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Inevitable Rebellion: The Jacobite Risings and the Union of 1707

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Resistance, historically, has been an inevitable facet of empire-building. Despite centuries of practice in the art of empire creation and destruction, no power has been able to develop a structure durable enough to overcome all threats, both externally and internally. The British Empire is no exception. By the 18th century, England found itself with several nations opposing its expansion, the most notable among them Spain and France. Despite this enmity, England was determined to extend its reach, fixing its gaze on Scotland with the hopes of merging the two nations. This idea was not a new one. English Parliament tried multiple times throughout the 17th century to convince the Scottish government to consider uniting the two countries, effectively transforming them into a superpower to rival any other currently in existence.¹ Scotland, however, was wary of such a unification, fearing for their own sovereignty and the preservation of their way of life. By 1707, however, the fragility of their economic system and the repercussions of the Alien Act imposed by England in 1705 left them with no alternative. On May 1, 1707, Scottish Parliament signed the Acts of Union with England, effectively joining the two nations under the name Great Britain. While the Union of 1707 served as an important starting point in the English quest for unification, it was not powerful enough to truly prevent insurgency among Scottish natives. By failing to follow through on promises regarding economic policy and equality between the nations, and severely underestimating the influence of the Highland lords, English Parliament left itself vulnerable to losing part of the Empire to the Jacobite Rebellions that spanned the 18th century. They were unable to truly control both the Highlands and the Lowlands until they took more forceful and extreme actions

¹ Brown, P.H.. "The Legislative Union of England and Scotland." Lecture, The Ford Lectures from Hilary Term, Oxford, 1914, 2.

in the aftermath of the final rebellion of 1745, using propaganda and cultural suppression to fully integrate Scotland into the rapidly expanding British Empire.

At the time of England's proposal for unification, Scotland was drowning in debt. In 1695 after seven years of crop failures, pressure to end famine and bring prosperity to the nation was building, increasing the need for decisive action on the part of the ruling classes.² It was at this point that William Paterson, a merchant and banking projector, suggested the establishment of a branch of the East India Trading Company based in Scotland. Through such a venture Scotland could expand its influence as a trading power, and slowly rebuild their economy. In 1695, Scottish Parliament authorized both the establishment of the Scotland Trading Company and the Darien Scheme, an expedition to the Isthmus of Panama that was heavily influenced by the Scottish Estates.³ Through establishment of a merchant colony Scotland hoped to expedite the trip overseas to China and Japan, thereby reducing the time and money needed to trade with eastern Asia. From the beginning, however, the plan faced nearly insurmountable obstacles. Though the venture had overwhelming support in Scotland itself, the monarchy looked on it less favorably, leading any and all London merchants who expressed interest in investing to hastily withdraw their offers.⁴ Upon arrival in Panama they found the land swampy, disease-filled, and claimed by angry Spaniards determined to defend their territory.⁵ Without the monarchy's

² Bambery, Chris. "Union, Jacobites, and Popular Unrest." In *A People's History of Scotland*. London: Verso, 2014, 54

³ Storrs, C. "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, no. 1 (1999): 5-38. Accessed December 3, 2014.
<http://web.b.ebscohost.com.proxy.lib.pdx.edu/ehost/detail/detail?sid=2f841761-b60e-4d55-91a1-9ac7d473d033@sessionmgr115&vid=0&hid=109&bdata=JnNpdGU9ZWwhvc3QtbGl2ZQ==#db=hia&AN=1577314>.

⁴ Ibid, 11

⁵ Ibid, 12

protection, the Scottish colonists spent two years desperately trying to hold off Spanish forces without any naval power or true military force before surrendering in 1700 after losing 2,000 men in an expedition that was doomed from the beginning.⁶ The Darien Scheme was a devastating blow to Scottish society, not only because of lives lost, but because it represented “the complete failure of the energetic attempts by the elites, from the Privy Council to individual investors, to promote economic development and find the capital to invest in it.”⁷ By 1705 external pressure from England was compounding problems created by the Darien Scheme, further weakening both Scotland’s economic state and their resolve.

The two nations had been in a “legislative war”⁸ since 1701, with both sides passing laws in defiance of each other’s proposals. The Alien Act was the culmination of these efforts, and the repercussions in Scotland were huge. An embargo on Scottish goods to both England and its colonies cut maritime trade by fifty percent, crippling Scotland’s already fragmented economy which was struggling to recover after twenty five percent of Scotland’s total liquid capital had been lost during the Darien Scheme. The Act also threatened inheritance rights for Scottish nationals living in England, causing unrest among Scotland’s elite. Through this piece of legislation, English Parliament hinted at the dangers of refusing to unite the two nations. England had the power to destroy the Scottish economy and take away the property of many of its citizens, and unless Scotland agreed to their proposals that was exactly what they would do. In 1706 Scotland relented, activating a provision added to the end of the Alien Act that suspended

⁶ Bambery, 55

⁷ Mackillop, Andrew. *Forging the State: European State Formation and the Anglo-Scottish Union of 1707*. Dundee: Dundee University Press, 2009, 52.

⁸ Macinnes, Allan I. "Securing the Votes, 1706-1707." In *Union and Empire: The Making of the United Kingdom in 1707*. Cambridge: Cambridge University Press, 2007, 39.

the legislation as a whole following Scotland's entrance into negotiations surrounding an Act of Union with England.

The Acts of Union were passed in both England and Scotland following an agreement on the Treaty of Union in 1706. The commissioners chosen by the two nations entered negotiations with specific provisions they wished to include, and both came out relatively pleased with the outcome.⁹ For Scotland, union served to bolster a failing economy by introducing new sources of revenue. This was achieved through Article VI, which stated that "all parts of the United Kingdom for ever from and after the Union shall have the same Allowances Encouragements and Drawbacks and be under the same Prohibitions Restrictions and Regulations of Trade..."¹⁰ In addition to dramatically expanded maritime trade the Scots received reparations to help counter debt from the Darien Scheme; this clause played a large role in pushing the Acts of Union with England through Scottish Parliament, as many investors in the Scheme were members of the elite, and highly influential in politics.¹¹ Through these proposals, as well as the promise that "the Laws...to which Scotland is by virtue of this Treaty to be liable be the same in Scotland from and after the Union" unless "contrary to or inconsistent with this Treaty" England paved the way for its own demands, the most significant being acceptance of Hanoverian Succession.¹² Because England was, at the time, engaged in hostilities with France, one of the primary objectives of their commissioners during unification was to prevent Scotland from aiding or

⁹ Bacon, Francis, and Christopher Irvine. *The Union of the Two Kingdoms of Scotland and England, Or, The Elaborate Papers of Sir Francis Bacon*. Edinburgh: [publisher Not Identified], 1670, 31-44.

¹⁰ "Union with England Act 1707." UK Statute Law Database. May 1, 1707. Accessed December 5, 2014. <http://www.legislation.gov.uk/aosp/1707/7/contents>.

¹¹ Storrs, 6

¹² "Act of Union 1707." UK Parliament: Living Heritage. Accessed March 12, 2015. <http://www.parliament.uk/about/living-heritage/evolutionofparliament/legislative/scrutiny/act-of-union-1707/>.

joining the French. These representatives decided to achieve this by promoting Hanoverian Succession, as it prevented the Stuart line from taking the throne and aligning Scotland with France.¹³ England also gained several other provisions by the time treaty negotiations had adjourned, including the agreement that Scottish and English Parliament would merge, and meet in England.

Despite the promises made by England during the unification process, economic rehabilitation in Scotland was less than successful. While there were apparent economic benefits for the nobility and landowners, who “sensed that union would open up new opportunities to them: in London, in the army and through being able to sell their cattle and other produce to England” they represented a very small part of the socioeconomic makeup of Scotland.¹⁴ The benefits of maritime trade afforded to them by the union only applied to the elite, and the rest of Scotland faced a new, far less attractive economic reality after 1707. New taxes imposed on the brewing industry, specifically the Malt Tax “helped to undermine a wide range of Scottish endeavours, as well as entrench a culture of evasion”, specifically for poorer citizens who bought inexpensive ale.¹⁵ Indeed, these taxes served instead to limit legitimate trade in Scotland while encouraging smuggling and in some instances outright resistance.¹⁶ The Malt Tax Riots in 1725 and the Porteous Riot in 1736 both highlighted popular resentment for English intervention in the name of integration. The expansion of the cattle industry in Scotland to compensate for increased demand in England also led to many tenants being cleared off of their land in order to maximize

¹³ Davidson, Neil. *Discovering the Scottish Revolution, 1692-1746*. London: Pluto Press, 2003, 106.

¹⁴ Bambery, 57

¹⁵ Jackson, Alvin. *The Two Unions: Ireland, Scotland, and the Survival of the United Kingdom, 1707-2007*. Oxford: Oxford University Press, 2012, 122.

¹⁶ Bambery, 55

grazing.¹⁷ This accumulation of small injustices only served to strengthen resistance to the Union of 1707 in both the Lowlands and the Highlands, specifically through the Jacobite cause. As their economic situation worsened, many turned to Jacobitism as a solution to their problems, one that supported “the old monarchy”¹⁸ and was inherently Scottish. Propaganda introduced by Jacobin writers at the time of the 1715 rising appealed to those who had been caught in the deteriorating economic conditions of the time, stating that “Thus miserable is our Nation, in much worse Condition, and in a worse State of Slavery to England than ever Ireland was.”¹⁹ Through inattention to the economic state of the lower socioeconomic classes in Scotland, England revived Jacobitism as a popular resistance movement. It was estimated that somewhere between thirty and forty percent of the Lowland troops present at the time of the 1715 rising had decided to join the cause because of “economic distress and consequent antipathy for the union”²⁰. This statistic highlights not only the unhappiness of Scottish peasants in the wake of union, but also how quickly Jacobitism became a symbol of resistance to economic oppression.

Fear of subordination was also a motivating factor in the decision to embrace Jacobitism as a vehicle in resisting the Union of 1707. From the minute it was proposed to Scottish Parliament, one of the primary concerns the union held for the kingdom’s citizens was the possibility that Scotland may be reduced to a mere province, an outlying territory of an empire ruled by England.²¹ This fear was further exacerbated by an agreement made during unification regarding the merging of Parliament. As Scotland’s political representation was removed from

¹⁷ Ibid, 55

¹⁸ Jackson, 123

¹⁹ *The Miserable State of Scotland Since the Union Briefly; And the Only Way to Render it Happy Plainly Pointed Out in a Letter to a Friend*. Perth, 1716.

²⁰ Whatley, Christopher A., and Derek J. Patrick. *The Scots and the Union*. Edinburgh: Edinburgh University Press, 2006, 342.

²¹ Mackillop, 54

Edinburgh, “the majority of the population without the vote now had no opportunity to influence the political classes through petitions, demonstrations or riots.”²² The Scottish people now found themselves without a voice in the political sphere, as England took control of making decisions for the good of all Great Britain with little input from Scots, whose representation in Parliament had been strictly limited by both Whigs and Tories in England to just sixteen Peers in the House of Lords and forty five in the House of Commons.²³ This lack of representation also played a significant role in convincing Scottish lords to reject the new regime. Without a Parliament, the Scots faced a significant loss of influence in politics on a national level, leading them to favor Jacobitism and the restoration of the Stuart monarchy, as it would reestablish the hierarchy that had existed before union.²⁴ Locally, many Scots were also chafing under new restrictions imposed by the new Parliament of Great Britain, including the requirement that Scots adhere to English treason law.²⁵ Resentment only increased after the appointment of Robert Harley, who was to oversee Scotland’s political interests and manage them accordingly. Harley, however, failed to “embrace the political realities”²⁶ of Scotland, and instead created a system that dominated instead of cooperated with the Scottish people. All throughout Scotland in the aftermath of union, Scots found themselves subordinated by the English, who put their interests and concerns before those of Scotland. To the citizens of Scotland, the Union of 1707 had merely

²² Davidson, 171

²³ Acts of Union 1707, 2

²⁴ Davidson, 157.

²⁵ Shaw, John Stuart. *The Political History of Eighteenth-century Scotland*. Basingstoke, Hampshire: Macmillan Press, 1999, 40.

²⁶ Shaw, 48

been “the culmination of attempts since 1296 to destroy Scottish sovereignty”²⁷ and many of them were prepared to take action to reestablish Scotland as an independent nation.²⁸

What the English government failed to recognize about Scottish resistance to the Union of 1707 was its pervasiveness, and how powerful loyalty to the nationalist ideal was in both the Highlands and the Lowlands. Many Scots held a fierce pride for their heritage and culture, one that manifested in the form of adherence to tradition.²⁹ The influence of the lords in Scotland resulted from a respect for traditional social structure, something that the English failed to anticipate when judging how much of a threat the Jacobite uprising held. As Neil Davidson pointed out, “The Scottish lords-particularly those north of the Tay- could raise their tenants to fight; English landlords- even those formally Jacobite in politics- could only raise their tenants to vote.”³⁰ In Scotland, even those not personally angered by the changing state of politics and continuing deterioration of the economy, despite England’s promises, were still likely to fight solely because they were ordered to by their local lord, especially in the Highlands.³¹ Members of clans like the Frasers, the MacDonnells, and the Camerons were tenants under their clan chiefs, and were therefore obligated to bear arms when ordered. Because the English allowed for the preservation of heritable jurisdictions, the “set of complex, interlocking territorial domains through which irresistible pressure could be applied to tenants”³² that existed before the Union were still very much in effect by the time of both the 1715 and the 1745 risings. Additionally, because the Union of 1707 allowed much of Scottish society to remain untouched, “neither the

²⁷ Davidson, 121

²⁸ Bambery, 84

²⁹ Cunningham, Audrey. *The Loyal Clans*. Cambridge: Cambridge University Press, 1932, 8.

³⁰ Davidson, 185

³¹ *Ibid*, 186

³² *Ibid*, 186

juridical nor the military aspects of the English state had been reproduced in Scotland”³³, weakening the English judicial influence in Scotland and making it easier for the Jacobites to raise an army simply by mobilizing lords and their tenants. It was made even easier because of the “comparative lack of interest exhibited by Westminster in Scots affairs” who more often than not left the majority of their power in the hands of local authorities, allowing them to enforce laws and rules as they saw fit.³⁴ By allowing the Scottish to retain much of their own culture and local structures of power, English Parliament impeded the growth of Great Britain as a united empire and left themselves vulnerable to the rebellions of a disgruntled people.

Though the Jacobite Rebellions themselves are an uncontested facet of Scottish history, the motivations of those who fought in the uprisings are still hotly debated.³⁵ There are some who argue that the Jacobite Rebellions in Scotland were the result of dissatisfaction with the monarchy and their religious beliefs, while others cite anger over the Union of 1707. While it is true that the Jacobite cause originated in the campaign to restore the Stuarts, and therefore a Catholic family, to the throne of Scotland and England, Jacobitism did not become a popular movement until after the Union of 1707 was implemented.³⁶ The resentment caused by the changes to Scottish society served as a catalyst, bringing the Jacobites to the national stage and giving them fodder for a campaign to raise troops. When James Stuart offered support to the clan chiefs in Scotland, he convinced them that “[James] did desire and intend to secure fair treatment for those on whom the law and government pressed hardly.”³⁷ What began as a movement to restore Catholicism to the throne grew into something more as it attracted followers dissatisfied

³³ Ibid, 190

³⁴ Jackson, 138

³⁵ Shaw, 83

³⁶ Davidson, 173

³⁷ Cunningham, 311.

by the regime under Scotland. It evoked a nostalgic ideal, promising to devolve Great Britain, restore the individual nations to their former glory and recover freedoms lost during unification.³⁸ Jacobitism may have begun as a religious movement, but it only attracted widespread support after exploiting dissatisfaction surrounding the Treaty of Union to gain the support of key members of the ruling classes and create a sentiment that would inspire Scots to join the cause.³⁹

It was not until after England's defeat of the final Jacobite rising in 1745 that reforms were made and strategies implemented to suppress insurgency and fully integrate Scotland into the British Empire. This is in large part due to the effective use of propaganda following the massive English victory at Culloden, which is seen by many as the Jacobites' final, desperate stand in defense of the Stuart cause.⁴⁰ In the wake of the battle, English propagandists "presented a peripheral and primitive view of the Jacobites in order to emphasise their barbarism and its irrelevance."⁴¹ Prints like *Sawney in the Bog House* (see Appendix I) marginalized the Jacobite cause by insinuating that its forces were idiotic cannibals unable to even use the toilet properly, helping to minimize Jacobitism as a sympathetic movement and alienate many of its supporters.⁴² Parliament also twisted propaganda created by Jacobites, using it to justify repressive legislature enacted after 1745. This legislature changed the face of Scotland both politically and socially, and filled in gaps left when the Union of 1707 was enacted. With the Abolition of Heritable Jurisdictions Act, legislation which abolished the judicial rights of

³⁸ Shaw, 85

³⁹ Bambery, 59

⁴⁰ Bambery, 66

⁴¹ Pittock, Murray. *The Myth of the Jacobite Clans*. Edinburgh: Edinburgh University Press, 1995, 10.

⁴² Davidson, 177

Scottish clan chiefs, the backbone of feudalism was eradicated, making the rising of 1745 “the last throw of...Scottish nobles who clung to their feudal rights.”⁴³ Additionally, the region was demilitarized through the Disarming Act, which not only forbid citizens from bearing arms, but also playing the bagpipes and wearing traditional kilts.⁴⁴ At the same time that English Parliament was working to suppress Scottish culture, they were making a more concerted effort to integrate rather than subjugate the Scottish people. The Jacobite Rebellions proved that indirect subjugation of the Scots would only lead to resistance, consequently, after 1745, steps were taken to unite the two nations more thoroughly. These efforts were helped in part by the sudden onset of the Seven Years’ War, in which Scottish forces played a large role in defending Britain from the French by raising twenty six regiments of forces.⁴⁵ The war and Scotland’s participation “undermined entrenched attitudes towards Scotland, even at the heart of the English political oligarchy”⁴⁶ putting the two nations on a path towards true unification.

In the centuries since Great Britain was established, several different approaches to examining Scottish resistance to unification have been formed. The most common of these is the romanticization of Scottish identity. Countless books, TV shows, and movies have “enshrine[ed] them as a romantic curio which evokes the loyalty and battleworthiness of the Highlanders while displaying them as part of an extinct society.”⁴⁷ Over time media and the stereotypes it creates have warped the world’s understanding of Scotland and its inhabitants, presenting an overly dramatic representation of Scotland before union. This marginalizes its significance in our understanding of the region today, and perpetuates a stereotype of the Scottish people as “noble

⁴³ Bambery, 66

⁴⁴ Pittock, 14

⁴⁵ Bambery, 74

⁴⁶ Ibid, 74

⁴⁷ Pittock, 9

savages” fighting for a doomed cause originally created by British Parliament in the aftermath of the ‘45.⁴⁸ Despite this dismissal, the social and political legacy of the Jacobite Rebellions has survived in several Scottish attempts to reclaim independence and fight for reestablishment of their rights. The most recent example took place in the fall of 2014, when a referendum on Scottish independence was introduced to the public. Though the referendum was unsuccessful, it demonstrates the continued resistance by the Scottish people despite over three hundred years of unification, an identity that those currently living in Scotland grew up with. Through centuries as part of the United Kingdoms, the Scottish people maintained an identity as a sovereign nation, holding it as an ideal to work towards. While the Union of 1707 and the legislation enacted to support it served to unify Scotland and England, it could not completely dispel the innate desire of the Scots to identify themselves as independent of Great Britain. What is truly fascinating about Scotland’s history is that through all the hardship and suppression they have faced, their love of their culture and respect for their heritage remained as a testament to human persistence. The endurance of a Scottish identity through centuries of change forces one to question if it is truly possible for a superpower to impose its will on another people intent on forging their own identity and destiny, or if the creation of empires is as futile as history suggests.

Appendix I

⁴⁸ Ibid, 11



Sawney in the Bog House, a piece of propaganda created in 1779 as part of the war on Jacobitism initiated by British Parliament.

Gillray, James. *National Portrait Gallery*, June 4, 1779. From National Portrait Gallery Online Database. <http://www.npg.org.uk/collections/search/portrait/mw63175/Sawney-in-the-bog-house> (Accessed December 7, 2014).

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