger A. Mason, Edinburgh, John Donald Publishers LTD, 1987, pp. 203-25 (pp. 216-217); introduction to Andrew Fletcher, *Political Works*, Cambridge, Cambridge University Press, 1997, pp. xxii-xxiii; *The Case for the Enlightenment*, pp. 154-156, 163-164.

⁷³⁵ Andrew Fletcher, *Discorso Delle Cose Di Spagna Scritto Nel Mese Di Luglio 1698*, Napoli [i. e. Edinburgh], 1698, pp. 57-60.

⁷³⁶ John McKendrick, *Darien: A Journey in Search of Empire*, Edinburgh, Birlinn, 2016. See also chapter I above, pp. 44 and ff.

⁷³⁷ David Armitage, 'The Scottish Vision of Empire: Intellectual Origins of the Darien Venture', in *A Union for Empire: Political Thought and the British Union of 1707*, ed. by John Robertson, Cambridge, Cambridge University Press, 1995, pp. 97-118.

publications revolving around the matter also included some pieces attributed to Fletcher on different grounds.

Finally, Darien and the Spanish Succession crisis also again underscored the problem of the relationship between England and Scotland, and the limited extent of the latter's sovereignty. On the international stage, the Darien affair proved that Scotland could not become an autonomous actor without solving the ambiguities of the union of the crowns. The failure of the venture in 1700 and the constant English opposition to its success made it clear that the harsh logic of Reason of State would also apply inside the framework of the British islands. Fletcher's reaction to these events resulted in the publication of *A Speech upon the State of the Nation; in April 1701*, a contribution to the debates about English foreign policy in the light of Philip of Anjou's contested succession to the throne of Spain. Turning the reasoning of the *Discorso* upside-down, Fletcher now found motives to accuse William III of attempting to realise a universal monarchy, based on the monopoly of international trade.

In the following chapter, I will consider the two pamphlets whose meanings and contexts have often puzzled the editors of Fletcher's works, and furnish a detailed contextualisation of both.⁷³⁸ To do so, it will be necessary to define the two fairly alternative intellectual frameworks in which the codification of international relations evolved at the end of the seventeenth century, that is Reason of State and natural law theories. I will then explain how the *Discorso* fits in the former, as a masterful reprise of its most significant genealogies. After considering the reactions to Fletcher's pamphlet in the English context, the next section briefly shows how English authors recodified Reason of State's theory when applied to commerce. The Scottish case of the Darien venture constitutes the subject of the two next sections, where the natural law arguments justifying the newborn American colony are taken into account and the problem of Scottish sovereignty addressed. In the last part of the chapter, I will then consider Fletcher's *Speech* and its immediate English context, as a piece composed both against parliamentary factions and William III's foreign policy.

⁷³⁸ David Daiches for instance decided to remove both from one of the latest modern editions, see Andrew Fletcher, *Selected Political Writings and Speeches*, ed. by David Daiches, Edinburgh, Scottish Academic Press, 1979.

4.1 The theoretical bases of international political thought

By the end of the seventeenth century, two main languages were employed to discuss international relations between the various sovereign entities that formed the map of Europe. On the one hand, a purely political point of view rested on the concept of Reason of State. Every member of the European order struggled to preserve its territory, to survive and further its own interest. This kind of language, originated in Renaissance Italy and afterwards embedded in continental politics, progressively gave birth to the complementary notion of 'balance of power' between international actors. On the other hand, a more jurisprudential idiom also subsisted, considering the rights of the political communities that coexisted on the international chessboard. Based on the natural law and law of nations theories, this approach argued for the possibility of a legal regulation of international relations, through the common endorsement of shared bounds.⁷³⁹

In sixteenth century Italy, the medieval figure of a virtuous ruler whose behaviour observed the universal values of Christianity and Ciceronian humanism suffered a severe reformulation. From Charles VIII of France's descent on the peninsula (1494), half a century of ravaging wars brought about a condition of permanent instability and constant revolutions. In this turbulent context, political practice was separated from ethical teachings and rather aimed at effective outcomes dictated by necessity. As Francesco Guicciardini noted, statecraft followed a reason of its own that overcame moral considerations.⁷⁴⁰ To maintain their *stati* – that is their estates – and resist the unpredictable blows of a conflictual world, Italian princes needed to be prudent, use force if necessary, and learn how to behave from historical examples. Most famously, Niccolò

⁷³⁹ Edward Keene, *International Political Thought: A Historical Introduction*, Bodmin, Polity Press, 2005, pp. 99–100.

⁷⁴⁰ Francesco Guicciardini, *Dialogue on the Government of Florence*, ed. and trans. by Alison Brown, Cambridge, Cambridge University Press, 1994.

Machiavelli outlined the intrinsic laws of political action in *The Prince* (1513), following a conception of man as a self-interested creature, fundamentally at the mercy of *fortuna*.⁷⁴¹

For Guicciardini, however, princely rule was in itself a *governo violento*, that is an illegitimate form of government originated in violence.⁷⁴² It contradicted the real nature and purpose of politics, centred on the Aristotelian conception of participation in the republic. Similarly, Machiavelli preferred a republican State, able to foster and drive the virtue of its citizens.⁷⁴³ The dawn of modernity Italian authors were witnessing thus entailed a transition from the ambitions of ruling a commonwealth through the principles of justice and equality to a new science of statecraft whose aim was the maintenance of the State itself.⁷⁴⁴ This dramatic shift was completed by the ex-Jesuit Giovanni Botero, most distinctively in his *Della Ragion di Stato* (1589). Investigating the prince's estates and their inhabitants, this pragmatic guide issued to reconcile political action with catholic ethics in the age of the Counter-Reformation quickly obtained international success.

Under the glaze of a moralistic preamble, Botero's instructions to maintain – *conservare* – the State betray the objective of rationalising the art of government, following the criteria of the prince's *interesse*. This crypto-Machiavellian way of theorising politics constituted a further innovation insofar as it included an analysis of the economy, the social and political contexts, and the military resources of the prince's dominions. Notwithstanding its clear tension with such an intent, the religious justification given by the declared subordination of the State to the Church's goals released principalities from their original sin underlined by Guicciardini, making them lawful inhabitants of the Italian States-system. Religion also constituted an instrument to affect the people's conscience and ensure their obedience, necessary to preserve the

⁷⁴¹ Quentin Skinner, *The Foundations of Modern Political Thought: Volume 1, The Renaissance*, Cambridge, Cambridge University Press, 1978, pp. 113–138; Niccolò Machiavelli, *The Prince: Second Edition*, ed. and trans. by Harvey C. Mansfield, Chicago, University of Chicago Press, 1998.

⁷⁴² Guicciardini, *Dialogue*, p. 198.

⁷⁴³ On this matter, see Gennaro Sasso, *Niccolo Machiavelli*, 2 vols., Bologna, Il Mulino, 1993.

⁷⁴⁴ Felix Gilbert, *Machiavelli and Guicciardini: Politics and History in Sixteenth Century Florence*, Princeton, Princeton University Press, 1965; Maurizio Viroli, *From Politics to Reason of State: The Acquisition and Transformation of the Language of Politics 1250-1600*, Cambridge, Cambridge University Press, 2005.

existing order. A conservative prudence substituted the Machiavellian *virtù* directed towards glorious expansion, reformulating Aristotelian principles as a viable set of modern political rules for an absolute prince.⁷⁴⁵

In Botero's speculation, the *stato* is the prince's "firm rule over a people", so that its *ragione* is the understanding of the means to keep and consolidate such a rule over his subjects.⁷⁴⁶ Even in terms of language, this definition shows a strong closeness with Machiavelli's in the *Prince*, and as we will see Fletcher's *Discorso* is an inhabitant of this semantic universe.⁷⁴⁷ To both Machiavelli and Botero, the independence of a State was not defined by Jean Bodin's juridical theory of sovereignty contained in his *Les six livres de la République* (1576), but rather in terms of pure power in relation with its neighbours.⁷⁴⁸ In addition, the new economic and demographic criteria introduced by Botero to measure the muscles of modern absolute monarchies produced a decisive shift compared to the Florentine humanist: ignoring freedom and virtue, *grandezza* could now be achieved through commerce and industry instead.⁷⁴⁹

The diffusion across Europe of a "new humanism" based on Tacitus' scepticism undermined the prevalence of Cicero's moral virtues and proved pivotal through the works of Botero and the Brabançon humanist Justus Lipsius in particular.⁷⁵⁰ In the context of this tradition of thought, a full-fledged

⁷⁴⁵ Giovanni Botero, *The Reason of State*, ed. by Robert Bireley, Cambridge, Cambridge University Press, 2017; Gianfranco Borrelli, *Ragion di stato e Leviatano: conservazione e scambio alle origini della modernità politica*, Bologna, Il Mulino, 1993; Yves Charles Zarka, 'Raison d'État et figure du prince chez Botero', in *Raison et déraison d'État: Théoriciens et théories de la Raison d'État aux XVIe et XVIIe siècles*, ed. by Yves Charles Zarka, Paris, Presses Universitaires de France, 1994, pp. 101–120 and Cesare Vasoli, 'Machiavel inventeur de la Raison d'Etat?', in *ibidem*, pp. 43–66; Alberto Aubert, *L'Europa degli imperi e degli stati: monarchie universali, equilibrio di potenza e pacifismi dal XV al XVII secolo*, Bologna, Cacucci, 2008, pp. 131–133.

⁷⁴⁶ Botero, *The Reason of State*, p. 4.

⁷⁴⁷ See correspondent uses of concepts such as *prudenza* and *forza* in Machiavelli, *The Prince*, *passim*.

⁷⁴⁸ On Botero using Machiavelli's language against Bodin, see Romain Descendre, 'Giovanni Botero et la langue machiavélienne de la politique et de la guerre', in *Langues et écritures de la République et de la guerre: études sur Machiavel*, ed. by Alessandro Fontana et alii, Genoa, NAME, 2004, pp. 419–445.

⁷⁴⁹ Michel Senellart, *Machiavélisme et raison d'État: Xlle-XVIIIe siècle*, Paris, Presses universitaires de France, 1989, pp. 71–83; Romain Descendre, 'Raison d'État, puissance et économie. Le mercantilisme de Giovanni Botero', *Revue de Métaphysique et de Morale*, 39, n°3 (2003), pp. 311–321; Markku Peltonen, *Classical Humanism and Republicanism in English Political Thought, 1570–1640*, Cambridge, Cambridge University Press, 2004, pp. 193, 200–201.

⁷⁵⁰ See the classic study from Friedrich Meinecke, *Die Idee der Staatsräson in der neueren Geschichte*, Munich R. Oldenbourg, 1924. See also Peter Burke, 'Tacitism, Scepticism, and Reason of State', in *The Cambridge History of Political Thought, 1450–1700*, ed. by John H. Burns, Cambridge, Cambridge University Press, 1991, pp. 479–498; Richard Tuck, *Philosophy and*

reformulation of Botero's precepts was implanted in another Italian work, *De Monarchia Hispanica* by the Dominican friar Tommaso Campanella. This complex piece was written in Italian in 1598, when Spain was still a significant candidate to realise a universal monarchy, and then printed in diverse languages from 1620 onwards, with entire excerpts taken from Botero's *Ragione di Stato* variously grafted in the text of each edition.⁷⁵¹ Two editions were published in English by the middle of the seventeenth century, when international politics brought the contents of the tract to the forefront again.⁷⁵²

Besides the alterations of the original version, Campanella's *Monarchia* brings Botero's religious motives to their extreme consequences, in advocating the reunification of Christianity through the instrument of the Spanish empire. Prophetic utopianism and biblical parallels constantly call for a Catholic *translatio imperii* from ancient Rome to Philip II's extensive territories in the fight against the Turks to achieve God's design. In order to do so however, the king should also endorse a series of concrete reforms that confirm Campanella's closeness to Reason of State theory: taxation, economy, local administration and military institutions demanded precise interventions. The second part of the *Monarchia* then comments upon the various peoples and dominions of the world, from the Italian princes in Europe to the provinces in America, to be tamed and 'Hispanicised' following an insightful imperialist logic.⁷⁵³

Government, 1572-1651, Cambridge, Cambridge University Press, 1993; Charles-Edouard Levillain, 'Les simulacres de la liberté ? : Le rôle du Tacitisme dans les débats politiques de la fin du XVIIIe siècle (1696-1699)', *XVII-XVIII. Revue de la Société d'études Anglo-Américaines des XVIIe et XVIIIe Siècles*, 60, n°1 (2005), pp. 143-154; Jan Waszink, 'Your Tacitism or Mine? Modern and Early-Modern Conceptions of Tacitus and Tacitism', *History of European Ideas*, 36, n°4 (2010), pp. 375-385; Vera Keller, 'Mining Tacitus: Secrets of Empire, Nature and Art in the Reason of State', *The British Journal for the History of Science*, 45, Special Issue n°02 (2012), pp. 189-212.

⁷⁵¹ Rodolfo De Mattei, 'La *Monarchia di Spagna* di Campanella e la *Ragione di Stato* di Botero', *Rendiconti dell'accademia nazionale dei Lincei*, 3, n°6 (1927), pp. 432-485; *Id.*, 'Le edizioni della *Monarchia di Spagna* di Tommaso Campanella', *Giornale Critico Della Filosofia Italiana*, 11, n°6 (1930), pp. 468-473; Luigi Firpo, *Bibliografia degli scritti di Tommaso Campanella*, Tipografia V. Bona, 1940; Tommaso Campanella, *Monarchie d'Espagne et Monarchie de France*, with original texts ed. by Germana Ernst, Paris, Presses universitaires de France, 1997, pp. VII-XLVIII.

⁷⁵² Tommaso Campanella, *A Discourse Touching the Spanish Monarchy. Written by Tho. Campanella. Newly Translated into English, according to the Third Edition of This Book in Latine*, London, Philemon Stephens, 1653; Tommaso Campanella, Edmund Chilmead and William Prynne, *Thomas Campanella an Italian Friar and Second Machiavel. His Advice to the King of Spain for Attaining the Universal Monarchy of the World*, London, Philemon Stephens, 1660.

⁷⁵³ Gisela Bock, *Thomas Campanella: Politisches Interesse und philosophische Spekulation*, Tübingen, M. Niemeyer, 1974; Germana Ernst, 'La mauvaise raison d'Etat: Campanella contre Machiavel et les politiques', in *Raison et déraison d'Etat*, pp. 121-149; Pasquale Tuscano, 'Tra

From inside its territories, Campanella's vision furnished the Spanish empire with its most powerful ideological voice, through a reformulation of the geography of the world.⁷⁵⁴ It thus also furnished Fletcher, who owned a 1640 Elsevier copy printed in Latin, with the spark to breathe new life in the sixteenth century discourse on universal monarchy.⁷⁵⁵ Since the discovery of the West Indies, an impressive quantity of theoretical tools was combined as propaganda to justify European expansionism overseas. Charles V's efforts revived the possibility of a *dominus totius orbis*, and the Spanish empire continued after his abdication in 1556 to link its identity to the mission of realising a *monarchia universalis* on earth, able to reunite humanity in one political community and faith.⁷⁵⁶ However, in the fragmented Europe arising from the Reformation, Botero's teachings could also serve opposite aims.

His *Relazioni universali* (1591-1596) constituted a wide-read textbook on the continent's geopolitics, extending the devices theorised in the *Ragion di Stato* to analyse every single actor of the Western world.⁷⁵⁷ A roughly completed State-building process had seen the emergence of a plural and relativistic international theatre, and Botero now calculated the economic and military might of France, German princes or Spain among others to ensure a complicated equilibrium in the Pope's stead.⁷⁵⁸ It had been Guicciardini to first conceive the doctrine of balance of power, in the context of the atomised States-system of the Peninsula where Lorenzo de' Medici tipped the scales. After the watershed of the Italian

utopia e realismo: Il trattato Della Monarchia di Spagna di Tommaso Campanella', *Cuadernos de Filología Italiana*, 2000, pp. 357–374.

⁷⁵⁴ Anthony Pagden, 'Heeding Heraclites: empire and its discontents, 1619-1812', in *Spain, Europe, and the Atlantic World: Essays in Honour of John H. Elliott*, ed. by John H. Elliott, Richard L. Kagan, and Geoffrey Parker, Cambridge, Cambridge University Press, 1995, pp. 316–333; *Id.*, *Spanish Imperialism and the Political Imagination: Studies in European and Spanish-American Social and Political Theory 1513-1830*, New Haven, Yale University Press, 1998, pp. 37-65; Jean-Louis Fournel, *La cité du soleil et les territoires des hommes. Le savoir du monde chez Campanella*, Paris, Albin Michel, 2012.

⁷⁵⁵ NLS MS 17863, fol. 118.

⁷⁵⁶ John H. Elliott, *Imperial Spain, 1469-1716*, Harmondsworth, Penguin Books, 1970; Frances A. Yates, *Astraea: The Imperial Theme in the Sixteenth Century*, London, Routledge, 1975; Franz Bosbach, *Monarchia universalis: storia di un concetto cardine della politica europea (secoli XVI-XVIII)*, Milan, Vita e Pensiero, 1998; Anthony Pagden, *Lords of All the World: Ideologies of Empire in Spain, Britain and France C. 1500-C. 1800*, New Haven, Yale University Press, 1995.

⁷⁵⁷ Romain Descendre, *L'état du monde: Giovanni Botero entre raison d'état et géopolitique*, Geneva, Librairie Droz, 2009.

⁷⁵⁸ Giovanni Botero, *Le relazioni universali di Giovanni Botero Benese, divise in quattro libri*, Venice, 1596; Romain Descendre, 'Géopolitique et théologie. Suprématie pontificale et équilibre des puissances chez Botero', *Il Pensiero Politico*, 33, n°1 (2000), pp. 3–37.

wars, its logic was incorporated to the broader level of European affairs.⁷⁵⁹ As a consequence, the necessity of a new international order brought about the necessity of redefining the practices and concepts of universal monarchy and balance of power.⁷⁶⁰

Whereas in France, for instance, Cardinal Richelieu tried to compete with Spain to represent the true interests of the Catholic front and justify hegemonic policies on the continent, the Huguenot soldier Henri de Rohan reconciled the logic of international *aequilibrium* with the interests of the European princes. His *De l'intérêt des princes & Estats de la Chrestienté* (1638) stressed the necessity of conservation rather than the possibility of universal supremacy contained in Botero's ideas, and redefined religion as a mere propaganda argument.⁷⁶¹ In England, where unsurprisingly Rohan's works enjoyed a wide reception, the philosopher Francis Bacon expressed similar beliefs, excluding the medieval idea of a superior authority able to mediate between continental potentates. Stability had now to be pursued with adaptable alliances to contrast the most belligerent and powerful member of the international order, be it France or Spain, and secure Protestant interest.⁷⁶² After the peace of Westphalia (1648), European interstate relations became increasingly complicated to define.⁷⁶³

Like Fletcher later underlined in his militia pamphlet, as an island England had no possible gain from territorial expansion or continental

⁷⁵⁹ Francesco Guicciardini, *Storia d'Italia*, ed. by Silvana Seidel Menchi, Turin, Einaudi, 1971; Riccardo Fubini, *Italia quattrocentesca: politica e diplomazia nell'età di Lorenzo il Magnifico*, Milan, FrancoAngeli, 1994; Federico Chabod, *Idea di Europa e politica dell'equilibrio*, Bologna, Il Mulino, 1995; Isabella Lazzarini, *Communication and Conflict: Italian Diplomacy in the Early Renaissance, 1350-1520*, Oxford, Oxford University Press, 2015.

⁷⁶⁰ Martin van Gelderen, 'Universal Monarchy, the Rights of War and Peace and the Balance of Power: Europe's Quest for Civil Order', in *Reflections on Europe: Defining a Political Order in Time and Space*, ed. by Hans-Åke Persson and Bo Strath, Brussels, Peter Lang, 2007, pp. 49-72.

⁷⁶¹ Etienne Thuau, *Raison d'Etat et pensée politique à l'époque de Richelieu*, Paris, Albin Michel, 2000; Henri Rohan, *De l'intérêt des princes et des États de la chrétienté*, ed. by Christian Lazzeri, Paris, Presses Universitaires de France, 1995. See also Henri de Rohan, *Le Mercure d'Etat, ou recueil de divers Discours d'Estats*, 1635.

⁷⁶² Francis Bacon, *Considerations Touching a War with Spain*, 1629; J. A. W. Gunn, "'Interest Will Not Lie": A Seventeenth-Century Political Maxim', *Journal of the History of Ideas*, 29, n°4 (1968), pp. 551-564; Tuck, *Philosophy and Government*, pp. 104-119; Noel Malcolm, *Reason of State, Propaganda, and the Thirty Years' War: An Unknown Translation by Thomas Hobbes*, Oxford, Clarendon Press, 2007, pp. 92-109; David Onnekink, *War and Religion after Westphalia, 1648-1713*, Burlington, Ashgate Publishing, Ltd., 2013.

⁷⁶³ Peter Schröder, 'The Concepts of Universal Monarchy and Balance of Power in the First Half of the Seventeenth Century — A Case Study', in *International Law and Empire: Historical Explorations*, ed. by Martti Koskenniemi, Walter Rech, and Manuel Jiménez Fonseca, Oxford, Oxford University Press, 2017, pp. 83-101.

hegemony. Rather, it was its natural concern to preserve “the Balance of Europe” and prosper through commerce.⁷⁶⁴ In rivalling the United Provinces for trade routes, the English discourse on and against universal monarchy thus gradually lost its religious dimension to first focus on ideological motives during the Restoration and then on pure political considerations.⁷⁶⁵ Although the Nine Years’ war (1689-1697) against Louis XIV’s revived the Protestant rhetoric against a Popish ruler, the concrete issue at stake was to downsize his ambitions: when considered against the international background of the time, the ascension of William III to the English throne proved crucial to balance France’s power and safeguard Europe’s liberty.⁷⁶⁶

When further stating that “the Sea is the only Empire which can naturally belong to us”,⁷⁶⁷ Fletcher was also describing the result of an evolution that shaped the very concept of empire. Although they started with conquest, English overseas ventures were aimed at increasing trade rather than emulating the glory of Rome. In this sense, Botero’s writings had a significant role in shaping the discourse and policies of imperial England in seventeenth century, especially because of the convenience of colonies expressed by the Italian author, as echoed by the works of Sir Walter Raleigh.⁷⁶⁸ When compared with its Spanish counterpart based on conquest and Catholic mission, the English empire was maritime and commercial, and thus intended to be free from the tyrannical

⁷⁶⁴ Andrew Fletcher, *A Discourse Concerning Militia’s and Standing Armies with Relation to the Past and Present Governments of Europe and of England in Particular*, London, 1697, p. 62.

⁷⁶⁵ See Steven Pincus, ‘Popery, Trade and Universal Monarchy: The Ideological Context of the Outbreak of the Second Anglo-Dutch War’, *The English Historical Review*, 107, n°422 (1992), pp. 1–29, ‘The English Debate over Universal Monarchy’, in *A Union for Empire: Political Thought and the British Union of 1707*, ed. by John Robertson, Cambridge, Cambridge University Press, 1995, pp. 37–62 and *Protestantism and Patriotism: Ideologies and the Making of English Foreign Policy, 1650-1668*, Cambridge, Cambridge University Press, 2002.

⁷⁶⁶ Tony Claydon, ‘Protestantism, Universal Monarchy and Christendom in William’s War Propaganda, 1689-1697’, in *Redefining William III: The Impact of the King-Stadholder in International Context*, ed. by Esther Mijers and David Onnekink, Burlington, Ashgate Publishing Ltd., 2007, pp. 125–142; *Id.*, *Europe and the Making of England, 1660-1760*, Cambridge, Cambridge University Press, 2007; Andrew C. Thompson, *Britain, Hanover and the Protestant Interest, 1688-1756*, Woodbridge, Boydell Press, 2006; David Onnekink and Gijs Rommelse, *Ideology and Foreign Policy in Early Modern Europe (1650–1750)*, Burlington, Ashgate Publishing Ltd., 2013.

⁷⁶⁷ Fletcher, *A Discourse Concerning Militia’s*, p. 63.

⁷⁶⁸ Botero, *Reason of State*, Book VIII and Sir Walter Raleigh, *Observations, Touching Trade & Commerce with the Hollander, and Other Nations*, London, 1653. See also Andrew Fitzmaurice, ‘The Commercial Ideology of Colonization in Jacobean England: Robert Johnson, Giovanni Botero, and the Pursuit of Greatness’, *The William and Mary Quarterly*, 64, n°4 (2007), pp. 791–820 and *id.*, ‘Neither Neo-Roman nor Liberal Empire’, *Renaissance Studies*, 26, n°4 (2012), pp. 479–490.

degenerations that invested the Roman republic.⁷⁶⁹ Just like the United Provinces had shown, an overseas dominion was compatible with internal freedom and could provide the necessary wealth in the struggle for existence.⁷⁷⁰

In a process completed by the Dutch humanist and jurist Hugo Grotius, the principle of self-preservation of Sceptic and Ciceronian descent that dominated international politics was embedded in natural jurisprudence, supporting, despite many qualifications, behaviour to grasp overseas territories. In the name of their natural right to communication and commerce, States could legally claim their share of the world's wealth.⁷⁷¹ The trouble with this argument becomes dramatically clear when Fletcher referred to an empire both English and Scottish; in fact, since the Navigation Acts (1654) his fellow countrymen had been excluded from any trade with the American colonies. The striking contradiction was that despite using the most authoritative legal foundations to justify their presence in the New World, from the law of nations to Roman law, the English simply ignored their northern neighbours since the union of the crowns in 1603.⁷⁷²

After the Glorious Revolution had recovered part of Holyrood's autonomy from London, the Darien venture was Scotland's project of a national enterprise to overcome this contradiction. When it came to defend its aims, it was precisely to Grotius' arguments that Scottish pamphleteers appealed.⁷⁷³ On the one hand, Fletcher apparently believed in the validity of such arguments, approving of their use until the venture definitively collapsed by July 1700. On the other hand, to

⁷⁶⁹ David Armitage, *The Ideological Origins of the British Empire*, Cambridge, Cambridge University Press, 2000.

⁷⁷⁰ David Ormrod, *The Rise of Commercial Empires: England and the Netherlands in the Age of Mercantilism, 1650-1770*, Cambridge, Cambridge University Press, 2003; Geoffrey Clark, 'Commerce, Culture, and the Rise of English Power', *The Historical Journal*, 49, n°4 (2006), pp. 1239–1251; Jeremy Black, *Trade, Empire and British Foreign Policy, 1689-1815: The Politics of a Commercial State*, New York, Routledge, 2007.

⁷⁷¹ Richard Tuck, *The Rights of War and Peace: Political Thought and the International Order from Grotius to Kant*, Oxford, Oxford University Press, 1999, pp. 78–108; Benjamin Straumann, *Roman Law in the State of Nature: The Classical Foundations of Hugo Grotius' Natural Law*, Cambridge, Cambridge University Press, 2015, pp. 37–102; Jan Waszink, 'Lipsius and Grotius: Tacitism', *History of European Ideas*, 39, n°2 (2013), pp. 151–168.

⁷⁷² John Robertson, 'An Elusive Sovereignty: The Course of the Union Debate in Scotland 1698-1707', in *A Union for Empire*, pp. 198–227; Ken MacMillan, *Sovereignty and Possession in the English New World: The Legal Foundations of Empire, 1576-1640*, Cambridge, Cambridge University Press, 2006.

⁷⁷³ C. P. Finlayson, 'Edinburgh University and the Darien Scheme', *Scottish Historical Review*, 34 (1955), pp. 97–103; T. Hochstrasser and P. Schröder, *Early Modern Natural Law Theories: Context and Strategies in the Early Enlightenment*, Dodrecht, Springer Science & Business Media, 2013.

comment on the destiny of the Spanish empire in the summer of 1698, he chose to employ the idiom of its Italian theorists, the original ruthless language of international relations that appeared much better to define the reality Fletcher was observing. This choice is all the more interesting insofar as it apparently represents the antithesis of his political beliefs and economic hindsights.

4.2 Updating a European canon: the *Discorso Delle Cose di Spagna*

Written in July 1698 in Italian, Fletcher's *Discorso* was almost certainly printed in Edinburgh, although London cannot be excluded altogether as place of publication. Probably to hint its ironic intent, the watermark on the paper of the first edition represents a jester's bauble, the fake sceptre used by fools to mock power and kings.⁷⁷⁴ Another compatible reading would evoke Harlequin, a *maschera* of the *Commedia dell'arte* known for playing a duplicitous servant thwarting his master's plans, who enjoyed wide popularity in England during the seventeenth century. In a second edition, possibly dated 1704, Fletcher felt the need to be less cryptic about his purposes and inserted an additional opening 'AUVISO' to warn his readers. The advice states that showing the causes of Spanish decline and the decisive reforms to make the Iberian empire master of the world was meant to alert European princes and prevent such a possibility, rather than helping realising it.⁷⁷⁵

The occasion for such a piece was the imminent passing of Charles II of Spain without direct heirs. With the end of the Spanish Habsburgs, several pretenders could hope to inherit the throne of Madrid, according to entangled and complex dynastic rights. The two most qualified claims were those of the other branch of the Habsburgs, whose head was the Holy Roman Emperor Leopold I, and the French Bourbons, under the guidance of Louis XIV. Whilst

⁷⁷⁴ The 'foolscap' watermark was widely used in the 1650s, especially in London. See W. A. Churchill, *Watermarks in Paper, in Holland, England, France, Etc., in the Seventeenth and Eighteenth Centuries and Their Interconnection*, Amsterdam, Hertzberger, 1935.

⁷⁷⁵ Scott Macfie, *A Bibliography*, p. 13; Fletcher, *Discorso*, p. 1.

both reclaimed the totality of Spanish territories for their grandsons, it was clear to the maritime powers, the United Provinces and England, that none of the two solutions could guarantee a stable balance of power on the continent. Hence, to avoid another devastating war, since 1697 William III started negotiations with Louis XIV to split the extensive dominions controlled by Madrid among the claimants.⁷⁷⁶

Fletcher's editorial fiction was all the more effective if considered in the contemporary Neapolitan intellectual context, where the issue of succession, directly affecting the viceroyalty, was abundantly discussed. For instance, the jurist Francesco D'Andrea had revived the idioms of universal monarchy, sceptic Reason of State and Machiavellian political interest in his works commenting on European affairs.⁷⁷⁷ From 1698, D'Andrea took part in a newborn Accademia whose purpose was giving a public vest to the debates of local intellectuals under the patronage of the viceroy Luis de la Cerda, duke of Medinaceli. Each of its members prepared and delivered *lezioni* on different topics in his presence, always revolving around the figure of the ruler to advise and mainly touching on historical and political subjects, directly related to current events. This gave rise to several lessons on the origins, mutations and decline of empires, with the example of Roman emperors and the necessity of *conservare* the integrity of the Spanish territories at the centre of the picture.⁷⁷⁸

Overall, the *lezioni* of the Accademia di Medinacoeli reveal an inherent tension between ethics and politics, as opposite conceptions of human nature emphasised different priorities. The jurist Niccolò Capasso, for example, maintained a Hobbesian position in advocating the superiority of Reason of State over natural law and setting no limit to the prince's actions. Valletta, whose private library often dictated the topics discussed in the Accademia, preferred a

⁷⁷⁶ Robertson, *The Case for the Enlightenment*, pp. 148-149.

⁷⁷⁷ Salvo Mastellone, *Francesco d'Andrea politico e giurista 1648-1698. L'ascesa del ceto civile*, Florence, Leo S. Olschki, 1969; Robertson, *The Case for the Enlightenment*, pp. 152-158.

⁷⁷⁸ Maria Conforti, 'Potere e passioni: Gli imperatori romani in un'accademia del tardo Seicento', in *Il mondo delle passioni nell'immaginario utopico: Giornate di studio sull'utopia: Atti del convegno di Macerata, 26-27 maggio 1995*, ed. by Bruna Consarelli and Nicola Di Penta, Torino, Giuffrè, 1997, pp. 13-26; Maria Conforti, 'Un'istituzione culturale della modernità a Napoli: L'accademia del Duca di Medinaceli. Storia, scienza, letteratura e arti', unpublished Ph.D thesis, Università di Siena, 2001; Thomas Dandele, 'Imperial Anxiety, the Roman Mirror, and the Neapolitan Academy of the Duke of Medinaceli, 1696-1701', in *Representing Imperial Rivalry in the Early Modern Mediterranean*, ed. by Barbara Fuchs and Emily Weissbourd, Toronto, University of Toronto Press, 2015, pp. 145-162.

distinctively Machiavellian language to express a similar opinion, although trying to find a compromise with a set of basic natural rights. In this sense, Paolo Mattia Doria's intervention also stresses the necessity of following Machiavelli's precepts, but points at the education of the prince to define his behaviour.⁷⁷⁹ In the light of the ongoing debates in the Accademia and Fletcher's curious inclusion of Medinaceli himself as a possible claimant to the Spanish throne,⁷⁸⁰ the possibility that the *Discorso* has been composed as a hypothetical intervention in Naples' *accademia* appears to be plausible, to say the least.

The Italian piece must thus be considered, on the one hand, as a comment on the contemporary international situation and its dangers. The Spanish Succession threatened to reshape the political map of Europe and demolish the delicate balance of power, the basis of the post-Ryswick order. On the other hand, the peculiar work is an outstanding *exercice de style*, which blends together different elements and authors of late Renaissance and Counter-Reformation Italian political discourse, possibly looking at the discussions in Naples. Whereas its structure is distinctively Machiavellian, at a first glimpse Fletcher's style betrays the republican teachings of his Florentine mentor to focus on the practical guidance of *The Prince*. In the Spanish context, the persistent decline required the quick intervention of an outsider *principe nuovo*, now made possible by the *occasione* of Charles II's death. Dealing with an imperial monarchy made Fletcher play the part of the king's counsellor.

Although the process of restoring a corrupt State through a *riduzione ai principii* is a fundamental feature of the republican *Discorsi sopra la Prima Deca di Tito Livio*, what Fletcher proposes is not to revitalise original Spanish *virtù*, but rather to transform it. In this sense, the figure of the prince as an innovator is pivotal to contextualise the *Discorso*. To define the task of the successor of Charles II, Fletcher misquotes Machiavelli underlining the difficulties of acting on

⁷⁷⁹ For a modern edition of the *lezioni*, see Michele Rak, ed., *Lezioni dell'Accademia di Palazzo del duca di Medinaceli (Napoli 1698-1701)*, 5 vols., Istituto italiano per gli studi filosofici, 2000. See also Franco Ratto, 'Su Alcuni Temi Discussi all'Accademia Di Medinaceli', *Rivista Di Studi Italiani*, XX, n°1 (2002), pp. 1-25; Vittorio Conti, 'Paolo Mattia Doria e l'Accademia di Medinaceli', *Il Pensiero Politico*, 1975, pp. 203-218; *Id.*, *Paolo Mattia Doria: dalla repubblica dei togati alla repubblica dei notabili*, Firenze, Leo S. Olschki, 1978; Enrico Nuzzo, *Verso la 'Vita civile': antropologia e politica nelle Lezioni accademiche di Gregorio Caloprese e Paolo Mattia Doria*, Milano, Guida Editori, 1984; Comparato, *Giuseppe Valletta*, pp. 248-256.

⁷⁸⁰ Fletcher, *Discorso*, p. 49.

the “*materia tanto corrotta*” of an existing State compared to the foundational and easier action of shaping a primordial “*materia molto disposta*”.⁷⁸¹ In this last case, the Florentine secretary had referred to virtuous legislators like Moses, Cyrus or Romulus, who had given a first shape to new principalities according to their wishes.⁷⁸² The Spanish empire, on the other hand, was rather requiring the complicated undertaking of removing the ancient *ordini* on which it had been founded to introduce new ones.

What interests Fletcher is indeed the course of action to “*porre li fondamenti d’una possanza formidabile*” in line with the seventeenth century commercial world, but as in his other pamphlets, it is first necessary to investigate the historical “*cause della decadenza*” of Spain.⁷⁸³ And he does so adapting Machiavelli’s concepts of *virtù* and *fortuna* to the behaviour of the kings who succeeded on the throne of Castile. Both in the treaty *de principatibus* and in Fletcher’s view, initially Ferdinand II of Aragon (1452-1516) had laid the foundations of the “*grandezza di Spagna*”, forging the powerful infantry in the wars of Granada and Italy.⁷⁸⁴ However, whilst his conduct is an example of virtue, Fletcher fundamentally sees the greatness of Spain as an “*opra della fortuna*”: first the “*accidente*” of the discovery of the West Indies and then the election of Charles V as Emperor (1519-1556), both made “*senza fatica o travaglio nissuno*” the Spaniards soar to the role of principal European power.⁷⁸⁵

Using the well-known metaphor of a tree without solid roots for having grown too fast,⁷⁸⁶ Fletcher goes on to consider the *occasioni* failed by Charles V and his son Philip II (1556-1598) to “*insignorirsi del mondo*”; the former lacked

⁷⁸¹ Fletcher, *Discorso*, p. 9. In the footnotes, I will be using Robertson’s English edition and translation, which renders the quoted parts with “*matter so corrupted*” and “*material at their disposal*” as in Fletcher, *Political Works*, p. 88.

⁷⁸² See Niccolò Machiavelli, *Il Principe*, ed. by Mario Martelli and Nicoletta Marcelli, Edizione Nazionale delle Opere, Roma, Salerno Editrice, 2006, VI, *De’ principati nuovi che s’acquistano con l’arme proprie e virtuosamente*, esp. pp. 113–123.

⁷⁸³ Fletcher, *Discorso*, p. 9: “*to lay the foundations of a formidable power*” Fletcher wants first to “*demonstrate the causes of the decline*”, Robertson, p. 89.

⁷⁸⁴ Fletcher, *Discorso*, pp. 10-11 closely following Machiavelli, *Il Principe*, XXI, *Quello che s’appartenga fare a uno principe per essere stimato e reputato*, esp. pp. 280-283.

⁷⁸⁵ *Ibidem*, pp. 11-12: Spanish power was “*a work of fortune*” consisting of the “*accidental*” discovery of Americas and the election of the Habsburg emperor “*without effort or endeavour*”, Robertson, p. 89.

⁷⁸⁶ *Ibidem*, p. 10 is a paraphrase of Machiavelli’s treatment of States acquired through fortune, as in *Il Principe*, VII, *De’ principati nuovi che s’acquistano con le arme e fortuna di altri*, esp. pp. 123-128.

a precise project and the latter could not “mettere ordine a cosa che fusse”.⁷⁸⁷ As noted by Robertson, from a strictly political point of view the reasons outlined in the *Discorso* rhyme again with Machiavelli’s precepts: in governing his distant provinces, Philip did not maintain the *antichi costumi* and privileges of the conquered peoples, nor did he send *colonie* to ensure them, but he rather chose to enforce “ordini nuovi e un governo assoluto”⁷⁸⁸ with his troops everywhere.⁷⁸⁹ Although Machiavelli contemplates this last option, he discards the maintenance of faraway armies as too expensive for the treasury, to the point of eventually turning a territorial acquisition into a loss for the prince.⁷⁹⁰

Writing some two centuries after his source of inspiration, to Fletcher the economic aspects of the administration of an empire played a central role for its success. In order to analyse them, he therefore turns to the arguments of Giovanni Botero, whose works represent, as we have seen, an ideal evolution of Machiavellian princely doctrines. While both Italian authors lay emphasis on the necessity of *mantenere lo stato* to lay the foundations of future glory, Botero incorporated economy into Machiavelli’s recommendations as a determinant factor of power.⁷⁹¹ In the light of this theoretical leap, Fletcher blames Philip II for not introducing amongst the Spanish people “industria nissuna, né nell’agricoltura, né nelle manifatture, nel comercio, o navigazione”⁷⁹². Instead, the Spaniards lived only on the “miniere dell’India”, with silver and gold ultimately enriching the English, the French and the Dutch from whom they bought manufactured products.⁷⁹³

Similar considerations can be found in *Della Ragion di Stato*, where Botero dedicates a whole section to industry, judging it more profitable than all the mines in South America. In addition, he individuates the shortcomings of

⁷⁸⁷ *Ibidem*, p. 12, none of the two kings could “make himself master of the world” and the second could not “impose order on affairs already completely disordered”, Robertson, p. 90.

⁷⁸⁸ *Ibidem*, p. 14, “new constitutions and an absolute government”, Robertson, p. 91.

⁷⁸⁹ See Robertson, pp. 91-92, fn 9: Fletcher lists all of the successful options contained the chapters III, *De’ principati misti* and V, *In che modo si debbino governare le città e’ principati li quali, innanzi fussino occupati, si vivevano con le loro legge* of *Il Principe*, pp. 69-99 and 107-110.

⁷⁹⁰ Machiavelli, *Il Principe*, III, pp. 79-81.

⁷⁹¹ Descendre, ‘Raison d’État, puissance et économie’, p. 320.

⁷⁹² Fletcher, *Discorso*, p. 12, the Spaniards were not used to “any sort of industry, whether in agriculture, in manufactures, in commerce or in navigation”, Robertson, p. 90.

⁷⁹³ *Ibidem*, pp. 12-13, where Fletcher refers to the “mines of the Indies”, Robertson, p. 90.

Spain exactly in the lack of agriculture and manufactures.⁷⁹⁴ As a publicist of the Spanish monarchy, Botero shaped his observations to create a set of literary *topoi* that Fletcher demonstrated to know and use intelligently. Closely connected to industry was population, which Botero eventually considers the *vera forza* at the basis of every State. If Spain was now considered barren, it was for lack of *gente* due to various events, from the expulsion of the Moors and the Jews to the endless wars fought by Spanish soldiers all around the world.⁷⁹⁵ Fletcher points at the same causes, adding the extermination of some twenty million of Indios and the consequent necessity of repopulating the New World by draining the Iberian Peninsula of its inhabitants.⁷⁹⁶

To Fletcher, the perfect case study for the disastrous conduct of the Spanish affairs, which made the whole country “esausta d’huomini e danari”, is represented by the “guerra de paesi Bassi”.⁷⁹⁷ The Eighty Year’s war (1568-1648) between Spain and its Dutch provinces constituted a widely discussed topic in seventeenth century Europe, and many Italian observers composed bestseller chronicles of its dramatic course. To pick his sources, Fletcher could choose among a huge range of works in his library, again from the renowned accounts of Italian authors such as Famiano Strada or Guido Bentivoglio, or from less known works by Pompeo Giustiniani and Francesco Lanario.⁷⁹⁸ Like these authors, he identified in the abolition of ancient privileges and the attempt to introduce “il governo assoluto e l’inquisitione” as a fatal occurrence, exacerbated by the legendary cruelty of the Duke of Alva, commander of the Spanish troops.⁷⁹⁹

⁷⁹⁴ Giovanni Botero, *La ragion di Stato*, ed. by Chiara Continisio, Rome, Donzelli Editore, 2009, Book VII and VIII, esp. pp. 121–122, 125–127.

⁷⁹⁵ Botero, *La ragion di Stato*, pp. 121. Machiavelli’s considerations on population as necessary for a *grande imperio* can also be found in the *Discorsi*, II, 3 but follow the Roman empire’s military example rather than economic considerations.

⁷⁹⁶ Fletcher, *Discorso*, pp. 13-14.

⁷⁹⁷ *Ibidem*, pp.14-15, Spain was “exhausted of men and money” and the main example is the “wars of the Low Countries”, Robertson, pp. 91-92.

⁷⁹⁸ In NLS MS 17863, see fols. 24-25: Famiano Strada, *De Bello Belgico*, Rome, 1635-48; Guido Bentivoglio, *Della Guerra di Fiandra*, Amsterdam, 1635-40; Pompeo Giustiniani, *Guerre di Fiandra libri VI*, Antwerp, 1609; Francesco Lanario, *Las Guerras de Flandes*, Madrid, 1623.

⁷⁹⁹ Fletcher, *Discorso*, p. 15, “absolute government and the Inquisition” could not succeed in the Netherlands, Robertson, p. 92. See Salvo Mastellone, ‘Holland as a Political Model in Italy in the Seventeenth Century’, *Bijdragen En Mededelingen Btreffende de Geschiednies Der Nederlanden*, 1983, n°98, pp. 568–582; Alberto Clerici, ‘Ragion di Stato e politica internazionale. Guido Bentivoglio a altri interpreti italiani della Tregua dei Dodici Anni (1609)’, *Dimensioni e problemi*

The main difference lies in that whereas Jesuit diplomats or academics such as Bentivoglio and Strada rejected the sceptic attitude of Tacitism and ultimately held the Dutch heretics responsible for the war, Fletcher perceives religious crusades as a limitation to the *interesse* of the Spanish empire and a mistake in itself. Disagreeing with both Botero and Campanella, who insisted on a reunification of Christianity and thus on continuing the war against heresy in the Low Countries, Fletcher finds himself rather closer to the next generation of Italian authors who diluted the impact of Reason of State theory precisely in the wake of the events in the Netherlands, such as Virgilio Malvezzi or Ottavo Sammarco. Negotiations, a certain degree of constitutionalism and a check on aggressive expansionism ultimately were seen as more profitable to the preservation and the interests of the State.⁸⁰⁰ This attitude reveals the Scot's political stance and another side of his sources.

In this vein, Fletcher also refers to another celebrated Italian work: the ironic *Ragguagli del Parnaso* (1612-13) from the republican satirist Traiano Boccalini. His “felice ingegno, non senza grande sagacità”⁸⁰¹ had imagined a perpetual gathering of the most eminent members of the *république des lettres* on the Mount Parnassus, to discuss the latest events of the European theatre in a Tacitean vein, in order to mock princely rule. In one of the allegoric accounts of the deliberations, the States are weighted on the mythical scale of Lorenzo de' Medici to measure the power of each and find the heir of Rome, able to outweigh all of the others. While Spain for itself seems to match France, with much surprise of the onlookers the addition of some Flemish and Italian dominions makes the scale rise and the Iberian empire lighter than its northern

della ricerca storica, 2009, n° 2, pp. 187–223; Guido Bentivoglio, *Relazione delle Provincie Unite*, ed. by Salvo Mastellone and E. O. G. Haitsma Mulier, Florence, Centro Editoriale Toscano, 1984.

⁸⁰⁰ Tuck, *Philosophy and Government*, pp. 73-76, 131-136; Paul Seaward, 'Clarendon, Tacitism, and the Civil Wars of Europe', *Huntington Library Quarterly*, 68, n° 1-2 (2005), pp. 289-311; Silvia Bulletta, 'La riflessione sulla storia nei "Discorsi sopra Cornelio Tacito" di Virgilio Malvezzi', *Aevum*, 67, n° 3 (1993), pp. 617–636 and 'Etica, retorica e "dramma" politico nelle Storie Romane di Virgilio Malvezzi', *Studi Secenteschi*, n°36 (1995), pp. 3–67. Fletcher had copies of the works of both, as in NLS MS 17863, fols. 118, 121: see Virgilio Malvezzi, *Discorsi sopra Cornelio Tacito*, Venice, 1635 and its English translation, together with Ottavio Sammarco, *Delle mutationi de' Regni*, Naples, 1628.

⁸⁰¹ Fletcher, *Discorso*, p. 18, Boccalini is described as a “happy and quick-witted observer”, Robertson, p. 93.

neighbour.⁸⁰² To Fletcher, “nell’età nostra”⁸⁰³ it was even clearer that the southern-Netherlands hindered Madrid on the path to continental hegemony.

The allusion to Boccalini’s *Ragguagli* is telling both because of his ironical glance on international politics and of his support to republican Venice in practicing a balance of power policy against pointless Spanish expansionism.⁸⁰⁴ Building on Boccalini’s intuition, Fletcher does not look at territorial extension as a sign of supremacy, but is rather attentive to the dominions’ actual utility. The insurmountable problem with the Flemish provinces was that they remained “tanto discosta”⁸⁰⁵ from Madrid, making them impossible to control without the Machiavellian remedies outlined above. Accordingly, the geographical criterion followed throughout the *Discorso* is that of creating a cohesive and united State made of contiguous territories easy to defend. It is in the light of this logic that Fletcher describes at length the intricate “cambij” that each of the candidates to the Spanish throne should pursue to reach this aim.⁸⁰⁶

In considering seven different European personalities from the King of Portugal to the Duke of Savoy Fletcher stretches to its extreme consequence Botero’s priority on securing the State, by suggesting giving away the Southern Netherlands in any case.⁸⁰⁷ The avowed logic is that of realising a universal monarchy, but again the use of his sources reveals Fletcher’s true preoccupations. The review of the different concerns of the princes involved shows a deep knowledge of contemporary international politics. One of the main sources was Samuel von Pufendorf’s *Introduction to the History of the Principal Kingdoms and States of Europe* (1682). The German natural jurist’s practical guide to the modern history of European States became a bestseller precisely because of its consideration of their concrete interests and necessities of self-

⁸⁰² See Fletcher’s edition of the work Traiano Boccalini, *Pietra del paragone politico tratta dal Monte Parnaso*, Amsterdam, Elsevier, 1615, *Tutti li Principi, le Repubbliche e li stati sono giustamente con la stadiera da Lorenzo Medici pesati*, in NLS MS 17863, fol. 122.

⁸⁰³ Fletcher, *Discorso*, p. 18, “in our age”, Robertson, p. 93.

⁸⁰⁴ Tuck, *Philosophy and Government*, pp. 101-103; Antonella Ciccarelli, “Traiano Boccalini: la ragion di stato tra satira e sinceritas. Quale accettabilità per Machiavelli?”, *Les Dossiers du Grihl*, (2011).

⁸⁰⁵ Fletcher, *Discorso*, p. 15, “distance of Flanders from Spain”, Robertson, p. 92.

⁸⁰⁶ *Ibidem*, pp. 19, 39-50. Robertson has noted that revealingly the same logic was to be at the basis of the negotiations of the peace of Utrecht that ended the Spanish Succession’s war in 1713, where several territorial “exchanges” were sanctioned.

⁸⁰⁷ Fletcher mentions the “Canhero delle Fiandre”, *ibidem*, p. 49.

preservation.⁸⁰⁸ Accordingly, Pufendorf distinguished between what he called “*Imaginary and Real Interest[s]*”⁸⁰⁹. Whereas the destructive ambition to realise a universal monarchy figured among the first, the second was defined by the structural factors of States, such as location and resources, and tended towards a general European balance of power.

Another hint in this direction is Fletcher’s scorning of France’s and Louis XIV’s duplicitous nature, with words that closely resemble François-Paul de Lisola’s *Bouclier d’État* (1667).⁸¹⁰ Lisola inaugurated the international discourse against the *Roi Soleil’s* absolutism and hegemonic pretensions, that included realising an empire of trade.⁸¹¹ In his literary fiction, Fletcher sets commerce at the centre of the picture to bring Botero forward, at the dawn of the eighteenth century, appropriately modifying his considerations. In the *Relazioni universali*, the Piedmontese had listed among the causes of the princes’ greatness a numerous population, wealth, a favourable occasion and a convenient site on the world’s map. Peninsulas, “il sito di Spagna & Arabia”, were best placed to attack neighbours and expand. Spain in particular seemed “formato per l’Imperio dell’Oceano” for its facility in reaching Americas. Based on justice and religion, the Spanish empire thus had all the conditions to last, with fleets able to unite distant territories.⁸¹²

In the opening pages of the *Discorso*, Fletcher agreed *à la lettre* that the “sito di Spagna” was indeed a “luogo comodo per aquistar e conservar un grand

⁸⁰⁸ For Fletcher’s copies in different languages, see NLS MS 17863, fol. 6. For correspondences, see Samuel Pufendorf, *An Introduction to the History of the Principal Kingdoms and States of Europe*, ed. by Michael J. Seidler, Indianapolis, Liberty Fund, 2013, *passim*. and Fletcher’s descriptions in the *Discorso*, pp. 40-49.

⁸⁰⁹ Pufendorf, *An Introduction*, preface, p. 7.

⁸¹⁰ See Peter Schröder, *Trust in Early Modern International Political Thought, 1598–1713*, Cambridge, Cambridge University Press, 2017, p. 169, who highlights the use of the same vocabulary. For Fletcher’s copy of the work, see NLS MS 17863, fol. 43.

⁸¹¹ François-Paul de Lisola, *Bouclier d’État et de justice contre le dessein manifestement découvert de la Monarchie Universelle, sous le vain prétexte des prétentions de la Reyne de France*, 1667. For context, see Charles-Édouard Levillain, *Le Procès de Louis XIV: Une guerre psychologique*, Paris, Tallandier, 2015.

⁸¹² Giovanni Botero, *Le relationi universali di Giovanni Botero Benese: divise in sette parti*, Venice, 1618, second part, I, *Proemio* and the *relazione* on Spain in IV, pp. 109-118, esp. 117. Fletcher possessed a Venetian edition of the work, as in NLS MS 17863, fol. 126. See also John M. Headley, ‘Geography and Empire in the Late Renaissance: Botero’s Assignment, Western Universalism, and the Civilizing Process’, *Renaissance Quarterly*, 53, n°4 (2000), pp. 1119–1155.

Imperio”.⁸¹³ The main reason was the possibility to control the “Canal naturale” of Gibraltar, uniting the Mediterranean with the Atlantic and thus communicating with any part of the world.⁸¹⁴ Egypt seems to have the same natural advantage, but still needed a canal between the Mediterranean and the Indian Ocean, as Botero had likewise pointed out.⁸¹⁵ But whereas for Botero fleets and the “Imperio del mare” were but a consequence of land power, so that islands such as England could never aim at great enterprises because they were territorially irrelevant,⁸¹⁶ Fletcher turns the matter around by recommending to the “Prencipe savio e animoso”⁸¹⁷ who would inherit the throne in Madrid to above all create a “militia del mare” similar to that of the English and the Dutch.⁸¹⁸

Indeed, nowhere but in the final pages of the *Discorso* is the tension between the modernity of Fletcher’s suggestions and his old-fashioned linguistic and theoretical models so vibrant. When it comes to the reforms to “riordinare le cose di Spagna”,⁸¹⁹ Fletcher looks again at Ferdinand of Aragon, quoting Machiavelli in his admonition to the sole and only Spanish *principe nuovo* to behave virtuously.⁸²⁰ The *impresa* of starting a campaign in North Africa, like he did, would distract “li animi de suoi sudditi” and provide him with a solid *reputazione*.⁸²¹ This reputation constituted a source of power in itself for both Machiavelli and Botero, and the foundations of the State for a new prince, whose interest was in distracting the grandees to avoid any undesirable innovation.⁸²²

⁸¹³ Fletcher, *Discorso*, p. 5, “the situation of Spain” is “suited for the acquisition and maintenance of a great empire”, Robertson, p. 86-87. The criterion of *comodità*, that is suitability, is a central theme of Giovanni Botero, *Delle cause della grandezza delle città*, Presso l’Istituto giuridico della R. Università, 1588, further stressed in the *relationi universali*, second part, I, *Proemio*.

⁸¹⁴ *Ibidem*, pp. 6-7.

⁸¹⁵ Cf. *ibidem*, p. 6 with Botero, *Le relationi universali*, first part, V, pp. 188-189.

⁸¹⁶ See Botero, *La ragion di Stato*, X, *Qual sia la maggior potenza, la maritima o la terrestre*, pp. 177-179 and *Le relationi universali*, second part, I, *Proemio*.

⁸¹⁷ A prince “wise and vigorous”: the expression recurs often in the *Discorso* and is mutated from Botero’s description of the necessary characteristics for a ruler aiming at *grandezza* in *Le relationi universali*, second part, I, *Proemio*.

⁸¹⁸ Fletcher, *Discorso*, p. 56.

⁸¹⁹ *Ibidem*, p. 50, “reorder the affairs of Spain”, Robertson, p. 112.

⁸²⁰ *Ibidem*, pp. 52-53. Cf. **PRINCIPE PAGINE**.

⁸²¹ *Ibidem*, In these pages Fletcher switches back to Machiavelli’s language, although similar considerations can be found in Botero, *La ragion di Stato*, III, *Dell’imprese di guerra*, pp. 70-71.

⁸²² See Tiziano Perez, ‘Reputazione in Machiavelli’s Thought’, *Yearbook of European Studies*, n°8, 1995, pp. 165–177 and Botero, *La ragion di Stato*, pp. xxvii-xxviii.

To Fletcher, the reputation would rather give the authority to impose *nuovi ordini* in Spain, the veritable objective of the prince's manoeuvres.

Firstly, it was necessary to correct the mistakes outlined by Botero and “ripopolare la Spagna e India” in a way that would familiarise their inhabitants “all’agricoltura, alle arti meccaniche, e al commercio”.⁸²³ In order to do so, the immediate introduction of “tolleranza per tutte le Religioni” was unavoidable, notwithstanding the expectable opposition of the clergy. In quoting Machiavelli on Ferdinand, Fletcher had in this sense stopped short of using the passages regarding the use of religion to expel the *marranos* from the Peninsula.⁸²⁴ The industry of incoming foreigners, mixing with Spaniards, would contribute to correct the latter's tendency to “otio e infingardia”.⁸²⁵ Secondly, it was necessary to proclaim “leggi e regole rigorosissime” in a way that would give to every subject of the crown “giustitia essatta, pronta e di poca spesa”⁸²⁶. Far from divine justice, at the basis of Campanella's or Botero's Catholic Spain, Fletcher is here highlighting the practical functionality of a modern empire and the necessity of the rule of law.

Most importantly, the reforms would draft commonwealth policies into the constitutional inner workings of the Spanish empire, moving from sheer Reason of State considerations towards a different kind of government. Like Boccacini's, Fletcher's reading and acute reformulation of the *Prince* undeniably constitute an anti-royalist manual, to avoid the risks of tyranny.⁸²⁷ Fletcher's monarchical disguise thus shows its cracks, transcending Reason of State's Counter-reformation and royalist origins: his *prencipe* becomes the founder of a new, somewhat republican order. In the Italian context, where simulation and dissimulation constituted first rank weapons for political struggle,⁸²⁸ the

⁸²³ Fletcher, *Discorso*, p. 54, to “repopulate Spain and the Indies” and accustom their population to “agriculture, the mechanical arts and commerce”, Robertson, p. 115.

⁸²⁴ cf. THESIS p. 177, *metti principe, etc.*

⁸²⁵ Fletcher, *Discorso*, p. 56, “leisure and idleness”, Robertson p. 115, are characteristics of the Spanish people in the English stereotyped narrative. See for instance Daniel Defoe, *The True-Born Englishman: A Satyr*, London, 1700, p. 9 and Federico Chabod, *L'idea Di Nazione*, Rome, Laterza, 1992, pp. 28, 109.

⁸²⁶ *Ibidem*. “Laws and the most rigorous regulations” would provide “with exact, speedy and inexpensive justice”, Robertson, p. 115.

⁸²⁷ Claire Henry, ‘Une interprétation oblique du Prince: le procès de Machiavel dans les Ragguagli di Parnaso de Traiano Boccalini’, *Astérion. Philosophie, histoire des idées, pensée politique*, n°4 (2006).

⁸²⁸ Rosario Villari, *Elogio Della Dissimulazione: La Lotta Politica Nel Seicento*, Rome, Laterza, 1987.

distortion of pure politics to match the ruler's ends also found resistance. To Ludovico Zuccolo, *ragion di stato* became a neutral instrument that changed its value according to the different kinds of government using it, including the republican ones described by Aristotle.⁸²⁹ For his contemporary Ludovico Settala, the more a State's aims matched with the true ends of politics in the context of a participative republic, the more Reason of State became a unworkable tool.⁸³⁰

In the light of these proposed reforms, nothing remains of the Spanish empire built on *limpieza de sangre*, evangelisation through military expansion and the glory of *conquistadores*, its identity being transformed following the latest successful examples of European powers.⁸³¹ The economically oriented *nuovi ordini* would conclude the transformation by increasing "comercio e Navigazione" and the number of mariners, crucial to realise the "Imperio del mare" that was at the basis of every claim to the domination of the world.⁸³² A gradual plan to overcome the "forze maritime" of France, England and the United Provinces include an alliance with one of them, and the prince's "maggior sforzo che le sia possibile". Once this project was brought to completion, time together with the newly introduced "buoni ordini" would inevitably bring Spain in the position of conquering the whole world, as its new prince will leave "a' suoi successori incatenato il mondo".⁸³³

The final appeal that lists all of the provinces that would fall under the might of the reinvigorated empire has brought Pagden to suggest that notwithstanding the transformation of its identity from terrestrial and military to economic and maritime, the new-born Spanish empire's aim remains

⁸²⁹ Ludovico Zuccolo, *Della Ragion di stato*, 1621; Vittorio Frajese, 'Ludovico Zuccolo's Politics and the Sarpian Milieu: A Contribution to the Interpretation of Concealed Public Texts.', *Pensiero Politico*, 28, n°2 (1995), pp. 151-177; Claudio De Boni, 'Fra ragion di Stato e nostalgia repubblicana: l'Evandria di Lodovico Zuccolo', *Morus - Utopia e Rinascimento*, 8, (2012), pp. 217-230.

⁸³⁰ Ludovico Settala, *Della ragion di stato: libri sette*, 1627; Vittor Ivo Comparato, 'From the Crisis of Civil Culture to the Neapolitan Republic of 1647: Republicanism in Italy between the Sixteenth and Seventeenth Centuries', in *Republicanism: A Shared European Heritage*, by Martin van Gelderen and Quentin Skinner, 2 vols, Cambridge, Cambridge University Press, 2002, I, pp. 169-194.

⁸³¹ Elliott, *Imperial Spain*, *passim*; Pagden, *Lords of All the World*, pp. 70-77.

⁸³² Fletcher, *Discorso*, pp. 56-57.

⁸³³ *Ibidem*, pp. 58-59, Robertson pp. 116-117.

anchored to the logic of conquest and expansion.⁸³⁴ In this respect, two points need to be emphasised. First of all, the aim of Fletcher's work is to terrorise the English and the Dutch, who alone could prevent any possible dramatic development in the Spanish succession crisis. Nothing could have worked better than the time-honoured bogeyman of a *monarchia universalis*, a consolidated topic in the Protestant world. Secondly, Fletcher is playing with a canon that implied a certain touch of prophetic drama, so that the closing lines of the *Discorso* recall Campanella's divinatory appeal in *De Monarchia Hispanica*, rather than suggesting a course of action eventually dismissed by history.

What Fletcher remarkably achieves with his Italian pamphlet is to revisit the language of modern monarchies that had been central to European discourses on international relations. And he does so by separating interest from its original religious dimension and from territorial conquest, adjusting it to the rationale of the incoming eighteenth century: a global commercial empire for preservation, with republican principles of modern government exposed by his sources. The command of the seas that for Botero was but a consequence of territorial supremacy in Europe becomes by itself a factor able to confer hegemonic powers over the continent. Fletcher's support for a blue water policy during the contemporary standing army controversy confirms his ideas on the matter. As we will see in what follows, the debates around the Spanish succession that developed at the turn of the century in Britain revolved around a similar economic analysis of its consequences, although in a much less original fashion.

4.3 The English debate on Universal Monarchy: from conquest to commerce

However esoteric, Fletcher's *Discorso* had a wide diffusion on both sides of the Tweed. In Scotland, it drew the attention of passionate readers of Italian

⁸³⁴ Pagden, *Lords of All the World*, p. 119.

literature like Robert Dundas, Lord Arniston, and that of contemporary observers like George Home.⁸³⁵ Gilbert Burnet also had a copy of the pamphlet in his library in Saltoun, while Fletcher himself presented the politician George Mackenzie with a first edition.⁸³⁶ Besides his closest companions Walter Moyle and Anthony Hammond, among his circle of friends in London the *Discorso* also proudly figured in the libraries of John Locke and Anthony Collins. Even Lord Shaftesbury, who discussed the developments of the Spanish succession with their common acquaintance Benjamin Furley, possessed a copy of Fletcher's work on his shelves.⁸³⁷ The importance of the Spanish succession was such as to arouse strong interest for one of the first publications to address the issue.

In the successive flood of pamphlets, commerce played a central role and was perceived as a Reason of State element in itself. Considerations of the Spanish dominions and their deficiencies constituted a basis for discussion, while the model of the United Provinces provided a modern example of economic success to replicate. In arguing for the best foreign policy to adopt in the wake of the Succession crisis all across the political spectrum, English observers agreed on a set of guidelines to follow to consolidate and defend the nation's trade. The public debates also gave the opportunity to comment on the transformation of belligerent monarchies into commercial competitors, underlining the maritime nature of the English empire. From this point of view, any possible rival, including Spain, constituted a threat to England's central role in international trade.

An example in that sense comes from the tireless defender of William III's foreign policy, Daniel Defoe, who shared Fletcher's fears. As we have seen in the second chapter, Defoe saw wealth as the key to maintain standing armies and guarantee the balance of power in Europe.⁸³⁸ To connect the army issue to the

⁸³⁵ NAS GD 1/649/2, The Diary of George Home of Kimmergham, fols. 300-301: "Sir John Home brought from my Lord Arnistone a pamphlet in Italian, said to be written by Saltone, showing the way how Spain may attain to ane Universall monarchie, which we read".

⁸³⁶ EUL Df.9.137, whose dedication reads: "for the Regt Viscout of Tarbat from Salton, sent by his Lo, S.W. dz."; Macfie, *A Bibliography of Andrew Fletcher of Saltoun*, p. 13.

⁸³⁷ *CATALOGUS Librorum Anglicorum, Gallicorum, Italicorum, &c. Utriusque Bibliothecae Vizt. Aegidiana, & Chelseyana Comitum de Shaftesbury*, 1709; T. Forster, *Original Letters of John Locke, Algernon Sidney and Lord Shaftesbury: With an Analytical Sketch of the Writings and Opinions of Locke and Other Metaphysicians*, London, J. B. Nichols, 1830, pp. 93-97, 107-108.

⁸³⁸ See above, chapter II and Daniel Defoe, *The Englishman's Choice, and True Interest: In a Vigorous Prosecution of the War Against France*, London, 1694.

international situation, Defoe also mentioned the Dutch revolt, when the longer purse of the Dutch eventually succeeded in resisting the formidable Spanish infantry, “the most Invincible Troops in the World”.⁸³⁹ At the turn of the century, even though Spain was the poorest country in Europe and the United Provinces had become the richest, the uncertain succession to the throne of Madrid could turn the situation upside down.⁸⁴⁰ In his *The interests of the several princes and states of Europe consider'd* (1698), Defoe took the same approach as Fletcher in assessing the consequences of the French claim to the Spanish crown.

After an attempt to consider the rights of succession of the different claimants to the throne in a Pufendorfian vein, Defoe concluded that the minister who tried to prevent the union of the two sides of the Pyrenean mountains “was sure very ill read in the Maxims of Princes”,⁸⁴¹ if he believed to limit the action of sovereigns with a treaty alone. In analysing the different interests of the European States and territories involved, Defoe’s conclusion matches Fletcher’s: if the “French Genius” could be infused in the declining Spanish empire, it would “once again make them [...] the most Powerful Nation in the World”, while a union of the two would further render them “too strong at Sea for the *English* and *Dutch*”⁸⁴² and able to aim for a universal empire. But Defoe’s deepest preoccupations related to commerce. Of the three nations managing the whole of European trade, the Spaniards “buy almost all their necessary things of Foreigners”, having no manufacture at home.

Mirroring Fletcher’s remarks from an English perspective, Defoe argues that in this situation England is able to increase its bullion, navigation and seamen, managing together with the Dutch most of the Spanish languishing economy.⁸⁴³ But in case of a succession favourable to Louis XIV, “no Trade can be secur’d to us”, since the whole of it would be “at the Mercy of the *French*”, so that not even a union of the United Provinces with the English could “preserve the

⁸³⁹ Daniel Defoe, *An Argument Shewing, That a Standing Army, with Consent of Parliament, Is Not Inconsistent with a Free Government*, London, 1698, p. 20.

⁸⁴⁰ *Ibidem*. See also Laurence Dickey, ‘Power, Commerce and Natural Law in Daniel Defoe’s Political Writings 1698-1707’, in *A Union for Empire: Political Thought and the British Union of 1707*, Cambridge, Cambridge University Press, 1995, pp. 63–96.

⁸⁴¹ Daniel Defoe, *The Interests of the Several Princes and States of Europe Consider'd, with Respect to the Succession of the Crown of Spain, and the Titles of the Several Pretenders Thereto Examin'd*, London, 1698, p. 7.

⁸⁴² *Ibidem*, p. 22.

⁸⁴³ *Ibidem*, pp. 24-25.

Freedom of their Commerce and their Empire of the Seas”.⁸⁴⁴ Defoe’s propaganda thus closely parallels Fletcher’s piece, and defends predatory behaviour when enacted by England. Although the rise of English political economy since the 1689 Revolution had been a Whig achievement, shaped by the writings of Whig theorists such as Slingsby Bethel, Roger Coke and Carew Reynell,⁸⁴⁵ its main commercial tenets were shared by Tory authors as well.

The causes of the Spanish decline outlined by Fletcher had indeed become a commonplace in seventeenth century England. Drawing from Botero, the classic mercantilist work by Thomas Mun, *England’s Treasure by Forraign Trade* (1664), dedicated a chapter to explain how Spain wasted a superb opportunity for Universal Monarchy by squandering resources because of the “canker of war”⁸⁴⁶ they sustained in distant dominions. In addition, Spain relied too much on its mines in West Indies, with the result of enriching their enemies in Europe by buying commodities they renounced to produce themselves.⁸⁴⁷ Similar remarks were made by the Tory merchant Josiah Child, who stressed that depopulation occurred when the Spaniards attempted to realise religious uniformity, through the expulsion of the Jews and Moors and the wars in Flanders.⁸⁴⁸ Charles Davenant insisted that people were the true riches of a nation, inviting his readers to “see how Impotent *Spain* is for want of Inhabitants”,⁸⁴⁹ notwithstanding its ports and marvellous mines.

The republican United Provinces furnished the best antithesis to the obsolete Spanish model of empire.⁸⁵⁰ Both Botero and Boccalini had already

⁸⁴⁴ *Ibidem*, pp. 28-30.

⁸⁴⁵ See the economic chapter in Steven C. A. Pincus, *1688: The First Modern Revolution*, Yale University Press, 2014, already considered in chapter III above. See Slingsby Bethel, *The Interest of the Princes and States of Europe*, London, 1681; Ryan Walter, ‘Slingsby Bethel’s Analysis of State Interests’, *History of European Ideas*, 0, n°0 (2014), pp. 1–18; Roger Coke, *A Discourse of Trade, in Two Parts the First Treats of the Reason of the Decay of the Strength, Wealth, and Trade of England, the Latter of the Growth and Increase of the Dutch Trade Above the English*, London, 1670; Carew Reynell, *The True English Interest: Or, An Account of the Chief National Improvements*, London, 1674.

⁸⁴⁶ Thomas Mun, *England’s Treasure by Forraign Trade: Or, the Balance of Our Forraign Trade Is the Rule of Our Treasure*, London, 1669, p. 53. Fletcher used the same expression to describe Spanish mistake, [see above, p. fn.](#)

⁸⁴⁷ *Ibidem*, chapter VI.

⁸⁴⁸ Josiah Child, *A New Discourse of Trade*, London, 1693, pp. 180, 189.

⁸⁴⁹ Charles Davenant, *An Essay upon Ways and Means of Supplying the War*, London, 1694, p. 144.

⁸⁵⁰ Jonathan I. Israel, *Dutch Primacy in World Trade, 1585-1740*, Oxford, Clarendon Press, 1989 and *The Dutch Republic: Its Rise, Greatness and Fall, 1477-1806*, Oxford, Clarendon Press, 1998,

stressed the necessity of emulating the successful Dutch model, closely followed by Raleigh in England.⁸⁵¹ Pieter de la Court's seminal *Interest van Holland* (1662) combined Botero's *ragion di Stato* with Boccalini's and Machiavelli's republicanism in a commercial version of Reason of State theory, which also incorporated Grotius' formulation of natural law arguments for self-preservation.⁸⁵² The flattering *Observations upon the United Provinces of Netherlands* (1673) by Sir William Temple also aroused a lasting curiosity around the Dutch government and economic achievements.⁸⁵³ William Petty stressed how liberty of conscience favoured the Dutch development in comparison with other European competitors like France or Spain.⁸⁵⁴ In his attempt to emulate Dutch dogmas, Child had proposed to introduce the naturalisation of foreigners and religious toleration in England to increase hands in the wool industry.⁸⁵⁵

The same applied to Davenant, who also juxtaposed the successful United Provinces to Spain, indicating for England the same solutions as Child.⁸⁵⁶ Fletcher's formulas to redress the Spanish empire can thus be seen as part of a well-established economic discourse that he decided to brilliantly express in its embryonic Italian language.⁸⁵⁷ Although using the princely grammar of Machiavelli's and Botero's manuals, the reforms he proposed were very much inspired by the republican model of the Dutch he witnessed during his exile. Religious toleration, naturalisation and laws able to convey impartial justice promised to increase population and above all to secure property, even in an

together with Oscar Gelderblom, *The Political Economy of the Dutch Republic*, London, Routledge, 2016.

⁸⁵¹ The concept of emulation, especially of the Dutch, is remarkably illustrated in Sophus A. Reinert, *Translating Empire. Emulation and the Origins of Political Economy*, Cambridge, Harvard University Press, 2011, pp. 13–73.

⁸⁵² Arthur Weststeijn, *Commercial Republicanism in the Dutch Golden Age: The Political Thought of Johan & Pieter de La Court*, Leiden, BRILL, 2012, esp. pp. 124–132, 207, 221–222, 229; Jan Hartman and Arthur Weststeijn, 'An Empire of Trade: Commercial Reason of State in Seventeenth-Century Holland', in *The Political Economy of Empire in the Early Modern World*, ed. by Sophus Reinert and Pernille Røge, New York, Palgrave Macmillan, 2013, pp. 11–31.

⁸⁵³ Sir William Temple, *Observations Upon the United Provinces of the Netherlands*, 1705; See also *A Miracle Mirrored: The Dutch Republic in European Perspective*, ed. by C. A. Davids and Jan Lucassen, Cambridge, Cambridge University Press, 1995.

⁸⁵⁴ Sir William Petty, *Political Arithmetick*, London, 1691, pp. 19–25.

⁸⁵⁵ Child, *A New Discourse of Trade*, pp. 140–146.

⁸⁵⁶ Charles Davenant, *An Essay upon Ways and Means*, p. 143.

⁸⁵⁷ Lars Magnusson, *Mercantilism: The Shaping of an Economic Language*, New York, Routledge, 2002, *passim*.

absolute monarchy, removing the main obstacle to commercial development. It is in this sense that Fletcher's precepts of the *Discorso* can be considered as a republican and commercial version of Reason of State, like de la Court's.⁸⁵⁸

Besides constituting a commentary on foreign policy and balance of power in itself, *Interest van Holland* actually identified the three main intolerable sins of monarchical governments precisely in their fallacious administration of justice, their religious persecutions and the destruction of commerce. Overall, the private interest of a king and his court could never match that of the public interest of the people, so that for de la Court a republic was the sole kind of government to suit the Dutch commercial needs, linking, like Machiavelli had done, freedom with wealth.⁸⁵⁹ While Jonathan Scott has convincingly argued that among contemporary republicans in England Algernon Sidney appropriated part of de la Court's discourse on commercial interest during his exile in the United Provinces,⁸⁶⁰ the teachings of the latter conflicted with the widely spread Machiavellian version of English republicanism that praised the agrarian and expansionist model of Rome, as adopted by John Milton and James Harrington.⁸⁶¹ Fletcher, who as we have seen proved himself a neo-Harringtonian in many respects, was well aware of the necessary steps to create the conditions for a commercial empire and agreed with a different strand of republican thought.

⁸⁵⁸ Jonathan Scott, *When the Waves Ruled Britannia: Geography and Political Identities, 1500–1800*, Cambridge, Cambridge University Press, 2011, pp. 123–125.

⁸⁵⁹ Pieter de la Court and Johan de Witt, *The True Interest and Political Maxims of the Republick of Holland and West Friesland*, 1702. Fletcher possessed both an original copy of the book in Dutch and its English tradition published in 1702, as in NLS MS 17863, fols. 130, 139. See also Hans W. W. Blom, 'De La Court e l'"interesse di Stato"', *Scienza & Politica. Per Una Storia Delle Dottrine*, 5, n°9 (1993), pp. 25–48.

⁸⁶⁰ Jonathan Scott, *Algernon Sidney And The English Republic 1623-1677*, Cambridge, Cambridge University Press, 2005, pp. 210–222; Kustaa Multamäki, *Towards Great Britain: Commerce & Conquest in the Thought of Algernon Sidney and Charles Davenant*, Finnish Academy of Science & Letters, Helsinki, 1999, pp. 97–148. On the influences of Dutch republicanism and natural law theories in England, see also Jonathan Scott, *England's Troubles: Seventeenth-Century English Political Instability in European Context*, Cambridge, Cambridge University Press, 2000, pp. 368–372; Marco Barducci, 'Hugo Grotius and the English Republic: The Writings of Anthony Ascham, 1648-1650', *Grotiana*, n°32 (2011), pp. 40–63.

⁸⁶¹ Steve Pincus, 'Neither Machiavellian Moment nor Possessive Individualism: Commercial Society and the Defenders of the English Commonwealth', *The American Historical Review*, 103, n°3 (1998), pp. 705–736; David Armitage, Armand Himy, and Quentin Skinner, eds., *Milton and Republicanism*, Cambridge, Cambridge University Press, 1998; Charles-Édouard Levillain, 'L'Angleterre de la Restauration au miroir de la "vraie liberté" (1660-1672). La rencontre entre républicanismes anglais et hollandais à travers les écrits de Pieter de la Court', *E-rea. Revue électronique d'études sur le monde anglophone*, 2003.

From the moment it became clear that economic performance constituted the basis for efficient warfare, even absolute monarchies such as France had to evolve from conquest-driven entities to commercial States. As Temple had noted, the United Provinces were beginning to face the fierce competition of extended European monarchies. While the liberty of republics once constituted a precondition to flourishing trade, State-driven commerce could develop in unfree societies, just like Fletcher feared could happen in the renewed Spanish empire.⁸⁶² In England, at the turn of the century it were Charles Davenant's writings to recast Machiavellian warlike *virtù* into its commercial version to dominate international markets and constitute an empire based on trade.⁸⁶³ Such a transformation would avoid the tyrannical risks of universal monarchy and create a free commercial empire made for preservation, able to resist its continental rivals.⁸⁶⁴

Like Defoe, Davenant revisited Fletcher's *Discorso* for his views on the economic causes of the decline of Spain from an English perspective, adopting the same theoretical framework of the Scot. In his *Essay upon Universal Monarchy* (1701), he almost *à la lettre* extended his analysis from Ferdinand of Aragon and the power of his infantry to the *fortuna* at the basis of the accidental rise of Charles V, whose boundless empire had rather frail roots.⁸⁶⁵ Repeatedly quoting Machiavelli, Davenant furthermore mentioned the "canker" of the Netherlands and the destruction of local manufacturing due to the introduction of the Spanish Inquisition as the main mistakes committed by Philip II, whose *reputazione* was

⁸⁶² On the issue, see Cary J. Nederman, 'Commercial Society and Republican Government in the Latin Middle Ages: The Economic Dimensions of Brunetto Latini's Republicanism', *Political Theory*, 31, n°5 (2003), pp. 644–663; Mark Jurdjevic, 'Virtue, Commerce, and the Enduring Florentine Republican Moment: Reintegrating Italy into the Atlantic Republican Debate', *Journal of the History of Ideas*, 62, n°4 (2001), pp. 721–743; Istvan Hont, *Jealousy of Trade: International Competition and the Nation State in Historical Perspective*, Cambridge, Harvard University Press, 2005, pp. 22–23, 185–187.

⁸⁶³ On Machiavelli's implicit notions of commercial imperialism abroad, see Mikael Hörnqvist, *Machiavelli and Empire*, Cambridge, Cambridge University Press, 2004.

⁸⁶⁴ See John Robertson, 'Universal Monarchy and the Liberties of Europe: David Hume's Critique of an English Whig Doctrine', in *Political Discourse in Early Modern Britain*, ed. by Nicholas Phillipson and Quentin Skinner, Cambridge, Cambridge University Press, 1993, pp. 349–373; Hont, *Jealousy of Trade*, pp. 201–222; Multamäki, *Towards Great Britain*, pp. 149–208.

⁸⁶⁵ Charles Davenant, *Essays upon I. The Ballance of Power. II. The Right of Making War, Peace, and Alliances. III. Universal Monarchy. To Which Is Added, an Appendix Containing the Records Referr'd to in the Second Essay*, London, 1701, pp. 241–244.

not enough to consolidate an effective power.⁸⁶⁶ For Davenant too, the concrete risk was constituted by the possible union of the dynasties of France and Spain, to create “such a Monarchy” impossible to resist, due to its inhabitants, territories and military skills.⁸⁶⁷

For Davenant, the example of Rome’s universal monarchy as praised by Charles V’s propagandist Pedro Mexia (1497-1551) was now negative: an entity that spread destruction during its expansion and eventually was destined to “degenerate into Tyranny, with which Trade is incompatible”.⁸⁶⁸ Conversely, it was England to replace the United Provinces as the perfect antithesis for the belligerent empires of the past, as he made clear in his earlier *Essay upon the Probable Methods of making a People gainers in the Balance of Trade* (1699). The analysis of its people, lands and trade through the lens of political arithmetic suggested England could become the new commercial master of the world. Although Davenant was never completely at ease with the risk of excessive accumulation of luxuries in a single hub like London, nor with the modern necessity of trade altogether, the only way for England to oppose continental monarchies was realising an empire of liberty based on commerce and thus potentially more lasting than Harrington’s *Oceana*.⁸⁶⁹ As seen in the previous chapter, the way to do so was to defend the privileges of the East India Company and the woollen industry, which constituted the main source of domestic production and export.⁸⁷⁰

This policy had to be pursued against any possible competitor, including those inside the British empire. The contemporary case in point was that of Ireland, whose capacity to produce wool cheaper than England represented a commercial threat for London in Davenant’s eyes. Just when Spanish wool trade managed by English ships became a concern in times of uncertainty on the succession,⁸⁷¹ Westminster passed a Wool Act (1699) to prevent the export of

⁸⁶⁶ *Ibidem*, pp. 245-262. See also the *Essay upon the Ballance of Power*, pp. 31-32, 72-73.

⁸⁶⁷ *Ibidem*, pp. 276-277.

⁸⁶⁸ *Ibidem*, p. 288.

⁸⁶⁹ See the integrality of Charles Davenant’s works, and in particular *An Essay upon the Probable Methods of Making a People Gainers in the Ballance of Trade*, London, 1699.

⁸⁷⁰ See above, pp. 169-180.

⁸⁷¹ Anon., *Anguis in Herba; Or, The Fatal Consequences of a Treaty with France*, London, 1702, p. 23; George Stepney, *An Essay upon the Present Interest of England*, London, 1701, pp. 1-4.

wool from Ireland to the American colonies.⁸⁷² The suggestion for this act came from the newly created Board of Trade (1696), which included John Locke and had been shaped following the instructions of the Bristol merchant of republican leanings, John Cary.⁸⁷³ Insofar as commerce was now Reason of State in itself, freedom of trade became a constitutional issue within the framework of the British monarchy.

The debates that followed Irish claims to develop economically, at the expense of the imperial centre of London, involved the scientist and MP William Molyneux, who defended the rights and sovereignty of the Irish parliament. Although Ireland was an English colony, as descendants of its conquerors, its Protestant subjects should be granted the possibility to prosper and manage their own industry and trade.⁸⁷⁴ Ironically enough, along with historical examples Molyneux also used the arguments of his friend Locke to assert the natural and original rights and liberty of the Anglo-Irish community to commerce.⁸⁷⁵ In his vest of colonial administrator however, Locke rejected Molyneux's claims and rather implemented England's imperial policies, underlining like other authors the dependency of Ireland.⁸⁷⁶ As we will see in the next chapter, the issue made a strong impression on Fletcher; it was a key point in the successive debate on Ireland's status.⁸⁷⁷

In sum, when set in its own actual context, Fletcher's *Discorso* turns out to have several sources and backgrounds. English economic discourse, receptive of *ragion di Stato* writers, had long elaborated a proper canon to describe Spanish

⁸⁷² Peter Laslett, 'John Locke, the Great Recoinage, and the Origins of the Board of Trade: 1695-1698', *The William and Mary Quarterly*, 14, n°3 (1957), pp. 370-402; Patrick Kelly, 'The Irish Woollen Export Prohibition Act of 1699: Kearney Re-Visited', *Irish Economic and Social History*, 7 (1980), pp. 22-44.

⁸⁷³ Just like Davenant, Cary also feared the competition coming from the Irish. See John Cary, *An Essay on the State of England, in Relation to Its Trade, its Poor, and Its Taxes for Carrying on the Present War Against France*, Bristol, 1695.

⁸⁷⁴ William Molyneux, *The Case of Ireland's Being Bound by Acts of Parliament in England, Stated*, Dublin, 1698.

⁸⁷⁵ See also Sir Francis Annesley, *Some Thoughts on the Bill Depending before the Right Honourable the House of Lords, for Prohibiting the Exportation of the Woollen Manufactures of Ireland to Foreign Parts*, London, 1698, along the same lines.

⁸⁷⁶ Reinert, *Translating Empire*, pp. 106-114.

⁸⁷⁷ Jim Smyth, "'Like Amphibious Animals': Irish Protestants, Ancient Britons, 1691-1707", *The Historical Journal*, 36, n°4 (1993), pp. 785-797; David Armitage, 'The Political Economy of Britain and Ireland after the Glorious Revolution', in *Political Thought in Seventeenth-Century Ireland: Kingdom or Colony*, ed. by Jane H. Ohlmeyer, Cambridge, Cambridge University Press, 2000, pp. 221-243.

commercial failures. Like many contemporary English authors, the Scot looked at the model of the United Provinces and his foremost theorist, Pieter de la Court, to reform the Spanish empire, leaving no doubt about Fletcher's republican inspiration. Closely contemporary pieces like Defoe's and Davenant's show clear signs of circulation of the *Discorso*, from an Anglocentric perspective that turns Fletcher's ironic intent upside-down. The race of modern empires driven by the necessity of commercial supremacy also included England, and the Irish case proved that Reason of State applied from the centre to its periphery was a potential threat to the Scots themselves, who in the same months were trying to grasp their share of the New World's wealth.

4.4 The Darien venture: the British enterprise and a Scottish gamble

When discussing the Darien affair with the Presbyterian historian Robert Wodrow in May 1712, Fletcher bitterly remembered the English opposition to what became an autonomous Scottish project to establish a colony in Panama. In particular, he mentioned how the earl of Godolphin, soon to be Lord Treasurer of William III, and other politicians in London urged an expedition to anticipate the fleet sent from Edinburgh, "to set up a standart with the English Arms upon the place". The aim of Captain Richard Long's voyage commanded by the Secretary of State James Vernon and the English Board of Trade was to "take possession" of Darien, in order to claim a "prior right to the Scots" on the site.⁸⁷⁸ Whereas the English eventually renounced to occupy the Isthmus, Fletcher's reconstruction indicates he gathered first hand information in London and that the question of the right of occupation played a central role in the issue.⁸⁷⁹

⁸⁷⁸ Robert Wodrow, *Analecta: or, Materials for a History of Remarkable Providences; mostly relating to Scotch Ministers and Christsians*, Edinburgh, Maitland Club, 1842, vol. II, p. 44.

⁸⁷⁹ Cf. with Douglas Watt, *The Price of Scotland: Darien, Union and the Wealth of Nations*, Edinburgh, Luath, 2007, p. 10; Ignacio Gallup-Díaz, *The Door of the Seas and Key to the Universe: Indian Politics and Imperial Rivalry in the Darién, 1640-1750*, New York, Columbia University Press, 2008, pp. 242-296.

As noted, Fletcher was a strong supporter of the Darien scheme. In addition to the remarks found in his writings, some pamphlets on the issue are also not always convincingly attributed to him; he openly endorsed the content of one of those defending the legality of the colony. The colonial argument promptly revolved around the complicated relationship between England and Scotland, which constitutes one of the main dimensions of the Darien debate that Fletcher's early *Two Discourses* contributed to shape. The problem of sovereignty encouraged various radical accounts of the Scottish past to justify the nation's independence, and eventually resulted decisively in completing the creation of an embryonic Country party north of the Tweed. After England's obstruction, the Company of Scotland and the opposition to the Court became one.⁸⁸⁰

All of the pamphlets, addresses and memorials produced at the turn of the century insisted on the rights of possession and occupation the Scots could claim over Darien, often quoting natural law arguments of continental descent, mostly coming from Hugo Grotius and Samuel Pufendorf. Whereas David Armitage has convincingly outlined the intellectual resources that were exploited to justify the Scottish venture, this particular aspect of the argument has been overlooked much to the advantage of the sovereignty issue, correlated with the following Union debates of 1703-1707.⁸⁸¹ Scottish pamphleteers subjected Spanish rights to the Americas to severe scrutiny, rejecting their claims based on conquest or evangelisation. Rather, they posited the natural rights of indigenous populations to their territories, and that the Scottish occupation ensued by consent of the natives.

On the 14th of July 1698, the first expedition to Darién sailed from Road of Leith in Edinburgh. Many of the Scottish hopes of participating in international trade as an independent power were built on the venture, after a remarkable financial exploit assured the necessary capital for setting up a colony in Central America. The process that led to this salient moment is worth describing briefly here as a background section. First, it is useful to show how the harsh and sound

⁸⁸⁰ Douglas Watt, 'The Company of Scotland and Scottish Politics, 1696-1701', in *Scotland in the Age of Two Revolutions*, ed. by Sharon Adams and Julian Goodare, Woodbridge, Boydell Press, 2014, pp. 211-230.

⁸⁸¹ David Armitage, 'The Scottish Vision of Empire: Intellectual Origins of the Darien Venture', in *A Union for Empire: Political Thought and the British Union of 1707*, ed. by John Robertson, Cambridge, Cambridge University Press, 1995, pp. 97-118.

logic of commercial interest outlined above progressively scaled down and transformed the earliest spirit of the project imagined by William Paterson. Second, in addition to Fletcher's practical support of the venture outlined in the biographical chapter, his remarks contributed to shape the intellectual context of the debate that involved many of the Scottish pamphleteers throughout the events, adding a further context to his *Discorso*.

Paterson was the original architect of the ambitious scheme. The projector, who went down in history as the founder of the Bank of England, fostered the idea of setting a colony on the isthmus between Portobello and Cartagena since the 1680s. Already in 1687, he was trying to elucidate his visionary plan in a coffeehouse in Amsterdam; the merchant Robert Douglas reports of Paterson promoting his design "to Erect a Common Wealth and free port in the Emperour of Dariens Countrey".⁸⁸² A settlement in such a narrow strip of land dividing the two hemispheres and two oceans would have been groundbreaking.⁸⁸³ Its free constitution represents an additional innovative element in the mercantilist context of trading companies and colonial undertakings of the time.

The nature of the enclave was clear in Paterson's mind, and although it had some elements of continuity with similar attempts in the 1680s it diverged noticeably from any precedent Scottish colonial theory.⁸⁸⁴ The free port of Darién would have been an *emporium* able to connect West and East, functioning as a trade post in which goods from all over the world could be exchanged. Reshaping trade routes, "this door of the seas, and the key of the universe"⁸⁸⁵ would have constituted the centre of a brand new commercial system. Moreover and crucially, this new mercantile configuration had to be entirely open and free.

⁸⁸² Quoted in Watt, *The Price of Scotland*, p. 6.

⁸⁸³ John Prebble, *The Darien Disaster*, London, Secker & Warburg, 1968, p. 12.

⁸⁸⁴ David Armitage, 'Making the Empire British: Scotland in the Atlantic World 1542–1707', *Past & Present*, 155, n°1 (1997), pp. 34–63 (see p. 58 in particular); Kurt Gingrich, "'To Erect a Collonie of Scottish Subjects in Aney Pairt of America": The Quest for a Scottish Colony in North America in the 1680s', *Journal of Early American History*, 2, n°2 (2012), pp. 68–98.

⁸⁸⁵ Paterson to the Company of Scotland, 17th January 1700, in Sir John Dalrymple, *Memoirs of Great Britain and Ireland; from the Dissolution of the Last Parliament of Charles II. till the Capture of the French and Spanish Fleets at Vigo. A New Edition, in Three Volumes; with the Appendixes Complete*, London, 1790, vol. III, part III, book VI, p. 166.

In this respect, fencing the seas and “apeing the English and Dutch”,⁸⁸⁶ exclusive companies did not represent viable solutions for Scotland. It was not enough to compete with the existing monopolies by imitating them. Instead, Darien would have welcomed whoever wanted to invest in the venture.

No particular distinction had to be made, “but of whatever Nation or Religion a Man be [...] he ought to be look’d upon to be of the same Interest and Inclination”⁸⁸⁷. Whilst Armitage has pointed out that the new colony was planned following the virtuous example of republican Rome,⁸⁸⁸ to promote a programme of general naturalisation, liberty of conscience and freedom of government was very much reminiscent of the English discourse of trade inspired by the model of the United Provinces. After New Edinburgh had been founded by the end of 1698, the Council of the colony officially reaffirmed the same policies to be pursued by the Scottish enclave.⁸⁸⁹ Darien featured a sovereign political dimension with the English East India Company as managed by Child, but its inclusivity constitutes a striking difference in relation to it, which Fletcher endorsed.⁸⁹⁰ The latter’s remedies to revive the economically agonising Spanish empire, outlined in the previous chapter, matched with the Council’s programme.

Not only in England, but in Scotland too observers became aware of the failures of the Spaniards in the wake of the Succession crisis, and the nature of colonial settlements was investigated, starting from the Iberian example. Paterson himself, in promoting his plan, underlined the mistakes of the Spanish administration along Fletcher’s lines, pointing at the Inquisition, the depopulation of the Indies and the wars in the Netherlands as the opposite of the

⁸⁸⁶ Paterson to Sir Robert Chiesly, 9th July 1695, in *The Darien Papers, Being a Selection of Original Letters and Official Documents Relating to the Establishment of a Colony at Darien by the Company of Scotland Trading to Africa and the Indies, 1695-1700*, Edinburgh, 1849, p. 4.

⁸⁸⁷ Paterson to Sir Robert Chiesly, 9th July 1695, in *The Darien Papers*, p. 4.

⁸⁸⁸ Armitage, ‘The Scottish Vision of Empire’, p. 104.

⁸⁸⁹ Hugh Ross, *Caledonia. The Declaration of the Council Constituted by the Indian and African Company of Scotland; for the Government, and Direction of Their Colonies, and Settlements in the Indies*, Boston, 1699.

⁸⁹⁰ Andrew Mackillop, ‘Accessing Empire: Scotland, Europe, Britain, and the Asia Trade, 1695–c. 1750’, *Itinerario*, 29, n°3 (2005), pp. 7–30; Philip J. Stern, “‘A Politie of Civill & Military Power’: Political Thought and the Late Seventeenth-Century Foundations of the East India Company-State”, *Journal of British Studies*, 47, n°2 (2008), pp. 253–283.

virtuous attitude to guide the Darien expedition.⁸⁹¹ The radical Robert Ferguson also followed his former exile companion in defending the Company's principle of liberty of conscience to avoid Spain's fate, invoking Davenant's authority on the matter.⁸⁹² Others, like James Donaldson, reiterated the same position by presenting the example of the United Provinces' policy of naturalisation as the right course of action for the Scottish colonial scheme.⁸⁹³ The Dutch model traditionally had a strong role in the shaping of Scotland's economic undertakings, and the Darien scheme belongs to this strand of endeavours.⁸⁹⁴

In fact, Fletcher's analysis of Spain was generally shared in arguing that, had the modern Dutch practices been followed, "that crown might, with the help of its Indian mines, have long before now given laws to the universe".⁸⁹⁵ But it presently was Scotland who had the opportunity of controlling the passage between the Pacific and the Atlantic Ocean, ascending to the role of international power. Fletcher's approval of Botero's analysis in the *Discorso delle Cose di Spagna*, which underlines the importance of a site bestriding two oceans to create and preserve an empire, must be considered as a sophisticated and indirect intervention in the Darien debate, indicating Fletcher's connection with Paterson's ideas.⁸⁹⁶ Such strategic reasoning constituted a central argument in favour of the venture, although its aim was to share the benefits of the settlement's position with anybody taking part in its realisation, including England, rather than creating a closed trade system like the Spanish one and drag all of its earnings to a single imperial centre.

⁸⁹¹ William Paterson, *A Proposal to Plant a Colony in Darien, releasing the Nations from the tyranny of Spain by throwing open the Trade of South America to all Nations*, London, 1701, in *The Writings of Wiliam Paterson, Founder of the Bank of England and of the Darien Colony*, I, ed. by Saxe Bannister, 3 vols., London, Judd & Glass, 1859, pp. 128-129. Paterson also possessed an English translation of Campanella's *De Monarchia Hispanica*: see *ibidem*, vol. III, p. 52.

⁸⁹² Robert Ferguson, *A Just and Modest Vindication of the Scots Design for the Having Established a Colony at Darien with a Brief Display How Much It Is Their Interest to Apply Themselves to Trade and Particularly to That Which Is Foreign*, [Edinburgh], 1699, pp. 28-29.

⁸⁹³ James Donaldson, *The Undoubted Art of Thriving*, Edinburgh, John Reid, 1700, pp. 56-58.

⁸⁹⁴ Allan I. Macinnes, *Union and Empire: The Making of the United Kingdom in 1707*, Cambridge, Cambridge University Press, 2007, p. 201 and ff..

⁸⁹⁵ Sincere well-wisher to the honour and interest of his country, *An Essay against the Transportation and Selling of Men to the Plantations of Forreigners with Special Regard to the Manufactories, and Other Domestick Improvements of the Kingdom of Scotland*, Edinburgh, 1699, pp. 9.

⁸⁹⁶ See above, pp. 59-60. This point has been made by Armitage, 'The Scottish Vision of Empire', pp. 108-109.

When in June 1695 the Parliament in Edinburgh passed the *Act for a Company Trading to Africa and the Indies*, the Company of Scotland was created as a joint-stock venture to elude the English Navigation Acts (1651); it represented an opportunity to loosen economic as well as political dependence upon England. The London-based, open and private company was thus created to promote economic growth, with the participation of English merchants.⁸⁹⁷ In November Roderick MacKenzie, secretary of the Company, reassured the English about the intentions of the directors and asked for support, showing the advantages of a pan-British collaboration and of breaking the English monopoly of trade.⁸⁹⁸ The “*New Scotch-English, or English-Scotch Indian Company*”⁸⁹⁹ would have promoted a closer union between the two nations through cooperation and commercial partnership.

However, the success of the subscriptions in London and the venture’s commercial privileges made the East India Company “look upon this new Comer with a Jealous Eye”⁹⁰⁰, while the financial lobby of the capital pressured William III and the House of Lords to cripple the Scottish initiative in exchange for war loans.⁹⁰¹ The search for funds retreated to Scotland, where another subscription book was opened in Edinburgh in February 1696. It was at about this time that the publications on and by the Company underwent a clear nationalistic shift, in order to inflame the investors.⁹⁰² James Smyth, one of the promoters and directors of the venture, anonymously published a pamphlet to convince the Scots that it was for the country’s greatness and security “from being destroyed” that the project had to be carried on with “more Encouragement from the Body

⁸⁹⁷ John R. Young, ‘The Scottish Parliament and the Politics of Empire: Parliament and the Darien Project, 1695–1707’, *Parliaments, Estates and Representation*, n°27 (2007), pp. 175–190 (pp. 178–180); Watt, *The Price of Scotland*, pp. 23–29.

⁸⁹⁸ Roderick MacKenzie, *A Letter from a Member of the Parliament of Scotland to His Friend at London Concerning Their Late Act for Establishing a Company of That Kingdom Tradeing to Africa and the Indies*, London, 1695.

⁸⁹⁹ *Ibidem*, p. 17.

⁹⁰⁰ Anon., *Some Considerations upon the Late Act of the Parliament of Scotland, for Constituting an Indian Company*, London, 1695, p. 2.

⁹⁰¹ Anon., *Some Considerations Concerning the Prejudice Which the Scotch Act Establishing a Company to Trade to the East and West-Indies, (with Large Priviledges, and on Easie Terms) May Bring to the English Sugar Plantations*, London, 1696; Anon., *In the Act for Raising Two Million, and for the Settling the Trade to the East-Indies Are the Following Clauses*, Edinburgh, 1698.

⁹⁰² Watt, *The Price of Scotland*, pp. 39–44; Karin Bowie, *Scottish Public Opinion and the Anglo-Scottish Union, 1699-1707*, Woodbridge, Boydell Press, 2007, p. 28.

of the Nation”⁹⁰³. The language of Reason of State figures prominently in the propaganda on the matter; trade was defined as a necessity in the new modern era of international struggle.⁹⁰⁴ In an increasingly politicised climate, it was primarily resentment against the English opposition that triggered the investments.

Fletcher energetically protested that “Scotland had offered [...] to England an equal share” and Westminster could not find “the least just ground of offence” in the directors’ behaviour, so that the threats to impeach them with William’s complicity came from self-interested considerations only.⁹⁰⁵ He lamented the “affair of Hamborough”, when the English resident in the Hanseatic city, Sir Paul Rycaut, presented a memorial to the local senate in April 1697 as a diplomatic threat in case it would support the Scottish venture. Following Fletcher’s advice, the Company petitioned the Parliament in Edinburgh to ask the king for additional frigates by way of reparation.⁹⁰⁶ In part for similar reasons, Paterson and his associates failed to gather foreign capital in Rotterdam and Amsterdam.⁹⁰⁷ The extraordinary sum of 400,000£ that the Scots had fervently subscribed, in answer to the earlier patriotic call of the Company, was thus waiting to be invested in a single audacious stroke.⁹⁰⁸

Fletcher was among the first buyers of the Company’s stocks for a value of 1,000£, although the erratic management of the capital collected by the directors

⁹⁰³ James Smyth, *A Letter from a Gentleman in the Country to His Friend at Edinburgh Wherein It Is Clearly Proved, That the Scottish African, and Indian Company, Is Exactly Calculated for the Interest of Scotland*, Edinburgh, 1696, p. 5.

⁹⁰⁴ Unfeigned and hearty lover of England C. K., *Some Seasonable and Modest Thoughts, Partly Occasioned By, and Partly Concerning the Scots East-India Company Humbly Offered to R.H. Esq., a Member of the Present Parliament*, [Edinburgh], 1696; Ferguson, *A Just and Modest Vindication*; Philo-Caledon., *A Defence of the Scots Settlement at Darien with an Answer to the Spanish Memorial against It*, [London], 1699; Sincere well-wisher, *An Essay against the Transportation and Selling of Men*; Philo-Caledon., *Scotland’s Present Duty, Or, A Call to the Nobility, Gentry, Ministry and Commonality of This Land*, Edinburgh, 1700; John Hamilton, Lord Belhaven, *A Speech in Parliament on the 10th. Day of January 1701, by the Lord Belhaven, on the Affair of the Indian and African Company, and Its Colony of Caledonia*, Edinburgh, 1701.

⁹⁰⁵ Andrew Fletcher, *Two Discourses Concerning the Affairs of Scotland: Written in the Year 1698*, 1698, p. 14.

⁹⁰⁶ *Ibidem*, p. 15. Watt, *Price of Scotland*, pp. 91–103; Prebble, *The Darien Disaster*, pp. 85–91.

⁹⁰⁷ Rycaut also promoted publications to discourage the Scots: see Anon., *A Letter from a Merchant in Amsterdam to His Friend at Hamburg Concerning the Designs of the Scots Indian Company*, Glasgow, 1697; Anon., *Some Observations on the above in a Letter from Hamburg by Way of Answer to It*, Glasgow, 1697.

⁹⁰⁸ W. Douglas Jones, “‘The Bold Adventurers’: A Quantitative Analysis of the Darien Subscription List (1696)”, *Journal of Scottish Historical Studies*, 21 (2001), pp. 22–42; Watt, *The Price of Scotland*, pp. 86–89.

makes it difficult to ascertain how much he actually paid.⁹⁰⁹ While there is no doubt he was part of the committee charged to outline the Company's constitutions, Fletcher's role in the decision to invest the funds in Paterson's imaginative plan is controversial.⁹¹⁰ He was right in underlining the English early interest in the Darien Isthmus, which intensified when the Scottish expedition was arranged. The Board of Trade at first considered the opportunity of occupying the area, worried by the possible departure of English subjects from nearby settlements. In Fletcher's words, the English feared that planters from their "oppressed Colonies in America" would prefer to move to Darien, "under a free Constitution".⁹¹¹

Eventually however, the Board abandoned the idea, because of William III's necessity of maintaining an anti-French policy during the Spanish succession crisis. Indeed, the Darien venture also involved a third party, that is the Spanish empire itself. William was not disposed to break with Madrid while discussing the delicate partition of its territories, but Spanish diplomats and statesmen were not willing to tolerate any foreign presence in Central America either. Charles II's ambassador in London, the Marquis de Canales, warned his Court since early 1696 about Scottish designs and their possible attempts at interloping in Spanish overseas territories. The landing in November 1698 in Caledonian Bay of the Scots' fleet constituted a direct threat to the empire's prestige and dominion, and was perceived as an early attempt to divide up its colonies.⁹¹² The "greater venture at Sea than at any time since we have bin a Nation"⁹¹³, as Fletcher termed the Darien enterprise, was soon to be investigated on theoretical grounds.

⁹⁰⁹ Douglas Watt, 'The Management of Capital by the Company of Scotland 1696–1707', *Journal of Scottish Historical Studies*, 25, n°2 (2005), pp. 97–118.

⁹¹⁰ See above, pp. 49 and ff.

⁹¹¹ Fletcher, *Two Discourses*, p. 14.

⁹¹² Christopher Storrs, 'Disaster at Darien (1698–1700)? The Persistence of Spanish Imperial Power on the Eve of the Demise of the Spanish Habsburgs', *European History Quarterly*, 29, n°1 (1999), pp. 5–38.

⁹¹³ Fletcher, *Two Discourses*, p. 8.

4.5 The right of possession of the Isthmus between Scotland and Spain

Greeted with the publication of poems and songs,⁹¹⁴ the official news of the colony's initial success reached Scotland by March 1699 through the *Edinburgh Gazette*, which reported public manifestations of joy across the country.⁹¹⁵ A month before, colonists had managed to rebuff an immediate Spanish effort to dislodge the settlement of New Edinburgh, while embellished descriptions of the area were circulated back home.⁹¹⁶ In London, Canales presented an official complaint in form of a memorial that lamented the Scottish attempt to settle in "His Majesty's Sovereign Demains in *America*"⁹¹⁷, which openly contradicted the existing treaties between Spain and England.⁹¹⁸ Under the orders of Vernon, the governor of Jamaica, Sir William Beeston, issued a proclamation prohibiting any assistance to the Scottish enclave on the same grounds; analogous documents came from Barbados and New York.⁹¹⁹ Visibly

⁹¹⁴ Matthias Symson, *Ad Florentissimam Scotiae Societatem Ad Indos & Afros Negotiantem Isthmum Olim Darienum, Nunc Caledoniam, Foeliciter Occupantem: Carmen Congratulatorium*, Edinburgh, 1699; Anon., *An Health to Caledonia, to the Tune of Marin's Trumpet Air*, [Edinburgh], 1699; Anon., *An Ode Made on the Welcome News of the Safe Arrival and Kind Reception of the Scottish Colony at Darien in America*, Edinburgh, 1699; Alexander Pennecuik, *Caledonia Triumphans: A Panegyrick to the King*, Edinburgh, 1699; Lady of honour, *The Golden Island, Or, The Darian Song: In Commendation of All Concerned in That Noble Enterprize of the Valiant Scots*, Edinburgh, 1699; R. A., *A Congratulatory Poem, on the Safe Arrival of the Scots African and Indian Fleet in Caledonia and Their Kind Reception by the Natives, with an Amicable Advice to All Concerned*, [Edinburgh], 1699.

⁹¹⁵ Company of Scotland Trading to Africa and the Indies, *An Express from the African and Indian Scots Company's Fleet, Landed in New-Edinburgh in Caledonia*, Edinburgh, 1699; Watt, *The Price of Scotland*, pp. 14-15; Bowie, *Scottish Public Opinion*, p. 29.

⁹¹⁶ Mark Horton, "'To Transit to Posterity the Virtue, Lustre and Glory of Their Ancestors': Scottish Pioneers in Darien, Panama", in *Bridging the Early Modern Atlantic World: People, Products, and Practices on the Move*, ed. by Caroline Williams, Burlington, Ashgate, 2009, pp. 131-150.

⁹¹⁷ *A Memorial given in to the King of Great Britain by the Ambassador Extraordinary of Spain; against the Scots Settlement at Darien*, in *A Full and Exact Collection of All the Considerable Addresses, Memorials, Petitions, Answers, Proclamations, Declarations and Other Publick Papers Relating to the Company of Scotland Trading to Africa and the Indies*, [Edinburgh?], 1700, p. 40.

⁹¹⁸ See also 'The Spanish Reasons against The Scotch invasion of Darien. Offer'd to his Maj' [1700?], BL MS. Harl. 2071, fols. 275r.-277v., as signalled in Armitage, 'The Scottish Vision of Empire', p. 104.

⁹¹⁹ *By the Honourable Sir William Beeston Kt. His Majesties Lieutenant Governour and Commander in Chief, In, and over This His Island of Jamaica, and Other the Territories Depending Thereon in America, and Vice-Admiral of the Same. A Proclamation*, Edinburgh, Re-printed exactly according to the originals, 1699.

upset, William III reportedly commented that the Isthmus of Darien, enclosed between Portobelo, Cartagena and Panama, “did as certainly belong to the King of Spain as Scotland to him”⁹²⁰.

The legality of such a possession rested on intricate contentions. A first one relied on the bull issued by Pope Alexander VI in 1493, which legitimised Spanish expansionism overseas on the grounds of a civilising mission and conquest of the infidels. By the mid-sixteenth century, this line of argument was gradually questioned, as the Dominican critique of Spanish expansionism gained momentum at Court. Authors such as Francisco de Vitoria (1492-1546) and Domingo de Soto (1494-1560) refused to acknowledge the temporal power of Rome as the source of legitimacy for the Spanish empire, also excluding discovery as legitimate ground, because of the presence of the natives. A second case used natural law to justify Madrid’s conquest of the Indies as a just war against the indigenous peoples: arguments ranged widely, from the necessity of bringing natural slaves back inside the human community as advocated by Juan de Sepúlveda, to the obligation to intervene and stop the violations of natural rights formulated by Vitoria. Many positions proved compatible with the *Reconquista* and this codification of the first European colonisation of the New World shaped the foundations of international law.⁹²¹

Scottish answers to the Spanish position were prompted by the necessity of proving Madrid’s pretensions over Darien wrong. The Regent of the University of Edinburgh William Scott, for instance, took advantage of the graduation ceremony in summer 1699 to deliver a speech in defence of the colony he had contributed to finance, on the grounds of natural law theory. The Spaniards could not claim any right of possession over Darien from discovery alone, which

⁹²⁰ Quoted in John P. Derek, ‘People and Parliament in Scotland, 1689-1702’, unpublished Ph.D. thesis, University of St. Andrews, 2002, p. 224.

⁹²¹ See Francisco de Vitoria, *Vitoria: Political Writings*, ed. by Anthony Pagden and Jeremy Lawrance, Cambridge, Cambridge University Press, 1991; James Brown Scott, *The Spanish Origin of International Law: Francisco de Vitoria and His Law of Nations*, Union, The Lawbook Exchange, Ltd., 2000; Anthony Anghie, ‘Francisco de Vitoria and the Colonial Origins of International Law’, in *Imperialism, Sovereignty and the Making of International Law*, ed. by Anthony Anghie, Cambridge, Cambridge University Press, 2002, pp. 13–31; Ursula Vollerthun and James L. Richardson, eds., *The Idea of International Society: Erasmus, Vitoria, Gentili and Grotius*, Cambridge, Cambridge University Press, 2017; José María Beneyto and Justo Corti Varela, eds., *At the Origins of Modernity: Francisco de Vitoria and the Discovery of International Law*, Springer, 2017; Santa Arias and Raúl Marrero-Fente, eds., *Coloniality, Religion, and the Law in the Early Iberian World*, Vanderbilt University Press, 2014.

constituted an insufficient condition, nor from occupation, since the Scot colonists found no garrison there. Furthermore, the Isthmus proved to be inhabited by natives, original owners of the land, who did not grant any consent to the Spanish armies, nor were dispossessed with just cause. As for the Papal bulls, only the “marvellous arrogance” of Rome could sustain the universality of the Pope’s temporal power.⁹²²

In the same period, the Company of Scotland presented three memorials to William to prove its rightful title to Darien, setting out its official position on the stage of the controversy. According to the acts of Parliament and the royal charter of 1695, the Scots held full powers to plant colonies anywhere, providing they did it “upon Places not Inhabited, or upon any other Place, by Consent of the Natives, [...] and not possess’d by any *European* Prince or State”⁹²³. The Darien settlement respected these conditions, as the Scottish colonists established themselves with the consent of the indigenous people. The presence of the natives proved that the Isthmus was not land laid waste, so that possession could not derive from Spanish occupation only, which in any case had not been continuative. Nor could Spain prove its rights through conquest or consent, since the distinct people of Darien “have been in frequent War with the *Spaniards*, since their first arrival into these Parts, and were never to this day Conquered”.⁹²⁴

It was along these lines that a huge number of printed responses appeared in Scotland. Anonymously or under eloquent pseudonyms to avoid censorship, works of probable collective authorship often repeated and quoted themselves, insisting in giving the Company’s claim a scholarly vest. The use of Latin quotations from the most eminent texts of natural law theory, Biblical references and a common tone of patriotic indignation reinforce the impression that the Scottish *intelligentsia* unanimously worked at defending the Caledonia colony against both the encroachments of the English Court and the Spanish

⁹²² Finlayson, ‘Edinburgh University and the Darien Scheme’, pp. 97–103.

⁹²³ Company of Scotland Trading to Africa and the Indies and Scotland, *Scotland’s Right to Caledonia (formerly Called Darien) and the Legality of Its Settlement Asserted in Three Several Memorials Presented to His Majesty in May 1699*, Edinburgh, 1700, First address, p. 1.

⁹²⁴ *Ibidem*, p. 7.

claims.⁹²⁵ The Company's directors, among which several lairds figured besides the apolitical group of merchants led by Paterson, increasingly adhered to the Country party political stand in opposition to the Court. In this context, reasserting Scotland's independence became inextricably intermingled with the necessity of proving the legality of the Scottish settlement.

Among the various pen names that were used during the debates, Fletcher has been repeatedly believed to be "Philo-Caledonius", who authored *A Defence of the Scots Settlement at Darien* (1699).⁹²⁶ Writing to the Country party leader Lord Yester from London, Fletcher believed "it is so well written that I wish you had a 1000 copies of it in Scotland", although he was worried that its circulation north of the Tweed could worsen his compatriots' resentment against England.⁹²⁷ Published at the beginning of the dispute, the *Defence* somehow constituted the mould out of which other tracts were cast. Walter Harris, the surgeon who participated in the first expedition, noted that "the whole system" of Robert Ferguson's *A Just and Modest Vindication* "is easily discovered to be Mr. F---rs, almost paragraph by paragraph".⁹²⁸ Harris, believed to be on Secretary Vernon's payroll to voice the English position in the controversy, also stated Fletcher's involvement in the choice of Darien for a Scottish settlement.⁹²⁹

Additionally, the diarist and shareholder George Home recorded the reading of *An Enquiry into the causes of the miscarriage of the Scots Colony at Darien* (1700), whose author, to be arrested, was also believed to be Fletcher.⁹³⁰ The *Enquiry* is usually attributed to the radical Whig and Presbyterian George Ridpath, editor of the London newspaper *Flying Post* and strong pen in favour of

⁹²⁵ For a closer textual analysis, see Marina Dossena, 'Modality and Argumentative Discourse in the Darien Pamphlets', in *Insights into Late Modern English*, ed. by Charles Jones and Marina Dossena, Bern, Peter Lang, 2003, pp. 283–310 and 'Forms of Argumentation and Verbal Aggression in the Darien Pamphlets', in *News Discourse in Early Modern Britain: Selected Papers of CHINED 2004*, ed. by Nicholas Brownlees, Bern, Peter Lang, 2006, pp. 235–255.

⁹²⁶ See Philo-Caledon., *A Defence of the Scots Settlement at Darien*, occasionally attributed to Fletcher, George Ridpath, Lord Belhaven or Archibald Foyer, and [Andrew Fletcher?], *A Short and Impartial View of the Manner and Occasion of the Scots Colony's Coming Away from Darien in a Letter to a Person of Quality*, [Edinburgh?], 1699, signed "P.C."

⁹²⁷ NLS MS 7020 Yester, fols. 169-170v., Andrew Fletcher to Lord Yester, 23rd September 1699.

⁹²⁸ Walter Harris, *A Short Vindication of Phil. Scot's Defence of the Scots Abdicating Darien*, London, 1700, p. 11: the reference could also be to Foyer, see fn 197 above.

⁹²⁹ See above, chapter I, p. 50. Bowie, *Scottish Public Opinion*, p. 30.

⁹³⁰ NAS GD 1/649/3, fol. 15: "the oration is ordered by the House of Commons to be burnt by the hand of the hangman; and the author, and printer to be arrested. They say Salton wrote it. I have not read it yet: they say it is something bitter on the Court of England".

the Darien colony.⁹³¹ All scarce evidence considered, although it is arduous to present Fletcher as the first and foremost writer in the Darien debates, to exclude his participation seems to the very least rushed. Rather, it is safe to assume Fletcher was involved in the production of the literature on the matter, often clandestinely printed in London, which he also took care of collecting, closely following the developments of the controversy and its actors.⁹³² “Philo-Caledonius” thus appears to be a pseudonym under which different authors, both individually and collectively, published their interventions, and those attributable to Fletcher unsurprisingly linger over political issues rather than religious or natural law arguments.⁹³³

While often in a confused and speculative way, these interventions developed in a common direction, aimed at discarding all of the rightful means of acquisition Madrid might pretend to have over Darien: occupation, conquest or consent. Of these, the first was the foremost justification of European imperialism and had been revived by Pufendorf and Grotius as the origin of all property.⁹³⁴ In the memorials printed by the Company as propaganda material, occupation produced legal possession only “of all Waste and Uninhabited Countries, where a formal Division hath not Intervened, as *Grotius* in particular, in his Second Book *de jure Belli* doth abundantly clear”.⁹³⁵ Given the presence of natives, a reading of Grotius’ account of the rise of private property by first collective occupancy in the state of nature proved instrumental in excluding Spanish claims.⁹³⁶ The opening quotation from Roman law *Quod enim est nullius*,

⁹³¹ Bowie, *Scottish Public Opinion*, pp. 24, 32. See [George Ridpath?], *An Enquiry into the Causes of the Miscarriage of the Scots Colony at Darien, Or, An Answer to a Libel Entitled A Defence of the Scots Abdicating Darien*, Glasgow, 1700 and the very similar content of George Ridpath, *Scotland’s Grievances Relating to Darien, &c Humbly Represented to the Parliament*, [Edinburgh?], 1700.

⁹³² A list from his library’s catalogue can be found in Armitage, ‘The Scottish Vision of Empire’, p. 105, fn. 25.

⁹³³ See for instance Philo-Caledon., *Scotland’s Present Duty*, whose religious tone seems to suit the Stonehouse minister Archibald Foyer better than Fletcher.

⁹³⁴ Andrew Fitzmaurice, ‘Discovery, Conquest, and Occupation of Territory’, in *The Oxford Handbook of the History of International Law*, ed. by Bardo Fassbender and Anne Peters, Oxford, Oxford University Press, 2012, pp. 840–860.

⁹³⁵ Company of Scotland, *Scotland’s Right to Caledonia*, p. 4.

⁹³⁶ Hugo Grotius, *The Rights of War and Peace*, ed. by Richard Tuck and Jean Barbeyrac, 3 vols., Indianapolis, Liberty Fund, 2005, vol. II, book II, chapters II-IV, pp. 19-48. Paraphrases of Grotius’ account can be found in the third memorial, *ibidem*, p. 19.

per occupationem acquiritur ejus Dominium underlined the same concept, although wrongly attributed to Pufendorf by petitioners.⁹³⁷

The most theoretically refined analysis of the Spanish rights, contained in Ferguson's intervention, eluded such a mistake, attributing the Latin *formula* to "all Civilians".⁹³⁸ Ferguson retraced Grotius' version of the birth of private property, adding the authority of Pufendorf's *De Jure Naturae & Gentium* (1672) on occupancy and the origin of dominion.⁹³⁹ Moreover, he insisted, like the memorials in a Grotian vein, that the original acquisition could not occur by a "meer act of the *Mind*", but should be "a *Bodily Act*, that is *quasi positio pedis*".⁹⁴⁰ Even if Darien were to be considered an originally uninhabited land, the fact that the Spaniards had occupied Portobelo and Cartagena did not grant them the possession of a further territory that showed no sign of their presence. To be sure, Ferguson also considered the possibility that the Spanish actually set foot on Darien, but dismissed it as an "occasional touching", very different from the continued and physical possession that Grotius saw as necessary to generate any legal right.⁹⁴¹ Ferguson's move was directed to refute Vitoria's thin distinction between discovery and occupation, in embracing the Grotian interpretation that counterposed the two justifications of possession precisely to reject Spanish claims in the New World and open the way to Dutch commercial ventures.⁹⁴²

To discard the legitimacy of the Spanish conquests in America, Scottish authors proceeded in two main complementary ways. On the one hand, they

⁹³⁷ *Ibidem*, where the frontpage attributes the quotation to Pufendorf's *De Jure Naturae & Gentium*. See Theodor Mommsen and Paul Krueger, eds., *The Digest of Justinian*, 4 vols., Philadelphia, University of Pennsylvania Press, 1985, vol IV, 487a instead.

⁹³⁸ Ferguson, *A Just and Modest Vindication*, p. 64.

⁹³⁹ *Ibidem*, Ferguson refers to Grotius, *The Rights of War and Peace*, book II, chapter II and Pufendorf's *On the Law of Nature and of Nations in Eight Books*, book IV, chapters IV and VI, in Samuel Pufendorf, *The Political Writings of Samuel Pufendorf*, ed. by Craig L. Carr and Michael J. Seidler, Oxford, Oxford University Press, 1994, pp. 175-188.

⁹⁴⁰ *Ibidem*, p. 65; Company of Scotland, *Scotland's Right to Caledonia*, Third memorial, p. 20, 23. The expression *positio pedis*, originally from the Roman jurist Paulus in the *Digest*, became the formula to denote actual corporeal possession. See *The Digest*, vol. IV, 160a.

⁹⁴¹ *Ibidem*, where Ferguson quotes Grotius, *The Rights of War and Peace*, vol. II, book II, chapter IV, paragraph 9, p. 45 and Pufendorf, *On the Law of Nature and of Nations*, book IV, chapter VI, paragraph 8, p. 188. Interestingly enough, none of the pamphlets attributable to Fletcher take the hypothesis of Spanish first occupation as worthy of being refuted, as is also the case for Anon., *Certain Propositions Relating to the Scots Plantation of Caledonia, and the National Address for Supporting Thereof Breifly Offered to Publick View, for Removing of Mistakes and Prejudices*, Glasgow, 1700.

⁹⁴² Andrew Fitzmaurice, *Sovereignty, Property and Empire, 1500-2000*, Cambridge, Cambridge University Press, 2014, pp. 42-47, 98-101.

appealed to the contemporary enthusiastic reports from Central America to prove the natives “being in possession of their Liberty, and almost in continual Wars with the *Spaniards*”⁹⁴³. Far from being conquered, in the descriptions of buccaneers and colonists the Darien’s indigenous population “mortally hate the Spaniards”, who had “no command over them”.⁹⁴⁴ It was mostly from Lionel Wafer, who supposedly met Fletcher to give his opinion on a settlement at Darien,⁹⁴⁵ and William Dampier that this information was skilfully extracted.⁹⁴⁶ Their descriptions constituted the source to attest the presence of natives and the territorial extension of Spanish actual settlements.⁹⁴⁷ Revealingly, it had been a secret interview with the two adventurers that tempted the English Board of Trade to seize Darien at an earlier stage.⁹⁴⁸

On the other hand, many pamphlets found their arguments in sixteenth century Spanish sources. The adroit publication in 1699 of an English translation of Bartolomé de Las Casas’ works gave the Scots the opportunity of quoting the fragments they needed to defend their position.⁹⁴⁹ On a very elementary level, Las Casas’ direct testimony of ten years of Spanish atrocities and brutal treatment of the *Indios* was used to reinforce the *Black Legend* about Spanish violent colonisation of southern America, a classic *topos* of Protestant literature

⁹⁴³ [Ridpath?], *An Enquiry into the Causes*, p. 40.

⁹⁴⁴ Philo-Caledon., *A Defence*, p. 4.

⁹⁴⁵ See above, chapter I, p. 51.

⁹⁴⁶ Company of Scotland, *Scotland’s Right to Caledonia*, p. 10; Ferguson, *A Just and Modest Vindication*, pp. 11, 49; [Ridpath?], *An Enquiry into the Causes*, pp. 39, 102, 107; Philo-Caledon., *A Defence*, pp. 4-6, 44-47.

⁹⁴⁷ William Dampier, *A New Voyage Round the World Describing Particularly, the Isthmus of America*, London, 1697; Lionel Wafer, *A New Voyage and Description of the Isthmus of America Giving an Account of the Author’s Abode There*, London, 1699; *Id.*, *A Short Account From, and Description of the Isthmus of Darien, Where the Scots Colony Are Settled With a Particular Map of the Isthmus and Enterence to the River of Darien. According to Our Late News, and Mr. Dampier and Mr. Wafer*, Edinburgh, 1699. See also Anon., *A Letter, Giving a Description of the Isthmus of Darian (where the Scot’s Colonie Is Settled) from a Gentleman Who Lives There at Present*, London, 1699; Isaac Blackwell, *A Description of the Province and Bay of Darian*, Edinburgh, 1699; Gentleman lately arriv’d, *The History of Caledonia, Or, The Scots Colony in Darien in the West Indies*, London, 1699.

⁹⁴⁸ Gallup-Diaz, *The Door of the Seas and Key to the Universe*, pp. 229-241; Armitage, ‘The Scottish Vision of Empire’, pp. 109-110; Watt, *The Price of Scotland*, p. 15.

⁹⁴⁹ Bartolomé de Las Casas, *An Account of the First Voyages and Discoveries Made by the Spaniards in America Containing the Most Exact Relation Hitherto Publish’d, of Their Unparallel’d Cruelties on the Indians, in the Destruction of above Forty Millions of People: With the Propositions Offer’d to the King of Spain to Prevent the Further Ruin of the West-Indies*, London, 1699. The book constitutes a *compendium* of different writings from the Dominican friar, translated from the French by Jean-Baptiste Morvan de Bellegarde.

and iconography.⁹⁵⁰ On a more elaborated note however, pamphleteers tackled with Las Casas' legitimisation of Spanish conquest as a civilising and evangelical mission, based on non-violent Catholic universalism. In this sense, the papal bulls could have made Madrid's claim lawful, but "upon certain Conditions"⁹⁵¹ listed by Las Casas and confined to the spiritual realm.⁹⁵²

In *De regia potestate* (1554), Las Casas had made it clear that after the destructions caused by the *conquistadores*, the Spanish title to Americas essentially depended upon the peaceful propagation of Christian Faith, as originally stated by the bulls, and the voluntary submission of the *Indios* to the King of Spain.⁹⁵³ Subjected to inquiry by the Scots more than a century later, the Spaniards were found to "have not in the least observed" these clauses.⁹⁵⁴ Drastically questioning the right to any dominion in the New World, Caledonia defenders thus referred to the Dominican's "Propositions", according to which Spanish conquests "are to be accounted Unjust, Tyranical and Null, being condemned by all the Laws of God and Men": the Indians had been attacked without just cause, deprived of what they possessed and of their natural rights.⁹⁵⁵ Conversely, the Scots could now in turn peacefully civilise the natives and spread the true Protestant version of the Gospel.⁹⁵⁶

Such a biased reading of Las Casas made it possible to sustain that, since "instead of converting their Souls, they destroyed their Bodies", the Spaniards

⁹⁵⁰ Lawrence A. Clayton, *Bartolomé de Las Casas and the Conquest of the Americas*, John Wiley & Sons, 2011, pp. 6–7, 23, 145–147; Roberto A. Valdeón, *Translation and the Spanish Empire in the Americas*, John Benjamin's Publishing Company, 2014, pp. 157–162.

⁹⁵¹ Anon., *Certain Propositions*, p. 1.

⁹⁵² To be sure, Ferguson's *Vindication* also dismantled the possibility of a medieval interpretation of the Papal bulls, where heathen's territories could be considered *res nullius*, "Civil Dominion and Property, being no ways founded in Grace, or in the *Orthodoxy of Faith*, but in Principles of Nature", p. 75. Conversely, Harris accused Ferguson of considering the Scots proprietors of Darien exactly on the grounds of their Presbyterian conviction.

⁹⁵³ Luca Baccelli, 'Guerra e diritti. Vitoria, Las Casas e la conquista dell'America', *Quaderni Fiorentini per La Storia Del Pensiero Giuridico Moderno*, n°37 (2008), pp. 67–101; José A. Cárdenas Bunsen, 'Consent, Voluntary Jurisdiction and Native Political Agency in Bartolomé de Las Casas' Final Writings', *Bulletin of Spanish Studies*, 91, n°6 (2014), pp. 793–817.

⁹⁵⁴ Anon., *Certain Propositions*, p. 1.

⁹⁵⁵ [Ridpath?], *An Enquiry into the Causes*, p. 111, quoting from Las Casas, *An Account of the First Voyages and Discoveries*, pp. 140–147. The same quote can be found in Ferguson, *A Just and Modest Vindication*, p. 69.

⁹⁵⁶ Philo-Caledon., *Scotland's Present Duty*, pp. 7–9, 24–26; Anon. *Certain Propositions*, p. 1. The Scots did not oppose the idea of being a civilizing force as such. See Andrew Fitzmaurice, 'Scepticism of the Civilizing Mission in International Law', in *International Law and Empire*, pp. 359–385 on the matter.

had to give Mexico and Peru back to the natives.⁹⁵⁷ With a similar approach, the *Enquiry* also invoked de Soto and Vitoria to exclude the possibility Madrid could claim to have started a *bellum iustum* against indigenous populations, adopting the strict Grotian interpretation of Vitoria rather than Pufendorf's.⁹⁵⁸ Ferguson reasserted Spanish conquest had been rather achieved "by Fraud, Violence and Usurpation", generally reiterating with both continental jurists that no legal right could be acquired from such an invasion.⁹⁵⁹ Instead, after the forceful extinction of the empires of Mexico and Peru, the natives should be considered "back again to the *State of Nature*" and free to welcome their allies to drive the Spaniards out of their territories.⁹⁶⁰ Following his references, Ferguson underlined the Indians' natural right to dispose of their possessions as they pleased.⁹⁶¹

It thus comes as no surprise that nearly all the accounts from the Scottish colony underline the friendly greetings of the Darien populations, with whom treaties, agreements and even a defensive league against the Spaniards were stipulated.⁹⁶² The native tribes of Tule and Kuna, "true Proprietors"⁹⁶³ of the Isthmus, gave their free, explicit and manifest consent to a Scots settlement on their lands.⁹⁶⁴ This point legitimated Caledonia as a lawful colony according both to the act of the Scottish parliament of 1695 and to the law of nations, and was fairly insisted upon by the Company and its supporters.⁹⁶⁵ The contrast between the peaceful ways of a commercial enclave as designed by the Scots and the

⁹⁵⁷ Philo-Caledon., *A Defence*, pp. 5-6, 16, also quoting from the English version of Las Casas.

⁹⁵⁸ [Ridpath?], *An Enquiry into the Causes*, pp. 111-112.

⁹⁵⁹ Ferguson, *A Just and Modest Vindication*, pp. 72-74, where he quotes passages from Samuel Pufendorf, *Dissertationes academicae selectiores*, London, 1675, p. 371 and Grotius, *The Rights of War and Peace*, vol. I, book I, chapter IV, pp. 336-385. The third memorial uses the same expression as in Company of Scotland, *Scotland's Right to Caledonia*, p. 33.

⁹⁶⁰ *Ibidem*, p. 87.

⁹⁶¹ *Ibidem*, p. 124, where he quotes Pufendorf, *On the Law of Nature and of Nations*, book IV, chapter IV, paragraph 2, p. 176 and chapter VI, paragraph 12, p. 188 and Grotius, *The Rights of War and Peace*, vol. II, book II, chapter IV, paragraph 4, pp. 487-488.

⁹⁶² On the Tule tribes and their relations with the Spanish, Scots and English invaders, see Gallup-Diaz, *The Door of the Seas and Key to the Universe, passim*. and Bridget McPhail, 'Through a Glass, Darkly: Scots and Indians Converge at Darien', *Eighteenth-Century Life*, n°18 (1994), pp. 129-147. On the Scottish narrative, see for instance Gentleman lately arriv'd, *The History of Caledonia*, p. 43, Blackwell, *A Description of the Province and Bay of Darian*, p. 11, Wafer, *A Short Account*, p. 1 and "Captain Long's Letter from Jamaica, concerning the Scots settling in Caledonia, 1699" in *The Darien Papers*, p. 83.

⁹⁶³ Ferguson, *A Just and Modest Vindication*, p. 139. *Certain Propositions* also reports the Scots settled "by Invitation from, and League with the original free Natives of that Country".

⁹⁶⁴ See the official "Treaty between the Council of Caledonia and the Chief Diego of Darien", in *The Darien Papers*, pp. 87-88.

⁹⁶⁵ *Ibidem*, pp. 50, 83, 107, 129-133; Company of Scotland, *Scotland's Right to Caledonia*, p. 2.

violent territorial conquests of the Spaniards had been fashioned sharply, and eventually represented the litmus test for the larger debate on the nature of empires that Fletcher illustrated in his *Discorso*.

However, the main opposition to the Scottish claims, represented by several publications attributed to Walter Harris, did not consider the issue as such, and rather tackled the question proposing “nothing dogmatically”⁹⁶⁶. Harris easily understood that the Company’s drastic stand would “not only elbow the Spaniards out of Darien, but likewise out Mexico and Peru”⁹⁶⁷. But he did not see any point in ascertaining whether Las Casas’ reading of the papal bulls had been respected, asking whether Paterson had planned reaching Darien to “take the Cure of the *American Souls*”⁹⁶⁸. Truth was that the Spaniards had conquered the whole coast of Central America, and a few natives’ cottages could not testify against their possession. Close to the eighteenth century general attitude, the simple fact the Spaniards had been there for nearly two hundred years granted them international recognition and legal prescription, and there was “no more occasion for *Puffendorf* nor *Hugo Grotius*” to question this.⁹⁶⁹

The Scottish offensive against the Spanish rights in Americas did raise curiosity across Europe, especially in France and the United Provinces.⁹⁷⁰ The debate however did not make it to a higher level of sophistication, due to the premature end of Caledonia that made the issue of possession secondary to the English.⁹⁷¹ Disease, tropical weather and the insalubrious jungle exhausted the colonists’ morale and health, while the lack of provisions proved decisive for the desertion of the settlement in June 1699.⁹⁷² The news, however, did not

⁹⁶⁶ Harris, *A Short Vindication*, p. 20.

⁹⁶⁷ *Ibidem*, p. 46.

⁹⁶⁸ *Ibidem*, pp. 40-42. See also Walter Harris, *The Defence of the Scots Settlement at Darien Answer’d Paragraph by Paragraph*, 1699, pp. 14-17.

⁹⁶⁹ Harris, *A Short Vindication*, p. 44.

⁹⁷⁰ See Anon., *Information Concernant L’affaire de Darien*, Paris, 1699, and the newspapers Nicolas Gueudeville, *L’Esprit des cours de l’Europe, où l’on trouve des réflexions ingénieuses & desintéressées sur ce qui s’y passe de plus remarquable: et les pièces les plus importantes*, The Hague, June 1699, pp. 350-353, 479, 594-599; *Le mercure galant*, Paris, December 1701, pp. 183-218. Several references to Dutch and French newspapers commenting on the Scots’ undertaking can also be found in Ferguson, *A Just and Modest Vindication* and [George Ridpath?], *An Enquiry into the Causes*.

⁹⁷¹ The legality of the colony became something pamphleteers “shall not meddle with” by 1701, as in Walter Harris, *An Enquiry Into the Caledonian Project: With a Defence of England’s Procedure (in a Point of Equity) in Relation Thereunto*, London, 1701, p. 4.

⁹⁷² Watt, *The Price of Scotland*, pp. 150-157.

discourage the Company, which prepared another expedition to restock the site in August. At this stage, Fletcher strongly urged a second voyage, hoping it could redress the colony's fate. Rather than Spanish fleets, it was the English proclamations prohibiting assistance that worried him. Considering William had no hesitation in dividing up Madrid's territories, "whatever interest it be that we are sacrificed, it is not to that of Spain".⁹⁷³

The debates surrounding the lawfulness of the Darien expedition were thus nipped in the bud by the actual miscarriage of the colony. Their singular dimension lies in the usage of natural law arguments against the colonial pretensions of the Spanish empire in America. There was a distinct reception of Grotian natural law theories not only on slavery, as briefly touched on in the previous chapter, but also on the origins of the rights of possession. Although in a confused way, authors for instance never appealed to the attractive case of the rights of self-preservation as a community to justify the venture, but were well aware of using the theoretical framework that was designed for modern commercial empires like the Dutch to smash obsolete colonial enterprises like the Spanish. This confirms the originality of the intellectual dimensions of the Scottish project, and the vulnerability of natural law claims in an international system of aspiring universal monarchs.

4.6 The sovereignty of Scotland formulated and asserted

Unfortunately, the second expedition proved disastrous. After reaching Darien by the end of November, the Scots attacked a Spanish frontier post a few miles away from New Edinburgh in February 1700, to relieve the pressure on the revitalised settlement. The initial success of this bold strategy was denied by the Spanish reaction, which involved Pope Innocent XII's funding to remove the threat of a Protestant enclave in Central America. A counter-offensive led by the Governor of Cartagena, Don Juan de Pimienta, definitively ended the Scottish

⁹⁷³ NLS MS 7020 Yester, fol. 169v.

colonial experience in April, after a few weeks of strenuous resistance.⁹⁷⁴ By the time the news reached Scotland in July, the Darien affair had already sharpened a deep political and constitutional crisis that lasted until 1701, involving popular mobilisation, the formation of a cohesive parliamentary opposition to the Court and the birth of a Country discourse on the terms of union with England.

The pamphlets taken into account thus far, also revolved around the issue of sovereignty, which survived the colonial disaster and fed into the Union debates years later.⁹⁷⁵ Along the lines Fletcher traced when the Company's ships sailed in 1698, the narratives of the events that crippled the Darien venture lamented the decisions of the House of Commons and English ministers as violations of Scotland's independence. To reassert the latter in the light of William's hostile behaviour, some of the Company's supporters proposed a radical understanding of the Scottish constitution, which eventually based the power of government in the estates of the realm. The debates that accompanied the publication of the Darien pamphlets seemed to confirm this view, as the interpretation of the ambiguous revolution settlement itself was questioned during the crisis, set off by the failed colonial venture. On the English side, William's answer was to urge for a closer union between the two kingdoms.

Overlooking the directors' disastrous management of the whole venture, Scottish authors rather lingered over episodes of English interference.⁹⁷⁶ The open hindrance to capital subscriptions in Hamburg in 1697 and the proclamations delivered in early 1699 in particular were denounced vigorously as an invasion "made upon our Sovereignty and Freedom"⁹⁷⁷. All of the detailed accounts of the events avoided directly putting the blame on the king, pointing at English ministers, the Court or the House of Commons as the true agents of the opposition to the Scottish settlement. Some tracts even contained the integral texts of the petitions and addresses both the Company and the Parliament in

⁹⁷⁴ Watt, *The Price of Scotland*, pp. 185-193.

⁹⁷⁵ For a definition of sovereignty and its polemical dimension, see the introduction to Hent Kalmo and Quentin Skinner, *Sovereignty in Fragments: The Past, Present and Future of a Contested Concept*, Cambridge, Cambridge University Press, 2010.

⁹⁷⁶ On the general lack of expertise among Scottish directors of the Company, see Christopher A. Whatley, *The Scots and the Union*, Edinburgh, Edinburgh University Press, 2006, pp. 166-175 and Elspeth Jajdelska, 'Unknown Unknowns. Ignorance Of The Indies Among Late Seventeenth-Century Scots', in *The Dutch Trading Companies as Knowledge Networks*, ed. by Siegfried Huigen, Jan Jong and Elmer Kolfin, Leiden, BRILL, 2010, pp. 393-414.

⁹⁷⁷ Ridpath, *Scotland's Grievances*, p. 1.

Edinburgh had presented to William.⁹⁷⁸ This strategy was instrumental in rallying public opinion on the Company's side, but it also entailed the task of defining the contours of Scottish sovereignty in the British multiple monarchy.⁹⁷⁹

To perform this task, publications retraced the troubled relationship between England and Scotland, using historical sources as evidence of Scottish independence. Tacitus' account of the nation's glorious martial past figured, and so did instrumental interpretations of the Wars of the Three Kingdoms (1639-1651). *A Defence's* reconstruction stressed the key role Scotland had in delivering England "from their Oppressions in the time of K. Charles I" and from "the Anarchy of the Rump"⁹⁸⁰. It used the *Memoirs of Denzil Lord Holles* published in London a few months before by John Toland, within the framework of the standing army controversy.⁹⁸¹ Fletcher for sure appreciated Philo-Caledonius' choice of sources as much as his resistance to the rising tide of Anglophobia; the latter's complaints on the union of the crowns closely echoed those contained in the *Two Discourses*. *A Defence's* setting of the British problem in the wider perspective of the "Ballance of Europe"⁹⁸² finally feeds the temptation of attributing the tract to Fletcher.

But Philo-Caledonius also intimidatingly mentioned how the Scots vindicated "the Sovereignty and Dignity"⁹⁸³ of the crown of their kingdom in excluding John Balliol from it, for his recognition of the English feudal superiority in the XIII century. The interpretation of the episode that brought Robert Bruce to become the king of Scotland was part of the narrative that Scottish historians

⁹⁷⁸ Philo-Caledon., *A Defence*, pp. 21, 24, 29, 37, 38, 41, 42, 59 and *Scotland's Present Duty*, pp. 4, 9, 13, 22, 25; [Ridpath?], *An Enquiry into the Causes*, pp. 5-8, 21-34, 37-39, 41-42; Ridpath, *Scotland's Grievances*, pp. 1-7, 10-13, 25, 32-34; Ferguson, *A Just and Modest Vindication*, see the Dedication and pp. 42-44, 194-196; [Fletcher?], *A Short and Impartial View*, pp. 6-8, 16-18, 26-28; William Seton, *A Short Speech Prepared to Be Spoken by a Worthy Member in Parliament Concerning the Present State of the Nation*, [London], 1700, pp. 6-7 and *The Interest of Scotland in Three Essays*, London, 1700, p. 31; Sincere well-wisher, *An Essay against the Transportation and Selling of Men*, p. 24.

⁹⁷⁹ On the concept of multiple monarchy, see H. G. Koenigsberger, 'Dominium politicum or dominium politicum et regale: Monarchies and Parliaments in Early Modern Europe', in *Politicians and Virtuosi: Essays in Early Modern History*, ed. by H. G. Koenigsberger, London, The Hambledon Press, 1986; J. H. Elliott, 'A Europe of Composite Monarchies', *Past & Present*, 137, November 1992, pp. 48-71.

⁹⁸⁰ Philo-Caledon., *A Defence*, p. 26.

⁹⁸¹ *Ibidem*, pp. 27, 31 and Baron Denzil Holles, *Memoirs of Denzil Lord Holles, Baron of Ifield in Sussex, from the Year 1641, to 1648*, London, 1699. For Toland's activities as a propaganda publisher, see above, chapter II, p. 80-81.

⁹⁸² *Ibidem*, pp. 14, 26, 37.

⁹⁸³ *Ibidem*, dedication.

had composed to assert the nation's independence, from John Mair and Hector Boece to George Buchanan.⁹⁸⁴ In particular, the latter's claim of a continuous line of monarchs starting from Fergus I constituted evidence of Scotland's status as an independent kingdom, recently reasserted after the Restoration.⁹⁸⁵ In the context of a strongly monarchical political culture, the interruption of the Stuart dynasty forced the Darien commentators to juggle with the double role of William as king of Scots and king of England to probe his actions.⁹⁸⁶

Accordingly, who represented the depository of Scottish sovereignty was a crucial question. On the one hand, in the 1680s the advocate Sir George Mackenzie of Rosehaugh had adhered to the chronicles of the historians rebutting the lordship of England over Scotland. From an absolutist point of view, he used Boece's account that underlined the original conquest of Scotland by Fergus I and the following one by Robert Bruce against John Balliol. For Mackenzie, military victory confirmed the divine right of the king, laying the foundations of hereditary succession and of the Scottish feudal system. Faithful to the formulation contained in the *Trew Law of Free Monarchies* (1598) by king James I himself, Mackenzie ultimately placed sovereignty in the hands of the ruler.⁹⁸⁷ Such a solid interpretation could rely on the authority of the humanist lawyer Thomas Craig of Riccarton, whose *Jus Feudale* (1603) systematised the application of European feudal law in Scotland on behalf of the crown.⁹⁸⁸

⁹⁸⁴ See for instance Edward J. Cowan and Richard J. Finlay, eds., *Scottish History: The Power of the Past*, Edinburgh, Edinburgh University Press, 2002; Roger A. Mason, 'Certain Matters Concerning the Realme of Scotland: George Buchanan and Scottish Self-Fashioning at the Union of the Crowns', *The Scottish Historical Review*, 42, n°1 (2013), pp. 38–65.

⁹⁸⁵ John H. Burns, *The True Law of Kingship: Concepts of Monarchy in Early-Modern Scotland*, Oxford, Oxford University Press, 1996, pp. 63–66, 84–91, 204–216; Clare Jackson, *Restoration Scotland, 1660-1690: Royalist Politics, Religion and Ideas*, Boydell Press, 2003; Roger A. Mason, 'Debating Britain in Seventeenth-Century Scotland: Multiple Monarchy and Scottish Sovereignty', *Journal of Scottish Historical Studies*, 35, n°1 (2015), pp. 1–24.

⁹⁸⁶ See for instance Philo-Caledon., *A Defence*, pp. 40-41 and Ridpath, *Scotland's Grievances*, pp. 1-4.

⁹⁸⁷ Hector Boethius, *Scotorum historiae a prima gentis origine cum aliarum et rerum et gentium illustratione*, Paris, 1527; Sir George Mackenzie, *Jus Regium: Or, The Just, and Solid Foundations of Monarchy in General, and More Especially of the Monarchy of Scotland: Maintain'd Against Buchanan, Naphthali [sic], Dolman, Milton, &c*, Edinburgh, 1684; *Id.*, *A Defence of the Antiquity of the Royal Line of Scotland*, Edinburgh, 1685; *Id.*, *The Antiquity of the Royal Line of Scotland Farther Cleared and Defended, against the Exceptions Lately Offer'd by Dr. Stillingfleet*, London, 1686; King James VI and I, *The Trew Law of Free Monarchies*, in *King James VI and I: Political Writings*, Cambridge, Cambridge University Press, 1995, pp. 62-85; Jackson, *Restoration Scotland*, pp. 48-58.

⁹⁸⁸ Sir Thomas Craig, *Jus Feudale, tribus libris comprehensum*, Leipzig, 1716; Brian P. Levack, 'Law, Sovereignty and the Union', in *Scots and Britons: Scottish Political Thought and the Union of 1603*,

This position exposed the Scots to renewed claims of feudal superiority by English legal historians, which constituted an important feature of the Darien controversy that fed into the Union debates afterwards.⁹⁸⁹ Most of the English responses years later went in this direction, underlining the absolutist nature of the Scottish monarchy.⁹⁹⁰ But in 1695, George Ridpath translated Craig's unpublished *De hominio disputatio* to refute the insinuations advanced by the royal historiographer Thomas Rymer that the Scottish kings had to pay homage to their English counterpart.⁹⁹¹ In answering *A Defence* on Balliol's deposition, Harris recalled the episode stressing the role of Edward I, further proving the "Submission of the Scots Crown to that of England"⁹⁹². Another controversial point was the occupation by Oliver Cromwell. Whilst Fletcher had defined him a "usurper" along with other Scottish pamphletists,⁹⁹³ Harris did not hesitate to underline how his "Title to Scotland, as their Conqueror"⁹⁹⁴ was fully recognised in Europe.

ed. by Roger A. Mason, Cambridge, Cambridge University Press, 1994, pp. 213–239; John W. Cairns and Grant McLeod, 'Thomas Craig, Sir Martin Wright, and Sir William Blackstone: The English Discovery of Feudalism', *The Journal of Legal History*, 21, n°3 (2000), pp. 54–66.

⁹⁸⁹ William Ferguson, 'Imperial Crowns: A Neglected Facet of the Background to the Treaty of Union of 1707', *Scottish Historical Review*, 53, n°1 (1974), pp. 22–44; Colin Kidd, *Subverting Scotland's Past. Scottish Whig Historians and the Creation of an Anglo-British Identity 1689–1830*, Cambridge, Cambridge University Press, 1993, pp. 33–51; Clare Jackson, 'Conceptions of Nationhood in the Anglo-Scottish Union Debates of 1707', *The Scottish Historical Review*, 87, n°2 (supplement) (2008), pp. 61–77.

⁹⁹⁰ On the topic, see Blackerby Fairfax, *A Discourse upon the Uniting Scotland with England: Containing the General Advantage of Such an Union to Both Kingdoms*, London, 1702; Sir Robert Sibbald, *The Liberty and Independency of the Kingdom and Church of Scotland, Asserted from Antient Records*, Edinburgh, 1702; Anon., *Historia Anglo-Scotica: Or an Impartial History of All That Happen'd between the Kings and Kingdoms of England and Scotland*, London, 1703; William Atwood, *The Superiority and Direct Dominion of the Imperial Crown of England, over the Crown and Kingdom of Scotland, and the Divine Right of Succession to Both Crowns Inseparable from the Civil, Asserted*, London, 1704 and *The Scotch Patriot Unmask'd*, London, 1705; John Hamilton, Lord Belhaven, *The Lord Belhavens Speech in Parliament, the 17th. of July 1705*, [Edinburgh], 1705; Anon., *Remarks upon a Late Dangerous Pamphlet, Intituled, The Reducing of Scotland by Arms, and Annexing It to England as a Province*, London, 1705; Anon., *An Answer to Some Queries, Etc. [by John Bannatyne], Relative to the Union [between England and Scotland]*, Edinburgh, 1706; Anon., *A Convincing Reply to the Lord Belhaven's Speech, in Relation to the Pretended Independency of the Scottish Nation*, London, 1707.

⁹⁹¹ *Scotland's Sovereignty Asserted; Being a Dispute Concerning Homage Against Those Who Maintain That Scotland Is a Feu, Or Fee-Liege of England*, London, 1695.

⁹⁹² Walter Harris, *A Defence of the Scots Abdicating Darien Including an Answer to the Defence of the Scots Settlement There*, [Edinburgh?], 1700, Epistle Dedicatory.

⁹⁹³ See Fletcher, *A Discourse of Government*, p. 26, who uses the same term as Philo-Caledon., *A Defence*, p. 23 and Seton, *The Interest of Scotland*, p. 39, while Ridpath refers to his "imaginary Conquest" in *An Enquiry into the Causes*, p. 43.

⁹⁹⁴ Harris, *The Defence of the Scots Settlement at Darien Answer'd*, p. 56.

Scottish sources also provided strong grounds for those contending that sovereignty was rather vested in the community of the realm than in the person of the king. The cornerstone of this position was represented by Buchanan's works, which argued for the elective nature of the Scottish monarchy, popular sovereignty and a radical understanding of the right of resistance. Although the Covenanted movement from the 1630s distorted its original civic humanist contents, Buchanan's legacy had an enduring influence on Scottish and European political theory. During the War of the Three Kingdoms his writings were merged with the Hebraic Biblicism of the Covenanters, who imposed the oligarchic constitutional reforms of 1641 in Scotland. After the Restoration, Buchanan still constituted a bedrock for what was now a minoritarian faction, represented by Samuel Rutherford, Alexander Shields and Fletcher's former exile companion James Stewart of Goodtrees.⁹⁹⁵

In his political treatise *De Jure Regni apud Scotos* (1579), Buchanan underlined that the nobility of Scotland had banned Balliol and chosen Robert Bruce as king, precisely because the former subjected his realm to England. This narrative of events excluded conquest from the process and firmly placed the sovereignty in the estates, legitimised to resist a tyrannical monarch. Buchanan further substantiated this claim in writing *Rerum Scoticarum Historia* (1582), which gave additional historical examples of the Scots' behaviour towards their unlawful kings.⁹⁹⁶ The authors defending the Darien venture endorsed "our Historian"⁹⁹⁷ and his account to overcome the impasse of the union of the crowns, including the examples of other deposed kings in their pamphlets.⁹⁹⁸ Accordingly, they also warned the English that "we never believed that Doctrine

⁹⁹⁵ Ian Michael Smart, 'The Political Ideas of the Scottish Covenanters, 1638-88', *History of Political Thought*, 1, n°2 (1980), pp. 167-194; John D. Ford, 'Lex, rex, iusto posita: Samuel Rutherford on the Origins of Government', in *Scots and Britons*, pp. 262-90; Allan I. MacInnes, 'Covenanting Ideology in Seventeenth-Century Scotland', in *Political Thought in Seventeenth-Century Ireland*, pp. 191-220; Roger A. Mason, ed., *George Buchanan: Political Thought in Early Modern Britain and Europe*, Farnham, Ashgate, 2012.

⁹⁹⁶ George Buchanan, *De Iure Regni apud Scotos, Dialogus*, Edinburgh, 1579 and *Rerum Scoticarum Historia*, Edinburgh, 1582. For Fletcher, see above, chapter II, pp. 112-113.

⁹⁹⁷ The expression is recurring especially in Ridpath's *Scotland Grievances* and *An Enquiry into the Causes* and Seton's *A Short Speech*. Fletcher used the same expression while referring to Buchanan in his *Discourse of Government*, p. 22.

⁹⁹⁸ Philo-Caledon., *A Defence*, p. 41; Ridpath, *Scotland Grievances* pp. 51 and *An Enquiry into the Causes*, pp. 34.-35.

in Scotland, that it is unlawful to resist a king”, deserving the attention of the Court’s censorship.⁹⁹⁹

Ridpath in particular, who was put to trial as the supposed author of *An Enquiry*, protested that quoting Buchanan sufficed to be condemned as “Trayterous”, while the English “quietly suffer Books to be published” that justified tyrannicide, “as *Milton's Works*, and others”, also being reissued at the time by Toland.¹⁰⁰⁰ Delving deeper into the matter of Scottish constitutional history, Ridpath asserted that “*the supreme Power of the Government of Scotland is in the States*”, with the king being nothing more than what “the Dutch Stadtholder is to the States of *Holland*”.¹⁰⁰¹ He directly engaged with Mackenzie’s “wild Conceptions about the form of our Original Government”, sticking with Buchanan and his narrative of the election of the first king Fergus I by the Scots.¹⁰⁰² As a direct crucial consequence, lands had not been conceded by a conqueror on the basis of feudal law, “but on the contrary, our Kings receiv’d their Power originally from those Heads of Families or Clans”.¹⁰⁰³

Ridpath’s kind of ethnocentric historical account, to be reiterated during the Union debates, had been losely employed by Fletcher in his militia pamphlet, when republished in Edinburgh for a Scottish audience. He referred both to Buchanan’s history of Scotland and to the glorious past of the nation, never conquered by any of the peoples attempting to invade it. But the historical analysis underlying *A Discourse of Government* was European in scope and accepted the feudal past of Britain, denying the possibility of returning to a Gothic constitution both he and Harrington believed to be defective, as discussed in the second chapter above.¹⁰⁰⁴ Conversely, Ridpath and most of the Darien pamphletists struggled to grasp the feeble and aristocratic constitutional

⁹⁹⁹ Philo-Caledon., *A Defence*, p. 31. See also Ridpath, *Scotland’s Grievances*, pp. 42-43, 46, and *An Enquiry into the Causes*, p. 35. Bowie, *Scottish Public Opinion*, pp. 49-51.

¹⁰⁰⁰ Ridpath, *Scotland’s Grievances*, p. 19. See for instance *An Essay against the Transportation and Selling of Men to the Plantations*, whose publication had been suppressed and the printing stopped.

¹⁰⁰¹ [Ridpath?], *An Enquiry*, pp. 10, 18-19.

¹⁰⁰² *Ibidem*, p. 26.

¹⁰⁰³ *Ibidem*, p. 27.

¹⁰⁰⁴ See also the classic accounts by J. G. A. Pocock, *The Ancient Constitution and the Feudal Law. A Study of English Historical Thought in the Seventeenth Century*, Cambridge, Cambridge University Press, 1987, pp. 372-374 and Colin Kidd, *British Identities before Nationalism: Ethnicity and Nationhood in the Atlantic World, 1600-1800*, Cambridge, Cambridge University Press, 1999, pp. 230-231, 280.

elements of Scottish history to strengthen their case. Some publications, for instance, mentioned or quoted the Declaration of Arbroath (1320), a document revived during the Restoration attesting the contractual and consensual nature of the monarchy to be negotiated with Scottish aristocracy.¹⁰⁰⁵

In this attempt of reconstructing the narrative of a Scottish constitutional identity to oppose English interference, the Revolution settlement also received a great deal of attention. To Ridpath, the Claim of Right promulgated in 1689 had given a legal vest to the undisputed fact that Scotland had always been a limited monarchy, a position Fletcher shared. The strong terms on which William and Mary were offered the crown should not be seen like a “Hardship or Innovation”¹⁰⁰⁶, but like a return to normality after the tyrannical realms of the Restoration. Appealing to the Claim of Right also became a strategy outside of printed debate, as the Country party kept on obtaining petitions to support the Company of Scotland from 1698, including two national addresses asking for a new parliament that revived the fear of covenanting radicalism. Although William considered prohibiting the nation-wide mobilisation, the Claim defended both the petitioning rights and the calling of frequent parliaments, and was repeatedly mentioned.¹⁰⁰⁷

Fletcher’s historical explanation for the rise of modernity entailed the disruption of Ridpath’s vision of a clanship-based sovereign community, but both attributed a major role to the Claim of Right as a check to the monarch’s power. As we have seen, Fletcher underlined how it made the maintenance of a standing army without the consent of Holyrood a reason for the forfeiture of James’ crown,¹⁰⁰⁸ to be redressed in parliament. In the *Two Discourses*, he endorsed, like Ridpath, the typical covenanting perception of the coronation oath of 1689 as

¹⁰⁰⁵ See Philo-Caledon., *A Defence*, Dedication; Sincere well-wisher, *An Essay against the Transportation and Selling of Men*, p. 20. For a recent evaluation of the Declaration’s impact, Edward J. Cowan, *‘For Freedom Alone’: The Declaration of Arbroath, 1320*, East Lothian, Tuckwell Press, 2003; Roger A. Mason, ‘Beyond the Declaration of Arbroath: Kingship, Counsel and Consent in Late Medieval and Early Modern Scotland’, in *Kings, Lords and Men in Scotland and Britain, 1300-1625: Essays in Honour of Jenny Wormald*, ed. by Steve Boardman and Julian Goodare, Edinburgh, Edinburgh University Press, 2014, pp. 265-282.

¹⁰⁰⁶ Ridpath, *Scotland’s Grievances*, p. 26.

¹⁰⁰⁷ Bowie, *Scottish Public Opinion*, pp. 58-61; Derek, ‘People and Parliament in Scotland’, pp. 226-233. See also Ridpath, *An Enquiry*, pp. 21-36 and *Scotland’s Grievances*, pp. 7-13; Anon., *Certain Propositions*.

¹⁰⁰⁸ Fletcher, *Two Discourses*, p. 24 and above, p. . Ridpath’s *Scotland’s Grievances*, p. 36 made the same point.

binding for the king, whose behaviour regarding Darien appeared to violate it.¹⁰⁰⁹ As a supporter of the revolution, Fletcher believed the oath and the Claim to contain the conditions to which the king had received the crown of Scotland, and he preferred to suggest the lines of political action to strengthen them rather than entering a sterile constitutional dispute.

This attitude emerged clearly after July 1700, when the survivors from the American settlement came back to Scotland and eventually exposed the mismanagement of the Company's directors. The Country party that achieved to corner the Court in parliament decided to continue asking for the legal recognition of Caledonia and the reparation of the losses, insisting on the Darien policy with another national address.¹⁰¹⁰ Before the opening of a new session in October, from London Fletcher blamed the strategy of maintaining the same course of action in Holyrood, even as a way to "Unite the Members of Parliament".¹⁰¹¹ Rather than supporting a lost cause, the Country should focus on disbanding the army, an aim to be pursued together with the English opposition to William III in Westminster. To Fletcher, this would have also guaranteed "Money from the publick, for carrying on the Trade of the Company".¹⁰¹²

Even though most of the publications of this period still mentioned Darien, their emphasis gradually shifted towards a political programme to be implemented in the forthcoming parliament. Pamphletists such as the Whig unionist William Seton confirmed that Scotland was a limited monarchy, but mainly focused on the disbandment of William's troops, opposing the farming of customs to the burghs and using taxes to promote trade.¹⁰¹³ But again, the whole session revolved around the issue that monopolised the dealings in Holyrood for three years, bringing it to a definitive conclusion: the attempt of asserting the

¹⁰⁰⁹ *Ibidem*, p. 26 and Ridpath, *Scotland's Grievances*, pp. 5, 9, 26-27. For the context, see Alasdair Raffe, 'Scottish State Oaths and the Revolution of 1688-1690', in *Scotland in the Age of Two Revolutions*, pp. 173-191; Karin Bowie, "'A Legal Limited Monarchy': Scottish Constitutionalism in the Union of Crowns, 1603-1707", *Journal of Scottish Historical Studies*, 35, n°2 (2015), pp. 131-154.

¹⁰¹⁰ Derek, 'People and Parliament in Scotland', pp. 238-255.

¹⁰¹¹ [Andrew Fletcher?], *A Letter from a Gentleman at London to His Friend at Edinburgh*, London, 1700. For the attribution, see Robertson, *The Case for the Enlightenment: Scotland and Naples, 1680-1760*, Cambridge, Cambridge University Press, 2005 p. 167, fn. 39.

¹⁰¹² *Ibidem*.

¹⁰¹³ William Seton, *Memorial to the Members of Parliament of the Court Party*, [Edinburgh], 1700; *A Short Speech; The Interest of Scotland*. The same points were also made by Ridpath in his *Scotland's Grievances*.

right to Caledonia through a parliamentary act was rejected, and the assembly voted for yet another address to the king, loosing the momentum to push for reforms before the session could be adjourned.

Until the very end, the terms in which the Darien affair was debated still ran along the two lines of arguments highlighted above. On the 10th of January 1701, Lord Belhaven gave a spirited speech regarding the colony, still hoping to redress its fate. First, he reaffirmed that “Our right is unquestionable”,¹⁰¹⁴ due to the consent of the natives to the Scottish settlement on their territories. Then, he argued for the vindication of the “Encroachments and Invasions upon the Independency and Sovereignty of the Nation” by Westminster, attaching to his protests the by now familiar references to the mythical kings of the Scottish past.¹⁰¹⁵ Accepting Fletcher’s intuition, Belhaven tellingly admitted that “of all the Changes and Revolutions [...] those made by Trade have been the most universal”,¹⁰¹⁶ and that Scotland’s survival depended on the necessary development of its commerce.

To sum up, Fletcher’s support for the Darien venture lasted as long as the actual possibility of a settlement existed. Before any other Country pamphletist, he underlined the frustrating consequences that the union of the crowns could cast over any Scottish initiative, supporting and possibly helping to compose the literature that denounced English interference and asserted both Scotland’s sovereignty and right to its American enclave. He backed a radical interpretation of the revolution’s settlement and of the Claim of Right, although despising the claud-based conception of sovereignty that emerged during the debates. But his practical attitude made him dissociate himself from defending a desperate position, preferring to maintain a British approach to Scottish problems without antagonising the English. From London, he followed the controversy, knowing that a cohesive opposition to the Court was more effective to restrain William’s prerogative than a constitutional dispute based on debatable positions. As we will see in what follows, it was in the English capital that his fears for a tyrannical government were put into print again, and his hopes once again disappointed.

¹⁰¹⁴ Lord Belhaven, *A Speech in Parliament on the 10th. Day of January 1701*, p. 10.

¹⁰¹⁵ *Ibidem*, pp. 10-11.

¹⁰¹⁶ *Ibidem*, p. 4.

4.7 The Spanish succession in London: English politics and the rise of factions

On the one hand, William III's position in front of the Scottish remonstrances remained consistent, and the Court party in Edinburgh echoed his regret for not being able to assert Scotland's rights to Caledonia. The loyal Chancellor Patrick Hume of Polwarth repeated to the opposition that "for invincible reasons", such as the "general Peace of *Christendome*", the king had to avoid tensions with the Spanish territories.¹⁰¹⁷ But on the other hand, by the end of 1700 the possibility of a new war against Louis XIV had become dramatically concrete. The death of Charles II and his attempt to preserve the integrity of the Spanish empire frustrated the diplomatic efforts of the European powers, as his will named Philip of Anjou as the sole heir to the crown. This *coup de théâtre* gave the opportunity to Louis XIV to accept the massive dynastic aggrandisement offered to the Bourbon family in December, disavowing the partition treaty.¹⁰¹⁸

Furthermore, the Protestant succession in Britain was endangered by the earlier demise of the duke of Gloucester, last heir to the crown. To face the domestic and international turmoil, William dissolved the English parliament that had managed to oppose the Whig Junto, cause him all sorts of difficulties and eventually disband most part of his army. Instead, the elections of January 1701 delivered a Tory-led House of Commons and a fluctuating political situation, with William fretfully changing his executive to exploit the new balance of forces. Whereas in Scotland the political struggle set off by the Darien issue evolved around the Court-Country opposition, in London Fletcher witnessed the rise of

¹⁰¹⁷ Patrick Hume, *The Speech of Patrick Earl of Marchmont, &c., Lord High Chancellor to the Parliament of Scotland on Tuesday 29 October 1700*, Edinburgh, 1700. See also Derek, 'People and Parliament in Scotland' p. 280.

¹⁰¹⁸ Charles R. Webb, 'William the Third and the Spanish Succession: A Study of the First Treaty of Partition, 1698', unpublished Ph.D. thesis, Harvard University, 1949; John C. Rule, Esther Mijers, and David Onnekink, 'The Partition Treaties, 1698-1700: A European View', in *Redefining William III*, pp. 91-105.

the party era. The nonpartisan Country interest that had rallied MPs of different positions to limit the King's prerogative and his self-interested ministers slowly made way for a new conflictual alignment along the Tory-Whig divide, in a time of uncertainty, power play and confusion.¹⁰¹⁹

To ignite a paper war in this context was the publication of the second partition treaty in June 1700, concluded, like the first, by the Whig members of the Privy Council without presenting it to the Commons. In parliament, Tories seized the occasion to attack their rivals for their secret dealings in foreign policy, trying to impeach William's favourite, the earl of Portland, and the Chancellor Lord Somers among others by the middle of April.¹⁰²⁰ Charles II's will was initially preferred to the treaties, as the English wanted to avoid another expensive war on the continent that would have disrupted the Mediterranean trade with Spain. To direct the Tory propaganda outside the assembly was the new speaker of the Commons Robert Harley, now tightly connected to the Court after a spectacular *volte-face* from his Country opposition in the 1690s. Harley dissociated himself from John Trenchard when the militia issue died down, and drafted both John Toland and Charles Davenant to pen his political line.¹⁰²¹

Whereas in relation to the Act of Settlement Harley managed to secure the passage of a bill in June that actually reduced the king's prerogatives, to bring together the Commons over foreign policy proved much more difficult. On one side of the fence, Davenant accused the Whigs of pushing for a new war out of personal interest, perpetrating the Country rhetoric of the earlier militia controversy. A storm of Tory publications slandered the Whiggish claims to be

¹⁰¹⁹ On the political division inside English society and parliament, see James Rees Jones, *Country and Court: England, 1658-1714*, London, Harvard University Press, 1978; Geoffrey Holmes, *Politics, Religion and Society in England, 1679-1742*, London, The Hambledon Press, 1986; Clyve Jones, *Britain in the First Age of Party, 1687-1750: Essays Presented to Geoffrey Holmes*, London, The Hambledon Press, 1987; Julian Hoppit, *A Land of Liberty?: England, 1689-1727*, Oxford, Oxford University Press, 2002.

¹⁰²⁰ Chester Kirby, 'The Four Lords and the Partition Treaty', *The American Historical Review*, 52 n°3 (1947), pp. 477-490; William Lewis Sachse, *Lord Somers: A Political Portrait*, Manchester, Manchester University Press, 1975, pp. 171-188; David Onnekink, *The Anglo-Dutch Favourite: The Career of Hans Willem Bentinck, 1st Earl of Portland (1649-1709)*, Burlington, Routledge, 2016, pp. 222-246.

¹⁰²¹ Henry Horwitz, *Parliament, Policy, and Politics in the Reign of William III*, Manchester, Manchester University Press, 1977, pp. 277-280; Craig Rose, *England in the 1690s: Revolution, Religion and War*, Oxford, Wiley, 1999, pp. 144-146; J. A. Downie, *Robert Harley and the Press: Propaganda and Public Opinion in the Age of Swift and Defoe*, Cambridge, Cambridge University Press, 2008, pp. 39-41.

the true representative of the Protestant and anti-French front, playing for time while blaming their adversaries for the delicate situation.¹⁰²² On the other side, petitions flowed as Somers guided the Whigs' propaganda, which Daniel Defoe also promoted as a free agent. Its aim was to convince the parliament to raise the necessary money to impose the partition treaty and ensure the balance of power with a new military campaign in Europe, using patriotic appeals.¹⁰²³

Fletcher's involvement in the debate came in the shape of an imaginary speech, to be delivered in April 1701 in Westminster.¹⁰²⁴ The members of the October Club, a Country network of rural gentry and landowners, reprinted the powerful text in 1711, during the War of Spanish Succession (1702-1713). It is possible that the converted Jacobite George Lockhart of Carnwath, a good friend of the Scot with whom he shared a classical humanist vision of disinterested patriotism, prompted the new edition.¹⁰²⁵ Faithful to the Country spirit of its author, *A Speech upon the State of the Nation* was primarily intended as a reproach for the narrow-minded and partisan fighting inside the Commons. Fletcher would confess to his brother years later that, to him, "the Torys and the Jacobites are idiots and mad-men. And the Whig party are some of them traitors to their country and others half witted"¹⁰²⁶. In this sense, his *Speech* belongs to the indignant publications, which he collected carefully, that denounced the lack of public spirit in party politics.¹⁰²⁷

After raising the issue in Scotland, the event that most probably urged Fletcher's intervention was the introduction of a last militia bill in April 1701. In

¹⁰²² Charles Davenant, *Essays upon I. The Ballance of Power. II. The Right of Making War, Peace, and Alliances. III. Universal Monarchy*, London, 1701, especially pp. 2-4, 76-90; See also *Id.*, *The True Picture of a Modern Whig*, London, 1701.

¹⁰²³ Daniel Defoe, *The Two Great Questions Consider'd I. What the French King Will Do, with Respect to the Spanish Monarchy. II. What Measures the English Ought to Take*, London, 1700; *Id.*, *The Two Great Questions Further Considered with Some Reply to the Remarks*, London, 1700; *Id.*, *Legion's Memorial*, London, 1701.

¹⁰²⁴ The original copy of the *Speech* seems to have been hurriedly printed in a low quality paper, bearing grapes watermarks typical of Norman paper mills. See Scott MacFie, *A Bibliography*, pp. 14-15; Churchill, *Watermarks in Paper*.

¹⁰²⁵ Lockhart was among the Scottish members of the London based club. See [Andrew Fletcher], *The Thoughts of a Member of the October Club, about a Partition of Spain*, [London], 1711; H. T. Dickinson, 'The October Club', *Huntington Library Quarterly*, 33, n°2 (1970), pp. 155-173; Daniel Szechi, 'Constructing a Jacobite: The Social and Intellectual Origins of George Lockhart of Carnwath', *The Historical Journal*, 40, n°4 (1997), pp. 977-996.

¹⁰²⁶ Andrew Fletcher to Henry Fletcher, 16 June 1716, in Irene J. Murray, 'Letters of Andrew Fletcher of Saltoun and His Family', in *Miscellany X*, Scottish History Society, Edinburgh, 1965, pp. 149-164 (p.164).

¹⁰²⁷ NLS MS 17863, fol. 27 in particular.

their reformulations of the Country discourse, many, including Davenant and Toland, praised the militia front and its supporters as examples of integrity, with the latter being confident that the bill would pass to “make the Militia useful”¹⁰²⁸ and avoid standing armies.¹⁰²⁹ Fletcher’s remark about a “weak, unpaid and disorderly Militia Party”¹⁰³⁰, echoing one of Davenant’s expressions,¹⁰³¹ is a manifestation of regret rather than detachment.¹⁰³² Indeed, the bill failed to gather consistent support, because of the international situation, new balance of forces in Westminster and skillful propaganda.¹⁰³³ Unfortunately, of the acquaintances that took part in the struggle against William’s standing armies, Walter Moyle did not make it to Westminster, while others split choosing different positions.

Whereas Shaftesbury embraced the Whig side after the publication of his systematic investigation on virtue in 1699, Anthony Hammond preferred to address the parliamentarians from the Tories’ benches and became one of the new ministry men in the summer of 1701.¹⁰³⁴ His *Considerations upon corrupt elections of members to serve in Parliament*, published at the beginning of the session, gathers all of the classic neo-Harringtonian topics underlined by Pocock: intransigent outcries against bribery, pensions and corrupted parliamentarians, fouled by stockjobbing, public credit and the divisions based on particular

¹⁰²⁸ John Toland, *The Art of Governing by Partys: Particularly, in Religion, in Politics, in Parliament, on the Bench, and in the Ministry; with the Ill Effects of Partys on the People in General, the King in Particular, and All Our Foren Affairs*, London, 1701, p. 175.

¹⁰²⁹ *Ibidem*, pp. 48–54, 65, 157–58 and Davenant, *Essays*, pp. 37, 55. See also Anon., *Remarks Upon a Late Pamphlet Intitul’d, The Two Great Questions Consider’d: I. What the French King Will Do with Respect to the Spanish Monarchy. II. What Measures the English Ought to Take*, London, 1700, pp. 6–7, 11–16, 226; George Stepney, *An Essay upon the Present Interest of England. To Which Are Added, The Proceedings of the House of Commons in 1677 upon the French King’s Progress in Flanders*, 1701, pp. 17–18; Anon., *The Claims of the People of England Essayed, In a Letter from the Country*, London, 1701, pp. 10–14.

¹⁰³⁰ Andrew Fletcher, *A Speech upon the State of the Nation; in April 1701*, London, 1701, p. 8.

¹⁰³¹ See Davenant, *Essays*, p. 101, where he describes it as “a disjointed and weak Party”.

¹⁰³² For a different interpretation, see Fletcher, *Political Works*, p. 122, fn. 6.

¹⁰³³ See John R. Western, *The English Militia in Eighteenth Century: The Story of a Political Issue, 1660-1802*, London, Routledge, 1965, p. 112-118; Defoe, *The Two Great Questions Consider’d*, p. 16; *Id.*, *The Two Great Questions Further Considered*, pp. 19-20; Anon., *Animadversions on a Late Factious Book, Entitled, Essays Upon, I. The Ballance of Power; II. The Right of Making War, Peace, and Alliances; III. Universal Monarchy. With a Letter Containing a Censure upon the Said Book*, London, 1701, pp. 19–21; Anon., *The Apparent Danger of an Invasion, Briefly Represented in a Letter to a Minister of State. By a Kentish Gentleman*, London, 1701, pp. 6–7.

¹⁰³⁴ Anthony Ashley Cooper, earl of Shaftesbury, *An Inquiry concerning Virtue or Merit*, London, 1699; Lawrence E. Klein, *Shaftesbury and the Culture of Politeness: Moral Discourse and Cultural Politics in Early Eighteenth-Century England*, Cambridge, Cambridge University Press, 1994, pp. 51–69, 131–133; Horwitz, *Parliament, Policy, and Politics*, pp. 289-292.

economic interests.¹⁰³⁵ Fletcher's *Speech*, issued a couple of months after his friend's pamphlet, belongs to the same intellectual context and addresses similar concerns, although his position outside the English political arena permitted him to avoid the compromise of committing to one of the squabbling sides.

The intention of the Scot is indeed to point at "the miserable and irretrievable condition"¹⁰³⁶ of English MPs, sarcastically underlining the contrast between their combative attitude in the 1690s and the present compliance towards France. It is likely that Fletcher's disdain was directed to those, like Davenant himself, who a few years before justified mercenary troops while now temporised in front of a real danger.¹⁰³⁷ To him, the confrontations in Westminster followed "the interest of the several parties", who "are grown weary of that old and antiquated care and concernment for the publick"¹⁰³⁸. Consistently with what was stated in his militia pamphlet, Fletcher did not measure his words, blaming that "the English Nation have now nothing remaining but the outward Appearance and Carcase [...] of their antient Constitution"¹⁰³⁹. Davenant and Toland, involved in the political game, still argued for its preservation.¹⁰⁴⁰

From every front, divisions were unanimously denounced as destructive for the nation.¹⁰⁴¹ Defoe, pushing for a new war, had appealed to reason of State and Henri de Rohan to convince his audience that "*England* [...] cannot be destroyed but by it self"¹⁰⁴², while others referred to William Temple's letters

¹⁰³⁵ Anthony Hammond, *Considerations upon Corrupt Elections of Members to Serve in Parliament*, London, 1701; John G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition*, Princeton, Princeton University Press, 2003, p. 423 and ff.

¹⁰³⁶ Fletcher, *A Speech upon the State of the Nation*, p. 1.

¹⁰³⁷ See *ibidem*, pp. 1-4.

¹⁰³⁸ *Ibidem*, p. 7.

¹⁰³⁹ *Ibidem*, pp. 6-7.

¹⁰⁴⁰ Davenant, *Essays*, pp. 85, 90; Toland, *The Art of Governing by Partys*, p. 164.

¹⁰⁴¹ See for instance Anon., *A Word in Season to England's Representatives in Parliament*, London, 1701; Anon., *An Account of the Debate in Town Concerning Peace and War. In Letters to a Gentleman in the Country*, 1701; Anon., *The Duke of Anjou's Succession Considered, as to Its Legality and Consequences*, Dublin, 1701, p. 28; Anon., *The Dangers of Europe, from the Growing Power of France: With Some Free Thoughts on Remedies*, London, 1702, pp. 25-33; Anon., *Anguis in Herba; Or, The Fatal Consequences of a Treaty with France*, London, 1702, pp. 3-4; Anon., *Division Our Destruction: Or, A Short History of the French Faction in England*, London, 1702.

¹⁰⁴² Daniel Defoe, *The Englishman's Choice, and True Interest: In a Vigorous Prosecution of the War Against France*, 1694, pp. 25-26.

from the United Provinces to warn against discord at home.¹⁰⁴³ Following the civic humanist tradition, Cicero's condemnation of factions was singled out often, alongside the examples from the history of Rome and Athens provided by Jonathan Swift among others.¹⁰⁴⁴ Drawn from Polybius and Livy, the Machiavellian analysis of Roman history also constituted a central facet of neo-Harringtonian discourse: the rise of *inequalità*, i. e. the pursuit of private ends rather than public good, constituted the degenerative illness that condemned the commonwealth of Rome to corruption and tyranny.¹⁰⁴⁵

Whereas Machiavelli also presented the example of the Florentine republic to build his case against factions,¹⁰⁴⁶ others revived the bugbear of Denmark's absolutist king, which carried a certain weight during the militia controversy.¹⁰⁴⁷ In addition, Toland referred directly to recent English history to convince his readers of the perils of factious behaviour. The Stuarts constituted the best example that "it is the most wicked master-piece of Tyranny purposely to divide the sentiments, affections and interests of a People"¹⁰⁴⁸, like Charles II managed to do before the Revolution. Toland's piece pushed for a king whose impartiality had to be ensured by an independent and virtuous Parliament, in the context of the debates for the Act of Settlement.¹⁰⁴⁹ In all the publications of the period, discussions on William's prerogative indeed often overlapped with those on the executive's accountability for the negotiations with Louis XIV.

¹⁰⁴³ Anon., *The Duke of Anjou's Succession Further Consider'd, as to the Danger That May Arise from It to Europe in General; but More Particularly to England, And The Several Branches of Our Trade. Part II. By the Author of the First.*, London [i.e. Dublin], 1701, pp. 35–36.

¹⁰⁴⁴ Jonathan Swift, *A Discourse of the Contests and Dissensions Between the Nobles and the Commons in Athens and Rome, with the Consequences They Had Upon Both Those States*, London, 1701; Anon., *Animadversions on a Late Factious Book*, pp. 36–40; Defoe, *The Englishman's Choice*, p. 23; Hammond, *Considerations upon Corrupt Elections*, p. 1–3; Neal Wood, *Cicero's Social and Political Thought*, Los Angeles, University of California Press, 1991, pp. 39–41.

¹⁰⁴⁵ Niccolò Machiavelli, *Discorso sopra la prima Deca di Tito Livio*, book I, chap. 55; Pocock, *The Machiavellian Moment*, p. 209.

¹⁰⁴⁶ Gisela Bock, 'Civil Discord in Machiavelli's *Istorie Fiorentine*', in *Machiavelli and Republicanism*, ed. by Gisela Bock, Quentin Skinner, and Maurizio Viroli, Cambridge, Cambridge University Press, 1990, pp. 181–201; Giovanni G. Balestrieri, "'Equalità' e 'inequalità' in Machiavelli", *TEORIA POLITICA*, n°2, 2007, pp. 129–137.

¹⁰⁴⁷ Anon., *The Present Succession of Spain Consider'd: And a View of Its Consequences to the Rest of Europe, Particularly England and Holland*, London, 1701, p. 16. See also above, pp. 82–83.

¹⁰⁴⁸ Toland, *The Art of Governing by Partys*, p. 7.

¹⁰⁴⁹ Justin Champion, *Republican Learning: John Toland and the Crisis of Christian Culture, 1696–1722*, Manchester, Manchester University Press, 2003, pp. 125–126; Michael Brown, *A Political Biography of John Toland*, London, Routledge, 2015, pp. 13–15, 64.

In this sense, Davenant and Toland condemned the interested advices of Whig ministers and essentially asked for their removal for the catastrophic second partition treaty,¹⁰⁵⁰ provoking the retort of the most conservative among the royalist Tories.¹⁰⁵¹ A tug-of-war between parties revolved around the question of Westminster's involvement in shaping England's foreign policy, against the background of the impeachment procedure against William's ministers.¹⁰⁵² Fletcher's *Speech* was published after the accused were formally acquitted, with the far-reaching consequence that to him, "the blame is thrown upon the King, since in all Free Governments, some body must be answerable for whatever is done in relation to the Publick".¹⁰⁵³ While Toland described the manoeuvres of the Stuarts in an elaborate historical analysis, Fletcher directly attacked the present Court, "shifting from one Party to another", to "craftily keep both Parties under Arms".¹⁰⁵⁴

At the dawn of the English discourse regarding factions,¹⁰⁵⁵ Fletcher's position was thus to blame a progressive deterioration of the public spirit of the nation whose symptom was the dissolution of the Country opposition, the only real alternative to the Court dealings. The MPs' despicable activities such as "constant gaming, [...] laying Wagers" or "even Stock-jobbing"¹⁰⁵⁶ showed that the moral degeneration was real. Even though the Scot used the same rhetoric and language of Hammond, Davenant or Toland, he did not politically side with the Tories, taking, as always, a more radical standpoint. For Fletcher the consequence of the Machiavellian corruptive process was the arbitrary

¹⁰⁵⁰ Davenant, *Essays*, pp. 34-36, 42-43; Toland, *The Art of Governing by Partys*, pp. 97-115.

¹⁰⁵¹ Anon., *Animadversions on a Late Factious Book*, pp. 12-14.

¹⁰⁵² See for instance Anon., *An Argument against War: In Opposition to Some Late Pamphlets, Particularly; the First and Second Part [sic] of The Duke of Anjou's Succession Consider'd: Wherein Is Plainly Prov'd That It Is Directly Contrary to the Interest of England and Holland to Side with the Emperor against France and Spain, from the Present Posture of Affairs*, London, 1701, p. 7; Anon., *An Argument for War, in Answer to The Argument for Peace: Being a Vindication of Two Books, Entitled, The Duke of Anjou's Succession Consider'd. Wherein Is Plainly Proved, That a Just War Is More Eligible than a Slavish Peace, and That It Is Directly Contrary to the Interest of England and Holland to Side with France and Spain against the Emperor, from the Present Posture of Affairs, and the Measures the French Are Daily Taking*, London, 1701, pp. 19-20.

¹⁰⁵³ Fletcher, *A Speech*, p. 16.

¹⁰⁵⁴ *Ibidem*, p. 9.

¹⁰⁵⁵ The terms of which are resumed in John A. W. Gunn, *Factions No More: Attitudes to Party in Government and Opposition in Eighteenth-Century England*, London, Frank Cass, 1972; Peter Miller, *Defining the Common Good: Empire, Religion, and Philosophy in Eighteenth-Century Britain*, Cambridge, Cambridge University Press, 1994, pp. 93-110; Aaron Graham, *Corruption, Party, and Government in Britain, 1702-1713*, Oxford, Oxford University Press, 2015.

¹⁰⁵⁶ *Ibidem*, p. 7.

behaviour of king William, who could secretly conclude treaties with the public archenemy Louis XIV “not subject to the Storms of a H[ouse] of C[ommons] or the Capricio’s of a Free People, little conversant in Foreign Affairs”¹⁰⁵⁷.

4.8 Conclusions: William III’s suspicious foreign policy

Although Fletcher’s declared intention was to denounce the shortcomings and dangers of modern politics, his *Speech* also very much intervened in the ongoing debate about foreign policy as such. What course of action should England take quickly became the most pressing question to deal with, as in February it was clear that Louis XIV and his grandson the Duke of Anjou were acting together. A few months after his coronation, the latter encouraged French soldiers to seize Dutch garrisons in Flanders. In this context, Fletcher wanted to expose the treacherous strategy of William III, whose aim in the Scot’s opinion was to create an absolute monarchy based on international trade. During the convulsive spring of 1701, the new Tory ministers Godolphin and Rochester pressed for a pacific resolution of the European affairs, while, after the United Provinces, England also recognised Anjou as king of Spain in April.¹⁰⁵⁸

What eventually constituted an expedient to buy time fostered suspicion in some observers, but also encouraged the hopes of merchants and Tory commentators to avoid another expensive global confrontation. Besides the fact that initially, what Louis XIV would do was “fitter to be decided by an Astrologer than by a Politician”¹⁰⁵⁹, the main point was that England had neither “Mony, or Credit, or Men, or Conduct for a War”¹⁰⁶⁰. It was firmly assumed that “for the Prosperity of this Kingdom” and its trade, it was better “to continue in a good

¹⁰⁵⁷ *Ibidem*, p. 20.

¹⁰⁵⁸ Horwitz, *Parliament, Policy, and Politics*, pp. 281-288; Douglas Coombs, *The Conduct of the Dutch: British Opinion and the Dutch Alliance during the War of the Spanish Succession*, M. Nijhoff, 1958.

¹⁰⁵⁹ Anon., *Remarks Upon a Late Pamphlet*, p. 4.

¹⁰⁶⁰ Anon., *An Account of the Debate in Town Concerning Peace and War*, The First letter, Containing Reasons for Peace., p. 2. See also Anon., *Some Reply to a Letter Pretended to Be Writ to a Member of Parliament in the Country in Defence of the Treaty of Partition*, London, 1701.

Correspondence with *France and Spain*¹⁰⁶¹. In addition, appeals to the law of nations or to the necessity of a just cause to declare war constituted an elaborate aspect of this position, as Anjou was considered “to be a most rightful and legal King”¹⁰⁶² of Spain. Such a set of claims defined the isolationist position based on a blue water policy, in part advocated by the militia party and Fletcher himself a few years before.¹⁰⁶³

If commerce represented the most powerful argument against war, it likewise figured as a central dimension of the antithetical Whig position. Most of the pro-war propaganda tried to convince its audience that the riches of the Spanish colonies would pay back for the limited financial efforts of a maritime conflict, while underlining the necessity of defending English trade routes.¹⁰⁶⁴ With the French seizing the whole of the Spanish monarchy, English ships would “rot in the River of *Thames* for want of employment”¹⁰⁶⁵, and France would accordingly “soon be Mistress of the World”¹⁰⁶⁶, more easily than Fletcher had predicted in the *Discorso*. Commerce was often described as a zero sum game, in which as France’s “Riches and Power encrease, ours must decrease in the same proportion”¹⁰⁶⁷. Besides, the Whigs all the more advocated the necessity of a land force in the present situation, regretting the disbandment after Ryswick.¹⁰⁶⁸

¹⁰⁶¹ Anon., *An Argument against War*, p. 20.

¹⁰⁶² Anon., *Remarks Upon a Late Pamphlet*, p. 4. See also Anon., *Remarks upon the Two Great Questions. Part II. Wherein the Grand Question of All Is Considered, Viz. What the Dutch Ought to Do at This Juncture?*, London, 1701, pp. 3, 8; Anon., *The Succession of Spain Discuss’d. With a Project of Reconciling All the Present Pretensions to That Crown, for the Advantage of Europe, and England in Particular; and the Necessity of a War, in Case an Accommodation Be Rejected*, London, pp. 1–13.

¹⁰⁶³ Shinsuke Satsuma, *Britain and Colonial Maritime War in the Early Eighteenth Century: Silver, Seapower and the Atlantic*, Woodbridge, Boydell & Brewer Ltd, 2013, pp. 73–81.

¹⁰⁶⁴ *Ibidem*, pp. 70–72. In addition so Satsuma’s references, see also Anon., *A Letter to a Member of Parliament in the Country, Concerning the Present Posture of Affairs in Christendom*, London, 1700, pp. 14–15, 22–23; Defoe, *The Two Great Questions Further Considered*, pp. 2, 15–16; Anon., *The Fable of the Lion’s Share, Verified in the Pretended Partition of the Spanish Monarchy*, London, 1701, pp. 146–151; Stepney, *An Essay upon the Present Interest of England*, p. 156; Anon., *Proposals for Carrying on an Effectual War in America, Against the French and Spaniards*, London, 1702; Anon., *Anguis in Herba*, p. 23; Anon., *A Defence of the Right of the House of Austria to the Crown of Spain, and the Dominions Thereunto Belonging*, London, 1703, pp. 61–65.

¹⁰⁶⁵ Anon., *An Argument for War*, p. 17.

¹⁰⁶⁶ Anon., *A Second Letter to a Friend, Concerning the Partition-Treaty, with His Answer*, London, 1701, p. 6.

¹⁰⁶⁷ Anon., *The Duke of Anjou’s Succession Further Consider’d*, p. 5.

¹⁰⁶⁸ Together with the pamphlets already reported above for the militia bill, see *ibidem*, p. 26; Anon., *A Letter to a Friend Concerning the Partition-Treaty*, London, 1701; Anon., *The Fable of the Lion’s Share*, p. 7.

Among them figured Fletcher's main interlocutor Defoe, insisting that to accept Charles' will would get the French "the greatest Trade of the World in their hands"¹⁰⁶⁹. The propagandist advanced that "maintaining the Ballance of Power in *Europe*" was the first and foremost goal of English foreign policy, as due to natural human ambition, "every King in the World would be the Universal Monarch if he might".¹⁰⁷⁰ As we have seen above, Defoe's focus on the interests of many European powers and their territories closely followed the *Discorso*, to the point of raising the protest from the Tories, who supported a peaceful arrangement with legal arguments.¹⁰⁷¹ Conversely, an anonymous author straightforwardly proposed territorial exchanges in a vein similar to Fletcher's Italian pamphlet.¹⁰⁷² Overall, keeping the balance of Europe was a question that both Tories and Whigs addressed, independently of the means to achieve it, with Davenant writing the history of its outcomes since Henry VIII.¹⁰⁷³

Ironically enough, Darien was presented as a primary objective of the English fleets in case of war, to take away the American trade from Louis XIV.¹⁰⁷⁴ While some recalled "how much this Nation was alarm'd"¹⁰⁷⁵ by the Scottish expedition, others underlined the opportunity of "coming in with them as Sharers of their Pretensions"¹⁰⁷⁶, in the context of a union between England and Scotland.¹⁰⁷⁷ Among the Scottish authors, Ferguson and Philo-Caledonius had already underlined the anti-Spanish function that Darien would have assumed

¹⁰⁶⁹ Defoe, *The Two Great Questions Consider'd*, p. 16.

¹⁰⁷⁰ *Ibidem*, p. 10.

¹⁰⁷¹ Daniel Defoe, *The Interests of the Several Princes and States of Europe Consider'd*, p. 10 and ff. A commentator accused the "late Renegado-Panegyrist" of William III to "whisper away whole Kingdoms and Provinces" without "any Right to dispose of", as in Anon., *An Account of the Debate in Town Concerning Peace and War*, The First letter, Containing Reasons for Peace., p. 4: a remark fitting for Fletcher's territorial exchanges suggested in the *Discorso*.

¹⁰⁷² Anon., *The Succession of Spain Discuss'd*, pp. 11-25 has however the aim of reducing Spanish power rather than increasing it.

¹⁰⁷³ Davenant, *Essays*, pp. 7-28. See also Anon., *A Letter to a Member of Parliament in the Country*, p. 16; Anon., *The Duke of Anjou's Succession Further Consider'd*, passim.; Anon., *The Fable of the Lion's Share*, pp. 3, 47; Anon., *The Present Succession of Spain*, pp. 12-16; Anon., *The Dangers of Europe*, pp. 1-2; Anon., *An Argument against War*, pp. 9-10; Anon., *Animadversions on a Late Factious Book*, pp. 19, 25, 48; Anon., *A Word in Season*, passim..

¹⁰⁷⁴ Satsuma, *Britain and Colonial Maritime War*, pp. 51, 59-60.

¹⁰⁷⁵ Anon., *The Duke of Anjou's Succession Further Consider'd*, p. 13.

¹⁰⁷⁶ Anon., *The Dangers of Europe*, p. 62.

¹⁰⁷⁷ Anon., *Great Britain's Union, and the Security of the Hanover Succession, Consider'd. In a Letter from Windsor of the 30th of December, 1704. to a Member of Parliament in London. By a Person of Quality*, London, 1705.

for the balance of power in Europe,¹⁰⁷⁸ whereas Paterson and Seton now asked for a closer union with England to revamp the project.¹⁰⁷⁹ Even Ridpath, who did not flinch from his indignant defence of Scotland's independence, now placed the balance of Europe before the claim to the American colony, although the latter would represent "a great encouragement for us"¹⁰⁸⁰ to enter a new war.

To situate the few remainders of the Country Whig discourse in the polarised and articulated foreign policy debate of 1700-1701 is challenging. For Satsuma, it both recognised the inevitability of an intervention and tried to avoid excessive taxation or the evils of public credit at the same time. However, when it comes to their traditional aversion to standing armies, theoretical contradictions emerged and were overcome in different ways. Davenant, for instance, reduced the whole argument to its economic dimension, now claiming that conducting a war with frugality would suffice to maintain a land force without danger.¹⁰⁸¹ This position was instrumental to blame former Whig ministers and tried to convince the Tories to accept the possibility of a conflict.¹⁰⁸² On the other hand, Toland strove to find a middle way between restating his adversity to standing forces and discarding the connected risks of tyranny, as he was aware some troops had to be used abroad.¹⁰⁸³

Remarkably, Fletcher's *Speech* does not address this obvious contradiction. Although it criticises Tory isolationism and the general indifference of Westminster, it never explicitly states how England should get involved on the continent. While it seemed foolish to some authors "to attend the Dreams of Astrologers"¹⁰⁸⁴, the worst predictions about Louis XIV's behaviour had now become reality. For Fletcher, it was because of William III and his ministers' efforts that the dire options to be discussed were now to "either be in a Posture for War, and so consum'd by Taxes; or in actual War, wasted by

¹⁰⁷⁸ Ferguson, *A Just and Modest Vindication*, preface and p. 52; Philo-Caledon., *A Defence*, p. 14. Harris had denied such a possibility in *The Defence of the Scots Settlement at Darien Answer'd*, p. 30-31.

¹⁰⁷⁹ Seton, *The Interest of Scotland*, pp. 59-60; Paterson, *A Proposal to Plant a Colony in Darien*, passim.; Armitage, 'The Scottish Vision of Empire', pp. 111-112.

¹⁰⁸⁰ [George Ridpath], *The Great Reasons and Interests, Consider'd Anent the Spanish Monarchy, 1701*, [London?], pp. 33-37; Robertson, *The Case for the Enlightenment*, p. 167.

¹⁰⁸¹ Davenant, *Essays*, pp. 74-85.

¹⁰⁸² Satsuma, *Britain and Colonial Maritime War*, pp. 76-79.

¹⁰⁸³ Toland, *The Art of Governing by Partys*, p. 164.

¹⁰⁸⁴ Fletcher, *Speech*, p. 9.

Bloodshed and Rapine”¹⁰⁸⁵. Indeed, like Davenant and other pamphleteers,¹⁰⁸⁶ he perceived that despite its text, the partition treaty in itself already “throws [the Spanish monarchy] into the Family of Bourbon” and “breaks the Balance” of Europe.¹⁰⁸⁷

The main point was, as in the *Discorso*, commerce rather than mere territorial aggrandizement. Keeping a dialogue with other observers, Fletcher restated their concerns for the loss of the “Trade in the Mediterranean”¹⁰⁸⁸, *de facto* controlled by English merchants and consigned to Louis XIV by the partition treaty.¹⁰⁸⁹ Already in his Italian tract, the Scot had foreseen that the Tories “are for preserving the peace of Europe” to keep their particular commercial interests, “which would be yet much better secured by your slavery”.¹⁰⁹⁰ What he could not seriously believe in 1698 was that William III would actually drop his guard and accept to make England and the United Provinces stand guarantors for a succession favourable to Louis XIV.¹⁰⁹¹ To Fletcher, who was not alone in doubting William’s intentions,¹⁰⁹² the British king had an ambitious plan to turn the will to his own advantage.

¹⁰⁸⁵ *Ibidem*, p. 11. The expression “posture for war” or “posture of defence” was widely used in the controversy by Defoe and other anonymous authors to define the preparation for war and eventually push for the creation of a standing army. See Anon., *A Letter to a Member of Parliament in the Country*, p. 25; Defoe, *The Two Great Questions Consider’d*, pp. 2-3; Anon., *An Account of the Debate in Town Concerning Peace and War*, Letter III. Against the Partition-Treaty, p. 4; Anon., *Some Reply to a Letter*, p. 5.

¹⁰⁸⁶ See Davenant, *Essays*, pp. 32, 52-54 and the discussion in Anon., *A Letter to a Friend*, p. 1 and *A Second Letter to a Friend, concerning the Partition-Treaty*, p. 3; Anon., *The Fable of the Lion’s Share*, pp. 72-74; Anon., *An Account of the Debate in Town Concerning Peace and War*, Letter III. Against the Partition-Treaty, p. 1.

¹⁰⁸⁷ Fletcher, *Speech*, p. 10.

¹⁰⁸⁸ *Ibidem*, p. 11.

¹⁰⁸⁹ See for instance Anon., *A Letter to a Member of Parliament in the Country*, p. 14; Anon., *An Argument for War*, p. 17; Anon., *Some Reply to a Letter*, p. 12; Anon., *The Fable of the Lion’s Share*, pp. 61-64; Defoe, *The Interests of the Several Princes and States of Europe*, pp. 12, 28; *Id.*, *The Two Great Questions Consider’d*, pp. 6-7; [Ridpath], *The Great Reasons and Interests*, p. 11; Anon., *The Duke of Anjou’s Succession Further Consider’d*, p. 14.

¹⁰⁹⁰ Fletcher, *Speech*, p. 4. See the continuity with the *Discorso delle Cose di Spagna*, pp. 30 and 36.

¹⁰⁹¹ Among the ways the French king could have seized the Spanish crown listed in the *Discorso* was the scam of convincing William of keeping the peace if his nephew Charles, duke of Berry was to inherit the Iberian throne, with the maritime powers as “mallevadori” of the operation: see *Discorso*, pp. 34-37.

¹⁰⁹² William’s flexible attitude was attributed to his erroneous understanding of the international situation, but also to a renewed friendship with France, a partitioners’ conspiracy against Europe’s liberty or a generic “secret design”. See Anon., *A Letter to a Friend* and *A Second Letter to a Friend, concerning the Partition-Treaty*, *passim*; Anon., *An Account of the debate in Town*, Second Letter and Letter III., *passim*; Anon., *The duke of Anjou’s succession further consider’d*, p. 14.

If William had conceded so much to the *Roi Soleil*, “the returns ought certainly to be the greatest can be made”, that is help from France to “establish himself both here and in Holland”¹⁰⁹³. Turning Defoe’s remark on the absolutist tendency of monarchs to the Prince of Orange himself,¹⁰⁹⁴ Fletcher believed the rationale behind William’s manoeuvres to be the assumption that the way to oppose France was in “the United and Neighbouring Force of England and Holland”, “provided that Force were upon a right foot”; in short, without any interference from free parliaments. The king’s cunning tactic thus consisted in encumbering the French “with the Ruinous Fantom of Spain” and “exhausting their Treasures and Men in defending and repeopling” its territories. Conversely, William III could count on “Countries abounding in People, Riches, and store of Shipping”, soon to be “under one Wise and Absolute Prince”.¹⁰⁹⁵

With the possible further deal of exchanging Flanders with Portugal in the name of territorial contiguity,¹⁰⁹⁶ the logic of the *Speech* traces that of the *Discorso*, overturning the possibilities of a Spanish *prencipe nuovo* to reform its empire in a modern direction in front of the united strength of the maritime powers. The “Glorious Government” of the three kingdoms and seventeen provinces of Netherlands would thus “bid defiance not only to France, but to the World” establishing “the Empire of the Sea, with an intire Monopoly of Trade”¹⁰⁹⁷. It would thus be William III to realise Fletcher’s nightmare of a universal monarchy based on commerce, in the light of a foreign policy that pushed for a closer collaboration with the Dutch, a front supporting peace in the corrupted English parliament and of course in consideration of the king’s attitude towards the possibility of a Scottish colony in Darien.

In setting his strong anti-monarchism in an international context, again Fletcher’s similarity with Sidney’s earlier reflections is striking. The contents of the *Court Maxims*, which Sidney composed with the help of a common friend of both, Benjamin Furley, might well have been available to Fletcher when in Rotterdam. For what matters here, five dialogues in the *Maxims* denounced the

¹⁰⁹³ Fletcher, *Speech*, pp. 18, 21.

¹⁰⁹⁴ See *Ibidem*, p. 19.

¹⁰⁹⁵ *Ibidem*, p. 20-21. See also Fletcher’s definition of William III in chapter II, p. 118.

¹⁰⁹⁶ *Ibidem*, p. 21. See also Anon., *The Present Succession of Spain*, pp. 21-23, and Anon., *A Second Letter to a Friend, concerning the Partition-Treaty*, p. 7.

¹⁰⁹⁷ *Ibidem*, p. 22.

converging Court interests of the Stuart-Orange dynastys that followed the Restoration in England. They underlined how the private interest of princes would always collide with that of the people, and how absolute government would eventually establish itself without a virtuous citizenship to oppose and resist it. In the 1660s, Sidney's appeal had been for an international republican alliance between the Dutch and the English.¹⁰⁹⁸ In 1701, Fletcher denounced the corrupted parliamentarians in Westminster, which the king similarly attempted to divide.

In conclusion, in the last pages of the *Speech*, the fiction of speaking as an English MP surrenders to the reality of a Scottish perspective. Fletcher's adherence to the Country position and discourse is due precisely to the point of view of Scotland's interest, while other authors managed to reformulate their stance closer to the Court in the light of the successive political developments in London. When Davenant sided with the Tories in the government orchestrated by Harley his works all the more sounded like a menacing programme to be enacted, which Defoe approved. To a Scot, a universal monarchy based on commerce was as tyrannical as one based on territorial conquest, and as the *Discorso* had made clear it could come from both free governments and tyrannical monarchies. If in the autumn of 1700 Fletcher still searched for cooperation with London, the elections of January 1701 together with the Darien debacle and the management of the Spanish succession convinced him to apply the reasoning of his Italian tract to king William, further showing the correct interpretation of the ingenious pamphlet.

From London Fletcher confirmed the emptiness of the English government denounced in the militia pamphlet, and his position as a supporter of republican virtue rather than its constitutional mechanisms as such. His *Speech* also contains strong antimonarchical features, especially in asking for more parliamentary involvement in the management of foreign policy and pointing at William's tyrannical strategy of fostering Westminster's 'Rage of the Party'. As the Stuart-Orange cooperation by the end of the 1670s had enraged Sidney and divided the Dutch, Fletcher was now livid against William, whose

¹⁰⁹⁸ Algernon Sidney, *Court Maxims*, ed. by Hans W. W. Blom, E. O. G. Haitsma Mulier, and Ronald Janse, Cambridge, Cambridge University Press, 1996, *passim*. See also Scott, *Algernon Sidney And The English Republic*.

attempt echoed that of his forerunners in his eyes. Later on, the passing of the Act of Settlement and the decision of entering the war of Spanish succession in 1702 had been unilaterally decided from London, although both directly affected Scotland. After the conflict actually broke out, the Lord Register of Scotland James Johnston commented to Locke that “Mr *Fletcher* would have gone [to fight] with Coll. Stanhope, if he would have stopt at unmaking”¹⁰⁹⁹ the Scottish constitution: an undertaking made necessary by the latest developments of the uneven relationship with England.

¹⁰⁹⁹ James Johnston to John Locke, 3rd April 1704, in John Locke, *The Correspondence of John Locke: Letters Nos. 3287-3648*, ed. by E. S. de Beer, 8 vols., Oxford, Oxford University Press, 1989, VIII, pp. 251-253.

CHAPTER 5

Succession, Trade and Unions

“All the Clamour they make about Grievances, pretended to have taken their *Rise from the Imperfect Union of the Crowns*, and Noise for Limitations if the *Union* continue, are, at best, but to Embroil these Nations for *dangerous Experiments*, as remote from all Possibility of good Effect, as the *Visionary Schemes* of a Person who would have all *Europe* submit to the Bounds he prescribes: As if he were beyond the *Archon* fancied by Mr. *Harrington*, for Framing his New World in *Britain*; and were the *Almighty's* Viceregent of the European World”

William Atwood, *The Scotch Patriot Unmask'd*, 1705

In February 1702, Lord Yester wrote to the duke of Hamilton to inform the Country leader about the latest developments in Scotland. In particular, he rejoiced that his friend would be “surprised & very well pleased with what was done last week in East Lothian”, where nearly all the gentlemen of the shire took the oaths of allegiance to the sovereign, at a meeting conveyed for the purpose. Such a precious work of propaganda had been conducted by Andrew Fletcher, “a thing which will hardly be believed by any who knows him”, in order to answer the Court’s allegations of Jacobitism that repeatedly affected the Country

opposition.¹¹⁰⁰ The unexpected effort shows Fletcher's early involvement in organising the campaign for the next elections, as accepting oaths and obligations was compulsory to attend in Holyrood.¹¹⁰¹ Against the preference of reasonable moderates like John Hay, marquis of Tweeddale, Fletcher himself would be returned as MP in the following parliament, starting in May 1703.¹¹⁰²

Constituting the climax of his political career, Fletcher's opposition to the incorporation with England earned him a well-known reputation and the subsequent attention of the historians of the Union of 1707. The Jacobite George Lockhart of Carnwath, whose direct account of the proceedings lamented the systematic corruption of the MPs by the Court, describes him as the "never enough praised, Patriot *Andrew Fletcher*, of *Saltoun*".¹¹⁰³ Similar expressions of respect can be found in later narratives from an English perspective, such as Tobias Smollett's *History of England* (1757-1760), which considered Fletcher's "undaunted courage and inflexible integrity" better suited for "some Grecian commonwealth" than for the turbulent and despicable Scottish assembly.¹¹⁰⁴ Even historians of the Whig canon, who saw Union as the first step to progress and prosperity for Scotland, accepted Fletcher's leading political engagement.¹¹⁰⁵

The fashioning of his heroic figure was all the more emphasised by the nationalistic interpretations that rejected economic motives as the main force behind the Treaty of Union, rather pointing at patronage, jobbery and Court influence over the Scottish estates. In the portrayals of William Ferguson and Patrick W. J. Riley, Fletcher emerges as the intellectual guide of the Country front, with his incorruptible behaviour granting him a distinctive aura of patriotic

¹¹⁰⁰ NAS GD406/1/4908. See also GD406/1/4916 and GD406/1/10929 for similar reactions to Fletcher's initiative.

¹¹⁰¹ Keith M. Brown, 'Party Politics and Parliament: Scotland's Last Election and Its Aftermath, 1702-3', in *Parliament and Politics in Scotland, 1567-1707*, ed. by Keith M. Brown and Alastair J. Mann, Edinburgh, Edinburgh University Press, 2005, pp. 245-286; Alasdair Raffae, 'Scottish State Oaths and the Revolution of 1688-1690', in *Scotland in the Age of Two Revolutions*, ed. by Sharon Adams and Julian Goodare, Woodbridge, Boydell Press, 2014, pp. 173-191.

¹¹⁰² See William Carstares to Robert Harley, 6th October 1702, in *The Manuscripts of His Grace the Duke of Portland*, London, 1907, 8, p. 111.

¹¹⁰³ George Lockhart, *Memoirs Concerning the Affairs of Scotland: From Queen Anne's Accession to the Throne, to the Commencement of the Union of the Two Kingdoms of Scotland and England, in May, 1707*, London, pp. 61-62.

¹¹⁰⁴ Tobias George Smollett, *History of England*, London, 1854, vol. VII, p. 378.

¹¹⁰⁵ The most eminent among them being George Macaulay Trevelyan, as reported in Allan I. Macinnes, *Union and Empire: The Making of the United Kingdom in 1707*, Cambridge, Cambridge University Press, 2007, pp. 40-41. Among the Scots, see Peter Hume Brown's *History of Scotland to the Present Time*, Cambridge, Cambridge University Press, 1911.

sanctity.¹¹⁰⁶ Fletcher's exceptionalism in the context of the debates of 1703-1706 has been reinforced in recent times in two different directions. On the one hand, Paul H. Scott's monograph, reconstructing Fletcher's political activity in Holyrood, focused on the practical effects of his commitment to the cause of an independent Scotland. Scott's political bias inflates his role in conducting parliamentary discussions, depicting Fletcher as the prime mover of nearly all Country's initiatives, notwithstanding the frequent lack of decisive evidence in this sense. Moreover, his intellectual struggle is mostly overlooked.¹¹⁰⁷

On the other hand, John Robertson situated Fletcher's insights in the theoretical framework of a neo-Machiavellian conception of empire, demonstrating his unique and sophisticated understanding of the Anglo-Scottish relationship from a broader European perspective. Robertson's essays managed to make Fletcher the central intellectual figure of the Union debates and to ennoble their ideological contours, shaping them along the lines of alternative forms of union between the British nations.¹¹⁰⁸ In this context, as noted by Colin Kidd, it has become difficult to see Fletcher as the champion of Scottish nationalism *tout court* and ignore the fact that he participated in an essentially "intra-unionist conversation".¹¹⁰⁹ As shown in the previous chapters, Fletcher always felt the necessity of a close cooperation between Scotland and England, and an investigation that could make sense of both his intellectual achievements and concrete political merits and position still needs to be accomplished.¹¹¹⁰

This task is all the more urgent in the wake of the renewed academic interest in the Treaty of Union for its tercentenary. Focusing on principles rather than Court bribery or interest groups, the most recent research split in two

¹¹⁰⁶ William Ferguson, 'The Making of the Treaty of Union of 1707', *Scottish Historical Review*, n°43 (1964), pp. 89-110; *Id.*, *Scotland's Relations with England: A Survey to 1707*, Edinburgh, The Saltire Society, 1977, esp. 188-191; Patrick W. J. Riley, *The Union of England and Scotland: A Study in Anglo-Scottish Politics of the Eighteenth Century*, Manchester, Manchester University Press, 1978 and *King William and the Scottish Politicians*, Edinburgh, John Donald Publishers LTD, 1979.

¹¹⁰⁷ Paul H. Scott, *Andrew Fletcher and the Treaty of Union*, Edinburgh, John Donald Publishers LTD, 1992.

¹¹⁰⁸ John Robertson, ed., *A Union for Empire: Political Thought and the British Union of 1707*, Cambridge, Cambridge University Press, 1995.

¹¹⁰⁹ Colin Kidd, *Union and Unionisms: Political Thought in Scotland, 1500-2000*, Cambridge, Cambridge University Press, 2008, pp. 66-80.

¹¹¹⁰ John Robertson, 'Andrew Fletcher and the Treaty of Union by Paul H. Scott', *The English Historical Review*, 110, n°438 (1995), pp. 1008-1009.

diverging directions. The so-called ‘unionist turn’¹¹¹¹ in Scottish historiography, to which Kidd’s works belong, underlined the elaborate nature of Scottish unionist thought since the XVI century. Christopher Whatley’s *The Scots and the Union* (2006), written with the archival assistance of Derek Patrick, essentially acknowledges T. C. Smout’s analysis of Scotland’s economic failure¹¹¹² to reassert the old Whiggish claim based on the teleological determinism that incorporation was actually inevitable, but with an altogether different attention for ideological motives, both political and religious. From this perspective, the supporters of the Revolution in 1689 set the stage for the Union of 1707, and Fletcher’s wish for a union “in parliaments, and Traid”¹¹¹³ with England goes in this direction.¹¹¹⁴

Opposed to this interpretation is Allan Macinnes’ *Union and Empire* (2007), which rejects the idea that the treaty constituted an unavoidable consequence of economic distress, rather underlining English dominance on the British stage and the benefits England derived from the Union. Refining the analysis proposed by Thomas Devine,¹¹¹⁵ Macinnes points at the improvement of the Scottish economic performance in the years preceding 1707 to dismiss Whatley’s arguments, stressing the possibility of alternatives to incorporation and especially of an independent political economy for a recovering Scottish system. It eventually was the ineptitude of the Scottish politicians that led to the negotiation of a deceptive settlement, and while he recognises the intellectual merits of Fletcher’s position, Macinnes agrees with Whatley in blaming his incapacity to create lasting political support for his reform proposals.¹¹¹⁶

Accordingly, the broad divide between a Whig-Unionist and a Tory-Jacobite historiography¹¹¹⁷ finds Fletcher caught in the middle and does not

¹¹¹¹ Alasdair Raffe, ‘1707, 2007, and the Unionist Turn in Scottish History’, *The Historical Journal*, 53, n°4 (2010), pp. 1071–1083.

¹¹¹² T. C. Smout, *Scottish Trade on the Eve of Union, 1660-1707*, Edinburgh, Oliver & Boyd, 1963; T. C. Smout, ‘The Anglo-Scottish Union of 1707. I. The Economic Background’, *The Economic History Review*, New Series, 16, n°3 (1964), pp. 455–467. See also Christopher Whatley, ‘Taking Stock: Scotland at the End of the Seventeenth Century’, in *Anglo-Scottish Relations from 1603 to 1900*, ed. by T. C. Smout, Oxford, Oxford University Press, 2005, pp. 103–125.

¹¹¹³ NAS RH15/106/690, fol. 7, Andrew Fletcher to Andrew Russell, 8th January 1689.

¹¹¹⁴ Christopher Whatley, *The Scots and the Union*, Edinburgh, Edinburgh University Press, 2006 and the updated version *The Scots and the Union: Then and Now*, 2014.

¹¹¹⁵ For a resume of his works, see Thomas M. Devine, *Scotland’s Empire, 1600-1815*, London, Penguin, 2004.

¹¹¹⁶ Macinnes, *Union and Empire*, p. 45; Whatley, *The Scots and the Union*, p. 46.

¹¹¹⁷ See Keith M. Brown, ‘Union and Empire: The Making of the United Kingdom in 1707, by Allan I. Macinnes’, *The American Historical Review*, 114, n°2 (2009), pp. 481–482.

quite make a satisfying sense of his role. As a thinker, he furnished the unionist side with an effective criticism of the Scottish nobility from an economic and political point of view, and always understood Scotland's role inside an indispensable relationship with England. His dislike for William III never outran the one for the Stuarts and their supporters, whose royalist position was unbearable considering his republican leanings. But Fletcher's refusal to accept incorporation as the most natural solution for the constitutional glitches between Scotland and England sets him apart from an oversimplifying and ultimately moderate Whig narrative. Conversely, the anti-unionist camp has appropriated this inconsistency as a steep mark of patriotic love to fuel the present political cause of the Scottish National Party, but seems to overlook Fletcher's wider understanding of the Union.

In what follows, I will try to stress how Fletcher's opposition to incorporation came from a radical political stance, which went well beyond his desire for an independent Scotland in itself. The focus is put on the proposals for limiting the power of the shared king and eradicates English interference in Scottish affairs he presented in his speeches in parliament in the summer of 1703. At this stage, it was primarily the question of succession that was at stake, and Fletcher's aim was to complete the process that began in 1689 to give a solid foundation to Scottish constitutionalism and sovereignty.¹¹¹⁸ In this context, a recent reappraisal of Scottish political thought redefined Fletcher's so called "limitations" in continuity with the reforms of the Covenanting Movement of 1640-41, rather than setting them in the civic humanist framework highlighted by Robertson.¹¹¹⁹ An investigation of the immediate perception and response in the public debates to Fletcher's only concrete reform plan he ever presented in parliament constitutes the first part of this chapter. As Karin Bowie rightly suggested, limitations represented the alternative to incorporating union until

¹¹¹⁸ Edith E. B. Thomson is among the first scholars to underline the existence since 1689 of a gradual process towards a Scottish version of constitutionalism driven by Fletcher and Ridpath, see *The Parliament of Scotland, 1690-1702*, Oxford, Oxford University Press, 1926, pp. 183-192.

¹¹¹⁹ John R. Young, 'The Scottish Parliament and the Covenanting Heritage of Constitutional Reform', in *The Stuart Kingdoms in the Seventeenth Century*, ed. by Allan I. MacInnes and Jane H. Ohlmeyer, Bodmin, Four Courts Press, 2002, pp. 226-250.

the very end of the issue in 1706, and to highlight Fletcher's role in this sense would restore a practical dimension of his action that has been overlooked.¹¹²⁰

Indeed, a parallel and partly overlapping debate, the tangible possibility of a union with England prompted the publication of numerous pamphlets considering the best solution for Scotland, from incorporating it in the English political system to federal or confederal kinds of association between two autonomous neighbours. For this broader issue, Fletcher's next intervention, which took the shape of *An Account of a Conversation concerning a Right Regulation of Governments* (1704), is considered a key composition. His last work helped to enlarge the scope of the discussion by showing the difficulties of realising an equal union between unequal partners, with Robertson stressing the impracticable nature of the scheme to restructure Europe as a plurality of small political entities balancing each other. A simple federation with England would not bridle the evils of commercial empires that threatened Scotland to remain a backward and poor province at the periphery of London's control. Fletcher succeeded in nailing the issues permeating the debates, with fine foresight and frustrated acceptance of their probable outcomes.¹¹²¹

But while the *Account* confirms Fletcher's inherent tension between the ideal of a local government based on parliamentary sovereignty and the essential necessity of creating a global balance of power in a modern world, it also has too hurriedly been considered as the acute intellectual testament of a lone wolf's hopeless battle. In his conversation in London, Fletcher also offered a comprehensive and prophetic summary of the key issues on the negotiating table in Holyrood. As the dialogue flows, his conceptions of limited monarchy, empire, trade and federation follow one another as suitable answers to the contemporary debates in parliament and the pamphleteering outside of it. The second part of this chapter revolves around the links between Fletcher's parliamentary struggle and the contents of his *Account* in relation to trade and

¹¹²⁰ Karin Bowie, *Scottish Public Opinion and the Anglo-Scottish Union, 1699-1707*, Woodbridge, Boydell Press, 2007 and 'A 1706 Manifesto for an Armed Rising against Incorporating Union', *The Scottish Historical Review*, 94, n°2 (2015), pp. 237–267.

¹¹²¹ See in particular John Robertson, 'Andrew Fletcher's Vision of Union', in *Scotland and England, 1286-1815*, ed. by Roger A. Mason, Edinburgh, John Donald Publishers LTD, 1987, pp. 203–225 and *The Case for the Enlightenment: Scotland and Naples, 1680-1760*, Cambridge, Cambridge University Press, 2005, pp. 176–183.

union, dividing the Utopian strands noticed by William Atwood in the citation above from the attempts at concretely affecting the outcome of negotiations and parliamentary activities of the Scot.

A third and last part will then consider the theoretical discussion on the different types of union, to better define Fletcher's position. I will show how his argument equating incorporation with conquest found correspondences in both Court and Country authors, who had the same broader historical understanding of the Union. As noted by Robertson, the continuity with the parliamentary debates is represented by Fletcher's attention for the issue of sovereignty, which made him prefer a Pufendorfian arrangement for his imagined system of confederated States rather than looking at the federal alternatives. In depicting an eternal balance of power based on popular interest, Fletcher's project finds a natural context in similar plans for perpetual peace, which will be the basis for comparison in the last section.

5.1 Fletcher's allies in the context of the parliamentary debates

When Anne called for a Scottish assembly to gather in May 1703, she set out her paramount priorities: to secure supplies to finance the war on the continent and to make sure her northern kingdom would accept the same succession as ratified by Westminster in 1701. Few months before, renewed talks about union produced no outcome, and the possibility of a treaty only lurked in the background of the incoming parliamentary session. As Fletcher would remind his fellow countryman and Union supporter George MacKenzie, earl of Cromarty, in the wake of the Revolution, the negotiations for an incorporation between England and Scotland had failed when the English "saw we had chosen the same person for our king".¹¹²² At the time Fletcher himself supported the union. Now, the attempt to solve a potentially global dynastic

¹¹²² Andrew Fletcher, *An Account of a Conversation Concerning a Right Regulation of Governments for the Common Good of Mankind: In a Letter to the Marquiss [Sic] of Montrose, ... from London the 1st of December, 1703*, Edinburgh, 1704, p. 32.

crisis by forcing the Hanoverian succession in Scotland met with the opposition of a large part of Holyrood.

In its composition, the 1703 parliament very much reflected the constitutional crisis first triggered by the English interference in the Darien expedition and then worsened by the unilateral decision to enter the war of Spanish succession against France in 1702. Faithful to the Queen, the Court party did not manage to secure a majority after its leader, the High Commissioner James Douglas, duke of Queensberry, tarnished his popularity with the promotion of the failed negotiations and his repeated attempts to impose the passing of centralising acts in the previous session.¹¹²³ At the starting line, it was imperative for Queensberry to gather the necessary resources for Marlborough's army, and for the Court to defend the royal prerogative and the Protestant succession. While including placemen co-opted through patronage, the Court party broadly shared both the men and set of principles of the Whig Revolution at the basis of the 1689 settlement.¹¹²⁴

Conversely, the elections in the autumn of 1702 reinforced the ranks of the Jacobite faction, whose members in Holyrood called themselves the Cavaliers and represented the second biggest force in the assembly. Eventually hoping to overturn the post-Revolution *status quo*, the Cavaliers' side was loosely led by Charles Home, earl of Home, and benefited from the support of Louis XIV and the exiled Stuart court in Saint-Germain. Their ideological tenets included the divine right of monarchy, which underpinned their support for the dynastic legitimacy of the Stuarts, and the doctrines of passive obedience and non-resistance, upheld and propagated by the hierarchical Episcopalian clergy. In the short term, the Cavaliers hoped to obtain toleration for Episcopalians and delay the succession, keeping the door open for the return of the true king of Scotland, James VII. Representing a traditionalist, aristocratic but ultimately antisystemic force in the game, their swinging votes proved decisive to the issues at stake.¹¹²⁵

¹¹²³ Collins McKay, *The Duke of Queensberry and the Union of Scotland and England: James Douglas and the Act of Union of 1707*, Cambria Press, 2008; Stephen, *Scottish Presbyterians*, pp. 17-18.

¹¹²⁴ Macinnes, *Union and Empire*, pp. 91-99; Whatley, *The Scots and the Union*, pp. 34-35, 80, 206.

¹¹²⁵ Macinnes, *Union and Empire*, pp. 250-253; Stephen, *Scottish Presbyterians*, pp. 2-3, 22, 198; Bruce Lenman, 'The Scottish Episcopal Clergy and the Ideology of Jacobitism', in *Ideology and Conspiracy: Aspects of Jacobitism 1689-1759*, ed. by Eveline Cruickshanks, Edinburgh, John Donald Publishers LTD, 1982, pp. 36-48.

The recently formed Country party shared with the Cavaliers a strong hostility towards the Court and the English ministries' meddling in Scottish affairs. The unreliable guidance of James Douglas, duke of Hamilton, held together a large but heterogeneous group of dissidents, whose core, made of some fifteen constitutional reformers, aimed at ensuring Scotland's autonomy within a more equitable relationship with England.¹¹²⁶ To realise such a project it was necessary for the Country MPs to place sovereignty within the estates, restoring the central role they assigned them through a parliamentary-centred reading of Scottish political history and a radical interpretation of its foundational records, such as the latest Claim of Right. Embodying the patriotic cause since the Darien expedition, the Country party's strategy was to exploit the crown's immediate necessities to enforce its programme and a further step along the road taken in 1689.¹¹²⁷

Part of this last group was Andrew Fletcher, who resumed his political career some twenty years after his last presence in Holyrood as a shire commissioner. Especially in the first session, he managed to set the agenda of the proceedings and rally a consistent part of the parliament to the Country cause, to the point of becoming "their Cicero".¹¹²⁸ Although he regretted not having kept a detailed account of the events, which would have allowed him to write his own history of the Union afterwards, Fletcher confessed he meticulously wrote down anything he ever said in assembly, repeating and rehearsing his acts. Apparently, it took him "ane incredible fatigue" to memorise his passionate speeches in several different versions, according to the possible directions the discussion would take, so that he would not have to improvise.¹¹²⁹ However, Fletcher's fiery character also spiced the debates with spontaneous outbursts of anger and contestation, irritating moves to play for time and personal attacks often dictated by frustration and helplessness.

Coupled with his growing irritability, Fletcher's unyielding attitude encouraged a reading of his political interactions as isolated or ineffectual in the

¹¹²⁶ Ferguson, *Scotland's Relations with England*, p. 188.

¹¹²⁷ Macinnes, *Union and Empire*, p. 90; Whatley, *The Scots and the Union*, pp. 203-206.

¹¹²⁸ George Lockhart, *The Lockhart Papers: Containing Memoirs and Commentaries Upon the Affairs of Scotland from 1702 to 1715, in 2 Vol*, London, William Anderson, 1817, vol. I, p. 76.

¹¹²⁹ Robert Wodrow, *Analecta*, Edinburgh, Maitland Club, 1842, p. 46.

long run, making him both an awkward ally to deal with and a difficult adversary to confront. An admirer like Lockhart observed that Fletcher “often in Parliament acted a part by himself”¹¹³⁰, while his political opponent and former exile companion William Carstares similarly reported to Robert Harley in London that by the summer of 1704 his “old friend Mr. Fletcher is an Ishmael in our Parliament”¹¹³¹. Another report from the spy William Gregg confirms that Harley’s consideration of Fletcher had changed since the days of the militia controversy, with the latter nicknamed “the madman”¹¹³² in the light of his violent temper in Holyrood. By the end of 1705, to the freshly renamed Lord Chancellor James Ogilvy, earl of Seafield, Fletcher “was *Athanasius contra totum mundum*”¹¹³³ for his constant attacks on any questionable initiative from the Court and for being the only MP to take part in every and each of the opposition’s protests.¹¹³⁴

While this picture is overall correct, especially considering the sessions of 1704 and 1705, it still needs some elaboration. For instance, despite battling side by side with Hamilton, Fletcher did not trust the Country leader entirely, believing he aimed at obtaining the crown for himself.¹¹³⁵ The two argued often, and distanced themselves from each other for months after an altercation in parliament by the end of the crucial 1704 session.¹¹³⁶ Only Lockhart’s mediation, underlining “how great a disadvantage it would be, not to have him in concert at this time”, convinced Hamilton to restore a political collaboration with Fletcher, at least until the former’s unexpected change of direction on the treaty negotiations puzzled the assembly and later historians. Hamilton’s uncertain

¹¹³⁰ Lockhart, *The Lockhart Papers*, vol. I, p. 76.

¹¹³¹ William Carstares to Robert Harley, 25th August 1704, in *The Manuscripts of His Grace the Duke of Portland*, vol. 8, pp. 141-142.

¹¹³² William Gregg to Robert Harley, 28th June 1705, in *The Manuscripts of His Grace the Duke of Portland*, vol. 4, pp. 198-199.

¹¹³³ *Ibidem*, 25th August 1705, pp. 226-227.

¹¹³⁴ Macinnes, *Union and Empire*, p. 305.

¹¹³⁵ [Andrew Fletcher?], *A Letter from a Gentleman at London to His Friend at Edinburgh*, [London?], 1700, where ‘a certain Person, tho’ he stand looking on a Crown at such a distance, as amount to a Vision, is yet so dazled with its brightness, as to make it his business to imploy the present Spirit and Vigor of the Nation in anything rather than in breaking the Army’. Hamilton was by blood one of the possible heirs to the throne of Scotland, although only distantly.

¹¹³⁶ Scott, *Andrew Fletcher*, p. 117.

behaviour during the sessions did not compute with Fletcher's adamant political line, nor did his personal aristocratic interests.¹¹³⁷

Among the Country ranks, Fletcher has been rather associated with the Whig faction lead by Tweeddale,¹¹³⁸ he took particular care of the political education of some young nobles at their first experience in Holyrood: John Leslie, earl of Rothes, a supporter of the Revolution tenets and of the people's liberties, and his brother Thomas Hamilton, earl of Haddington, both from Fletcher's own shire. In addition, Fletcher was close to John Ker, earl of Roxburghe, who openly took the initiative to back Fletcher's proposals in 1703 and James Graham, earl of Montrose, a disappointment to the Jacobites for not following in the footsteps of his forefather, a royalist general of the civil wars. According to Ferguson, these MPs all supported Fletcher to the point of being commonly described as his 'cubs' by contemporaries during the first session of parliament. Together, they represented the leading group of constitutional and anti-aristocratic reformers.¹¹³⁹

Nonetheless, when reporting to Harley about the elections, Carstares mentioned that Tweeddale was far from happy to number the lumbering laird of Saltoun among his allies, notwithstanding the help he provided in East Lothian. In fact, Tweeddale's promotion of the split inside the opposition that led to the formation of the so-called new party or *Squadron volante* in 1704 confirms that at that point he was not considering Fletcher as an ally anymore. The *Squadron*, counting some twenty-five MPs then poured out from the Country front among which Fletcher's 'cubs' eventually figured, had a core commitment to the Protestant succession and preferred to negotiate with the Court rather than with the Cavaliers to secure the 1689 settlement. Ultimately, they proved decisive in closing the deal of incorporation with England in 1706.¹¹⁴⁰ As the Unionist John

¹¹³⁷ George Lockhart of Carnwath to James Douglas, duke of Hamilton, 25th March 1705, in George Lockhart, *Letters of George Lockhart of Carnwath, 1698-1732*, ed. by Daniel Szechi, Edinburgh, Pillans & Wilson, 1989, pp. 13-15; Ferguson, *Scotland's Relations with England*, p. 229; Macinnes, *Union and Empire*, pp. 274-275; Whatley, pp. 47-48, 196-197; Stephen, *Scottish Presbyterians*, p. 28.

¹¹³⁸ Bowie, *Scottish Public Opinion*, p. 69.

¹¹³⁹ Ferguson, *Scotland's Relations with England*, p. 204.

¹¹⁴⁰ Derek Patrick and Christopher A. Whatley, 'Persistence, Principle and Patriotism in the Making of the Union of 1707: The Revolution, Scottish Parliament and the *Squadron Volante*', *History*, 92, n°306 (2007), pp. 162-186; Graham Townend, "Rendering the Union More

Erskine, earl of Mar would comment, in 1704 Fletcher was understandably “as ill pleased with our new Courtiers as he was with our old”.¹¹⁴¹

Hence, Fletcher’s Whig standpoint did not overwhelm his wish for an autonomous and self-governed Scotland, but it did not prevent him from searching for supporters in the political game neither, provided they were instrumental to his objectives. Proving to be more flexible to compromise than usually thought and in the context of rapidly mutating ideological positions, he benefited from the backing of renowned Jacobites. Charles Hay, earl of Errol, and William Keith, earl Marischal, led a small faction of Cavalier nobles supporting Fletcher’s proposals, and were imprisoned with the latter for plotting to prepare the invasion of Louis XIV’s fleet in 1708.¹¹⁴² Fletcher also attempted to keep the alliance between Hamilton and the grouping led by John Murray, duke of Atholl, alive, hoping that a closer collaboration would secure a stronger opposition, counterweighing the *Squadron’s* volte-face. Together with Hamilton, he convinced the Jacobite Lockhart to accept being included in the Scottish commission to negotiate the Union in October 1706.¹¹⁴³ Likewise, Fletcher participated in the meetings the Country held at Patrick Steele’s tavern to plan concerted strategies for the upcoming arguments to be discussed in the assembly.¹¹⁴⁴

Naturally conflicting with the nobility and great landowners of Scotland, Fletcher’s radical position was uncomfortable to deal with for the magnates leading the main political sectors in Holyrood, as he nevertheless constituted the front rank intellectual resource of the opposition. The substance of Fletcher’s lasting support eventually came from the commissioners of the shires, the elective estate he himself belonged to, and from the burghs, but outside the parliament his ideas were not meant to rally the encouragement of the masses

Complete”: The *Squadron Volante* and the Abolition of the Scottish Privy Council’, *Parliamentary History*, 28, n°1 (2009), pp. 88–99.

¹¹⁴¹ John Erskine, earl of Mar to his Lady, 16th of June 1704, in *Report on the Manuscripts of the Earl of Mar and Kellie, Preserved at Alloa House*, London, 1904, pp. 227–228.

¹¹⁴² Andrew Fletcher to John Erskine, earl of Mar, 14th of April 1708 from his prison in Stirling Castle in *ibidem*, p. 436. See also Scott, *Andrew Fletcher*, p. 118; Macinnes, *Union and Empire*, pp. 255, 305; Whatley, *The Scots and the Union*, p. 46.

¹¹⁴³ Lockhart, *The Lockhart Papers*, vol. I, pp. 142–143.

¹¹⁴⁴ See NAS GD220/5/75, Andrew Fletcher to James Graham, earl of Montrose, 9th June 1704; John Erskine, earl of Mar to Sir David Nairne, 8th of February 1707, in *Report on the Manuscripts of the Earl of Mar and Kellie*, pp. 372–373; Bowie, *Scottish Public Opinion*, p. 24.

whom he did not include as a possible part of his political project.¹¹⁴⁵ When it comes to the propaganda deployed to address public opinion, his place is alongside the group of authors that shaped the Country discourse, and that was to different extents connected to the sponsorship of Hamilton. But not unlike what happened during the standing armies dispute, while being associated with the other writers Fletcher had no patron financing him.¹¹⁴⁶

Overcoming the perplexities regarding his precedent *Two Discourses*, George Ridpath's account of the parliamentary debates "extols [Fletcher's] Speeches"¹¹⁴⁷ and applauds him as a "great Patron of Liberty, and happy in a Polite Pen"¹¹⁴⁸. In the daily chronicles for his London journal *The Flying Post*, Ridpath also took care of mitigating Fletcher's final flare-ups, depicting him heroically, very much to the rage of the courtiers in the English capital.¹¹⁴⁹ Of James Hodges, Fletcher endorsed the main arguments against the union of crowns when meeting with his friend James Erskine, Lord Grange, to convince him of the evils of incorporation.¹¹⁵⁰ John Hamilton's, Lord Belhaven, speeches, printed during the proceedings, accepted his neighbour's solutions as necessary for the survival of Scottish sovereignty, although fairly reluctantly.¹¹⁵¹ At the final stages of the negotiations, Fletcher would even consider the far-reaching position of the Presbyterian minister Robert Wylie who denied the power of the Scottish parliament to give away its sovereignty without *ad hoc* instructions from its constituents.¹¹⁵²

In summary, despite the strong commitment to his vision, to consider Fletcher as blinkered by his radical beliefs equals to fall into the temptation of romanticising his figure as one of political purity. Fletcher had an open dialogue

¹¹⁴⁵ Ferguson, *Scotland's Relations with England*, pp. 192, 221.

¹¹⁴⁶ Bowie, *Scottish Public Opinion*, pp. 68-69.

¹¹⁴⁷ William Atwood, *The Scotch Patriot Unmask'd, in Animadversions upon a Seditious Pamphlet, Intituled, The Reducing Scotland by Arms, and Annexing It to England as a Province*, London, 1705, p. 26.

¹¹⁴⁸ George Ridpath, *An Historical Account of the Ancient Rights and Power of the Parliament of Scotland. To Which Is Prefixed, a Short Introduction upon Government in General*, Edinburgh, 1703, Preface, pp. XIX-XX and *passim*.

¹¹⁴⁹ Sir David Nairne to John Erskine, earl of Mar, 7th of November 1706, in *Report on the Manuscripts of the Earl of Mar and Kellie*, pp. 372-373.

¹¹⁵⁰ James Erskine to his brother, the earl of Mar, 22nd of June 1706, in *ibidem*, pp. 267-268.

¹¹⁵¹ John Hamilton, Lord Belhaven, *A Speech in Parliament Touching Limitations*, Edinburgh, 1703.

¹¹⁵² James Erskine to his brother, the earl of Mar, 20th of August 1706, in *Report on the Manuscripts of the Earl of Mar and Kellie*, p. 273.

with all the political forces in Holyrood and tried to secure the majority of the assembly, offering the only solution he reputed able to solve the British constitutional crisis. He did not hesitate to rally Jacobite MPs behind his proposals, nor to arrange his speeches in a language that could attract support from the whole spectrum of the assembly, although from 1705 onwards his political timing was often off. At a later stage, he turned bitter with frustration for the direction the events were taking, seeing the opportunity of a new settlement slowly slip away. But his understanding of the crisis and attitude towards the assembly was clear: “if we may live free, I little value who is king: ‘tis indifferent to me, provided the limitations be enacted, to name or not name; Hanover, St. Germain, or whom you will”.¹¹⁵³

5.2 The “limitations” to the crown of Scotland

As we have seen in the previous chapter, in the wake of the Darien crisis Scottish sovereignty became the matter of a fierce debate. With the new Parliament now sitting in Edinburgh and the future of the kingdom to be defined, the argument became even more central. Crucially, the historical claims resumed in the wake of the Darien debates assumed the practical dimension of a radical political programme to restore the “limitations” that traditionally constrained the king’s prerogative, which Fletcher formulated and defended in Holyrood with the backing of Country authors and MPs. Robertson has noticed the theoretical tensions lying at the heart of Fletcher’s proposals, which seem to contain elements stretching from the rhetoric of ancient constitutionalism to mixed monarchy and classical republicanism.¹¹⁵⁴ More recent historiography seems to “rehabilitate” Fletcher as part of Scottish constitutional history rather than an

¹¹⁵³ Andrew Fletcher, *Speeches by a Member of the Parliament Which Began at Edinburgh the 6th of May 1703*, Edinburgh, 1703, XIII on the 9th of September, p. 69.

¹¹⁵⁴ Robertson, ‘Andrew Fletcher’s Vision’.

original yet exceptional republican thinker,¹¹⁵⁵ but this possibility has been mostly ignored thus far.¹¹⁵⁶

At the opening of the 1703 session, Queensberry introduced an Act for Supply to be approved. It was immediately countered by Tweeddale's motion to consider the "conditions of government" of Scotland first, which imposed the issue to the Court.¹¹⁵⁷ Fletcher presented one of the drafts for an Act of Security that listed the conditions the successor had to meet to receive the crown of Scotland.¹¹⁵⁸ Fitting his proposal into the main narrative of the Country discourse, he complained that the union of the crowns had introduced a "slavish principle" in Scotland, overthrowing "our antient constitution". While "no monarchy in Europe was more limited, nor any people more jealous of liberty than the Scots", from 1603 onwards "a violent inclination in many men to extend the prerogative of the prince to an absolute and unlimited power" rescinded the "necessary limitations as might secure them from the tyrannical Exercise of Power in a Prince".¹¹⁵⁹

In parliament, Fletcher made the effort to present his reforms as the restoration of former liberties and professed that the few innovations they contained were dictated by the necessity of cutting off the dependence on the English court.¹¹⁶⁰ The draft he circulated, which was then printed on behalf of the assembly, consisted of twelve succinct "limitations". Fletcher pushed each of them singularly in his speeches throughout the session.¹¹⁶¹ A new parliament should be elected every year, as it used to be formerly, with the power of adjourning itself and choose its president, in order to manage the meetings more efficiently according to the MPs' necessities, rather than the will of the Court.¹¹⁶²

¹¹⁵⁵ John R. Young, 'Keith M. Brown and Alan R. MacDonald (eds), *The History of the Scottish Parliament. Volume 3. Parliament in Context, 1235-1707* (Edinburgh: Edinburgh University Press, 2010)', *Journal of Scottish Historical Studies*, 32, n°1 (2012), pp. 87-90.

¹¹⁵⁶ See for instance Karin Bowie, "'A Legal Limited Monarchy': Scottish Constitutionalism in the Union of Crowns, 1603-1707", *Journal of Scottish Historical Studies*, 35, n°2 (2015), pp. 131-154.

¹¹⁵⁷ Ferguson, *Scotland's Relations with England*, p. 208.

¹¹⁵⁸ Another draft was presented by the Earl of Marchmont, see the *Overture by Way of Act, Concerning the Succession to the Crown of Scotland. Offered to the Consideration of the Parliament by the Earl of Marchmont, the 6th. of September 1703*, Edinburgh, 1703.

¹¹⁵⁹ Fletcher, *Speeches*, III on the 22nd of June, p. 13.

¹¹⁶⁰ *Ibidem*, pp. 17-24.

¹¹⁶¹ Andrew Fletcher, *Overture for Limitations on the Successors of Her Majesty Deceasing without Heirs of Her Body, Who Shall Be Likewise Kings of England*, Edinburgh, 1703.

¹¹⁶² See Fletcher, *Speeches*, XII and XIV, on the 2nd of August and on the 15th of September, pp. 58-61, 70-83.

The sovereign should have no negative voice over the acts presented by the estates, but to avoid instrumental delays his sanction would be *pro forma*, in a way that not even the Restoration act of 1661 reasserting the royal prerogative of Charles II had modified.¹¹⁶³ While a parliamentary-elected committee would govern Scotland in between sessions, the power of making peace and war and to keep an army on foot would be shared with the king.

To avoid any interference in Holyrood's proceedings, voting should be performed through ballot and only by noblemen and elected MPs, thus excluding officers of State nominated by the crown so far. Fletcher quoted William Temple's sketch of Chinese type of government to ask for every civil and military office to be appointed by the parliament rather than by the king, showing how this limitation was compatible even with an absolute monarchy such as China.¹¹⁶⁴ In addition, he proposed that the judges of the highest courts of Scotland, nominated by Holyrood, should also be excluded from the legislative procedure, using an example of conflict of interest, raised a few days before, to make his case.¹¹⁶⁵ Furthermore, to balance the composition of the assembly, for every noble created by the crown a lesser baron elected by the shires should be added to the estates. Last but not least, a national militia made of all the men capable of bearing arms would represent the cornerstone of the whole reform programme, constituting the foremost guarantee against arbitrary government, as it was likewise formerly possessed by the audience's ancestors.¹¹⁶⁶

Ridpath's historical account of the Scottish parliament linked these requests back to constitutional history, and was published during the discussions as an expansion of the arguments expressed in the Darien controversy. Searching for obscure precedents for every proposed limitation on the crown, the volume has unsurprisingly been attributed to Fletcher and could well have been the result of collaboration between the two. Ridpath

¹¹⁶³ Fletcher presented and read a copy of the 1661 act in parliament, see *Speeches*, X and XI, on the 20th of August, pp. 49-57. Gillian H. MacIntosh, "Royal Supremacy Restored?" *Scottish Parliamentary Independence in the Restoration Era, 1660-88*, *Parliaments, Estates and Representation*, 34, n°2 (2014), pp. 151-166.

¹¹⁶⁴ Fletcher, *Speeches*, XIV on the 15th of September, pp. 70-83. Fletcher had also presented an Act *ad hoc* for the voting procedure and the elective offices of Holyrood at the beginning of the session, see I on the 26th of May, pp. 3-6. For Temple quotation, see Robertson's edition, p. 163, fn. 41.

¹¹⁶⁵ *Ibidem*, XVII on the 17th of June, pp. 92-95.

¹¹⁶⁶ *Ibidem*, VII and VIII on the 10th of August, pp. 42-47.

acknowledged a “gentleman of great worth and integrity” for giving him access to some rare uncensored sources of parliamentary history.¹¹⁶⁷ Like Fletcher, he lamented some recent editions of Scottish laws and acts, that “industriously and designedly left out” the most considerable bits regarding the liberties of parliaments.¹¹⁶⁸ Fletcher guarded in his library rare copies of basically all the works quoted in Ridpath’s account, from the so-called ‘Black Acts’ printed under James I to the chronicles of XVI and XVII centuries by the bishops Henry Guthrie and John Leslie.¹¹⁶⁹

When placed in a civic humanist framework, Fletcher’s draft has been perceived as an effort to introduce classical republican elements of government in Scotland, disguised as a *ridurre ai principii* of Machiavellian sort.¹¹⁷⁰ In this sense, Young efficiently illustrated the close correspondence between the “limitations” and the radical programme approved by the Covenanters in 1641, which placed sovereignty in the estates through measures such as an executive parliamentary committee, which rhymes with what Fletcher had in mind.¹¹⁷¹ Another source of inspiration is Ridpath’s *Discourse upon the Union*, listing some restrictions to the sovereign in the wake of the negotiations failed a few months earlier.¹¹⁷² The point in both Fletcher’s interventions and Ridpath’s account was to refer to acts and laws in the records preceding the union of the crowns, taking distance from the thorny references to the Covenanting parliaments of 1639-1651. To back the “limitations”, it was necessary to make them attractive to the largest part of Holyrood.

Recent reappraisal of Scottish parliamentary history has highlighted the sophistication of the assembly and its native constitutional developments, underlining its quasi-executive capacity up to the XVIth century, although

¹¹⁶⁷ Ridpath, *An Historical Account*, Preface, p. IX. From the 1720s onwards, the volume has been attributed to Fletcher: see for instance the introduction to the 1823 edition.

¹¹⁶⁸ Fletcher, *Speeches*, II on the 28th of May, pp. 7-11 and cf. with Ridpath, *An Historical Account*, p. 8. See also Robertson’s edition, p. 132, fn. 4.

¹¹⁶⁹ John D. Ford, *Law and Opinion in Scotland during the Seventeenth Century*, Oxford, Bloomsbury Publishing, 2007, pp. 40–57. See also Fletcher’s catalogue, NLS MS 17863, fols. 22, 23, 138, 141.

¹¹⁷⁰ Robertson, ‘Andrew Fletcher’s Vision’ and *The Case for the Enlightenment*, pp. 173-174.

¹¹⁷¹ Young, ‘The Scottish Parliament and the Covenanting Heritage of Constitutional Reform’, pp. 242-245.

¹¹⁷² George Ridpath, *A Discourse upon the Union of Scotland and England*, [Edinburgh?], 1702, pp. 119–135.

elaborated in the language of collective authority shared with the king.¹¹⁷³ For instance, annual parliaments were fairly normal until James IV reduced their frequency by the end of the 1490s, like it happened almost everywhere else in Europe in a process Fletcher described in his militia pamphlet.¹¹⁷⁴ A Gothic system of government based on committees predated the Covenanters' period, as did the significance of voting in Holyrood and the activity of its estates, to the point that the Covenanted revolution can itself be considered a restoration of former practices in continuity with previous parliamentary mechanisms.¹¹⁷⁵ It was to this form of early modern constitutionalism that Fletcher and Ridpath appealed to convince their audiences.

This explains Fletcher's paraded repulsion for both the "prelatical party", guilty of extending the royal prerogative in Scotland after the union of the crowns, and for "the peevish, imprudent, and detestable Conduct of the Presbyterians [i. e. the Covenanters], who opposed these Principles only in others" but applied them when in power, contributing to overturn the ancient constitution of the nation.¹¹⁷⁶ In particular, in his speeches Fletcher accused "the Parliament during the Civil War" of "usurping the power of imposing their own votes upon the people for law", an expression that resembled Buchanan's description of Mary Stuart's deposition.¹¹⁷⁷ The Covenanters were guilty of passing laws without the presence and formal assent of the king, *de facto* asserting substantial parliamentary sovereignty in a way that mirrored the

¹¹⁷³ See especially John R. Young, *The Scottish Parliament, 1639-1661: A Political and Constitutional Analysis*, Edinburgh, John Donald, 1996; Julian Goodare, *State and Society in Early Modern Scotland*, Oxford, Oxford University Press, 1999; *Id.*, *The Government of Scotland, 1560-1625*, Oxford, Oxford University Press, 2004; Julian Goodare & Alasdair A. MacDonald, eds., *Sixteenth-Century Scotland: Essays in Honour of Michael Lynch*, Leiden, BRILL, 2008 and *The History of Scottish Parliaments*, ed. by K. Brown, R. Tanner and A. MacDonald, 3 vols., Edinburgh, Edinburgh University Press, 2004-2010.

¹¹⁷⁴ Norman MacDougall, 'The Estates in Eclipse? Politics and Parliaments in the Reign of James IV', in *The History of the Scottish Parliament: Parliament in Context, 1235-1707*, ed. by Keith M. Brown and Roland J. Tanner, Edinburgh, Edinburgh University Press, 2004, pp. 145-159.

¹¹⁷⁵ See the remarkable studies by Alan R. MacDonald: 'Deliberative Processes in Parliament c.1567-1639: Multicameralism and the Lords of the Articles', *The Scottish Historical Review*, 81, n°211 (2002), pp. 23-51; 'Voting in the Scottish Parliament before 1639', *Parliaments, Estates and Representation*, 30, n°2 (2010), pp. 145-161 and 'Consultation and Consent under James VI', *The Historical Journal*, 54, n°2 (2011), pp. 287-306.

¹¹⁷⁶ Fletcher, *Speeches*, III on the 22nd of June, p. 14.

¹¹⁷⁷ *Ibidem*, XI on the 20th of August, p. 55, cf. with George Buchanan, *De Jure Regni apud Scotos, Dialogus*, Edinburgh, 1579, p. 66.

queen's attempt at establishing absolutism.¹¹⁷⁸ Fletcher's resentment for the magnates-led military oligarchy of the Covenanters was certainly sincere, as was his divergence from their religious fervour. Coupled them with an authentically Buchananite and humanist ideal of government based on ancient Scottish custom, he presented his proposals on limitations to his fellow MPs in a recognisable, harmless guise.¹¹⁷⁹

In a complicated political balancing act, Fletcher both reaffirmed the inevitability of a larger autonomy for the estates in the framework of the union of the crowns and criticised the position of the Covenanters by emphasising the necessity of a ruler in what looked like an exemplary mixed constitution, defending the principle of monarchy in itself. Yet, as in the most radical reading of Buchanan's definition of the ruler's powers in *De Jure Regni apud Scotos*, Fletcher's king would only supervise and consult on the laws to be submitted to the judgement of the whole parliament for approval.¹¹⁸⁰ In comparison with the traditional reading of the Buchananite ideology as baronial conciliarism that was at the basis of the historical claims emerged during the Darien controversy, Fletcher identified the Scottish *populus* not with the nobility of the Declaration of Arbroath, but rather with the whole assembly, and with the burgh and shire commissioners like himself in particular,¹¹⁸¹ thus providing a modernised

¹¹⁷⁸ On the Covenanters settlement, see John J. Scally, 'The Rise and Fall of the Covenanter Parliaments, 1639-51', in *The History of the Scottish Parliament: Parliament and Politics in Scotland, 1567-1707*, Edinburgh, Edinburgh University Press, 2005, pp. 138-162; Julian Goodare, 'The Scottish Revolution' and Sharon Adams, 'In Search of the Scottish Republic', in *Scotland in the Age of Two Revolutions*, ed. by Sharon Adams and Julian Goodare, Woodbridge, Boydell Press, 2014, pp. 79-96 and 97-114. For a different point of view on the period, see Laura A. M. Stewart, *Rethinking the Scottish Revolution: Covenanted Scotland, 1637-1651*, Oxford, Oxford University Press, 2016.

¹¹⁷⁹ John H. Burns, 'Political Ideas and Parliament', in *The History of the Scottish Parliament: Parliament in Context, 1235-1707*, ed. by Keith Brown and Alan MacDonald, Edinburgh, Edinburgh University Press, 2010, pp. 216-243; *George Buchanan: Political Thought in Early Modern Britain and Europe*, ed. by Roger A. Mason and Caroline Erskine, Farnham, Ashgate, 2012; Caroline Erskine, 'The Political Thought of Restoration Covenanters', in *Scotland in the Age of Two Revolutions*, pp. 155-172.

¹¹⁸⁰ For the different interpretations of Buchanan, see John H. Burns, *The True Law of Kingship: Concepts of Monarchy in Early-Modern Scotland*, Oxford, Oxford University Press, 1996, pp. 201-203; George Buchanan, *A Dialogue on the Law of Kingship Among the Scots: De Jure Regni Apud Scotos Dialogus*, ed. by Roger A. Mason and Martin S. Smith, Edinburgh, The Saltire Society, 2006, introduction; Roger A. Mason, ed., *Scots and Britons: Scottish Political Thought and the Union of 1603*, Cambridge, Cambridge University Press, 2006, Part II: George Buchanan.

¹¹⁸¹ As late as the 8th of February 1707, Fletcher was still trying to exclude "the peers eldest sons from representing shires or burrows" in the British parliament. See The Earl of Mar to Sir David Nairne, in *Report on the Manuscripts of the Earl of Mar and Kellie*, pp. 372-373.

version of the Scottish claims and the necessity of an explicit social contract with the king.

This interpretation explains the main differences Young saw between the Covenanters' settlement and Fletcher's proposals: his elected committee should be chosen from Holyrood without an equal representation for each estate, and the number of shire commissioners, elected and embodying the Country, should be increased to match the number of nobles, nominated by the Court now in London.¹¹⁸² Whereas the gradual appearance of the lairds as a distinct "fourth estate" led to the suggestive but contested theory of a Scottish commons,¹¹⁸³ with the *Two Discourses* in mind it appears that Fletcher's attempt is that of tipping the scales in favour of small landowners and lesser barons. With the important addition of the burghs, the latter were the Harringtonian independent and uncorrupted citizenship based on land as defined by Pocock and Robertson. To restore the role of the parliament, Fletcher rejected the Covenanters' example and appealed to ancient Scottish customs, but he still used the most startlingly radical version of Buchanan's political theory to elaborate on his Harringtonian's vision of citizenship based on land. Finally, applying his limitations to both the king and the aristocracy equally, Fletcher overcame the Gothic constitution he described in the *Discourse of Government* and its feudal balance, dangerously enlarging the government's base and entering a virtually unknown territory for most of his heterogeneous audience.

Such an uneasy compromise proved difficult to deal with for Holyrood, notwithstanding Fletcher's extraordinary rhetorical skills and the supporting interventions of Hamilton, his former exile companion the earl of Marchmont and the earl of Buchan among others.¹¹⁸⁴ On the one hand, he assured that the limitations would apply only if Scotland was to have the same king as England,

¹¹⁸² Young, 'The Scottish Parliament and the Covenanting Heritage'. Fletcher also proposed an overture to increase the number of commissioners by 11 in both the 1704 and the 1705 sessions. See Scott, *Andrew Fletcher*, pp. 116, 133-134.

¹¹⁸³ See John R. Young, 'The Scottish Parliament and the Covenanting Revolution: The Emergence of a Scottish Commons', in *Celtic Dimensions of the British Civil Wars*, Edinburgh, John Donald Publishers LTD, 1997. See the introduction to *The History of the Scottish Parliament: Parliament and Politics in Scotland, 1567-1707*, pp.22-23, which doubts this reading.

¹¹⁸⁴ Ralph R. McLean, 'Rhetoric and Literary Criticism in the Early Scottish Enlightenment', unpublished PhD thesis, University of Glasgow, 2009, pp. 197-200; Lord David Hume Crossrig, *A Diary of the Proceedings in the Parliament and the Privy Council of Scotland: May 21, MDCC.-March 7, MDCCVII.*, 1828, pp. 112-113.

trying to capture the votes of “prerogative-men” and the recently allied Cavaliers, hoping for the Stuarts’ return.¹¹⁸⁵ On the other hand, Fletcher also clarified he did not intend to “separate us” from the English, to avoid leaving his proposal open to the Court’s accusations and delude the supporters of Hanover.¹¹⁸⁶ But even though, according to Ridpath, his proposal received great deal of attention and was the one that most resembled the act that eventually passed,¹¹⁸⁷ the idea of incorporating specific limitations to the Act of Security was defeated after long discussions on the 7th of July.¹¹⁸⁸

Eventually, the Jacobites’ support failed to materialis, certainly out of their unwillingness to restrain the king’s powers, and most likely because of Fletcher’s ill-timed insistence on the introduction of a parliamentary oath to defend the Protestant religion and the Claim of Right.¹¹⁸⁹ Fletcher still tried to force his project through during the rest of the session, so that the final act approved on the 13th of August embodied the spirit of some of the limitations, as did the Act Anent Peace and War that prohibited Anne’s successor to declare war or conclude peace treaties without the consent of the parliament.¹¹⁹⁰ But for him the Act of Security resulted in a “general and indefinite clause”¹¹⁹¹ on the successor’s duties, designed to declare Scotland’s liberty without any real binding effect. Fletcher thus put his draft forward again in September after a vibrant speech. He was eventually convinced to withdraw his proposal by the Country MPs, afraid they would split again over a final vote on his limitations and end up conceding supplies to the queen for nothing.¹¹⁹²

At the end of the session, the Court was relieved. The common persuasion by 1705 was that the limitations “would have established a republic and left the successor but the empty name of a king”, and Seafield would remind the assembly that the Covenanters’ similar attempt at establishing a commonwealth

¹¹⁸⁵ Fletcher, *Speeches*, p. 16.

¹¹⁸⁶ *Ibidem*, p. 45.

¹¹⁸⁷ George Ridpath, *An Account of the Proceedings of the Parliament of Scotland, Which Met at Edinburgh, May 6. 1703*, Edinburgh, 1704, p. 132.

¹¹⁸⁸ Ferguson, *Scotland’s Relations with England*, p. 210.

¹¹⁸⁹ Crossrigg, *A Diary of the Proceedings*, pp. 114-115.

¹¹⁹⁰ See also chapter II for the results of the militia clause, pp. 120-121.

¹¹⁹¹ Fletcher, *Speeches*, p. 63.

¹¹⁹² William Gregg to Robert Harley, 23rd September 1703, in *The Manuscripts of His Grace the Duke of Portland*, vol. 4, pp. 66-67.

had only led to war, divisions and bloodshed.¹¹⁹³ From their part, the Jacobites could still hope to see James Stuart on the throne, as the Act of Security left the issue of succession unsettled, stating that the estates would choose the same sovereign as England only in exchange of political, economic and religious concessions. The Country party was content with an act that potentially equalled the Act of Settlement, leaving the possibility of further reforms on the table, and with the Act Anent Peace & War, which vindicated the unilateral English decision of entering the war of Spanish Succession. Fletcher, who left for London during the winter, was far from satisfied.

5.3 Alternative models of government in the succession debates

The Country's concrete attempt to set up a constitutional monarchy through parliamentary reforms lasted until the end of the 1705 session, when the necessity of settling the succession was overcome by the possibility of a treaty of Union and the question of trade. Till then, the succession was one of the main topics of many Scottish and English publications, which considered the issue by investigating the nature of Scottish monarchy and eventually of government itself. The range of competing visions varied from strongly royalist to constitutionalist interpretations of monarchical rule, giving birth to a debate in itself where the possibility of limitations was countered with mixed accusations of Jacobitism and republicanism coming from English pamphleteers and the Court. Fletcher's proposals were discussed and analysed. He himself had the opportunity of coming back to them in a discussion that supposedly took place in London in December 1703, later published as *An Account of a Conversation*.

The piece, in the form of a letter, was occasioned by Tweeddale's travel to London with two of Fletcher's young supporters, Rothes and Roxburghe, to clear the opposition's name from the accusations raised by Queensberry about

¹¹⁹³ See Stephen, *Scottish Presbyterians*, pp. 23-24.

plotting for a Jacobite restoration.¹¹⁹⁴ The Country emissaries convinced the queen and her minister Sidney Godolphin of Queensberry's mistakes, starting the negotiations that led to the nomination of Tweeddale as the new high commissioner for the 1704 session. In the same year, Rothes was appointed lord Privy Seal and Roxburghe became Secretary of State. Although they initially believed they could manage to hold key offices and obtain Anne's support while still amending the Scottish constitution according to the Country's *desiderata*, Fletcher, also in London during the talks, dedicated the *Account* to the four nobles who had supported him in order to persuade them to keep the high road.¹¹⁹⁵

In the dialogue, Fletcher offered an answer to the worries about his version of monarchy, defined by his interlocutors as an attempt at "framing Utopias and new Models of Government" and at realising a "Platonick commonwealth".¹¹⁹⁶ To the audience, Fletcher again exposed the corruptibility of human nature and in particular of princes, always acting for their personal advantages.¹¹⁹⁷ But since "princes were made for the good Government of Nations"¹¹⁹⁸, limitations were needed to remedy their natural tendency, constituting a check to their behaviour and making them accountable to the parliament for their actions, thus marking the real difference between an absolute and a limited monarchy able to guarantee freedom for its people. When asked what power would the king then keep for himself, Fletcher mentioned the command of the armies and the executive powers he formerly enjoyed, emphasising the fact that the successor to the crown would not reside in Scotland as a further reason for such an arrangement.¹¹⁹⁹

¹¹⁹⁴ Fletcher's reaction to the so-called 'Scotch Plot' was to protest against the House of Lords taking control of the investigation, a further sign of interference in Scottish affairs. See Scott, *Andrew Fletcher*, pp. 115, 118 and Macinnes, *Union and Empire*, pp. 261-264; Whatley, *The Scots and the Union*, p. 226; Ferguson, *Scotland's Relations with England*, pp. 213-218.

¹¹⁹⁵ Whatley, *The Scots and the Union*, pp. 42-46; Clyve Jones, 'The Squadrone Volante Deciphered, 1707-1714', *Scottish Archives*, 9 (2003), pp. 57-82.

¹¹⁹⁶ Fletcher, *An Account of a Conversation*, pp. 14, 25.

¹¹⁹⁷ This classic topic was revived in Anon., *A Letter to a Member of Parliament, Concerning the True Interest of Scotland, with Respect to the Succession*, Edinburgh, 1705. See also how the topic revived in London: Charles Davenant, *Essays upon Peace at Home, and War Abroad. In Two Parts*, London, 1704, p. 210; Charles Leslie, *Cassandra: But I Hope Not Telling What Will Come of It*, London, 1704, pp. 21-26.

¹¹⁹⁸ Fletcher, *An Account of a Conversation*, pp. 28-29.

¹¹⁹⁹ Fletcher, *An Account of a Conversation*, pp. 26-27.

In the typical shape of a humanist dialogue again reminiscent of Buchanan's *De Jure Regni*, Fletcher made it explicit that far from believing in Plato's figure of a disinterested philosopher king, it was by the consent of the people that the ruler is invested of his powers. Furthermore, he endorsed the view that these powers could be withdrawn when the king would not exercise them for the common good. Fletcher embraced Buchanan's theory of resistance in defining his limitations as an agreement between the king and the people and a prerequisite to the nomination of the successor to the throne of Scotland.¹²⁰⁰ The same genealogy of thought also included Algernon Sidney, and stands in clear continuity with the beginnings of Fletcher's rebellious political activities under the Stuarts. Sidney's *Discourses Concerning Government*, composed during the Exclusion Crisis (1681-83), similarly argued for annual parliaments and a recovery of the original power and right of the people of defining their government and substantially limit the king's actions.¹²⁰¹

Although never explicitly using the language of contract theory to oppose absolutism,¹²⁰² Fletcher had already warned Holyrood of the possible "dissolution of the government" of a Lockean kind that would occur if a new law stating the conditions of government could not be passed before Anne's demise, in order to "preserve us from Anarchy".¹²⁰³ The case Fletcher was referring to can be found in his friend's *Second Treatise of Government*, where Locke states that whenever the executive power is either absent or neglectful, "the government visibly ceases" and as laws cannot be enforced, all is reduced "to Anarchy".¹²⁰⁴ The use of this argument was intended to press Fletcher's fellow MPs to adopt his solution, and reveals his anxieties. Looking at the content of his proposals rather than at the language Fletcher uses, there is a sense in which his

¹²⁰⁰ John H. Burns, 'George Buchanan and the Anti-Monarchomachs', in *Political Discourse in Early Modern Britain*, ed. by Nicholas Phillipson and Quentin Skinner, Cambridge, Cambridge University Press, 1993, pp. 3-22.

¹²⁰¹ See Algernon Sidney, *Discourses on Government*, 1698 with J. G. A. Pocock, 'England's Cato: The Virtues and Fortunes of Algernon Sidney', *The Historical Journal*, 37, n°4 (1994), pp. 915-935; Jonathan Scott, *Algernon Sidney and the Restoration Crisis, 1677-1683*, Cambridge, Cambridge University Press, 2002, pp. 201-264.

¹²⁰² Deborah Baumgold, *Contract Theory in Historical Context: Essays on Grotius, Hobbes, and Locke*, Leiden, BRILL, 2010.

¹²⁰³ Fletcher, *Speeches*, pp. 48. See also Robertson's edition of the *Political Works*, p. 149, fn. 28, which underlined the Lockean reference.

¹²⁰⁴ John Locke, *Two Treatises of Government*, ed. by Peter Laslett, Cambridge, Cambridge University Press, 1988, pp. 410-411.

understanding of the limitations includes Locke's natural law theory of popular sovereignty based on consent.¹²⁰⁵ This is true insofar as Locke's liberal views provide Fletcher with an additional source for his essentially contractual scheme, which embodies a right of resistance that had origins in common with Buchanan's and Sidney's.¹²⁰⁶

In Scotland, the theoretical tension between using the Scot's radical definition of an elective monarchy to defend Scottish sovereignty and trying to avoid its most final consequences in case of a prolonged disagreement on the succession, was at the core of the Country's position.¹²⁰⁷ Ridpath for instance could echo Fletcher in restating that "dominion follows property" and that barons and freeholders constituted "the far greatest part of the substantial body of the kingdom" embodying the interest of the nation, but he bluffed when he proposed the House of Savoy as a viable alternative to Hanover.¹²⁰⁸ Rather, Ridpath acknowledged the introduction of feudalism and its gothic constitution with the consent of the nobles, bashing like others Sir George MacKenzie's classic royalist account.¹²⁰⁹ In this sense, several authors also furnished another reconstruction of the origins of kingly government in Scotland, returning to the safe and traditional historical *topos* of the military nobility of the realm predating the king and nominating a *dux belli* to become their leader, using both Tacitus and Buchanan as sources.¹²¹⁰

While this position was thus to some extent compatible with the ethos of the nobility in arms that was underlying Lord Belhaven's speeches, these latter

¹²⁰⁵ Clairelouise Anderson, 'Andrew Fletcher: Bridging the Gap between Early Modern and Civic Republicanism', unpublished Ph.D. thesis, University of St. Andrews, 2012, pp. 131–133, 176–177.

¹²⁰⁶ J. H. M. Salmon, 'An Alternative Theory of Popular Resistance: Buchanan, Rossaeus, and Locke', in *Renaissance and Revolt: Essays in the Intellectual and Social History of Early Modern France*, ed. by J. H. M. Salmon, Cambridge, Cambridge University Press, 1987, pp. 136–154; Rory J. Conces, 'Consensual Foundations and Resistance in Locke's "Second Treatise"', *Theoria: A Journal of Social and Political Theory*, 1998, pp. 19–33; Caroline Erskine, 'George Buchanan, English Whigs and Royalists, and the Canon of Political Theory', in *George Buchanan*, pp. 229–247.

¹²⁰⁷ See the case of James Webster, *A Letter from One of the Country Party to His Friend of the Court Party*, Edinburgh, 1704, pp. 17–18.

¹²⁰⁸ Ridpath, *An Historical Account*, dedication and pp. 41–49 and 233–234.

¹²⁰⁹ *Ibidem*, pp. 132–140. See Sir George Mackenzie, *The Institutions of the Law of Scotland*, Edinburgh, 1684. See also chapter IV, pp. 243 and ff.

¹²¹⁰ *Ibidem*, pp. 119–131. See also Anon., *A Discourse of Present Importance, Humbly Offered to the Consideration of Parliament, under the Following Heads. I. Of Government in General, and that of Scotland in Particular*, Edinburgh, 1704, pp. 5–14; George Ridpath, *The Reducing of Scotland by Arms, and Annexing It to England as a Province, Considered*, Edinburgh and London, 1705.

belonged to the publications that reluctantly defended Fletcher's limitations from a royalist point of view, creating a second source of tension with the former's anti-aristocratic policies. Even though the ideal solution would have been to further increase the king's prerogative against the interference of the English parliament, Belhaven recognised, with other authors, the necessity of modifying the constitution to obtain what he depicted as the restoration of the traditional power of Scottish nobility, for lack of alternatives under a common king. For many, the dangers of parliamentary sovereignty were a return to the factional strife of medieval times or to the civil wars.¹²¹¹ Like other nobles Belhaven eventually sided with the *Squadron* in 1704, and his opportunism made him become an instrument of the Court in negotiating with Hamilton before re-joining the opposition in 1705 against the treaty of Union.¹²¹²

Among the figures close to the Court, the Lord Register James Johnston also tried to square a difficult conciliation with London. Stern advocate of the revolution principles, Johnston too defended the limitations as part of the ancient Scottish constitution, not reductive of the king's prerogative but simply different from its English counterpart. Furnishing his own Buchananite historical reconstructions, he also showed how in 1641 Charles I conceded the nomination of officers and judges to the parliament "according to our old Constitution".¹²¹³ Similarly, Anne should grant the same power to Holyrood in exchange for the Hanoverian succession, and Johnston worked at the bargain for a while, decisively contributing to the formation of the *Squadron*.¹²¹⁴ But as the negotiations proved ineffective, Fletcher disapproved of his strategy that split

¹²¹¹ John Hamilton, Lord Belhaven, *A Speech in Parliament, by the Lord Belhaven; upon the Act for Security of the Kingdom, in Case of the Queens Death*, Edinburgh, 1703 and *A Speech in Parliament Touching Limitations*; Anon., *A Speech in Parliament Touching the Freedom and Frequency of Parliament*, Edinburgh, 1703; Sir John Clerk of Penicuik, *A Short Essay Upon the Limitations: To Prove That They Are So Far from Being of Any Consequence to the Nation, That They May Tend Very Much to Its Prejudice*, Edinburgh, 1703, p. 7.

¹²¹² Whatley, *The Scots and the Union*, p. 46; MacInnes, *Union and Empire*, pp. 180, 264. Signs of a last-minute repentance and support for limitations can be found in John Hamilton, Lord Belhaven, *The Lord Belhaven's Speech in Parliament, the 15th Day of November 1706, on the Second Article of the Treaty*, Edinburgh, 1706.

¹²¹³ James Johnston, *Reflections on a Late Speech by the Lord Haversham, in so Far as It Relates to the Affairs of Scotland*, London and Edinburgh, 1704, p. 17.

¹²¹⁴ Macinnes, *Union and Empire*, p. 282; Whatley, *The Scots and the Union*, pp. 52, 80, 174, 211.

the opposition front, with the “most dangerous consequence to the nation” of deliberately “subjecting us to English ministers”.¹²¹⁵

The pamphlet war on toleration that burst out in 1703 also presented some central aspects of the issue, as Presbyterians of all sorts agreed in opposing toleration of Episcopalians on the grounds that it would have led to prelacy and arbitrary government. Like Fletcher had done in Holyrood, several authors used political arguments and historical narratives to show of how the imposition of Episcopalianism in Scotland had been incompatible with the civil liberties of the nation and how it was ultimately contrary to the Claim of Right.¹²¹⁶ Although Fletcher aimed at seducing the most zealous among Presbyterians, he later protested that a synod’s introduction of new oaths to bound all ministers of the Kirk constituted a “gross encroachment upon the legislative power of Her Majesty and Parliament”,¹²¹⁷ confirming his strong Erastian position in matters of Church and State. Later on, Fletcher did use the settlement of the Church as an excuse to delay the treaty of Union, hoping, with his Country associates, to break the alliance between the Kirk and the Court.¹²¹⁸

For the latter, a first way of countering these conceptions of limited monarchy was that of overturning them with a royalist narrative. Scotland was and always had been a hereditary monarchy, according to its customs, laws and necessity.¹²¹⁹ General accounts highlighting the contractual nature of governments emerging from the state of nature were rejected, since even though

¹²¹⁵ See NAS GD220/5/75, Andrew Fletcher of Saltoun to James Graham, earl of Montrose, 9th June 1704. In Holyrood, Fletcher repeatedly attacked Johnston in the end July, accusing him of being an agent of English designs for his own interest. See also Scott, *Andrew Fletcher*, p. 115.

¹²¹⁶ Bowie, *Scottish Public Opinion*, pp. 84-99; Stephen, *Scottish Presbyterians*, pp. 10-11. See for instance John Bannatyne, *A Letter from a Presbyterian Minister in the Countrey, to A Member of Parliament*, Edinburgh, 1703; James Webster, *An Essay upon Toleration. By a Sincere Lover of the Church and State*, Edinburgh, 1703; Robert Wylie, *Letter from a Gentleman in the City, to A Minister in the Country*, Edinburgh, 1703; *Id.*, *A Speech without Doors, Concerning Toleration*, Edinburgh, 1703; George Brown, *Toleration Defended: Or, The Letter from a Gentleman to a Member of Parliament Concerning Toleration Considered*, Edinburgh, 1703; John Sage, *Some Remarks on the Late Letter from a Gentleman in the City, to a Minister in the Countrey*, Edinburgh, 1703.

¹²¹⁷ The earl Marischall seconded Fletcher’s protest. See William Gregg to Robert Harley, 21st August 1705, in *Report on the Manuscripts of the Earl of Mar and Kellie*, pp. 226-227.

¹²¹⁸ This tactic was supported by Hamilton, Atholl, earl Marischall and Lord Balmerino among others. See the earl of Mar to Sir David Nairne, 18th October 1706, in *ibidem*, pp. 289-292.

¹²¹⁹ Anon., *A Manifesto, Asserting and Clearing the Legal Right of the Princess Sophia, and Her Issue, the Serene House of Hanover, to the Succession of Scotland*, London, 1704, pp. 1-6; See also Blackerby Fairfax, *A Discourse upon the Uniting Scotland with England: Containing the General Advantage of Such an Union to Both Kingdoms*, London, 1702, p. 48.

“Original Pacts, expressly agreed” between individuals did appoint a person as king in ancient times, when societies increased in numbers the election of the sovereign was substituted with hereditary succession, to avoid discord, civil wars and paralysis.¹²²⁰ A contract between the king and the people could be broken only with the consent of both, a condition that excluded the Scots had deposed James II in 1689 and that the estates could now impose any limitation or nominate a different successor.¹²²¹ The definitive passing of the Act of Security in the summer of 1704 was “contrary to the *Fundamental Laws of Scotland*”;¹²²² it simply was so, also according to a series of historical and legal arguments that culminated in an interpretation of Charles II’s Restoration Act of 1661 totally antithetic to the one Fletcher had proposed in Holyrood.¹²²³

Secondly, the alternative model Scottish MPs had designed, following “STANISLAUS” Hamilton and his tyrannical ambitions, was associated with factional Poland, a poor and depopulated kingdom exhausted by its aristocracy.¹²²⁴ Attacks *ad personam* were also addressed to Belhaven and especially Fletcher, at once guilty of being a “demagogue” propagating lies on the deplorable effects of the union of the crowns, a self-interested office-seeker waiting for Hamilton’s reward and a tyrant himself for taking from the house of Hanover its “legal inheritance, and birth right, by a law devised and made on purpose against” it.¹²²⁵ The authors of such tracts maintained that limitations were incompatible with the continuity of the union between England and

¹²²⁰ See for instance Anon., *A Discourse of Present Importance*, pp. 2-5 with Anon., *A Manifesto*, pp. 6-7; Anon., *Hereditary Succession*, pp. 12-13; George Mackenzie, earl of Cromarty, *A Friendly Return to a Letter Concerning Sir George Mackenzie’s and Sir John Nisbet’s Observation and Responce on the Matter of the Union*, Edinburgh, 1706, pp. 3-13.

¹²²¹ Anon., *A Letter to a Member of Parliament, Concerning the True Interest of Scotland, with Respect to the Succession*, Edinburgh, pp. 1-2; Anon., *A Manifesto*, p. 4.

¹²²² Anon., *Hereditary Succession in the Protestant Line, Unalterable. In Answer to the Scots Bill of Security*, London, 1704, p. 2.

¹²²³ Anon., *Hereditary Succession*, p. 17; Clerk of Penicuik, *A Short Essay Upon the Limitations*, p. 8.

¹²²⁴ See Anon., *A Manifesto*, pp. 5-6; Anon., *Hereditary Succession*, pp. 8-10; Atwood, *The Scotch Patriot Unmask’d*, pp. 80, 93, 121, which all referred to the contested election of Stanisław I Leszczyński as king of Poland, devised by the French. The unstable model of Poland was often referred to during the public debates, see Fairfax, *A Discourse upon the Uniting Scotland with England*, pp. 41-43; Anon., *A Letter to a Member of Parliament, Concerning the True Interest of Scotland*, p. 5; Daniel Defoe, *The Dyet of Poland, a Satyr*, London, 1704; Maria Edelson, ‘The Vehicle of Allegory in “The Dyet of Poland” by Daniel Defoe’, in *Acta Universitatis Lodziensis*, 1988, xxiv, pp. 33-51; Robert I. Frost, ‘Hiding from the Dogs. The Problem of Polish-Scottish Political Dialogue, 1550-1707’, in *Scotland and Poland: Historical Encounters, 1500-2010*, ed. by Tom Devine and David Hesse, Edinburgh, Birlinn, 2015, pp. 90-124.

¹²²⁵ Anon., *Hereditary Succession*, pp. 7, 17, 22.

Scotland, deliberately misinterpreting Fletcher's position as separatist since the beginning and promoting the idea that a shared monarch and limitations were mutually exclusive.¹²²⁶

5.4 The succession unsettled

Such a position proved difficult to back for the Whig propagandists willing to enter into the realm of theoretical speculation, without running into contradiction.¹²²⁷ A case in point is the radical and imperialist author William Atwood, who was at pains to accuse Ridpath and Fletcher of being both republicans and Jacobites in his *The Scotch Patriot Unmask'd* (1705). As a virulent polemicist, Atwood had participated in the Exclusion crisis' debate, offering a history of parliamentary sovereignty shared with the elected king against the Stuarts' absolutism and Sir Robert Filmer's theorisation of it, but rebutting the inconvenient label of republicanism. At the 1689 revolution, although he admitted the dissolution of the contract between the people and James II by abdication, Atwood opposed the continuity of the ancient constitution of England with its intrinsic limitations to Locke's idea of a return to a pre-civil state of nature, defining this dangerous possibility as absolute anarchy.¹²²⁸

In spite of major analogies with Fletcher's stance, Atwood now made it impossible to create a common British allegiance to a model of limited

¹²²⁶ Such an idea was echoed in Anon., *The Great Danger, of Scotland, as to All Its Sacred and Civil Concerns, from These, Who Are Commonly Known by the Name of Jacobites. In a Letter to a Friend*, Edinburgh, 1704; Anon., *A Speech Intended to Have Been Spoken in Parliament by a Member Who Was Necessarily Absent*, Edinburgh, 1705.

¹²²⁷ Contradictions that were exposed in Anon., *An English Monster: Or, the Character of an Occasional Conformist*, London, 1703.

¹²²⁸ J. G. A. Pocock, *Virtue, Commerce, and History: Essays on Political Thought and History, Chiefly in the Eighteenth Century*, Cambridge, Cambridge University Press, 1985, pp. 222–231; *Id.*, *The Ancient Constitution and the Feudal Law. A Study of English Historical Thought in the Seventeenth Century*, Cambridge, Cambridge University Press, 1987, *passim.*; Janelle Greenberg, *The Radical Face of the Ancient Constitution: St Edward's 'Laws' in Early Modern Political Thought*, Cambridge, Cambridge University Press, 2006, pp. 262–264, 280–283; Melinda S. Zook, *Radical Whigs and Conspiratorial Politics in Late Stuart England*, University Park, Penn State Press, 2010, pp. 66–84, 159–177; Richard S. Kay, *The Glorious Revolution and the Continuity of Law*, Washington, CUA Press, 2014, pp. 116–119.

monarchy. This had become clear in 1704, when Atwood revamped the imperial crown controversy highlighted in the previous chapter, provoking among others the reply from the historian James Anderson.¹²²⁹ A parliamentary committee appointed for the purpose of defending Scottish constitutional records, which included Fletcher, later funded Anderson's efforts.¹²³⁰ But Fletcher's calculated attempts to lure the Jacobites into supporting his limitations provided Atwood with the opportunity to present him as a supporter of "the Court of *St. Germans*".¹²³¹ Similarly, Johnston's and Ridpath's nostalgia for pre-union Scotland's commercial alliance with France was enough to accuse them of the same sympathies, with the latter becoming the voice of the "French faction in Scotland",¹²³² an issue understandably at the centre of the debates.¹²³³ Ridpath should have thus dropped his Harringtonian cover for the concrete advice of some Tory author like Robert Brady, Atwood's royalist adversary during the Exclusion crisis, while both houses of parliament in London fashioned the Act of Security as an exclusion bill.¹²³⁴

Regarding "the *Master* they pretend to follow", Atwood criticised his Scottish opponents in two ways. On the one hand, Ridpath's Harringtonian division of sovereignty was incompatible with a shared succession with England, because of the difference existing between the values of land across the border. Using the political arithmetic figures Fletcher proposed in the *Two Discourses*,

¹²²⁹ William Atwood, *The Superiority and Direct Dominion of the Imperial Crown of England, over the Crown and Kingdom of Scotland, and the Divine Right of Succession to Both Crowns Inseparable from the Civil, Asserted*, London, 1704; James Anderson, *An Historical Essay, Shewing That the Crown and Kingdom of Scotland, Is Imperial and Independent*, Edinburgh, 1705. See also Colin Kidd, *Subverting Scotland's Past. Scottish Whig Historians and the Creation of an Anglo-British Identity 1689–1830*, Cambridge, Cambridge University Press, 1993, pp. 45–50; Alexander Du Toit, "Unionist Nationalism" in the Eighteenth Century: William Robertson and James Anderson (1662–1728)', *The Scottish Historical Review*, 85, n°2 (2006), pp. 305–314.

¹²³⁰ Alastair J. Mann, *The Scottish Book Trade, 1500-1720: Print Commerce and Print Control in Early Modern Scotland*, East Linton, Tuckwell Press, 2000, pp. 158–159.

¹²³¹ Atwood, *The Scotch Patriot Unmask'd*, p. 28. By contrast, other Whig authors in London later attempted to clear "that Learned Gentleman *Mr. Fletcher*" from the accusations of Jacobitism, as in Anon., *Vulpone: Or, Remarks on Some Proceedings in Scotland, Relating Both to the Union, and Protestant Succession since the Revolution. In a Letter to a Member of Parliament*, London, 1707, pp. 3–5, 9.

¹²³² *Ibidem*, p. 16.

¹²³³ See for instance Webster, *A Letter from one of the Country party*; Anon., *A Watch-Word to Scotland in Perillous Times*, Edinburgh, 1704 and Anon., *An Essay, Shewing, That There Is No Probability of There Being so Much French Interest, as It's Certain There's English Influence in Our Present Parliament of Scotland*, Edinburgh, 1704.

¹²³⁴ Atwood, *The Scotch Patriot Unmask'd*, pp. 26–28. See Pocock, *The Ancient Constitution and the Feudal Law*, pp. 182–228; Ferguson, *Scotland's Relations with England*, pp. 222–223.

Atwood considered it illogical that the “Thirteenth Part of *the Monarchy*” could be free to choose its king while the general balance of property of Britain leaned towards England.¹²³⁵ On the other hand, Atwood was more correct in asserting that the “Republican Maxim” on land was ultimately inconsistent with any monarchy “not so absolute as to allow no Property to the Subject.”¹²³⁶ For him, Harrington’s precepts applied in the context of “the new erecting a Commonwealth from a State of *Anarchy*”¹²³⁷, a possibility that by 1705 Ridpath himself had menacingly illustrated as the standoff over the successor endured.¹²³⁸

Indeed, procedural arguments played a central role in the controversy. When Fletcher had presented his limitations, to appeal to the necessity of a Convention of Estates to nominate a successor, like it had happened in 1689, constituted an early weapon exploited by Court supporters to nip the debate in the bud and accept the English choice peacefully.¹²³⁹ But after Fletcher had successfully backed Hamilton and the Country strategy of postponing the succession to force Tweeddale and the Court to concede the Act of Security, it was the opposition to take advantage of the idea of waiting for Anne’s demise and to use the same legal argument.¹²⁴⁰ Now, “the whole Body of the People, every free born Subject, and Member of the Common Wealth, have a Natural Right to choose their own King” through an assembly expressly summoned and instructed for this effect.¹²⁴¹

However, in 1705 the situation had changed after Fletcher and Hamilton temporary broke up their collaboration. The *Squadron* managed to decisively reunite with the Court to reject the further constitutional requests of an increasingly fragmented opposition, as Fletcher understood the new party had

¹²³⁵ *Ibidem*, p. 34.

¹²³⁶ *Ibidem*.

¹²³⁷ *Ibidem*.

¹²³⁸ *Ibidem*, pp. 52-53 and Ridpath, *The Reducing of Scotland by Arms*, pp. 69-70.

¹²³⁹ See for instance Clerk of Penicuik, *A Short Essay Upon the Limitations*, p. 12.

¹²⁴⁰ Macinnes, *Union and Empire*, pp. 265-266; Whatley, *The Scots and the Union*, pp. 224-230.

¹²⁴¹ Anon., *Several Reasons Why the Succession Ought Not to Be Declar’d by This Parliament*, Edinburgh, 1704, p. 4; Sir Archibald Sinclair, *The State of the Nation Enquir’d Into, Shewing the Necessity of Laying Hold of the Present Opportunity, to Secure Our Laws and Liberties from English Influence and Procure a Free Trade with That Nation*, Edinburgh, 1705, pp. 6-7, 9-10. See also Anon., *A Discourse of Present Importance*, p. 27.

approached Hamilton for suspicious dealings.¹²⁴² His hot-blooded reaction was an awkward attempt to expel the driving force of the *Squadrone*, George Baillie of Jerviswood, from the parliament on the basis of his previous office as Treasurer-depute, in a climate of increasing tension between “the Fletcherians”¹²⁴³, insisting on constitutional reforms, and the Cavaliers.¹²⁴⁴ The persisting standoff over the succession made the hypothesis of the dissolution of government dramatically concrete, thus decisively pushing Holyrood’s mood in the direction of a treaty of union.

In response, Fletcher proposed the “Prince of Prussia” for the throne in an eleventh-hour attempt to intimidate the Court with a separatist alternative to Hanover,¹²⁴⁵ and then put his limitations on the table again in August 1705, this time asking “to carry them by way of *claim of right*” rather than as a parliamentary act, so that “no subsequent parliament could annul or repeal it”.¹²⁴⁶ The inherent vice in Fletcher’s proposal, trying to impose a Claim of Right on a living monarch, confirms his frustration as he saw that immobilism was now playing in the Court’s favour and parliamentary alliances had rapidly changed. But it likewise denotes a desperate attempt to lock up Scottish sovereignty, with the assembly again restating its right of nominating a successor but still unable to wrest the desired conditions of government from the Court. Eventually, Fletcher was neither willing to take the risk of negotiating a treaty without the certainty of avoiding political incorporation, nor to watch Scotland’s constitution dissolve and face the concrete possibility of a French or English invasion.

Interestingly, it was the two ends of the political spectrum to pick up the latter theme outside of Holyrood, albeit with very different purposes. As an historian, the Jacobite antiquarian Patrick Abercrombie understood the Harringtonian critique of the instability of the Gothic constitution, criticising like Fletcher the Scottish nobility and its aristocracy-centered use of the Buchananite

¹²⁴² George Lockhart of Carnwath to James Douglas, duke of Hamilton, 26th March 1705, in George Lockhart, *Letters of George Lockhart of Carnwath, 1698-1732*, p. 16.

¹²⁴³ Atwood, *The Scotch Patriot Unmask’d*, pp. 42-43.

¹²⁴⁴ William Gregg to Robert Harley, 28th June 1705, in *The Manuscripts of His Grace the Duke of Portland*, vol. 4, pp. 198-199; Crossrigg, *A Diary of the Proceedings*, p. 162.

¹²⁴⁵ A similar late bluff using the bugbear of Stuart’s absolutism was formulated in James Hodges, *War Betwixt the Two British Kingdoms Consider’d, and the Dangerous Circumstances of Each with Regard Thereto Lay’d Open*, London, 1705, pp. 121-134.

¹²⁴⁶ William Gregg to Robert Harley, 31st July and 16th August 1705, in *The Manuscripts of His Grace the Duke of Portland*, vol. 4, pp. 214, 223-224; Scott, *Andrew Fletcher*, pp. 131-133.

narrative, although from a royalist stance.¹²⁴⁷ But to oppose the treaty of Union in 1706, Abercrombie gauchely used Daniel Defoe's arguments, which attacked hereditary monarchy and asserted the possibility of a reversion of the original power to the people.¹²⁴⁸ It was thus only necessary to stick with the Act of Security and wait for the queen's passing to reinvest the newly elected estates with the power of nominating a successor, free from any English interference.¹²⁴⁹ His personal choice was, of course, a revived alliance with France and a Stuart king on the Scottish throne.¹²⁵⁰

The other extreme fringe to promote a complete overturn of the government was that of the Cameronians, composed by Presbyterian radicals from outside the established Kirk.¹²⁵¹ In 1689, they neither recognised William and Mary as legitimate rulers nor the civil and religious settlements of the revolution as binding, because the latter had refused to subscribe to the 1643 Solemn League and Covenant.¹²⁵² On the same basis and using biblical and apocalyptic tones, the author of *The Smoaking Flax* (1706) equally dismissed both the Lutheran Hanoverians and the Catholic Stuarts as possible heirs of Scotland, also despising Fletcher's Prussian alternative.¹²⁵³ Only the people could elect the monarch, whose rule would be limited, based on a contract and according to the precepts of God: this not being the case, Scotland was not bound to accept any new king, but should rather constitute a covenanted republic.¹²⁵⁴

¹²⁴⁷ Patrick Abercrombie, *The Martial Achievements of the Scots Nation*, 2 vols, Edinburgh, 1711; Kidd, *Subverting Scotland's Past*, pp. 79-90, 168-169.

¹²⁴⁸ Daniel Defoe, *The Original Power of the Collective Body of the People of England, Examined and Asserted*, London, 1702; Patrick Abercrombie, *The Advantages of the Act of Security, Compar'd with These of the Intended Union: Founded on the Revolution-Principles Publish'd by Mr. Daniel De Foe*, Edinburgh, 1706; Paula R. Backscheider, *Daniel Defoe: His Life*, London, John Hopkins University Press, 1992, pp. 161-169; Katherine R. Penovich, 'From "Revolution Principles" to Union: Daniel Defoe's Intervention in the Scottish Debate', in *A Union for Empire*, ed. by John Robertson, Cambridge, Cambridge University Press, 1995, pp. 228-242 (pp. 239-240); Katherine Clark, *Daniel Defoe: The Whole Frame of Nature, Time and Providence*, New York, Palgrave Macmillan, 2007, pp. 91-92.

¹²⁴⁹ Abercrombie, *The Advantages of the Act of Security*, pp. 20-24.

¹²⁵⁰ *Ibidem*, pp. 29-35.

¹²⁵¹ Bowie, *Scottish Public Opinion*, pp. 100-101.

¹²⁵² Colin Kidd, 'Conditional Britons: The Scots Covenanting Tradition and the Eighteenth-Century British State', *The English Historical Review*, 117, n°474 (2002), pp. 1147-1176.

¹²⁵³ Apparently, Fletcher's provocation was taken seriously by Anon., *The Smoaking Flax Unquenchable; Where the Union Betwixt the Two Kingdoms Is Dissected, Anatomized Confuted and Annuled*, Edinburgh, 1706, p. 23 and Anon., *A Discourse Concerning the Union*, Edinburgh, 1706, p. 4.

¹²⁵⁴ *Ibidem*, pp. 5-7, 11-13; Stephen, *Scottish Presbyterians*, pp. 5-6, 207-217.

In conclusion, as MP Fletcher attempted to impose the most radical solution inside the framework of the union of the crowns and a shared Hanoverian succession, that is a constitutional monarchy based on a social contract that would have invested Holyrood with sovereignty. Being relatively judicious when compared with the Cameronians' republican revolution or with the Jacobites' craved takeover, his reform was designed to be concretely viable, attractive and in continuity with the 1689 settlement. But there were problems. On the one hand, the Country's political usage of the model of Buchananite ancient constitutionalism during the debates left the limitations open to criticisms from the Court, underlining the instability of elective aristocratic regimes. This deliberate misunderstanding of Fletcher's scheme also helped rallying the nobility behind him, but the alliance was short-lived and dissolved under the weight of its theoretical inconsistency, its far-reaching anti-aristocratic intent and the evolving parliamentary dynamics.

On the other hand, those who understood the radicality of Fletcher's model and engaged with it, successfully demonised the limitations, often through patchworks of fickle ideological positions. These ranged from stressing the republican nature of his limitations against the traditionally absolutist Scottish monarchy to suggesting that any alternative to a placid acceptance of Hanover equalled to plotting for a Jacobite restoration and a separation from England. Notwithstanding the general support of the Country pamphleteers, Fletcher's project thus failed. Despite being intended to reconstruct Scottish sovereignty on an explicitly constitutional basis, it gradually lost its appeal to an increasingly fragmented opposition whose interests got diverted towards a treaty in the summer of 1705. It was only then that the issue of trade prevailed over the problem of a shared succession in the debates, turning the tables of negotiation in parliament.

5.5 A free communication of trade between England and Scotland

One of the decisive factors to twist Holyrood's arm towards a treaty of union was indeed trade. In February 1705, in retaliation for the passing of the Act of Security that also made access to English plantations a *conditio sine qua non* for a common succession, Westminster approved the Alien Act. In case the Scots would not accept Hanover or negotiate a treaty of union by the end of the year, they were to be considered aliens in England, their possessions confiscated and their coal, linen and cattle trades prohibited. In this context, Fletcher's actions have been overlooked. In the harsh reality of the parliamentary debates, he accepted the challenge of commercial rivalry as instigated by the English neo-Machiavellian model of empire, proposing and backing protectionist legislation to promote Scottish industry. His parallel *Account*, which provided the most powerful theoretical critique of this flawed logic, ultimately blamed the game of international trade rather than its ruthless players, but must also be read as an instrumental piece in the light of Fletcher's economic interests and vision.

Indeed, both his speeches and the *Account* contain all the common features of the Country discourse that stress the impossibility of an independent political economy under the union of the crowns as it had been since 1603, linking the free exercise of sovereign power to the thriving of Scotland. If the demand for a compensation for the Darien disaster had constituted the main obstacle in the negotiations for union in 1702, the loss of money and population it caused "put us almost beyond hope of ever having any considerable trade"¹²⁵⁵. The limitations aimed at disentangling Scottish interests from the English "councils and ministers" so that "Trade, Manufactures and Husbandry will flourish" under free self-government.¹²⁵⁶ Nobles would refrain from "expensive Attendance at Court" in London, and once Scotland had "grown rich and powerful", it would even constitute a better ally for England in the struggle for the liberties of Europe.¹²⁵⁷

¹²⁵⁵ Fletcher, *Speeches*, V on the 7th of July, p. 38.

¹²⁵⁶ *Ibidem*, IV on the 22nd of June, p. 27.

¹²⁵⁷ *Ibidem*, p. 30.

Although the strong political dimension of these grievances has suggested the usage of economic arguments was a purely propagandistic move by the opposition,¹²⁵⁸ the *quasi* totality of Scottish publications outside the assembly generally agreed on the basic set of complaints since the abrupt end of the Darien expedition, irregardless of their political position. The causes of national poverty were ascribed, with different degrees of emphasis, to the absence of the monarch, whose court in London drained money and resources from the nobility north of the Tweed; the end of the commercial alliance with France coupled with the exclusion from England's colonial network; the decay of manufactures and increase of consumption of foreign luxuries; the lack of political power and institutions able to promote improvement in any industry or trade, mostly because of English interference as it happened in the case of Darien.¹²⁵⁹

Naturally enough, Country commentators, appealing to ancient constitutionalism like Ridpath or Belhaven, avoided expressing any additional critique to the nobility, and Fletcher wisely chose not to reiterate any argument of his bashing account of the economic shortcomings of Scottish landed aristocracy, as contained in the *Two Discourses*. This weapon was indeed mainly used by Court authors such as Cromarty, the later converted William Seton, Blackerby Fairfax and Defoe to deny the viability of an independent political and economic recovery for Scotland and to push for incorporation.¹²⁶⁰ Conversely, from London different pieces of propaganda rather chose to attack Fletcher and Belhaven's speeches, accusing the Scots' imprudence for the Darien disaster, Louis XIV's embargo for the loss of French trade and underlining how the union with England had quite drastically increased Scottish commerce since 1603.¹²⁶¹

¹²⁵⁸ See Riley, *The Union of England and Scotland*, pp. 201-220.

¹²⁵⁹ See among others Anon., *A Speech in Parliament Touching the Freedom and Frequency of Parliament*; Anon., *The Great Danger, of Scotland*; Belhaven, *A Speech in Parliament, by the Lord Belhaven; upon the Act for Security of the Kingdom and A Speech in Parliament Touching Limitations*; Johnston, *Reflections on a late speech by the Lord Haversham*; Andrew Brown, *Some Very Weighty and Seasonable Considerations Tending to Dispose, Excite and Qualify the Nation, for the More Effectual Treating with England in Relation to an Union of Confederacy, as the Nearest and Most Proper Expedient to Put the Nation in a Way of Prosperitie and Thriveing*, Edinburgh, 1703.

¹²⁶⁰ Fairfax, *A Discourse upon the Uniting Scotland with England* and Kidd, *Subverting Scotland's Past*, pp. 48-49, for the other authors. Few Country tracts also dared to put some blame on the nobility, as in Anon., *A Discourse of Present Importance*, pp. 14-21.

¹²⁶¹ Anon., *Hereditary Succession in the Protestant Line*, pp. 7, 10-14; Anon., *A Manifesto*, p. 25-26. This narrative roughly matches with Smout's analysis of Scottish economic performance, see *Scottish Trade on the Eve of Union*.

Whilst previous research focused mainly on the *Two Discourses*, Fletcher's position should be retraced in the intricated context of the contemporary parliamentary discussions, in which trade and manufacturing rather than agricultural improvement constituted the main focus of his interventions. On the 21st of July 1703, the Lord Advocate, James Stewart of Goodtrees, attempted to strike a bargain with the opposition in proposing a "free communication of trade" with England in exchange for the Hanoverian succession. For Fletcher, a treaty on commerce constituted "the bait that covers the Hook", that diverted the discussions from his limitations, whereas "a distinct Sovereignty always enables a People to retain some riches".¹²⁶² Although at the beginning free trade was generally praised by both Court and Country publications,¹²⁶³ the opposition initially refused the deal, which excluded constitutional reform from the bargain. As the Court imposed the topic of trade, Fletcher delivered two speeches telling of this point of view.

Together with Hamilton and Montrose he opposed and formally protested the Wine Act, which allowed the import of French wines, removing a ban introduced in 1701. Besides contesting the act as a move from the Court to generate revenues out of customs and avoid making concessions in exchange for supplies, Fletcher also remarked how the Scottish embargo had constituted a sovereign act of Holyrood in answer to the French commercial sanctions that "continue to suppress our trade"¹²⁶⁴ since 1697.¹²⁶⁵ Instead of promoting a harmful business with the enemy,¹²⁶⁶ Scotland should rather import raw materials such as "Copper, Iron [...] and Timber" from other nations to work at home, and "export the overplus" of its commodities "to other parts".¹²⁶⁷ In other

¹²⁶² Fletcher, *An Account of a Conversation*, pp. 33, 35. The fear of communication of trade as a "hook beneath the bait" or as a "trojan horse" was to haunt many Country propagandists until 1706, as in Anon., *A Copy of a Letter from a Country Farmer to His Laird, a Member of Parliament*, [Edinburgh?], 1706, p. 3 and Anon., *A Letter Concerning the Consequence of an Incorporating Uniou [sic], in Relation to Trade*, [London?], 1706, p. 1.

¹²⁶³ Bowie, *Scottish Public Opinion*, pp. 73-75, 90-92.

¹²⁶⁴ Fletcher, *Speeches*, XV on the 13th of September, p. 86.

¹²⁶⁵ Charles Ludington, *The Politics of Wine in Britain. A New Cultural History*, Basingstoke, Palgrave Macmillan, 2013, pp. 51-52; Ferguson, *Scotland's Relations with England*, p. 212; Whatley, *The Scots and the Union*, pp. 199-200; Macinnes, *Union and Empire*, p. 260.

¹²⁶⁶ See also Crossrigg, *A Diary of the Proceedings*, pp. 133-134 with Anon., *Vulpone*, p. 5, who took Fletcher's speech and attempt to add a restrictive clause on the act as a proof of his unwillingness to open a channel of communication with the Jacobite court in Paris.

¹²⁶⁷ Fletcher, *Speeches*, XV on the 13th of September, pp. 84-85.

words, Fletcher asked that commerce should be directed at promoting domestic manufacturing through protectionist and mercantilistic policies.¹²⁶⁸

The same *dirigiste* approach is clear from another remark, highly praising the *Act discharging the exportation of wool* designed in 1701 to “give a being to a woollen Manufacture in this Kingdom”¹²⁶⁹ but definitively repealed in the 1704 session.¹²⁷⁰ Fletcher defended the principle that prohibited the export of unprocessed fabric, favouring local production and the sale of manufactured textiles instead, trying to avoid the fate of the Irish industries. Likewise, Ridpath included wool in the list of “Native Commodities” to be excepted from the free trade agreement offered during the 1702 union debates,¹²⁷¹ while William Paterson agreed that “the Export of Wool” had supplied the United Provinces and other rivals with the “Materials to undermine our Manufactures”.¹²⁷² This attitude towards the woollen industry was generally shared by the Country publications underlining the necessity of the State’s intervention to protect national manufacturing from English and Dutch competition.¹²⁷³

In this sense, Fletcher’s position belonged to the wide strand of Scottish economic discourse including William and David Black that made use of William Petty’s precepts of political arithmetick and of Charles Davenant’s protectionist writings in particular, notwithstanding the previous focus on agricultural

¹²⁶⁸ Others addressed the question proposing to restore the nation’s frugality and abolish luxury consumption on essentially moral grounds, such as John Clerk, *The Circumstances of Scotland Consider’d, with Respect to the Present Scarcity of Money: Together with Some Proposals for Supplying the Defect Thereof, and Rectifying the Ballance of Trade*, Edinburgh, 1705, pp. 24–25.

¹²⁶⁹ Fletcher, *Speeches*, XVI on the 14th of September, p. 90.

¹²⁷⁰ As for the Irish case presented in the fourth chapter and below, wool also consisted a crucial commodity for Scotland and its commercial relationship with England. See Johnston, *Reflections on a late speech by the Lord Haversham*, p. 33; Macinnes, *Union and Empire*, pp. 89, 198, 210; Whatley, *The Scots and the Union*, pp. 116, 124, 151.

¹²⁷¹ Ridpath, *A Discourse upon the Union*, pp. 20–21.

¹²⁷² William Paterson, *The Occasion of Scotland’s Decay in Trade, with a Proper Expedient for Recovery Thereof, and the Increase of Our Wealth*, Edinburgh, 1705, p. 6.

¹²⁷³ For the important case of wool, see William Seton, *Some Thoughts on Ways and Means for Making This Nation a Gainer in Foreign Commerce; and for Supplying Its Present Scarcity of Money*, Edinburgh, 1705, pp. 19–20, 30–34; Gentleman in the country, *An Essay for Promoting of Trade, and Increasing the Coin of the Nation*, Edinburgh, 1705, p. 4; David Black, *Essay upon Industry and Trade*, London, 1706, pp. 4–6; William Black, *Some Considerations in Relation to Trade*, Edinburgh, 1705, pp. 3, 8, 15. For a more general defence of the Scottish manufactures, see also James Hodges, *The Rights and Interests of the Two British Monarchies, Inquir’d Into, and Clear’d; with a Special Respect to an United or Separate State*, Edinburgh, 1703, p. 38, 85, 64; Anon., *A Discourse of Present Importance*, p. 18; John Bannatyne, *Some Queries Proposed to Consideration, Relative to the Union Now Intended*, Edinburgh, 1706, p. 2–3.

reforms.¹²⁷⁴ Compared with the Blacks' mercantile receipts for economic success that looked at the Dutch model of fenced overseas shipping, Fletcher still saw land as the measure and primary unit in the process of wealth creation. In the *Account*, it was the offspring of the landed aristocracy that should have invested "a good Oeconomy of their private Fortunes" for the good of the nation instead of chasing idle public offices.¹²⁷⁵ Commerce should be defended, because it had been "the increase of the English Trade" that "had raised the Value of their Lands", while in Scotland its decay led to low rents and payments in kind.¹²⁷⁶

Confirming Davenant's formulation of the correlation between trade and land,¹²⁷⁷ Fletcher thus reaffirmed that, as a landowner, he believed, like many other Scottish commentators, in the English model of economic development.¹²⁷⁸ As highlighted by Macinnes, insights and policies based on landed enterprise to stimulate local manufactures were very appealing to the politically dominant Scottish aristocracy that eventually supported the incorporation, again situating Fletcher in the uneasy position of being intellectually closer to the Unionists than to the opposition.¹²⁷⁹ The main difference with the former lied essentially in his hostility to the negotiation of a free trade agreement with England, an issue that breached the Country front from 1704 onwards. Indeed, as Hamilton tried to

¹²⁷⁴ See the opposite thesis in Shigemi Muramatsu, 'Some Types of National Interest in the Anglo-Scottish Union of 1707: Scotland's Responses to England's Political Arithmetic', *Journal of Economics, Kumamoto-Gakuen University*, 3, n°1 (1996), pp. 1-14 and 'Andrew Fletcher's Criticism of Commercial Civilization and His Plan for European Federal Union', in *The Rise of Political Economy in the Scottish Enlightenment*, ed. by Tatsuya Sakamoto and Hideo Tanaka, London, Routledge, 2003, pp. 8-22. As a method, political arithmetick was used by both Country and Court authors, see also Anon., *Observer; Or, A Dialogue between a Country-Man, & a Landwart School-Master*; Andrew Brown, *A Scheme, Proposing a True Touch-Stone For the Due Trial of A Proper Union Betwixt Scotland & England*, Edinburgh, 1706, pp. 32-35; Anon., *The Advantages of Scotland by an Incorporate Union with England*, Edinburgh, 1706.

¹²⁷⁵ Fletcher, *An Account of a Conversation*, p. 18.

¹²⁷⁶ *Ibidem*, p. 22.

¹²⁷⁷ See for instance Charles Davenant, *An Essay upon Ways and Means of Supplying the War*, London, 1694.

¹²⁷⁸ Examples of this can be found in Anon., *A Discourse of Present Importance*; Brown, *Some Very Weighty and Seasonable Considerations*; Gentleman, *An Essay for Promoting of Trade*, pp. 7-8; Sir Francis Grant, *The Patriot Resolved. In a Letter to an Addresser, from His Friend; of the Same Sentiments with Himself; Concerning the Union*, Edinburgh, 1707.

¹²⁷⁹ Macinnes, *Union and Empire*, pp. 231-235. Although useful to classify the huge amount of arguments intervening in the economic debate, Macinnes' categories eventually result puzzling, especially in the cases of William and David Black writings, praiseworthy of the English achievements and close to Fletcher's *Two Discourses* in many ways. See also Steve Pincus, 'Union and Empire. The Making of the United Kingdom in 1707. By Allan I. Macinnes. Pp. Xvi, 382. ISBN: 9780521616300. Cambridge: Cambridge University Press, 2007. £19.99.', *The Scottish Historical Review*, 89, n°2 (2010), pp. 263-266.

promote a commercial treaty in both 1704 and 1705, Fletcher considered discussing the matter to “*put the plough before the oxen* in the management of this debate”.¹²⁸⁰

5.6 The *Account* in the context of the economic debates

Hence, it is necessary to first read the *Account* as an instrumental piece of political propaganda that systematically demonises trade as “the constant Stumbling Block”,¹²⁸¹ with the precise intent of getting the attention back on the political dimensions of the issues at stake. For Fletcher, commerce originated unnaturally, when peoples “were forced and driven by the violence of Tyranny” to inhabit “inaccessible Situations, as is plain by the Examples of Holland, Venice, Tyre and other Cities”. These republican and shipping hubs developed “unmanly Trade, to foment the Luxury of a few” instead of dispersing their populations equably on earth according to God’s will, using land as the primary means of production.¹²⁸² Again, Fletcher was closer to Davenant’s definition of trade as a necessary evil fostered by self-governed communities to defend themselves in the modern world, rather than to Seton’s individualistic conception of commerce as an intrinsic part of society.¹²⁸³ In addition, Fletcher now exploited the familiar argument that commerce with English plantations would only bring “a farther exhausting of our People” overseas.¹²⁸⁴

While these excerpts have suggested a general hostility towards trade, the *Account* also furnished sounder economic reasons to avoid the creation of an open British market without the possibility of protectionist interventions from

¹²⁸⁰ William Greg to Robert Harley, 7th July 1705, in *The manuscripts of his grace the duke of Portland*, vol. 4, p. 202.

¹²⁸¹ Fletcher, *An Account of a Conversation*, p. 51

¹²⁸² *Ibidem*, p. 55.

¹²⁸³ As noted in Muramatsu, *Andrew Fletcher’s criticism of commercial civilization*, pp. 15-16, which also shows the almost *verbatim* correspondence between Fletcher’s and Davenant’s definition of trade.

¹²⁸⁴ Fletcher, *An Account of a Conversation*, p. 39. See Hodges, *The Rights and Interests of the Two British Monarchies*, pp. 69-74; Brown, *A Scheme*, pp. 4-5; Anon. *Scotland’s Interest*, p. 8.

the State. It did so in a long dialogue with Cromarty, the opportunist yet principled unionist who initially opposed, like Fletcher, the possibility of exporting raw wool, but applied a British perspective to the issue.¹²⁸⁵ With Davenant, Cromarty maintained that Scotland's manufactures would flourish in a common market because of their lower wages, while Fletcher riposted that they would sink when compared with those of a wealthier and more modern competitor like England.¹²⁸⁶ The example was Wales,¹²⁸⁷ an imperial periphery that remained poor after the union with England, and Ireland, whose own wool manufactures had been crushed in the name of English interests.¹²⁸⁸ As Hont has demonstrated, out of his personal experience Fletcher saw trade as a struggle, defined by the intimidating economic and military forces the wealthiest nations employed to their advantage against small players in the global chessboard.¹²⁸⁹

Increasingly, a good deal of publications started to prefer an enriching communication of trade with England and its colonies rather than dig their heels in the limitations; eventually there was agreement with the Court that expressed full confidence in the fragile Scottish industry to survive incorporation and even to undersell the English because of its comparative advantage of lower wages and taxation.¹²⁹⁰ Conversely, the core of the Country party's argument still contended that before such a step was to be considered Scotland had to reinforce its economic position, mostly agreeing with Fletcher on the difficulties of selling at cheaper prices than a more developed competitor.¹²⁹¹ This latter idea prevailed in the convulsive 1705 session, when as an extension of its will to

¹²⁸⁵ Sir George Mackenzie, earl of Cromarty, *Parainesis Pacifica; Or, a Perswasive to the Union of Britain*, Edinburgh, 1702, *A Speech Without Doors Concerning Exportation of Wool*, Edinburgh, 1704 and *My Lord Chancellor, It Was My Humble Opinion on the Beginning of This Session of Parliament*, Edinburgh, 1705.

¹²⁸⁶ Fletcher, *An Account of a Conversation*, pp. 36-38. Fletcher's answer to Cromarty was also a riposte to his *Parainesis Pacifica*, see Robertson's edition of the *Political Works*, p. 191, fn. 14.

¹²⁸⁷ Hodges also formulated the argument on Wales, in *The Rights and Interests of the Two British Monarchies*, pp. 68.

¹²⁸⁸ For the Irish case, see chapter IV above and the section below.

¹²⁸⁹ Hont, *Jealousy of Trade*, pp. 260-261.

¹²⁹⁰ Several examples still concerned the wool industry among others: Sir John Clerk of Penicuik, *A Letter to a Friend, Giving an Account How the Treaty of Union Has Been Received Here*, Edinburgh, 1706; Anon., *Scotland's Interest: Or, the Great Benefit and Necessity of a Communication of Trade with England*, Edinburgh, 1704, p. 10; Anon., *A Discourse Concerning the Union*, p. 7.

¹²⁹¹ See also Bowie, *Scottish Public Opinion*, pp. 78-80; John Spreull, *An Accompt Current Betwixt Scotland & England Ballanced*, Edinburgh, 1705; Anon., *A Letter Concerning the Consequence*, p. 7; Black, *Some Considerations in Relation to Trade*, p. 7; See also the unionist Seton, *Some Thoughts on Ways and Means*, p. 8.

maintain sovereign power, the parliament managed to promote two initiatives that better illustrate Fletcher's position. First, to solve the problem of money shortage worsened by the forced interruption of lending and cash payments by the Bank of Scotland, two plans to spread paper credit were introduced by the assembly in the middle of July, to be discussed and voted.¹²⁹²

The principle at the basis of both proposals was that of using land rather than silver or gold as a sounder good in support of national credit. Hugh Chamberlen's scheme circulated since the 1690s in different versions, stating that proprietors should be given paper money according to the value of their lands, calculated on the rents the latter generated.¹²⁹³ More elaborated was John Law's vision, which pushed the idea further in linking the same land credit and resulting expansion of cash supply to increased capital investment in labour market and manufactures, ultimately redressing Scotland's balance of trade between imports and exports.¹²⁹⁴ Fletcher's aggressive requests to discuss land banks and their "gibberish language" with their authors led to the cinematographic episode of the missed duel on Leith's beach with his former pupil Roxburghe.¹²⁹⁵ But besides showing an instinctive repulsion for technicalities and for an issue brought up by his archenemy Jerviswood, Fletcher also considered Law's plan as a "*contrivance to enslave the nation*"¹²⁹⁶ for his distrust of public credit, all the more if land was to be directly involved as a

¹²⁹² Whatley, *The Scots and the Union*, 183-194.

¹²⁹³ See by Hugh Chamberlen, *Papers Relating to a Bank of Credit Upon Land Security: Proposed to the Parliament of Scotland*, Edinburgh, 1693; *Several Matters, Relating to the Improvement of the Trade in This Kingdom, by the Use and Establishment of a Land-Credit*, Edinburgh, 1700; *A Few Proposals Humbly Recommending to the Serious Consideration of His Majesty's High Commissioner, and the Right Honourable, the Estates of Parliament, the Establishing a Land-Credit in This Kingdom*, Edinburgh, 1700 and with James Armour, *Proposal, by Doctor Hugh Chamberlen and James Armour, for a Land Credit, Presented to the Parliament, by the Committee, to Whom It Was Referred to Be Considered*, Edinburgh, 1705. For context, see Whatley, *The Scots and the Union*, pp. 228-229; Macinnes, *Union and Empire*, p. 229-230.

¹²⁹⁴ John Law, *Money and Trade Considered: With a Proposal for Supplying the Nation with Money. First Published at Edinburgh 1705*, London, 1750; Antoine E. Murphy, *John Law: Economic Theorist and Policy-Maker*, Oxford, Oxford University Press, 1997; Robertson, *The Case for the Enlightenment*, pp. 171-172.

¹²⁹⁵ See amongst the many sources reporting the colourful episode NAS GD220/5/800/13.

¹²⁹⁶ William Greg to Robert Harley, 14th July 1705, in *The manuscripts of his grace the duke of Portland*, vol. 4, pp. 207-208.

guarantee for it.¹²⁹⁷ Holyrood predictably rejected both schemes for the same reason.¹²⁹⁸

Secondly, in August the assembly voted for the creation of a Council of Trade in order to restore Scotland's balance of payments as suggested years before by Paterson and Seton.¹²⁹⁹ Fletcher supported the idea, insisting with Hamilton and Belhaven that its members should be elected by the estates rather than be nominated by the queen.¹³⁰⁰ The Council turned out to be packed with members of the Court party, whose policies stressed the necessity of reinforcing local manufactures and commercial farming, in line with Fletcher's economic vision.¹³⁰¹ In the following weeks, Fletcher convinced Holyrood to restrict imports of dairy and grain from Ireland, while he proposed the assembly should "pass such laws as shall regulate the balance of trade [with England] to the advantage of this nation"¹³⁰² before conceding supplies. His attitude in this phase swayed between the humble address to repeal the Alien Act¹³⁰³ before starting the negotiations for "an honourable treaty with England", and the pugnacious proposition of an embargo upon all English goods,¹³⁰⁴ both as a counterattack and to play for time as the assembly rejected his demands.¹³⁰⁵

Far from constituting the erratic assaults of a frustrated MP, behind Fletcher's behaviour in Holyrood was a coherent intellectual position, grounded

¹²⁹⁷ Pocock, *Virtue, Commerce, and History*, p. 110; Istvan Hont, *Jealousy of Trade: International Competition and the Nation State in Historical Perspective*, Cambridge, Harvard University Press, 2005, pp. 236-237. It should be noted that the scheme of a Land bank had been proposed in the 1690s in England by Josiah Child and other Tories, see Pincus, *1688*, pp. 394-399.

¹²⁹⁸ General distrust towards the plans presented can be found in Gentleman, *An Essay for Promoting of Trade*, p. 6.

¹²⁹⁹ William Paterson, *Proposal and Reasons for Constituting a Council of Trade*, Edinburgh, 1701; William Seton, *The Interest of Scotland in Three Essays*, Edinburgh, 1700, p. 107 and *Some Thoughts*, pp. 5-20.

¹³⁰⁰ Scott, *Andrew Fletcher*, p. 132; Crossrig, *A Diary of the Proceedings in the Parliament*, p. 168-169.

¹³⁰¹ Macinnes, *Union and Empire*, pp. 230-231.

¹³⁰² William Greg to Robert Harley, 25th August 1705, in *The manuscripts of his grace the duke of Portland*, pp. 230-232; Macinnes, *Union and Empire*, pp. 129-130.

¹³⁰³ Fletcher's address was supported both inside and outside Holyrood. See Crossrig, *A Diary of the Proceedings in the Parliament*, p. 167 and Anon., *A Speech Concerning a Treaty of Union with England*, Edinburgh, 1705, p. 4.

¹³⁰⁴ It was mainly Jacobites, such as Abercrombie in *The Advantages of the Act of Security*, that seconded this kind of solution, while the majority of the contemporary publications basically accepted London's blackmail. See for instance Anon., *A Speech Intended*, p. 5.

¹³⁰⁵ See the whole correspondence of William Greg to Robert Harley, 28th of August, 4th, 6th and 8th of September 1705, in *The manuscripts of his grace the duke of Portland*, pp. 232-235, 240-245. Greg was initially surprised by his conciliating manners to the point of asking himself whether "Fletcher is turned a courtier too". See also Bowie, *Scottish Public Opinion*, p. 81.

in the much praised English model of economic development made of mercantilist and protectionist policies in favour of a land-based and landowners-driven production of wealth, to retain money and resources in Scotland. Of this model Fletcher refused the aspect of public credit, because it undermined the independency of Country landowners according to his civic humanist conception of politics. In fact, in July he even proposed an act for “annexing to the Property of Landed men”¹³⁰⁶ the mines of silver and gold traditionally belonging to the crown *inter regalia*, to diminish the dependence from the Court and increase the resources for local investments. In the light of Fletcher’s parliamentary position, we can look at the *Account’s* final utopian project of European reform and stress another aspect to its economic logic.

While in the *Two Discourses* and in parliament Fletcher looked at some of William Petty’s solutions to improve Scotland’s economy. In 1704 he brilliantly criticised the extreme consequences of Petty’s *Political Arithmetick* in the broader imperial context of the relationship with England, and in particular the one between the country and the metropolis of London. The fear Fletcher exposed in the *Account* was that the City would attract all of the resources and population from the country, independently from the kind of union England and Scotland would settle for, ceding to corruption due to an excessive concentration of wealth like in imperial Rome.¹³⁰⁷ Although with less originality, the same fear was reiterated by Peter Paxton and William Black,¹³⁰⁸ while Cromarty answered that London’s hypertrophic economic magnetism could be countered exploiting local resources.¹³⁰⁹ Even the federative model of the United Provinces was questioned, as “*Amsterdam [...] of late assum’d so much of the Ballance*”¹³¹⁰ that an equal footing between its members had become impossible.

¹³⁰⁶ David Jones, *A Compleat History of Europe: Or, a View of the Affairs Thereof, Civil and Military, for the Year, 1705*, London, 1706, p. 242.

¹³⁰⁷ Robertson, *The Case for the Enlightenment*, pp. 179-183.

¹³⁰⁸ Peter Paxton, *A Scheme of Union between England and Scotland, with Advantages to Both Kingdoms*, Edinburgh, 1705, pp. 12-13; Black, *Some Considerations in Relation to Trade*, pp. 10-11.

¹³⁰⁹ George Mackenzie, earl of Cromarty, *A Letter from E. C. to E. W. Concerning the Union*, Edinburgh, 1706, pp. 10-12.

¹³¹⁰ Fairfax, *A Discourse upon the Uniting Scotland with England*, p. 28.

If “Trade is now become the Golden Ball”¹³¹¹, Fletcher’s solution to its partialities is to atomise the European continent in ten roughly equal confederations, composed by ten or twelve cities with their own small-sized surrounding lands. For what matters here, this severe arrangement would have avoided excessive concentration of resources and created a plurality of autarkic communities, with no necessity of overseas trade. It would constitute political centres to promote local development through the investments of landowners. Following this reading, Fletcher’s project thus represents his final rejection of commercial modernity, through a sophisticated demonstration involving a non-viable though intellectually remarkable vision, aware of the new threat of metropolises to their provinces.¹³¹²

Such an equal division of territories does not necessarily imply the eradication of trade altogether, to realise a strictly agrarian and virtuous commonwealth on the models of the past. In the context of a discussion that explicitly sees commerce as a zero sum game, to allow all the participants in international trade to grasp an equal share of it naturally requires the equal distribution of the resources at the very basis of every mercantile exchange, which, as we have seen, for Fletcher is constituted by land. If “Justice is due, even in point of Trade”¹³¹³ as natural law’s universal arguments would suggest, he wants to promote an arrangement that would make the free communication of trade, as discussed when the *Account* was composed, fair and sustainable, allocating to every of the newly created policies the same quantity of land to use for the peaceful and non-competitive exchange of surpluses. The strong egalitarian logic that led Fletcher to rationalise the landed properties of Scotland in the *Two Discourses* is thus brought to the superior level of international relations, regulating the primary means of production in a way that would have mitigated the perverse effects of trade, without eliminating it altogether and insisting on substantial equity rather than formal equality.¹³¹⁴ The unionist Sir

¹³¹¹ Fletcher, *An Account of a Conversation*, pp. 40. Anon., *Discourse of Present Importance*, p. 19 uses the same expression.

¹³¹² Muramatsu, *Andrew Fletcher’s criticism of commercial civilisation*.

¹³¹³ Fletcher, *An Account of a Conversation*, p. 56.

¹³¹⁴ Naturally enough, it was mainly Country authors who tried to promote a substantial balance between England and Scotland, while Court propagandists aimed at respecting the actual proportions between the two. See for instance Ridpath, *A Discourse upon the Union of Scotland*

John Clerk of Penicuik, who understood and exposed this facet of Fletcher's economic vision, confirms this reading but disagreed with the aim of its project.¹³¹⁵

In strictly economic terms, the problem of the relationship between uneven partners that Fletcher would only solve through an arbitrary dismantling of the European order, was still central to the debates. Different measures aimed at promoting a certain equity between England and Scotland were proposed while discussing the Union treaty and incorporation in 1706, mostly regarding customs, taxation and an 'equivalent' for the Darien *débauche*.¹³¹⁶ For his part, Fletcher refused compromise and spoke against the 4th article as such, which established a complete freedom of trade and navigation in Great Britain and its plantations. He was still hoping to convince "the Parliament the trade to England was no advantage to them",¹³¹⁷ and "was so angrie" when the article passed in Holyrood that he "ran out of it".¹³¹⁸ By the end of 1706 he similarly opposed the ratification of the 6th, the 8th and the 14th articles, which basically aligned duties, excises and prohibitions on imports and exports of Scotland and England, listing the few exceptions.¹³¹⁹ Fletcher's political line thus remained consistent, but his hopes of rejecting the Union wore thin.

and England, pp. 5, 18, 28, 108 and *The Reducing of Scotland by Arms*, p. 19; Hodges, *The Rights and Interests of the Two British Monarchies*, pp. 35, 38, 46, 54, 60-61; Seton, *Some Thoughts on Ways and Means*, p. 64; Daniel Defoe, *A Letter Concerning Trade, from Several Scots-Gentlemen That Are Merchants in England, to Their Country-Men That Are Merchants in Scotland*, [Edinburgh], 1706, p. 23.

¹³¹⁵ See the manuscript quoted in Muramastu, *Andrew Fletcher's criticism of commercial civilisation*, p. 19.

¹³¹⁶ The issue was a topic of discussion towards the end of 1706, in particular between William Black and Daniel Defoe. See Macinnes, *Union and Empire*, pp. 235-237.

¹³¹⁷ Daniel Defoe to Robert Harley, 23rd November 1706, in *The manuscripts of his grace the duke of Portland*, p. 345.

¹³¹⁸ John Erskine, earl of Mar to Sir David Nairne, 19th and 21st November 1706, in *Report on the manuscripts of the earl of Mar and Kellie*, pp. 328, 330.

¹³¹⁹ *Ibidem*, pp. 348-353.

5.7 Union discussed: the issue of conquest

The intellectual dimensions of the Union debates were enriched by the discussion of the different kinds of union that could be achieved between England and Scotland. Since the union of the crowns in 1603, many attempts to promote a well-defined relationship between the two neighbours had been formulated and failed.¹³²⁰ In the context considered here, the propagandists' terminology often became blurry when discussing the differences between federal or confederal settlements or when calling for models from the present or the past. As hinted by Robertson,¹³²¹ the whole of the publications, including both Fletcher's plea for limitations and the *Account of a Conversation*, should be considered against the background of the two main theorists of federalism of the time, that is Hugo Grotius and Samuel von Pufendorf. Furthermore, since the *Account* showed the inconsistencies of both incorporation and federative settlements between unequal entities, its demonstrative scope and Utopian spirit calls for an additional context: the schemes for the peace and "Common Good of Mankind", which will also be briefly considered here.

As stressed by the works of Robertson and Armitage among others, even though empires had mutated in economically performing bodies, one of the languages of this debate was intrinsically neo-Machiavellian in defining the relationship between the imperial centre and its territories. In Holyrood, at the beginning of the session Fletcher had memorably denounced that the Scots "appear'd to the rest of the World, more like a conquer'd Province than a free and independent People".¹³²² Indeed, the most immediate case for union dictated by economic interests was, as a consequence of the issues touched on in the previous chapter, the Irish negotiations that failed in 1703. Understandably, the status of the colony constituted a horrifying perspective for those who held on to

¹³²⁰ Roger A. Mason, ed., *Scotland and England, 1286-1815*, Edinburgh, J. Donald Publishers, 1987; Jenny Wormald, 'The Union of 1603', in *Scots and Britons*, pp. 17–40; Clare Jackson, 'The Anglo-Scottish Union Negotiations of 1670', in *Religion, Culture and National Community in the 1670s*, ed. by Tony Claydon and Thomas N. Corns, Cardiff, University of Wales Press, 2011, pp. 36–65.

¹³²¹ Robertson, 'An Elusive Sovereignty: The Course of the Union Debate in Scotland 1698-1707', in *A Union for Empire*, pp. 198–227

¹³²² Fletcher, *Speeches*, p. 8.

Scotland's political independence.¹³²³ William Seton cried at how England had "chained *Ireland* by Force" and did the same to Scotland "by debilitating the Executive Power relating to our Trade"¹³²⁴.

The similarities between the Irish and the Scottish slavish situations were exploited in Holyrood even by royalist MPs,¹³²⁵ as outside the assembly James Hodges looked at the Irish to underline the dependency that occurred from any political settlement with the English designed without adequate guarantees.¹³²⁶ Conversely, while from London Davenant had stated the difference between the independent monarchy of Scotland and the colony of Ireland,¹³²⁷ now some polemicists hurriedly put them on a par as conquered kingdoms dependent on England.¹³²⁸ In the aftermath of the union of the crowns of 1603, the fear that a closer union between two independent monarchies could have resulted in the conquest of one over the other had shaped both sides of the debate.¹³²⁹ A century later, it was mainly English commentators who exploited the argument, coupling it with narratives of recent conquests like Cromwell's and with evidences of feudal superiority due to the episode of Balliol's homage, both briefly analysed in the previous chapter.¹³³⁰

Fletcher was obviously familiar with the contemporary debates on Ireland's constitutional status. Through the offices of John Locke, he personally knew William Molyneux,¹³³¹ the foremost defender of Irish parliamentary independence whose *The Case of Ireland's being bound by Acts of Parliament in England, Stated* (1698) initiated the dispute and obviously figured in Fletcher's

¹³²³ Jenny Wormald, 'The Creation of Britain: Multiple Kingdoms or Core and Colonies?', *Transactions of the Royal Historical Society*, 6, n°2 (1992), pp. 175–194; Allan Macinnes, 'Union Failed, Union Accomplished: The Irish Union of 1703 and the Scottish Union of 1707', in *Acts of Union: The Causes, Contexts and Consequences of the Act of Union*, ed. by Dáire Keogh and Kevin Whelan, Dublin, Four Courts Press, 2001, pp. 67–94; Alvin Jackson, *The Two Unions: Ireland, Scotland, and the Survival of the United Kingdom, 1707-2007*, Oxford, Oxford University Press, 2011.

¹³²⁴ Seton, *Some Thoughts on Ways and Means*, p. 13.

¹³²⁵ See for instance Anon., *A Speech in Parliament*, p. 2.

¹³²⁶ Hodges, *The Rights and Interests of the Two British Monarchies*, p. 50 and *War Betwixt the Two British Kingdoms Consider'd*, pp. 84-91.

¹³²⁷ Charles Davenant, *An Essay upon the Probable Methods of Making a People Gainers in the Ballance of Trade*, London, 1699, pp. 244–249.

¹³²⁸ Anon., *Remarks upon a Late Dangerous Pamphlet, Intitled, The Reducing of Scotland by Arms, and Annexing It to England as a Province*, London, 1705, pp. 4–5.

¹³²⁹ Rei Kanemura, 'Historical Perspectives on the Anglo-Scottish Union Debate: Re-Reading the Norman Conquest in the 1610s', *History of European Ideas*, 40, n°2 (2014), pp. 155–176.

¹³³⁰ See chapter IV, pp. 246-247.

¹³³¹ See chapter I above, p. 54.

library.¹³³² Although its power had been gradually limited since the centralising process triggered by the Revolution, to Molyneux the Irish Protestant minority had the right to pursue its own interests through autonomous legislation by the local Parliament. The Irish assembly was the expression of a distinct kingdom, like Scotland was, under the same crown as England.¹³³³ An opposite position was that of the Country Whig Henry Maxwell, who honoured Fletcher with a dedicated copy of his *An Essay upon an Union of Ireland with England* (1703).¹³³⁴ For Maxwell, a complete incorporation with England could both fix the commercial injustices and the enduring poverty of Ireland, solving the latter's constitutional ambiguities.¹³³⁵

In the beginning of his *Essay*, Maxwell listed the different ways in which conquered territories could be administered, restating the Machiavellian options adopted from Roman history that Fletcher considered in the *Discorso*. While military means like standing armies were appropriate for absolute governments, as a limited and free monarchy England's best choice to preserve its constitution was to incorporate Ireland, in order to eliminate any commercial jealousy and avoid the risks of turning itself into a tyrannical government.¹³³⁶ Maxwell was reiterating the well-known correlations between freedom and wealth and between standing armies and absolutism, confiding that an incorporating union would have reunited the direct descendants of the English conquerors of the Irish colony under a free government. The case of wool in particular was argued by the familiar devices of first blaming Spanish tyrannical conduct in the Netherlands and then using the tool of political arithmetic to show how the price

¹³³² NLS MS 17863, fol. 140.

¹³³³ Jacqueline Hill, 'Ireland without Union: Molyneux and His Legacy', in *A Union for Empire*, pp. 271-296; Patrick Kelly, 'Recasting a Tradition: William Molyneux and the Source of *The Case of Ireland... Stated* (1698)', in *Political Thought in Seventeenth-Century Ireland: Kingdom or Colony*, by Jane H. Ohlmeyer, Cambridge, Cambridge University Press, 2000, pp. 83-106; Marie Léoutre, 'Contesting and Upholding the Rights of the Irish Parliament in 1698: The Arguments of William Molyneux and Simon Clement', *Parliaments, Estates and Representation*, 4 (2014), pp. 22-39.

¹³³⁴ The copy consulted by Armitage states in the frontpage 'For Mr Fletcher'. See David Armitage, *The Ideological Origins of the British Empire*, Cambridge, Cambridge University Press, 2000, p. 162, fn 49.

¹³³⁵ Henry Maxwell, *An Essay upon an Union of Ireland with England: Most Humbly Offered to the Consideration of the Queen's Most Excellent Majesty, and Both Houses of Parliament.*, Dublin, 1703; D. W. Hayton, 'Henry Maxwell, M.P., Author of "An Essay upon an Union of Ireland with England (1703)"', *Eighteenth-Century Ireland / Iris an Dá Chultúr*, 22 (2007), pp. 28-63.

¹³³⁶ Maxwell, *An Essay*, pp. 3-7, 18-23.

of labour and materials would fall by unifying the two kingdoms, giving the opportunity to overcome any continental competitor.¹³³⁷

In the *Account*, Fletcher's choice of interlocutors is so fitting to debate the Irish case that it feeds the doubt of an imaginary setting. Together with the Whig unionist Cromarty, who argued along the lines of an integrated British economy and would soon become the foremost Scottish propagandist for the incorporation side, Fletcher ran into Sir Christopher Musgrave by accident, while strolling down a promenade in London. A leading Tory MP since the Revolution who later got closer to Country positions, Musgrave was a committed supporter of an isolationist foreign policy, mainly getting involved in financial issues. While he opposed the granting of supplies during the standing army controversy, he supported protectionist measures against Irish trade in Westminster. As the conversation unfolds, Sir Edward Seymour also joins the symposium: overtly despising Scotland and first promoter of the Wool Act (1699), Seymour was Musgrave's ally in backing a 'blue water' policy and the doyen of the Tory party.¹³³⁸ It is very likely Fletcher personally knew both from his political battles in the City and that he was aware of their positions on the issue of union.

After the discussions revolving around the succession and the nature of monarchical government, the topic of commerce naturally led to the familiar Irish case and, accordingly, to the possibility of discussing an incorporative union between England and Scotland. The "Partialities in point of Trade" that the English were guilty of regarded the Darien venture, but more critically invested Ireland under the pretext that it was a "conquer'd Nation"¹³³⁹. Fletcher riposted in referring to Molyneux's *Case of Ireland*, which underlined how although the natives had been vanquished, the Irish colony was linked to England not by an "Imaginary Title of Conquest"¹³⁴⁰, but rather by an "Original Compact"¹³⁴¹, that is

¹³³⁷ *Ibidem*, pp. 20-24. See also Sir Francis Brewster, *New Essay's on Trade, Wherein the Present State of Our Trade, It's Great Decay in the Chief Branches of It, and the Fatal Consequence Thereof to the Nation (Unless Timely Remedy'd) Is Considered, under the Most Important Heads of Trade and Navigation*, London, 1702, which argues the same way about the diversification of a unified British industry from an Irish perspective.

¹³³⁸ Henry Horwitz, *Parliament, Policy, and Politics in the Reign of William III*, Manchester, Manchester University Press, 1977, *passim*..

¹³³⁹ Fletcher, *Account*, pp. 41-42.

¹³⁴⁰ William Molyneux, *The Case of Ireland's Being Bound by Acts of Parliament in England, Stated*, Dublin, 1698, p. 4.

¹³⁴¹ *Ibidem*, pp. 37-38.

through the voluntary consent of its first invaders in exchange for the right to hold parliaments conceded by Henry II.¹³⁴² Through this line, Fletcher was able to show how a “Submission [...] founded on a Treaty of Union” had been “call’d a Conquest”¹³⁴³, due to the successive suppression of a few rebellions over time.

Raising the question also allowed Fletcher to describe a vitriolic exchange with Seymour, who in an outburst of rage demonstrated the difficulty of appealing to historical records to ascertain the political independence of any nation. The two recalled various battles won by both sides during the several wars between Scotland and England, implicitly showing the futility of a debate such as the one on Balliol’s homage revived after the Darien venture collapsed. If Seymour could mention the Battle of Pinkie (1547) in which the English routed and invaded the Scots, Fletcher replied with the Battle of Bannockburn (1314), making a case in the opposite sense.¹³⁴⁴ This passage is important in the context of the *Account*, because it shows Fletcher’s admission that historical examples, at the basis of the purely political reason of State’s way of formulating arguments for sovereignty, were not enough to win the discussion and ensure Scotland’s liberty and self-government *contra* a powerful neighbour such as England.

Conversely, the reference to Molyneux is quite telling for his usage of natural law theory that was both distinctive of the Revolution principles and permitted to set the Irish case in the wider context of the natural right to consent to governments. The theme underlies the whole of the *Account*, and becomes the main issue to square for the participants in the conversation. But although Fletcher’s struggle to find a new line of argument that could have reaffirmed Scottish rights as a community is evident since the formulation of his “limitations”, he did not believe that the rhetorical weapon of timeless natural rights could play a role in the concrete and violent world of international politics, as Ireland’s fate itself had sadly proved. Another blow in this sense comes from Musgrave’s attempt to reassure Fletcher that, contrary to the Irish present

¹³⁴² The reference has been spotted by Robertson, see his edition of Fletcher’s *Political Works*, p. 194, fn. 16. For more on the argument, see Patrick Kelly, ‘Conquest *versus* Consent as the Basis of the English Title to Ireland in William Molyneux’s *Case of Ireland...Stated* (1698)’, in *British Interventions in Early Modern Ireland*, ed. by Ciaran Brady and Jane H. Ohlmeyer, Cambridge, Cambridge University Press, 2005, pp. 334–356.

¹³⁴³ Fletcher, *Account*, p. 44.

¹³⁴⁴ *Ibidem*, pp. 48–52.

condition, in incorporating unions guarantees would be useless, as they “suppose no breach of Conditions”.¹³⁴⁵ This claim made the evenly assorted quartet face the legal dimensions of the Union debates.

The example of the “the Republick of Rome”’s benevolent unification with other nations was countered by the observation that the conditions, privileges and rights of citizenship given to other peoples had been a gracious concession the Roman empire had granted after military conquest and submission. While Fletcher had already raised the issue a few months before in Holyrood, referring to Livy’s account of the city of Privernum and Machiavelli’s own reformulation of the episode in the *Discourses*, even the legal formulation of incorporation in Grotius’ *De Iure Belli ac Pacis* conceded its origin had been conquest, mentioning Rome’s absorption of the Sabines and the Albans.¹³⁴⁶ According to Robertson, this notwithstanding both outside and inside the Scottish parliament many incorporativist commentators repeated the legal claim of a full and equal communication of rights, basing it on Grotius’ historical case and deliberately ignoring Fletcher’s incontrovertible objection about its violent origins.¹³⁴⁷

However, on both sides of the political divide some understood the inherent friction in the incorporativists’ theoretical references, as conquest constituted an important facet of the debate.¹³⁴⁸ The anonymous author of *A Discourse of Present Importance* recognised that “a Worthy Patriot of Liberty in a Conference” had exposed how incorporation would give no security against the use of any “frivolous Pretence”¹³⁴⁹ by the English to turn the union into a conquest. To advance his perplexities, he referred to one of Pufendorf’s alternative definitions of incorporating union, which criticised Grotius’: there

¹³⁴⁵ *Ibidem*, p. 46. This point was also made in Clerk of Penicuik, *A Letter to a Friend*, p. 18.

¹³⁴⁶ *Ibidem*. The references to Livy, Machiavelli and Grotius are to be found in Robertson’s edition of the *Political Works*, p. 196 fn. 21.

¹³⁴⁷ See the examples of Daniel Defoe, *A Fourth Essay, at Removing National Prejudices; with Some Reply to Mr. H---Dges and Some Other Authors, Who Have Printed Their Objections against an Union with England*, [Edinburgh?], 1706, pp. 41–42; Anon., *A Perswasive to the Union Now on Foot, by Arguments from Nature, Reason, and Mutual Advantage*, London, 1706, pp. 12, 15, 90; Clerk of Penicuik, *A Letter to a Friend*, pp. 9–10; Cromarty, *Parainesis Pacifica*, p. V; and William Seton, who referred to the same passage in his speech in parliament on the 18th of November 1706, as reported in Defoe, *The history of the union between England and Scotland, with a collection of original papers relating thereto*, London, 1786, pp. 360–363.

¹³⁴⁸ Steven G. Ellis and Sarah Barber, eds., *Conquest and Union: Fashioning a British State 1485–1725*, London, Routledge, 2014.

¹³⁴⁹ Anon., *A Discourse of Present Importance*, p. 26.

would be no reciprocal and equal communication of rights between England and Scotland, but both people would extinguish their original constitutions to create a new commonwealth *ex novo*.¹³⁵⁰ This argument constituted one of the main positive notes for Cromarty, who presented incorporation as the occasion to revive a common British origin.¹³⁵¹ But for the author of the *Discourse*, since the Scots' rights would thus be alienated rather than maintained and the "first and fundamental Law of the Society" altered, it would be impossible to do so "without the consent of the People", that is without a newly elected Scottish parliament expressly convened and fully instructed for this task.¹³⁵²

Among unionists, Fairfax was a deeply regretful royalist in admitting that Scotland seemed "so aged, as to need another State to rest upon" and in agreeing with Fletcher that Scottish historical records were "as disputable at least as the *Egyptians* Dynastys".¹³⁵³ Whereas he acknowledged the difference between unions made by "Common Consent" such as the United Provinces or the Achaean league and those realised "by open Force"¹³⁵⁴ like the Romans had done, for Fairfax empires nevertheless constituted the best vehicles of civilisation and economic advancement. His Hobbesian vision conceded that violence originally determined property and law, through which "Flocks of Unthinking Men, by Conquest grew into Government".¹³⁵⁵ Accordingly, Fairfax considered the Irish as privileged to be under English laws,¹³⁵⁶ and although Scotland could claim for an equal and federal settlement in the Union negotiations, improvement could be better triggered in fully adhering to a uniformed British empire.

While Fairfax basically depicted Scotland as an outdated and aristocratically governed relic of the past when compared to the advantages of an incorporation with the rampant English empire, the neo-Harringtonian physician Peter Paxton approached the issue from a different angle.¹³⁵⁷ The Romans unions mentioned by Grotius definitely belonged to the kind "effected

¹³⁵⁰ *Ibidem*, p. 27. The author refers to Pufendorf's *De Iure Naturae et Gentium*, book VIII, chapter 12, paragraph 6, where the German jurist engages with Grotius.

¹³⁵¹ Cromarty, *A Letter from E. C. to E. W.*, pp. 5-8.

¹³⁵² Anon., *A Discourse of Present Importance*, pp. 27-28.

¹³⁵³ Fairfax, *A Discourse upon the Uniting Scotland with England*, pp. 14, 16.

¹³⁵⁴ *Ibidem*, pp. 20-21.

¹³⁵⁵ *Ibidem*, p. 46.

¹³⁵⁶ *Ibidem*, pp. 23-25.

¹³⁵⁷ J. A. W. Gunn, 'The Civil Polity of Peter Paxton', *Past & Present*, n°40 (1968), pp. 42-57.

by the means of Violence”, where “the stronger have only United with the weaker” for their own interest and by conquest, like the English had done with Wales.¹³⁵⁸ But Paxton praised and cherished the “*Antient State of Europe*”, which did not require unions as it excluded “*any dreadful Inequality in the Power of Princes*”: in a placid Gothic order, northern peoples had “Erected a multitude of small Sovereignties” only for defensive purposes, where power was “equally divided between the Prince and People”.¹³⁵⁹ This balanced division avoided the continuity of war for supremacy and the enslavement of the continent until the first unions like the one between Castile and Aragon permitted a territorial enlargement and the increase in the crowns’ revenues enabled enduring warfare.¹³⁶⁰

Paxton’s historical reconstruction and marked preference for small polities seem to gloss the transformation Fletcher had described in his militia pamphlet. The defensive emergency caused by France should be faced with a confederal union upon equal footing between two “Independent Sovereignties”, following the example of the United Provinces and notwithstanding the substantial inequalities between England and Scotland.¹³⁶¹ One way of looking at Fletcher’s European project is indeed to consider it as a nostalgic return to a premodern Gothic international order, before contemporary empires became “violently inclin’d” and “able to retain the Conquest”.¹³⁶² In the description of the leagues, “united for their common defence”, he would create, Fletcher even conceded to Seymour that “a Prince” would be more fit to lead them than a republican “Council”, for the role of military commander he could exert.¹³⁶³

¹³⁵⁸ Paxton, *A Scheme of Union between England and Scotland*, p. 7.

¹³⁵⁹ *Ibidem*, p. 3.

¹³⁶⁰ *Ibidem*, pp. 3-6.

¹³⁶¹ *Ibidem*, p. 8, *passim*.

¹³⁶² Fletcher, *Account*, p. 74.

¹³⁶³ *Ibidem*, pp. 74-75.

5.8 Confederations and perpetual peace

On a theoretical level and mainly outside Holyrood, the different kinds of union were being discussed since the 1702 negotiations and in particular by James Hodges.¹³⁶⁴ In 1703, he made the most systematic attempt to define the elusive meaning of a federal union, to give the opposition to the crown a solid intellectual alternative to incorporation, much with Fletcher's explicit approval.¹³⁶⁵ To Hodges, the incorporative process brought independent kingdoms to be "imbodyed" with another, to "become a particular Part, Province or District" of it.¹³⁶⁶ The examples he presented constituted the State-building processes of Spain, France and England, where one dominant kingdom continued its existence and the others had extinguished themselves in it following conquest or annexation, to match Pufendorf's second and much more appalling definition of incorporation.¹³⁶⁷ Again, Hodges repeatedly insisted it would not be possible to realise such a settlement legally "if it want the Consent of one Free-born Subject" of Scotland to alienate its "Original Freedom".¹³⁶⁸

Conversely, he stressed the voluntary nature of "Confederal or Federal" associations, through which "Distinct, Free and Independent Kingdoms" unite for common interests and mutual benefits.¹³⁶⁹ Although this category constituted a spectrum wide enough to include the alliances between Scotland and France in the XVI century on the one hand and the Swiss cantons, the commonwealth of Poland-Lithuania or the United Provinces on the other, Hodges was clear enough to state the best option for the British case. Instead of a loose set of "Articles of Confederacy" that would leave them "altogether disunited", England and Scotland should be closer united "under one common Monarch of both", as the

¹³⁶⁴ Kidd, *Union and Unionisms*, pp. 68-73.

¹³⁶⁵ Erskine wrote to his brother that "in a great rage against the Union" Fletcher urged him "to read the 3rd section of Mr. Hodges 1st book on that subject" to change his mind on the Union: see James Erskine to the earl of Mar, 22nd of June 1706, in *Report on the Manuscripts of the Earl of Mar and Kellie*, pp. 267-268.

¹³⁶⁶ Hodges, *The Rights and Interests of the Two British Monarchies*, p. 2.

¹³⁶⁷ *Ibidem*, p. 3. See again Pufendorf's *De Iure Naturae et Gentium*, book VIII, chapter 12, paragraph 6 and Mark Greengrass, *Conquest and Coalescence: The Shaping of the State in Early Modern Europe*, London, E. Arnold, 1991.

¹³⁶⁸ *Ibidem*, pp. 17-18, 58 and *passim*.

¹³⁶⁹ *Ibidem*, pp. 4-6.

latter could boast “one of the best Constitutions of Monarchical Government”¹³⁷⁰ in the world. Collaboration between the two nations should regard trade, foreign alliances and the conduct of war, while conditions of parity should be guaranteed for the weaker party of Scotland in order to form a ‘federal’ union of free States.¹³⁷¹

According to current definitions of federative arrangements, Hodges’ proposal would have created a strictly confederal setting: Holyrood and Westminster would have retained their powers without subordinating them to any newly created authority, persisting as the assemblies of two kingdoms *aeque et principaliter*.¹³⁷² The confederal solution constituted the easiest way to maintain Scottish sovereignty intact and it had many advocates.¹³⁷³ However, Hodges was cautious in avoiding references to the experiment of the Covenanters’ confessional confederation as realised in the wake of the civil wars, which received warm support among the Hebronites.¹³⁷⁴ Notwithstanding Hodges’ attention for the fate of the Presbyterian Kirk, there is no trace in his pamphlet of the original religious dimension of federalist thought, first formulated in the writings of the Swiss reformer Heinrich Bullinger (1504-1575) and Johannes Althusius (1563-1638) in Germany.¹³⁷⁵ Rather, it is to Pufendorf’s

¹³⁷⁰ *Ibidem*, pp. 7, 11.

¹³⁷¹ *Ibidem*, pp. 12-17.

¹³⁷² For a technical definition of federal arrangements, see Daniel J. Elazar, *Exploring Federalism*, Tuscaloosa, University of Alabama Press, 1987; Thomas O. Hueglin and Alan Fenna, *Comparative Federalism: A Systematic Inquiry*, Toronto, University of Toronto Press, 2015. For the Scottish context, see also Macinnes, *Union and Empire*, p. 5 fn. 7.

¹³⁷³ See for instance Anon. *Scotland’s Interest*; Anon., *A Speech concerning a Treaty of Union with England*; Brown, *Some Very Weighty and Seasonable Considerations*; John Hamilton, Lord Belhaven, *The Lord Belhaven’s Speech in Parliament the Second Day of November 1706. on the Subject-Matter of an Union Betwixt the Two Kingdoms of Scotland and England*, [Edinburgh?], 1706.

¹³⁷⁴ *Ibidem*, pp. 67-73; Stephen, *Scottish Presbyterians*, pp. 203-206. See Shaun de Freitas and Andries Raath, ‘The Reformational Legacy of Theologico-Political Federalism’, in *The Ashgate Research Companion to Federalism*, ed. by Ann Ward and Lee Ward, Burlington, Ashgate Publishing, Ltd., 2009, pp. 49–70; Andries Raath, ‘Covenant and the Consolidated Christian Community: The Covenantal Roots of Theologico-Political Federalism in Samuel Rutherford’s *Respublica Christiana*’, in *Die Skriflig: Tydskrif van Die Gereformeerde Teologiese Vereniging*, 50, n°1 (2016), pp. 1–22.

¹³⁷⁵ Patrick Riley, ‘Three 17th Century German Theorists of Federalism: Althusius, Hugo and Leibniz’, *Publius*, 6, n°3 (1976), pp. 7–41; Thomas O. Hueglin, *Early Modern Concepts for a Late Modern World: Althusius on Community and Federalism*, Waterloo, Wilfrid Laurier University Press, 1999; J. Wayne Baker, ‘Faces of Federalism: From Bullinger to Jefferson’, *Publius*, 30, n°4 (2000), pp. 25–41; Bettina Koch, ‘Johannes Althusius: Between Secular Federalism and the Religious State’, in *The Ashgate Research Companion to Federalism*, pp. 74–90.

considerations on the Holy Roman Empire's multilayered structure that his idea of union turned.

Confronted with the 'monstrous' nature of the Old Empire, Pufendorf elaborated a model of sovereignty that accepted Jean Bodin's notion of indivisibility and rejected the Aristotelian ideal of mixed regimes. However, he framed the implementation of this sovereignty within the context of natural law theory, in order to formulate a viable alternative to absolute monarchies. Pufendorf's limited monarchies were thus a regular regime type without the ambiguities of *respublicae mixtae*, wherein the sovereign ruler explicitly agreed through a contract to a defined set of limitations to exert his power.¹³⁷⁶ While his preference for unitary kingdoms is evident, Pufendorf conceded that the Holy Roman Empire's most likely evolution was to become a system of confederated and regular States rather than a perfect limited monarchy, centralised by annexing its territories.¹³⁷⁷ The immediate examples of such a *systema* were the United Provinces and the confederation of Swiss cantons, but Pufendorf also considered Great Britain as a system of sovereign parliaments owing loyalty to a common monarch.¹³⁷⁸

Although Fletcher never explicitly mentioned the confederal aspects of his parliamentary proposal, the 1703 "limitations" aimed at ratifying this kind of Pufendorfian systematic settlement, which in the jurist's perspective was on foot since the union of the crowns in 1603 and for the Scot had been further reasserted after the 1689 Revolution.¹³⁷⁹ The settlement Fletcher proposed

¹³⁷⁶ See Pufendorf's *De Iure Naturae et Gentium*, book I, chapter 7, paragraph 6; book II, chapter 7, paragraph 5 and book VII, chapter 6, paragraph 10 and Hans Erich Bödeker, 'Debating the Respublica Mixta: German and Dutch Political Discourses Aroud 1700', in *Republicanism. A Shared European Heritage*, ed. by Martin van Gelderen and Quentin Skinner, 2 vols, Cambridge: Cambridge University Press, 2002, I, pp. 219–246; Ben Holland, *The Moral Person of the State: Pufendorf, Sovereignty and Composite Politics*, Cambridge, Cambridge University Press, 2017.

¹³⁷⁷ Samuel von Pufendorf, *De Statu Imperii Germanici*, 1684, book VI, chapter 9.

¹³⁷⁸ Pufendorf first made this point in *De Systematibus Civitatum*, Heidelberg, 1667, before expanding it in *De Iure Naturae et Gentium*, especially in book VII, chapter V, paragraph 17. See also James Moore and Michael Silverthorne, 'Protestant Theologies, Limited Sovereignties: Natural Law and Conditions of Union in the German Empire, the Netherlands and Great Britain', in *A Union for Empire*, pp. 171–197; John Robertson, 'Empire and Union: Two Concepts of the Early Modern European Political Order', in *Theories of Empires, 1450-1800*, ed. by David Armitage, Aldershot, Ashgate, 1998, pp. 11–44; Michael J. Seidler, 'Monstrous' Pufendorf: Sovereignty and System in the Dissertations', in *Monarchism and Absolutism in Early Modern Europe*, ed. by Cesare Cuttica and Glenn Burgess, London, Pickering & Chatto, 2011, pp. 159–175.

¹³⁷⁹ Fletcher did own copies of several Pufendorf's works, for those mentioned above see NLS MS 17863, fols. 128, 129, 132, 133.

wanted to give a solid legal foundation to the functions and powers the Scottish State already had and should freely exert through Holyrood's decisions. Fletcher was also careful in preserving the monarchical elements of the Scottish constitution, as the common king would still be at the head of the British confederation and have executive powers as king of Scotland. Although it responded to the compelling need of an undivided sovereignty, Pufendorf's formulation of limited monarchy was at odds with the deeply embedded Scottish theory of resistance and Fletcher's position that sovereignty eventually rested with the people, like his models Buchanan and Locke had asserted.¹³⁸⁰

The logic and inspiration of the "limitations" is confirmed by the *Account* in this respect. As he clarified to the ultraroyalist Seymour while exposing his European scheme, "of such Sovereignties united under one Monarch we have many examples"¹³⁸¹. Besides referring to the Holy Roman Empire itself, Fletcher included the composite monarchies whose unifying State-building processes he knew were irreversible, such as the Spanish under the Bourbon whose territories he thoroughly analysed in the *Discorso*. In Fletcher's scheme, Europe would be divided in small sovereignties, which would be in turn regrouped in ten larger and equal leagues, composed of ten or twelve of them under the head of a monarch coordinating their defence. While, as we have seen, the example of the United Provinces was repeatedly cited elsewhere, Fletcher never mentions it. Not to irritate Seymour with an overtly republican alternative, it is likely that he did not appreciate Grotius' flexible concept of sovereignty either, nor the radical federative models proposed by other Dutch theorists such as Baruch Spinoza or the brothers de la Court, explicitly dispensing with the figure of a monarchical element.¹³⁸²

¹³⁸⁰ Locke's *Two Treatises of Government* in fact constitute an answer to Pufendorf's works. See Julian H. Franklin, *John Locke and the Theory of Sovereignty: Mixed Monarchy and the Right of Resistance in the Political Thought of the English Revolution*, Cambridge, Cambridge University Press, 1981; Roland Marden, "'Who Shall Be Judge?'" John Locke's *Two Treatises of Government* and the Problem of Sovereignty', *Contributions to the History of Concepts*, 2, n°1 (2006), pp. 59–81; Daniel Lee, *Popular Sovereignty in Early Modern Constitutional Thought*, Oxford, Oxford University Press, 2016.

¹³⁸¹ Fletcher, *Account*, p. 73.

¹³⁸² George M. Gross, 'Spinoza and the Federal Polity', *Publius*, 26, n°1 (1996), pp. 117–135; Lee Ward, 'Early Dutch and German Federal Theory: Spinoza, Hugo, and Leibniz', in *The Ashgate Research Companion to Federalism*, pp. 91–106. For Grotius' concept of sovereignty, see Charles H. Parker, 'In Dialogue with the World: Hugo Grotius's Vision of Global Citizenship and Christian Unity', *Journal of Policy History*, 27, n°2 (2015), pp. 364–381; Ethan Alexander-Davey,

In the *Account* Fletcher's main concern is not for Scotland, but for "the general Good and Interest of Mankind".¹³⁸³ The Utopian strands of the *conversation* in his opening praise of London and its river Thames can be intended as a further critique of England's colonist policies and of the City's unnatural drawing of the world's wealth, which resembled those of More's *Utopia*.¹³⁸⁴ To minimise the "universal Wars" dictated by expansionism as much as human nature permits, the Scot also ultimately rejects the just war theory and its dangerous rhetoric. In an exchange with Musgrave, Fletcher underlines how the former's realist stance on the justifiability of wars for interest and advantage of a nation over the other is mistaken, theoretically agreeing with the classical accounts of Augustine and Thomas Aquinas.¹³⁸⁵ The codification of *jus bellum iustum* in itself gives way to a potentially never ending cycle of punitive conflicts, all of them permissible to remedy a precedent injustice, "far from the design of abolishing Wars".¹³⁸⁶

Instead, with his division of Europe Fletcher designs a system of international order founded on the immutable balance of equal powers "obliged in Interest to keep perpetual Peace and Amity"¹³⁸⁷ among them. Again, it is Pufendorf who constitutes the major inspirational source for the legal arguments of the Scot: the former's reflections on just war ultimately conceded that its theorisation and constantly renewed glosses contributed to exacerbate interstate conflicts rather than to eliminate them.¹³⁸⁸ Similarly, Fletcher managed to merge the language of interest and self-preservation with natural

'Nationhood and Constitutionalism in the Dutch Republic: An Examination of Grotius' *Antiquity of the Batavian Republic*, *History of Political Thought*, 38, n°1 (2017), pp. 64–91.

¹³⁸³ Fletcher, *Account*, p. 76.

¹³⁸⁴ Cf. Thomas More, *Utopia*, ed. by George M. Logan, trans. by Robert M. Adams, Cambridge, Cambridge University Press, 2016, pp. 45–49 with Robertson's edition of Fletcher's *Political Works* pp. 176–177, and fn 3. See also Gesa Mackenthun, 'Haunted Utopia: Colonialism and the Search for a Usable Future in Arthur Gordon Pym, Typee, and The Crater', in *Visions of the Future: Collective and Individual, Secular and Sacred*, ed. by Loretta Valtz Mannucci, 1996, pp. 141–158; Susan Bruce, 'Utopian Justifications: More's Utopia, Settler Colonialism, and Contemporary Ecocritical Concerns', *College Literature*, 42, n°1 (2015), pp. 23–43.

¹³⁸⁵ See Fletcher, *Account*, pp. 66, 67–70 with John Mark Mattox, *St. Augustine and the Theory of Just War*, London, A&C Black, 2009; Gregory M. Reichberg, *Thomas Aquinas on War and Peace*, Cambridge, Cambridge University Press, 2016. More generally, see also Daniel R. Brunstetter and Cian O'Driscoll, *Just War Thinkers: From Cicero to the 21st Century*, New York, Routledge, 2017.

¹³⁸⁶ Fletcher, *Account*, p. 70.

¹³⁸⁷ *Ibidem*, p. 38.

¹³⁸⁸ See in particular Samuel von Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. by James Tully, trans. by Michael Silverthorne, Cambridge, Cambridge University Press, 1991, book II, chapters 8–15, pp. 148–170.

law, admitting through his scheme that he did not believe worldwide wars he had witnessed could be properly regulated, ending up, much to his own regret, close to Hobbes' understanding of international relations.¹³⁸⁹ However, unlike the English philosopher, Fletcher's declared aim is to promote a cosmopolitan, substantially republican order based on actual restraints and real equity.

To make sure any man "can be a good Citizen of a particular Commonwealth, and a Citizen of the World",¹³⁹⁰ Fletcher thus eradicates the very possibility of conquest, but he also replaces the power of kings and their corrupted courts with republican governments. His scheme eventually goes well beyond the State-centered initial logic of the *Account*, as for Fletcher the interests of popular sovereignties inherently reunite with those of the whole humanity. And he does so by again referring to Machiavelli: on the one hand, the closest example to this type of regime he finds "in the constitution of the Achaian league", described by the Florentine as a second best model of government after Rome but also praised by contemporary Dutch authors such as Grotius as an example of concord.¹³⁹¹ On the other hand, the "cities of moderate Extent" he projected, would govern themselves "happily and virtuously" through the example of the lawgivers listed in the *Discorsi*.¹³⁹²

Fletcher's *Account* is all the more striking when confronted to other similar European projects for peace, which provide an additional context for the conversation. Besides the instrumental reference to Henry IV's *Grand Dessein* (1638) to justify his arbitrary "division of countries" with kingly authority,¹³⁹³ the Scot's aim was much different from the intent displayed by the *Dessein's* real author Maximilien de Béthune, duke of Sully (1559-1641). Belonging to the tradition that included Henri de Rohan's *De l'Interest des Princes* (1639), Sully's project eventually becomes a piece of monarchical propaganda to pursue French

¹³⁸⁹ See the latest studies by Delphine Thivet, "Thomas Hobbes: A Philosopher of War or Peace?", *British Journal for the History of Philosophy*, 16, n°4 (2008), pp. 701–721 and David Boucher, 'Hobbes's Contribution to International Thought, and the Contribution of International Thought to Hobbes', *History of European Ideas*, 41, n°1 (2015), pp. 29–48.

¹³⁹⁰ Fletcher, *An Account of a Conversation*, p. 68.

¹³⁹¹ See Robertson's edition of the *Account*, pp. 209-210, fn. 32 and Jaap Nieuwstraten, 'A Classical Confederacy: The Example of the Achaean League in the Seventeenth-Century Dutch Republic', ed. by Wyger Velema and Arthur Weststeijn, Leiden, BRILL, 2017, pp. 109–130.

¹³⁹² Fletcher, *An Account of a Conversation*, p. 81. Together with the *Discorsi*, book II, paragraph IV, Robertson also indicates Polybius as the original source for this model in *Political Works*, p. 209 fn. 32.

¹³⁹³ *Ibidem*, p. 204 fn. 29.

objectives, consisting in an enlarged alliance for a war to curtail Habsburg supremacy. Although it revolves around the concepts of interest and balance of power, like Fletcher's, Sully's standpoint still remains bound to a national and princely perspective, which in the *Account* is totally transcended. Furthermore, the *Dessein* aimed at creating a council of European States for international arbitration, including federal elements that Fletcher rejected.¹³⁹⁴

The same necessity for a Hobbesian supranational sovereign authority to solve the problems of post-Westphalian interstate relations can also be found in the schemes proposed by the Quakers William Penn (1644-1718) and John Bellers (1654-1725), whose primary concern was religious toleration.¹³⁹⁵ Published a few years after the *Account*, Bellers' *Some Reasons for an European State* (1711) in particular drastically departs from Fletcher's logic in using the incorporating Union between England and Scotland as an example of the policy it would pursue: European countries should renounce part of their sovereignties just like the "*Welch, Scotch and Irish Kingdoms [...] now happily United in one Government*".¹³⁹⁶ Imbued with moral and ethical claims, Bellers' project did not consider extensive monarchies as the primary agents of wars, but was rather preoccupied with accommodating the different Christian faiths in a peaceful settlement. Similarly, Penn went as far as drawing a parallel between his European diet and the advantages of a universal monarchy.¹³⁹⁷

¹³⁹⁴ If anything, the territorial exchanges recommended by Sully to better France's position on the European chessboard resemble the logic of Fletcher's *Discorso*. See Maximilien de Béthune, duke of Sully, *Mémoires des sages et royales oeconomies d'Estat*, 1638 and Laurent Avezou, *Sully à travers l'histoire: les avatars d'un mythe politique*, Geneva Librairie Droz, 2001; André Puharré, *L'Europe vue par Henri IV et Sully: d'après le grand dessein des Economies royales: avec de larges extraits des Mémoires de Sully*, Pau, Monhélios, 2002; Peter Schröder, *Trust in Early Modern International Political Thought, 1598–1713*, Cambridge, Cambridge University Press, 2017, pp. 48–69.

¹³⁹⁵ Peter van den Dungen, 'The Plans for European Peace by Quaker Authors William Penn (1693) and John Bellers (1710)', *Araucaria*, 16, n°32 (2014); Andrew R. Murphy, *Liberty, Conscience, and Toleration the Political Thought of William Penn*, Oxford, Oxford University Press, 2016 and 'From Practice to Theory to Practice: William Penn from Prison to the Founding of Pennsylvania', *History of European Ideas*, 43, n°4 (2017), pp. 317–330.

¹³⁹⁶ John Bellers, *Some Reasons for an European State, Proposed to the Powers of Europe, by an Universal Guarantee, and an Annual Congress, Senate, Dyet, or Parliament, to Settle Any Disputes about the Bounds and Rights of Princes and States Hereafter*, London, 1710, p. ii.

¹³⁹⁷ William Penn, *An Essay Towards the Present and Future Peace of Europe*, London, 1693, p. 28.

Overall, it is the *Nouveau Cynée* (1623) from the monk Émeric de Crucé (1590-1648) that comes the closest to Fletcher's reflections.¹³⁹⁸ Although it involves a partial delegation of sovereignty to constitute a European council, the *Cynée* is not thinking along the lines of legal arguments, nor does its author believe in just war theories being aggressively reformulated by Grotius at the time. Rather, it considers self-interest to be the natural basis for universal peace, provided it is properly understood by kings, like Pufendorf would later concede.¹³⁹⁹ In a humanist tone reminiscent of the advices in Machiavelli's *Prince*, Crucé argues that war can never be the true interest of a sovereign, who instead of exhausting the State's finances pursuing vane ambitions should rather insist on the development of agriculture and trade of the kingdom.¹⁴⁰⁰ However, Crucé's faith in free commerce to promote universal peace among nations reveals a very different context from Fletcher's *Account*, and it still trusted monarchies as potentially pacific inhabitants of the international States-system.¹⁴⁰¹

5.9 Conclusions: the Union achieved

During the climax of his life as a pamphletist, Fletcher thus had the possibility and necessity of explicitly formulating his position. As underlined by Robertson, his primary concern was the definition of Scottish sovereignty in a way that would have avoided any interference from London and from the local aristocracy, too easily depending on the king's directives. As we have seen in the

¹³⁹⁸ It should be remarked that the *Nouveau Cynée* had a very limited circulation before its recovery in the XIX century, but Fletcher surprisingly managed to possess one of the few circulating copies of the work. See NLS MS 17863, fol. 38, and fol. 40 for the other peace projects mentioned here.

¹³⁹⁹ See chapter IV above, p. 211-212.

¹⁴⁰⁰ Emeric Crucé, *Le Nouveau Cynée, Ou, Discours Des Occasions et Moyens D'establir Vne Paix Generale & La Liberté Du Commerce Par Tout Le Monde*, Paris, 1623, pp. 7-14.

¹⁴⁰¹ Henry C. Clark, *Compass of Society: Commerce and Absolutism in Old-Regime France*, Lanham, Lexington Books, 2007, pp. 14-22; Andrew Mansfield, 'Émeric Crucé's "Nouveau Cynée" (1623), Universal Peace and Free Trade', *Journal of Interdisciplinary History of Ideas*, 2, n°4 (2013), pp. 1-23; María José Villaverde, 'The Long Road to Religious Toleration: Emeric Crucé Predecessor of the Enlightenment', *History of European Ideas*, 43, n°4 (2017), pp. 288-301.

first part of this chapter, the bold attempt resulted in the “limitations”, a reform programme in twelve points that merged different kinds of political discourses: ancient constitutionalism, civic humanism and social contract theory. Far from advocating a return to a mixed constitution, Fletcher was proposing to place sovereignty firmly into the hands of the parliament as such, balancing the estates to make them the most direct expression of the country. The dialogue in the *Account* confirms this reading, as Fletcher substantially embraces Buchanan’s and Locke’s stances on resistance, consent and popular sovereignty.

The dismissal of this audacious settlement was achieved by an aggressive propaganda, which exploited the doubts of Scottish magnates in excluding contract theory as part of Scotland’s medieval past as made of aristocratic strife and demonised the Country opposition as an expression of the Jacobite’s party, for its reluctance in silently accepting the Hanoverian succession. When the economic dimensions were added to the debates in 1705, the divergence between Fletcher’s behaviour in Holyrood and his *Account* emerged: the problem of equity made it difficult to imagine a satisfying arrangement between England and Scotland. On the one hand, in the harsh reality of Holyrood, Fletcher stuck to mercantilist measures and to a jealousy of trade of English inspiration. On the other hand, the *conversation* underlined the possibility of peaceful commerce between small entities and in the absence of overgrown metropolies. The two attitudes overlap, both being an expression of his land-based conception of economic production: a necessity to preserve Scottish riches and avoid the risks of excessive accumulation of wealth in a few centres like London.

In the *Account*, the starting example to underline the difficulties of composite monarchies to square empire with liberty is constituted by the Irish case. In this context, as the dialogue flows, Fletcher is adamant to show the limits of legitimate natural law arguments, such as those exploited by Molyneux, and of the historical way of arguing that was typical of the reason of State tradition, to be found in the contemporary debates over Scottish independence. The solution of a union with England was analysed, and Fletcher was not alone in recognising that Grotius’ definition of incorporating union used by Court propagandists constituted a sugar coated legal argument for conquest. The way in which other authors such as Fairfax and Paxton framed the issue was the familiar dichotomy

between considering extended monarchical empires as vehicles of progress and perceiving Gothic but ultimately uncivilised commonwealths of the past as peaceful and bucolic entities.

Keeping the Scottish case in mind, Fletcher's project for universal peace starts from Pufendorf's latest conception of State's sovereignty as indivisible rather than looking with nostalgia at premodern mixed constitutions. Fletcher does so to foster a cosmopolitan order that can only lay its foundations on confederated, small popular governments, able to mirror the general interest of mankind. He keeps the king's figure inside the picture both for rhetorical purposes and for his role of military commander of the leagues, but also fashions him as a virtuous Machiavellian lawgiver from Greek ancient past. As another reminder of the Scottish struggle, Fletcher does not entrust juridical devices nor just war theories to guarantee international concord, but remains firmly inside the framework of State interest and balance of power theories, somehow giving his utopian scheme a more realistic touch.

Fletcher's project was not his last move of some intellectual relevance in respect to the Union. Before the last Scottish parliament was again convened in October 1706 to discuss the Treaty of Union, in a conversation with James Erskine "he urged his old argument which he believed invincible that the Parliament could not ratify a Union unless called expressly for that effect".¹⁴⁰² As in many of the pamphlet considered above, Fletcher eventually sustained that Holyrood had neither the power nor the right to change the fundamental constitution of Scotland without the consent of the people. While Robertson pointed out this would simply mean to insist on the feudal status of a minority of electors formed by Scottish gentlemen and thus ultimately reassert a Gothic kind of mixed constitution,¹⁴⁰³ both Jacobites and Country supporters resorted to this argument in a last minute attempt to prevent the ratification of the treaty, together with the most radical anti-unionist members of the Presbyterian Kirk.¹⁴⁰⁴

¹⁴⁰² James Erskine to his brother, the earl of Mar, 20th of August 1706, in *Report on the Manuscripts of the Earl of Mar and Kellie*, p. 273.

¹⁴⁰³ John Robertson, 'An Elusive Sovereignty: The Course of the Union Debate in Scotland 1698-1707', in *A Union for Empire*, pp. 198-227 (pp. 218-220).

¹⁴⁰⁴ Macinnes, *Union and Empire*, p. 256; Stephen, *Scottish Presbyterians*, pp. 109-134.

The result was the attempt from the minister Robert Wylie to promote a gathering of the petitioners that had flooded Holyrood with addresses against the Union to ask for answers from Queen Anne. When the situation escalated, in December Fletcher started organising the rally with Atholl and the Jacobite wing of the Country party, while another address demanding new elections as the true expression of the people was composed. The contemporary draft of a manifesto by Wylie, justifying an armed rising to impose the dismissal of the Union by force, contained much of Fletcher's Country rhetoric displayed in his last interventions in Holyrood. Its populist tones included among the constituents not only the freeholders, but also the parish and burgh militias, composed of all the fencible men of the nation according to Fletcher's approved act of 1703. Although the internal divisions of the anti-union side ultimately made the attempt abortive, Fletcher's idea of sovereignty might have proved more radical than initially thought.¹⁴⁰⁵

¹⁴⁰⁵ See in the *Report on the Manuscripts of the Earl of Mar and Kellie*, the correspondence in pp. 289-292, 293-295, 303-306, 308-311, 323-326; Karin Bowie, 'Popular Resistance and the Ratification of the Anglo-Scottish Treaty of Union', *Scottish Archives*, 14 (2008), pp. 10-26 and 'A 1706 Manifesto for an Armed Rising against Incorporating Union'.

CONCLUSIONS

“I received [...] the valuable volume you were so good as to send me on the life and writings of Fletcher, of Saltoun. The political principles of that patriot were worthy the purest periods of the British Constitution; they are those which were in vigor at the epoch of the American emigration. Our ancestors brought them here, and they needed little strengthening to make us what we are”

Thomas Jefferson to David Steuart Erskine, earl of Buchan, 10th July 1803

After the treaty of Union was approved and the Scottish parliament was dissolved in May 1707, Fletcher ceased to publish his poignant pamphlets. Although he was imprisoned in 1708 in Stirling Castle in connection with Jacobite plotting, he never supported a return of James Stuart on the Scottish throne, “for I hate the thoughts of the Pretender as much as any man breathing”.¹⁴⁰⁶ In September 1708 he moved to London, where he enjoyed the company of Tory fellow countrymen, still hoping to overturn the ratification of

¹⁴⁰⁶ Andrew Fletcher to Henry Fletcher, 6th June 1716, in Irene J. Murray, ‘Letters of Andrew Fletcher of Saltoun and His Family’, in *Miscellany X*, Scottish History Society, Edinburgh, 1965, pp. 149–164 (p. 164); Jeffrey Stephen, *Defending the Revolution: The Church of Scotland 1689–1716*, London, Routledge, 2016, pp. 160–161; Daniel Szechi, *Britain’s Lost Revolution?: Jacobite Scotland and French Grand Strategy, 1701–8*, Oxford, Oxford University Press, 2017, pp. 123–126.

the treaty. Fletcher never sat in the British parliament, but he followed its first steps passionately, commenting on issues such as the impositions on Scottish linnen exports to America or the malt tax to be imposed north of the Tweed. Before leaving for the continent and dedicate himself to the education of his nephew in 1711, he swore in an outburst of frustration, “god damne him if there be such cockneys in the whole world as the English, and that he may possibly pass thorrow their country but that he will never live in it again.”¹⁴⁰⁷

By way of conclusion, I will focus on two main aspects. First, I will outline the interpretation of Fletcher’s thought as it developed in the previous chapters. This will be achieved by summarising the contents of the chapters and by presenting a more general picture. Secondly, another section will briefly address the reputation and reception of Fletcher’s writings. In doing so, I will show the consistency of my interpretation, and reflect on the further developments this study could take from here, to recover additional dimensions of Fletcher’s thought.

1. Andrew Fletcher’s political thought

As reported in the introduction, in the more recent historiography Fletcher is part of the narrative that introduces civic humanism in Scotland, soon to be transformed in a civil and polite equivalent during the Scottish Enlightenment. Pocock’s interpretation, considering the British strand of republicanism *per se*, categorises Fletcher as a neo-Harringtonian thinker, who shared with Algernon Sidney a nostalgic perception of the warlike nobility of the past. In drawing a sharp line of distinction between the Whig modernity of Defoe and the civic humanist language expressed by the anti-army propagandists, Pocock firmly situates Fletcher amongst the latter. Robertson, in his work on the

¹⁴⁰⁷ ‘Letters of Lord Balmerino to Henry Maule, 1710-13, 1721-22’, in *Miscellany XII*, ed. by Clyve Jones, Scottish History Society, Edinburgh, 1994, vol. VII, 123-138, 151-158 (p. 138).

militia issue, adds a particular Scottish context to reach the same conclusion: Fletcher's ideal post-feudal order looks back at the model of the ancients.¹⁴⁰⁸

In the second chapter, I sought to demonstrate the modernity of Fletcher's *Discourse of Government* in the context of the standing army controversy. The Scot embraces a Harringtonian historical perspective of European scope that rules out the Gothic alternative. But as a crucial difference with Harrington, Fletcher claims the right to use the sword for the people and requires landless citizens to be armed too.¹⁴⁰⁹ In the light of these daring assertions, he cannot be categorised amongst neo-Harringtonian propagandists, with whom he nevertheless shared the language and the immediate political goal of disbanding William's army. Their ultimately conservative debate on corruption becomes for Fletcher a real discussion on tyranny, bringing him closer to English republican authors of the previous generation such as Henry Neville, Algernon Sidney and John Milton.¹⁴¹⁰ Additionally, from a Scottish perspective his position also remarkably stretches the limits of the traditional Buchananite model of the aristocracy in arms. When contextualised within the political battle in Holyrood in 1703, Fletcher's plan for a militia reveals a radical understanding of the issue that goes far beyond any other composition published during the debates.

The same emphasis on the practical intentions behind Fletcher's classical republican language is central to the third chapter. Robertson in particular highlighted the ultimately illustrative nature of the *Two Discourses*,¹⁴¹¹ which tried to frame economic development in a civic humanist order, derived from Harrington's *Oceana*. Whilst this utopian inspiration shows in many passages of his compositions, I demonstrated how Fletcher attempted to shape Scotland as a

¹⁴⁰⁸ J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition*, Princeton, Princeton University Press, 1975; John Robertson, *The Scottish Enlightenment and the Militia Issue*, Edinburgh, John Donald, 1985; J. G. A. Pocock, 'England's Cato: The Virtues and Fortunes of Algernon Sidney', *The Historical Journal*, 37, n°4 (1994), 915–935.

¹⁴⁰⁹ Pocock himself acknowledges Harrington's position in 'Standing Army and Public Credit: The Institutions of Leviathan', in *The World of William and Mary: Anglo-Dutch Perspectives on the Revolution of 1688-89*, ed. by Dale Hoak and Mordechai Feingold, Stanford, Stanford University Press, 1996, pp. 87–103.

¹⁴¹⁰ Again *contra* John G. A. Pocock, *Politics, Language, and Time: Essays on Political Thought and History*, Chicago, University of Chicago Press, 1989, pp. 125–126.

¹⁴¹¹ The latest claim in this sense can be found in John Robertson, *The Case for the Enlightenment: Scotland and Naples, 1680-1760*, Cambridge, Cambridge University Press, 2005, pp. 168–170.

productive engine, following the contemporary English model of agrarian capitalism discussed and carried out in London. The rationalisation of the rents' payment, of the allocation of lands and of the nation's working force follows the precepts and logic of William Petty and Charles Davenant, whose theories were introduced in Scotland in the 1690s. In addition, the suggestion of lowering the interest rate on money is taken from Josiah Child's writings. Finally, Fletcher's proposal for domestic serfdom is exemplary in showing the difficulties of squaring the status of landless labourers at the end of feudal order for both natural law theorists and civic humanists. John Locke's scheme, similar to Fletcher's, confirms these difficulties and the republican ambivalence of refusing the definition of slavery to define the condition of the poor forced to work for the good of the commonwealth. In sum, Fletcher was incorporating very realistic elements of contemporary economic discourse in his work, rather than simply imagining an uncorrupted republic of the past to expose Scotland's feudal failures.

In particular, Fletcher's land-centered conception of political economy was at the core of the Tory party in England, and represents a tension in the Scot's otherwise radical Whig political beliefs.¹⁴¹² When coupled with mercantilist measures, it was the main theoretical resource for the Scottish landowner, willing to generate and keep wealth at home from London, as further shown by his position in Holyrood in the fifth chapter above. Fletcher's acknowledged model of the State as a *dirigiste*, Pufendorfian entity was necessary and compatible with his primary goal of preserving Scotland's sovereignty and independence. But whilst this strand of 'jealousy of trade' is present in Fletcher's pamphlets and initiatives, especially when he is confronted with the realism of his political battles at home, the fourth chapter above has shown how he was simultaneously criticising the ultimate consequences of this logic, and taking different paths.

The Italian *Discorso*, I sought to argue, transcended the theoretical boundaries of Reason of State through a redefinition of its European canon. As

¹⁴¹² The category is defined in Steven Pincus, *1688: The First Modern Revolution*, Yale, Yale University Press, 2014, pp. 366–400.

suggested by Robertson,¹⁴¹³ in using the language of Botero and Machiavelli, Fletcher revived the threat of Campanella's universal monarchy. But the *Discorso* did not illustrate the old version of expansive and territorial monarchies, rather pointing at their dangerous evolution towards commercial empires. Using, among other republican sources, the suggestions of de la Court, also echoed in England, Fletcher's showed how Spain could have realised a fenced monopolistic empire like the English and the Dutch, blurring the distinction between republics and monarchies. His contemporary support and defence of the Darien venture confirms Fletcher's opposite preference, based on free international trade and legitimate natural law arguments, respectful of other communities. The successive *Speech* further makes it clear that for Fletcher a universal monarchy based on commerce was Europe's main threat and William's real objective.

Accordingly, as indicated in the economic section of the fifth chapter, Fletcher's conception of production as based on land also made it possible to propose the equitable distribution of resources at the centre of the *Account*. Again, as with the *Two Discourses*, the classical inspiration of Fletcher's conversation is clear. But the latter rests its foundations on the same understanding of economy, which was very much contemporary and in his setting strongly egalitarian. Fletcher's project of Europe definitely included trade among its different societies, with the latter receiving the same amount of resources to promote it peacefully. In this fundamental vision, the irritable mercantilist MP in Holyrood and the republican utopist writer overlap as two sides of the same coin. The discerning feature of the *Account*, however, was that small popular governments would match the general interest of mankind.¹⁴¹⁴

This enabled me to sum up Fletcher's idea of government, reconstructed in different chapters of this study. The 1701 *Speech*, for instance, denounced the corruption of Westminster's MPs and its self-interested factions, harbingers of tyranny. As in the militia piece, Fletcher confirms to be a radical republican calling for substantial virtue and self-government rather than constitutional

¹⁴¹³ To be found in John Robertson, 'Andrew Fletcher's Vision of Union', in *Scotland and England, 1286-1815*, ed. by Roger A. Mason, Edinburgh John Donald Publishers LTD, 1987, pp. 203-225.

¹⁴¹⁴ Istvan Hont, *Jealousy of Trade: International Competition and the Nation State in Historical Perspective*, Cambridge, Harvard University Press, 2005, p. 66.

arrangements only.¹⁴¹⁵ The emphasis on his militia camps as a “great School of Vertue”¹⁴¹⁶ again sets him apart from Harrington’s insistence on detailed mechanisms for the stability of the commonwealth. Fletcher’s conception of liberty is Machiavellian, positive and requiring a direct political participation, while he tellingly leaves freedom as non-domination to the servants of the *Two Discourses*. In this sense, he belongs to the civic humanist tradition and feeds Phillipson’s interpretation focusing on civil virtue and education.¹⁴¹⁷

In accepting Bowie’s attention to the practical terms of the Union debates, I was able, in the fifth chapter, to illustrate the nature, importance and perception of Fletcher’s proposals in Holyrood. When confronted with the possibility of giving a constitutional vest to his version of popular government, Fletcher’s preference was for a parliamentary sovereignty. The most interesting feature of his “limitations” rests in their eventually overcoming the Scottish narrative of a baronial and mixed monarchism, by eliminating the differences between high aristocracy and the lesser gentry and designing a modern constitutional monarchy, appealing to a Pufendorfian idea of indivisible sovereignty. The only remainder of any Gothic nostalgia in his works is the role of the king as a commander of the people in arms. Additionally, Fletcher merged elements from George Buchanan, Sidney and Locke to elaborate his Scottish constitution. The bold reassertion of right of resistance and contractual theories, when united with his anti-aristocratic stances, was ultimately impossible to square with Scotland’s monarchical culture and the traditional claims of its nobility.

In the last part of the fifth chapter, I eventually addressed the issue of Union as such, revisiting Robertson’s latest works.¹⁴¹⁸ In the *Account*, Fletcher is concerned with the natural rights to survival of communities, as advocated by William Molyneux for the Irish case. The Scot’s definition of union by conquest,

¹⁴¹⁵ On the division between republicans focusing on the rule of law and those stressing the role of virtue, see Quentin Skinner, *The Foundations of Modern Political Thought: Volume 1, The Renaissance*, Cambridge, Cambridge University Press, 1978, pp. 40–48.

¹⁴¹⁶ Andrew Fletcher, *A Discourse of Government with Relation to Militia’s*, Edinburgh, 1698, p. 60.

¹⁴¹⁷ See in particular Nicholas Phillipson, ‘Politics, Politeness and the Anglicisation of Early Eighteenth-Century Scottish Culture’, in *Scotland and England, 1286-1815*, ed. by Roger A. Mason, Edinburgh, John Donald Publishers LTD, 1987, pp. 226–246.

¹⁴¹⁸ *A Union for Empire: Political Thought and the British Union of 1707*, ed. by John Robertson, Cambridge, Cambridge University Press, 1995.

disguised as incorporation in Grotius' legal arguments, retraces the analysis of State-building processes of the XVth and XVIth-century composite monarchies in contemporary commentators. Knowing these historical developments were irreversible, the last part of the *Account* turns into a utopian scheme for the perpetual peace of Europe, to redress them. In describing his plan, Fletcher combines the theoretical instruments of his political battles, shaping a Pufendorbian system of confederacies, constituted by independent popular sovereignties in perpetual balance of power with each other. His distrust for legal arguments and the pacification of Europe through commerce, emerged from his personal experience of the union of the crowns, made Fletcher eventually start from the premises of a Hobbesian international order to reaffirm the natural universal rights to self-preservation. When compared with other similar peace projects like Henry IV's *Grand Dessein* or Émeric de Crucé's, this peculiarity emerges clearly, together with an authentic cosmopolitan spirit.

In sum, two main points emerge from this study. Firstly, as Robertson had initially made clear,¹⁴¹⁹ civic humanism includes different strands of language and thought, which ultimately go beyond Pocock's original paradigm. In the five chapters above, I sought to highlight how Fletcher's republicanism incorporated and had a dialogue with a rich variety of traditions, from legal formulations, ancient constitutionalism and Reason of State to natural law theories, political arithmetic and utopian discourses. In this sense, this thesis enlarges the scope of analysis, developing a more general picture of Fletcher's thought. What emerges is a figure eventually close to Buchanan for his Stoic civic humanism and Aristotelian natural law theory. Furthermore, Fletcher shared with Sidney the acute perception of historical processes, an international setting for his struggle and a strong aversion for the Court and monarchy. The Scot's republicanism was thus embracing distinctively Scottish, English and continental models.

Secondly, in comparing his two different *personae*, that is the rebellious and quick-witted political activist with the author of the pamphlets considered here, a further conclusion should be drawn. Although the two aspects tend to diverge in present historiography, Fletcher's conception of sovereignty and

¹⁴¹⁹ John Robertson, 'The Scottish Enlightenment at the Limits of the Civic Tradition', in *Wealth and Virtue: The Shaping of Political Economy in the Scottish Enlightenment*, ed. by Istvan Hont and Michael Ignatieff Cambridge, Cambridge University Press, 1983, pp. pp. 137-178.

political economy remains coherent in both. Combined, they permitted a strenuous opposition to English policies based on their own mercantilist guidelines to trigger economic development, which presupposed a reinforcement of the Scottish State and its parliament. But in the *Account*, the two also resulted in a strongly and substantially egalitarian setting, based on confederated popular sovereignties and cosmopolitanism. As we will briefly see in the next section, the most powerful legacy of Andrew Fletcher's thought resides in this radical vision of politics.

2. Circulation, reception and further developments

An example of how Fletcher's ideas were perceived from a Jacobite perspective can be found in the diary of the antiquarian Thomas Hearne. Attentive to any new publication, Hearne noted "they are reprinting at London the scarce Pieces of that famed Republican Fletcher of Saltoun, the only man of this age that ever faithfully adhered to his principles, bad as they were, and acted accordingly".¹⁴²⁰ A first edited collection of Fletcher's works was published in London in 1732 and again in 1737 without any substantial change, as both included a short sketch of his life.¹⁴²¹ Later famous for his reproductions of French Enlightenment's classics, the printer Robert Urie in Glasgow prompted a third edition in 1749, with an English translation of the *Discorso delle Cose di Spagna*.¹⁴²² Whilst a systematic study to fully appreciate how these copies circulated is still lacking, I did find some traces of Fletcher's writings in different contexts.

¹⁴²⁰ Thomas Hearne manuscript Diary, cxxx, 17th August 1731, as quoted in Robert Andrew Scott Macfie, *A Bibliography of Andrew Fletcher of Saltoun 1653-1716*, Edinburgh: priv. print., 1901, p. 23.

¹⁴²¹ Andrew Fletcher, *The Political Works of Andrew Fletcher, Esq*, London, A. Bettesworth & C. Hitch, 1732 and, *The Political Works of Andrew Fletcher*, London, J. Bettenham, 1737.

¹⁴²² Andrew Fletcher, *The Political Works of Andrew Fletcher, Esq.; of Saltoun*, Glasgow, Printed by R. Urie, for G. Hamilton and J. Balfour, 1749.

A recent essay by Iain McDaniel has in part covered the reception of Fletcher's thought in XVIIIth-century Scotland, focusing on the cosmopolitan aspect of his republicanism as formulated in the *Account*. Besides the well-known reading of his works in the contexts of the Scottish Enlightenment, already presented in the introduction, there is a radical political dimension of Fletcher's pamphlets that survives both home and elsewhere, and deserves to be recovered fully.¹⁴²³ As in the exemplary quotation above from Thomas Jefferson's correspondence with David Steuart of Erskine, Earl of Buchan, several editions of Fletcher's works were for instance circulating in the United States of America.¹⁴²⁴ Jefferson's position in particular shows striking correspondences with Fletcher's principles.¹⁴²⁵ But the migration of civic humanist canons in the former English colonies underlined by Pocock began way before their independence from London.

Actually, Fletcher's first reception can be attested when he was still alive and battling in Holyrood against the Union. His good friend James Blair, the clergyman founder of the College of William and Mary in Virginia, introduced his works on the other side of the Atlantic Ocean. Together with a member of the colonial Council, Benjamin Harrison, in 1705 Blair resisted the governor Francis Nicholson's attempt to expand the local militia in a standing army, sponsored by the colony and under his control.¹⁴²⁶ The handbooks of his opponents, Nicholson lamented to the Board of Trade in London, were the Scottish edition of Fletcher's militia pamphlet and his freshly printed speeches delivered in Edinburgh. Before eventually being deposed and sent back home, Nicholson confessed he was

¹⁴²³ Iain McDaniel, 'Peace, Commerce and Cosmopolitan Republicanism. The Legacy of Andrew Fletcher in Late-Eighteenth-Century Scotland', in *Commerce and Peace in the Enlightenment*, ed. by Béla Kapossy, Isaac Nakhimovsky, and Richard Whatmore, Cambridge, Cambridge University Press, 2017, pp. 192–215.

¹⁴²⁴ The passage at the opening of this section is taken from Thomas Jefferson and Henry Augustine Washington, *The Writings of Thomas Jefferson: Correspondence*, New York, H. W. Derby, 1859, vol. IV, pp. 493–494. In the 1760s and 1770s, Fletcher's writings were for sale in Philadelphia and South Carolina, see Trevor Colbourne, *The Lamp of Experience*, Indianapolis, Liberty Fund, 1965, pp. 145–162.

¹⁴²⁵ Bruce Lenman, *Integration and Enlightenment: Scotland 1746-1832*, Edinburgh, Edinburgh University Press, 1992, pp. 73–76.

¹⁴²⁶ Samuel Clyde McCulloch, 'The Fight to Depose Governor Francis Nicholson--James Blair's Affidavit of June 7, 1704', *The Journal of Southern History*, 12, n°3 (1946), pp. 403–422; Kevin R. Hardwick, 'Narratives of Villainy and Virtue: Governor Francis Nicholson and the Character of the Good Ruler in Early Virginia', *The Journal of Southern History*, 72, n°1 (2006), pp. 39–74; Steven C. Bullock, *Tea Sets and Tyranny: The Politics of Politeness in Early America*, Philadelphia, University of Pennsylvania Press, 2016, pp. 19–49.

worried that Fletcher “is now seen through and well enough knowne in the country” and could have reached a dangerous level of popularity in the future.¹⁴²⁷

Much to Nicholson’s posthumous regret however, the anti-tyrannical force contained in Fletcher’s militia pamphlet had a strong influence on the Second Amendment to the constitution of the United States (1791). The links between this achievement and the failed attempts to reintroduce a militia in the British context show how the *Discourse of Government* was abundantly read and quoted.¹⁴²⁸ Examples in this sense come from the different proposals of the American general Henry Knox, aimed at both creating an efficient fighting force and preserving republican values against any attempt of centralisation.¹⁴²⁹ The same applies to the *Political Disquisitions* (1774) of the republican reformer James Burgh, widely read and appreciated overseas. In Burgh’s British militia, however, the crown would name the officers and the landowners only would participate. Eventually arguing for a return to a mixed government of Gothic descent, Burgh kept an overall more conservative position when compared with Fletcher’s.¹⁴³⁰

Another fertile ground for Fletcher’s ideas in same period was the United Provinces. As the leader of the Patriot party opposing another William of Orange’s conservative rule, the political activist Johan van der Capellen used the language of early modern republicanism of British commonwealthmen to shape his propaganda, through the translation of their most important works. In 1774,

¹⁴²⁷ See Governor Nicholson to the Council of Trade and Plantations, 1st March 1705, ‘America and West Indies: March 1705, 1-5’, in *Calendar of State Papers Colonial, America and West Indies*, ed. by Cecil Headlam, London, 1916, vol. 22: 1704-1705, pp. 395–428.

¹⁴²⁸ David Thomas Konig, ‘The Second Amendment: A Missing Transatlantic Context for the Historical Meaning of “The Right of the People to Keep and Bear Arms”’, *Law and History Review*, 22, n°1 (2004), pp. 119–159; H. Richard Uviller and William G. Merkel, ‘Scottish Factors and the Origins of the Second Amendment: Some Reflections on David Thomas Konig’s Rediscovery of the Caledonian Background to the American Right to Arms’, *Law and History Review*, 22, n°1 (2004), 169–177.

¹⁴²⁹ See in particular Henry Knox, *A Plan for the General Arrangement of the Militia of the United States*, Washington, 1790 and Mark Puls, *Henry Knox: Visionary General of the American Revolution*, St. Martin’s Press, 2008. For context, see Lawrence Delbert Cress, *Citizens in Arms: The Army and Militia in American Society to the War of 1812*, Chapel Hill, University of North Carolina Press, 1982, pp. 80–84, 90–92, 116–119.

¹⁴³⁰ James Burgh, *Political Disquisitions*, 3 vols., Philadelphia, 1775, vol. III, pp. 399–404; C. H. Hay, ‘The Making of a Radical: The Case of James Burgh’, *Journal of British Studies*, 18, n°2 (1979), pp. 90–117; Isaac Kramnick, ‘Republicanism Revisited: The Case of James Burgh’, *Proceedings of the American Antiquarian Society*, 102 (1992), pp. 81–98.

he translated Fletcher's *Discourse of Government*, to push for the formation of a national militia of citizens on Machiavellian terms and without Burgh's restrictions.¹⁴³¹ His objective was to save what he perceived as the languishing mixed constitution of the Netherlands, in enhancing its popular element against the ambitions of both the aristocracy and the Stadthouder. Capellen was eventually defeated by the royalist forces in the traumatic events that led to the creation of the Batavian Republic in 1795.¹⁴³²

The turmoil and transformations that invested Europe at the end of the XVIIIth century also provoked strong echoes in Great Britain, which involved Fletcher's ideas and spirit. For instance, the London Society for Constitutional Information, founded in 1780, actively pursued parliamentary reforms through the printing and distribution of radical tracts.¹⁴³³ In 1786, it reprinted a long extract of Fletcher's *Discourse of Government*, which also appeared on *The Gentleman's Magazine* in the same year by way of advertising.¹⁴³⁴ On a purely rhetorical level, in the middle of the French revolution the radical Thomas Muir appealed to Fletcher's figure to strengthen his call for reforms in 1792.¹⁴³⁵ Buchan published an *Essay* on his life in the same year, reading Fletcher's proposals as setting up "a monarchy so limited as hardly to bear any resemblance to a kingdom".¹⁴³⁶ In 1793, Buchan also proposed a British militia to be shaped in a Fletcherian vein, down to the last and most radical detail of the

¹⁴³¹ Andrew Fletcher, *Staatkundige Verhandeling over de Noodzakelijkheid Eener Welingerigte Burger-Land-Militie van Den Heere Andrew Fletcher, Schildknaap*, trans. by Joan Derk van der Capellen tot den Pol Capellen, Amsterdam, 1774.

¹⁴³² Wyger Velema, *Republicans: Essays on Eighteenth-Century Dutch Political Thought*, Leiden, BRILL, 2007; *A Marble Revolutionary: The Dutch Patriot Joan Derk van Der Capellen and His Monument*, ed. by Arthur Weststeijn, Rome, Royal Netherlands Institute, 2011 and in particular Wyger Velema, 'Generous Republican Sentiments: The Political Thought of Joan Derk van Der Capellen Tot Den Pol', pp. 39–68.

¹⁴³³ Eugene Charlton Black, *The Association: British Extraparliamentary Political Organization, 1769-1793*, Harvard, Harvard University Press, 1963, pp. 174-201.

¹⁴³⁴ *Tracts Published and Distributed Gratis by the Society for Constitutional Information, With a Design to Convey to the Minds of the People a Knowledge of Their Rights; Principally Those of Representation. Volume the Second*, London, 1786; *The Gentleman's Magazine*, vol. DIX, 1786, pp. 375–376.

¹⁴³⁵ Gordon Pentland, 'Patriotism, Universalism and the Scottish Conventions, 1792-1794', *History*, 89, n°295 (2004), pp. 340–360.

¹⁴³⁶ David Stewart Erskine, Earl of Buchan, *Essays on the Lives and Writings of Fletcher of Saltoun and the Poet Thomson: Biographical, Critical, and Political*, London, 1792, p. 11.

nomination of the officer to be carried out by Westminster.¹⁴³⁷ Praised alongside Buchanan as a national hero, Fletcher became in the 1790s a Scottish Jacobin.¹⁴³⁸

In the public debates, Edmund Burke's *Reflections on the Revolution in France* (1790) had warned that the destruction of religion and tradition as occurred in France would eventually undermine civil society itself.¹⁴³⁹ The answer from James Mackintosh, instead of resorting to natural rights like the English radicals, rested on different grounds. His *Vindiciae Gallicae* (1792) evoked the Scottish tradition of resistance theory and the republican anti-absolutism of Fletcher, "scholar of Algernon Sidney" with the "dignity of ancient virtue".¹⁴⁴⁰ Additionally, republican revolutionary Robert Watson achieved the most impressive reformulation of Fletcher's thought, when he printed the Scottish edition of his militia piece and the *Account* as a 1798 edition of the latter's political works. In the biographical sketch and commentaries to Fletcher's writings, Watson pushed for arming the whole of the free people, the suppression of primogeniture, equal property and the overturn of the aristocratic and imperial British monarchy issued from the 1689 settlement.¹⁴⁴¹ To the reviewers of Watson's edition, Fletcher had definitely become the "prototype of a Gallic patriot".¹⁴⁴²

From what briefly reported in this section, there is a persisting legacy that, instead of placing Fletcher as the starting point for the conceptualisation of

¹⁴³⁷ David Stewart Erskine, Earl of Buchan, *Letters on the Impolicy of a Standing Army, in Time of Peace, and on the Unconstitutional and Illegal Measure of Barracks, Etc.*, London, 1793, pp. 36, 76–78, 82; James Gordon Lamb, 'David Steuart Erskine, 11th. Earl of Buchan : A Study of His Life and Correspondence', unpublished PhD Thesis, University of St Andrews, 1963.

¹⁴³⁸ John Brims, 'From Reformers to "Jacobins": The Scottish Association of the Friends of the People', in *Conflict and Stability in Scottish Society 1700-1850*, ed. by Thomas Martin Devine, Edinburgh, John Donald Publishers LTD, 1990, pp. 31–50; Gordon Pentland, "'The French Revolution, Scottish Radicalism and 'people Who Were Called Jacobins'", in *Reactions to Revolutions. The 1790s and Their Aftermath*, ed. by Ulrich Broich, H. T. Dickinson, and Eckhart Hellmuth, Berlin, LIT, 2007, pp. 85–108.

¹⁴³⁹ Edmund Burke, *Reflections on the Revolution in France, and on the Proceedings in Certain Societies in London Relative to That Event*, London, 1790.

¹⁴⁴⁰ James Mackintosh, *Vindiciae Gallicae: Defense of the French Revolution and Its English Admirers*, London, 1792, p. 316. For the debate as such, see Anna Plassart, *The Scottish Enlightenment and the French Revolution*, Cambridge, Cambridge University Press, 2015, pp. 15–23, 86–87.

¹⁴⁴¹ Andrew Fletcher, *The Political Works of Fletcher of Salton: With Notes, &c., to Which Is Prefixed a Sketch of His Life, with Observations, Moral, Philosophical and Political*, ed. by Robert Watson, London, H.D. Symonds, 1798, *passim*. On Watson, see Dominic Green, 'From Jacobite to Jacobin: Robert Watson's Life in Opposition', in *Living with Jacobitism, 1690-1788*, ed. by Allan I Macinnes, Kieran German, and Lesley Graham, London, Pickering & Chatto, 2014, pp. 185–196.

¹⁴⁴² *The Anti-Jacobin Review and Magazine*, London, 1799, vol. III, p. 424.

polite commercial societies, retains the most radical aspects of his thought, transforming them according to their contexts. This dimension demands to be explored thoroughly, both in its Atlantic and continental settings, with further investigations. But when Watson published Fletcher's pamphlets, Napoleon's troops were already ravaging Europe with extensive wars once again. The republican militarism of France and its despotic imperial degeneration disseminated doubts amongst Scottish Enlightenment thinkers, bringing Mackintosh closer to Burke and Adam Ferguson to turn his critique of warmongering civilised monarchies to large and unequal popular governments, which were unable to prevent the revival of the spirit of conquest in themselves.¹⁴⁴³

In this respect, Fletcher's critique of both Machiavellian republics for expansion and commercial imperialism again confirms the modernity of his thought. But his alternative made of small polities of even resources and extent should not be categorised as an idealised version of agrarian ancient republics only. The *Account* is a wishful project that constituted the unattainable middle ground between an autarchic withdrawal from international trade and the recognition of a global interest of mankind. The extraordinary combination of patriotic civic republican principles and sincere cosmopolitanism inevitably gave birth to theoretical tensions, echoing in present historiography. These tensions, which lay at the heart of Fletcher's conception of international relations in a post-Gothic world, are still central today.

¹⁴⁴³ Iain McDaniel, *Adam Ferguson in the Scottish Enlightenment: The Roman Past and Europe's Future*, Harvard, Harvard University Press, 2013.

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