

The Accession of James VI and I and
English Sentiment, 1603 – 1612

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Abstract

This thesis explores the effect of King James VI and I on the English sense of national self from 1603 through 1612. It suggests that the debate regarding union between Scotland and England heightened the English sense of nationhood. Parliament's rejection of an Anglo-Scottish union constituted a response to both James' Scottish nationality and his vision of England and Scotland as equal partners within a British union, notions that ran counter to parliamentary expectations of English hegemony within the British Isles. In effect, James threatened the notion that the English held of themselves as an elect people. Ultimately, this study argues that James' reign was a fulcrum that pushed the English to re-evaluate their place within the British Isles. Although political elites re-affirmed the primacy of English cultural and political dominance in the region, many English rejected a more expansive alternate identity in the guise of Britishness.

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Introduction

“We feel not one, we see not the other.”¹ So spoke members of the English Committee for the Union in the House of Commons in 1604, expressing sentiments that ultimately blocked King James VI and I’s drive for union. In the midst of the first Westminster debate concerning the king’s objective to unify Scotland and England, the committee released its highly sceptical findings to the Commons. Impatient with its progress in the House of Commons, James decided it best to proclaim himself King of Great Britain, thereby forcing the creation of the British state. As ambiguous as the Committee’s quip might read, their brief sentence encapsulated the English conundrum. At the heart of the union debate, many of the English elite in London could not foresee a united Britain that was not manifestly English. To be British was fine, so long as it equated to English. Without realizing it, the Committee defined an early modern English national consciousness in the early Jacobean age. Ambiguous and exclusive, it closed in on itself for many observers as they turned away from a growing inclination towards Britishness.

England and Scotland eventually entered an incorporating union in 1707, but the efforts to unify the two countries into one realm became a serious prospect more than a century before with the elevation of the Scottish King James VI to the English throne in 1603.² James VI and I famously enjoyed a warm reception upon his arrival in London,

¹*Journal of the House of Commons* (April 25, 1604): I: 184-185. [Hereafter *CJ*]

² Elizabeth never officially named an heir. On her deathbed, she was asked to approve James VI of Scotland as her successor whereupon the dying queen, unable to speak, lifted her hand to her head. According to Robert Cary’s eye-witness account, those present took her gesture as a sign of approval. See

but his English parliamentarians greeted his desire for a political union between Scotland and England with strong opposition. For the Stuart monarch, a union of the two kingdoms was simply self-evident, the logical epilogue to the union of the crowns upon his assumption of rule in both kingdoms. Similar in language and Protestant affinities, and sharing one island, England and Scotland were united in his person; a parliamentary union would make his two kingdoms indivisible and ensure a peace that had for so long eluded their historical relationship. To maintain the division between the two countries was to divide James himself. Indeed, union was God's will.³ Yet, despite the efforts of the king, he could expect little more than the regnal union that the English members of Parliament would allow. Rejecting a full union of England and Scotland, the House of Commons would only countenance the legal easing of discriminatory laws against Scots in England, liberalizing laws governing trade between the two kingdoms, and citizenship rights for so-called Scottish *post-nati*. From the start of James' reign in England until his death in 1625, his dream of a full political union remained elusive.⁴

This analysis seeks to determine the state of the English sense of national belonging in the early modern period, in particular during the early years of James' reign

Robert Cary, *Memoirs of the Life of Robert Cary* (London, 1759), 176; Carole Levin, *The Heart and Stomach of a King: Elizabeth I and the Politics of Sex and Power* (Philadelphia: University of Pennsylvania Press, 2013), 168. However, the accession of James to the English throne came not from a spontaneous decision made moments before the queen's death. Rather, James became the king of England following a two-year correspondence between himself and Sir Robert Cecil and other English counsellors kept secret from Elizabeth. See John Bruce, ed., *Correspondence of King James VI of Scotland with Sir Robert Cecil and Others in England During the Reign of Queen Elizabeth with an Appendix Containing Papers Illustrative of Transactions Between King James and Robert Earl of Essex* (Camden Society, 1861).

³ James VI and I, "By the King. A Proclamation concerning the Kings Majesties Stile, of King of Great Britaine," October 20, 1604, in *Stuart Royal Proclamations*, vol. I, *Royal Proclamations of King James I, 1603-1625*, ed. James F. Larkin and Paul L. Hughes (Oxford: Clarendon Press, 1973), 94-95; James VI and I, "By the King. A Proclamation for the uniting of England and Scotland," in Larkin and Hughes, 18-19; James I, Entry Speech, in *Somers Tracts*, ed. Walter Scott. Vol. xi. (London, 1809), 62; Alan Stewart, *The Cradle King: A Life of James VI and I* (London: Chatto & Windus, 2003): 209-10.

⁴ Jenny Wormald, "The Union of 1603," in *Scots and Britons: Scottish Political Thought and the Union 1603*, ed., Roger A. Mason (Cambridge: Cambridge University Press, 1994), 17-40.

in England, in from 1603 until 1612. For practical reasons, this timeframe must remain narrow, for the object of this study is to ascertain the political, and, to a lesser degree, cultural response of the English to a Scottish monarch and to observe the effect of James' nationality and efforts to create a unitary state on English notions of themselves as a unique people. The earliest year of this study, 1603, marks the start of the Stuart king's tenure as English monarch, and with his accession, the start of his diplomatic efforts to attach Scotland to the English state. The latter year, 1612, marks what one historian has called the definitive end of those endeavours, by which time "the union project" was dead.⁵ As such, this thesis seeks to answer the following question: Did the accession of a Scottish king alter English sentiment about themselves as a people? If so, how and why? This study proffers an analysis of the consequences of James' reign on English national identity as expressed or understood by vocal members of the country's ruling elite. While it attempts to recapture the shared assumptions of the wider population, a comprehensive analysis obviously lies beyond the reach of a single study.

This investigation focuses primarily on the English response to their Scottish king and the effect of his desire for union on the national sense of self. As the union debate played such a significant role in the first few years of his reign, that controversy provides the main avenue for an exploration of the topic. An examination of the relationship between James' representation of Britishness and the political will to preserve Englishness will provide an effective vehicle by which the significance of the complex interplay between these competing national identities can be understood. Although Scotophobia informed the response of many Westminster MPs and is well documented in

⁵ Jenny Wormald, "James VI and I: Two Kings or One?" *History* 68 (1983): 207.

their speeches and in the literary record of the period, this thesis does not consider the ethnic dimension of the sense of national English belonging, nor does it seek to interpret the religious underpinnings of English identity in the early sixteenth century. Although numerous English men and women of this period identified with the Catholic faith, this study presumes that Protestantism increasingly formed the foundation of the English understanding of Britain and Britishness.⁶ With the exception of the Gunpowder Plot, which arguably solidified Protestantism's lock on the English conception of the national sense of belonging, religion played no significant role in the union debate's effect on Englishness. Rather, it was the potential threat that union posed to English culture and tradition that changed the national sense of self.

A discussion of national identity requires definition of those concepts. However, several theoretical schools of thought offer differing, and at times contrasting, hypotheses to explain the origins of national consciousness within the Western European tradition in general and England in particular.⁷ Indeed, scholars have long debated the meaning of national consciousness, and adherents of the modernist school of thought dispute the existence of such a national awareness as early as the start of James' reign in England.⁸

This present study cannot provide the definitive last word on the existence of a national

⁶ Alan MacColl, "The Construction of England as a Protestant 'British' Nation in the Sixteenth Century," *Renaissance Studies* 18, no. 4 (December 2004): 608. Protestantism becomes a "bedrock of common Britishness" in the eighteenth century. See Colin Kidd, "Protestantism, constitutionalism and British Identity under the later Stuarts," in *British Consciousness and Identity: The Making of Britain*, edited by Brendan Bradshaw and Peter Roberts (Cambridge: Cambridge University Press, 1998), 338-339. See also Linda Colley, *Britons: Forging the Nation 1707-1837* (New Haven and London: Yale University Press, 1992).

⁷ For a comprehensive overview of the disparate schools of thought regarding national consciousness and the scholars relevant to each, see Umut Özkirimli, *Theories of Nationalism: A Critical Introduction* (New York: St. Martin's Press, 2000).

⁸ According to the modernist paradigm, nationalism did not appear in Western Europe and America until the mid-eighteenth century. Anthony D. Smith, *Nationalism and Modernism* (London and New York: Routledge, 1998), 1. For another modernist perspective, see also Ernest Gellner, *Nations and Nationalism* (Ithaca, New York: Cornell University Press, 1983, 2006).

sense of self in early seventeenth-century England. It takes, however, as its starting point the assumption that many members of the English population, including the ruling elites at Westminster, possessed an awareness of themselves as a people with a common purpose. To those ends, this thesis will offer glimpses of that national self-awareness that, taken together, will attempt to provide one interpretation of the effect of James' kingship on English national sentiment.

For scholars of the modern era, national consciousness usually denotes the simple awareness of the existence of a distinct cultural and linguistic entity of which one is a part. National identity includes the cultural markers that one associates with a nation. A nation-state is the political expression of that nation, a people who share cultural and linguistic attributes distinct from other peoples and which help engender a national consciousness among that population. Nationalism is the outward, often political, expression of one's national consciousness. Scholars debate the definitions of each of these terms, and clearly the outward signs of national consciousness, national identity, and nationalism overlap with one another to a degree that they functionally reveal the same regard for country.⁹ In early modern England such uniform expressions or

⁹ Modernists reject the idea of "ancient or immemorial" nations and disallow the argument that they are "givens." For the modernist, nations are recent constructs, and as such, recently founded nationalism cannot be applied "into earlier, pre-modern collectivities and sentiments." In other words, "retrospective nationalism" proves inherently dishonest in its rendition of ancestral antecedents whose mores in the ancient and medieval periods were far different from that of today. Finally, modernists contend that nations stem not from organic, evolutionary processes originating in the historical past, but rather from relatively recent, rational, planned "historical impulses." See Smith, *Nationalism and Modernism*, 18-19. Unlike modernists, Liah Greenfeld argued that the English experience with nationalism falls within an ethno-symbolist framework, finding evidence of national consciousness in the early sixteenth century. Adherents to the ethno-symbolist paradigm of nationalism reject the modernist emphasis on nations as recent entities, claiming that evidence exists of a pre-modern national awareness in Western Europe. See Liah Greenfeld, *Nationalism: Five Roads to Modernity* (Cambridge, Massachusetts: Harvard University Press, 1992). Benedict Anderson doubted the validity of nation and nationalism, for he believed the former depends on "subjective antiquity in the eyes of nationalists" who lack historical training to realize that the nation is a modern invention. Concurrently, Anderson contended that nationalism proves inherently ambiguous and

understandings of identity were rare, and even where they existed the evidence proves insufficient to apply them to residents of every city, town and region. Nevertheless, certain groupings of people, such as the MPs at Westminster, appear to have shared a sense of national identity and certain sources with a broad popular appeal, such as ballads and plays, offer glimpses of national sentiment and attitudes towards the people of other nations. This analysis seeks to recapture these senses of identity and to observe the effect that James and his drive for union had on senses of the national self.

The argument that this thesis makes, that James' English kingship prompted the many members of the London-based ruling and social elite to become less British in outlook, rests on two types of source material. As much of the debate surrounding union occurred in the House of Commons, parliamentary records substantiate much of this investigation. Yet the possible union with Scotland worked its way into the literary works of the time, reflecting the significance of the debate to a broad swath of the English people. Members of all socio-economic strata read or listened to ballads, verse, and drama.¹⁰ The profit motive alone suggests a record that reflected its readership and audience. Along with ballads and non-literary sources, this study treats several literary works including the drama of William Shakespeare as historical artefacts to allow analysis of contemporary public discourse. *Richard II*, *Macbeth*, and *Henry VIII* seem the most apt in providing a feel for the public's response to the Scottish king, his efforts,

that the nation remains nothing more than imaginary. Although its citizens think the nation well-defined and of limited scope, they will never know each other *in toto*, and thus, the bonds that link them prove fantasy, arguing that "in the minds of each lives the image of their communion." See Benedict Anderson, *Imagined Communities* (London: Verso, [1991] 2006), 5-6.

¹⁰ Matthew Dimmock and Andrew Hadfield, introduction to *Literature and Popular Culture in Early Modern England*, ed., Matthew Dimmock and Andrew Hadfield (Burlington, Vermont: Ashgate Publishing, 2009), 6-7; Pauline Croft, "Libels, Popular Literacy and Public Opinion in Early Modern England," *Historical Research* 68, no. 167 (October 1995): 266-285.

and the Scots, all of which give definition to the national English sense of self. *Richard II*, *Macbeth*, and *Henry VIII* show the trajectory of English sentiment regarding how men and women saw themselves as a people. Written towards the end of the Elizabethan era, *Richard II* suggests a time when the English monarch was perceived as one and the same as the country. As a telling contrast, *Henry VIII*, written nine years into James' reign, indicates an era when the monarch no longer represented Englishness. Additionally, *Macbeth* reveals that some members of the London population, including some Westminster MPs, regarded themselves as more civilized than the Scots. Active in the world of theatre and drama until his retirement in 1613, Shakespeare's body of work reflects the ethos of his era.¹¹ As a national sense of belonging often find expression in overt public display, theatre reveals a current of discourse that involved the public.

Shakespeare was the focus of royal and aristocratic patronage; powerful members of the court and society supported his dramatic efforts, and as such, the playwright took an active part in the political and public discourse of the late Tudor and early Stuart periods. Like ballads and other literary sources, Shakespeare's work also reflects the state of the country's sense of self.¹² Some would argue that Renaissance writers presented an idealized vision of the nation that brought together crown, church, and land – three components that determined a person's status as English or non-English.¹³ While such images arguably reflect an era's popular sentiment and thus provide definition to expectations of national identity, research can corroborate the veracity of such sources.

¹¹ Lois Potter, *The Life of William Shakespeare: A Critical Biography* (Oxford: Wiley-Blackwell, 2012), 401-403.

¹² Robert S. Babcock, "'For I am Welsh, You Know': Henry V, Fluellen, and the Place of Wales in the Sixteenth-Century English Nation," in *In Laudem Caroli for Charles G. Nauert*, ed., James V. Mehl (Kirksville, Missouri: Thomas Jefferson University Press, 1998), 190.

¹³ Claire McEachern, *The Poetics of English Nationhood, 1590-1612* (Cambridge: Cambridge University Press, 1996), 4.

Admittedly, Shakespeare, like other early modern literary figures, wrote to entertain, but dramatic work frequently included polemical messages conveyed with much circumspection. Recognizing such political discourse leads to an understanding of the limitations that curtailed public expression and reading against the grain can uncover English societal norms of the early modern period.¹⁴ Shakespeare wrote plays that not only caught the attention of members of various socio-economic strata in early modern England, but also bridged social divisions, literally bringing people of different walks of life into one theatre. In doing so, the playwright, like other literary figures and the anonymous authors of ballads, left a record of national sympathies and antipathies that, taken together, go a long way to define Englishness in early seventeenth-century England, the time of James' accession to the English throne.

Although historians have traditionally eschewed literary sources as eye-witness accounts of past events, they often rely on them as evidence of popular politics and political culture or to gain a sense of the attitudes of the composers of those works and the people who shared them; unlike conventional archival artefacts, literary texts often provide insight into the interplay between popular and elite culture, and representations of gender, sexuality and social standing. Elizabeth Foyster has suggested that historians should be more open to trusting literary sources. She contended that literary scholars have managed, through the rigorous application of methods of textual analysis, to diminish or even dissolve the qualitative "differences between 'factual' history and

¹⁴ Donna Hamilton, *Shakespeare and the Politics of Protestant England* (Lexington, Kentucky: The University Press of Kentucky, 1992), x.

‘fictional’ literature.”¹⁵ Seen from this perspective, legal depositions and fiction are disparate forms of narrative discourse. Foyster maintained that literary works mark “historical events which had a material existence” and through careful literary criticism, they, along with other forms of written texts, can and should play a much more significant role in the research that historians conduct.¹⁶ Literary scholars have naturally made great use of literary works, treating them and their representations of Englishness – or Britishness – as the sort of primary sources that Foyster suggested. They have arguably taken the lead in the past few years in exploring the meaning of national identity in pre-modern England. Their published work helps produce a more comprehensive picture of the interaction between nation and individual.

James’ kingship influenced the way many English men and women saw themselves as a national community. Many sixteenth-century English appear to have felt a sense of national belonging, and for most, the basis of this national identity lay in their common political, economic, legal, and religious uniformity. That the monarch acted as the Supreme Head – or Supreme Governor in Elizabeth I’s case – of the national church, allowed the Tudors to garner religious and dynastic loyalty and encouraged a sense of national difference. England shared only one land border with another country, unlike most European countries, and that isolation reinforced the idea of living in a national

¹⁵ Elizabeth A. Foyster, *Manhood in Early Modern England: Honour, Sex and Marriage* (London and New York: Longman, 1999), 14-15. Like Foyster, Andrew Hadfield found historical relevance in literary sources. He maintained that sixteenth-century literature disseminated socio-cultural and political ideas, and as such worked as an “ideological cement” that “helped constitute the nation.” As part of their literary efforts, “most writers elided the distinction between Britain and England” with the consequence of “asserting an English hegemony within Britain, colonising the imagined space as English.” See Andrew Hadfield, *Literature, Politics and National Identity: Reformation to Renaissance* (Cambridge: Cambridge University Press, [1994] 2009), 8-11.

¹⁶ Foyster, *Manhood in Early Modern England*, 14-15.

community that was distant and distinct.¹⁷ Free trade within England and mercantilist practices abroad fostered an insularity that in turn kindled an awareness of a people with common objectives. These elements of national identity combined with the unifying power of a common culture, language, and flourishing literary canon.¹⁸ Yet Englishness also gained strength from the idea of existing in opposition to external forces. There is little doubt that the defeat of the Spanish Armada in 1588 helped seal a sense that the English were not simply a people apart but God's chosen on earth.¹⁹ Although the Welsh had not completely assimilated into the broader English population thereby ensuring its ethnic diversity, the break with Rome gave the English reason to believe themselves unique. To this, Brian Levack noted that the impression of being an elect nation, which he argued began with Thomas Rogers, Anthony Marten, Thomas Brightman, and John Milton – more so than John Foxe, further undergirded the sense of a unique people.²⁰

Despite hints of an English national sense of belonging in the Tudor period, the dimensions of that identity proved, broadly speaking, British. The origins of that Britishness lay largely with two medieval tracts. In a highly influential description with lasting effect, Bede described England as nearly separated from Scotland by “two inlets of the sea” (i.e., the Firths of Forth and Clyde), thereby rendering “the British part of Britain” (i.e., England) a quasi-island, territory that belonged to the Britons. To the north

¹⁷ Brian Levack, *The Formation of the British State: England, Scotland, and the Union, 1603-1707* (Oxford: Clarendon Press, 1987), 174-76; Greenfeld contends by the 1530s “nation” first came to signify “people,” suggesting a national self awareness among the English some seventy years before James VI acceded the country's throne. See Greenfeld, *Nationalism*, 30. For a discussion of Elizabeth's role as Supreme Governor of the Church of England, see Levin, *The Heart and Stomach of a King*, 14-15.

¹⁸ Levack, *The Formation of the British State*, 175-176.

¹⁹ K.J. Kesselring, “‘Berwick is Our England’: Local and National Identities in an Elizabethan Border Town,” in *Local Identities in Late Medieval and Early Modern England*, ed., Norman L. Jones and Daniel Woolf (New York: Palgrave Macmillan, 2007), 92-112; Levack, *The Formation of the British State*, 21.

²⁰ Levack, *Ibid.*, 172-73.

in Scotland lived two “savage nations,” the Scots and Picts.²¹ That Bede’s Britons were the ancestors of the Welsh was rather conveniently forgotten thanks to a later tract that ensured that the Germanic forbears of the English populated ancient Britain, a narrative that allowed subsequent generations of English to live secure in the notion that they were the rightful Britons. Completed in 1136, Geoffrey of Monmouth’s *Historia regum Britanniae* with its Brute myth suggested that England was properly the most dominant country in Britain. While Monmouth’s history provided the framework for English hegemony, Henry Tudor’s Welsh ancestry promulgated the idea that the English were the rightful heirs of the island’s British pedigree. To ensure English domination over the whole of Britain in the early sixteenth century, his son, Henry VIII, famously tried to force Scotland’s James V to agree to a betrothal between his infant daughter, the future Mary, Queen of Scots, and Henry’s five-year-old son, Edward. The Tudor king eventually resorted to military aggression, an episode now known as the Rough Wooing; more significant was his attempt to establish an English suzerainty over the Scots, a claim he based on a rather dubious assertion that a long line of Scottish kings had paid homage to their counterparts on the English throne.²² In a similar vein, Elizabeth I thought herself superior to James VI and was often annoyed when he ignored her wishes. Armed with an age-old presumption grounded in pseudo-history, the English held themselves above their Scottish neighbours, with the implication that they, the English, had the

²¹ Bede, *Bede's Ecclesiastical History of England [The Ecclesiastical History of the English People]* (731AD), ed. A.M. Sellar (London: George Bell and Sons, 1907), 23-24; Alan MacColl, “The Meaning of ‘Britain’ in Medieval and Early Modern England,” *Journal of British Studies* 45, no. 2 (April 2006): 250-51, 259-60.

²² David Armitage, *The Ideological Origins of the British Empire* (Cambridge: Cambridge, 2000), 34-38; Elizabeth A. Bonner, “The Genesis of Henry VIII’s ‘Rough Wooing’ of the Scots,” *Northern History* 33, no. 1 (1997): 36-53; Roger A. Mason, “Scotching the Brut: Politics, History, and National Myth in Sixteenth-Century Britain,” in *Scotland and England, 1286-1815*, ed. Roger A. Mason (Edinburgh: John Donald Publishers, Ltd., 1987), 67.

rightful claim to the whole of Britain.²³ Geopolitically, the English perspective was British, even if they never used that moniker to label their national identity.

Confirmation of this British outlook appears in literary sources. In his *Acts and Monuments* (1570), John Foxe revealed an implied Britishness when he included such phrases as “this our country England and Scotland.” His narrative tells of martyrs including the Scots Patrick Hamilton and George Wishart who burned north of the border for their Protestantism.²⁴ Gaining an understanding of that national identity provides a measure of the change that occurred during James’ reign, and the literary record has preserved evidence of the era’s definition of national belonging. Philip Schwyzer contended that this national consciousness found expression in Shakespeare’s Elizabethan plays. Yet Schwyzer believed that the national identity in question was British “in content and character” rather than English.²⁵ As evidence of a sense of Britishness, Schwyzer pointed to the speech of Shakespeare’s John of Gaunt in *Richard II*, maintaining that the character’s famous soliloquy depicts Britain, not England: “this scept’red isle ... This precious stone set in the silver sea.”²⁶ In this passage, Gaunt has most obviously forgotten Scotland and Wales as he speaks of the whole island of Britain.

²³ Roger A. Mason, “Scotland, Elizabethan England and the Idea of Britain,” *Transactions of the RHS* 14 (2004): 288; Jenny Wormald, “James VI and I: Two Kings or One?” *History* 68 (1983): 189.

²⁴ John Foxe, *The Ecclesiasticall Historie: Containing the Acts and Monuments of Martyrs ... And divers other things incident to the Realme of England and Scotland ...*, vol. 1 (London, 1576), sig. A1^r, Early English Books Online [Hereafter EEBO] (Accessed January 18, 2018).

²⁵ Philip Schwyzer, *Literature, Nationalism, and Memory in Early Modern England and Wales* (Cambridge: Cambridge University Press, 2004), 3-4.

²⁶ William Shakespeare, *Richard II*, II.i.40 & 46 quoted in Schwyzer, *Literature, Nationalism, and Memory*, 4; Alan MacColl traced the reference to the “scept’red isle” to Bede’s claim that England extended as far north as the Firths of Forth and Clyde, the point at which “two islets of the sea” nearly bisected the British landmass. Everything to the north, Bede called “*Scocia ultra marina*,” or Scotland over the water. The territory to the south, Bede called Britain. MacColl credited Bede for generating the idea of a “restricted” Britain wholly within the English realm, thereby giving the English the sole claim to the appellation of “Britons.” Therewith also lay the idea of England as an island, or “scept’red isle.” See Alan MacColl, “The Meaning of ‘Britain’ in Medieval and Early Modern England,” *Journal of British Studies* 45, no. 2 (April 2006): 250-51, 259-60.

Schwzyzer argued that Shakespeare’s lines reveal an inherently insular national identity, but by his reckoning, it is by necessity British, not English – the “topographical slippage” a sign of the outward-looking, expansive sense of belonging. He further contended that when Gaunt celebrates England as a “royal throne of kings,” he references Britain, for only in the pre-Anglo-Saxon era was Britain ever thought to have been ruled by one king. Schwzyzer found another indication that the Tudors were British, rather than English, in Shakespeare’s own era, for members of the dynasty claimed a direct ancestral line to the Welsh, the early modern ancestors of the ancient Britons, a people with an actual indigenous claim to the land.²⁷ By the end of Elizabeth’s reign, commentators had largely discredited the veracity of the Brute myth as genuine history. However, by then, Monmouth’s story had passed into the English poetic canon where it could escape meaningful criticism and exist metaphorically for generations,²⁸ providing the sort of imaginative national bonds that for Benedict Anderson proved fantasy.²⁹ While it was likely just a vocal minority who were overtly patriotic in the latter half of the sixteenth century, the English political and literary disposition proved inherently British in imagination, even if not in their usual articulations of national identity.

In conducting research into the effect of James’ reign on English national sentiment, I drew from several historiographies. These areas of scholarly research provide various approaches to the topic of the early modern English sense of national self; however, relying on such a myriad collection of scholars, academic fields, and primary source materials underscores the complexity of tracing the ramifications of a

²⁷ Schwzyzer, *Literature, Nationalism, and Memory*, 3-5.

²⁸ MacColl, “The Construction of England as a Protestant ‘British’ Nation in the Sixteenth Century,” 604.

²⁹ Anderson, *Imagined Communities*, 6.

Scottish king and his union project on the way segments of the London population came to see themselves within Britain. Along with the work already mentioned in this introduction, this study brings together research from various other, often overlapping, scholarly fields.

The question of succession in late Elizabethan England has prompted much research into the queen's refusal to name her successor. Indeed, Elizabeth's refusal to marry, produce children, and select an heir left the crown open to several would-be monarchs. Susan Doran and Paulina Kewes noted that by the 1590s, James VI was not the only claimant to the English throne. They maintain that sixteen rivals, including the king of Scotland could have plausibly become the next monarch upon the queen's death.³⁰ Alexander Courtney argued that the support of English noblemen pushed James to the head of the line. Once James took advantage of their interest, his correspondence with several of them became his best strategy for securing the throne. Of his contacts in England, Courtney maintained that the support of Sir Robert Cecil proved the most significant, for James needed his help after acceding the throne.³¹ Janet Dickinson argued that James' anxiety about the question of succession drove him to strike up a correspondence with Essex several years before the Scottish king began writing letters to Cecil. While the earl fell victim to his own ambition, he was a leading figure at court, and James' connection to him reveals the king's desire for the English crown and his

³⁰ Susan Doran and Paulina Kewes, "Introduction: a historiographical perspective," in *Doubtful and dangerous: The question of succession in late Elizabethan England*, ed., Susan Doran and Paulina Kewes (Manchester and New York: Manchester University Press, 2014), 4.

³¹ Alexander Courtney, "The Scottish King and the English Court: the secret correspondence of James VI, 1601-3," in *Doubtful and dangerous: The question of succession in late Elizabethan England*, ed., Susan Doran and Paulina Kewes (Manchester and New York: Manchester University Press, 2014), 146-47.

insecurity about inheriting it.³² In his examination of Elizabeth and the succession, Simon Adams argues that of the Tudor queen's contemporaries, Mary Stuart was the one descendent of Henry VII whose claim to the throne remained untainted. As such, James VI's claim proved clear enough to lead Elizabeth to propose raising and educating the young king in the English court to better integrate him into the English royal dynasty. Adams' research indicates that while James' accession to the English throne remained relatively uncertain, it was by no means a surprise.³³ All told, despite Elizabeth's refusal to name her successor, a vibrant effort to secure the monarchy after her decease flourished, indicating subjects who looked to the monarchy as a potential source of stability and saw themselves as its caretakers.

Much of this thesis attempts to capture a sense of the evolving nature of the national sentiment of a people responding to a king from a foreign country. Developments nearly contemporaneous with Shakespeare's active career indicate a slowly evolving conceptualization of nation. Part of that evolution relied on the ability of the English people to envision a country of their own, in effect, to recognize a specific territory as the geographical expression of their cultural and linguistic particularities. Literary historian Richard Helgerson examined the perception of nation that various literary figures put forth in their work, looking particularly closely at representations of the collective sense of nation that the English language provided. In most references to England, Helgerson found a current of "intense national self-consciousness," often linked to the monarch but also to "the nobility, the law, the land, the economy, the common

³² Janet Dickinson, *Court Politics and the Earl of Essex, 1589-1601* (London: Pickering & Chatto, 2012), 82-83.

³³ Simon Adams, "The Succession and Foreign Policy," *History Today* 53, no. 5 (May 2005): 45.

people, the church” all part of the “fundamental source of national identity.”³⁴ He limited his study to tracing the sense of Englishness within the literature of Renaissance literary figures. Schwyzer, by contrast, expanded the notion of Englishness, arguing that national consciousness in Tudor England was more British than English in construct and practice. He built on earlier historians who argued that Englishness was “a relational identity, a matter of complex and often bitter negotiation among the nations of the Atlantic archipelago”³⁵ with the implication that “British” would put the English and Scots together into one national category, suggesting similarity rather than difference. Schwyzer further contended that English writers of the era played an instrumental part in shaping their country’s sense of national identity, a process that often necessitated the artful closing of gaps between non-English ancestors and contemporaneous reality.³⁶

Though many Westminster MPs proved overtly anti-Scot, when it came to union with the northern kingdom, it was the possible loss of ostensibly ancient English customs that alarmed so many of them. In a highly theoretical treatise, Colin Kidd studied the significance of ethnic identity in the early modern British world. He sought to place ethnic identification within the hierarchy of church, monarchy, constitution, and locality, looking specifically at the “value systems of the intellectual elites – lay and clerical – who shaped and articulated the public identities of the British political nations.”³⁷ Despite his concession that xenophobia formed an underlying basis for the response of seventeenth-century popular culture in Britain, Kidd contended that such phobic

³⁴ Richard Helgerson, *Forms of Nationhood: The Elizabethan Writing of England* (Chicago: University of Chicago Press, 1992), 9-10.

³⁵ Schwyzer, *Literature, Nationalism, and Memory*, 3.

³⁶ Schwyzer, *Ibid.*, 10.

³⁷ Colin Kidd, *British Identities before Nationalism: Ethnicity and Nationhood in the Atlantic World, 1600-1800* (Cambridge: Cambridge University Press, 1999), 1, 6.

responses within elite political discourse proved nuanced and thus far more difficult to discern.³⁸ Kidd concluded that while ethnic consciousness played a relatively minor role in early seventeenth-century political thinking, pedigree was paramount. He argued that “provenance was the keystone of legitimacy, whether Biblical, confessional, or institutional.”³⁹ Lineage, and its historical depths, determined legitimacy and shaped political debates concerning constitutions, conquest, and its resulting union, and finally, regnal status within composite states. Ultimately, Kidd determined that while ethnicity mattered in the early modern British world, political elites found the concern with “prescriptive legitimacy of institutions” of far greater import.⁴⁰ In effect, Kidd created a national paradigm whereby the longevity of cultural and political traditions did more to shape national consciousness than did ethnic identity.

English national sentiment rested on the seemingly self-evident notion of England’s leading role in the British Isles. Steven Ellis explored the early modern English inability to fathom England as anything other than a hegemonic power in Britain and Ireland. For the English parliamentarians, the concept of bringing the two kingdoms together on an equal footing to create one country was simply inconceivable. At the time, Wales and Ireland exemplified the possible options for creating a political relationship with Scotland. Either the English could rule Scotland as they did Ireland, as a dependency governed by Westminster, or they could annex Scotland as they had Wales. No other model appeared possible, given that since 1296 the English had made repeated efforts to reduce Scotland to an English dominion. On that count, the Scots could only be

³⁸ Kidd, *Ibid.*, 6.

³⁹ Kidd, *Ibid.*, 287.

⁴⁰ Kidd, *Ibid.*, 288.

subordinate partners to the English who considered the Scots as lacking in civility and thus as primitive as they considered the Welsh and Irish to be.⁴¹

J.G.A. Pocock explored the theoretical foundation of James' perspective of his place in Britain. In particular, Pocock considered the king's view of himself as "a head to its body or a husband to his wife," an aspect of the political theory of the so-called King's Two Bodies.⁴² Yet, including Ireland, James reigned over three kingdoms, a problematic connection, for, as Pocock emphasized, he could never rule over a Catholic population, annexed to England and thus subordinate.⁴³ Pocock laid the blame for James' failure to unite Scotland and England at the foot of English elites who feared that such a union would mean certain loss of the common law and thus their "distinctive existence." A united kingdom would bring the destruction of their "ancient constitution," their perception of themselves as an independent people.⁴⁴ Here, therefore, is a story of a people who jealously guarded their traditions, but Pocock gave no indication that the English changed because of the threat they perceived.

Historian Steve Murdoch traced the development of national identities in Britain, calling into question the widely held assumption that the early modern Scots and English rejected a British identity. As part of his analysis, Murdoch examined the Union of the Crowns and James' attempt to fashion a British monarchy and with it, a British diplomatic corps, navy, military, and Union Flag. Murdoch contended that during the debate regarding political union between Scotland and England, some Scots referred to

⁴¹ Steven G. Ellis, "From Dual Monarchy to Multiple Kingdoms: Unions and the English State, 1422-1607," in *The Stuart Kingdoms in the Seventeenth Century: Awkward Neighbours*, ed. Allan I. Macinnes and Jane Ohlmeyer (Dublin: Four Courts Press, 2002), 48.

⁴² J.G.A. Pocock, *The Discovery of Islands: Essays in British History* (Cambridge: Cambridge University Press, 2005), 51.

⁴³ Pocock, *Ibid.*, 52.

⁴⁴ Pocock, *Ibid.*, 53.

themselves as Scoto-Britons, and continued to do so even after the possibility for union ended. Evidence also suggests that some English, like their Scottish counterparts, identified as Anglo-British, Scotophobic outbursts at Westminster notwithstanding. Murdoch argued that the idea of a British identity was not unheard of on both sides of the border, if not widespread, and suggested several historical events that appear to have prompted a desire by some to assume a greater British identity.⁴⁵

The debate surrounding James and the proposed Anglo-Scottish union has prompted considerable research over the years. The historiography of the Anglo-Scottish union provides much of the secondary source material for this study. Though English MPs appear to have been content with the Union of the Crowns, their Scottish king was not. Evidence suggests that James misunderstood English expectations of union which in turn undermined his efforts to create a full political union between England and Scotland. For many of the English, a so-called perfect union meant English political domination, an arrangement exemplified by the relationships with the Welsh and Irish, a result only achievable through conquest, a prospect unpalatable to James and his fellow Scots. James' desire for a union of equal partners had no precedent in English history and alarmed national sensibilities.⁴⁶ Wallace Notestein's seminal *The House of Commons, 1604-1610* provides context and detail for the parliamentary debates that emerged out of the topic of union.⁴⁷ Jenny Wormald published a number of articles on James' English kingship and his desire for union, contending that James was a successful king

⁴⁵ Steve Murdoch, "Anglo-Scottish Culture Clash? Scottish Identities and Britishness, c.1520-1750," *Cynos* 25, no. 2 (2008): 7-8. For a brief discussion on Scottish unionists during Elizabeth's last decade as queen, see Mason, "Scotland, Elizabethan England and the Idea of Britain," 292-93.

⁴⁶ Russell, "James VI and I and Rule Over Two Kingdoms," *Historical Research* 76, no. 192 (May 2003): 151-52.

⁴⁷ Wallace Notestein, *The House of Commons: 1604-1610* (New Haven and London: Yale University Press, 1971).

specifically because of his refusal to become English. In effect, he remained more James VI than James I, and his Scottishness allowed him to navigate the vagaries of English socio-cultural, political, and religious conflicts that plagued the reigns of Elizabeth I and Charles I. Wormald suggested that the regnal union could only take place “under a Scottish king.”⁴⁸ Yet, arguably, the king’s Scottishness thwarted his own efforts for a full political union between the two kingdoms. In his 1975 “British History: A Plea for a New Subject,” Pocock argued that the various national identities of Britain and Ireland are mutually constitutive, and thus, historians must take that influence into account to produce meaningful analyses of the formation of the individual national identities of England, Ireland, Scotland, and Wales.⁴⁹ Indeed, James’ kingship would appear to substantiate Pocock’s argument. A number of historians have followed Pocock’s lead and investigated James’ influence on religion, finance, governance, and the desire for an incorporating union. However, their focus on the controversies surrounding his efforts to create a united kingdom of Great Britain has precluded any attempt to connect his efforts to English national sentiment or identity. Conrad Russell, for example, examined the outrage inspired by the king’s use of the appellation of *Great Britain* in place of *England*. Yet he stopped short of investigating the underlying causes for such anger other than attributing it to insecurity on the part of Westminster parliamentarians. Furthermore, he did not attempt to ascertain the possible effect of the king’s reign on English national identity. There is talk of a possible nascent British identity with James’ proclamation of

⁴⁸ Jenny Wormald, “James VI and I: Two Kings or One?” *History* 68 (1983): 208-09.

⁴⁹ J. G. A. Pocock, “British History: A Plea for a New Subject,” *The Journal of Modern History* 47, no. 4 (December 1975): 601-603.

himself as King of Great Britain, but a direct link between James' accession to the English throne and the national English sense of self remains unexplored.⁵⁰

In *The Union of England and Scotland*, Bruce Galloway often refutes Notestein's conclusions while providing a foundational work on the topic of a proposed Anglo-Scottish union. Galloway researched the first five years of James' reign in England, looking closely at the proposed treaty of union and the debates in Westminster that took place because of it. As English MPs considered the possible ramifications of a political union on the legal, religious, economic, and constitutional infrastructures of England,⁵¹ Galloway drew the conclusion that the proposed Anglo-Scottish union faced insurmountable hostility in the Commons, ultimately killing it.⁵² Although Galloway's work provides a comprehensive assessment of the political theories, concerns, and complications that shaped the union debate, he made no attempt to study the ramifications of the years-long controversy on English identity.

Literary scholars have played a leading role in the last few years in assessing early modern works for hints of national belonging. Claire McEachern connected Henry VIII's Acts of Appeals (1533) that proclaimed England an empire to the literary works of Renaissance writers including Shakespeare.⁵³ Specifically, McEachern investigated the way in which Henry's statement prompted writers like Shakespeare to create an idealized vision of nation that brought together crown, church, and land – three components that

⁵⁰ Russell, "James VI and I and Rule Over Two Kingdoms: an English View," 151-163; Jenny Wormald, "James VI & I," *History Today* 52, no. 6 (June 2002): 27-33; Maurice Lee, Jr., "James I and the Historians: Not a Bad King After All?" *Albion: A Quarterly Journal Concerned with British Studies* 16, no. 2 (Summer 1984): 151-163; Steve Murdoch, "Anglo-Scottish Culture Clash? Scottish Identities and Britishness, c.1520-1750," *Cycnos* 25, no. 2 (2008): 1-16.

⁵¹ Bruce Galloway, *The Union of England and Scotland, 1603-1608* (Edinburgh: John Donald Publishers, 1986), 1-7.

⁵² Galloway, *Ibid.*, 164.

⁵³ McEachern, *The Poetics of English Nationhood, 1590-1612*, 1.

determined one's status as English or non-English.⁵⁴ Thus, these three co-determinants produced an evolving ideal of belonging that transcended hierarchies and slowly supplanted the idea of a realm based on monarchical direction,⁵⁵ a conclusion arguably confirmed by the MPs' response to James' desire for union. Moreover, she argued that the meaning of nation was not necessarily static and unyielding:

In the early Tudor period, nation more often means race, or king – the kith and kin of a common nativity, or birth, *natio*. Yet it also hovers near the meaning we have given it, and in the course of the sixteenth century it comes to denote that principle of political self-determination belonging to a people linked (if in nothing else) by a common government.⁵⁶

According to McEachern's rationale, English MPs would have felt insecure at the thought of sharing their political institutions with the Scots, a people beyond the scope of the English sense of belonging.

Although Shakespeare's *Henry V* predates James' accession to the English throne by several years, the play hints at the contours of English identity prior to the Stuart king's accession. Philip Seargeant examined *Henry V*, looking for the manner with which its language conveys an emergent sense of national consciousness. Seargeant argued that language as an organizing principle cannot always withstand common purpose: "National identity is always differently organized, yet such categories are of questionable validity when people re-organize themselves in terms of a common purpose."⁵⁷ In particular, Seargeant studied the form and function of the play's language, finding patterns that indicate a national consciousness; however, he argued that the

⁵⁴ McEachern, *Ibid.*, 4.

⁵⁵ McEachern, *Ibid.*, 1.

⁵⁶ McEachern, *Ibid.*

⁵⁷ Philip Seargeant, "Ideologies of English in Shakespeare's *Henry V*," *Language and Literature* 19, no. 1 (February 2009): 38.

language does not overtly celebrate English nationhood. Rather, the speech itself dominates certain non-English characters. Seargeant's article provides more evidence of an Elizabethan national identity that rested on the ideal of English primacy in the British Isles.⁵⁸

Similar to Seargeant, Brian Carroll considered Shakespeare's linguistic characterization of Celtic figures in his *Henry V*, an Elizabethan play known for its overt displays of nationalistic rhetoric. That Shakespeare places three different Celtic characters in *Henry V* together in one scene provides the opportunity to determine what each Celtic character meant to the English nation. With this so-called four captains scene in mind, Carroll argued that while the English characters go by their given names, Shakespeare distinguished the three Celtic characters by ethnic markers, primarily speech patterns unique to their nationalities when speaking English. Although English characters address the Irish, Scottish, and Welsh figures as "Irish," "Scot," and "Welch" [sic] respectively – seemingly reducing them to caricatures of their nations – the Welsh figure is known as "Fluellen" before and after the four captains scene with the other two Celts. This scene, thus, "sets up a sort of matrix of nationality and individuality with each of the Celtic figures linked to their 'ethnic ciphers'" while the English "requires no ethnic marking at all," emphasizing the prestige culture of the English.⁵⁹ While this scene establishes the Celtic characters as foreign, Fluellen inhabits a unique space within the play, retaining both his Welsh national traits but also his individuality, further

⁵⁸ Seargeant. *Ibid.*, 41-42.

⁵⁹ Brian Carroll, "Appearances and Disappearances: *Henry V*'s Shimmering Irishman in the Project to Make an England," *Journal of the Wooden O Symposium* 9 (2009): 22.

emphasized when the king chooses to confide in him.⁶⁰ In the four captains scene, Shakespeare illustrates the significance of language to national identity, but he also demonstrates the fine gradations of distance that come with language marked by accent,⁶¹ with the implication that otherness is as arbitrary as nationality is imagined. Significant to note, Shakespeare's Scottish character speaks English in such a crude, guttural manner ("Ay'l de gud service, or I'll lig i' th grund for it, ay ..."⁶²) that his speech is hardly intelligible. This language pattern would appear to illustrate anti-Scot sentiment and thus English superiority.

In the parliamentary session that ran 1606-1607, the debate surrounding James' desire for a unified British polity centred in large measure around the consequences of such a union on England's legal system. Several works in particular provide an overview of the Westminster debate. Pocock drew the conclusion that the legally trained men of the late Tudor and early Stuart eras saw the common law as an immutable truth, with organic origins in time immemorial.⁶³ Christopher Brooks' and Kevin Sharpe's refutation of Pocock's argument maintained that the common law proved far more flexible than Pocock had thought. They further argued that the many legal minds of the era knew of past foreign influence that had shaped the legal system in England. They credited Edward Coke with transforming the common law into a cornerstone of Englishness that rallied patriotic elements in the House of Commons against James' quest

⁶⁰ Carroll, *Ibid.*

⁶¹ Carroll, *Ibid.*, 18.

⁶² William Shakespeare, *Henry V*, III.ii.117-118.

⁶³ 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, [1957] 1987).

for a political union with Scotland.⁶⁴ Glenn Burgess argued that the debate surrounding the meaning and origins of the common law never became controversial during Elizabeth's reign, for her rule never threatened its existence in the way that MPs thought James might with the implication that certain parliamentary groups considered the proposed British state a threat to Englishness.⁶⁵

While Scottish history lies beyond the purview of this thesis, it is worth noting that the Scots watching the union debate unfold in London after their king acceded to the English throne in 1603 were not impressed. Certainly, the Scottish body politic compensated for the loss of their king with the pride that came from the knowledge that their historic rivals looked north to maintain England's royal dynasty. However, the anti-Scot fervour emanating from certain quarters of the Westminster Parliament angered Scottish MPs in Edinburgh whose support for union quickly cooled.⁶⁶ One English parliamentarian's rhetoric proved so crass, he spent time in the Tower for it. Sir Christopher Piggott notoriously told his fellow MPs in 1607 that the Scots were "perfidious, barbarous, faithless, bloodthirsty, and treacherous" – and that the only imaginable relationship the two countries could possibly share would be that of "judge and thief."⁶⁷ This sort of rhetoric shocked the Scots and prompted the Sir Thomas Craig to write a rebuttal. Acknowledging his country's paucity of material wealth, Craig

⁶⁴ Christopher Brooks and Kevin Sharpe, "History, English Law and the Renaissance," *Past & Present*, no. 72 (August 1976): 133-42.

⁶⁵ Glenn Burgess, *The Politics of the Ancient Constitution: An Introduction to English Political Thought, 1603-1642* (University Park, Penn.: The Pennsylvania State University Press, 1993).

⁶⁶ Diana Newton, *The Making of the Jacobean Regime: James VI and I and the Government of England, 1603-1605* (Woodbridge, Suffolk: The Boydell Press, 2005), 37-38; Jenny Wormald, "The Creation of Britain: Multiple Kingdoms or Core and Colonies?" *Transactions of the Royal Historical Society* 2 (1992): 176.

⁶⁷ Sir Thomas Craig, *De Unione Regnorum Britanniae Tractatus*, 1605, ed. and trans. C. Sanford Terry (Edinburgh, 1909), 356; Galloway, *The Union of England and Scotland*, 104-105.

argued that Scots could nevertheless boast the “antiquity of their nation” and “an untarnished record of independence.”⁶⁸ The Scots saw the Union of the Crowns as a conjoining of two sovereign countries, coming together as equals. They were of one mind when they rejected the Anglocentric interpretation of history that framed James’ accession to the English throne as a re-founding of Brutus’ empire. Unlike the English, the Scots could claim an independent existence with a royal line dating back to Fergus I in 330 BC.⁶⁹ Craig called on the English to join the Scots to create “a new history of Britain ... written with the utmost regard to accuracy.”⁷⁰ Craig’s plea notwithstanding, the English would have none of it. Monmouth, Holinshed, and Foxe had already written their history, a narrative that gave them the self-evident claim to dominant status, a perception grounded in time immemorial.⁷¹

Although early seventeenth-century England was rife with Scotophobia, the English rejected a full political union with Scotland because of James’ drive to create a union of equal partners between the two countries. His efforts inflamed English anxiety about the place of their country in such a union and thus prompted a change in the

⁶⁸ Craig, *De Unione Regnorum Britanniae Tractatus*, 357.

⁶⁹ Roger A. Mason, “Scotching the Brut,” 74-75. Though this present study focuses on the English response to James and the proposed Anglo-Scottish union, many members of the Scottish intelligentsia, like their English counterparts, had their own qualms about the potential consequences of union. Mason examined the relevance of George Buchanan’s *Rerum Scotticarum Historia* (1582) to Scottish anxieties that came with a deepening political relationship with England through the Union of the Crowns. Mason argued that Buchanan’s work was a “source of cultural reassurance, reaffirming the antiquity of the Scottish monarchy and the autonomous origins of the Scottish people.” Concurrently, Buchanan’s history provided a topographical account of Scotland which acted as a “bulwark” against the country’s absorption into a “greater England.” Mason also noted that histories of the regnal union which analyze the perceptions of the Scots have overlooked Buchanan’s *Historia*. Mason pointed to two foundational studies that include no mention of Buchanan: Bruce Galloway, *The Union of England and Scotland, 1603-1608* (Edinburgh: John Donald Publishers, 1986) and Brian P. Levack, *The Formation of the British State: England, Scotland, and the Union, 1603-1707* (Oxford: Clarendon Press, 1987). See Roger A. Mason, “*Certeine Matters Concerning the Realme of Scotland: George Buchanan and Scottish Self-Fashioning at the Union of the Crowns*,” *Scottish Historical Review* 92, no. 1 (April 2013): 38-65.

⁷⁰ Craig, *De Unione Regnorum Britanniae Tractatus*, 468.

⁷¹ Mason, “Scotching the Brut,” 76.

perception of the national self. As a consequence, for many, Englishness became more narrowly defined – more insular – during the first nine years of James’ reign in the southern kingdom. One of the great ironies of the Stuart king’s plan to politically unify Britain was the English rejection of historic notions of themselves as Britons. Ultimately, James’ reign was a catalyst that precipitated many Westminster MPs to re-evaluate their place within the British Isles. In effect, they re-affirmed the primacy of English cultural and political hegemony in the region. Although scholars have researched the English sense of national self in the early seventeenth century, they have not made the connection between the Scottish king and Englishness.⁷² Unlike other research that historians and literary scholars have published, this thesis argues that many English subjects rejected a more expansive alternate identity in the guise of Britishness. Indeed, as a consequence of James’ reign, early seventeenth-century expressions of English national identity exhibited an underlying tension between remaining hegemonic and becoming insular – and British when the appellation preserved the primacy of Englishness.

⁷² Two historians have recently published their research into the consequences of James’ reign on national sentiment in early seventeenth-century England. Though their articles look at topics tangential to this thesis, they do not examine James’ effect on the English sense of national belonging. Brett Parker demonstrated that James’ accession to the English throne prompted MPs and members of the Society of Antiquaries to debate the heritage of their country’s legal system, parliamentary traditions, and name. Unlike this current study which examines cultural, personal, legal, and political responses contemporaneous to James’ desire for an Anglo-Scottish union, Parker rooted his conclusion in the attempts of highly learned men to ground English traditions into the historic past. As such, Parker argued that the country’s national identity was a composite originating with the ancient Britons, Saxons, Danes, and Normans. Parker’s scholarship focused on the meaning of England rather than the meaning of a national English sense of belonging. See Brett F. Parker, “Recasting England: The Varieties of Antiquarian Responses to the Proposed Union of Crowns, 1603-07,” *Journal of Medieval and Early Modern Studies* 43, no. 2 (Spring 2013): 393-417. Sarah Katerina Waurechen explored the relationship between the English and Scots during the reign of James VI and I, 1603 to 1625. While she argued that James’ desire for a political union prompted the English to look at the Scots as a people both familiar and unfamiliar, the English sentiment for them was not necessarily hostile. Rather, it was ill-defined, ever-changing, and anxiety-producing for the English, for their hitherto assumed place in Britain no longer seemed certain. Unlike this thesis, Waurechen focused on the English regard for their northern neighbours rather than themselves. See Sarah Katerina Waurechen, “Imagined Polities, Failed Dreams, and the Beginnings of an Unacknowledged Britain: English Responses to James VI and I’s Vision of Perfect Union,” *Journal of British Studies* 52 (July 2013): 575-596.

The following three chapters trace the chronology of events beginning with the king's arrival in London in 1603. The first chapter examines the initial euphoria that surrounded his accession to the throne and the practical concerns of English MPs with unifying two countries with dissimilarities in population size, economic wealth, and legal systems and determining whether a new country of Great Britain and its British king would invalidate all legal acts and agreements passed under an English monarch. The second chapter looks at the debate through a cultural prism, focusing on the English rejection of union for patriotic reasons. Chapter three analyzes the hardening of those concerns, culminating in the debate surrounding the significance of the English common law, and by extension, the ancient constitution. Throughout the union debate, opposition stemmed disproportionately from insecurity among many English parliamentarians about the rightful place of England in the British Isles rather than from base Scotophobia. Despite a brief flirtation with the concept of a Greater Britain, the accession of James I (VI) provoked widespread assertions of English sentiment – reflected in Westminster debates, among Gunpowder Plot conspirators, and through claims regarding English common law. These assertions were further reflected in the period's dramatic literature.

Chapter One

The Accession of King James to the English Throne and the Beginnings of English Disaffection for Union, 1603

Despite the widespread euphoria that surrounded James' accession, the reign of the first self-styled King of Great Britain did little to bolster the ranks of Englishmen and women who considered themselves British. Published sources from the late Tudor and early Stuart periods suggest an ambiguous relationship between the English and a greater British identity. Using Early English Books Online (EEBO), a search of treatises, drama, poetry, and sermons in five-year increments chronologically from 1590 through 1610 reveals that published overt expressions of a British national identity were rare. During the last years of Elizabeth's reign, the English perception of Britain and their connection to it proved tentative, aware of its outward manifestations while reluctant to accept the identity for themselves. Although James' accession produced an uptick in references to *British* and *Briton*, published sources suggest that his kingship and accompanying discussion of an Anglo-Scots union produced no perceptible indication that the English assumed a collective British identity, no matter the king's wishes.

The increasing frequency with which *British* appeared belies the solidly English national consciousness that remained constant throughout the late Tudor and early Stuart years. With the advent of Stuart rule and the debate surrounding union with Scotland, there was an increase in the number of published sources that used *British* rather than *English* to denote the early modern English. However, the number of printed sources in

which *British* denoted the pre-Saxon Britons remained roughly unchanged after James' accession in 1603. From 1590 through 1600, only one source made use of *British* and that was to describe the growing overseas empire in the latter years of Elizabeth's reign.¹ During the same ten-year period, *British* appeared in 43 published items to designate the contemporary Welsh, their language, and their pre-Saxon ancestors.² Though it is important to note that EEBO does not provide access to every published source of the early modern period of English history, the references to *British* suggest that the English under Elizabeth did not identify as British, at least not directly. The analysis leads to a similar conclusion during the first ten years of James' reign. From 1601 through 1610, *British* appeared in 20 sources. Those appearing in the years 1603-1605 focus primarily on the celebration of James' accession.³ However, during 1601 through 1610, *British* appeared in 44 published sources to describe the contemporary Welsh, their language, and the Britons of antiquity. Tellingly, the authors of these manuscripts used *British* to describe the king, the crown, the nation, and even British blood, for example, but EEBO searches revealed no direct application of *British* to describe the English people – unless *nation* denotes *people*.⁴ In that case, three sources applied *British* to the English.⁵ Indeed, one source in particular pointedly used *English* – rather than *British* – to signify

¹ See Richard Hakluyt, *The principal nauigations, voyages, traffiques and discoveries of the English nation made by sea or ouer-land, to the remote and farthest distant quarters of the earth* (London, 1599).

² For two instances of *British* used to denote the Britons of antiquity, see Barnabe Rich, *Parthenophil and Parthenophe Sonnettes, madrigals, elegies and odes* (London, 1593), and Sir John Harington, *A new discourse of a stale subject, called the metamorphosis of Ajax* (London, 1596).

³ For an especially heartfelt celebration of James' accession, see John Dee, *To the Kings most excellent Maiestie* (London, 1604).

⁴ For an example of *British nation* likely used to designate *people*, see Thomas Heywood, *Troia Britanica* (London, 1609).

⁵ See Thomas Heywood, *Troia Britanica* (London, 1609); Barnabe Rich, *Roome for a gentleman, or the second part of faultes collected and gathered for the true meridian of Dublin in Ireland, and may serve fitly else where about London, and in many other partes of England* (London, 1609); Thomas Middleton, *A mad world, my masters as it hath been lately in action by the Children of Paules* (London, 1608).

the country's people, implying an affirmation of the country's insular, introverted national identity.⁶ Though the increasing references to *British* in extant published sources indicate a willingness by some to embrace an Anglo-British identity, these records often reveal an eagerness to flatter the new king. This data further suggests a rather static disinclination to embrace overt signs of Britishness.⁷

The use of *Briton* in published material followed a similar pattern with the implication that the English remained steadfast in their reluctance to follow their king to a new British identity. From 1590 through 1600, *Briton* denoted the English in one history,⁸ and likewise, from 1601 through 1605, *Briton* designated the English in one source.⁹ Concurrently, *Briton* appeared in seven sources in which it pertained to the contemporary Welsh and pre-Saxon Britons.¹⁰ However, from 1606 through 1610, the use of *Briton* to reference the English people increased to a meagre four sources while the references to the contemporary Welsh and pre-Saxon Britons increased to 15, suggesting little affinity for a British identity on the part of the English. When *Briton* appeared in print, it nearly always denoted the Welsh, and nearly always members of that nation in antiquity.¹¹ In describing themselves in the late Tudor and early Stuart periods, the English remained English.

⁶ See Roger Hacket, *A sermon principally entreating of the crosse in Baptisme* (London, 1606).

⁷ Research collected via EEBO (Accessed July through August 2017). Only published material of English origin was examined for this study.

⁸ See Richard Hakluyt, *The principal nauigations, voyages, traffiques and discoveries of the English nation made by sea or ouer-land, to the remote and farthest distant quarters of the earth* (London, 1599).

⁹ See Richard Bancroft, *Certaine demandes with their grounds* (London, 1605).

¹⁰ For an example of *Briton* used to denote the contemporary Welsh, see William Camden, *Remaines of a greater worke, concerning Britaine, the inhabitants thereof, their languages, names, surnames* (London, 1605); one work that exemplifies the use of *Briton* in conjunction with the Britons of antiquity is Francis Bacon, *Sir Francis Bacon his apologie, in certaine imputations concerning the late Earle of Essex* (London, 1604).

¹¹ Research collected via EEBO (Accessed July through August 2017). Only published material of English origin was examined for this study.

Despite the relief that came with the accession of the first Stuart king of England, his sense of a pan-British identity prompted many of the ruling and social elites to turn away from a British perspective of Britain when it appeared to contradict early sixteenth-century English expectations of their country's hegemony in the British Isles. Although the English gladly received their Scottish king, James' disregard for English national mythology and parliamentary traditions engendered resistance against his proposed union. Even before the union debate erupted with full force, the king's division of his privy council evenly between Scots and English together with his Scottish bedchamber retinue caused disquiet. That James subjected his English councillors to the indignity of playing a secondary role in their own country forced many English in his court and in the Commons to think his new British approach to governance an affront to their national sensibilities. They simply could not bring themselves to see these measures from the king's Scottish perspective. Their early disappointment in his reign hinged upon three specific areas of concern: First, the king's desire to bring his fellow Scots into the decision-making process of governance inflamed jealousies among the English. Second, English parliamentarians simply could not understand how two countries with widely divergent populations and wealth could possibly come together as one politically united country. Finally, many MPs could not countenance an equal partnership that would have reduced English dominance in Britain. James' assumption of the persona of a British monarch with its trappings of national flag, name, and nascent British identity without parliamentary approval engendered further concern among Westminster MPs, anxiety that lay largely with a threatened sense of national superiority. In these three areas of

concern, MPs exhibited a fear of a loss of the primacy of England's place in Britain and with it an English identity built upon superiority.

The English receive James as an English king.

The aversion to a British national identity that the English appear to have developed in the first decade of James' reign might seem surprising in light of the general euphoria that his accession unleashed. However, they expected James to rule as an English king who would not overturn age-old assumptions of English primacy in Britain.¹² During the king's progress southward, crowds turned out to meet him along his way. The celebration illustrates the relief that the country felt at the peaceful transition of power. Though the heirless Queen Elizabeth had died – a prospect that had filled many with dread, the unhappy event took place, and her replacement quickly took her stead with minimal disruption. Despite the anti-Scottish sentiment that was pervasive in English society at the time of James' accession to the throne, the people of his new realm appear to have been largely unconcerned with his origins.¹³ Sir Roger Wilbraham, former Solicitor General in Ireland, described the response to Elizabeth's death once word spread that James was the new sovereign: “The people both in city and counties finding the just fear of forty years, for want of a known successor, dissolved in a minute did so rejoice, as few wished the gracious Queen alive again.” He further wrote that the

¹² Stewart, *The Cradle King*, 166; Burgess, Lawrence, and Wymer note that James was proclaimed king in Richmond only an hour after Elizabeth's death, but Robert Cecil announced the Scot's accession several hours later at Whitehall. Glenn Burgess, Jason Lawrence, and Rowland Wymer, introduction to *The Accession of James I: Historical and Cultural Consequences*, eds., Glenn Burgess, Jason Lawrence, and Rowland Wymer (New York: Palgrave Macmillan, 2006), xiii.

¹³ “Henry Earl of Northumberland to King James” in *Correspondence of King James VI. of Scotland with Sir Robert Cecil and others in England, during the reign of Queen Elizabeth*, ed., John Bruce (London: Camden Society), 56; Jenny Wormald, ‘Gunpowder, Treason, and Scots,’ *Journal of British Studies* 24, no. 2 (April 1985): 160.

new king's subjects desired a continuation of the same "admirable peace under Elizabeth."¹⁴ The following anonymous ballad demonstrates sorrow for the queen's death while welcoming the new king:

Now is the time that we
must all forget,
Thy sacred name
oh sweet Elizabeth.
Lament, lament, etc.

Praying for King James,
as earst we prayed for thee,
In all submissive love
and loyaltie.
Lament, lament, etc.¹⁵

Significantly, these two stanzas end with a refrain that reminds its listeners to "lament" for their queen's death. However, the ballad runs a total of twenty-five stanzas, all with the same refrain which quickly makes the command to lament sound forced, and thus disingenuous. Furthermore, the notion that they "must all forget" suggests that the transition to the new king comes naturally, an idea further supported by the tired refrain. It is important to note that this ballad – like Wilbraham's description of the broad euphoria that erupted with the proclamation of James' accession – appears to ignore Scotland and James' Scottish heritage. Though these lines of verse include references to England, they are completely devoid of a Scottish presence, with the implication that the people of England expected James to rule the country as an English monarch, devoting

¹⁴ Roger Wilbraham, *The Journal of Sir Roger Wilbraham*, ed. Harold Spencer Scott in *The Camden Miscellany, Volume the Tenth* (London: Camden Society, 1902), 54-5.

¹⁵ Anonymous, "A mournfull Dittie, entituled Elizabeths losse, together with a welcome for King Iames," [1603]. The ballad's entire refrain proves seemingly prescient given the ruling elite's anxieties that James' Scottish Bedchamber and desire for an Anglo-Scottish union unleashed: "Lament, lament, lament / you English Peeres / Lament your losse possess / so many yeeres." Huntington Library accessed via the UCSB English Broadside Ballad Archive. (Accessed May 4, 2017).

the bulk of his attention to the southern kingdom.¹⁶ The ballad leaves, anyway, no impression that the English people saw themselves as overtly British or as Britons.

As the king reached the approaches to London, the masses of people out to greet him exploded in number, underscoring broad support for the new ruler. The Lord Mayor of London and the Aldermen were on hand. One eye witness described the throng of people “in the highways, fields, meadows, closes, and on trees so great that they covered the beauty of the fields; and so greedy were they to behold the countenance of the king that with much unruliness they injured and hurt one another.”¹⁷ According to Wilbraham, 40,000 of the king’s new subjects turned out to see him along his southward journey, and 100,000 English men and women arrived in London from the countryside to celebrate. So many people that they “swarmed” him “at every back gate and privy door, to his great offence.”¹⁸ James took note of the reception that greeted him south of the border:

Shall it ever be blotted out of my mind how at my first entry into this kingdom, the people of all sorts rid and ran, nay rather flew to meet me; their eyes flaming nothing but sparkles of affection, their mouths and tongues uttering nothing but sounds of joy, their hands, feet, and all the rest of their members in their gestures discovering a passionate longing and earnestness to meet and embrace their new Sovereign?¹⁹

Whether the masses turned out simply for the historic spectacle that James’ arrival presented or because of a sincere respect or even admiration for the king is immaterial. The importance of the event lies with the enthusiasm that welcomed the king to his new country. That he was Scottish generated little apparent concern.

¹⁶ Russell, “James VI and I and Rule Over Two Kingdoms,” 152.

¹⁷ John Nichols, ed., *The Progresses, Processions, and Magnificent Festivities of King James the First*, vol. 1 (London: J.B. Nichols, 1828), 113-14.

¹⁸ Wilbraham, *The Journal of Sir Roger Wilbraham*, 56.

¹⁹ *CJ* (March 22, 1604): 1, 142.

Like members of the general population who greeted the king, many of the English ruling elite proved initially pleased with James' accession to their country's throne. Wilbraham reported that "the King is of sharpest wit and invention, ready and pithy speech, an exceeding good memory; of the sweetest, pleasantest and best nature that ever I knew; desiring nor affecting anything but true honour."²⁰ The Venetian ambassador, Giovanni Carlo Scaramelli reported that he heard

on all sides that the King is a man of letters and of business, fond of the chase and of riding, sometimes indulging in play. These qualities attract men to him, and render him acceptable to the aristocracy. Besides English, he speaks Latin and French perfectly and understands Italian quite well. He is capable of governing, being a prince of culture and intelligence above the common.²¹

A month later, Scaramelli met the king in person and noted "an infinity of other lords almost in an attitude of adoration."²² The French ambassador in London reported "universal" contentment after the accession of the king who "now finds such conformity to his wishes and such rapid union among all, notwithstanding the great difference of temperament which exists between the English and the Scottish." The source of the uniform support lay in:

the good opinion the English have of his character, by the fact that he has sons, and because he is already versed in government. Add to this the alarm that everyone feels lest discord should open the door to *foreigners*. All these considerations have counselled to unanimity and promptness in receiving and recognising him.²³

Whether the ambassador understood the irony of his observation is impossible to know. He suggested, however, that the English did not consider James foreign – this at a time

²⁰ Wilbraham, *The Journal of Sir Roger Wilbraham*, 60.

²¹ Giovanni Carlo Scaramelli to the Doge and Senate of Venice, *Calendar of State Papers Venetian* [Hereafter *CSPV*] (April 24, 1603), 10: 2-16.

²² Giovanni Carlo Scaramelli to the Doge and Senate of Venice, *CSPV* (May 28, 1603), 10: 28-42.

²³ M. de Beaumont, "Letter from the French Ambassador in London to the French Ambassador in Spain," *CSPV* (May 1-15, 1603), 10: 16-28. Emphasis added.

when anti-Scottish xenophobia punctuated all socio-economic strata of the English population. On the face of it, James appeared to tick all the boxes, bringing to the throne not only immediate stability but also the promise of an enduring royal dynasty in the guise of at least one male heir. The English rallied around their new king for the good of the country, embracing him and his progeny for the sake of perpetual peace, but they also expected him to rule as an English king.

Initial signs of disappointment with King James.

Despite the general support in the English population for James at the start of his reign in his southern kingdom, he soon disappointed his various government officials. For some this disappointment took hold even as the king made his month-long progress south to claim the throne in London. Along the way, James began the practice of freely bestowing titles on local gentlemen on the advice of Scots accompanying his train. Rumours were afloat that James' Scottish favourites received bribes from English gentlemen in exchange for knighthoods in numbers that prompted his English ministers to recoil at the apparent indiscriminate nature of his generosity.²⁴ Commenting on this situation, Wilbraham wrote in his journal that "it grew a publick spech that Englishe had the blowes and Scottish the crownes."²⁵ Wilbraham suggested that the English faced disadvantage vis-à-vis James and his Scottish courtiers. Although he conveniently overlooked the English who gained in prestige from this arrangement, his journal entry

²⁴ I.H. Jeayes, ed., *The Letters of Philip Gawdy, 1579-1616* (London: Nichols and Sons, 1906), 128; John Nichols, ed., *The Progresses, processions and magnificent festivities of James the First*, vol. I (London: Nichols, 1828), 88-93; Stewart, *The Cradle King*, 168.

²⁵ Wilbraham, *The Journal of Sir Roger Wilbraham*, 55-7.

presages the sort of territorial jealousy James eventually inflamed as he attempted to move his agenda through the House of Commons.

The English presumption of cultural and political hegemony.

Arguably more significant than the 1604 public celebration for gauging the sense of national sentiment, Anthony Munday's pageant, *The Triumphs of Re-United Britannia*, took place the following year in 1605 on the streets of London as part of the Lord Mayor's Show.²⁶ Written in response to pressure to commemorate the antiquity of Britain,²⁷ Munday grounded parts of his narrative in the various facets of the Brute legend. Essentially the English national origins myth, the story of Brute gave the English people a connection to ancient Britain. This assumption of English imperial primacy rested upon this national mythology rich with relatively recent historic underpinnings. The Brute myth and the English sense of entitlement to the whole of Britain largely originated with Geoffrey of Monmouth's twelfth-century *History of the Kings of Britain*.²⁸ This tract presented the island's story, tracing the trajectory of its history from the arrival of Brutus in Britain through the Germanic settlement in the fifth and sixth centuries.²⁹ A Welsh cleric, Monmouth narrated the purported origins of the British people from the time of their original settlement of Britain in the twelfth century BC until their defeat by Germanic tribes upon their arrival in Britain. A history of the Welsh and

²⁶ Sara Trevisan, "The Lord Mayor's Show in Early Modern London," *Literature Compass* 11, no. 8 (2014): 538.

²⁷ Conrad Russell, "1603: The End of English National Sovereignty," in *The Accession of James I: Historical and Cultural Consequences*, ed., Glenn Burgess, Rowland Wymer, and Jason Lawrence (New York: Palgrave Macmillan, 2006), 3.

²⁸ MacColl, "The Meaning of 'Britain,'" 249; Mason, "Scotching the Brut," 60-62.

²⁹ MacColl, "The Meaning of 'Britain,'" 249. Mason places the Germanic defeat of the Britons in the seventh century. See Mason, "Scotching the Brut," 61.

their legends including Arthur, Monmouth's work came to influence the way that the post-Conquest English saw themselves and their place in Britain.³⁰ His treatise established the English perception of themselves as a people with ancient ties to Britain. In part, this belief allowed subsequent generations of Englishmen and women to accept the notion of England as the rightful hegemonic power over both Wales and Scotland.³¹ Whether or not this history had any relation to the events as they actually transpired proved irrelevant, for this exercise in cultural appropriation gave the English and their kings a direct line back to antiquity and thus an indigenous, if rather specious, connection to the land.³² According to Monmouth's myth, their original leader was Brutus, or Brute, the great-grandson of the Trojan Aeneas. Upon the death of Brutus, the British kingdom was divided into thirds, each given to one of his sons. As the eldest son, Lochrine received the largest territory, Loegria or England, and by right, he was the most dominant.³³ Subsequent histories, including those of Holinshed, not only continued to promulgate Monmouth's version of the past, replete with Brutus, they also maintained the theory of English superiority.³⁴ By the end of the sixteenth century, John Foxe among others had mixed Protestantism into the tale to create the expectation that England was an elect country.³⁵ At the time of James' accession, the Brute myth had become widely known as

³⁰ Mason, "Scotching the Brut," 60-62.

³¹ MacColl, "The Meaning of 'Britain,'" 249.

³² Mason, "Scotching the Brut," 61; MacColl, "The Meaning of 'Britain,'" 249.

³³ Mason, "Scotching the Brut," 61; Sir John Fortescue, *De Laudibus Legume Angliae* (London, [1471] 1616), sig. E1^v, EEBO (Accessed December 1, 2017).

³⁴ Mason, "Scotching the Brut," 60-62.

³⁵ Patrick Collinson maintained that Foxe believed England to be *an* Elect Nation, not *the* Elect Nation. See Patrick Collinson, "A Chosen People? The English Church and the Reformation," *History Today* 36, no. 3 (March 1986): 14-20. In a more recent article, Andrew Escobedo proffered a similar argument, contending that while Foxe suggested that England enjoyed divine privilege, he never claimed the country was *the* Elect Nation. See Andrew Escobedo, "The Book of Martyrs: Apocalyptic Time in the Narrative of the Nation," *Prose Studies* 20, no. 2 (1997): 1-17. The following excerpt from *Actes and Monumentes* exemplifies Foxe's ambivalence regarding England's standing with the Christian deity: "There hath been

a fictionalized history with little connection to reality.³⁶ However, the depiction of the Brute myth in Munday's pageant suggests a comfortable relationship with Britishness so long as it kept the primacy of Englishness intact.

Although Munday's *The Triumphs of Re-United Britannia* purports to celebrate the re-unification of Britain under James, the interplay between British and English elements reveals a highly Anglocentric vision of Britain. Munday's pageant processed through town, overtly celebrating Britain. However, according to Tracey Hill, Munday engaged in "ideological slippage," ostensibly honouring Britain but actually emphasizing England and its history.³⁷ Thus, despite the narrator's declaration at the outset that the "present conceit [will] reacheth unto the antiquitie of Brytaine," Munday's speaker quickly states it necessary to explain how "our country" gained the name of "England," identifying with England while making no reference to Wales and Scotland.³⁸ With actors taking the personae of Britannia, Brute, Loegria, Cambria, and Albania – the latter three representing England, Wales, and Scotland respectively – Munday's script leaves little doubt of the presumed rightful English place within the British Isles. Its subtext of English primacy is made all the more evident by the subheading and its direction that the "several children" (i.e., England, Wales, and Scotland) will speak "according to degrees of seating," indicating a hierarchy with England at its top, followed by the obedient

no region or country more fertile or fruitful for martyrs, than our own region of England." Foxe also alluded to the Brute myth: "the Britons were taught first by the Grecians of the east church, rather than the Romans." John Foxe, *The Actes and Monuments of John Foxe*, 1570, ed. Josiah Pratt. 8 vols., (London, 1870), 3.581, 1.307.

³⁶ Burgess, Lawrence, and Wymer, introduction, xx.

³⁷ Tracey Hill, "'Representing the awefull authoritie of soveraigne Majestie': Monarchs and Mayors in Anthony Munday's *The Triumphes of Re-united Britania*," in *The Accession of James I: Historical and Cultural Consequences*, ed., Glenn Burgess, Rowland Wymer, and Jason Lawrence (New York: Palgrave Macmillan, 2006), 18-19.

³⁸ Anthony Munday, *The Triumphs of Re-United Britannia* (London, 1605), sig. B2^r, EEBO (Accessed December 29, 2017).

Wales, and at last, a compliant Scotland.³⁹ England wishes for a “sacred union” whereupon Wales explains that it “yielded long ago,” with the implication that it surrendered itself to English domination.⁴⁰ In a similar vein, Scotland suggests its willingness to fall into line, “when the all-ruling power doth so command” it to deliver its king to England.⁴¹ The three countries of Britain affirm their dedication to a unified British realm led by one British king.

Munday’s celebratory pageant, performed on the streets of London – the locus of English cultural and political power – actively connects England’s first Stuart monarch to the Brute myth and the country’s Tudor dynasty, and by doing so, calls into question Scotland’s separate existence apart from England and Wales.⁴² In presenting James, he appears to have wanted to reassure his audience that the Stuart king represented the continuation of the Tudors: “And Scotland yielded out of Tudor’s race, / a true born bud, to sit in Tudor’s place.”⁴³ The speaker emphasizes James’ Tudor genealogy, ancestry of far greater import than his Stuart. In effect, Munday seems to have wanted to make James’ claim to the throne as legitimate as possible by downplaying the Scottish connection. He suggested that Britain’s contentment would come from James’ continuation of the Tudor dynasty: “We nere want a rose of Tudors tree, / to maintaine

³⁹ Munday, *Ibid.*, sig. B2^v, EEBO (Accessed December 29, 2017).

⁴⁰ Munday, *Ibid.*, sig. B4^r, EEBO (Accessed December 29, 2017).

⁴¹ Munday, *Ibid.*, sig. B4^r, EEBO (Accessed December 29, 2017). Munday’s London portrayal of a pliant Scotland differs from the reality of a much more confident kingdom. Indeed, Alexander Seton, Lord Fyvie might have revealed his support for union when he wrote of the “inhabitants of the entire island of Britain” joining together to “stabilise and strengthen this complete and permanent union,” but that suggestion of support for a united British polity gives no indication of a diminution of his country’s position in such an Anglo-Scottish arrangement, for he wrote of the “ancient kingdom of Scotland and its renowned and powerful crown” to which God added “the realm of England.” See *The Records of the Parliaments of Scotland to 1707*, K.M. Brown et al eds (St Andrews, 2007-2018), 1604/4/6. Procedure: commission; asking of instruments. Date accessed: 25 April 2018. [Hereafter *RPS*].

⁴² Munday, *The Triumphs of Re-United Britannia*, sig. B3^v, EEBO (Accessed December 29, 2017).

⁴³ Munday, *Ibid.*, sig. B3^r, EEBO (Accessed February 24, 2018).

Britaines future happinesse, / To the worlds end in true tranquillitie.”⁴⁴ Although Munday speaks of Britain, its happiness will come from a man whose lineage is comfortably English or Welsh. James’ Scottish heritage is simply left out of the lines of verse. The speaker’s optimism might have lain with Britain, but his sentiments were Anglocentric. This overarching focus on England prompts Hill to argue that England is the only one of the three in Munday’s pageant that apparently exists as a “definitive nation-state.”⁴⁵ Though the title speaks of “triumphs” of a re-united Britain, in reality, England ranks first among its sister nations, a presumption that the repeated use of “England” instead of “Britain” further emphasizes. As a popular event with literary underpinnings, it provides insight into the English perspective of Scotland and the rightful place of England in a united Britain. In the event, the pageant used the Brute myth to reinforce the impression of English cultural and political superiority throughout the whole of Britain.

Though the narrative celebrates a united Britain, the details leave no doubt about the cultural hegemony that places England securely atop that hierarchy with the implication that union should not come at the cost of English leadership. The character of Britannia declares that she had also been called Albion, suggesting an historical precedent for English domination throughout the whole of Britain.⁴⁶ In his text, Munday identified most readily with an Anglocentric perception of history, a stance that confirms Brian Levack’s premise that by the end of the sixteenth-century the English saw themselves as a distinct people.⁴⁷ Although Munday’s pageant reflects this national consciousness, it seems particularly telling that he would take such an English stance

⁴⁴ Munday, *Ibid.*, sig. B3^r, EEBO (Accessed February 24, 2018).

⁴⁵ Hill, “Monarchs and Mayors,” 19.

⁴⁶ Munday, *The Triumphs of Re-United Britannia*, sig. B2^v, EEBO (Accessed December 29, 2017).

⁴⁷ Levack, *The Formation of the British State*, 21.

when his king wanted the country to assume a British identity. Munday's narrator identifies with England, noting how "the limits of Loegria were enlarged" eventually "by our owne conquests."⁴⁸ In turn, the "boundes between us and Scotland" were created, an odd part of Britain's history to emphasize in a pageant meant to celebrate British unity.⁴⁹ The narrative honours James as the "second Brute" who brings England, Scotland, and Wales together "again in blessed unity," thus reversing the ancient mistake of dividing the original kingdom in three.⁵⁰ However, the recurring appearance of "we" and "us" references English antecedents, excluding the Scots while forgetting the British union, the purported reason for the pageant. Though England, Scotland, and Wales are "sister kingdoms"⁵¹ celebrating this "most happy day,"⁵² none of the place names – Troya Nova (London), Thamesis, Savarne (Severn), and Humber – has a connection with Scotland.⁵³ Munday's narration negotiates English myth, dynastic history, and celebration of Britain, but the narrator's Anglocentric perspective makes clear that the old national fault lines remain sharply defined, and the Britain it celebrates was an English one.

If Munday's pageant revealed the presumption of English hegemony throughout Britain, English courtiers and counsellors in London expected that they would retain primacy in their own country's government. Although most of these men revealed no hint of an appreciation for a shared British identity with their Scottish counterparts, the pageant offered a celebration of British unity, and much of that celebration rested on the presupposition that the new monarch from Scotland would transform into an English

⁴⁸ Munday, *The Triumphs of Re-United Britannia*, sig. A3^v, EEBO (Accessed Decemeber 29, 2017).

⁴⁹ Munday, *Ibid.*, sig. A4^r, EEBO (Accessed December 29, 2017).

⁵⁰ Munday, *Ibid.*, sig. B3^v, EEBO (Accessed December 29, 2017).

⁵¹ Munday, *Ibid.*, sig. B3^v, EEBO (Accessed December 29, 2017).

⁵² Munday, *Ibid.*, sig. B4^r, EEBO (Accessed December 29, 2017).

⁵³ Munday, *Ibid.*, sig. B4^v, EEBO (Accessed December 29, 2017).

king, somehow forgetting his life and people north of the border. Even as Elizabeth lay dying, politically ambitious members of some of England's great families rode north, expecting to ingratiate themselves with James in the hopes of reaping the benefits of political power upon the king's arrival in London. It quickly became evident, however, that the new king was dividing his Chamber evenly between Scots and English with the expectation that the former would accompany the latter to England and operate with equal authority on the new Privy Council. The presence of Scottish advisers so close to the king became an ongoing source of friction between James and the Commons and overshadowed the coming union debate. In fact, even before the king reached London, Robert Cecil and Northampton met him at York in an attempt to dissuade him from including Scots on the English Privy Council. They were sorely disappointed. Two Englishmen, Sir Walter Raleigh and Sir John Fortescue, lost their official positions to Scots when they pressed the king to exclude them from his English Privy Council.⁵⁴

Once in London, James inflamed sensitivities among his English counsellors by ensuring that Scots would play a prominent role in the inner-most circles in the king's court. The Venetian ambassador remarked the "chagrin" the king caused the English when he "bestowed upon Scots" the "supreme offices," reportedly making "these changes ... in that highhanded manner."⁵⁵ Many of the Scots were simply members of the entourages whom the king and queen brought with them, household staff who had always worked for James and Anne. However, the king placed the largest group of Scots in the

⁵⁴ Arthur Wilson, *The History of Great Britain being the life and reign of King James the First* (London, 1653), E1^r-E1^v; Neil Cuddy, "Anglo-Scottish Union and the Court of James I, 1603-1615," *Transactions of the Royal Historical Society* 39 (1989): 108-110; Galloway, *The Union of England and Scotland*, 17-18.

⁵⁵ Giovanni Carlo Scaramelli, Venetian Secretary in England, to the Doge and Senate, *CSPV* (May 1603), I: 28-42; Galloway, *The Union of England and Scotland*, 17-18; Cuddy, "Anglo-Scottish Union and the Court of James I, 1603-1615," 108-110.

Bedchamber and Privy Council. Bruce Galloway argued that as king of both Scotland and England, James' decision to reserve half the Privy Council slots for the Scots was entirely fair and could have otherwise provoked discontent in Scotland had the Privy Councillors been entirely English.⁵⁶ Yet Scotland had its own Privy Council; the English Privy Council had heretofore been English, and to MPs and counsellors alike, the king was ignoring expectations and practice by making the governing apparatus less English. In other words, the Scottish king remained Scottish in the eyes of many of his English subjects. The efforts of Northampton, Cecil, Raleigh, and Fortescue suggest not so much base Scotophobia, but rather English discomfort with shared rule over their country and the accompanying loss of prestige for the ruling elite.

Along those same lines, James' creation of a new department, the Bedchamber, became a major irritant to Parliament. While the king ensured that the Privy Council remained evenly divided among Scots and English, he pushed that body to the periphery, and in its stead, James assembled the Bedchamber, made up wholly of Scots, demonstrating obvious favouritism in its composition. Therein lay a double insult for English parliamentarians. As a foretaste of union, James sought equal representation of the two nations on the Privy Council, but restricted Privy councillors from freely accessing their king while Scottish Bedchamber members faced no such restrictions. That the men with the greatest influence on the king's governance of the English were Scottish offended Westminster MPs. Several, in fact, accused Cecil of betrayal for arranging James' succession.⁵⁷ Even this early in his English reign, MPs could only see

⁵⁶ Galloway, *The Union of England and Scotland*, 18.

⁵⁷ Cuddy, "Anglo-Scottish Union and the Court of James I, 1603-1615," 110-11. James finally admitted one Englishman to the Bedchamber, Robert Herbert, eventually earl of Montgomery. Cuddy contended

that by favouring Scots, James was actively reinforcing their perception of his anti-English bias, thus feeding the notion that their sovereign failed to identify with the English, something many of his southern subjects resented.⁵⁸ From their perspective, their king stubbornly refused to let go of his role as king of a country the English had failed to conquer, thus injuring their national pride.⁵⁹ Despite hints of his desire for union, James' commitment to both kingdoms came as a surprise. While still in Edinburgh in April 1603, the king ordered new signets engraved with the arms of England and Scotland placed together in union.⁶⁰ Although many at Westminster expected their king to respect their notion of sovereignty – one that made England his foremost concern, James sought to govern both countries in equal measure.

English MPs might have had good reason for their initial upset at James' favouritism for Scots and desire for an Anglo-Scottish union based upon political equality of the two kingdoms. That astonishment in Westminster at James' steadfast loyalty to his northern realm and its people might have originated with correspondence between the king and Sir Robert Cecil and a few others prior to his accession. Though kept secret from Elizabeth, as early as 1601 Cecil began preparing for James to take the reigns of power upon the queen's decease.⁶¹ As James VI of Scotland, he appeared ready to perform the office of English monarch without apparent especial regard for his native land. Indeed, the king appeared more than prepared to make England his priority thereby

that Herbert's admission signifies James' effort to placate the Commons as he began his push for Union. However, Herbert was the last English member admitted to the Bedchamber until 1615. See Cuddy, "Anglo-Scottish Union and the Court of James I, 1603-1615," 112.

⁵⁸ Jenny Wormald, "James VI and I: Two Kings or One?" *History* 68 (1983): 206, 208.

⁵⁹ Wormald, "James VI and I: Two Kings or One?," *Ibid.*

⁶⁰ James VI and I, "Warrant to Charles Anthony, the King's engraver, to make two new signets with the union of the arms of England and Scotland, with inscriptions for the same." National Archives, Kew, England: 40/1/50. Accessed via State Papers Online. [Hereafter NA SP]

⁶¹ Bruce, ed., *Correspondence of King James VI*, xxxvii-xxxviii.

preserving English primacy in Britain. At times, James' candour suggested the same sort of scorn for the Scots as might exist in certain quarters of the English elite, writing to Cecil that "it is a farre more barbarouse and stiffe nekkit people that I rule over."⁶² In the same letter, James lamented that St. George rode an easy horse while James made do with "a wylde unreulie coalte."⁶³ Continuing in the same paragraph, he revealed affection for the southern kingdom when he spoke of the "natural loue I owe to England."⁶⁴ In these passages, James' tone and message convey the ideals that conceivably flattered the sensibilities of many members of the English ruling elite. Moreover, throughout his correspondence, the king also provided specific signs that his reign would not upset the relationship between England and its neighbours and the status of counsellors. The correspondence between the Scottish Edward Bruce and the English Henry Howard indicates that members of the elite expected James to rule without favouritism for his native countrymen. Bruce wrote that the king would "alter no man in any office or charge he possesseth in the state." He would nevertheless be at liberty to select the men around him for his own security, but even in such a case, James would not give Scots an advantage over the "Inglise."⁶⁵ In a letter the earl of Northumberland wrote to James, the former revealed to the latter a presumption of English superiority. That he expressed such a notion to James suggests an expectation that the king would at least acquiesce to such beliefs. Northumberland wrote that "the anexing of theas thrie kingdomms most neides be glorijs and great ... and happie for ws, since subjects ar euer

⁶² Bruce, ed., *Ibid.*, 31.

⁶³ Bruce, ed., *Ibid.*, 31-32.

⁶⁴ Bruce, ed., *Ibid.*, 32.

⁶⁵ Bruce, ed., *Ibid.*, 49.

soe where largest dominions are.”⁶⁶ Further in the same letter, Northumberland reveals a desire for an Anglo-Scottish union modelled on the Anglo-Welsh configuration, suggesting that an expressly anglicized British polity would come into existence during James’ reign. Northumberland shared his presumption that his Majesty would “make [Scotland and England] one, as nowe England and Wales are,” with the king careful not to place more trust in the Scots than the English. Northumberland anticipated that James would become more devoted to the subjects of his southern kingdom, writing that James’ English ancestry would provide him a source of “honor in being reputed a king of England [which] will be greater then to be a king of Scottes.”⁶⁷ In his missive to Northumberland, James appeared to assure the Englishman that if he were to take Elizabeth’s place as her successor, he would rule the country as she had, pledging to refrain from “inverting, innouating, or making any alteration in the state, guuernement, or lawes; and besides, what confidence could I euer heaue in those that for pleasour of me hade betrayed there present soueraine?”⁶⁸ In yet another letter to Northumberland, James makes clear that he would like “to knitte this whole Iland in a happie and perpetuall unities,” acceding to the throne only “as the sonne and righteous aire of England ... without any kind of alteration in steat or gouernment, as fare as possible I can.” He pledged that all men already serving her Majesty would so continue during his reign, making no significant changes as king of Scotland.⁶⁹ The king’s letters paint a picture of an heir to the throne ready to serve England with little deviation from Elizabeth’s regard for her people and counsellors. Despite the image of the rather pliant prince ready to

⁶⁶ Bruce, ed., *Ibid.*, 53.

⁶⁷ Bruce, ed., *Ibid.*, 56.

⁶⁸ Bruce, ed., *Ibid.*, 62.

⁶⁹ Bruce, ed., *Ibid.*, 75.

govern according to English hopes and expectations, a few years prior to this correspondence, James had written of the rightful power of a monarch. In the following excerpt from his treatise, James leaves no doubt as to the proper locus of national power:

And as ye see it manifest, that the King is Over-Lord of the whole Land: So is he master over every person that inhabiteth the same, having power over the life and death of every one of them. For although a just Prince will not take the life of any of his Subjects without a clear Law: Yet the same Laws, whereby he taketh them, are made by himself, or his predecessors. And so the power flows always from himself.⁷⁰

He was a ruler prepared to reign as he saw fit, no matter the ideals MPs and courtiers sought to impose. Thus, when James appeared to alter course from his predecessor and the apparently Anglocentric beliefs expressed in his letters, many English MPs and courtiers found it especially difficult to accept his Scottish Bedchamber and proposed Anglo-Scottish union comprised of equal kingdoms.

Simply put, the English wanted the king; they did not want his country or countrymen and the Britishness they represented. They expected James to assume the role of English monarch whose focus remained solely on their country without regard for Scotland.⁷¹ Among many English MPs, the proper relationship between themselves and the Scots would have been imperial master and colonial subaltern. When James assumed the throne, he appeared to have inverted that relationship. Worse, he wanted to use law to enshrine a new reality in which master and subaltern were equal, an idea that unnerved many of the ruling elite at Westminster. The English had tried for years to colonize the Scots, to make Scotland a vassal country obedient to England. That such efforts had

⁷⁰ James I, *The True Law of Free Monarchies* (Edinburgh, 1598), sig. D1^r. EEBO (Accessed July 7, 2017).

⁷¹ NA SP 14/7/59 (f. 151, 153), Copy of abstract by Sir Francis Bacon of objections in the House of Commons, relative to the King's adopting the title or name of King of Great Britain; Wormald, "James VI and I: Two Kings or One?," 206.

failed proved a particular irritant. However, what had been a frustrating historical annoyance had transformed into a nearly intolerable situation upon James' accession. Wormald framed the situation as one in which James' English parliamentarians wanted to "train their ruler who had, against the odds, become their king, in their values, to turn him into an acceptable king of England. They were therefore trapped in an impossible situation. For how does one colonise one's king?"⁷² Even as late as 1610, Nicholas Fuller told his fellow MPs that they needed to school James in his responsibilities according to the laws of England. He argued that giving James such instruction would allow the English to be "true" to themselves.⁷³

James' predisposition to keep Scottish courtiers around him provoked jealousy amongst his English counsellors, and surviving papers from the time reveal the petty, petulant behaviour of several parliamentarians who rejected any notion that the king might divide his attention between England and Scotland. The English simply refused to recognize the relationship with the Scots in the way that James envisioned it.⁷⁴ Even before James arrived in London, a number of English councillors demonstrated their resistance to sharing power with Scots. When the earl of Kinloss arrived in London armed with orders from the king guaranteeing his place on the Privy Council, he ran up against "the disgust of the Lords, who pretended that no one but Englishmen should hold honours and office in England."⁷⁵ Key to governing Scotland was the king's written correspondence with his Privy Councillors in Edinburgh. He put his Scottish courtiers in

⁷² Wormald, "The Creation of Britain," 188.

⁷³ Nicholas Fuller, "Speech to the House of Commons, May 22, 1610," in *Proceedings in Parliament, 1610*, ed. Elizabeth Read Foster, vol. 2 (New Haven and London: Yale University Press, 1966), 109.

⁷⁴ Russell, "James VI and I and Rule Over Two Kingdoms," 154.

⁷⁵ Giovanni Carlo Scaramelli, "Venetian Secretary in England, to the Doge and Senate," *CSPV* (April 24, 1603), 10: 2-16.

London, especially those in his Bedchamber, in charge of that correspondence, thus placing this connection beyond the reach of English advisers on the London-based Privy Council. In effect, their king acted independently of the English with the result that competition between the Scots and English councillors increased, and along with it, the resentment of many English MPs.⁷⁶ When Sir John Stanhope, the Vice Chamberlain of England, learned that James had appointed a gentleman in Scotland to the position of Vice Chamberlain of that country, Stanhope reacted in outrage and refused to return to court.⁷⁷

Practical challenges of an Anglo-Scottish union.

James was king in London just two months when he saw fit to proclaim the two kingdoms unified, underscoring his sense of royal sovereignty, and, one might argue, disregard for his English MPs. On May 19, 1603, James issued “A Proclamation for the uniting of England and Scotland,” thus making clear that he saw no reason to debate the merits of such a union. For him, the Union of the Crowns was only the beginning, the preliminary step to full political union. What is particularly striking about the Proclamation is the near matter-of-fact presentation of the benefits of full political union. Union reflected the will of the Christian deity with the implication that James’ objective was divinely ordained. With James king of both countries, “his Princely disposition to Justice” allowed him to “repress” the violence on both sides of the border, a hitherto perennial problem. However, “it hath now pleased God, in his great blessing to this

⁷⁶ Russell, “James VI and I and Rule Over Two Kingdoms,” 154-55.

⁷⁷ Sir Ralph Winwood, *Memorials of Affairs of State in the Reigns of Q. Elizabeth and K. James I*, ed. E. Sawyer, vol. II (New York: AMS, [1725] 1972), 57.

whole Island, by his Majesties lawfull succession to the Imperial Crowne of England” to bring thereby the “extremities” into “the middle” and thus enforce their “obedience.” The choice, by James’ reckoning, was black and white, a good versus evil dichotomy. Those people in the Marches who opposed union or “pretend[ed] ignorance” of it were “wicked” and “Enemies to Peace, Justice, and quietnesse,” who “fed themselves with a sinister conceit and opinion, that no such union should be established,” preferring “robbery and oppression.” Concurrently, those people on both sides of the border who supported union were his “good Subjects.” Thus, to reassure “all his good Subjects” who might still suffer doubt of the proposed union and to undermine the anti-union efforts of “wicked and turbulent persons,” he thought it timely to issue the present document, so “the best disposed Subjects of both Realmes of all qualities” will know of the advantageous “Presents” that union will provide them as they possess “a most earnest desire, that the sayd happy Union should bee perfected.” Until the parliaments of England and Scotland approved such an incorporating union, James would conduct himself as if his desired union already existed and called upon his subjects to do the same, to think of themselves as one people inhabiting one kingdom.⁷⁸

Although there were MPs who thought union best – Frances Bacon to name one – union with Scotland struck many English MPs as an unnecessary reduction of English stature, and many at Westminster simply found a political merger of Scotland and England logistically perplexing.⁷⁹ These parliamentarians proved anything but wicked.

⁷⁸ James VI and I, “By the King. A Proclamation for the uniting of England and Scotland,” May 19, 1603 in *Stuart Royal Proclamations*, vol I, *Royal Proclamations of King James I, 1603-1625*, ed., James F. Larkin and Paul Hughes (Oxford: Clarendon Press, 1973), 18-19.

⁷⁹ See Francis Bacon, *A briefe discourse touching the happie union of kingdomes of England and Scotland* (London, 1603).

In the early stages of the debate, two primary concerns emerged, the first practical and the second symbolic. The practical concerns dealt with the logistics of bringing two countries together into one political unit when the imbalances in wealth and population proved stark and prohibitive. The symbolic concerns stemmed from the effort to re-brand the country Great Britain with a new joint flag and a king with a new royal style. The debates reveal that the king's initial drive for union provoked a backlash that demonstrated a desire to maintain England's unique identity and a fear of the loss of it. In April 1604, James prodded the House of Commons to begin discussions on merging Scotland and England into one British nation. In actuality, the Lords took the initiative, asking to hold a conference with the Commons. In a declaration dated April 16, the Lords suggested that the unified country take the name Great Britain.⁸⁰

Many of the men in Parliament who were keen to preserve English sovereignty within their own country, if not Britain, felt that the Scots failed to see their proper place. Running England was meant to be an English concern, not Scottish or British. Although the attitude of the English ruling elite was manifestly Anglocentric, the country's size appeared to confirm their belief that England should take precedence in Britain. That perspective coupled with the practicalities of union convinced many at Westminster that conjoining Scotland and England would be logistically impossible. By any measure, England was a far larger country on most every count. Certainly, England's economy was of greater consequence. David Stevenson estimated that as late as 1625 Scottish ordinary revenues totalled £16,500 sterling, though already in September 1607, English

⁸⁰ *CJ* (April 16, 1604): I, 172-3. James believed that newly created symbols of British unity would inspire British identity in his subjects north and south of the Anglo-Scottish border. The Union flag, however, proved so unpopular that he stopped flying it. See Galloway, *The Union of England and Scotland*, 82-84.

receipts were recorded as £324,075.⁸¹ The disparity in revenues is striking, and indeed, compared to Scotland, English elites seemed awash in material prosperity. At the time of James' accession, his wealth as king of Scotland was perhaps on par with the wealthiest English earl, and as king of England, his income was approximately twenty times his revenues received as James VI in Edinburgh. To add to the English sense of superiority, England's population could possibly have amounted to five times that of Scotland. Finally, the governing apparatus in England was far more developed than its counterpart in Scotland, giving the English one more reason to assume an air of superiority.⁸²

The concept of an equal partnership and the loss of English dominance in Britain.

Although concerns about practicalities marked the beginnings of the union debate, more broadly, many English MPs saw conquest in James' endeavours, inflaming a discomfort grounded in the age-old notion of English superiority. James wanted a united kingdom in which England and Scotland would enjoy equal status.⁸³ For him, it was a self-evident fact that the countries belonged together, united as one polity. However, he also had practical reasons for rebranding his two realms "Great Britain." It soon became obvious to him and other government officials that two independent countries meant two separate royal lines of succession. That meant that the two kingdoms, presently linked only through James, could eventually end up with two monarchs who would make a union of the two countries unworkable. Reflecting those fears, Thomas Wentworth told

⁸¹ David Stevenson, *The Scottish Revolution, 1637-1644* (Newton Abbot: David and Charles, 1973), 41; NA SP 14/28/60X, "The Brief of the State of Whole Revenue, 1607."

⁸² Russell, "James VI and I and Rule Over Two Kingdoms," 152.

⁸³ Perhaps unsurprisingly, the Scots anticipated an Anglo-Scottish union that would have meant a sharing of governmental power with their English counterparts without diminishing the prestige of either. See *RPS*, 1604/4/20. Procedure: commission. Date accessed: 25 April 2018.

his fellow MPs in the Commons that “England and Scotland” were “two distinct Kingdoms, two Commonweals. They acknowledge no Crown, no King, but of Scotland: We acknowledge none, but that of England.”⁸⁴ Not only did Wentworth reveal two years after his king’s accession that the Scots still struck him as foreign – no joint British identity apparent – his speech also suggests discomfort with the arrangement linking the two countries in the body of the king. Furthermore, he spoke to the crux of the debate. In effect, a unified country could end up with two leaders, each claiming sovereignty. Not only was Wentworth sharing the majority opinion on the topic, he also outlined a scenario whereby Britain consisted of two independent nation-states.⁸⁵ With different laws of succession, and sovereignty vested in each country’s monarch, Scotland and England could not legally enter into a political union. Even if such a union were to exist, a legal nightmare could potentially ensue, if the country ended up with rival monarchs representing separate British regions.⁸⁶ For the English, there was an additional fear. The thought of two national successions conjured visions of invasion and eventual conquest, were the Scottish ruler friendly with England’s foreign enemies.⁸⁷ For most Westminster MPs union appeared unworkable, if not altogether threatening.

Unfortunately for James, his cherished project of union ran up against a legal hurdle that appeared to stop it before it began. The king could not ask either country’s parliament to alter the laws of succession without running the risk of calling his own kingship into question. In an odd twist of history, James’ great uncle, Henry VIII, had

⁸⁴ Thomas Wentworth, *CJ* (February 17, 1605): I, unpaginated (Second Scribe) [Appears in *CJ*, I, February 17, 1607.].

⁸⁵ Russell, “James VI and I and Rule Over Two Kingdoms,” 157.

⁸⁶ Sir Francis Bacon, “Union with Scotland,” *CJ* (April 25, 1604): I, 184-185; Sir Edward Coke, *The Fourth Part of the Institutes of the Laws of England* (London, 1644), 347.

⁸⁷ Russell, “James VI and I Rule Over Two Kingdoms,” 157.

prohibited a Stuart line of succession to the English throne in his will, a document that the Westminster Parliament sanctioned. In effect, Henry attempted to preclude Scottish royal control of England, thereby making a future British union manifestly English. Rejecting Henry's choice of the English-born Grey line, James declared that the divine right of hereditary succession made his claim the most legitimate, a theory subsequently enshrined in his Act of Recognition. Approved by English MPs, this act declared that no parliament had the authority to prohibit legitimate hereditary succession. It followed, therefore, that James could not simply ask his two parliaments to alter or end a line of succession from either country to allow him to unify England and Scotland under one remaining royal dynasty. To remedy this problem, James unilaterally transformed his two kingdoms into Great Britain, thus creating a new British succession that brought the two countries together under the king's sovereignty, if not as a unified political unit. To the king's supporters, this new royal style made sense. James was now the king of Great Britain, in effect the head of one body, not two.⁸⁸ Several years later, this point formed the backbone of the Naturalization Act of 1607; the proposed law stated that "by [this] blessed union the people and subjects of both the said realmes are made members of one entire body under one head."⁸⁹ In 1608, Robert Cecil echoed these same sentiments when writing to Lord Dunfermline, lord chancellor of Scotland. He made mention of

⁸⁸ Russell, "James VI and I Rule Over Two Kingdoms," 157-58; Brian P. Levack, *The Formation of the British State: England, Scotland, and the Union, 1603-1707* (Oxford: Clarendon Press, 1991), 8; John Thornborough, *Discourse Plainely Proving the Evident Utilitie and Urgent Necessitie of the Desired Happie Union of the two famous Kingdomes of England and Scotland* (London, 1604), sig. C4^r-D1^r, EEBO (Accessed February 15, 2018). For an account of Henry VIII's exclusion of the Scottish line from the English royal succession and the logic by which James challenged the Tudor king's will, see Stewart, *The Cradle King*, 159-160.

⁸⁹ British Library, Cotton MS. Titus F iv fos. 81^v-82^r quoted in Russell, "James VI and I Rule Over Two Kingdoms," 158.

“God, who hath made us one body under one head.”⁹⁰ Unfortunately for James, to many MPs, this rhetoric sounded too much like the consequences of losing a war. In many of their minds, the king’s Great Britain sounded like the loss of the England they had always known.⁹¹

The idea of conquest haunted the House of Commons and made its members wary of James’ plan to bring the two countries together, starting with renaming his united kingdoms and adopting a new royal style in October 1604. James justified his decision as God’s will, emphasizing that Great Britain was not a product of conquest. That the king had seemingly proclaimed into existence a new country – if in name only – alarmed MPs, many of whom found it an encroachment onto their rights as Englishmen and parliamentarians.⁹² While the debate on union punctuated the parliamentary agenda throughout 1604, the discussions that took place on April 16 through 24 reveal the concerns of many English MPs regarding the consequences of the king’s objectives for their country and its place in Britain and Europe. Although a number of voices joined the ongoing debate, on April 19 Bacon and Sir Edwin Sandys took the lead, the former supporting the king’s new royal style, and the latter staunchly opposing it. Bacon thought that the name Great Britain lent the country a certain grandeur not unlike that of the

⁹⁰ NA SP 14/32/60 (f. 109), Robert Cecil, “Letter to Lord Dunfermline” (1608).

⁹¹ Ironically, the Scottish Act of Union (1607) proved restrained in its framing of political, legal, and commercial engagement with the English. Although it hinted at an eventual treaty that would “perfect” the political relationship when “mutually desired by both the realms,” the Act of Union did not demand that the English surrender sovereignty. Most significantly, it affirmed James’ right to prefer *ante-nati* Englishmen for honours and offices in Scotland. It also made clear that the Scots would not accept a one-sided treaty that favoured England. See *RPS*, 1607/3/12. Date accessed: 25 April 2018.

⁹² James VI and I, “By the King. A Proclamation Concerning the King’s Majesty’s Stile of Great Britaine,” October 20, 1604 in *Stuart Proclamations*, Vol. I, *Royal Proclamations of King James I, 1603-1625*, ed., James F. Larkin and Paul L. Hughes (Oxford: Clarendon Press, 1973), 95; “Russell, James VI and I Rule Over Two Kingdoms,” 160. As late as April 1604, James did not appear to believe that his anticipated Anglo-Scottish union would meet with such staunch opposition. See *RPS*, 1604/4/11. Letter: king’s letter and postscript to [the Scottish] parliament. Date accessed: 25 April 2018.

Roman Empire, even suggesting that James take the title of emperor. Changing a country's name could not, Bacon argued, change the fundamental quality of its people, institutions, and values. Sandys, like many of his fellow MPs, rejected Bacon's take on changing the country's name and opposed James' new royal style. He argued that names do indeed determine the nature of countries and that the English House of Commons had no right to create laws for Great Britain. Sandys and many other MPs simply could not countenance losing the "ancient name of England, so famous and victorious."⁹³ It was the Scots who needed to relinquish their country's name, whether to call itself Britain or England was not made clear in this debate, but the gist was that the Scots needed to remain the junior partner.⁹⁴ In a sign of things to come, several members voiced concerns about the English legal system, suggesting that it was incumbent upon the Scots to adopt English law, with the implication that the English would retain their "precedency," now seemingly threatened by loss.⁹⁵ In a statement especially telling for the insight it provides into the English mindset, Secretary Herbert defended the king's desire to change the country's name to Great Britain, arguing that England would not lose its "dignities and privileges" and that the governments of "Scotland, Ireland, and the Isles adjacent" would move to London.⁹⁶ The implication was clear. No matter the country's name, England would remain the dominant power in the region.

In their ongoing debate about union and the king's proposed new style, other MPs joined Bacon and Sandys, including members of the House of Commons Committee of the Union. According to this committee, James' agenda to refashion Scotland and

⁹³ *CJ* (April 19, 1604): I, 177-78; Notestein, *The House of Commons: 1604-1610*, 79.

⁹⁴ *CJ* (April 19, 1604): I, 177-78.

⁹⁵ *CJ* (April 19, 1604): I, 177-178.

⁹⁶ *CJ* (April 20, 1604): I, unpaginated.

England into a unitary British realm was for the English akin to being “conquered.”⁹⁷ Opening with “the more we wade, the more we doubt,” the committee opposed the loss of their country’s historic name: “Amongst worldly things, nothing [is] more dear unto us than our Name.”⁹⁸ They claimed that in losing their name the English would “drown” and lose the “precedency” over Scotland. A change in the country’s name would lead to confused government records including those of the court system; they might suffer the loss of the King’s Bench, for its relocation to Scotland would become a possibility. Furthermore, the English would need to contend with “a deluge of Scots,” not unlike a form of conquest. By the committee’s reckoning, the king’s unilateral change of the country’s name was without precedent. They felt that James’ desire to change his royal style and the name of the country had far reaching implications, essentially transforming England into a country unrecognizable to his Westminster MPs: “The Name of the King, of the Kingdom, of the People: Alter One, alter all.”⁹⁹ While the king pursued his objective of reinventing himself into the king of Great Britain and designing the new union flag, English parliamentarians would pursue their own “project” for their country’s “security,” indicating a need to insulate themselves and their country from the threat of foreign influence.¹⁰⁰ In an act of irony apparently lost on MPs, a member of the Commons, whose name remains unrecorded, stood and criticized James for assuming the identity of a British king, purposefully connecting himself to a long line of British

⁹⁷ *CJ* (April 25, 1604): I, 184-185.

⁹⁸ Notestein, *The House of Commons: 1604-1610*, 79.

⁹⁹ *CJ* (April 25, 1604): I, 184-185.

¹⁰⁰ *CJ* (April 25, 1604): I, 184-185.

monarchs leading back into antiquity, not entirely dissimilar to former Tudor rulers.¹⁰¹ Thus, the leaders of a country who had long appropriated the ancient history of the Welsh to assume the indigenous identity of Britons, rejected a Scot's attempt to do the same. The implication was clear. The English assumed a British identity on their own terms, shaped according to their national mythologies. Altogether, the English at Westminster were keen to preserve their country's independence, perceived glory, and hegemonic position in Britain. Although James' agenda was not without support, his attempt to forge a British nation pushed many MPs to reject all trappings of Britishness. Indeed, the widespread rejection of the monarch's use of Great Britain as his preferred appellation for England, Scotland, and Wales suggests a profound anxiety that informed their conduct. The loudest voices among the English showed no inclination to become British in a way that would match James' enthusiasm for union.¹⁰²

For the faction in the Commons determined to maintain English primacy in Britain, the Scots would need to enter an incorporating union whereby Scotland and England would form one political unit with one monarch and one parliament, presumably at Westminster. As each of the king's realms had different legal systems, they found it inconceivable that the two countries could become one unified political unit without a

¹⁰¹ Sir Francis Bacon et.al., "Union with Scotland," *CJ* (April 25, 1604): I, 184-185; Notestein, *The House of Commons: 1604-1610*, 79. Brian Levack argued that the Union flag, like the change in the royal style, generated more ill will against union than support for it. See Levack, *The Formation of the British State*, 189-90.

¹⁰² In the midst of this debate about the new royal style, the Commons produced the "Objections Against the Change of the Name or Style of England and Scotland into the Name or Style of Great Brittain." MPs argued that a new royal style would nullify the oaths, courts, treaties, and the great seal established under an English king. They also feared a loss of English prestige in the eyes of their continental rivals. See NA SP 9/210/47. For a rebuttal of those claims, see John Thornborough's *Discourse Plainely Proving the Evident Utilitie and Urgent Necessity of the Desired and Happie Union*. London, 1604; Conrad Russell, "The Anglo-Scottish Union 1603-1643: a success?" in *Religion, Culture and Society in Early Modern Britain*, eds., A. Fletcher and P. Roberts (Cambridge: Cambridge University Press, 1994); J.H. Elliot, "An Empire of Composite Monarchies," *Past & Present* 137 (November 1992): 48-71; Galloway, *The Union of England and Scotland*, 38.

change to Scotland's legal system. Also, an additional anxiety haunted them that forcing such a marriage of nations would reduce England's stature as the presumed natural political and cultural leader in the British Isles.¹⁰³ They looked to their own history and knew that England annexed Wales and subsequently replaced its own native legal system with English common law, ultimately completed with Henry VIII's two Acts of Union in 1536 and 1543.¹⁰⁴ The Scots would adopt English laws and assimilate into a greater English culture, not unlike their perception of the Welsh experience. In the subsequent generations, many Welsh, especially members of the elite, had attended English universities and pursued English professions, consequently identifying as English. During the union debate in the first few years of Jacobean rule in England, published treatises often referred to the Welsh and English as one people, conveniently overlooking Welsh speakers from the lower orders. In one of his speeches, the king argued that Wales and England were the same country.¹⁰⁵ For Sandys and like-minded MPs, the Welsh model became the exemplar of the perfect union, one based on English military victory. It was this sort of union that the nationalist faction wanted. They sought an anglicized Britain wherein Scotland adopted the English common law and sent representatives to

¹⁰³ Russell, "James VI and I Rule Over Two Kingdoms," 158. Eventually, James asked Cecil to ask judges if laws passed under the auspices of English monarchs would remain in effect under a sovereign of Great Britain. Unfortunately for James, they ruled that such laws would go "extinct" under a British king. Russell, *Ibid.*, 159. See also Coke, *The Fourth Part of the Institutes of the Laws of England* (London, 1644), 347 and Levack, *The Formation of the British State*, 38.

¹⁰⁴ Levack, *Ibid.*, 18-19; Armitage, *The Ideological Origins of the British Empire*, 34-38; J. Gwynfor Jones, "The Welsh Gentry and the Image of the 'Cambro-Briton'," *Welsh History Review* 20, no. 4 (December 2001): 618-625.

¹⁰⁵ *CJ* (November 16-18, 1608): I, 314-315; Robert Bowyer, *The Parliamentary Diary of Robert Bowyer, 1606-1607*, ed., David Harris Willson (New York: Octagon Books, 1971), 185; Levack, *The Formation of the British State*, 22.

Westminster, working within the political and cultural parameters of the English state.¹⁰⁶ English public officials and writers looked for precedents for a perfect union of two independent countries and could find none successful except by conquest, suggesting the challenge of amalgamating two kingdoms.¹⁰⁷

Excepting the aspect of subjugation, James originally sought a similar arrangement between his two realms, a unified British state replete with one parliament, privy council, system of law, and religion. Eventually, however, unionists including the king realized such a total union was not achievable through negotiation. Thus, they scaled back their expectations for union to a partial or less than perfect union.¹⁰⁸ In the words of one contemporary observer, there was “nothing more hard to prove than a perfect union.”¹⁰⁹ Scotland’s status as an independent country made it that much more difficult to achieve a perfect union, for English parliamentarians would have expected the dismantling of Scottish institutions, something that the Scots would not have permitted. Without an actual conquest as in the case of Wales, the English could not unilaterally bring Scotland into the English realm. Although negotiation could have led to a perfect union, it would have likely taken an actual conquest to achieve the sort of total domination of Scotland as had been the case in Wales.¹¹⁰ Many English MPs expected no less than the total cultural and political assimilation of the Scottish territories into the English polity, making the northern country a mere geographical appendage akin to

¹⁰⁶ Levack, *Ibid.*, 27; Bowyer, *The Parliamentary Diary*, 244. For a discussion of the cultural, religious, and political assimilation of Wales into English society and governance, see J. Gwynfor Jones, *Early Modern Wales, c.1525-1624* (New York: St. Martin’s Press, 1994).

¹⁰⁷ NA SP 14/7/64 (f. 163). Notes of speech in the House of Commons by Sir Edwin Sandys (April 26, 1604); Levack, *The Formation of the British State*, 24.

¹⁰⁸ Levack, *Ibid.*, 23.

¹⁰⁹ NA SP 14/7/65 (f. 166). Discourse on the Union of Kingdoms (April 26?, 1604).

¹¹⁰ Levack, *The Formation of the British State*, 25; Jones, “The Welsh Gentry and the Image of the ‘Cambro-Briton’,” 615-655.

Cornwall, and as a perfect union necessitated military subjugation, a perfect union came to mean annexation of a subjugated people with English domination its subsequent consequence. This kind of union made sense to MPs, one modelled on the Welsh experience.¹¹¹

When James realized that his idea of a perfect union was unacceptable to his MPs at Westminster, he decided to move gradually. In 1604, he supported the proposals of a joint Scottish – English commission that proposed mutual naturalization and limited free trade between the two countries. There would have been no unified British state. Nonetheless, Sandys and anti-union MPs objected, calling this plan an imperfect union, for the Scots would gain privileges of Englishmen without giving in kind. Sandys represented the idea of English primacy in Britain. Until the 1606/1607 Parliamentary session, when the debate erupted anew, James' dream of union lay dormant save a few minor adjustments. However, this initial debate not only drew the lines of contention, it also delimited the type of union most MPs would countenance. If they were Britons, they made no mention of it, nor did they celebrate the Britishness that the king wished to foster. Levack contends that anti-unionists wanted to preserve the unitary English state, and any union with Scotland meant that that country would incorporate into England, becoming an outlying province of it.¹¹²

In the 1604 parliamentary session, both sides of the union debate finally appeared to accept the notion of a so-called perfect union between Scotland and England.

¹¹¹ Levack, *The Formation of the British State*, 26; Jones, "The Welsh Gentry and the Image of the 'Cambro-Briton'," 615-655.

¹¹² Levack, *The Formation of the British State*, 29-30; Bowyer, *The Parliamentary Diary*, 219-220. Historians have long suspected that Sandys and his supporters such as Fuller proposed a perfect union knowing that the Scots would never accept such a deal that would dismantle its legal system and ultimately subject the country to English domination. In this way, anti-unionists could purport to support the union while allowing the Scots to derail it. See Galloway, *The Union of England and Scotland*, 112-113.

However, such a conjoining of the two countries meant different things to each side of the debate. The king envisaged an amicable union of equals. The anti-unionist, nationalist faction, led by Sandys, wanted to ensure that the Scots would not receive the benefits of union without its responsibilities. In that event, Sandys, Northampton, and Neville argued that Scotland would see no reason to enter a perfect union. Sandys and like-minded MPs sought English domination, the sort of arrangement only practicable by way of military conquest.¹¹³ This divergence in objectives blurred the meaning of perfect union and put a stop to the positive progression towards union in that year. Its significance lay with the insistence of many MPs that a British union, and thus indirectly, Britishness, remained Anglocentric. The problem revolved around the sort of union that the king sought, and at this stage in the debate in 1604, the pro-unionists including the king and Bacon and the anti-unionists including Sandys defined the concept of union in contradictory terms, terms that reveal the meaning of Britishness and Englishness as the debate progressed. The idea that the English would somehow transform into something less English led to widespread opposition to James' British experiment. When James acceded to the English throne in 1603, he wanted a so-called perfect union. For him and his unionist supporters, perfecting the Union of the Crowns meant a full integration of the two countries, their laws, parliaments, churches, and economies. Both countries would owe allegiance to the same monarch, and Scotland and England would form one unitary realm named Great Britain; the king wanted to establish a British national state.¹¹⁴ This sort of union of the two countries was not entirely dissimilar to that which Sandys and his

¹¹³ Bowyer, *The Parliamentary Diary*, 219-220, 222, 225.

¹¹⁴ Levack, *The Formation of the British State*, 4.

fellow anti-unionists could stomach; however, the king wanted the Scots to enjoy equal status with the English.

In changing the country's name to Great Britain and adopting British symbols such as the new union flag and coins, James wanted to foster a British identity among the English and Scottish peoples. Scottish parliamentarians in Edinburgh made clear that they would never allow a change to their country's name, for they reasoned it had been part of their history for over a thousand years,¹¹⁵ nor would they give up their legal system. Rather than an island-wide anglicization, James envisaged an Anglo-Scottish assimilation whereby the people of both countries would come to think themselves British. In this way, they would call themselves Britons, or if not, then North Britons and South Britons. Levack contended that James failed to understand that a national identity would not gain purchase among a population via a symbology imposed upon it. He maintained that the English and Scots would have already needed to identify *primarily* with Britishness rather than their sense of belonging to England or Scotland before they would have embraced symbols that reflected Great Britain and its ideals.¹¹⁶ Though Levack's premise appears valid in this case, it was not simply a matter of English hesitation to assume a British identity, as if James had been premature in the evolutionary process of national consciousness. Rather, his efforts turned many MPs away from adopting a British identity. As one English contemporary wrote, "A confusion of precedencies would growe betwixt England and Scotland in the united name which being

¹¹⁵ Giovanni Carlo Scaramelli, Venetian Secretary in England, to the Doge and Senate, *CSPV* (September 1603), 10: 93, (October 1603), 10: 99-109.

¹¹⁶ Levack, *The Formation of the British State*, 189.

now distinguished is out of the question.”¹¹⁷ The English were simply unprepared to relinquish their country’s predominant role in Britain or to allow a British identity to supersede their English sense of belonging. If *British* is defined as a trans-national identity that spans the whole of Britain and all its peoples, for the anti-union MPs, that identity was English. It was their expectation that the Scots, like the Welsh, would anglicize thereby assuming an English national identity that would eventually define Britons and thus Britishness. Any political agreement that established a British nation that would lead to the diminution of England – its sovereignty and its regional privilege – was unacceptable to them. It was this brand of Britishness that the Commons rejected. Although English MPs would have likely approved of the preservation of their Parliament, such an arrangement meant that Scotland and England would form the new Great Britain as equal partners. English MPs could not envisage a union wherein England would be anything less than the dominant partner. Only the situations with Wales and Ireland made sense to them.

In what became the end of the debate in 1604, James himself began to moderate his objectives, realizing that a union of equals was not entirely realistic. However, he waited until 1607 to reveal his conciliatory side, telling the Commons that Scotland “would be as if you had got it by conquest, but such a conquest as may be cemented by love, the only sure subjection or friendship.”¹¹⁸ Continuing, almost in exasperation, the king asked, “Must they not be subjected to the laws of England and so with time become but as Cumberland and Northumberland and those other remote and northern shires?” In

¹¹⁷ NA SP 14/7/58 (f. 151). Copy of abstract [by Sir Francis Bacon] of objections in the House of Commons, relative to the King's adopting the title or name of King of Great Britain (April 25, 1604);

¹¹⁸ James VI and I, *The Political Works of James I*, ed. Charles Howard McIlwain (Cambridge: Harvard University Press, 1918), 292.

an apparent attempt to placate MPs, he told them, “You are to be the husband, they the wife; you conquerors, they as conquered, though not by the sword, but by the sweet and sure bond.”¹¹⁹ English intransigence had finally forced the Scottish king to assure Westminster parliamentarians of Scottish inferiority in a union of the two countries. That was the Britishness they understood.

¹¹⁹ James VI and I, *Ibid.*, 294.

Chapter Two

James' Dream of Union Falters, 1607

1607 proved a watershed year for the debates concerning union with Scotland. Much of the political discourse illustrates the division that arose from James' efforts to create a British union culminating in parliamentary indecision.¹ The immediate source of that indecision seems to have originated in MPs' concerns born of an inability to envision the legal mechanics of a political union with Scotland. However, a strong emotional response coloured the debates and hinted at an undercurrent of national sentiment that was loath to lose historic notions of English primacy in the British Isles. In the 1606-07 parliamentary session, the divisions between crown and Parliament regarding the proposed union of the king's realms remained intractable. Although the Gunpowder Treason reflected religious dissension that nearly decapitated the governing elite at Westminster, its conspirators had also hoped to put an end to possible union between their country and Scotland. The coup attempt's failure to create a defensive unity of purpose between crown and Parliament underscores the depths of hostility in the Commons to James' efforts to create a politically unified Great Britain. In short, while anti-Scottish sentiment undoubtedly existed in early seventeenth-century England, the response of MPs went beyond the dislike of Scots they might have felt. Rather, James' inability, whether purposeful or inadvertent, to respond positively to English expectations

¹ Galloway, *The Union of England and Scotland*, 93.

of kingship inflamed the relationship between monarch and Parliament, making James' dream of political union untenable.

Three thematic foci were direct consequences of James' efforts to create a British union with England and Scotland, and they form the organizing basis for this chapter: First, the regard for country that contributed to the Gunpowder Plot in 1605 and its social and political consequences. Second, the divisions that the Plot created between James and his Parliament when the king withdrew into his inner sanctum and surrounded himself with Scots, and finally, the king's two consecutive speeches to Parliament in 1607 culminating in him berating MPs for their refusal to approve the political union he desired. From the time of the Gunpowder Plot to the king's second speech in 1607, Parliamentary frustration with James' lack of trust for his English subjects, and as an adjunct, the threat to English conceptions of their country's place in Britain, dogged the union debate and encouraged parliamentarians to re-evaluate their sense of national self. Although these three thematic focal points imply political conflict between monarch and Parliament, evidence suggests a persistent cultural conflict that went beyond politics or Scotophobia. Indeed, the inability of James and the Commons to find common ground in the union debate lay with English patriotic ideas regarding the belief in the intrinsic superiority of Englishness as a civilizing force.

The Gunpowder Plot as a rejection of a collective British identity.

The Gunpowder Treason resides in the annals of history as a Catholic plot to blow up the Westminster Parliament, and indeed anger stemming from the legal restrictions on

the practice of Catholicism provided the basis for the conspiracy, animating Robert Catesby to assemble a team of assassins beginning in the spring of 1604.² Although Catesby died in the aftermath of the attempt and never made it to trial, his co-conspirators maintained that his resentment from decades of anti-Catholic persecution acted as his prime motivation, driving him to exact revenge against the Protestant government. His recruitment to the plot drew from his anger, and his message was one of righting injustice couched in an apocalyptic perception of the future of English Catholicism. In 1604, when he approached Thomas Winter, Catesby appealed to Winter's love of faith and country. Catesby knew that Winter had considered moving to the continent for religious reasons. The ringleader emphasized "howe necessary it was nott to forsake our country ... but to deliver her from servitud where she remained."³ Catesby purportedly told Winter that destroying Parliament was symbolically significant, for it was the place from which the injustices against Catholicism had been issued. Guy Fawkes' testimony after his arrest reflected those same sentiments.⁴ According to Robert Winter, Thomas' brother, Catesby expressed a similar concern for English Catholics a year later when the ringleader recruited him to the cause: "all Catholique estates were all redy desperate, and

² Mark Nicholls, "Strategy and Motivation in the Gunpowder Plot," *The Historical Journal* 50, no. 4 (December 2007), 789-790. Nicholls suggested that James' February 1604 proclamation with which he ordered the expulsion of Catholic priests from England likely encouraged the formation of the conspiracy. See Nicholls, *Ibid.*, 801-802. See also James VI and I, "A Proclamation commanding all Jesuits, Seminaries, and other Priests, to depart the Realme by a day appointed," February 22, 1604, in *Stuart Royal Proclamations*, vol. I, *Royal Proclamations of King James I, 1603-1625*, ed. James F. Larkin and Paul L. Hughes (Oxford: Clarendon Press, 1973), 70-73; Taunton and Hart maintained that the king's March speech of the same year likely acted as a "catalyst" in the formation of the conspiracy whose first meeting took place on May 20, 1604. See Nina Taunton and Valerie Hart, "King Lear, King James and the Gunpowder Treason of 1605," *Renaissance Studies* 17, no. 4 (December 12, 2003): 699-704. For a transcription of the king's speech, see *CJ* (March 22, 1604): I, 142-149.

³ Nicholls, "Strategy and Motivation in the Gunpowder Plot," 797.

⁴ Nicholls, *Ibid.*; *His majesties speach in this last session of Parliament as neere his very words as could be gathered at the instant* (London, 1605), sig. H3^v, EEBO (Accessed February 10, 2018); NA SP 14/216/49 (f. 82), Examination of Guy Fawkes (November 8, 1605).

that he well knewe ere the Parlyament ended, there would be soche lawes made, as should bringe all Catholiques within premunire at the Leaste.”⁵ Revenge seems to have been a consensual current that ran through the personal objectives of each plotter. Contempt for the king and hatred for Parliament are a recurring motif in the testimony of the conspirators. A few days after his arrest, Fawkes declared that the razing of the House of Lords would have simply counted as justice served.⁶ Suggesting disgruntlement with anti-Catholic policies as a fundamental motivating factor for the conspiracy, one of the plotters, Robert Keyes, testified after his arrest that the conspirators believed that after the explosion and the ensuing chaos, “all the Catholiques and discontented persons would take there [sic] partes and proclaime the lady Elizabeth being next heire.”⁷ When the court passed his death sentence at the end of his trial, Keyes defiantly declared that he was prepared to die “and for this cause rather then [sic] for another.”⁸ As the group’s ringleader, Catesby took the initiative to start what he hoped would end in widespread rebellion, and as a Catholic in a Protestant land, he assumed that other co-religionists shared his frustration with the political establishment’s refusal to lift restrictions on Catholic practice.

Despite the religious impetus behind the conspiracy, an undercurrent of national sentiment helped drive the plot, demonstrating the potential political force that the union debate unleashed. When a search party discovered thirty-six barrels of gunpowder

⁵ NA SP 14/216/176 (f. 106), Robert Winter to the Lords Commissioners for the Plot (January 21, 1606).

⁶ NA SP 14/216/49 (f. 82), Examination of Guy Fawkes (November 8, 1605).

⁷ NA SP 14/216/126 (f. 30), Examination of Robert Keyes (November 30 1605). As Keyes noted, the plotters planned to abduct James’ eldest daughter, the nine-year-old Princess Elizabeth, in the aftermath of the destruction of Parliament and proclaim her queen. See Stewart, *The Cradle King*, 220, and Nicholls, 792-93.

⁸ *A true and perfect relation of the whole proceedings against the late most barbarous traitors, Garnet a Iesuite, and his confederats* (London, 1606), sig. K4^v, EEBO (Accessed February 10, 2018).

hidden in a vault under the House of Lords in early November 1605, the country was just hours from losing its governing body and leadership. Along with parliamentarians lost to the explosion, James, Queen Anne, Princes Henry and Charles, nobility, and church leaders would likely have died.⁹ While England narrowly escaped a political catastrophe of unprecedented measure, its effect on the union debate proved indirect but significant. When authorities first apprehended Guy Fawkes early on November 5, 1605, he reportedly told them that the conspirators wanted “to prevent the Union that was sought to be published at this parliament.”¹⁰ Despite the conspiracy’s Catholic basis, an undercurrent of anti-union sentiment runs through the testimonies of several of its survivors.

Shortly after his arrest, Fawkes testified that plotters believed that their efforts would garner the support of segments of the English population unhappy at the prospect of union with Scotland. In her assessment of the motives behind the Gunpowder Plot, Jenny Wormald argued that anti-Scottish bigotry figured prominently in the conspiracy. Certainly, writings and testimony recorded before and after the planned explosion support her contention that contempt for the Scots in London played a role in the coup attempt. To reach her conclusion, Wormald traced the roots of this Scotophobia to 1603 and James’ accession to the English throne, taking evidence from a letter Fawkes wrote in which he attacked the Scots who came south with the king and subsequently pushed their way into court thereby replacing Englishmen. As a consequence, many observers

⁹ James VI and I, “Speech to Parliament. 9 November 1605,” in *Political Writings*, ed. Johann P. Somerville (Cambridge: Cambridge University Press, 1994), 148-9; John Stow, *Annales, or a General Chronicle of England* (London, 1615), 876-880; Stewart, *The Cradle King*, 221.

¹⁰ NA SP 14/216/37 (f.61a), Examination of Guy Fawkes (November 7, 1605); NA SP 14/216/49 (f.82), Examination of Guy Fawkes (November 8, 1605); Jenny Wormald, “Gunpowder, Treason, and Scots,” *Journal of British Studies* 24, no. 2 (April 1985): 162.

thought James had treated English peers dismissively.¹¹ Although Wormald emphasized the anti-Scottish sentiment in Fawkes' letter, she attributed his disparate criticisms to one generic Scotophobia without accounting for nuanced variation in his complaint. More specifically, the plotters took aim at James' union project and his apparent disregard for English expectations of remaining the unquestioned predominant nationality within the English government. In his discourse, Fawkes objected to James' appointment of Scots to the best positions with the most prestige, offices that disgruntled Englishmen considered their birthright. In particular, Fawkes and his cohort took umbrage with the political power that James gave to several Scotsmen, leaving many English subjects answerable to Scottish superiors. Indeed, their grievances were more national than local, more about the state of the nation than of the court. For most plotters the connection to the court was likely distant, if at all extant, revealing a concern that proved more theoretical than practical.¹² The plotters were not MPs, nor were they courtiers; as such, they would not have come into direct competition with the king's retinue of fellow countrymen, indicating discontent with the king's attempt to integrate the peoples of his two kingdoms; if union meant an integration of Scots into the governing mechanism of England, many of his English subjects rejected it. As particularly egregious examples of

¹¹ Wormald, "Gunpowder, Treason, and Scots," 157-58.

¹² Guy Fawkes, "The Grievances of the English Peers Apart from the Catholics," in *Guy Fawkes in Spain: The "Spanish Treason" in Spanish Documents*, ed., Albert J. Loomie, *Bulletin of the Institute of Historical Research*, Special Supplement No. 9 (London, 1971), 62. It is possible that individual members of the plot felt a close personal empathy for those Englishmen who might have lost political standing when the king's perceived preference for Scots allegedly led him to select them for positions of authority. Thomas Percy, for example, was a gentleman with known connections to the court. Indeed, the familial link of one conspirator, Francis Tresham, likely prompted him to send his brother-in-law and Catholic peer, Lord Monteagle, an anonymous letter warning him away from Parliament and thus almost certain death. There is, however, no indication in Fawkes' letter that he was personally connected to government officials and would therefore have had reason to feel personally aggrieved. See Nicholls, "Strategy and Motivation in the Gunpowder Plot," 789, 791.

the king's anti-English proclivities, Fawkes noted that various Scots had gained leadership roles in Wales and the town of Berwick. Many of the men closest to the king in advisory roles were Scots. The Chancellor of the duchy of Lancaster was a Scot as was the Captain of the Guard, a man who released 100 Englishmen from duty. Even in religious matters, two Scots outranked Englishmen when the king gave bishoprics to his fellow countrymen. Fawkes also complained that the king's apparent favouritism for his fellow Scots at court allowed them to quarrel with and antagonize their English counterparts, noting that many peers did not like them for it. However, the installation of Scots in English positions of power provoked much of his anger.¹³ Certainly, the plotters left no indication of a common British identity shared with Scots.

When given the opportunity, Fawkes voiced his anti-unionism directly to the king. Brought to James' bedchamber for interrogation after his arrest, Fawkes emphasized his fellow conspirators' contempt for the king's efforts to bring the whole of Britain into one political union, proclaiming to James' Scottish courtiers that he would have liked the planned explosion to "have blown them back again into Scotland."¹⁴ Though overtly anti-Scottish, there was more to his retort than direct bigotry. In one of his confessions, Fawkes claimed that there had been an anti-union proclamation that the conspirators were going to use to rally the English people to their cause. Upon the abduction of Lady Elizabeth, the plotters had planned to issue a "protest agaynst the union, and in noe sort to have meddled with Religion therein." Upon understating the

¹³ Wormald, "Gunpowder, Treason, and Scots," 157; Guy Fawkes, "The Grievances of the English Peers Apart from the Catholics," in *Guy Fawkes in Spain: The "Spanish Treason" in Spanish Documents*, ed., Albert J. Loomie, *Bulletin of the Institute of Historical Research*, Special Supplement No. 9 (London, 1971), 62-63.

¹⁴ Sir Edward Hoby to Sir Thomas Edmondson, November 19, 1605, in *The Court and Times of James I*, vol. I, ed., Thomas Birch (London, 1849), 37; Wormald, "Gunpowder, Treason, and Scots," 161.

role of religion in their planned coup attempt, he emphasized that the proclamation would have been made in the name of Lady Elizabeth.¹⁵ Assuming that Fawkes spoke the truth, it is difficult to tell if the plotters wanted simply to end all possibility of union between England and Scotland, or if this proclamation was a cynical attempt to garner the support of an otherwise unsympathetic population. By this point in James' reign, the conspirators belonged to a minority of alienated Catholics; most of their co-religionists were content with managing the official proscriptions against their faith.¹⁶ With so little popular support, the raw practicalities of the plotters' objectives demanded additional help, for as Fawkes conceded, in London "they had noe forces."¹⁷ They must have foreseen the necessity of generating support for their cause, and their purported plan to draw upon the union debate suggests widespread anti-union sentiment in the English population. Proclaiming Lady Elizabeth queen demonstrates two things. First, the conspirators accepted the Scottish Stuart line of succession and thought the English people did as well. Second, at a time when the governing elite would have largely perished in the explosion, the young Elizabeth Stuart would have provided a national emblem of stability and legitimacy. Wormald maintained that James' kingship "touched on a very raw nerve. James might have all the advantages of being adult, male, and Protestant. He had, in English eyes, the irredeemable deformity of being a Scot."¹⁸ Fawkes' admission of a call

¹⁵ NA SP 14/216/49 (f. 82), Examination of Guy Fawkes (November 8, 1605).

¹⁶ Nicholls, "Strategy and Motivation in the Gunpowder Plot," 801-03; Francis Edwards, ed., *The Narrative of Oswald Tesimond* (London: Folio Society, 1973), 140.

¹⁷ NA SP 14/216/49 (f. 82), Examination of Guy Fawkes (November 8, 1605).

¹⁸ Wormald, "Gunpowder, Treason, and Scots," 161. According to Wormald, the plotters considered James' seven-month-old daughter Mary to replace the king as the country's new sovereign; having been born in England, Mary would mature into adulthood as an Englishwoman. In the event, they chose nine-year-old Princess Elizabeth who, they believed, was still young enough to be raised Catholic. See Wormald, *Ibid.*, 161.

to arms reinforces the notion that anti-union sentiment stemmed largely from degrees of national pride rather than crude anti-Scottish sentiment.

At the start of James' reign, early modern English national sentiment rested on the unmalleable notion of English cultural superiority, a perspective of themselves which helped fuel the sense of their country's position as the rightful hegemon of Briton. While thwarted, the Gunpowder Treason, nonetheless, reverberated through the emotional landscape of London. Nicolo Molin, the Venetian ambassador, wrote of the uneasiness that permeated the capital city, and the apparent exclusionary national feeling the plot generated:

The city is in great uncertainty; Catholics fear heretics, and vice-versa; both are armed; foreigners live in terror of their houses being sacked by the mob that is convinced that some, if not all, foreign Princes are at the bottom of the plot. The King and Council have very prudently thought it advisable to quiet the popular feeling by issuing a proclamation, in which they declare that no foreign Sovereign had any part in the conspiracy. God grant this be sufficient, but as it is everyone has, his own share of alarm.¹⁹

The picture Molin paints of London is one that falls just short of panic. In fact, the fear born of the immensity of the conspiracy proves palpable. That the anxiety connects to disparate foreign groups suggests an insecurity that emphasizes national difference. When the authorities discovered the Gunpowder Plot, James had already reigned in England for over two years, but there had been little indication that the English considered the Scots compatriots, nor was there an adjunct increase in support for a British union or identity.

Slightly more than a month after authorities thwarted the Gunpowder Plot, the depths of the plotters' anti-Scottish feeling came to light. In the following excerpt from a

¹⁹ Venice: November 1605, in *CSPV, Volume 10, 1603-1607*, ed. Horatio F Brown (London: Her Majesty's Stationery Office, 1900), 297.

dispatch to Venice from December 22, 1605, Molin reports the apparent nationalist impulses that, at least in part, drove the conspiracy's objectives:

Lately among the prisoners' effects a paper has been found, containing the list of all houses inhabited by Scots. When asked as to the meaning of this the prisoners said that it was intended, after the explosion of the mine, to massacre all the Scottish in this country, for they could not submit to the share which their *natural enemies* now had in the government.²⁰

A little more than two years after James' accession, the Scots remained – at least according to the plotters – “natural enemies,” suggesting that some of the frustration with the king stemmed from his desire to rule the two countries as national equals. Although religious frustration provided the impetus for the plotters' desire to destroy England's ruling apparatus, English nationalistic fervour – and its accompanying xenophobia – undoubtedly increased the dimensions of their plan to eradicate the Scottish national community from London. Certainly, planning for such a massacre indicates the existence in some quarters of hatred for Scots resident in the capital city. However, members of the conspiracy clearly believed that the nationalistic underpinnings of their plan would find purchase among the English population.²¹ In some respects, Scots faced the same xenophobia that confronted other non-English residents in London in the aftermath of the Gunpowder Plot. When word made the rounds that the plotters meant to subject Scots to especial brutality, many of James' subjects from the northern kingdom reacted accordingly, revealing their fear of the English born of widespread anti-Scot sentiment. In his dispatch from December 1605, Molin wrote:

²⁰ CSPV, 1603-07, 298-307. Emphasis added.

²¹ Wormald, “Gunpowder, Treason, and Scots,” 162.

The publication of this news has increased the hatred between the two nations, and rendered them quite irreconcilable. Many Scots are thinking of returning home, for they fear that some day a general massacre may take place.²²

Whatever notions that James had regarding the efficacy of political union between the two kingdoms, the already extant Union of the Crowns had not mitigated the cultural divisions or, as Molin's report illustrates, the tendency to see members of the neighbouring nation as a threatening foreign element.

The Gunpowder Plot indicates that after nearly three years of the Union of the Crowns, evidence of an inclusive British identity whereby English and Scots shared a common national purpose remained elusive. Among the English there was the impression that Scots were making economic advances at the cost of local residents, an impression that transformed into overtly bitter anti-Scots sentiment.²³ The following libel makes reference to rumours of a goldmine in Scotland while exemplifying the common English understanding of impoverished Scots who migrated south with James only to abscond with English wealth:

A Myene of Gold some say there's found
In Scotland; that's a wonder.
To see noe money above ground
And yett to fynde some under.²⁴

The stereotype of the crafty Scot out to fleece unsuspecting English subjects formed a recurring motif in ballads of the time and shows English vulnerability and anger prompted by the Scottish presence in London, the symbolism of the Union of the Crowns notwithstanding.

²² *CSPV*, 1605, 298-307.

²³ Nicholls, "Strategy and Motivation in the Gunpowder Plot," 803; Wormald, "Gunpowder, Treason, and Scots," 160.

²⁴ Anonymous, "A Myene of Gold some say there's [sic] found," u.d.

Though the existence of anti-Scottish feeling in early modern England is well known,²⁵ the Gunpowder Plot reflects a synthesis of three facets of the evolving constellation of English national identity vis-à-vis James' accession to power in the southern kingdom: a rejection of James' reign, Scotophobia, and a rejection of a British union of national equals. Significantly, the Gunpowder Plot provides evidence of an English national sentiment that responded to the Scottish presence in concert with the early years of James' reign in England. That national sentiment rejected James' ideals regarding a British identity. However, the conspirators' opposition to union was more than Scotophobia. Rather, their efforts came as much from wounded English pride as it did from base prejudice.

Divisions the plot created between James and his Parliament.

Although scholars look to the Gunpowder Plot as a Catholic conspiracy against a Protestant political power structure, they overlook its value as a tool to gauge the English response to their Scottish ruler. For the union debate and ultimately the evolving perception of English national identity, the Gunpowder Plot proved consequential. It drove James to surround himself with Scots, a decision which further alienated him from Members of Parliament. This alienation worked against him at Westminster in his quest for union and will be further investigated in the last section of this chapter.

The sheer audacity of the plot pushed James to look inward at his own personal safety. When Molin met the king on November 23, 1605, James reportedly pointed to his son Charles and declared: "This poor boy's innocence and that of the Prince and of

²⁵ Nicholls, "Strategy and Motivation in the Gunpowder Plot," 803.

others has had more power with God than the perfidious malignity of men.”²⁶

Unsurprisingly, he was focused on the enormity of the crime, telling Molin that had the conspirators succeeded, “thirty thousand persons would have perished at a stroke, the city would have been sacked, and the rich would have suffered more than the poor; in short, the world would have seen a spectacle so terrible and terrifying that its like has never been heard of.”²⁷ The emotional effect of the Gunpowder Plot on James led him to surround himself with the only people he thought he could trust: Scots. Molin took note, writing on November 21 that as one of the conspirators “underwent the most excruciating torture” in the Tower, the crisis had cleaved Scots and English apart:

The King had let it be known that he wished to have the Scots about his person, as he has not much confidence in the English, who know this and are greatly *annoyed*. The King is in terror; he does not appear nor does he take his meals in public as usual. He lives in the innermost rooms, with only Scotchmen about him. The Lords of the Council also are *alarmed* and confused by the plot itself and the King's suspicions.²⁸

For all their apparent abhorrence of Scots, Fawkes and his men had ensured their predominance in James’ court. As early as 1604, the Bedchamber had already become an irritant, inciting political fears that surpassed simple anti-Scottish prejudice.

As in 1604, debate surrounding union overshadowed the parliamentary session of 1606-1607, and once again the loudest voices in the Commons staunchly opposed union. Much of that opposition centred on the perceived influence in England of Scottish courtiers and the rightful role of England in Britain, concerns intensified by the recent Gunpowder Plot and increased mistrust between James and MPs. After the coup attempt, there was no groundswell of support in Parliament for his union project. In February

²⁶ CSPV, 1605, 283-298.

²⁷ CSPV, 1605, 283-298.

²⁸ CSPV, 1605, 283-298. Emphasis added.

1607 – after much delay – the Union Commission presented its proposal in the lower house for consideration, a legislative move that seems to have precipitated Sir Christopher Piggott’s denunciation of Scots courtiers in the House of Commons. For his efforts, MPs censured him and sent him to the Tower. Though his speech was extreme, it indicates the protracted nature of discomfort with the perceived Scottish influence on the king and by extension the concept of union.²⁹ In support of union, Bacon refuted Piggott, contending that despite “some persons of quality about His Majesty’s person here at court,” the number of Scots resident in England was “extremely small.”³⁰ Despite Bacon’s speech, the fear of Scottish influence on England’s king inflamed English sensibilities and resentment. As Wormald noted, James had been unsuccessful convincing MPs of the need for a British union, but maintaining a Scottish Bedchamber proved nevertheless a feat in the face of staunch parliamentary opposition. She argued that

seen from the English point of view, it was a menace and a block to English aspirations; and a king primarily anxious to please his English subjects would not have created it. That the *political heartbeat of the English establishment was wholly Scottish* is, in British, or at least Anglo-Scottish terms, a revealing comment on the political balance which the king really wanted.³¹

Unfortunately for James, his cherished union project increasingly meant Scottish domination in the eyes of Westminster MPs. Parliamentary opposition to union, like changing the country’s name, often belied a “‘coded’ attack” against Scottish influence at

²⁹ Cuddy, “Anglo-Scottish Union and the Court of James I, 1603-1615,” 114; Galloway, *The Union of England and Scotland*, 79-81, 94-96; Notestein, *The House of Commons: 1604-1610*, 79.

³⁰ *CJ* (February 13, 1607): I, 333-334; Galloway, *The Union of England and Scotland*, 104-5; James Spedding (ed.), *The Letters and Life of Sir Francis Bacon*, vol. 3, (London: Longmans, Green, Reader, and Dyer, 1868), 306-307, 311.

³¹ Jenny Wormald, “James VI, James I and the Identity of Britain,” in *The British Problem, c. 1534-1707: State Formation in the Atlantic Archipelago*, ed., Brendan Bradshaw and John Morrill (New York: St. Martin’s Press, 1996), 165. Emphasis added.

the court.³² In 1607, Sandys and several other MPs proposed a perfect union with Scotland. He was dedicated to preserving a unitary state; from the opposition's perspective, the only acceptable union with Scotland would have meant subjugation of the Scots and the erasure of its political and cultural institutions.

James slowly began to realize that the Essex faction in the Commons, resentful for its loss of power in court to the Bedchamber, wielded its influence to garner opposition to union. Yet, another symbolically rich demonstration of James' cultural and political insensitivity occurred in March 1607 when the Scottish Robert Carr publicly replaced the English Philip Herbert, earl of Montgomery, as the king's favourite, thus adding to the already heavy Scottish influence surrounding the king.³³ Even members of the Privy Council found they needed a formal audience with James to meet with him, an affront when Scottish members of the Bedchamber had free access to the king, a situation that caused much anxiety among English MPs. So great was the sense of grievance in the Commons that the Bedchamber began to dominate MPs' relationship with the king to the point that it became a stumbling block to union, not least for the distrust it created. In 1607, James' appointment of one of his Scottish Bedchamber advisors, Sir George Home, earl of Dunbar, to head a new border commission gave Home dictatorial powers over Englishmen in the borders region, a move that divested the English of political power in the extreme north of the country.³⁴ A defiant pattern arose in James' behaviour vis-à-vis the Commons. Instead of making an effort to ameliorate the situation, he simply

³² Cuddy, "Anglo-Scottish Union and the Court of James I, 1603-1615," 113; R.C. Munden, "James I and 'the growth of mutual distrust': King, Commons, and Reform, 1603-1604," in *Faction and Parliament: Essays on Early Stuart History*, ed., Kevin Sharpe (Oxford: Clarendon Press, 1978), 64.

³³ Cuddy, "Anglo-Scottish Union and the Court of James I, 1603-1615," 115-16; Galloway, *The Union of England and Scotland*, 139.

³⁴ Cuddy, "Anglo-Scottish Union and the Court of James I, 1603-1615," 111, 116-17; Galloway, *The Union of England and Scotland*, 142.

conducted his court as if the MPs and their concerns about the disproportionate influence of Scots simply did not matter. In fact, the controversy surrounding the Bedchamber had increasingly fuelled opposition to the king's plan for union. Unfortunately for his dreams of an Anglo-Scottish union, he either did not care or did not realize that the exclusive presence of Scots in the Bedchamber infuriated English MPs to the point of distraction, which in turn ensured "mutual distrust" between James and the Commons.³⁵

James, perfect union, and English notions of cultural superiority.

On the heels of the coup attempt, the Anglo-Scottish union gave way to the dimensions of the conspiracy, deferring parliamentary consideration of political union with Scotland in the midst of heightened nativist tension.³⁶ Nonetheless, the inability to bridge political gaps after the bomb threat speaks to the chasm separating English parliamentarians from their Scottish king. Even prior to the November 5 assassination attempt, tensions in England between James and English MPs had reached a slow boil. In October, a few weeks before the murderous attempt against Parliament, the Venetian ambassador wrote:

The question of the Union will, I am assured, be dropped; for his Majesty is now well aware that nothing can be effected, both sides displaying such obstinacy that an accommodation is impossible; and so his Majesty is resolved to abandon the question for the present, in the hope that time may consume the ill-humours.³⁷

³⁵ Cuddy, "Anglo-Scottish Union and the Court of James I, 1603-1615," 117.

³⁶ Galloway, *The Union of England and Scotland*, 79-80; Diana Newton, *The Making of the Jacobean Regime*, 127; Notestein, *The House of Commons, 1604-1610*, 211-212.

³⁷ CSPV, 1605, 277-283.

Galloway maintained that the proposed Anglo-Scottish union came up against “an enormous residue of misunderstanding and ill-will” in the Commons, ultimately killing it.³⁸

Unfortunately for James, in the aftermath of the Gunpowder Plot, his desire for Union ran into two complementary challenges: Parliamentary frustration with the king’s lack of trust for his English subjects and the perceived threat to their conceptions of their country’s place in Britain, which reinforced the perception of a Scottish takeover of the crown and thus unequal union. In the following excerpt from a satirical ballad of the time, the so-called beggarly Scots face ridicule for their transformation into well-dressed courtiers, presumably at the cost of Englishmen:

Thy belt that was made of a white leather thonge
Which thow & thy father ware so longe
Are turn’d to hangers of velvet stronge
With golde & pearle embroydred amonge.

Thy cloake which was made of a home spun thread
Which thow wast wonte to flinge on thy bed
Is turnd into a skarlet red
With golden laces aboute thee spread.³⁹

While the libel tapped into the widespread assumption that the Scots were supplanting Englishmen at court, the anger reflected the growing unease that James failed to identify with Anglocentric governance. In December 1605, Molin reported the effects of the king’s propensity to favour his fellow Scots:

All this annoys the English, who cannot endure that his Majesty should show so much more confidence in the Scottish than in themselves. His Majesty is aware of this, and on this account he has not accepted a bodyguard of Scottish light horse.⁴⁰

³⁸ Galloway, *The Union of England and Scotland*, 164.

³⁹ Anonymous, “Well Met Jockie Whether Way,” u.d.

According to Molin, James took heed of the concerns of his English MPs when they demonstrated against his apparent disregard for their national sensibilities, something he repeated in 1607 when he addressed Parliament at Whitehall. For his efforts, James found the Commons nevertheless disinclined to approve his Anglo-Scottish union, a testament to the anxieties such a political arrangement generated.

In an attempt to persuade the Commons to approve the union with Scotland, James delivered a speech at Westminster on March 31, 1607. Unfortunately, his message proved rather contradictory. He tried to reason with them but made clear that the English would need to compromise with the Scots, something they were not prepared to do. The king began his address stating that he wanted “a perfect Union of laws and Persons and such a Naturalizing as may make One Body of both Kingdoms under me your king.” He told the MPs that the union would be as one achieved through conquest but one “cemented by love.” As king, he found it impossible to rule over two kingdoms when “the One the greater, the other a less, a richer and a poorer.” He wanted a union with *unus Rex, unus grex, and una lex*. However, James did not want one unitary state whereby Scotland would become little more than a regional variant akin to Northumberland, demonstrating impatience with MPs who refused to countenance the thought of Scotland retaining some of its customs and privileges in the same way that the English insisted on keeping their own. He called the common law the best legal system in the world, but that it was time to clear it of “rust.” He criticized its reliance on precedents and the possibility of the harm judges could do, not to mention the uncertainty of a legal system based upon case law. As such, the English should expect to reform

⁴⁰ CSPV, 298-307.

their laws, for if the Scots were expected to give up their laws for the English system, they would rightfully expect the English to reform the common law to make it clear and “better.”⁴¹

On April 28, Sandys offered a rejoinder to the king’s March speech. As he had in 1604, he made the case for perfect union, one that meant a unitary state. He had obviously spent much time contemplating the problem, making clear that a perfect union would be unworkable unless the Scots would become subject to English law and jurisdiction. He left no indication that the English would yield any of their own traditions or practices. It was for the Scots to change. Sandys argued that

it is not *Unus Grex* untill the whole doe ioyne in makeing Lawes to governe the whole; for it is fitt and iust, that every man doe ioyne in makeing that which shall binde and governe him; and because every man cannot be personally present, therefore a Representative body is made to performe that Service.⁴²

For Sandys, there could be no single law for the whole of Britain until there was only one parliament with the implication that the Scots would need to abandon their own.⁴³

By the spring of 1607, the Stuart king had had enough of Parliament’s prevarication on the topic of union and summoned MPs to Whitehall. A sense of parliamentary resistance to James’ desire for a politically unified Great Britain appears in the angry tone the king used to deliver his speech on May 2. On that date, Members of Parliament joined Lords and Bishops of the Upper House at Whitehall, an assembly that indicates the gravity of the occasion.⁴⁴ His English reign had entered its fourth year, and despite his express desire, James’ dream of a union between his native Scotland and the

⁴¹ *CJ* (March 31, 1607): I, 357-363.

⁴² Bowyer, *The Parliamentary Diary*, 258-59

⁴³ Bowyer, *The Parliamentary Diary*, 255-261;

⁴⁴ *CJ* (May 2, 1607): I, 366-368.

English kingdom had bogged down in parliamentary indecision and rancour. While James' exasperation is palpable, the source of it reveals mismatched expectations of king and MPs stemming largely from a Parliament with a strong sense of its place within the nation. James' speech to the Commons and Lords reads as much as remonstrance as supplication and hints at the stubborn opposition to his political objective, his tone oscillating from incredulous to antagonistic and even rather threatening.⁴⁵ That it came only slightly over a month after his March 31 address also indicates his frustration with the lack of progress towards reaching his political objective.⁴⁶

James started his speech in a calm and measured tone, speaking in metaphorical terms. Calling himself a "Sower" who plants seeds and waits for them to grow and take root, the king informed Parliament that he intended to prune away brambles and weeds so as to allow the plant of union to grow. His metaphoric language indicates that the debate had hung up on superfluous detritus, and he would clear the channels for a forthright discussion.⁴⁷ Yet the king wasted little time conveying his intentions, referencing his previous address and revealing both the lack of progress in constructing a union and his frustration:

For my Part, I can find no Symptoms or Signs in the Lower House, by which I may misjudge them, but that they will proceed in the same Course of particular Preparation, that they began in: As for the Upper House, there hath been no Word spoken of the Matter since your last Meeting.⁴⁸

In fact, the king devoted a disproportionate amount of his speech to the matter of perfect union, his language hinting at the conflict and political controversy that that term had

⁴⁵ Bowyer, *The Parliamentary Diary*, 287.

⁴⁶ James VI and I, "Speech of 1607," in *The Political Works of James I* (New York: Russell & Russell, [1616] 1965), 290-305.

⁴⁷ *CJ* (May 2, 1607): I, 366.

⁴⁸ *Ibid.*

inspired. Engaging in linguistic acrobatics, James acknowledged “that some have interpreted my Words, as expressing a Desire and Proposition of a perfect Union,” but he rejected that idea. What he wanted was “an absolute and full union, but not a perfect union.”⁴⁹ He rejected the call for a commission to study the practicality of a perfect union as “foolish,” and warned that he would never permit such a body to form. Referencing an anecdote about Henry VIII, James suggested his proposal should already take the form of law. He rejected the notion that he sought a flawed political arrangement: “It is merely idle and frivolous, to conceive that any imperfect Union is desired, or can be granted.”⁵⁰ Further to his point, he argued that the union had already occurred, casting it as a natural consequence of his royal condition:

It is already a perfect Union in me, the Head. If you wanted a Head, that is me, your King over you all; or if you were of yourselves no Body; then you had Reason to say, it were imperfect; but it is now perfect in my Title and Descent, though it be not an accomplisht and full union.⁵¹

James’ perspective of his place in Britain reflects the Two Bodies theory, especially the king’s view of himself as “a head to its body or a husband to his wife.”⁵² Comparing the union to a fully formed child that had not grown to adulthood, James told the assembled parliamentarians that it would “gather Strength and Perfection by Time,” emphasizing the natural state of a union between Scotland and England but also betraying concern with the concept of perfect union. About midway through the king’s speech, his tone became increasingly one of exasperation. He reminded his audience that when he first ascended the throne, he proposed a commission, but “this whole body drew back,” put the brakes

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*; Bowyer, *The Parliamentary Diary*, 287.

⁵¹ *CJ* (May 2, 1607): I, 366.

⁵² J.G.A. Pocock, *The Discovery of Islands: Essays in British History* (Cambridge: Cambridge University Press, 2005), 51.

on the proposal, and found so many ways to hinder its formation that the idea of union ultimately foundered.⁵³ James' retreat from the concept of perfect union is notable for two reasons. First, it implies a realization on the king's part that he framed the argument in his March speech in a strategically inept manner. Second, it suggests a profound discomfort among Members of Parliament with a union of equal countries in Britain.

Near its conclusion, his speech rose to a crescendo, revealing an anger born of frustration. The king must have realized that his power proved less than absolute and that he faced the counterintuitive reality that the English were rejecting an expansion of legal sovereignty over the whole of Britain.

I am your King: I am placed to govern you, and shall answer for your Errors: I am a Man of Flesh and Blood, and have my Passions and Affections as other Men: I pray you, do not too far move me to do that which my Power may tempt me unto ... tempt not the Patience of your Prince; ... and make not all you have done, frustrate.⁵⁴

If anyone recognized the irony of the king comparing himself to "other men" while using the "Power" of his royal self to threaten, they left no record of it for posterity. The Stuart monarch's confused perspective at the end of his speech underscores the imprecision of the language used to describe the union he so wanted. On this day, James could no longer contain his exasperation. While his speeches often displayed a distinct "petulance,"⁵⁵ one historian has called James' demeanour on this occasion more a matter of "extreme anger,"⁵⁶ possibly stemming from the king's belief that the Commons was

⁵³ *CJ* (May 2, 1607): I, 367.

⁵⁴ *Ibid.*

⁵⁵ Samuel R. Gardiner, *History of England From the Accession of James I to the Outbreak of the Civil War, 1603-1642*, vol. 1: 1603-1607 (London: Longmans, Green, 1905), 337.

⁵⁶ Galloway, *The Union of England and Scotland*, 118.

“barren by preconceived Opinions.”⁵⁷ Four years into his English kingship, the parliamentarians at Westminster had still thwarted his plan for a united kingdom of Great Britain. However, this passage with its veiled threat demonstrates a low point in the relationship between James and Parliament. It further illustrates the discomfort that the proposed union of the two countries caused English parliamentarians. This chapter suggests that opposition in the Commons to political union with Scotland stemmed from English discomfort with a possible loss of their country’s hegemony within the British Isles. Furthermore, the desire to maintain that regional dominance reveals the English perspective of themselves as a people.

In her defence of the Stuart monarch, Wormald might have inadvertently hinted at a possible source of parliamentary resistance. She questioned the belief widespread among historians that James had to re-fashion himself into an English king, rejecting the assumption that a Scottish king would have surely failed as monarch of England. Rather than thinking of James I as manifestly different from James VI, Wormald contended that the Stuart king never lost sight of his Scottish kingship, his Scottish friends, and his Scottish origins. Indeed, she suggested that James’ efficacy as king of England stemmed from his Scottishness and points to the political, religious, and social tensions of Elizabeth I’s and Charles I’s reigns to underscore the relatively pacific interim of Jacobean rule. Although anti-Scottish sentiment fuelled James’ opposition and left an indelible taint on his reputation, Wormald believed his nationality proved his “very great advantage.”⁵⁸ However, in her article, Wormald examined James’ kingship *in toto*, up to his death in 1625. She also began her article by rejecting Lawrence Stone’s blunt

⁵⁷ *CJ* (May 2, 1607): I, 366.

⁵⁸ Jenny Wormald, “James VI and I: Two Kings or One?” *History* 68 (1983): 208-209.

characterization of the English dislike of James.⁵⁹ Nonetheless, Wormald examined James' ability to rule, and while she acknowledged the anti-Scottish prejudice of English parliamentarians, she rejected the notion that such intolerance prevented James from successfully ruling England. However, examining James' reign in its entirety glosses the reasons that English parliamentarians opposed his primary objective of union after his accession to England's throne. Though Wormald dismissed Stone's appraisal of English bigotry, such bias seems to have played a role in the manner with which the Commons resisted the king's pressure to create a politically unified Britain. For some in England, this vision of James confirmed their negative ideas about their Scottish neighbours to the north.⁶⁰ To add to those preconceived notions of Scottishness, the king's decision to allow only Scots near him at court in the aftermath of the Gunpowder Plot alienated parliamentarians all the more and added to political disunity, a fragmented sense of national identity negotiated in ballads and on stage.⁶¹

⁵⁹ Wormald, "James VI and I: Two Kings or One?," *Ibid.*, 187.

⁶⁰ Though Scotophobia pre-dated James' reign in England, Wormald attributed the negative picture of the king to Anthony Weldon, an Englishman and minor official in his household. Weldon accompanied James on his visit to Scotland in 1617. That experience led Weldon to write *A Perfect Description of the People and Country of Scotland*, a scathing treatise that painted the Scots as filthy and primitive. Though Weldon took pains to distinguish James from the people of "stinking Edenburg in lowlie Scotland," the monarch fired Weldon after he left his manuscript among other papers in his office. His dismissal prompted Weldon to pen *The Court and Character of King James*, a portrait of the king that made him out to be a slovenly, vain fool with a tongue so large that he slobbered when he spoke and dribbled when he drank. Subsequent attempts by contemporaries to refute Weldon's description failed to overcome what Wormald called his "masterly and malicious wit." She maintained that "few men in history have had quite such revenge," negatively influencing most historical renditions of the king ever since. In *The Causes of the English Revolution, 1529-1642*, Stone cited Weldon as a source for his description of King James. See Wormald, "James VI and I: Two Kings or One?," 190-191; Weldon, *A Perfect Description of the People and Country of Scotland* (London, 1659), sig. A2^r-A2^v, A12^r; Weldon, *The Court and Character of King James* (London, 1651), sig. M2^r; Stone, *The Causes of the English Revolution*, 159, f.n. 112.

⁶¹ Richard Helgerson, *Forms of Nationhood: The Elizabethan Writing of England*. (Chicago: University of Chicago Press, 1992), 195-224. See also Jean E. Howard, "Women, Foreigners, and the Regulation of Urban Space in *Westward Ho*," in *Material London, ca. 1600*, ed. Lena Cowen Orlin (Philadelphia: University of Pennsylvania Press, 2000), 152.

As with other literary sources of the period, the potential for an Anglo-Scottish union with all its immediate controversies and potential consequences left an indelible impression on Shakespeare's drama. In his *Macbeth*, the playwright revealed, if inadvertently, the English notion of cultural superiority vis-à-vis the Scots, one that arguably informed parliamentary resistance to union. The playwright would have known of the potential legal ramifications for casting a negative depiction of Scotland and its people. Indeed, with the expectation of James' accession to the English throne, Shakespeare removed the Scottish Jamy and his guttural, indecipherable language from *Henry V* when it went to print in 1600. As Shakespeare wrote *Macbeth* – the so-called Scottish play – in 1606, he must have known of the scandal that befell the authors of *Eastward Ho!* for their mockery of Scotsmen. In other words, Shakespeare likely wrote *Macbeth* with a discerning eye towards the potential danger that awaited anyone foolish enough to stage drama demeaning of Scots.⁶² That said, English cultural superiority seeps into the plot and its carefully managed portrayal of Scottish characters and a culture long considered inherently inferior. *Macbeth* is set against an untamed, violent Scottish backdrop, seemingly undergoing improvement via English cultural cues. Duncan rejects Gaelic tanistry for primogeniture, naming his eldest son Prince of Cumberland, thus emulating the English custom of designating the male heir to the throne the Prince of Wales.⁶³ At the play's end, when that heir, Malcolm, returns from his exile in the English court, he proclaims his assembled thanes "earls, the first that ever Scotland / In

⁶² Christopher Highley, "The Place of Scots in the Scottish Play: *Macbeth* and the Politics of Language," in *Shakespeare and Scotland*, ed., Willy Maley and Andrew Murphy (Manchester: Manchester University Press, 2004), 56-57.

⁶³ William Shakespeare, *Macbeth*, l.iv.37-39.

such an honour nam'd."⁶⁴ The playwright thus anglicized Scottish practices, imposing English customs on the Scots.⁶⁵ The scene evokes James' generous bestowal of titles, but more significantly, it suggests English civility as an improvement upon Scottish practice.⁶⁶

For James, as for other lowland Scots, the Gaelic highlanders lived a primitive existence, one he thought needed correction. In *Macbeth*, Shakespeare's portrayal of uncivilized Scottish behaviour likely avoided the unfortunate predicament of insulting his Scottish king, for the dramatist set his eleventh-century plot in regions of seventeenth-century Scotland that lowland Scots still considered primitive. Nonetheless, the dramatist's portrayal of Scottish culture likely struck his English audiences as Scottish civilization writ large, affirming the superiority of English cultural mores.⁶⁷ As such, while Duncan and Malcolm adopt English aristocratic practices, Macbeth transforms from a loyal thane fighting the rebellious Macdonwald in the Gaelic Western Isles to a murderous traitor who commits regicide.⁶⁸ In effect, the eponymous character becomes Gaelicized concurrent to Malcolm's process of Anglicization. When Macbeth seeks guidance from the "wither'd and wild"⁶⁹ weird sisters, he has not only fallen prey to his own wild and savage instincts, he likely reaffirmed in the minds of English theatregoers

⁶⁴ Shakespeare, *Ibid.*, V.ix.29-30.

⁶⁵ Highley, "The Place of Scots in the Scottish Play," 60-61; McEachern, Claire, "The Englishness of the Scottish Play: Macbeth and the poetics of Jacobean union," in *The Stuart Kingdoms in the Seventeenth Century*, ed., Allan I. MacInnes and Jane Ohlmeyer (Dublin: Four Courts Press, 2002), 112.

⁶⁶ Jenny Wormald, "Gunpowder, Treason, and Scots," *Journal of British Studies* 24, no. 2 (April 1985): 159; Highley, "The Place of Scots in the Scottish Play," 60-61.

⁶⁷ Highley, *Ibid.*, 58; McEachern, "The Englishness of the Scottish Play," 94.

⁶⁸ Shakespeare, *Macbeth*, I.ii.9-12, II.i-ii; Highley, "The Place of Scots in the Scottish Play," 61. Highley notes that Macdonwald likely represented the Macdonald clan, considered powerful in the medieval period and still thought in early seventeenth-century England to be "pestiferous." See Highley, *Ibid.*, 61.

⁶⁹ Shakespeare, *Macbeth*, I.iii.40, IV.i.

the sort of depravity they would have expected beyond the bounds of English civility.⁷⁰

As Malcolm and his English forces return from the English and explicitly Christian court, Macbeth calls them “epicures,” transforming a mark of civility into a pejorative.⁷¹ Not incidentally, when Malcolm, fresh from the English court, assumes the Scottish crown, the audience witnessed a symbolic scene wherein English civility and its accompanying Christianity triumph symbolically over Scottish barbarity.⁷²

⁷⁰ Ellis, “From Dual Monarchy to Multiple Kingdoms,” 48; Highley, “The Place of Scots in the Scottish Play,” 62-63.

⁷¹ Shakespeare, *Macbeth*, V.iii.8, IV.iii; McEachern, “The Englishness of the Scottish Play,” 96.

⁷² Shakespeare, *Macbeth*, V.ix; Highley, “The Place of Scots in the Scottish Play,” 62-63.

Chapter Three

James, the Ancient Constitution, and English Sentiment

That English Parliamentarians resisted the political union of James' dreams was clear. Yet the grounds for that resistance proved crucial to English national identity in the first nine years of Stuart rule in the southern kingdom. Parliament's rejections of union constituted a response to the king's Scottish nationality and to his vision of himself atop a political hierarchy that saw England and Scotland as equal partners within a British union, notions that ran counter to parliamentary expectations of English hegemony within the British Isles. In effect, James reversed the power dynamic between crown and Parliament and consequently debased the notion that the English held of themselves as an elect people. Despite the near catastrophe of the Gunpowder Plot and the presumptive need to cohere as one island nation, many English parliamentarians could not suppress their misgivings about creating a British union. Questions remain regarding the source of parliamentary resistance to James' proposed political union of the two kingdoms in Britain. What was it about the idea of a Great Britain that caused Parliament to defer action on the proposal for years? What were the theoretical underpinnings of that resistance? For a country that had long thought itself synonymous with the whole of Britain, bringing the northern half of the island under the auspices of Westminster might have struck some as an obvious move. Nonetheless, English MPs rejected the king's objectives for three reasons, each subsequent to the previous. First, James' vision of himself as monarch ran counter English practice. Second, MPs quickly grew frustrated

with James' reversal of the Elizabethan power dynamic between crown and Parliament, consequently driving them to look to the common law and their mythical ancient constitution as an alternative locus of national sovereignty. Finally, the friction between the Scottish king and perceived manifestations of English tradition and culture prompted a far more exclusive, narrowly-defined perception of Englishness, a national sentiment that rested on the conviction that equated the ancient constitution with civility. It was a highly complex perception of the national self that not only displayed an uneasy relationship with the notion of Britishness; English identity nearly precluded it. The English accepted *British* only so long as the term denoted *English* and implied English hegemonic superiority.

James' vision of himself as monarch ran counter to English practice.

When the union debate erupted in the sixteenth century, even before James' accession to the throne in London, much was made of the fact that throughout the medieval period Scottish kings paid homage to English monarchs, with the rather pointed implication that the Scots "owed allegiance to the English crown" – a part of the history of the island that seemed only to confirm the veracity of the Brute myth.¹ Long before James and the Union of the Crowns, Henry VIII had issued a *Declaration* on whose title page is written that there "appereth the trewe and right title that the kings most royall maiesty hath to the soverayntie of Scotlande."² Not only did Henry cite the Brute myth to bolster his claim that Scotland was a tributary kingdom, he also listed twenty-two

¹ Mason, "Scotching the Brut," 60-62.

² Henry VIII, "The Declaration of Henry VIII," in *The Complaynt of Scotlande*, ed., J.A.H. Murray (London: EETS, [1542] 1872), 191.

instances of Scottish kings pledging fealty to the reigning English monarch.³ Henry's thinking on Scotland's rightful place in the hierarchy left no room for doubt. He wrote that no king "hath more iuste title, more evident title, more certayn title, to any realm ... than we have to Scotland."⁴ Monmouth's *History* struck a chord with the English and became enormously influential. As we have seen, by the early modern period, the ancient myths enshrined in his narrative had become part of the national history of the English people, shaping their national identity with the sense of an ancient British heritage. Assured of an ethnic line that stretched back into the ancient past of the island, the English increasingly equated that heritage with an implicit form of rightful dominion over the whole of Britain, an appellation that became synonymous with England. Yet there was also a concurrent tradition of calling the entire island, "England,"⁵ implying a people with a complicated relationship with their perception of Britishness.

Clues in Shakespeare's drama indicate profound unease with a Scottish monarch determined to impose his vision of Britishness on the English, for some a mortal threat not only to English notions of cultural superiority in Britain but to the English nation itself. *Macbeth* registers the perception of a people who saw a disconnect between their national leader and the nation, possibly a reflection of the relationship between James and the English. Under Elizabeth I, English national identity was intimately connected to the monarch, forming a relationship with Parliament that Claire McEachern calls "syncretic rather than antagonistic."⁶ The Elizabethan sense of reverence for England and its separateness from other countries as well as the implicit connection between the nation

³ Mason, "Scotching the Brut," 63

⁴ Henry VIII, "The Declaration of Henry VIII," in Murray, 198.

⁵ MacColl, "The Meaning of 'Britain,'" 249.

⁶ McEachern, "The Englishness of the Scottish Play," 102.

and its monarchs appear especially pronounced in John of Gaunt's speech in

Shakespeare's *Richard II*:

This royal throne of kings, this sceptred isle,
 This earth of majesty, this seat of Mars,
 This other Eden, demi-paradise,
 This fortress built by Nature for herself
 Against infection and the hand of war,
 This happy breed of men, this little world,
 This precious stone set in the silver sea,
 Which serves it in the office of a wall,
 Or as a moat defensive to a house,
 Against the envy of less happier lands
 This blessed plot, this earth, this realm of England,
 This nurse, this teeming womb of royal kings ...
 This land of such dear souls, this dear dear land,
 Dear for her reputation throughout the world ...⁷

In this excerpt, the fiction of English exclusivity becomes apparent,⁸ illustrating the historical tradition of equating England and Britain without including the Welsh and Scots in the English polity.⁹ Yet for all England's greatness, its contradictions are nevertheless evident. It has, for example, both male and female qualities, and the country is both strong but also vulnerable in arguably the same way that Elizabeth fashioned herself to be, suggesting a natural affinity between the country and its monarch. Also, Gaunt construes England's physical reach as encompassing the whole of Britain. His speech reveals a national disposition of placing the country at the cultural and political centre of Britain, but king and country are one and the same. Nothing suggests a monarch pushing to change a country's perception of itself. McEachern argues that Gaunt's soliloquy promotes the myth of a "chaste monarchy," for the country's monarchs

⁷ William Shakespeare, *Richard II*, II.i.40-57.

⁸ McEachern, "The Englishness of the Scottish Play," 102.

⁹ Willy Maley, *Nation, State and Empire in English Renaissance Literature: Shakespeare to Milton* (Basingstoke, Hampshire: Palgrave Macmillan, 2003), 16-17; Andrew Hadfield, *Shakespeare, Spenser and the Matter of Britain* (Basingstoke, Hampshire: Palgrave Macmillan, 2004), 8.

were literally born of the land, a land that nurtured them. It thus follows that the Elizabethan sense of nationhood was tightly connected to the monarch and inherently defensive – unlike in Scotland where patriots were historically prepared to fight against monarchs deemed a threat to the country. Significantly, the defensive position that the country takes suggests that the threats to England proved external and thus foreign.¹⁰ Gaunt's focus remains on the symbolism of the monarch's central role in a country not so much confident and proud but surrounded by hostile neighbours.¹¹ In Elizabethan England, the enemy was often Spain, the pope,¹² Mary Queen of Scots, et cetera – external threats. Gaunt paints a picture of a precious land whose inherent value stems from its separateness, whereby the familiar kept the foreign at bay. This vision suggests that the only foreseeable way to maintain England's unique idyllic quality was to separate it from the "less happier lands" that surrounded it with the perhaps inevitable consequence of engendering a national sense of superiority.

Unlike James when he took the English throne after her, Elizabeth proffered a "gendered humanization" of royal power. For the queen, it meant a sentimentalized connection between ruler and ruled. While this approach "animated the topos of female modesty," its rhetoric allowed Elizabeth to emphasize "gendered modesty" as the basis for her relationship with Parliament that preserved the masculine sensibilities of male MPs.¹³ In her first address to Parliament as queen in 1559, Elizabeth used gender to

¹⁰ McEachern, "The Englishness of the Scottish Play," 100; G. L. Harris, "Medieval Doctrines in the Debates on Supply, 1610-1629," in *Faction and Parliament*, ed., Kevin Sharpe (Oxford: Clarendon Press, 1978), 79.

¹¹ Hadfield, *Shakespeare, Spenser and the Matter of Britain*, 9.

¹² McEachern, "The Englishness of the Scottish Play," 101. See also Richard Cust and Ann Hughes, eds., *Conflict in Early Stuart England: Studies in Religion and Politics 1603-1642* (London and New York: Longman, 1989).

¹³ McEachern, "The Englishness of the Scottish Play," 99-100.

demark her role as dutiful servant, thereby effecting female modesty: “I am already bound unto an husband, which is the Kingdom of England.”¹⁴ Even the diction she employed (i.e., “bound”) implied a sovereign who knew her place within the gender expectations of her day. She might have been queen, but she remained deferential, positioning herself as second to her people – and to male MPs. Though monarch, Elizabeth used rhetoric astutely to avoid upsetting sixteenth-century patriarchal beliefs. Her Golden Speech to the Commons towards the end of her reign in 1601 exemplifies her practice of using gender and humility to her advantage in such a way that underscored her respect for parliamentarians:

To be a King and wear a crown is a thing more glorious to them that see it, than it is pleasant to them that bear it. For myself, I was never so enticed with the glorious name of a King or royal authority of a Queen, as delighted that God hath made me His instrument to maintain His truth and glory, and to defend this Kingdom (as I said) from peril, dishonour, and tyranny and oppression.¹⁵

The above excerpt illustrates her apt negotiation of gender, recreating both male and female roles into a practically genderless entity.¹⁶ Carole Levin argued that instead of falling victim to the intransigent resistance to her authority, Elizabeth defeated it by taking strength from apparent weaknesses as an unmarried woman.¹⁷ The following rhetorical question from her Golden Speech exemplifies just that sort of adept manipulation of sexism to her advantage. Notable for Elizabeth’s self-effacing use of her gender, this passage emphasizes her personal limitations: “Shall I ascribe anything to myself and my sexly [sic] weakness? I were not worthy to live then.” Her response

¹⁴ Elizabeth I, “Queen Elizabeth’s First Speech Before Parliament, February 10, 1559,” in *Elizabeth I: Collected Works*, ed., Leah Marcus et al. (Chicago and London: The University of Chicago Press, 2000), 59.

¹⁵ Elizabeth I, “Queen Elizabeth’s Golden Speech, November 30, 1601,” in Marcus, 339.

¹⁶ Carole Levin, *The Heart and Stomach of a King: Elizabeth I and the Politics of Sex and Power* (Philadelphia: University of Pennsylvania Press, 2013), 146.

¹⁷ Levin, *Ibid.*, 1-2.

gives credit to God for her courage, thus adroitly emphasizing both her bravery and womanly need of help.¹⁸ Near the end of her Golden Speech, Elizabeth used language that suggests a loving matriarch, thus reinforcing a highly sentimentalized connection to her subjects: “And though you have had and may have many princes more mighty and wise sitting in this seat, yet you never had or shall have any that will be more careful and loving.”¹⁹ Elizabeth’s rhetoric combines humility and affection and is “overwhelmingly female in gender expectation,” implying that one of her greatest personality traits was her ability to care for her people.²⁰ There is nothing to suggest that the queen seeks to dominate Parliament or change the country. Indeed, she identifies wholly with it in her pledge to defend England with all her might.

While the history of the intricate working relationship between Elizabeth and her Parliaments goes beyond the purview of this investigation, the queen’s recurring expressions of concern for the English people, such as in her Golden Speech, coupled with gendered modesty created a conciliatory tone that would provide a stark contrast with that of her successor. Though the queen once set her sights on recapturing Calais, she used military forces abroad for defensive purposes (i.e., Scotland, France, and Spain) or to maintain the status quo, notably in Ireland.²¹ She never attempted, as James would, to recreate the country she inherited. Elizabeth was famously reluctant to commit troops to international disputes, sending military forces abroad only when she felt compelled to

¹⁸ Elizabeth I, “Queen Elizabeth’s Golden Speech, November 30, 1601,” in Marcus, 340.

¹⁹ Elizabeth I, *Ibid.*

²⁰ Levine, *The Heart and Stomach of a King: Elizabeth I and the Politics of Sex and Power*, 146. While Elizabeth’s speeches support the claim that she used her gender to manipulate MPs, Notestein argued that in the last years of her reign Elizabeth used legal means to prevent speech in the Commons she deemed offensive. He further contended that though James never had the “hold” his predecessor had on the Commons, the queen could be “a tyrant, but she had a way with her” which James arguably lacked. See Notestein, *The House of Commons: 1604-1610*, 20, 495.

²¹ Christopher Haigh, *Elizabeth I* (New York: Longman, 1988), 125-143.

do so.²² Other than the sort of national defensive stance that Gaunt envisions with his soliloquy, the queen never sought to expand her nation's boundaries or redefine the country she ruled. She made this point to Parliament in 1593:

It may be thought simplicity in me that all this time of my reign [I] have not sought to advance my territories and enlarged my dominions, for opportunity hath served me to do it ... I acknowledge my womanhood and weakness in that respect ... My mind was never to invade my neighbours not to usurp upon any, only contented to reign over my own and to rule as a just prince.²³

In her speech, she made a virtue of not altering the country's borders. The queen played the part of verbal analogue to the Ditchley portrait that visually recreates Elizabeth's lack of international ambition, depicting a rather grand queen whose expansive farthingale remains within the borders of England.²⁴ Of course, using portraiture formed part of a concerted effort to fashion an image for the queen, and in this instance, the propaganda projected Elizabeth's feminine mastery of her kingdom, all within its borders.²⁵

Although the queen's famous speech at Tilbury illustrates her use of the "double image" man-woman she often presented of herself,²⁶ she made clear her determination to protect England against foreign invasion:

I know I have the body of a weak and feeble woman, but I have the heart and stomach of a king, and of a king of England too, and think foul scorn that Parma or Spain, or any prince of Europe should dare invade the borders of my realm; to which, rather than any Dishonour shall grow by me, I myself will take up Arms, I myself will be your General.²⁷

²² Levin, *The Heart and Stomach of a King*, 139-140; Charles Beem and Carole Levin, "Why Elizabeth Never Left England," in *The Foreign Relations of Elizabeth I*, ed., Charles Beem (New York: Palgrave Macmillan, 2011), 14-6.

²³ Elizabeth I, "Queen Elizabeth's Speech at the Closing of Parliament, April 10, 1593," in Marcus, 329.

²⁴ McEachern, "The Englishness of the Scottish Play," 100.

²⁵ Haigh, *Elizabeth I*, 148.

²⁶ Levin, *The Heart and Stomach of a King*, 144.

²⁷ Elizabeth I, "Queen Elizabeth's Armada Speech to the Troops at Tilbury, August 9, 1588," in Marcus, 144.

Her message suggests a monarch determined to keep to her own borders while defending them. There is no hint of a desire to alter the country only to preserve it, and this address along with the Ditchley portrait suggests the sort of ruler Gaunt's speech celebrates: a monarch who is cut from the national cloth and whose every fibre is English, determined to defend against "less happier lands." Elizabeth made use of this sense of Englishness in a 1566 speech before Parliament when its members pressured her to marry for the sake of the royal succession. She asked, "Was I not born in the realm? Were my parents born in any foreign country? Is there any cause I should alienate myself from being careful over this country? Is not my kingdom here?"²⁸ While the male parliamentarians lacked confidence in her gender, her rhetoric implies that her English birthright trumped concerns with her sex and legitimized her right to govern. Elizabeth was an adroit ruler, portraying herself as a modest woman resolutely loyal to the England its Parliamentarians had always known.

Like Elizabeth, James employed a spousal metaphor to contextualize the vision he had of himself within the country's governing power structure. However, unlike his predecessor who portrayed herself as "bound" to England, James inverted the gender relationship between monarch and country. Concurrent with this shift in the power dynamic, the king also inadvertently undermined the national myth of exclusivity. When James delivered his first speech to Parliament in 1603, he portrayed himself as the incarnation of Britain: "I am the husband and all the whole isle is my lawful wife; I am the head, and it is my body; I am the shepherd, and it is my flock."²⁹ Not only does his

²⁸ Elizabeth I, "Queen Elizabeth's Speech to a Joint Delegation of Lords and Commons, November 5, 1566," in Marcus, 95.

²⁹ James I, Entry Speech, in *Somers Tracts*, ed. Walter Scott. Vol. xi. (London, 1809), 62.

talk of “the whole isle” erase national distinctions, James played the part of patriarch, assuming his place at the locus of power, the dominant male lording over his female subjects. While Elizabeth used her body as a measure of physical boundaries to the English nation, James sought to use himself to integrate national differences.³⁰ In his March 31, 1607 speech to Parliament, he emphasized his desire to ameliorate the differences between Scotland and England. He wanted to make “those confining places which were the borders of the two kingdoms, the navell or umbilike.”³¹ In other words, he wanted to incorporate cultural difference into a country complacent with its national insularity. In effect, the king sought to undermine the exclusivity of Englishness. For his listeners, this proposal meant an unsettling reconfiguration of their national identity. Their king wanted “this most divinely-favoured of kingdoms” to accept another as equal. The thought of the radical alteration to the ancient constitution that would surely accompany such a union only amplified the anxiety of MPs.³² Furthermore, while Elizabeth’s personification of her reign created the impression of a sovereign in wilful fellowship with her people, James suggested a clear hierarchical relationship with himself squarely at the top of it. The queen presented herself as the “submissive wife to the masculine authority of her kingdom. Elizabeth feminized the monarch; James, the

³⁰ McEachern, “The Englishness of the Scottish Play,” 102-03.

³¹ James I, Speech to Parliament, March 31, 1607, in *Somers Tracts*, ed. Walter Scott. Vol. xi. (London, 1809), 125.

³² Jenny Wormald, “The Creation of Britain: Multiple Kingdoms or Core and Colonies?” *Transactions of the Royal Historical Society* 2 (1992): 189. The quoted phrase is Jenny Wormald’s. Christopher W. Brooks, “The Place of Magna Carta and the Ancient Constitution in Sixteenth-Century English Legal Thought,” in *The Roots of Liberty: Magna Carta, Ancient Constitution, and the Anglo-American Tradition of Rule of Law*, ed., Ellis Sandoz (Columbia and London: University of Missouri Press, 1993), 84.

monarch's subjects."³³ Within the patriarchal expectations of the day, it was clear where MPs stood with their king.

However, the crown's resumption of a male persona was not the source of concern among English parliamentarians. In fact, with his accession to the throne, there was a notion that the monarchy had returned to its conventional (i.e., masculine) form. Francis Bacon spoke to this reversion when he wrote of the seemingly odd state of affairs that had confronted the country since the end of Henry VIII's reign upon his death in 1547: "I find the strangest variety that in like number of successions of any hereditary monarchy hath ever been known. The reign of a child; the offer of usurpation; the reign of a lady married to a foreign Prince; and the reign of a lady solitary and unmarried."³⁴ What concerned Westminster MPs was not James' masculine authority but his attempt to recover the political power that Parliament gained under his Tudor predecessors, especially Henry VIII and Elizabeth I. Though often considered a formidable ruler, in his unsuccessful attempt to convince Pope Clement VII to annul his marriage with Catherine of Aragon, Henry VIII turned to the so-called Reformation Parliament for statutory approval. The resulting Act in Restraint of Appeals (1533) was arguably the most significant legislation to come of this Parliament, for it gave the king power detached from Rome but limited it with making the king-in-Parliament the actual locus of sovereign power. While this legislative manoeuvre apparently increased the power of the crown, it also made Parliament responsible for determining the extent of that power. In using Parliament to solve his dynastic objectives, Henry extended to the legislative

³³ McEachern, "The Englishness of the Scottish Play," 104.

³⁴ Francis Bacon, "A Letter to the Lord Chancellor, Touching the History of Britain" (1605). *Works of Francis Bacon*, ed. James Spedding, Robert Leslie Ellis, Douglas Denon Heath. Vol. 10. (London: Longmans, 1868), 250.

branch authority over the monarchy, thus diminishing the sovereignty of that institution. Subsequent legislation affirming Princess Elizabeth's legitimacy and making Henry Supreme Head of the Church of England and attempting to direct the succession further confirmed Parliament's increasing authority in setting the parameters of the sovereign's powers.³⁵

Yet even in recent, living memory of the MPs sitting in James' first Parliament, the thought of running the country with no monarch, if only as a short stopgap measure, was not out of the question. With Elizabeth's refusal to marry and designate an heir, the fear of the political chaos that could ensue upon her decease drove William Cecil to create a plan Patrick Collinson called the "monarchical republic." Collinson argued that by 1572 the monarchy had lost its quality of "indelible and sacred anointing" that made it ostensibly indispensable, more akin in some respects to that of a magistrate, with the implication that the position proved necessary but the place holder less than indispensable.³⁶ In his article, he focused on Cecil's 1584 efforts to create a council that would run the country upon the queen's decease.³⁷ Yet this plan was not new in 1584; Cecil put forth essentially the same scheme in 1563.³⁸ When Elizabeth fell seriously ill with smallpox in 1562, the lack of an heir amplified the fear of her loss, and thus Cecil's

³⁵ Peter R. Roberts, "Henry VIII, Francis I and the Reformation Parliament," *Parliaments, Estates and the Reformation* 27, no. 1 (2007): 130, 135-137, 139, 140, 144; Michael A.R. Graves, *The Tudor Parliaments: Crown, Lords and Commons, 1485-1603* (London and New York: Longman, 1985), 77-80; Stanford E. Lehmberg, *The Reformation Parliament, 1529-1536* (Cambridge: Cambridge University Press, 1970), 175-176. For general historical context regarding Henry's desire to marry Anne Boleyn and the resulting parliamentary legislation, see Lucy Wooding, *Henry VIII* (New York: Routledge, 2009).

³⁶ Patrick Collinson, "The Monarchical Republic of Queen Elizabeth I," *Bulletin of the John Rylands Library* 69, no. 2 (1987): 412.

³⁷ Collinson, *Ibid.*, 418-421.

³⁸ Dale Hoak, "Sir William Cecil, Sir Thomas Smith, and the Monarchical Republic of Tudor England," in *The Monarchical Republic of Early Modern England*, ed., John F. McDiarmid (Aldershot, Hampshire: Ashgate Publishing, 2007), 37.

plan for governance came into being. In a clause for a bill debated in the Commons, Cecil proposed that the Privy Council would continue to meet and essentially govern as an executive board in the deceased queen's stead. According to this plan, "by proclamation to be made by authorite of parlement it shall be declared to whom of right the Imperial crowne of this realme of England ought to belong."³⁹ This interregnum would end when Parliament selected the new ruler, thus transforming the kingdom into an elected hereditary monarchy. Like Collinson, Stephen Alford argued that the effect of Cecil's plan was to strip the mystery from the monarchy, while turning it into a functional arm of the country's governing mechanism. Gone was the idea that the monarch represented the body politic and body natural. Cecil's plan made clear that when the body natural died, the body politic continued. No longer did the death of the ruler mean that the government ceased to exist, suggesting that political power was not completely vested in the monarch. In effect, Cecil's plan would have made the country's governing mechanism superior in significance to the queen.⁴⁰ In the days of Henry VIII, ruling the country without a monarch would have been unimaginable. To be sure, Cecil's plan did not go so far as to make such a ruler dispensable. Even in 1584, the monarch was defined as "the life, the head, and the authoritie of all thinges that be doone in the realme of England."⁴¹ Despite that theory, governing the country during a short interregnum became conceivable. Though there were countervailing voices, notably Sir Thomas

³⁹ William Cecil, "'A clause to have bene inserted in an act ment for the succession but not passed,' 1563." NA SP 12/28.

⁴⁰ Stephen Alford, "The Political Creed of William Cecil," in *The Monarchical Republic of Early Modern England*, ed., John F. McDiarmid (Aldershot, Hampshire: Ashgate Publishing, 2007), 87-89. For a comprehensive discussion of the theory of two bodies, see Ernst H. Kantorowicz, *The King's Two Bodies: A Study in Mediaeval Political Theology* (Princeton: Princeton University Press, 1997).

⁴¹ Sir Thomas Smith, *De Republica Anglorum* (London, 1583), 47.

Craig, arguing that the hereditary monarchy was crucial to the country's survival,⁴² others such as Thomas Wilson argued that “the King's eldest son, though the Kingdoms be hereditary, shall not be crowned without the consent of the parliament after the death of this father.”⁴³ Several decades of political discourse made the brief absence of a ruling monarch seem plausible. The body politic could survive without its head. Against this political evolution, James assumed the throne with an air of pre-eminence that failed to impress Westminster MPs.

Rather than the syncretic relationship that Elizabeth shared with Parliament, James seemed almost determined to fashion an antagonistic relationship with English MPs. Even prior to his arrival in London in 1603, James made it clear that he would brook no opposition to his style of kingship. Quite simply, England would need to acquiesce to his theories of divine-right monarchy. Despite his personal political ideology regarding the rights of kings, Wormald contended that James proved “a man of remarkably flexible political mind, a negotiator of considerable skill.” Wormald maintained that while the king began his English reign with a highly ambitious plan for an incorporating union, he reduced the scope of union once English opposition became apparent.⁴⁴ Yet Wormald neglected to note that it took James several years to come to that point;⁴⁵ by 1607, the relationship between himself and Parliament had fractured along the political fault line of the union debate. Already in 1604, after his first English

⁴² Grounding his argument in biblical text, Craig argued that “it is clear that in instituting kings God ever preferred hereditary to elective succession.” Sir Thomas Craig, *De Unione Regnorum Britanniae Tractatus*, 1605, ed. and trans., C. Sanford Terry (Edinburgh, 1909), 228; see also Craig, *The Right of Succession to the Kingdom of England* (London, 1703). Craig's treatise was first published a little over a century after he wrote it.

⁴³ Thomas Wilson, *The State of England, Anno Dom. 1600*, 1600, in *Camden Miscellany*, vol. 16 [Camden Third Series, vol. 52], ed., F.J. Fisher (London, 1936), 37.

⁴⁴ Wormald, “James VI & I,” 31.

⁴⁵ Russell, “James VI and I and Rule Over Two Kingdoms,” 162.

Parliament refused his request to name him King of Great Britain, he unilaterally proclaimed himself such, prompting anxious MPs to write papers against the loss of the name of England.⁴⁶ Scholarship has traditionally propounded the idea that the conflict lay with James' inability to understand the negotiation necessary with a powerful Parliament, consequently prompting the Commons to produce their Apology.⁴⁷ Suggesting that MPs' fixation on their historical rights made Parliament complicit in their worsening relations with their king, some historians have disputed the assumption that James was wholly responsible for these tensions. Nonetheless, as the main point of contention was James' proposed union, the king must take much of the responsibility for pushing for historic changes especially after proclaiming himself King of Great Britain.⁴⁸ As Parliamentarians proudly connected their sense of national identity to "legislative sovereignty," MPs easily took offence when James appeared to disregard it.⁴⁹

When the Scottish James VI arrived in England to ascend the country's throne, he violated the precepts that had guided the relationship between Elizabeth and Parliament. Claire McEachern argued that as a Scot, he ran afoul of the "oppositional structure of nationhood" grounded in xenophobia underwritten by Calvinist exclusivity, an outlook that "celebrated the boundary between those who were chosen to inhabit [England], and those who were not. It was a fiction of exclusivity whose appeal depended upon its

⁴⁶ Wormald, "James VI & I," 31.

⁴⁷ Galloway, *The Union of England and Scotland*, 18-19; For a comprehensive discussion of the Apology and the reasons for its creation, see Notestein, *The House of Commons, 1604-1610*, 125-140.

⁴⁸ Galloway, *The Union of England and Scotland*, 19.

⁴⁹ Conrad Russell, "1603: The End of English National Sovereignty," in *The Accession of James I: Historical and Cultural Consequences*, ed. Glenn Burgess, Rowland Wymer, and Jason Lawrence (New York: Palgrave Macmillan, 2006), 2; Russell, "James VI and I and Rule Over Two Kingdoms," 158-59; Notestein, *The House of Commons: 1604-1610*, 125-140.

exclusions.”⁵⁰ Though Colin Kidd agreed that a sense of exceptionalism permeated Englishness, he did not necessarily tie it directly to xenophobia. Rather, Kidd contended that the resplendent jewel in the shining sea signified a land that rejected absolute monarchy,⁵¹ the sort of political position James VI celebrated in *The True Law of Free Monarchies*.⁵² Kidd’s premise notwithstanding, with James as reigning monarch, the myth of national exclusivity that permeates Gaunt’s speech becomes untenable unless one begins to exclude the king or the king becomes English. With James, the myth of exclusivity became much more invaluable. While he sought to strengthen the national sense of self, he inadvertently confused it when he sought to alter the relationship between England and Scotland, thereby tampering with the longstanding English presumption of primacy.⁵³ Furthermore, as early as April 1604, his drive to create a united British state unleashed “acute constitutional alarm” among English MPs, thereby engendering an antagonistic relationship between the two institutions of English governance, crown and Parliament.⁵⁴ While conflict between reigning monarch and

⁵⁰ McEachern, “The Englishness of the Scottish Play,” 101-102.

⁵¹ Colin Kidd, *British Identities before Nationalism: Ethnicity and Nationhood in the Atlantic World, 1600-1800* (Cambridge: Cambridge University Press, 1999), 213. While Kidd spoke specifically to the late 17th and 18th centuries, he noted in an e-mail to the author (July 8, 2017) that this ideal of Englishness existed a century earlier but “certainly more limited.”

⁵² In the following excerpt from his treatise, James leaves no doubt as to the proper locus of national power: “And as ye see it manifest, that the King is Over-Lord of the whole Land: So is he master over every person that inhabiteth the same, having power over the life and death of every one of them. For although a just Prince will not take the life of any of his Subjects without a clear Law: Yet the same Laws, whereby he taketh them, are made by himself, or his predecessors. And so the power flows always from himself.” James I, *The True Law of Free Monarchies* (Edinburgh, 1598), sig. D1^r, EEBO (Accessed July 7, 2017).

⁵³ McEachern, “The Englishness of the Scottish Play,” 102; Galloway, *The Union of England and Scotland*, 11.

⁵⁴ Russell, “James VI and I and Rule Over Two Kingdoms,” 159. In James’ March 31, 1607 address to the House of Commons, he sounded a conciliatory note, admitting that when he first proposed the union, he had been oblivious to Parliamentary concerns about the king’s plan, suggesting that the Commons’ initial, negative response to his union was reasonable: “When I first propounded the Union, I then thought there could have been no more Question of it, than of your Declaration and Acknowledgement of my Right unto this Crown ... The Error was my mistaking: I knew mine own End, but not others’ Fears.” See *CJ* (March 31, 1607): I, 357-363.

sitting MPs punctuated English history long before the Jacobean era, James' desire for an incorporating union between Scotland and England so unnerved many members of the Commons that legal philosophers led by Sir Edward Coke developed a distortion of heretofore accepted legal theory in order to substantiate their opposition to political union with Scotland.

The king and the ancient constitution as alternative repository of national sovereignty.

As the debate in the House of Commons over union became increasingly contentious, several members – most especially Sir Edwin Sandys, Sir Maurice Berkley, and Thomas Hedley – latched onto the idea that the king's plan threatened the very foundation of the English nation with mortal destruction. To defend their position against political union with Scotland, these nationalists publicized the idea that the common law would necessarily give way to civil law, were the two countries to merge. For the anti-union faction, the potential loss of the common law made the king's plan impossible. They argued that these laws, known collectively as the ancient constitution, stretched back into time immemorial, acting as some sort of anchor to England's mythic past. That, at any rate, is what they wanted to think. Yet there is evidence to suggest that these same parliamentarians knew that the common law was far more flexible than they were willing to concede. Given the evidence that the common law was long thought anything but inviolate, it seems particularly curious that these learned men would misrepresent the role of the country's customary law – and by extension, the ancient constitution. Among historians, there are two schools of thought regarding the perception of the common law's significance to the English national sense of self. Although Pocock argued that by 1604

belief in the sanctity of the common law was absolute among Westminster MPs,⁵⁵ Christopher Brooks and Kevin Sharpe refuted that assertion, citing contemporary legal discourse that ultimately rejected the superiority of the English common law.⁵⁶ That the anti-union faction likely over-looked the relative mutability of the customary law, thus inflating the significance of the ancient constitution, sheds considerable light on the national insecurities that James' proposed Anglo-Scottish union unleashed within the House of Commons.

During the union debate, the fierceness with which MPs fought to preserve the country's legal system signified a shift in legal and political thinking, largely wrought by James' theories of divine right rule and political union. While Elizabeth repeatedly sought throughout her reign to limit debate in the Commons,⁵⁷ the queen respected the law, posing no threat to it.⁵⁸ Along with her close identification with the country she ruled, Elizabeth's respect for its common law seems to have precluded the sort of reactionary defence of it that arose during her successor's reign. Largely for that reason, explicit, political reverence for customary law during the Tudor queen's reign rarely emerged.⁵⁹ The balance between queen and law settled into an equipoise that gave weight to Richard Crompton's theory that good Christians demonstrated absolute fealty to her rule with complete obedience. In his pamphlet entitled, *A short declaration of the end of Traytors*, Crompton, an influential Elizabethan lawyer and proponent of divine

⁵⁵ J.G.A. Pocock, *The Ancient Constitution and the Feudal Law*, 47-49.

⁵⁶ Brooks and Sharpe, "History, English Law and the Renaissance," 134, 136.

⁵⁷ Haigh, *Elizabeth I*, 120-21.

⁵⁸ Christopher W. Brooks, *Law, Politics and Society in Early Modern England* (Cambridge: Cambridge University Press, 2008), 63.

⁵⁹ Christopher Brooks also credits the lack of emphasis on ancient constitutionalism in legal thought through the end of the sixteenth century on the country's strict adherence to social order. Consequently, it was incumbent upon the crown's subjects to obey their sovereign, not challenge her. See Brooks, "The Place of Magna Carta and the Ancient Constitution," 59, 63, 66, 83.

right monarchy, warned his fellow subjects against “destroying” or “apposing themselves against their prince.”⁶⁰ According to contemporary thinking, the Christian deity chose Elizabeth to lead, and nothing she did prompted her subjects, including common lawyers, to question her prerogative so long as she respected certain expectations that came with her office, including maintaining respect for the country’s common law.⁶¹ Though the lack of an heir apparent discomfited parliamentarians, the survival of the nation seemed far from anyone’s mind.

That complacency ended in the 1590s. With a childless queen on the throne, the Commons focused on the question of the royal succession. For all the uncertainty surrounding the monarchy, the common law provided an “alternative locus for the continuity of the English state,” separate from the reigning monarch, a sort of latent national bulwark against the uncertainty of royal prerogative and presumably the crown. In other words, the country’s historic legal system offered an alternative repository for national sovereignty, separate from the crown and safeguarded by parliamentarians should the need ever arise.⁶² In the event, the legal and political minds of the late Elizabethan era accepted an ancient constitutionalism. However, as the queen never appeared to threaten the integrity of the country’s legal foundation, politicians and scholars never felt a need to actively, let alone vociferously, defend it or even articulate it. They knew that customs and institutions were “peculiar” in other countries and that they developed in such a way to “peculiarly” fit the idiosyncratic needs of their country.

⁶⁰ Richard Crompton, *A short declaration of the ende of Traytors and false Conspirators against the state, and the duetie of Subjectes to theyr soueraigne Governour ...* (London, 1587), unpaginated.

⁶¹ Brooks, “The Place of Magna Carta and the Ancient Constitution,” 70; Brooks, *Law, Politics and Society in Early Modern England*, 70-71.

⁶² McEachern, “The Englishness of the Scottish Play,” 102.

In England, a balance between “rule of law” and “rule of prince” developed. In practical terms, the common law tempered the excesses of divine right monarchy.⁶³ Under Elizabeth, the balance was maintained between crown and the common law, preventing the perception of a royal threat to English tradition.

With the advent of Stuart rule in the southern kingdom, that equipoise between royal prerogative and common law no longer seemed certain, and English MPs appear to have taken advantage of the apparent imbalance to put a stop to unifying Scotland and England under one parliament. While the basic idea of how to forge a country with two legal systems had been a genuinely perplexing concern at the start of James’ reign, by 1607, the conundrum gave the anti-union faction at Westminster ammunition to fight against the king’s plan. When James came south to assume the English throne, he brought with him his well-known notions of absolute monarchy. This was, after all, the Scottish monarch who called himself “God’s lieutenant”⁶⁴ and “deputie”⁶⁵ and argued that “the office [was] given him by God over them,”⁶⁶ his people including MPs whom he called his “vassals.”⁶⁷ His divine right theory threatened the restraining mechanisms of the legal system that had worked well during his predecessor’s reign. That his desired Anglo-Scottish union appeared only to amplify the threat emboldened his opponents. For them, the proposed union meant that civic law would replace the common law, a scenario that proved unacceptable and gave opponents a platform from which to wage battle against the king’s political ambitions. In effect, the “union of laws” provided the

⁶³ Burgess, *The Politics of the Ancient Constitution*, 104-105.

⁶⁴ James I, *The True Law of Free Monarchies* (Edinburgh, 1598), sig. B4^r, EEBO (Accessed February 2, 2017).

⁶⁵ James I, *Ibid.*, sig. D8^v.

⁶⁶ James I, *Ibid.*, sig. E1^r.

⁶⁷ James I, *Ibid.*, sig. C7^v.

“political means” to fight union with Scotland.⁶⁸ That the House of Commons had assumed more authority during the Tudor era must have put James’ beliefs about absolute monarchy into even starker relief.⁶⁹ To that point, Venetian ambassador Nicolo Molin reported the incongruity between the practice and demeanour of MPs and the king’s expectations:

It cannot be denied that originally and for many years later the authority of members was great, for each one was permitted, without fear of punishment, to speak his mind freely on all that concerned the State, even to the touching of the King's person, who, to speak the truth, was rather the head of a Republic than a Sovereign. But now that the Sovereign is absolute, matters move in a very different fashion.⁷⁰

Unfortunately for James, his desire for an incorporating union between England and Scotland became mired in two ancillary yet significant concerns, the English perception of themselves and the rightful locus of sovereign power within the nascent English state.

James’ accession to the throne coupled with his political theories became a fulcrum that altered the political discourse about England’s common law. A basic premise of customary law was that the past could inform and thus guide the present.⁷¹ In a society that looked for precedents to guide its system of law and governance, a new legal system presumably consequent to union would untether England’s connection to its past, thus interfering with the national myth that tied the country and its common law to time immemorial if not Brutus himself. Ultimately, the debate reshaped the lens through which English parliamentarians viewed themselves as a people. As a consequence, the political discourse became shrill. Sir John Doddridge exemplifies some of the more

⁶⁸ Brooks, “The Place of Magna Carta and the Ancient Constitution,” 84.

⁶⁹ Pocock, *The Ancient Constitution and the Feudal Law*, 141.

⁷⁰ Nicolo Molin, “Report on England presented to the Government of Venice in the year 1607, by the Illustrious Gentleman Nicolo Molin, Ambassador there,” *CSPV*, 501-524.

⁷¹ Burgess, *The Politics of the Ancient Constitution*, 10.

thoughtful, restrained rhetoric that emerged in the beginning of James' reign in 1604: "But lawes were never in any kingedome totallie altered without great danger of the evercion of the whole state."⁷² While Doddridge spoke of absolutes, his tone remained perceptibly measured. However, by 1607, when the union debate was reaching a crescendo, the rhetoric had heated considerably. Sir Maurice Berkley argued against union to his fellow MPs, grounding his rhetoric in a defence of the common law: "Those Laws [are] written in the Blood of our Ancestors. Never believe that these Laws should admit such Inconveniencies, as the Participation under One personal Subjection."⁷³ Berkley's impassioned defence of the common law reveals the sort of rhetoric that entwined the English people and their ancient constitution so tightly that many in Parliament saw them as practically the same. Calling to the fore the blood of their forbears creates a near-sacred mutually constitutive construct of nation and government. It therefore follows that violating that relationship risked destroying the very foundation on which England stood. Yet for all Berkley's dedication to his ancestors' sacrifices and the country's ancient constitution, such rhetoric would have been out of place even at the tail end of Elizabeth's reign. While the personal objectives that drove Berkley to deliver such a speech are difficult to discern, evidence suggests that MPs looked to that alternative locus of national sovereignty, the common law, to thwart the king's efforts to create a political union between Scotland and England. The idea of a static legal system reaching into time immemorial took shape after James ascended the English throne,

⁷² Sir John Doddridge, "A Breif Consideracion of the Unyon of Twoe Kingedomes," in *The Jacobean Union: Six Tracts of 1604*, ed. Bruce R. Galloway and Brian P. Levack, Scottish History Society, 4th series, vol. 21. (Edinburgh, 1985), 146.

⁷³ Maurice Berkley, *CJ*, I, March 2, 1607 (Second Scribe), unpaginated.

providing his opponents an ancient constitution with which to stop the union from taking place.⁷⁴

Under James, many in the Commons considered the king's efforts a direct threat to the country's legal system, and by 1607, this fear had become entrenched in the political discourse surrounding the question of union. In their speeches, Doddridge and Berkley reflect the sort of ancient constitutionalism that came alive at the beginning of James' reign, and Sir Edward Coke was instrumental in redefining the common law as an immutable anchor to the country's past.⁷⁵ Because judges could create law through their individual rulings, many found the legal system uncertain even during Elizabeth's reign. Despite those misgivings, the union of laws that would necessarily accompany the union of countries would change the legal system beyond recognition, a scenario wholly unpalatable to many MPs and which opened an avenue for resistance against the king's efforts.⁷⁶ Coke published his first two *Reports* in 1600 and 1602, essentially paying homage to the common law; however, when the fourth volume appeared in 1604, Coke argued that any fundamental change to the legal system would endanger the stability of the country. He contended that "the King is under no man, but only God and the law; for the law makes the King: Therefore let the king attribute that to the law, which from the law he hath received, to wit, power and dominion; for where will and not law doth sway, there is no king."⁷⁷ In other words, without the law, the system of governance would

⁷⁴ Brooks, "The Place of Magna Carta and the Ancient Constitution," 58.

⁷⁵ Pocock, *The Ancient Constitution and the Feudal Law*, 233. Pocock defined ancient constitutionalism as the belief that "the whole body of English law – including the customs of the high court of parliament – could be represented as immemorial in the sense that custom was immemorial." See Pocock, *The Ancient Constitution and the Feudal Law*, 233.

⁷⁶ Brooks, "The Place of Magna Carta and the Ancient Constitution," 83.

⁷⁷ Sir Edward Coke, *Le Quart Part des Reportes* (London, 1604), sig. B5^r, EEBO (Accessed October 17, 2017); Brooks, "The Place of Magna Carta and the Ancient Constitution," 84.

upend. In his fifth and sixth *Reports*, published in 1607 and 1608 respectively, Coke argued that the common law was immemorial, never tainted by Norman influence, and the birthright of every Englishman. Coke's *Reports* proved crucial to changing the narrative regarding the country's legal system.⁷⁸ One effect was a hardening of the conceptual image of the meaning of Englishness.

Although McEachern argues that parliamentarians used the common law as a defence against the king's proposal, she misses the significance of their behaviour, something they themselves appear to have overlooked. MPs not only found union an existential threat, they defined Englishness as a sense of national identity connected to the country's myth of an ancient past that produced a civilizing set of laws with the implication that English culture was rightfully superior to those of its neighbours.⁷⁹ Without realizing it, in actively working to protect the law, they divested themselves of the power to change it, arguing that it was inviolable, thus, by extension, rendering their national identity uncompromising. The educated elite with knowledge of the law knew Sir John Fortescue's fifteenth-century assertion that the customs of a people defined them. Such customs gave the nation its "second nature." To cast aside such conventions would mean an end to the "distinctive existence" of said people, what Pocock called "the medieval version of identity."⁸⁰ While some have argued that Fortescue's ethos regarding the significance of national traditions became a guiding principle for early modern jurists, Brooks and Sharpe dispute that claim, citing late sixteenth-century

⁷⁸ Brooks, *Ibid.*, 84-85.

⁷⁹ Christopher W. Brooks, *Law Politics and Society in Early Modern England* (Cambridge: Cambridge University Press, 2008), 132.

⁸⁰ Pocock, *The Discovery of Islands*, 53; Sir John Fortescue, *De Laudibus Legum Angliae* (London, [1471] 1616), sig. C2^r-C3^r, EEBO (Accessed December 1, 2017).

English commentators and lawyers who freely acknowledged continental influence on their country's institutions and laws. The intellectual discourse of the Tudor period allowed for a broader sense of Englishness, largely free of the claustrophobic identification with the common law that Fortescue would have found appropriate.⁸¹ Nevertheless, it was his line of thinking that framed the rhetoric during the union debate and in its aftermath. In his speech to the House of Commons regarding the common law, Thomas Hedley's tone and sentiment approximates those of Berkley:

The parliament may find some defects in the common law and amend them ..., yet the wisest parliament that ever was could never have made such an excellent law as the common law is. But that the parliament may abrogate the whole law, I deny, for that were includedly [sic] to take away the power of the parliament itself, which power it hath by the common law.⁸²

Hedley paints a picture of a body of law that grew organically from amorphous origins, a guiding paradigm that supplied the theoretical framework for the governing institutions of the country that ostensibly postdated it. Furthermore, Hedley called the common law “the life and soul of the politic body of the commonwealth, as the king is the head thereof; and as they attempt to alter or change the head of this body, though there be pretense or intent to establish a better in the room, is high treason ...”⁸³ To abrogate the common law could only mean dissolving themselves as a nation. Unfortunately for James, in the minds of many MPs, his dream of an Anglo-Scottish union threatened just that sort of dissolution of the English people.⁸⁴ The anxiety that his objective prompted had the added effect of strengthening the English belief that their ancient constitution had

⁸¹ Christopher Brooks and Kevin Sharpe, “History, English Law and the Renaissance,” 133-42.

⁸² Thomas Hedley, “Speech to the House of Commons, June 28, 1610,” in *Proceedings in Parliament, 1610*, ed., Elizabeth Read Foster, vol. 2 (New Haven and London: Yale University Press, 1966), 174.

⁸³ Hedley, *Ibid.*

⁸⁴ Pocock, *The Discovery of Islands*, 53.

emerged through an organic process of generation from time immemorial.⁸⁵ To lose that ancient constitution was unthinkable. In the early modern English mind, the Welsh had adopted these facets of Englishness as their own. In a similar vein, the Scots could follow the same path to become English eventually, but the English could never become Scots.⁸⁶

For English MPs, their mistrust of their king was not simply a case of Scotophobia; rather, James' Scottishness, or quite simply, his coming of age in a different country with dissimilar political and legal traditions, kept him from understanding the profound symbolic significance of his inherited country's legal foundation, and thus the ancient constitution, to the English nation.⁸⁷ The irony of a king leading a country whose law and general political culture he did not understand could not have been greater. Yet James had never had the need to think himself subordinate to laws and parliaments. He was a monarch raised within a different political culture, and his insensitivity to English sensitivities showed.⁸⁸

Nevertheless, historians might forgive the king's apparent lack of understanding for the impassioned fealty of MPs to the ancient constitution – arguably national mythology, political tradition, and law in equal measure. It was, after all, a rather

⁸⁵ Brooks and Sharpe, "History, English Law and the Renaissance," 138; Pocock, *The Discovery of Islands*, 53.

⁸⁶ Pocock, *Ibid.*, 53.

⁸⁷ Russell, "James VI and I and Rule Over Two Kingdoms," 158-59.

⁸⁸ Even when James needed Parliament in his drive to forge his desired union, he dismissed signs of their discontent. In response to a formal grievance that MPs presented James in May 1606 regarding excessive spending and long absences from London, among other items, he "admonished" them, instructing MPs that "where the Grievance is small, and the Alteration great and weighty to the Crowne, [they] should not urge it; as himself on the other Side would not prefer his owne small Profitt before a Common Grievance of great Moment." Bowyer, *The Parliamentary Diary*, 166; the Venetian ambassador, Zorzi Giustinian, noted the widespread discontent with the king among MPs as a result. *CSPV*, 1603-1607, 341-354. See also Francis Bacon's report: *CJ* (May 15, 1606): I, 309.

intangible jumble of ad hoc judicial decisions, rulings, and cultural practice that ostensibly gave the English people and their country meaning and shape. In the following excerpt, Pocock's definition underscores the ancient constitution's amorphous existence:

The relations of government and governed in England were assumed to be regulated by law; the law in force in England was assumed to be the common law; all common law was assumed to be custom, elaborated, summarized and enforced by statute; and all custom was assumed to be immemorial, in the sense that any declaration of even change of custom – uttered by a judge from his bench, recorded by a court in a precedent, or registered by king-in-parliament as a statute – presupposed a custom already ancient and not necessarily recorded at the time of writing.⁸⁹

The common law, the body of which formed the so-called ancient constitution, rested upon experience and decisions of earlier generations, bringing their collective wisdom together to undergird England's governance. While codified civil laws reflected the rationale of one man or one generation, custom transcended the vagaries of the country's demands reaching back into time immemorial. In 1612, the Attorney General for Ireland, Sir John Davies, defined the common law as crucial to England's existence, proffering a picture of a near flawless national framework refined by generations to fit the national character precisely. According to him, the common law

can be recorded and registered no-where but in the memory of the people. For a Custome taketh beginning and growth to perfection in this manner: When a reasonable act once done is found to be good and beneficiall to the people, and agreeable to their nature and disposition, then do they use it and practise it again and again, and so by often iteration and multiplication of the act it becometh a Custome; and being continued without interruption time out of mind, it obtaineth the force of a Law. And this Customary Law is the most perfect and most excellent, and without comparison the best, to make and preserve a Commonwealth.⁹⁰

⁸⁹ Pocock, *The Ancient Constitution and the Feudal Law*, 261.

⁹⁰ Sir John Davies, *Irish Reports (Le primer report des cases & matters en ley resolues & adiudges en les courts del Roy en Ireland. Collect & digest per Sir John Davis Chivaler, Atturney Generall del Roy en cest*

Parliament cannot manufacture such perfection, for “written laws” are thus forced on a population without the benefit of “trial or probation” which ensures that a law does not “bind” or “inconvenience.” Should an inconvenience arise, the law would no longer exist, and thus, through the practice of custom, the common law became “fit and agreeable to the nature and disposition of the people.”⁹¹ Indeed, customary law was “connatural to the Nation.”⁹² Its survival proved its viability and wisdom greater than any individual, even greater than Parliament. Furthermore, customary law evolved organically from the earliest glimmerings of the English people and was thus free from the taint of foreign influence. The common law, moreover, was “purely native,” inherently English unlike James. It reflected the “wisdom and experience” of the English nation and would not denigrate “the people’s glory and self-sufficiency.”⁹³ Certainly, the very existence of customary law suggested a system of legal governance that proved perfectly suited to the nation that created it.

Sir John Davies’ claim that the common law proved “purely native” is telling for its rather blatant inaccuracy, and it seems highly unlikely that he would not have known of his historical amnesia. Indeed, Davies was a member of the Society of Antiquaries. Founded in 1588, the Society corresponded with like-minded scholars in continental Europe, especially in France. Following the example of their European counterparts, members of the Society engaged in an etymological analysis of the history of English institutions. Though nationalistic, they openly accepted that many of their most

Realm), 1615. Quotations taken from the unpaginated preface dedicatory, EEBO (Accessed September 12, 2017).

⁹¹ Sir John Davies, *Ibid.*

⁹² Sir John Davies, *Ibid.*

⁹³ Sir John Davies, *Ibid.*

cherished customs were not ancient, and many of those traditions, in fact, had originated with the Normans.⁹⁴ As a lawyer member of the Society, Davies accepted the reality of Norman influence on English traditions and institutions.⁹⁵ Yet the significance in his statement lies not so much in its fallaciousness but rather in the progression of the union debate that prompted him, like many of his fellow MPs, to defend the common law as if it were the last redoubt of Englishness. Pocock argued that Elizabethan lawyers believed the common law to be static and immemorial, but under James, “the increasing activity of a nearly sovereign monarchy” transformed myths into incontrovertible fact. Under Elizabeth, the notion of the common law as ancient and immutable was “a convenient fiction.” With the advent of Jacobean rule, the myth “was heatedly asserted as literal historical truth.”⁹⁶ Pocock’s assertion notwithstanding, Brooks and Sharpe rejected the argument that common lawyers of the Jacobean period uniformly believed in the sanctity of the ancient constitution. Like Davies, many MPs adhered staunchly to the myth that the common law had been a legal mechanism insulated from outside influences. This rhetorical stance, however, first emerged after the start of Jacobean rule. Their altered perspective appears to have been a response to the king’s push to create an equal union with Scotland and Coke’s series of published tracts.

Evidence suggests that until the regnal union, early modern scholars and jurists were far more intellectually curious than Pocock acknowledged. In other words, belief in the sanctity of the common law was not absolute. Brooks and Sharpe demonstrated quite clearly that late in Elizabeth’s reign many English lawyers and intellectuals accepted the

⁹⁴ Brooks and Sharpe, “History, English Law and the Renaissance,” 134, 138-9.

⁹⁵ Sir John Davies, “The Antiquity and Office of the Earl Marshall of England,” in Thomas Hearne’s *A Collection of Curious Discourses*, 2 vols. (London, 1775 [1720]), vol. 2, 108.

⁹⁶ Pocock, *The Ancient Constitution and the Feudal Law*, 37.

influence of not only the civil law upon the common law but also feudalism and the Norman Conquest, factors that Pocock overlooked. In the 1590s, Francis Bacon wrote of “the uncertainty of law, which is the principal and most just challenge that is made to the laws of our nation at this time,” suggesting that the country’s common law needed “correction.”⁹⁷ Bacon eventually recommended a compilation of the laws in order to catalogue and amend them for the good of the country, focusing especially on the uncertainty of the legal code. Support for Bacon’s proposal proved widespread within the legal profession, with many critics agreeing that there were simply too many laws, many of which were unenforced, obsolete, or overly complex.⁹⁸ Even Thomas Hedley, among other lawyers, lent his support to Bacon’s efforts. Indeed, Brooks and Sharpe argued that “there is nothing to suggest that lawyers were reluctant to face change” in the common law.⁹⁹ In a 1592 speech delivered to the House of Commons, Coke used the term “*Elephantine Leges*” to suggest an unnecessarily cumbersome legal system,¹⁰⁰ sentiments the queen shared in 1597.¹⁰¹ Part of the openness to criticism of the customary law stemmed from the growing trend of young, aspiring lawyers to attend Cambridge and Oxford prior to their training at the inns of court. The university curricula exposed them to civil law and thus alternative legal codes. Furthermore, there is a seventeenth-century history that reveals knowledge of medieval influence of the civil law on English common law, and of course, the Society of Antiquaries acknowledged

⁹⁷ Francis Bacon, “Maxims of the Law” (1596), in *The Works of Francis Bacon*, ed., James Spedding (London, 1857-9), vol. 7, 319.

⁹⁸ Brooks and Sharpe, “History, English Law and the Renaissance,” 134-5.

⁹⁹ Brooks and Sharpe, *Ibid.*, 135-6.

¹⁰⁰ Hayward Townsend, *Historical Collections or An Exact Account of the Proceedings of the Last Parliaments of Queen Elizabeth of Famous Memory* (London, 1680), sig. L1^r.

¹⁰¹ Townsend, *Ibid.*, sig. X4^v.

Norman influence after the Conquest.¹⁰² Yet this relative openness to intellectual discourse regarding the country's legal foundation appears to have ended with the advent of the regnal union. Elizabeth's death and James' subsequent accession to the English throne in 1603 arguably wrought a nationalist response that prompted a reactionary defence of the common law.¹⁰³

The political uncertainty of the early Jacobean period produced the sort of common law consensus that Pocock described. The opponents of James' union refashioned the perception of English customary law to represent an immutable link to the country's past, a sort of anchor securing England against losing itself in a strong Scottish current. Certainly, there were still independent voices such as Bacon who championed civil law or the reformation of the common law. However, the prevailing political winds took their lead from Sir Edward Coke who argued in the first years of James' English reign that the common law was wiser than any individual, and that "no man," not even the king, "ought to take it on himself to be wiser than the laws."¹⁰⁴ Part of such fervour reflects a reaction against civil lawyers who largely supported the king's prerogative, at a time when the Scottish monarch's plans for union seem to have challenged the primacy of English dominance in Britain.¹⁰⁵ It was Coke's contention that the 'common laws are the most equal and most certain, of greatest antiquity and least delay and most beneficial and easy to be observed' of any alternative legal code.¹⁰⁶

¹⁰² Brooks and Sharpe, "History, English Law and the Renaissance," 137-9.

¹⁰³ Brooks and Sharpe, *Ibid.*, 141-2.

¹⁰⁴ Sir Edward Coke, *Seventh Reports, Calvin's Case* excerpted from John Thomas and John Fraser, eds., *Reports* (London, 1826), vol. iv, 6; Pocock, *The Ancient Constitution and the Feudal Law*, 34-35.

¹⁰⁵ Brooks and Sharpe, "History, English Law and the Renaissance," 137-8.

¹⁰⁶ Sir Edward Coke, *The reports of Edward Coke Kt. in English ...*, 13 vols. (London, 1600-15; 1727 edn.), vol. 2, preface. See also Donald R. Kelley, "History, English Law and the Renaissance," *Past & Present*, no. 65 (November 1974): 25.

Brooks and Sharpe contended that in the late sixteenth and the early seventeenth centuries English lawyers were far less secure in their country's laws and far more knowledgeable of the influence of continental European and civil law on the ancient constitution than Pocock and Donald R. Kelley acknowledged.¹⁰⁷ Brooks and Sharpe maintained that Coke did not represent the prevailing consensus but rather a significant shift in beliefs regarding English history and law among early modern scholars and jurists. That that change in regard for the common law occurs early in the Jacobean period reinforces the notion of the magnitude of the perceived threats of divine right monarchy and of an incorporating union with Scotland.

Friction between James and English tradition and introverted Englishness.

For many, the common law appeared to sustain the existence of the nation. While the union debate intensified the significance of the ancient constitution to many English MPs, the dimensions of a possible political union with Scotland began to affect the cultural constellation of the country. A change in English perceptions of themselves as a people began to take shape a few years into James' English reign. Although Shakespeare's *Macbeth* provides a hint of the reconfiguration of English national consciousness and the anxiety such a shift caused in the early modern body politic, literary and non-literary sources document the evolving perception of the English sense of national self. Though the notion of *Britishness* existed, its defining value for the English people was at best limited, or indirectly, contested. The national shift away from

¹⁰⁷ Brooks and Sharpe, "History, English Law and the Renaissance," 133-4. See also Donald R. Kelley, "History, English Law and the Renaissance," *Past & Present*, no. 65 (November 1974): 24-51.

an English identity that looked beyond its own borders towards a much more insular, national identity appears to have begun in the transitional months spanning 1606 – 1607.

Not long after James assumed the throne in England, nostalgia for the Tudors took hold. Though Henry VII, Henry VIII, and Elizabeth found it politically efficacious to emphasize their Welsh heritage on occasion,¹⁰⁸ the public image of Elizabeth remained comfortably English.¹⁰⁹ Shakespeare's drama reflects that shifting perspective and traces the trajectory of national consciousness, revealing the evolving relationship that the English shared with the British cultural and political landscape around them. His Elizabethan histories went a long way to define the cultural constellation of Englishness, a role that continued during the first decade of the Jacobean kingship in England. Upon the accession of James to the English throne, the playwright's explorations of identity went from an emphasis on Englishness to that of Britishness. Significantly, however, several years into the Scottish king's reign, the dramatist's diction eventually reverted to denotations of Englishness, suggesting a desire for a more insular notion of nationhood.¹¹⁰ With *Henry VIII*, Shakespeare reveals the nostalgia for the Tudor dynasty but also affirms the localized nationality devoid of any reference to Scotland and thus a

¹⁰⁸ For a particularly comprehensive examination of the Tudor dynastic use of its Welsh ancestry for political advantage, see Philip Schwyzer. Schwyzer also situated that link within the broader Tudor effort to control Wales and the eventual official appropriation of the Welsh past under the Tudors. Schwyzer, *Literature, Nationalism, and Memory*, 1-12, 13-48. By the time Henry Tudor's grandson, Edward VI, took the throne, he was called "a right Briton both bred and borne," a moniker formerly reserved for the Welsh, an indication that by the mid-sixteenth century, the English had assumed a greater identity connected to Britain's pre-Germanic past. William Patten, *The Expedition into Scotlande*, (London, 1548), sig. B6^v, EEBO (Accessed December 10, 2017); Schwyzer, *Literature, Nationalism, and Memory*, 36. For a discussion of Elizabeth's regard for her Welsh heritage, see Todd M. Lidh, "The Merry Wives of Windsor and Elizabeth I: The Welsh Connection," *Journal of the Wooden O Symposium*, no. 6 (2006): 68.

¹⁰⁹ Kevin Sharpe, *Selling the Tudor Monarchy: Authority and Image in Sixteenth-Century England* (New Haven and London: Yale University Press, 2009), 480; Greenfeld, *Nationalism*, 65.

¹¹⁰ Willy Maley, *Nation, State and Empire in English Renaissance Literature: Shakespeare to Milton* (New York: Palgrave Macmillan, 2003), 7-29; Claire McEachern, *The Poetics of English Nationhood, 1590-1612* (Cambridge: Cambridge University Press, 1996).

parochial national consciousness that arguably leaves little room for a greater British identity. English national sentiment resisted a broadening to a general Britishness when that identity threatened the primacy of English identity.

Henry VIII reveals nostalgia for the Tudor past that suggests a renewed desire to maintain English national identity in the face of the apparent Jacobean drive to supplant it with a British identity. The playwright's history reveals the desire for a stable English national identity, arguably a reaction against James' reign and his apparent challenge to the English national ethos. While the historic Henry's quest for a son has long figured as one of the great, perhaps infamous, episodes of English history, he could little know that Elizabeth would leave such a powerful impression on the country he once ruled. As the daughter of the ill-fated Anne Boleyn, Elizabeth became the Tudor dynasty's direct link to the Stuart line in general and James VI and I in particular. Though purportedly about Henry VIII, Shakespeare's drama acts like a mirror, reflecting the cultural and political effect of the proposed union between England and Scotland. His work celebrates the contemporary achievement of James and his Queen Consort, Anne, while reflecting the nostalgia for Elizabeth's reign. Concurrently, this 1612 hagiographic depiction of the Tudor queen hints at a sense of national sentiment that gained in vigour with the Scottish king's attempt to alter English identity, an identity seemingly made stronger by the playwright's exclusive use of the country's name as opposed to any variant of *Briton*, *Britain*, or *British*.¹¹¹ By the time of *Henry VIII*, the union debate was dead.¹¹²

¹¹¹ An EEBO key word search of *Henry VIII* produced no variants of *Briton*, *Britain*, or *British* in conjunction with the English people or England. (Accessed March 31, 2017)

¹¹² Searches of the *CJ*, *CSPD*, and *CSPV* show no parliamentary discussion of the hitherto proposed political union after 1610.

Nevertheless, English national identity had taken strength from it, albeit from a contraction of its conceptual scope.

In the play, the newborn Elizabeth provides a bridge to James and eventually reveals the nostalgia for the future queen's reign rife in England at the time of this play's performance in 1612.¹¹³ Before long, it quickly becomes apparent that the significance of this child goes far beyond her recent birth. In his soliloquy delivered in celebration of the new princess, Cranmer engages in a fit of premature hagiography for a child still in her infancy. He claims that "truth shall nurse her / Holy and heavenly thoughts still counsel her. / She shall be lov'd and fear'd."¹¹⁴ He continues, portraying the consequences of her life as that of rich blessings for Elizabeth's kingdom: "In her days every man shall eat in safety / Under his own vine what he plants, and sing / The merry songs of peace to all his neighbours. / God shall be truly known."¹¹⁵ The language paints a romantic picture of a future time when under Elizabeth's tenure, life will reach new heights of bountiful glory. For Shakespeare's audience, the eyewitnesses to this fictional rendition of the recent past, the topicality must have been obvious. After three years of the Jacobean monarch, a growing sense of nostalgia for his predecessor had taken hold on the imaginations of the people of London. Of late, they had seen Elizabeth's remains disinterred and placed with those of her sister to make room for the foreign woman she had had executed, Mary Queen of Scots. At the same time, their Scottish king had redesigned the country's flag and had seemingly questioned the very identity of England itself. James' accession to the throne had prompted him to push the parliamentarians at

¹¹³ D.R. Woolf, "Two Elizabeths? James I and the Late Queen's Famous Memory," *Canadian Journal of History* 20, no. 2 (August 1, 1985): 168.

¹¹⁴ Shakespeare, *Henry VIII*, V.iv.28-30.

¹¹⁵ *Ibid.*, V.iv.33-36.

Westminster to approve a political union between Scotland and England, and the resulting questions surrounding English national identity had fuelled the reappraisal of Queen Elizabeth's reign as one of English national certainty.¹¹⁶ Yet the play hints at a complex response to James. Though respect for the king remains apparent, the hagiographic reverence for the late queen, and by extension the eponymous King Henry, suggests a broader concern with national identity. In the following passage, Cranmer appears briefly to demonstrate his respect for James when the Archbishop speaks of Elizabeth whose death will beget an heir as great as she:

Nor shall this peace sleep with her; but as when
the bird of wonder dies, the maiden phoenix,
Her new ashes new create another heir
As great in admiration as herself ...¹¹⁷

Daniel Woolf argued that this passage reflects the parallel sense of reverence for both monarchs, the current and his predecessor. In other words, nostalgia for Elizabeth did not necessarily mean dislike of James. Yet Woolf also noted that nostalgia for the Tudor queen was already evident in 1606, the year that the union debate became especially acrimonious.¹¹⁸ It was unlikely coincidental that in the aftermath of a debate that called into question the very place of England and Englishness within a greater Britain, Shakespeare penned a history celebrating two strong Tudor monarchs who were not only, in comparison to James, English but also believed in their country's leading role in Britain. Cranmer continues his prophecy, celebrating that though Elizabeth will die a virgin, she will take her place among the saints after ruling as "the happiness of

¹¹⁶ Bruce Galloway, *The Union of England and Scotland, 1603-1608* (Edinburgh: John Donald Publishers, 1986); Wallace Notestein, *The House of Commons: 1604-1610* (New Haven and London: Yale University Press, 1971).

¹¹⁷ Shakespeare, V.v.39-42.

¹¹⁸ Woolf, "Two Elizabeths? James I and the Late Queen's Famous Memory," 168.

England.”¹¹⁹ Cranmer’s nod to the Stuart king connects the play to the contemporary world in which the audience lived, but the romanticized vision of the recently deceased Elizabeth provides a sense of the popular sentiment of Jacobean England and reinforces the topicality of the play. Shakespeare’s *Henry VIII* is as much a historical artefact of the world the playwright inhabited as it is a history of the Tudor king.¹²⁰

The discomfort among some MPs with the proposed union with Scotland crystalized into staunch opposition when union meant a reconfiguration of English national identity. Though they might not have voiced it explicitly, that identity had been closely aligned with an Anglocentric perspective of the British Isles, one with England securely atop the regional national hierarchy. When James’ proposal appeared to challenge this vision of themselves as the politically dominant people of the region, many MPs dug in against the perceived threat of institutionally sanctioned national inferiority. In fact, proposals that required no change to the perception of English superiority found a relatively easy time of it in Parliament, something James eventually learned. By 1607, he had limited the scope of his objectives and sought the nullification of the hostile laws and the unique legal status of the Borders; both proposals met success. English MPs initiated the third proposal of a commercial union, an idea that found support in the Commons including the idea for a shared currency. The fourth proposal called for the naturalization of Scots born after the regnal union, the so-called *post-nati*; this idea failed when it

¹¹⁹ Shakespeare, *Henry VIII*, V.iv.57-60.

¹²⁰ Woolf contended that “the natural and inevitable celebration of the memory of a popular dead monarch” is not necessarily indicative of disdain for her successor. He maintained that the number of literary signs of reverence for James after his decease equaled those for Elizabeth during the early years of Jacobean rule. Yet during James’ lifetime, writers including Shakespeare were usually careful to avoid criticism of the reigning monarch and would have known of the near-catastrophic fate that George Chapman, Ben Jonson, and John Marston faced in 1605 with their unflattering depiction of Scots in *Eastward Ho!* Shakespeare was under no obligation to flatter the long-deceased Henry VIII and his daughter, Elizabeth I. See Woolf, “Two Elizabeths? James I and the Late Queen’s Famous Memory,” 190.

became embroiled in a protracted argument concerning the law. That debate bogged down in controversy surrounding the nature of allegiance. If citizenship meant allegiance to the king, there could be nothing wrong with affording the *post-nati* the same citizenship rights that were the birthright of every Englishman and woman; however, if citizenship denoted allegiance to the law, there could be no common citizenship as there were two legal systems.¹²¹ Taking the leadership position against a full incorporating union, Sir Edwin Sandys proved a vociferous antagonist throughout the parliamentary debate from its beginning. His unyielding opposition remained staunchly static and thereby reflects the general mythic vision of England's place as the regional hegemon. As the dimensions of James' plan for union became more widely known, many people turned against it. In 1604, Sandys told Parliament: "So that we cannot be other than we are, being English we cannot be Britaynes."¹²² While his statement came at the beginning of the union debate in the early years of James' reign, a few years later in 1607, Sandys revealed that his position had not changed. He insisted in the House of Commons that "the Scottish [must yield] to our Lawse which maketh the perfect" sovereignty.¹²³ Revealing a similar anxious attachment to his nation, one of Sandys' fellow MPs shared his fear that the king would change the country's name: "[O]ur ancestors put us in possession of this kingdom and by that name we took it." Any change to the country's appellation was not simply "to make a conquest of our name" but to

¹²¹ Russell, "James VI and I and Rule Over Two Kingdoms," 162.

¹²² Sir Edwin Sandys to Parliament, 1604, Bodleian Library, MS. Tanner 280, fo. 24 excerpted from Russell, "James VI and I and Rule Over Two Kingdoms: an English View," 163.

¹²³ Bowyer, *The Parliamentary Diary*, 261.

extinguish what we are.”¹²⁴ For these two men and many of their like-minded colleagues, Englishness proved an immutable national truth.

¹²⁴ Quoted in Parker, “Recasting England,” 401.

Conclusion

By 1612, the prospects for an Anglo-Scottish union during James' lifetime had ended, and there was little evidence that England's people had adopted a British national identity, one that would bring Britons from across their island together into a unity of purpose.¹ In London, the English considered resident Scots an awkward relevance, and that was at best. In the streets, men from opposing kingdoms engaged in violent scuffles. At court, ongoing resentment of the Scottish presence manifested itself in tense squabbling.² The following libel represents an English perspective of the depraved behaviour its author attached to James' countrymen. Among other things, it alludes to an infamous incident of the time involving the Scottish Robert Crichton, earl of Sanquhar. He lost an eye while engaged in swordplay with English fencing master, John Turner. A few years thereafter in May 1612, the Scottish earl hired assassins to murder the Englishman. For his efforts, Sanquhar was executed. Nine years into James' English reign, this notorious murder confirmed in the English imagination the sort of trouble that even the better bred of the northern kingdom posed:

They beg our goods, our lands, and our lives,
 They whip our Nobles and lie with their wives,
 They pinch our Gentry, and send for the benchers,
 They stab our sergeants, and pistoll our fencers.
 Leave of proud Scotts thus to undo us,

¹ Notestein maintained that any viable option for union died as early as 1607. See Notestein, *The House of Commons: 1604-1610*, 254; Galloway acknowledged that most historians consider 1607 the end date of the union debate but noted that the subject briefly flared up again during the 1610 parliamentary session. See Galloway, *The Union of England and Scotland*, 137; according to Wormald, the union project was dead by 1612. See Wormald, "James VI and I: Two Kings or One?" *History* 68 (1983): 207.

² Wormald, "James VI, James I and the Identity of Britain," 156-57.

Least we make you as poore as when you came to us.³

Despite nearly a decade of Stuart rule, the English Scotophobic attitude had remained unchanged. The Union of Crowns failed to bring the two peoples together as one nation. James' hoped for *unus grex* – and its expected intermarriage, increased cultural contact, and assimilation – never came to fruition.⁴

The ruling elites rejected James not so much for his Scottishness but for his desire for change. The king's drive to create a political union between Scotland and England, even under the auspices of Westminster, found no purchase among the MPs who would have presumably benefitted most from the increase in territory and political prestige and power. James attempted to change a deeply conservative country, and in doing so, he unleashed reactionary forces that felt threatened by the perceived loss of English regional dominance. Consequently, they wrapped themselves in the defensive cloak of the common law and rejected for a generation the notion of themselves as British, despite having arguably the first British king in their country's history. When Conrad Russell argued that the Union of the Crowns failed to prompt the English to re-evaluate their notion of sovereignty, he was only half right. It is true that the political leadership of James' southern kingdom did not alter their thinking of the proper place of England within the countries of the British Isles. Yet they inadvertently altered the bounds of Englishness, proffering parameters that shrank in scope while rejecting the option of equal partnership with the Scots. In effect, they re-affirmed English superiority in the

³ "Upon the Scottes," "Early Stuart Libels: an edition of poetry from manuscript sources," ed. Alastair Bellany and Andrew McRae. Early Modern Literary Studies Text Series I (2005). <http://purl.oclc.org/emls/texts/libels/>. See notes to E1

⁴ Keith M. Brown, "The Scottish Aristocracy, Anglicanization and the Court, 1603-1638," *The Historical Journal* 36 (September 1993): 543-76.

British Isles. Even when they had the opportunity to expand the practical borders of their country to the coastline of the whole of Britain, enough of the ruling elite at Westminster rejected the option thereby limiting the country's political reach. Concurrently, they ensured that Englishness pulled away from a more expansive Britishness, the former connoting conformity while the latter inclusion. That is not to say that the concept of Britishness was born of a sense of ethnic and cultural diversity. Rather, within the context of early modern Britain, the composite country that James envisaged would have meant that the English, Scots, and Welsh would have possessed a common citizenship, an arrangement the English would only accept on their terms.

In looking back at the union debate of the early seventeenth century, it is tempting to make sweeping assumptions about the opinions of the English people regarding Scotland, James VI and I, political union with their northern neighbour, and ultimately, their collective national identity. Such conclusions are not necessarily possible with the evidence presented. However, the loudest voices in the debate, both politically and culturally, proved the most influential. Their opinions blocked the Anglo-Scottish union, and the evidence they left behind reveals a pattern – or train of thought – that underscores the conception of a Britain wherein England properly takes precedence over Wales and Scotland – and for that matter, Ireland – culturally and politically.

In the English imagination, territories that belonged to the Welsh and Scots functioned as self-evident extensions of English soil. According to this line of thinking, it was incumbent upon the people who inhabited those lands to play by English rules. That was the English sense of Britishness. It was Englishness writ large, and when James attempted to alter the English rulebook, they rejected his form of Britishness and

barricaded themselves into a national identity that appeared familiar, safe, and untarnished by a foreign king's efforts to undermine the early sixteenth-century sense of Englishness. In one of the great ironies of British history, when union with Scotland finally came into existence under Queen Anne in 1707, the English sought an even closer political arrangement than James VI and I had ever proposed. As the political leaders of England and Scotland negotiated an Anglo-Scottish union in the first few years of the eighteenth century, members of the Irish parliament watched from Dublin, worrying that their country would miss the opportunities that they believed the Scots were on the cusp of gaining.⁵ It would seem that the unionist forces had finally won the day; however, even in the present day, the loudest voices in England still reject any union – and national identity – that weakens their country's position as the regional hegemon.

⁵ David Hayton, "Constitutional experiments and political expediency, 1689-1725," in *Conquest and Union: Fashioning a British State, 1485-1725*, ed. Steven G. Ellis and Sarah Barber (London and New York: Longman, 1995), 278-279.

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