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II: Our Kingdom Had no Head

THE situation after 1286, when Alexander III died leaving an uncertain succession, was little changed. An aristocratic community chose aristocratic Guardians: two bishops, two earls, two barons. They restrained the maverick pretensions of Robert Bruce and set about finding a king through the marriage of the kingdom's heiress, Alexander III's granddaughter. They were glad to fall in with Edward I in a plan for marriage to his son which would give the two kingdoms to one person, but which made elaborate provision for the protection of Scottish interests by attempting to separate the machinery of government from the king's person. The kingdom was to be separate and free, ecclesiastically, feudally and judicially self-sufficient, its offices filled by Scotsmen, its heirs in wardship free of disparagement, its business dealt with in parliament within Scotland, and its taxation for its own customary needs only. If this looks remarkably like a charter of baronial liberties granted in return for the Scottish throne we must remember that the liberties of other Scots were, in contemporary eyes, protected by those of barons; the treaty should have secured the kingdom from English exploitation, and at the same time preserved it from English hostility and the domestic upheaval threatened by Bruce. But homage was owed to the king and commands flowed from him; in accepting an English king, therefore, the Scots were acknowledging a trust and understanding which grew out of peace and common language. Scots were not so different from Englishmen that allegiance to one king was unimaginable.

The treaty of Birgham was not fulfilled because the heiress died, but the subsequent course of events bears out this analysis. The Scottish community invited Edward I to help them find the next heir to their kingdom, and when faced with his demand for homage took refuge in wordy evasion instead of dignified refusal. Edward persisted and, under what pressure we do not know, the Scots capitulated, obtaining from Edward the promise that judicial appeals would not leave Scotland; and indeed they did not so long as the court hearing the case about succession to the throne (the 'Great Cause') was in being. Once John Balliol was

adjudged heir and became king, it was just such appeals that Edward insisted upon. When King John eventually appeared at Westminster to answer the appeal of Macduff his plea was disingenuous but revealing: that he dared not answer on a matter touching his kingdom without consulting the *probi homines* thereof. Since he had come from Scotland probably with this answer prepared on the advice of just such *probi homines*, it tells us plainly of the convention of government by the king with baronial advice and it is also the first Scottish example of a baronial front for royal evasion. The strength of Scottish feeling over appeals to Westminster is understandable in a kingdom which had no professional bench but only an undifferentiated king's curia or colloquium with prelates and barons; such appeals were an infringement of nationality (in modern terms), of the liberty of the realm (in the language of the 1290s), of the traditions of a governing baronage. When the king capitulated to Edward I, the community ousted him from government and entrusted power to a council of four prelates, four earls and four barons, a body so markedly aristocratic that English contemporaries thought it modelled on the twelve peers of France. Recognizing the character of English lordship and the likelihood of war, this Scottish government made an alliance with France. If any possibility of renegotiation of the relationship with England had existed, this must have put paid to it.

The failure of this baronial rebellion was complete and ignominious; after the battle of Dunbar on 27 April, 1296, Scotland became a vassal lordship and many nobles and lairds were held to ransom in England. The new administration was staffed by Englishmen and a systematic attempt was made to secure a formal profession of loyalty from everyone of significance in the kingdom. Whereas on the first (peaceful) capitulation of the Scots in 1291 the collecting of fealties was pursued only desultorily, there was in 1296 a much more rigorous scheme which left the English king in possession of sealed undertakings from some two thousand clerics, barons, knights and freeholders from all Lowland parts of the kingdom. The military service required of all free landowners had become, at the behest of Edward I, a political responsibility. The community was not enough; Edward looked beyond it to the lesser men who, silently accepting its leadership,

had 'followed the Lion' to defeat at Dunbar.

Unfortunately we know all too little of the conduct of government in the years 1296-7; the Scots were later to claim oppression and extortion: at the time the English complained bitterly of their inability to raise any income in Scotland. Revolt was to some extent 'in the air'; in an occupied land there were doubtless petty oppressions and many criminal acts passing for patriotic resistance. Yet it is difficult to estimate the significance of the three risings of 1297, difficult because the Scots left no records while a bewildered government left its trail of belated half measures. But while the risings of William Wallace and Andrew Moray took the government by surprise, the same was not true of that led by Robert Bruce (grandson of the Competitor and later king) which was quickly cornered at Irvine in Ayrshire and collapsed. Significantly a baron of middling rank, Sir William Douglas, who had a deserved reputation for violence, first joined the rising of Wallace but later, it seems, moved into Bruce's camp and so surrendered himself; perhaps we may see in this shift the attraction of Bruce's social position. More striking however is the thinness of support for Bruce's rising, which must have been regarded by most Scottish barons as a bid for the throne to which Bruce was convinced he had a right. The tergiversations which mar his career, his rejection of King John and support of Edward I in 1296, the rising of 1297, submission of 1301-2, conspiracy of 1304 and rising of 1306 are all attributable to this conviction and ambition. Bruce was not responsible for the *coups* attempted by his grandfather against the Scottish government nor for his grandfather's ready invitation to Edward I to intervene on his behalf, yet the Scots of 1297 knew that the motives of grandfather and grandson were the same, for in 1296 with his father (and in 1301-2 on his own) Bruce invited Edward to make a Bruce king - vassal king - over a reluctant and defeated Scotland. There was little enthusiasm for a rising with so compromised a leader.

The rising of Andrew Moray (head of the most prominent baronial family in Moray) drew support from the burgesses of Inverness. The English charged earls and other barons of the north to suppress it, but they neither did this nor joined the rebels. We do not know the names of Wallace's supporters when he and Moray met

the English at Stirling Bridge on 11 September, 1297; that the Steward and the earl of Lennox tried to help the English procure a Scottish submission, stood aside while the battle was fought and then joined in to pillage and kill the defeated English is the only known contribution by members of the baronial community to the battle of Stirling Bridge. The most coherent commentator, the Guisborough chronicler, speaks of the Scottish magnates who capitulated at Irvine stipulating for 'all their ancient rights and customs', while William Wallace 'brought the people into one body' (*abunadat populum*). He was strengthened by an immense number of Scots in that the 'community of the land followed him like a leader and prince. The whole following (*familia*) of the magnates adhered to him and though the magnates themselves were with [the English] king in body, their hearts were far from him'. Both the Irvine magnates and Wallace and Moray claimed some association with the community of the realm, but the latter were also 'leaders of the army of the realm'. If contemporaries saw only a military significance in 'army' we are entitled to read into it the social groups of free landholders, lesser knights, freeholders and rich peasants - who had hitherto had no part in politics but now rose voluntarily and gathered without aristocratic leadership 'to defend ourselves and to free our kingdom' (Guisborough's account of Wallace's message to the English in 1297).

We must be careful how we designate this rising. It was perhaps 'popular' but it was not revolutionary for there is little hint of radicalism - social, political or religious - about it. As with earlier troubles in England when the tithe barns of foreign clergy were burned, its xenophobia fed as much on legendary oppressions and half-truths as on fact. The English king had left a conquered Scotland in 1296 in order to raise from an already heavily taxed England as much in men and money as he could; he entered on the greatest crisis of his reign. There is reason to think that some at least of his measures to raise armies for Flanders and Gascony were extended to Scotland. A prise of all wool was certainly ordered, although we know of it only from a petition of 1305, and an attempt made through the Anglo-Scottish government at Berwick to exact service from the Scottish magnates. Now in England in addition to a prise of wool, Edward ordered the service, ready for war, of a 'motley throng', all barons, knights and others with land worth £20

annually. The Scots believed he intended a similar exaction among themselves - 'that he would have seized all the middle folk (*menzane*) to send them overseas on his war' but our evidence is so fragmentary that we do not know how well justified this belief was. Doubtless the barons were urged to bring retinues, but the government is likely to have gone further than that in its demands; it is conceivable that it tried to exploit the 'common army' of the realm.

The effects of such demands need no underlining. The 'middle folk', rich husbandmen, freeholders, poor knights, lived in a harshly competitive environment on the fringes of solvency, and poorer folk on the fringes of starvation. Their struggle for more land and good marriages, for social betterment, made their social standing vulnerable to small misfortunes such as the seizure of a cash crop, wool; far worse was the threat (even if only an unfounded rumour) to sweep them from their homes into a distant overseas war. In England, Edward I met only passive resistance; in Scotland he met William Wallace, Andrew Moray and the 'army of Scotland'. Their aim as reported by Guisborough, 'to defend ourselves', and the title, style and conduct of the leaders are alike backward-looking and conservative: the restoration of the old kingship and of Kingjohn as well as the expulsion of the English.

But suddenly Anglo-Scottish relations were no longer the relations between one king and another, a domain for private regulation by two men. They were now the concern of a substantial and vocal minority of the population, not particularly well informed but possessed of traditional military power and so capable of clearing the English out of all but the most southerly parts of Scotland. The actions of this minority are not generally compared with the mellowing fruitfulness of English constitutional practice, where the knights and franklins of the shires grew from management of local affairs to a silent pressure and then an articulate voice in the debate of government. But the Scottish rising represented the sudden assertion of their importance by a comparable social group. This change was much more violent in Scotland because the ruling class of magnates had failed much more suddenly and completely to protect the interests of their inferiors than was ever the case in England. Broken by their defeat of 1296, they

accepted the English peace in Scotland and took service with the English in their war in France. The recovery of their natural leadership was slow; and of course the balance of internal power was never again what it had been in the Scotland of 1296.

The evidence for participation at the battle of Falkirk in 1298 is inconclusive but suggests that while a few lesser barons may have joined Wallace, almost all the magnates (some of whom had deserted Edward I in Flanders) sent along their retinues but did not themselves fight. If present, it was in the cavalry, which turned tail and fled at the beginning of the battle. The hatred of Edward I for Wallace is beyond doubt; it is less clear but still likely on our evidence that Wallace was distrusted or disliked by the Scottish magnates and that the feeling was mutual. His warfare was violent and cruel: the sheriff of Lanark and the treasurer of Scotland were cut into little pieces after being killed, and the invasion of the northern counties of England in 1297 was a trail of atrocities. Such conduct, though threatened, was never carried out by Edward I against the Scots until, perhaps, 1306-7. It made baronial truce or peace and the preservation of inheritance after rebellion difficult to achieve; it does however fit well with the popular reputation of Wallace handed down in *gestes* (of which only one survives in literary form) and recorded by a fifteenth-century chronicler, as the ruthless enemy of injustice, represented in his case by a foreign king and his foraging garrisons. There was in Wallace's rising an undoubted element of protest by the 'poor commons' against their sufferings at the hands of a harsh and repressive society. It was at least said that his army contained many scoundrels and this would be inevitable if, as his later reputation reported, he insisted upon the service in the army of every able-bodied adult male. This reputation may be inaccurate in its detail but it is important evidence that Wallace was not just another Guardian of the Realm chosen by the community thereof, but the leader of a popular movement with a measure of social discontent in its makeup. Such a view is not expounded by thirteenth-century sources and won for the survivors of Falkirk no place in the 'Community of the Realm'. It depends upon a popular view of Wallace which cannot be traced in any detail before the fifteenth century. But enough

is known to suggest that 1297-8 was a rising of peasants and therefore a sign of social change. William Wallace's authority as Guardian did not long survive the defeat and during the six years after Falkirk we can see the magnates struggling to direct the impetus of the war but divided by jealousies and distrust and so wanting in decisive leadership. In 1299 Wallace left the country without leave, returning in 1303 to help the community (now in dire straits) in its war against Edward 1. But in their submission in 1304 the Scots magnates were pressed by Edward to hunt down Wallace and in 1305 Sir John Menteith (an early supporter of Robert I, and a baron of the declaration of Arbroath) was responsible for his betrayal. Wallace's execution was the first in which a half-strangled man was disembowelled and beheaded; he was no ordinary enemy.

In the baronial-led resistance to Edward I after 1298 there is evidence that the Scots were able to field modest armies raised from the freeholders of the realm. Their resistance showed a toughness and resource quite different from the collapse after Dunbar in 1296, but it was defensive, not the aggressive warfare led by William Wallace, and there was no effort to raise a large army such as had been destroyed at Falkirk. Diplomatically the Scots did well at the Roman curia which served as an international forum. Their high-flown and well-justified claims won them a paper victory (the bull *Scimus fili* of 1299) which was belied by the tone of their real negotiations with Edward. The government pressed for the return of King John (who had no wish to come) and for a peace which would recognize him with restoration of lands, if necessary by purchase. The recognition of English overlordship seems to be implied by this last suggestion. At the end of the day (1304), and in spite of bold answers to King Edward that right would overcome might, that he would be resisted to the last, Guardian and community capitulated in return for security in their lands: they had no alternative for they had been driven from the castles which represented their - or Edward's - hold on the kingdom.

Whereas in 1295 the Scottish 'community' set aside King John's authority to escape the logic of Edward's overlordship, in 1300 they argued for his return apparently as a condition for accepting that lordship. The explanation is surely the different motives for the rebellions: 1296 a defence of a narrowly aristocratic

tradition of government; 1297 a defence of free men of some substance from the locusts of English administration. If overlordship must be accepted, at least a Scottish king will appoint native officials and preserve customary dues. It is doubtful whether King John had any wish to defend either interest but his kingship had become the only chance of even a modest freedom from direct rule by Englishmen. The point was taken by Edward I who after the submission of 1304 tried to create the conditions for a settlement of astonishing moderation. The Scots were consulted - not merely the aristocracy but freeholders were present at an assembly at Perth in 1305 - and chose ten representatives including two knights representing the 'communities' north and south. of Forth, to attend parliament in London. The consequent ordinance of 1305 for governing Scotland appointed Englishmen to the three central offices but with a council of Scottish prelates and barons, paired an Englishman and a Scot in each of four commissions of justiciary and gave most local offices to Scotsmen. This measure, which contrasts with the intrusion of Englishmen in 1296, may be regarded as conciliatory toward the office-holders (mainly Scottish barons) but it is also a recognition that the local communities of freeholders resented English officials and that these communities could not be ignored. In Lothian, where English control had been easiest to maintain, the sheriffs were Englishmen, for here the local communities need not be feared. But the strategic castle of Stirling was handed over to a Scot.