

Towards a history of compromise: comparing political unions in the British-Irish Isles and Poland-Lithuania

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Abstract

This article is a modified and expanded version of the British Academy Raleigh Lecture, delivered at Queen’s University Belfast. It argues that historians, as opposed to political scientists, sociologists, and philosophers, have neglected the history of compromise and compromises, despite compromise being a significant social and political practice. It considers how historians might approach the problem of compromise, and what a historical perspective might add to study of compromise. It concludes with a comparative consideration of three political unions, between Poland and Lithuania, between England and Scotland, and between England/Britain and Ireland from the point of view of a historian of compromise.

Keywords

History of compromise, history of trust, history of political union, Polish-Lithuanian Union, British Union, Union of Britain and Ireland, sovereignty and post-sovereignty.

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All government, indeed every human benefit and enjoyment, every virtue, and every prudent act, is founded on compromise and barter.

Edmund Burke

It is with a lingering sense of trepidation that a historian agrees to deliver a lecture on the island of Ireland in a series dedicated to the memory of Sir Walter Raleigh, that noted advocate of England's imperial mission and enthusiastic participant in the 1580s Munster plantations. Moreover, a man who was incarcerated in the Tower of London on no fewer than three occasions, the last of which ended with him losing his head, may seem a rather peculiar starting-point for a lecture devoted to the theme of compromise. If one accepts the depiction of Raleigh presented in Alan Gallay's recent biography, however, the choice may not seem quite so misguided. Gallay argues that Raleigh was no slash, burn, and dispossess imperialist like his elder half-brother Humphrey Gilbert, but a universalist and hermeticist who believed that coloniser and colonised should form a partnership to their mutual benefit. He promoted friendly relations with the native peoples of North America, and consciously pursued a different model of colonisation from that of the Spanish monarchy.¹

I am no expert in this field, so I shall refrain from any judgement as to how convincing Gallay's rehabilitation of Raleigh might be. For the purposes of my argument I would simply suggest that whatever occurred in practice in those colonised lands, Raleigh's vision of England's imperial mission at least advocated compromise and collaboration with the different cultures and civilisations of Ireland and North America.

In historical perspective, however, compromise is a deeply ambivalent concept, a point to which I shall return. But let us begin with definitions. The Latin *comprimere* means simply to 'press together', 'bring together' or 'close': '*comprimere oculos*' means to close the eyes of the dead. Early usage of the term in English was legal: the *Oxford English Dictionary* records its first use in this sense in 1464. A compromise was 'a joint promise or agreement made by contending parties to abide by the decision of an arbiter or referee. Also, the document in which such an agreement is drawn up', or 'the settlement or arrangement made by an arbiter between contending parties; arbitration'; its first recorded usage in this sense is 1479. This formal, legal usage is labelled as obsolete by the *OED*, but by 1513 the term appears in a recognisably modern sense as 'a coming to terms, or arrangement of a dispute, by concessions on both sides; partial surrender of one's position, for the sake of coming to terms; the concession or terms offered by either side'.²

Such comings-together and agreements reached by contending parties are manifestly essential to the smooth functioning of communities and society as a whole. The necessity and the value of compromise has therefore from time to time been recognised. Edmund Burke, in his great 1775 speech on conciliation with the colonies, stated that: 'all government, indeed every human benefit and enjoyment, every virtue, and every prudent act, is founded on compromise and barter', while Thomas Babington Macaulay made a useful distinction in observing that while 'logic admits of no compromise, the essence of politics is compromise'.³

So much seems obvious enough, but, as far as I can tell, the history of compromise has been neglected by historians. Geoffrey Hosking, my former colleague at London University, has written a marvellous history of trust,⁴ which is equally important for the smooth functioning of society, but

¹Gallay (2019).

²<https://www.oed.com/view/Entry/37903?rskey=QRNzMN&result=1&isAdvanced=false#eid> (accessed 21 July 2022).

³Burke (1775); Macaulay (2012).

⁴Hosking (2014).

with regard to compromise, it seems that political scientists, sociologists and philosophers, as so often, have been rather quicker off the mark than we historians. There is a considerable literature on compromise in political science; within that field Alin Fumurescu has published a pioneering consideration of compromise as *Begriffsgeschichte*, which focuses on the usage of the term in French and English texts from the late 16th to the early 18th century. He argues that whereas the French were suspicious of compromise, compromise was embraced by the British, on account of the different conceptualisation of the individual and his or her relation to society in the two political cultures.⁵

In a second book, Fumurescu applies these insights in a concrete historical context by considering the role of compromise in the formation of the American republic. He examines the attitudes towards compromise of various groups in American society—what he terms the uncompromising Puritans, the uncompromising Patriots, and the compromising Confederates—and the ways in which the collision between their different approaches formed the unique set of compromises that created the American constitution. He uses this historical perspective as the basis for his analysis of issues in political science, focusing in particular on the concept of the people as the sovereign basis of modern democratic systems, and the tension between realist and moralist approaches within political science.⁶

Fumurescu's theoretical rigour has much to offer the historian, but as he observes, the problem of compromise has been seriously neglected by historians. There are, of course, many historical studies of individual compromises, such as the ill-fated Compromise of 1850 in the USA, which sought in vain to accommodate the interests of slave-owning and anti-slavery states confronting the divisive issue of whether slavery should be extended to the new territories acquired after the Mexican-American War. 'Conflict and Compromise' has been used in the titles of many works of history on a vast range of topics, and 'Conflict and Compromise' was the theme for the 1995 National History Day for US schools sponsored by the Organization of American Historians, in which pupils were invited to investigate a range of compromises in religion, politics, economics, society and culture, diplomacy, and the problem of individual values and compromise.⁷ Nevertheless, there is not as yet a history of compromise as a social practice; a history that goes beyond *Begriffsgeschichte*, linguistic analysis, and the examination of specific examples of compromise to consider how, if compromise is the essence of politics and necessary for the harmonious functioning of society as Burke and Macaulay claim, changing ideas concerning compromise have affected politics and society across time.

For it is clear that ideas and practice have changed across time. The interest of sociologists was aroused during the 19th century, that period of rapid economic, social, and cultural change, in which traditional beliefs and traditional social norms were challenged on several fronts. In 1873 Herbert Spencer wrote in his classic *Study of Sociology*, that:

it cannot be too emphatically asserted that this policy of compromise, alike in institutions, in actions, and in beliefs, which especially characterizes English life, is a policy essential to a society going through the transitions caused by continuous growth and development.⁸

⁵ Fumurescu (2010).

⁶ Fumurescu (2019).

⁷ Organization of American Historians (1994).

⁸ Spencer (1873).

I shall pass over in silence the claim that the English are particularly characterised by a talent for compromise; a Scot may not be deemed the most reliable judge in such matters. More importantly, in this context sociologists interested in peace and reconciliation have recently developed a sociology of compromise. One of the pioneers in this field is John Brewer, my former colleague in Aberdeen, who first awoke my interest in the history of compromise some years ago.

Yet the sociology of compromise poses problems for the mere historian. They stem from the strong endorsement by contemporary sociologists of the value of compromise to society in general, and to post-conflict societies in particular. As Brewer points out, echoing Burke, Macaulay, and Spencer, compromise is a general feature of social life, ‘which is thrown into particularly vivid relief in post-conflict societies’. He suggests that his focus on post-conflict societies in Northern Ireland, Southern Africa, and Sri Lanka is part of a moral turn in peace and reconciliation studies, which ensures that ‘compromise is seen as a moral imperative in late modernity’, despite the problems posed to victims of intercommunal violence who, through the compromises necessary for political settlements, have to maintain a public attitude towards other parties to the dispute that is often starkly at odds with their private feelings.⁹

Brewer, like the good sociologist he is, is interested in compromise as a social practice. Historians should be interested in compromise for this very reason. As Brewer observes, ‘the boundaries of compromise expand outwards with trust’, although trust is often difficult to establish in post-conflict societies.¹⁰ Trust, here, is seen as self-evidently a social good, underpinning social interaction within a healthy community, although one might observe that trust itself bears the risk of betrayal by the unscrupulous or the incompetent. The social value of trust is also the underlying premise of Hosking, who deploys historical analysis to consider the reasons for what he, like other scholars, including Anthony Seldon and Francis Fukuyama, consider to be a crisis of trust in contemporary society that threatens to undermine modern democratic systems.¹¹

One might say the same thing about compromise, in an age in which the will to compromise seems to be waning in democratic societies, as social media fosters scepticism concerning the motives of politicians, uncompromising moral absolutism, and the hounding of those who reject any aspect of increasingly uncompromising ideological positions. The moderate centre in which compromises are negotiated finds it ever harder to hold, while at the extremes conspiracy theorists abandon the ultimate trust concerning the motives of political opponents that is essential for the negotiation and sustaining of compromise. These disturbing trends should not surprise us. For in historical perspective it is by no means clear that compromise has always been regarded as a moral imperative, certainly not by religious authorities who claim to know the mind of God.

Compromise and religion is a complex topic to which I shall return. In a purely secular context, however, compromise, unlike trust, has not uniformly enjoyed the positive connotations attributed to it by contemporary sociologists. For compromise, unlike trust, is a slippery and ambiguous term. While compromise is indeed central to the making of the contracts, treaties, and agreements that regulate social and political life, to compromise can be compromising, and compromises are by no means always welcome. As the Bastard observes in Shakespeare’s *King John*, in a quote selected by the *OED* as an example of usage:

⁹Brewer (2018).

¹⁰Brewer (2018: 21).

¹¹Hosking (2018: 1–2, 198–200).

O inglorious league!
 Shall we upon the footing of our land
 Send fair-play orders and make compromise,
 Insinuation, parley, and base truce
 To arms invasive?

To compromise, then, is to collaborate; to sell out, to ‘partially surrender one’s position’, as the *OED* puts it. Surrender is rarely regarded in a positive light, and perhaps the resonance of the phrase *No Surrender* needed no gloss for a Belfast audience. To be compromised is not a happy position to be in. Soviet Russia coined the sinister portmanteau word *kompromat* to designate compromising material such as that which, so it is rumoured, the Russian Federal Security Service holds on ex-President Trump, just one among a host of individuals.

This moral ambivalence regarding compromise has sparked the interest of philosophers, notably the distinguished Israeli scholar Avishai Margalit, whose *On Compromise and Rotten Compromises* provides a forensic philosophical analysis of different types of compromise.¹² Margalit stresses the moral ambivalence of the idea of compromise and draws a clear distinction, echoed by Brewer and other sociologists, between political compromises and individual compromises, which sociologists usually term social compromises. The distinction is important, but as Fumurescu’s work demonstrates, the two spheres cannot be treated separately: political compromises inevitably have a wider resonance within society and an impact on individuals.

Margalit draws on historical examples, but as the title of his book suggests, he is primarily concerned with moral philosophy and the ethics of compromise, not its history. While he takes account of the aims and intentions of the historical actors involved, and considers their attitudes towards compromise, his main aim is to ‘provide strong advocacy for compromises in general, and compromises for the sake of peace in particular’. He uses historical examples essentially to establish different categories of compromise, and to delineate above all what he terms ‘rotten compromises’, by which he means compromises that should never be entered into. These are defined as ‘an agreement to establish or maintain an inhuman regime, a regime of cruelty and humiliation, that is, a regime that does not treat humans as humans’.¹³

Margalit’s book is of great use to the historian of compromise, but it is not a work of history, and there are problems posed for a historian in its uncompromising moral absolutism, which rests on different foundations from the religious belief-systems that provided the moral framework for historical compromises, both political and social, across most of human history. The morally ambivalent nature of compromise was certainly recognised by political thinkers and historians in the past. Although Burke, like Margalit and Brewer, was convinced that a will to compromise was socially and politically desirable, he followed up his remark on compromise and barter by observing that:

We balance inconveniences; we give and take; we remit some rights, that we may enjoy others; and we choose rather to be happy citizens, than subtle disputants. As we must give away some natural liberty, to enjoy civil advantages; so we must sacrifice some civil liberties, from the advantages to be derived from the communion and fellowship of a great empire. But in all fair dealings, the thing bought must bear some proportion to the purchase paid. None will barter away the immediate jewel of his soul.¹⁴

¹² Margalit (2010).

¹³ Margalit (2010: 2, 3).

¹⁴ Burke (1775).

The problem, which Burke does not address and to which I shall return later, is what might constitute in a given historical context the ‘immediate jewel of the soul’ that cannot be bartered away.

Macaulay appreciated that, as Margalit puts it, compromise has a positive side, ‘signaling human cooperation’, but also a negative side ‘signaling betrayal of high-minded principles’.¹⁵ Macaulay was, however, a historian not a philosopher, and for a historian, context is important. His remark concerning the essence of compromise was made in the context of his consideration of the parliamentary debate in January 1689 on the motion to declare the English throne vacant after the flight of James II. The central charge was that James had ‘endeavoured to subvert the constitution of the kingdom by breaking the original contract between king and people’. Although the vast majority of the house of commons supported the view that the throne was vacant, finding a justification for declaring it vacant proved difficult. As Macaulay observed, the motion that was eventually carried had ever since been subject to severe criticism. Macaulay recognised the force of the criticism:

That a king by grossly abusing his power may forfeit it is true. That a king who absconds without making any provision for the administration and leaves his people in a state of anarchy may, without any violent straining of language, be said to have abdicated his functions is also true. But no accurate writer would affirm that long continued misgovernment and desertion, added together, make up an act of abdication.¹⁶

Nevertheless, Macaulay was prepared to defend the motion as a necessary compromise, despite its breach of grand principle, observing that a historian cannot merely consider compromise as a philosophical issue:

It is idle, however, to examine these memorable words as we should examine a chapter of Aristotle or of Hobbes. Such words are to be considered, not as words, but as deeds. If they effect that which they are intended to effect they are rational, though they may be contradictory. If they fail of attaining their end they are absurd, though they carry demonstration with them. Logic admits of no compromise. The essence of politics is compromise. It is therefore not strange that some of the most important and most useful political instruments in the world should be among the most illogical compositions that ever were penned.¹⁷

The object of the motion, Macaulay argued, was ‘not to leave to posterity a model of definition and partition, but to make the restoration of a tyrant impossible, and to place on the throne a sovereign under whom law and liberty might be secure’.¹⁸

Thus Macaulay recognised that great principles at times needed to be compromised and set aside in the interests of practical politics; he also understood that the convoluted or at times absurd wording of the compromises necessary to reach agreement between contending parties left them open to criticism and mockery, at the time and by historians and others who enjoy the benefit of hindsight. Yet the need in practice to compromise grand principles was regarded with considerable suspicion by Macaulay’s fellow Whig, John Morley (1838–1923), whose classic study *On Compromise* was first published in 1874.¹⁹ As a biographer of Burke and Gladstone, Morley’s

¹⁵Margalit (2010: 6).

¹⁶Macaulay (2012: ii, 629).

¹⁷Macaulay (2012: ii, 629).

¹⁸Macaulay (2012: ii, 629–30).

¹⁹Morley (1874).

interest may have been sparked by Burke's views on compromise,²⁰ and the fact that the problems of compromise haunted Gladstone's career: his third ministry was dominated by his fruitless mission to pacify Ireland, during which his pursuit of compromise nearly broke his party; a generation earlier he had served in the government of Sir Robert Peel, whose failure to find a compromise over the Corn Laws had broken a different party.

Morley served as Irish Secretary in Gladstone's third ministry, and was one of the principal architects of the 1886 Home Rule Bill, one of many failed attempts at compromise in Irish history. His practical political experience, however, did not influence his study of compromise, which was published a decade before he entered government. Morley was a historian, but he was primarily a journalist and a politician, and his book does not really take a historical view of compromise; rather it encapsulates the problem. He recognised compromise's ambivalent nature, but his account is rooted in his own time, focused as it is on his elitist conviction that men like him—educated, civilised and cultivated—had a particular purpose and mission to lead society and to advance the cause of material and moral progress.

Morley's interest in compromise was nevertheless broad. At one level it focused on religious conformity within society, the subject of one chapter, and on the moral dilemma faced by men of his ilk who had to compromise their freethinking or atheist principles by promoting or paying lip service to religion on account of what they considered the superstitious beliefs held by the unenlightened masses. Believing that truth and principle were absolutes, Morley was convinced of 'the essential and profound immorality of the priestly profession'.²¹ He fretted at length in a chapter entitled '*Of the Possible Utility of Error*', over the question of 'whether it is expedient that the more enlightened classes in a community should ... not only possess their light in silence, but openly encourage a doctrine for the less enlightened classes which they do not believe to be true for themselves, while they regard it as indispensably useful in the case of less fortunate people'.²² He recognised that such compromise might be necessary to ensure social stability, but was troubled by his conviction that 'erroneous opinion or belief, in itself or as such, can never be useful'.²³

The problem was not restricted to grand political compromises, but permeated society down to the basic unit of the family. How, Morley asks, should a freethinking man of principle who knows that religion is nonsense comport himself upon marrying a woman of faith? Should he dissemble, follow the outward forms of religion, and allow his children to be brought up in a faith in which he cannot believe?²⁴ Despite believing that women 'are at present far less likely than men to possess a sound intelligence and a habit of correct judgement', Morley wrote that 'the woman has an absolutely equal moral right with the man to decide in what faith the child shall be brought up', arguing that the matter should be left to individuals to reach a compromise, and that the 'fairminded' husband should only intervene 'if the theology which the woman desires to instill contains any of those wicked and depraving doctrines which neither Catholicism nor Calvinism is without', although he did not expand on what he regarded as 'wicked and depraving doctrines'.²⁵

²⁰ Although the term 'compromise' appears only once in Morley's biography of Burke, when the author relates Burke's exasperation at the alleged compromise of national dignity implied by the withdrawal of what the British government maintained were its just claims with regard to the colonies: Morley (2012).

²¹ Morley (1877: 156).

²² Morley (1877: 36).

²³ Morley (1877: 46).

²⁴ Morley (1877: 41).

²⁵ Morley (1877: 143, 150–1). It is worth pointing out that Morley's phrasing suggests that he at least considered the possibility that in the future women might possess 'sound intelligence and a habit of correct judgement'.

Morley faced a similar dilemma when considering political compromises. Writing seven years after the Second Reform Act of 1867 he was no friend of majority rule, since the majority showed a disturbing willingness to ignore the lofty truths known to their enlightened betters. He recognised that it was often expedient ‘to defer to the prejudices of the majority, to move very slowly’ in advancing the cause of progress, and to ‘practise the very utmost sobriety, self-restraint, and conciliatoriness’.²⁶

Yet Morley clearly abhorred such compromises, drawing what he clearly regarded as a significant distinction:

A principle, if it be sound, represents one of the larger expediencies. To abandon that for the sake of some expediency of the hour, is to sacrifice the greater good for the less, on no more creditable ground than that the less is near.²⁷

It was preferable not to compromise in this way, so the prudent politician had to be patient. Ultimately, however, it was ‘better to bear the burden of impracticableness, than to stifle conviction and to pare away principle until it becomes mere hollowness and triviality. What is the sense, and what is the morality, of postponing the wider utility to the narrower?’²⁸

Thus, for all his admiration for Burke, and his recognition that principles themselves were ‘larger expediencies’, Morley was but a reluctant friend to Burke’s notion of compromise, or at least he had a broad interpretation of that ‘immediate jewel of the soul’ that could not be bartered away. For a politician constantly involved in the grubby compromises of day-to-day politics, the problem of where to draw the line with regard to ‘the betrayal of high-minded principles’, as Margalit puts it, was a constant concern. For Morley, compromise was expedient; perhaps even necessary, but it was far from a moral imperative. Quite the contrary. His treatise is of interest to a historian of compromise, but does not itself contribute much to that history, beyond providing an interesting case study of late-Victorian attitudes towards compromise, and bearing testimony to the deep mistrust of compromise, and the admiration for stout defence of principle that echoes through all history. Politicians present themselves as highly principled, and are admired more for their public stances on principle than the dirty or absurdly-worded compromises that they negotiate away from the public’s prying eye: it is Churchill, the man of principle, who is lauded, not Chamberlain, returning from Munich waving the shabby compromise he had negotiated with a man who was willing to make compromises that he had no intention of keeping, while giving false assurances that this was the last compromise Chamberlain would have to make. Which, of course, it turned out to be.

For Margalit, influenced by his discussions of the matter with Isaiah Berlin, Munich was the definitive example of a rotten compromise, which he discusses from the point of view of ethics.²⁹ For a historian, however, his treatment of Munich, and of the other historical examples he cites, is problematic, because the ethical judgements he makes are crucially dependent on hindsight, and pay little attention to the beliefs, thoughts, and value systems of the historical actors he discusses. Thus he talks of how the trauma of appeasement never left Isaiah Berlin and his generation, without considering the extent to which the trauma of the Great War had never left Chamberlain’s generation, a factor that helps explain the desperation of the search for compromise that underlay

²⁶ Morley (1877: 84).

²⁷ Morley (1877: 213).

²⁸ Morley (1877: 213).

²⁹ Margalit (2010: 10–12, 19–23).

the policy of appeasement.³⁰ Moreover, even with hindsight perspectives vary, and not everyone would agree that Munich was quite such a rotten compromise, given that Britain was in no position to wage war with Hitler in 1938, and Chamberlain, who stood firm in September 1939, was buying time to ensure that it was ready for the next crisis, issues that are explored by Robert Harris in his recent novel *Munich*. Margalit is confident, however, that he knows what constitutes a rotten compromise, and is therefore a strong advocate of compromise, although he recognises that not all compromises are justified even when they are not rotten by his definition, stating that ‘there might be good reasons to reject a particular compromise on the grounds that it is unfair, unreasonable, or untimely’. Thus ‘selling Manhattan (in 1624) for merchandise worth 60 guilders was not a terribly good idea for the Native Americans involved’.³¹

The problem for the historian is that most compromises are not as obviously rotten as in the case of Munich. By definition, all compromises surrender something that one side or the other sees as being of political, social, or cultural value, and the historian must ask by what criteria the compromise might be considered to be ‘justified’ by the parties to it and observe that we can only know that such compromises were ‘unfair, unreasonable, or untimely’ with the benefit of hindsight.

The historian, as opposed to the moral philosopher, must take account of the context and be wary of judging past compromises by the moral standards of the present.³² The Manhattan transaction is generally presented as unfair, as in Burke’s terms the price paid is not seen as proportionate to the benefit gained. The price paid by the Dutch is often quoted as \$24, based on a dubious rendering of the value of 60 guilders in 1624 in modern terms, in an exercise intended to highlight the absurdity of the transaction and the supposed rapacity of the Dutch. As Paul Otto points out, however, 60 guilders was by no means negligible in 1624; moreover the payment was made in goods not cash. The Munsee Indians, who were the most likely other party to the deal, placed particular spiritual value on the goods they obtained in such deals, and their view of land ownership ‘differed radically’ from that of the Dutch: from their point of view, they probably did not believe that they were selling their land at all; rather they were reaching an agreement for its joint occupancy and use.³³

Neither side could anticipate in 1624 that Manhattan was to become a global commercial and financial hub three centuries later, and the sky-high property prices of a different age are of no relevance to the transaction. It is perfectly possible that the Munsees, on the basis of their own value-system, felt that the price paid was indeed proportionate to any benefit gained, and that they had secured the better side of the bargain. Recent scholarship has shown that in the early modern period the indigenous peoples of North America were, in the words of Pekka Hämäläinen, far from mere tragic victims of more powerful European colonial powers; they were ‘full-fledged historical actors’, who were perfectly capable of coexisting, resisting, striking shrewd bargains, and dealing with European settler societies on their own terms. It is on those terms that historians should consider the compromises that they made.³⁴

In the light of such problems, how might one write a history of compromise? There are two basic approaches that the historian might take. The first would follow Fumurescu in considering

³⁰ Margalit (2010: 10).

³¹ Margalit (2010: 3).

³² A point urged by Fumurescu (2019: 16).

³³ Otto (2013). For more on Native American conceptions and value systems concerning land, see Albers & Kay (1987) and Babcock (2016).

³⁴ Hämäläinen (2008).

the changing cultural meanings of compromise over the years, and there are certainly ample materials that would enable one to do so, in works of literature and particularly in legal texts, of which there are a considerable number that deal with the practicalities of compromise and arbitration at law.³⁵ The late medieval and early modern legal literature reveals that compromise in this sense was indeed a significant social practice: it gives guidance on negotiation and how to achieve compromises in disputes, as does much literature on diplomacy, concerned with the problems of reaching agreements between rulers and states. François de Callières, for example, in his 1716 *Art of Negotiating with Foreign Sovereigns*, stressed the importance of civilised behaviour, and wrote of the significant role of diplomacy in moderating and arbitrating between states to avoid the use of force.³⁶ He argued that since an individual state could not ‘authorise’ the actions of another, it should seek to persuade the other side that agreement was in its best interests. Thus compromise, or at least the ‘disposition to compromise’, was essential.³⁷

Whether such compromises were regarded at the time in a positive or a negative light depends a great deal on context: on the principles, hopes and expectations of the parties involved; on the contingent possibilities of the situation in which they were negotiating; and on the negotiating strategies they adopted. In assessing such compromises, however, the historian of compromise faces a problem. For the details of the negotiations that produce them, and of the agreements they embody, can be mind-numbingly dull, even for professional historians: as Margalit observes, ‘compromise looks messy, the dreary stuff of day-to-day politics’.³⁸ What catches the attention are the grand principles at stake, and it is these grand principles that inspire, rather than Burke’s step-by-step balancing of inconveniences. Moreover, as the case of the Munsees and Manhattan demonstrates, the benefits of hindsight can make concessions agreed to achieve a compromise seem ill-advised, premature, or even treasonable, rendering it difficult to understand or sympathise with some of the decisions taken, especially when, as in the case of the Munsees, the documentary basis for the transaction is negligible: in this case one brief letter from Pieter Schaghen, written in Amsterdam two years later, that merely gives the price paid and says nothing about how the Dutch negotiators regarded the compromise.³⁹

Historians must bear these points in mind when they consider concrete examples, which is another way of approaching the history of compromise that can shed light on important general questions. How are compromises arrived at? Are there social and political cultures of compromise that change over time? What makes a successful compromise, and by what criteria should historians judge that success? Are the judgements we make the same as the conclusions drawn by contemporaries? In the rest of this article, I would therefore like to explore these issues in a particular context.

Having spent the best part of two decades thinking about political unions in the early modern period, it seems to me that looking at unions as compromises might prove instructive, both to historians of compromise and to historians of unions. For political unions are fundamentally based on compromise, and not just in the treaties and agreements that form them. Unions, as I have long

³⁵ See, for example, Sir John Doderidge (1631). for a detailed treatment of arbitrement and compromise, see 166–91; Corvey (1694).

³⁶ Callières, F. de (1716).

³⁷ Keens-Soper (1973).

³⁸ Margalit (2010: 5–6).

³⁹ ‘Document: The Purchase of Manhattan Island, 1626’, <https://www.thirteen.org/dutchny/interactives/manhattan-island/> (accessed 25 July 2022).

argued, are processes, not moments. The political compromises made in union treaties are of course important, but so are the social compromises—or lack of compromises—made by individuals, parties, factions, or communities once the union is formed and once the relationship between peoples starts developing in this new framework.

One of the greatest problems with writing the history of unions is the framework within which political history has been written since the 19th century, which has been dominated by the story of the rise of the modern state, and more especially, the modern nation-state, especially since Woodrow Wilson enunciated the principle of national self-determination as the basis for the new world order that would emerge from the wreckage of the Great War. Thus, although modern states are by no means all nation-states, Peter Alter feels able to declare that: ‘Since ... 1789, the nation-state has become the sole legitimating principle of the order of states.’⁴⁰

Here, we enter the world of absolutes and principles that created Morley’s dilemma. Since 1789, the idea that the nation-state is the natural unit of politics has appealed to scholars for very good reasons. For historians the territorial nation state formed a convenient object of study, while many social scientists influenced by modernisation theory saw ‘the consolidated nation-state as the end point of political development’.⁴¹ Territorial states have borders; nations have histories that can be imagined and projected backwards. Historians can chart the process of statebuilding: the construction of bureaucracies; the establishment of a national army; the development of national consciousness. All of these phenomena can be modelled, measured, and charted. Most importantly, the national story resonates at a popular level. The nation forms; it fights; its children die for freedom and independence. Stories are woven of heroism against the odds and statues are raised to national heroes: William Wallace; Robert the Bruce; Garibaldi; Bohdan Khmelnytsky.

Political unions sit awkwardly within this grand framework. For to enter into a political union involves compromising to a greater or lesser degree the national sovereignty that Jean Bodin declared was indivisible and which was long seen as the fundamental principle underlying the modern nation-state. Thus the negotiation and continuation of political unions involve both political and social or individual compromises of the grand matters of principle that form the basis of national myths: national identity; national self-determination and independence; self-government; and reason of state, to name but a few.

As Morley’s agonising demonstrates, the pragmatic concessions that form compromises do not take place in an ethical vacuum; study of them, in Fumurescu’s words, ‘requires a dual methodological approach, at the intersection of the so-called “realist” and “moralist” or “normative” approaches in political theory’.⁴² Yet in cases where the political unions entered into in the early modern period still survive, as in Spain or the United Kingdom, consideration of their formation is inevitably coloured by contemporary political debates, often passionate, over these grand principles, and is frequently couched in the terms of contemporary political science and political discourse, although terms such as ‘confederation’, ‘federal’, or ‘people’, did not necessarily bear the same meaning and connotations before the late 18th century.

These concepts can conceal more than they reveal. A comparison of the early modern unions that created the republic of Poland-Lithuania and the United Kingdom of Great Britain and Ireland reveals that the nature of the compromises entered into were very different, despite the fact that

⁴⁰ Alter (1989).

⁴¹ Keating (2001).

⁴² Fumurescu (2019: 15).

these unions are conventionally presented as following similar paths, from loose personal unions in 1386 and 1603, to the parliamentary or ‘real’ unions established in 1569 and 1707. The Irish relationship with England and then Great Britain before 1800 cannot be conceived as a simple personal union, since English rule in Ireland at no point involved the bringing together of two pre-existing polities. The medieval lordship of Ireland was an explicitly colonial entity, in which only the English settlers and their descendants were legally subjects of the crown, although ethnic frontiers, especially in the late middle ages, were often porous. The kingdom of Ireland, proclaimed in 1541, was an English political creation, designed to make all the inhabitants of the island subjects of the crown. Since the connection continued for over a century after 1688, attempts to define it in terms of subjection to the crown of Great Britain rather than its parliament became increasingly problematic.

The conventional terminology disguises the considerable differences between these unions. For the 1569 union of Lublin, which united the Polish and Lithuanian sejms (parliaments), represented a very different kind of compromise to that arrived at between England and Scotland in 1707. So much is obvious from the form and content of the two union treaties. Figure 1 shows the Lithuanian redaction of the Lublin treaty. As can be seen from the attached seals, it embodies the



Figure 1. The Lithuanian redaction of the Union of Lublin, 1569. Central Archive of Old Acts, Warsaw. Public domain.



Figure 2. Exemplification of the Act of the Parliament of Scotland ratifying the Treaty of Union, 7 March 1707. Scottish Parliament. Public Domain

consent of the Lithuanian community and of the realm. Before the first clause of the treaty proper, over seventy names of those who had given it their formal consent were listed, along with their offices: the senators, who were members of the upper house of the Lithuanian sejm, the envoys of the local sejmiks (dietines) that had sent them to the joint sejm in Lublin, and three officials from Vilnius, the grand duchy’s capital.

Compare this with the *Articles of the Treaty of Union* agreed between the English and Scottish commissioners who negotiated it, and the *Exemplification of the Act of the Scottish Parliament* ratifying the union treaty on 7 March 1707 (see Figure 2). The articles bear the seals only of the commissioners, while the ratification bears the portrait of Queen Anne and the great seal of England. The first clause of the Anglo-Scottish treaty makes it clear that it is an act of state undertaken under the authority of the Queen and with her gracious consent:

That the two Kingdoms of Scotland and England, shall, upon the first Day of May next ensuing the Date hereof, and for ever after, be united into one Kingdom by the Name of Great-Britain, and that the Ensings Armorial of the said united Kingdom, be such as her Majesty shall appoint; and the

Crosses of St. Andrew and St. George be conjoined in such a manner as her Majesty shall think fit, and used in all Flags, Banners, Standards, and Ensigns, both at Sea and Land.⁴³

The first clause of the Lublin union is very different:

By this our charter we notify all our contemporaries and all those who are to follow us, who come to know this our charter, that we ever bear in mind our duty towards our fatherland the Grand Duchy of Lithuania, and our obligation to care for all its honour, adornment, common good and above all provision against both internal and external danger. We also consider and bear in mind the union and community formed with the citizens of the entire Crown of Poland, which is of the greatest benefit to both nations, which was previously established by our ancestors with the joint written agreement of both nations, which was confirmed by charters, seals, oaths and the honour of both parties, and which has been maintained by the diligence and steadfastness of both parties, but which has since been damaged in time of ill fortune....⁴⁴

The ‘we’ in this clause is not the royal ‘we’. This is an agreement—a legal and negotiated compromise—enacted by the citizens of the Grand Duchy of Lithuania together with the representatives of the citizen body of the Kingdom of Poland, whose names and seals were attached to the Polish redaction.

This compromise ended an argument that had lasted nearly 200 years, since the Polish-Lithuanian union was sealed in 1386 by the election of the pagan Jogaila, grand duke of Lithuania, as king of Poland, on condition that he baptise himself, the pagan members of his dynasty, and his pagan subjects as Catholics of the Latin rite, and marry Jadwiga, the child queen-regnant of Poland. Jogaila, known in Polish as Jagiełło, duly fulfilled all these conditions. From the outset, the political elites of Poland maintained that the grand duchy of Lithuania had been incorporated into the kingdom of Poland, a position asserted at length in the 1413 Union of Horodło. The Lithuanians, led by Jagiełło’s cousin Vytautas, who governed Lithuania under his authority, rejected this interpretation, defending Lithuanian autonomy by arguing that the union was a union of equals and that Lithuania remained a separate political entity within the union.

This position was adroitly defended by Jagiełło’s descendants, who needed to maintain their hereditary rights in Lithuania to ensure that the Poles had to elect them kings in order to preserve the union. Arguments over the nature of the union were occasionally bitter, notably in 1429, when Sigismund of Luxemburg, king of the Romans, gleefully offered to crown Vytautas as king of Lithuania, which would neatly scotch the Polish view of the union, since a kingdom could not contain a kingdom. The plan failed and the union held—just.

Over the next 140 years, the partners in union continued to argue over its nature, but in the process the two political cultures converged. The introduction of elective monarchy to Poland in the late 14th century and the influence of Renaissance political thought from the late 15th century established among the Polish elites a vision of republican government, based on the *forma mixta*, the mixed form of government advocated by Aristotle and Polybius. By the mid-16th century, this republican vision had seized the imagination of broader noble opinion in the grand duchy, among both Catholic Lithuanians and Orthodox Ruthenians. In the 1560s, the Poles, who were providing substantial financial and military aid to Lithuania against Ivan the Terrible’s armies, mounted

⁴³ ‘The Articles of the UNION as they passed with Amendments in the Parliament of Scotland, and ratified by the Touch of the Royal Scepter at Edinburgh, January 16, 1707, by James Duke of Queensbury, her Majesty’s High Commissioner for that Kingdom’, <https://www.parliament.uk/globalassets/documents/heritage/articlesofunion.pdf> (accessed 27 July 2022).

⁴⁴ Kutrzeba & Semkowicz (1932), no. 149, 356–7; my own translation. For the equivalent clause in the Polish redaction, see *ibid.* no. 148, 342.

increasing pressure for the closer, incorporating union that they believed already existed, to be confirmed by a common parliament. Politics in the grand duchy was then dominated by a tiny council of wealthy Catholic families—the Radziwiłłs the most prominent among them—who effectively ran Lithuania during the long absences of the Jagiellon monarchs in Poland. This increasingly Polish-speaking elite needed the union to continue, to secure Polish support against the challenge of Muscovy, which had annexed a third of Lithuanian territory since 1492, but rejected talk of closer union. The numerous middling and lesser nobility, however, had sniffed the freer Polish air, and petitioned in 1562 for closer union as a means of escaping the suffocating domination of the magnate clans by acquiring the institutions of local self-government that protected noble rights in Poland.

When the last of the Jagiellons, the childless Sigismund August (1520–1572), was dramatically converted to the cause of closer union in 1563, the tempo quickened. In a fractious common Sejm in 1563–4, Mikołaj Radziwiłł the Black, the Lithuanian chancellor, spoke for the grand duchy to the exclusion of ordinary nobles, while his Polish counterpart condescendingly refused to countenance the continuation of separate Lithuanian offices, provocatively proposing that the grand duchy should be known as New Poland. In the Second Lithuanian Statute, promulgated in 1566 as an extensive reformulation of the 1529 codification of Lithuanian law, the sejmiks and locally-elected land courts, the basic institutions of the uncentralised Polish system, which embodied local republican self-government, were extended to Lithuania. The tide had turned. In 1569 a second common sejm was called to agree closer union. It was fractious, and in March Mikołaj Radziwiłł the Red, who had succeeded his cousin as chancellor, led a Lithuanian walkout, which proved to be a major tactical error. Sigismund August invited Podlasie, to which Polish law had been extended in the 15th century, and the Ukrainian palatinates, whose Orthodox nobles were excluded from the most important Lithuanian central offices, to negotiate incorporations into the Polish kingdom that would preserve their local rights, including use of the Ruthenian language and protection for the Orthodox church. The Lithuanian magnates hurried back to try to prevent the secession, but finally had to agree to closer union for the truncated grand duchy.

They had lost the Ukrainian lands, but had won the 200-year argument. For the compromise that emerged was not an incorporating union, at least in the sense that the grand duchy was not incorporated into the kingdom of Poland. Instead it was incorporated, alongside Poland, into a common *republic*. The grand duchy of Lithuania survived, with its separate offices, and the crucial third clause of the union treaty stressed that this republic was not a state, but a community of citizens, a *populus*, which comprised two states and two nations:

That the Kingdom of Poland and the Grand Duchy of Lithuania already form one indivisible and uniform body and are not distinct, but compose one common Republic, that has been constituted and formed into one people out of two states and two nations.⁴⁵

This vision of one republic, but two states that shared a common parliament and a monarch elected in common, but which preserved separate governments, separate offices of state, and separate armies, proved to be a stunning success at the constitutional level. The union confirmed the equality of status that the Lithuanians craved, and they never again called the union into question, despite twenty years of magnate grumbling over the lost palatinates. Over the next century and a

⁴⁵Kutrzeba & Semkowicz (1932), no 148, 343; no. 149, 358. My translation.

half, the elites of Poland and Lithuania merged into a coherent republican citizen body, which by the 18th century had adopted the Polish language and, to a large extent, the Catholic religion.

Compromises have consequences, however. The republican vision that underpinned the union was consolidated in a constitutional revolution after the death of Sigismund August in 1572, which saw the introduction of the principle of election of the common monarch by the whole citizen body, the passing of the 1573 Warsaw Confederation, which introduced a measure of religious toleration, and certain legal restrictions on royal power, institutionalised in the Henrician Articles, from 1576 sworn to by every monarch at their coronation. These were designed to consolidate the *forma mixta* at precisely the moment when, in the rest of Europe, the emerging doctrine of the abstract state, in which monarchs claimed that they embodied the indivisible sovereignty advocated by Jean Bodin—a determined enemy of the *forma mixta*—was laying the foundations of the modern state system that emerged in its fullest form after 1648. The citizens of the noble republic were primarily concerned with defending their republic in an age of increasingly assertive monarchs, rather than building their separate states, or working out a republican theory of government that would maintain Poland-Lithuania's status as the dominant power in eastern and northern Europe.

The 1707 Anglo-Scottish union, negotiated by commissioners rather than a joint meeting of the parliaments, represented an entirely different kind of compromise, or rather set of compromises. In contrast to the Polish-Lithuanian union, with its lofty vision of a republican citizen-community, Alvin Jackson has suggested that the Anglo-Scottish union was a pragmatic arrangement that struggled to inspire because it lacked an inspiring vision.⁴⁶ Like the Poles and Lithuanians, the Scots and the English had argued over the nature of the union they had entered into in 1603. James I's vision of a united British monarchy was rudely rejected by his English parliament, while in the turbulent 1640s the Scottish presbyterian vision of a religious and political union, based on the Westminster Confession and the 1643 Solemn League and Covenant, came to naught, as did the forced incorporation of Scotland into a short-lived republican union by Cromwell between 1654 and 1659, and various schemes floated after the Restoration. Unlike the Poles, however, apart from Cromwell, the English had shown little interest in closer union until the death of William, Duke of Gloucester, in 1700 provoked the succession crisis that finally produced closer union seven years later. The vision of union, however, was very different from that sealed at Lublin, because both England and Scotland had turned aside from Renaissance republicanism and rejected the non-monarchical model of republicanism developed after 1649 to embrace different versions of royal, imperial sovereignty limited by parliament.⁴⁷

By 1700, a considerable proportion of the Scottish political elite had come to the conclusion, following the experiences of the previous century, and in the context of twenty difficult years that culminated in the famines of the 1690s and the disastrous Darien adventure, that some form of closer union with England was necessary.⁴⁸ Although there was considerable opposition to the union, especially at the popular level, the real choice for the Scottish political class, as for the Lithuanians in 1569, was not between union and independence, but between different models of union.

⁴⁶ Jackson (2012: 339).

⁴⁷ See Frost (2022).

⁴⁸ Whatley (2007: 5).

For, despite the 1704 Act of Security, passed by the Scottish parliament, which raised the possibility of the Scots choosing a different successor to Queen Anne, there was no serious alternative to the Hanoverian succession, at least for Scottish Presbyterians, who had seized political control on the deposition of James II. It is true that the Jacobite claimant, James III as they called him, embodied the supposed ancient lineage of the Scottish royal house which had been a significant marker of Scotland's status within the union of the crowns. This prompted a significant number of Episcopalians, who had controlled the Kirk between 1660 and 1689, but who now faced persecution, to refuse to take oaths of loyalty to William III and reject the Hanoverian succession. While some Jacobites were in favour of breaking the union entirely, the Stuarts themselves were not interested in being kings of Scotland alone; moreover Episcopalians were Protestants, and the prospect of a Catholic king was unpalatable to many. Thus leading Episcopalians, such as William Seton of Pitmedden and George Mackenzie, 1st Earl of Cromartie, did not simply support closer union; they were in favour of the incorporating union negotiated by the commissioners. As the Presbyterian Sir John Clerk the Younger of Penicuik (1676–1755), member of the Scottish parliament for the burgh of Whithorn and one of the Scottish commissioners observed: 'there were many who had so fervently longed for a union or association of the British kingdoms that they were ready to accept one on terms good or bad, believing that the welfare of all Britain and of the Protestant religion in particular depended on it'.⁴⁹

All such treaties are a balance of compromises, and Clerk's comment reflects the reality that negotiators may have to agree some at least of what they see as poor terms to preserve Burke's 'jewels of the soul'. This fact was clear to most Scottish politicians in 1706–7, when what was at issue for everyone except confirmed Jacobites, were the terms on which union was to be negotiated, not the principle of union itself. For almost everybody—including Jacobites—continuation of the status quo was unpalatable. Both supporters of the terms negotiated by the commissioners in 1706 and their opponents, such as Andrew Fletcher of Saltoun, George Ridpath, and James Hodges, regarded the union of the crowns as it was restored in 1660 as deeply unsatisfactory: for Fletcher, the Scottish parliament was irredeemably corrupt, since government and the court was distant in London, and the parliament was managed by self-seeking Scottish magnates in thrall to the crown.⁵⁰ The two sides differed fundamentally, however, over the 1706 compromise presented to the two parliaments for ratification in 1707. The choice essentially lay between the incorporating union embodied in that compromise, and what was termed a federal union by its opponents.

'Federal' did not, however, mean what it does today, as is clear from the way in which Ridpath discussed the Polish-Lithuanian union. He clearly had no knowledge of the 1569 terms, since, following Sir Thomas Craig a century earlier, he believed that Lithuania retained 'its own Parliament and Independency'. He stressed that because—echoing the 1413 Horodło treaty, whose terms he knew—the Poles and Lithuanians talked of the union as 'not only an Incorporating but an Inviscerating Union; which is a stronger word, and implies their being imbowell'd, as well as imbodied under one Head', and was therefore different to what he termed a 'federal' union, by which he meant not a union that shared common institutions with sovereignty located at the federal level and well-defined powers for the states that constitute the federation in the modern understanding, but what in the early modern period was termed a union *aeque principaliter*; that is a

⁴⁹ Sir John Clerk of Penicuik (1993).

⁵⁰ Robertson (1995: 203–4).

union in which each constituent part was of equal status: precisely the formula embodied in the Lublin union, about which Ridpath knew nothing.

The problem for opponents of incorporating union was to devise a viable and coherent alternative. As Clerk later observed: ‘All this and more was loftily spoken about the need for a federal union with England, but what never appeared in those speeches, or in the pamphlets spread around at that time, was any willingness to define how such a union could be adapted to the British situation.’⁵¹ Fletcher argued for what in later parlance might be called a confederation: a loose association of states under a common sovereign, in which each part retained its institutions and its separate identity. How exactly this differed from the status quo was unclear. Moreover, how could equality in status be achieved when the two states were so unequal in power and resources? Fletcher realised that this imbalance created a major problem, for his conception of union was based on sovereign states that were equal not just in the legal sense, but in terms of their relative size and economic strength. He therefore advocated the subdivision of England and its sovereignty, a utopian outcome that he can hardly have believed would come to pass.⁵² Ridpath proposed that Scotland retain its parliament, and be granted free trade with England.⁵³ He did not suggest, however, how the English might be persuaded to accept such a compromise.

Opponents of incorporating union held few cards. The Act of Security and the 1703 Act Anent Peace and War, which threatened to take back control of Scottish foreign policy, were empty threats. If Catholic Stuarts were to be discounted, where was Scotland to find its alternative monarch? And if the same monarch was to rule over both states, how could she or he run two separate foreign policies? These acts were effectively countered by the January 1705 Aliens Act, which outraged Scots then and since, but which merely pointed out that if Scotland wished to dissolve the union of the crowns, there would be consequences, which would involve them losing the legal status in England granted to the *postnati*—Scots born after 1603—by the judgement in Calvin’s case in 1608. It was repealed in December, once the point had been made and taken.

Given the weakness of the Scottish position on the grand matters of principle—sovereignty and the succession—and the dire economic background to the negotiations, there was little choice but to compromise. As a considerable body of recent research has demonstrated, the popular picture of corrupt politicians ‘bought and sold for English gold’ blithely sacrificing Scotland’s independence is misleading.⁵⁴ English money and patronage certainly played their part, but the debates on the union were passionate precisely because both sides believed strongly in the arguments they were advancing, which were put forward with considerable force and—at least from some speakers—eloquence. The negotiations produced compromises on many significant issues of potential advantage to Scotland and Scots. The act of union passed in the end because many of the Scottish politicians who opposed incorporating union voted through individual articles on practical matters such as trade and access to the English empire, which constituted 15 of the treaty’s 25 clauses. These compromises mattered; and sufficient support was gathered to pass the act as a whole.

The compromises made by the English commissioners were more significant than is often allowed: the union was by no means simply dictated to the Scots on English terms.⁵⁵ The most significant, perhaps, was religious: the acceptance of the established position of the Presbyterian

⁵¹ Clerk (1993: 128).

⁵² Robertson (1995: 209–10).

⁵³ Whatley (2007: 214).

⁵⁴ For the most comprehensive analysis see Whatley (2001).

⁵⁵ Whatley (2007: 58).

Kirk, formalised in the 1706 Act for Security of the Church of Scotland, passed only by the Scottish parliament and kept out of the 1707 treaty to ensure that the Anglican bishops in the English House of Lords and their supporters could not block what was a major compromise. It was a compromise that worked, despite the serious doubts of many Presbyterians in 1706–7, not least because the establishment of the Presbyterian Kirk signalled in the clearest possible manner that Scots were to retain a separate cultural identity. As Clerk of Penicuik noted, looking back on the union in 1744, the British ‘had made sad work of religion’ in the 17th century, but 1707 had transformed the situation:

By the Establishment of two church Governments there is no more done than a Liberty of Conscience settled as a fundamental Article of the union. Both these churches may & I hope will perpetually exist in the manner they have been managed now for 38 years past. None of them pretend to encroach upon one another but subsist with that unity which becomes Christians.⁵⁶

One might object that Clerk was only speaking of Protestant Christians, but given the 17th-century background, the 1707 religious settlement represented, as Clerk argued, a successful compromise on a matter of fundamental significance for contemporary society.⁵⁷

The advocates of incorporating union recognised that this was the key compromise. Free trade with England and its empire was desired by opponents of incorporating union as much as by its advocates, and were ultimately to prove of considerable value to Scotland, despite the difficult years of adjustment that followed 1707. Recent scholarship has argued that the Scottish economy, while undoubtedly suffering in the two decades before 1707, was not in such a bad state as was traditionally argued; nevertheless, it was widely understood that, in the age of the developing fiscal-military state, Ridpath’s vision of free trade with separate parliaments could not work. Scotland lacked the means with which to defend its commerce. As Clerk reflected in 1744, it was this issue above all that caused him to reject the anti-unionist claims concerning the dire effects of the loss of Scottish sovereignty. Echoing a point made by Seton of Pitmedden during the union debates, he observed:

As to this Sovereignty, I own I could never conceive in what it consisted. I knew that England by the strength and number of her Ships of War had a just claime to the Sovereignty of the seas. I knew that she by the expence of much blood and Treasure was sovereign of most of the northerly Colonies & plantations of America ... but I was a stranger to the Sovereignty of Scotland, except within her confines.⁵⁸

Although the Lublin union, like the Anglo-Scottish union, established common currencies and free trade, the conceptual basis of the Anglo-Scottish union was very different. While Lublin created a common republic as a community of citizens, 1707 created a unitary state. Micheal Keating, in a powerful critique of standard accounts of ‘the rise of the modern nation-state’, draws a clear distinction between unitary states and political unions, challenging the common view that, historically, political unions would naturally give way to unitary states as part of the process of modernisation.⁵⁹ There is indeed a difference between the two, and much of the current constitutional

⁵⁶ Clerk, ‘A Testamentary Memorial concerning The Union of the Two Kingdoms of Scotland and England in 1707 with a short account the share I had in the settlement of the present Government of Great Britain’, in Clerk (1993: Appendix C, 198).

⁵⁷ See Whatley (2013).

⁵⁸ Clerk (1993: Appendix C, 199–200). Seton of Pitmedden had used exactly the same phrase, and the point was hammered home in pro-union pamphlets and speeches in 1706–7: Whatley (2007: 291).

⁵⁹ See Keating (2021).

tension in the United Kingdom derives from that distinction; nevertheless, the form of the 1707 union drew on a vision of a unitary state based on the current English state, which had been one of the most centralised polities in Europe since 1066.

In establishing the union, however, the English made considerable symbolic compromises, the significance of which has, perhaps, not received the recognition it deserves. For 1707 did more than merge two parliaments: it ended the long independent existence of both kingdoms. The new united parliament was the English parliament with added Scots peers and Scots MPs—only 45 of them and 16 peers, which drew much criticism—but the symbolic significance of the liquidation of England as a kingdom, with its long and proud history, and the creation of the new, common state of Great Britain should not be underestimated. In major compromises, Scotland not only kept its own Kirk; it kept its legal system, its legal profession, and its education system. The Lord Lyon King of Arms was to maintain a separate Scottish heraldic system, while the blue background of the union flag gave visual prominence to Scotland, and conveyed some sense of the equality of status within the union at a symbolic level. In response to critics of the articles, supporters of the union pointed out that despite the proposed unitary structure, the articles ensured that ‘Scotland is not to be destroyed and abolished as you claim ... Under union the British people will retain their separate names, their places and titles of honour, their rights and privileges will not be reduced or enfeebled, but increased and embellished’.⁶⁰

The extent of the English compromises on these symbolic matters was recognised. In the heated debate on Article 1 of the treaty, the earl of Stair, a strong supporter of incorporating union, confronted the argument on sovereignty:

The union, you say, is a shameful surrender of the name of Scotland. Has Scotland, I would ask, had any name since the union of the crowns? Since then, in great affairs of state at home and abroad, what mention has been made of the Scots and their kingdom? ... Is it not rather the English, who seem to be surrendering their name, since in order to join with us they have determined on a change of title, to be known in future not as Englishmen, but Britons? Does it seem a small thing to us that they agree to this, and let England cease to be a kingdom and become a province of Britain? They used to take pride in the name of that old race that subdued the Britones in the south of this island, but now, for the sake of union with us, they ask to adopt the name their ancestors hated and drop their own.⁶¹

These symbolic compromises with the old kingdom of Scotland mattered, and underlined the fact that the incorporating union was not a full incorporation, but an incorporation *minus plena*, which was the usual form in early modern Europe, apart from unions imposed by conquest. Scottish institutions and Scottish identity were protected within the framework of this incorporating union, which successfully preserved difference within the framework of a unitary state. The appeal of the British vision to Scots in 1707 and for two centuries or so thereafter should not be underestimated. The British idea had long attracted support in Scotland, from John Mair onwards, as a means of ending the English claim of feudal superiority over the Scottish kingdom and the long series of wars between England and Scotland. The Earl of Cromartie was by no means alone when he urged in a 1706 speech in the Scottish parliament: ‘May wee be Brittain, and drop the ignominious names of Scotland and England; Brittain is our true, our honourable denomination’.⁶²

⁶⁰ Clerk (1993: 96).

⁶¹ Speech of John Dalrymple, first Earl of Stair, in Clerk (1993: 115).

⁶² Quoted by Scott (1979).

Nevertheless, focused on an abstract British state personified by a dull dynasty chosen for pragmatic reasons, the union struggled to inspire. ‘Britain’ remained an ‘underimagined community’, as Colin Kidd observes, that lacked ‘a compelling ethnic or historical vision’ on the eve of union.⁶³ As British power waxed in the 18th century, the Scottish whig elite bought sufficiently into a version of the British story that went back to Geoffrey of Monmouth, and for two centuries after the crushing of the 1745 Jacobite rebellion, Britain’s ruling of the waves, to quote the lyric written by the Scottish poet James Thomson, disguised this problem. But with the waning of British power after 1945, many compromises made in 1707 have lost their relevance, while the problems of a union based on a highly centralised system of government, in which sovereignty lies—in legal terms at least—with the monarch in parliament, not with the people, has brought considerable problems that devolution in 1997 has not solved. It is here that Keating’s distinction between a unitary state and a political union is relevant. In Scotland, the question of popular sovereignty and the union as a consensual polity has emerged with particular force since the 1970s for, as Lord President Cooper pointed out in a famous 1953 judgement: ‘The principle of the unlimited sovereignty of Parliament is a distinctively English principle which has no counterpart in Scottish constitutional law’.⁶⁴ It is the tension between the form of the United Kingdom as a unitary state and the notion of a political union as a consensual polity that most threatens the continuation of that union.

The problem of expediency is even more evident with regard to the Irish union, hastily agreed in 1800 and implemented on 1 January 1801, which bound Ireland more closely into the structures of the post-1707 unitary state. In this case, appeals to history were problematic. The emergence of the British idea from the 15th century depended on the fact that the ancient Britons could be seen in Scotland, as in England, as part of a common historical heritage, despite Stair’s remarks in the debate on Article 1. The ancient Britons meant nothing in Ireland, however, while the historically subordinate position of Ireland as a colonial appendage of the English crown meant that it could not be incorporated into the kingdom of Great Britain, which left the unitary state with the perennially awkward name of the United Kingdom of Great Britain and Ireland.

In the case of the Irish union, it is impossible to escape the clammy grip of hindsight, that pitiless judge of failed compromises. The awkward nomenclature reflects the awkward fact that, even more than the 1707 union, the 1800 Act of Union was in most respects a set of pragmatic compromises that were, in Jackson’s words, ‘piecemeal’ and ‘the result of contingency’.⁶⁵ Rushed through in the wake of the 1798 rebellion, it represented a reversal of the previous direction of travel in the relationship between Britain and Ireland in the 18th century. In 1782, the Irish parliament had thrown off the shackles that had long constrained it, with the repeal of Poyning’s Law and the 1719 Declaratory Act. By the 1780s, Ireland was in economic terms in a very different position from Scotland in the years before 1707, economically ravaged as it was by the subsistence crises of the 1690s, its elites financially compromised by the failure of the Darien adventure, and politically divided in the aftermath of 1688, which was neither glorious nor bloodless in Scotland.

In contrast, in Ireland after the 1740s it seemed that a pathway might be opening up that led away from the traumas of the 17th century towards healing the divisions within Irish society. The penal laws, passed after 1690 by the Irish parliament despite considerable disquiet in Westminster,

⁶³ Kidd (1993).

⁶⁴ *MacCormick v. Lord Advocate*, SC 396, 411, Court of Session (on appeal).

⁶⁵ Jackson (2012: 344).

were only very patchily enforced, even initially, and by the 1760s barely at all. British-appointed lords lieutenant worked through local power brokers, who were given a generous share of official patronage and a voice in policy. Crucially the government made sparing use of the sweeping powers to override the Irish parliament that it had asserted in the Declaratory Act. While Catholic ownership of land had diminished substantially on account of the great confiscations of the 17th century and laws passed after 1688 limiting Catholic rights of inheritance and purchase of lands, a significant body of Catholic tenant farmers nevertheless survived.⁶⁶

By the 1740s, memories of the 17th-century traumas were fading, while the difficult years of the 1720s and 1730s, in which bad harvests and famine caused serious economic dislocation, prompted Ireland's governing elites to address the problem of the agricultural economy. As landlords, influenced by the ideas of the early Enlightenment, turned their minds to political economy, the pragmatic literature of agricultural improvement relegated sectarian issues to the background. Unlike their Scottish counterparts, Ireland's Jacobites offered no military assistance to the Stuarts—in Ireland at least—after 1690, while the return of peace opened the way to debates about the extent to which Catholics could be drawn into the project of enlightened progress and civility. Their wealth-generating potential was recognised, and writers like Arthur Dobbs in his 1729 *Essay on the Improvement of Trade and Improvement of Ireland* pondered ways in which Ireland could improve its economy by mobilising its Catholic population.⁶⁷ Practice followed theory: restrictions on Catholic landownership were largely removed in 1778 and 1782, while limits on the activities of the Catholic clergy and Catholic schools were lifted in 1782. The vote was extended to Catholics, who could hold most civil and military offices from 1793.

These measures were inspired by a broader Enlightenment debate on civility, which encompassed politeness and aesthetics as well as improvement and political economy. A discursive framework was established in which sectarian divisions were of secondary importance, and were increasingly seen as a problem to be overcome rather than the central political question of the age. Gradually, confessional difference came to be regarded as less important than shared interests, at least among part of Ireland's elites. Historical works and novels increasingly ignored ancient hatreds, while a growing number of the clubs and societies that sought to promote civility were willing to admit Catholic members: as early as 1733–4, the Catholic Henry Benedict Barnewall, Viscount Kingsland, served as grand master of Irish Freemasonry at the national level, with another Catholic, James Brennan, as his grand warden in 1733. Some lodges, especially in Ulster, excluded Catholics, but even in Ulster times were changing: the Downpatrick lodge dropped its 1765 ban on Catholic members in 1783, and supported Catholic parliamentary representation in 1792–3.⁶⁸

While sectarian conflict remained, this web of social compromises did much to transform Ireland and gives clear evidence that, in parts of Irish society at least, compromise was developing as a social practice. Peace, growing prosperity, and the spread of the discourse of civility gradually transformed Ireland's position within the union, and the attitude of a substantial part of its elite to it. With Dublin emerging as the second city of the British Empire, and Grattan and Flood spinning their rhetoric in the newly-unshackled Irish parliament after 1782, it seemed that a more populous and newly-confident Ireland might emerge alongside Scotland, at last reaping the economic benefits of union and flourishing culturally after the final defeat of Jacobitism, as a potential balancing

⁶⁶ Connolly (2008: 250–9, 416).

⁶⁷ Brown (2016: 187, 204).

⁶⁸ Brown (2016: 20, 209, 270–2, 459).

force within the United Kingdom. Jacobite loyalties faded faster than in Scotland; by 1760 many among the Catholic gentry were happy to profess their loyalty to, and drink the health of, their new monarch, George III.⁶⁹ The quiet projection by organisations such as the Catholic Committee of Loyalty to the Crown helped create a new climate in which a degree of rapprochement was possible, as was signalled by the concessions in the relief acts of 1778 and 1782. By the mid-1780s, Catholics were joining the patriotic Volunteer movement in increasing numbers: in June 1784 the Belfast Volunteers paraded in full uniform at a mass held in the first Catholic church built in the city.⁷⁰ As James Macpherson's renderings of the poems of Ossian gripped readers across Europe, Irish polite society developed an interest in Ireland's Gaelic past, opening the way to a possible construction of a common sense of Irish nationhood constructed round a new interpretation of Irishness that integrated its Old Irish, Old English, and new, British elements. In 1789 Charlotte Brooke published her *Reliques of Irish Poetry* which offered English translations of Gaelic poems and promoted a vision of harmonious coexistence. Michael Brown argues that this literary and historical movement was increasingly politicised in the 1780s and 1790s, as part of the emergence of what he terms a culture of trust.⁷¹

This trust was built on the basis of the incremental culture of social compromise that had increasingly animated the discourse of civility and improvement since the 1740s, and it underpinned the moves towards granting limited political and legal rights to Catholics. The cause of full Catholic and Presbyterian emancipation was more likely to succeed through the gradual accumulation of small concessions and compromises on the part of Irish society and Irish institutions, rather than through direct pressure from London, but there were limits to its success, and the extent of progress should not be exaggerated. The lot of well-to-do Catholics was undoubtedly improved, but the developments did not persuade the majority of the members of the Irish parliament, either before or after 1782, to do anything other than defend the status quo and the Church of Ireland Ascendancy. The limited extension of the franchise to a small number of Catholic property-owners in 1793 was highly controversial, and it was only with considerable British government pressure that it passed the Irish parliament.

The delicate balance was disrupted by the French Revolution. In 1782 the link between Ireland and Britain had effectively been reduced to a purely personal union under the crown. Pitt's government had long been convinced that the 1782 settlement had rendered the relationship dangerously fragile, especially after 1789, when the Irish parliament insisted that it had the sole right to decide when and on what terms the Prince of Wales could become regent of Ireland regardless of what was decided in London. Had Britain remained at peace with France in the 1790s it seems unlikely that the Irish parliament would have voted for its own demise so soon after asserting its independence of Westminster. After the coming of war with France in 1793, however, British security was the paramount concern for the London government. The United Irishmen, with their vision of a non-sectarian Irish republic, were themselves products of the Enlightenment discourse of civility, but their revolutionary challenge to the status quo helped unleash the sectarian violence that they hoped to transcend. The 1798 Rising provided Pitt with an opportunity to force through a redesigned union settlement that brought Ireland firmly within the structure of the unitary state for the first time.

⁶⁹ Connolly (2008: 297–8).

⁷⁰ Connolly (2008: 452).

⁷¹ Brown (2016: 307–44).

When considering the 1800 Act from the point of view of a historian of compromise, it is not so much the rather mundane and detailed compromises on trade, on the Irish peerage, or on the exact nature of the parliamentary and legal relationship between Ireland and Great Britain that catch the attention, but the compromise that did not appear, the compromise that was meant to address the major divide of Irish society between the Anglican Ascendancy and the excluded: the Catholic majority population across the island and the smaller, but still significant, Presbyterian communities, predominantly located in Ulster. The refusal by George III and the House of Lords to countenance Catholic Emancipation, which Pitt saw as so critical to the union's success that he resigned in protest when it was clear it could not reach the statute book in either the British or the Irish parliament, reveals that the grand compromises on issues of principle matter considerably, as the basis on which the lesser compromises on individual practical issues must rest.

The failure to pass Catholic Emancipation in 1800 has been seen by many as a crucial error that doomed the union from the start. Could the course of history have developed differently? The example of the Polish-Lithuanian union before 1648 shows that, while religious division could destabilise and tear apart early modern political systems, a powerful secular vision of politics was capable of containing them, at least for a while. The most remarkable feature of the Lublin union and the constitutional revolution that it initiated, was how little religion impinged on the momentous political changes that they embodied. Sixteenth-century Poland-Lithuania was a far more religiously diverse society than 18th-century Ireland. Lithuania, with its majority Orthodox population and considerable Jewish, Muslim, and Karaite minorities, had always been religiously plural, and Orthodox nobles had enjoyed substantial political rights and legal protection from the 1430s. By 1569 there were large Lutheran minorities in many Polish-Lithuanian towns, and Calvinism had spread rapidly among the nobility: about half the senate, the upper house of the sejm, and some of the wealthiest magnate families, were Protestant by about 1560.

The ethos of Renaissance republicanism contained the potential for religious violence in a Europe divided by religious warfare: in this period, only in Poland-Lithuania could an Arian antitrinitarian, Mikołaj Sienicki (c. 1520–1581), be elected on nine occasions as marshal (speaker) of the chamber of envoys, the lower house of the sejm; another Arian, Jan Kiszka, (c. 1550–1592), was appointed castellan of Wilno, the senior lay Lithuanian senator, in 1587. After Sigismund August's death without an heir in 1572, the Catholic primate, the Archbishop of Gniezno, was accepted as interrex without sparking major political controversy, despite the large Protestant and Orthodox contingent in the sejm. During the first interregnum, a conscious decision was taken to prevent religious division disrupting the first free election of the monarch. The 1573 Warsaw Confederation did not grant any major legal protection to religious minorities, merely promising that in order to keep the peace during the interregnum *dissidentes in religione*—which simply meant those who disagreed on religious matters, and thus Catholics as well as Protestants—should not be persecuted or prosecuted on religious grounds. The opposition of the Catholic hierarchy blocked the expansion of the confederation to include practical legal sanctions for breaches of toleration, but its text was incorporated into the Third Lithuanian Statute in 1588, and after 1576 all elected monarchs swore to uphold religious peace as part of the Henrician Articles.

The spirit of compromise that animated this republican union, in which consensus and the principle of unanimity underpinned the parliamentary system, fostered this spirit of toleration, which, initially at least, was based on a degree of tolerance of religious difference among what might be termed republican Catholics, raised in the broadly tolerant tradition of part of the Catholic church in the immediate aftermath of the Reformation crisis. Yet the secular republican vision

could not prevent toleration being undermined by the intolerant, uncompromising claims of post-Tridentine Catholicism. As the appeal of the various forms of Protestantism began to fade, and in the face of the failure of the Orthodox church to develop the institutions of secular education that flourished in post-Tridentine Catholicism, the very success of the republican vision of union meant that the republic's noble elite had become largely Catholic by the mid-17th century. This mattered in particular in the Ukrainian lands, where a substantial Orthodox noble population survived, but where the great magnate families had converted to Catholicism by the 1620s. Orthodox nobles believed in the ideals of the republic, but were increasingly treated as second-class citizens by its uncentralised institutions, especially following the establishment of the Greek Catholic (Uniate) church at the 1596 Union of Brest in a rare attempt to reach a practical compromise on matters of religion. Religion, in consequence, played a significant role in the great revolt of the Ukrainian Cossacks in 1648, which attracted considerable support from Orthodox nobles, and did much to end the union's days of glory. By the early 18th century, the spirit of counter-reformation Catholicism had earned Poland-Lithuania a largely undeserved reputation for religious intolerance among the enlightened elites of a Europe that was belatedly waking up to the benefits of toleration.

It is easy for historians to concentrate on incidents of violence, such as the destruction of Calvinist churches in Cracow and Vilnius by Catholic mobs—often led by students of Jesuit academies—or the infamous 1724 Tumult of Thorn, in which the Lutheran mayor and other officials were executed after the city's Jesuit academy was attacked following religious riots. Yet as David Frick's study of 17th-century Vilnius reveals, even as counter-reformation Catholicism tightened its grip in the 1630s, the everyday life of this religiously-divided city was marked by myriad compromises between inhabitants of different faiths, who jointly governed the city, married each other, acted as godparents to children of different faiths, and respected each others' religious observances.⁷²

The historian of compromise needs to consider this multiplicity of small social and individual compromises—compromise as social practice—that did much to hold communities and societies together, although it is often easier to run to the court records, radical tracts, and sensationalist newspaper accounts that detail breaches of communal harmony. In Ireland there was evidence of such social compromise before 1793, but the coming of war undermined hopes that the Enlightenment ideal of civility and progress might provide the kind of unifying vision that Renaissance republicanism had supplied to 16th-century Poland-Lithuania. The Irish union, although based on the model of 1707, was a hastily-conceived and executed set of compromises that lacked even the vision of the common British heritage that at least had some purchase among Scots in 1707. Ireland was not incorporated into Great Britain, but the 1800 union was an awkward compromise: incorporated into a union parliament and a unitary state, unlike Scotland, Ireland was still subject to a colonial government in Dublin Castle.

In consequence, the tension between the unitary state and the idea of a union based on the sovereignty of the people proclaimed by the French revolutionaries developed much earlier in Ireland than in Scotland, partly on account of the failure to pass Catholic Emancipation in 1800. Nevertheless, the Irish union was not necessarily doomed from the outset. Despite the savage repression of the 1798 rebellion, the accumulation of small compromises did not end in 1801, but continued through the 19th century. Emancipation finally passed in 1829, and other measures such

⁷²Frick (2013).

as the 1833 Church Temporalities Act, which reduced the number of bishoprics in the bloated Church of Ireland from 22 to 12 began to reduce the dominance of the Ascendancy. Other measures included the ending of the union between the Church of Ireland and the Anglican Church and the disestablishment of the former in 1869, and the five land acts between 1870 and 1909 that sought to address the problem of peasant tenancies and proprietorship. While the concessions of the 19th century took place against a background of popular protest and violence, such as the tithe wars of the 1830s and the endemic violence in rural Ireland perpetrated by groups from the Rightboys in the 1780s to the Molly Maguires in the 1840s and supporters of the Land War between 1879 and 1882, the considerable influence of the Irish Party in the House of Commons by the 1880s was directed towards a redefinition of the union through Home Rule, rather than its ending.

In 1914, it seemed that a new compromise had emerged. The Home Rule Act passed both houses of Parliament, and the British government was poised to meet the challenge of the uncompromising Ulster Volunteers, with force if necessary. The outbreak of the Great War brought the suspension of the act, while the 1916 Easter Rising and the British government's overreaction to it put an end to the chances of Home Rule providing a blueprint for the revival of the unions of the British-Irish Isles. Nevertheless, the very passing of the Home Rule Act reminds us that political unions, founded on webs of compromise, have considerable potential for revival through new compromises, even if they do not always succeed. Context is all, and contexts change.

Change across time is the territory of the historian. History furnishes many examples of successful compromises that were accomplished and succeeded, at least for a while, and were renegotiated and renewed in time as the context changed. The lure of hindsight, however, means that commentary often concentrates on unforeseen consequences and Macaulay's illogicalities and absurdities. It is much easier to recognise what Margalit terms rotten compromises. The lecture on which this article is based was delivered in Belfast on 23 February 2022, the evening before Putin launched his criminal invasion of Ukraine, an act he justified with an incoherent and historically tendentious rant that indicated his complete unwillingness to consider, let alone attempt to understand, the position of either Ukrainians or the democratic societies whose states form NATO. In so doing, he definitively alienated millions of Ukrainians who were perfectly willing to acknowledge the long historical ties of Ukraine with Russia, yet who wished to exercise their right to determine their own future. His actions also opened the eyes of many in democratic societies who had long argued that the West 'should understand Russia's viewpoint' and urged compromise with a man definitively unmasked on 24 February 2022 as an autocrat whose word cannot be trusted, who brooks no compromise, and who presides over an 'inhuman regime ... of cruelty and humiliation' in Margalit's terms.

As 2023 dawns with no end to the war in sight, it is to be hoped that the West continues its support for Ukraine against Putin and the regime that sustains him, and does not insist that Ukrainians enter into what it is easy to see might be the most rotten of compromises with a man who believes that their nation does not even exist. It is harder, however, to see how the spirit of compromise can be restored and strengthened in democratic societies. Here, perhaps, reflection on the historic unions discussed here may help. The Polish-Lithuanian republic is long gone; today in its place, there are the democratic nation-states of Poland, Lithuania, and Ukraine, although Belarus remains trapped in a post-Soviet limbo under its autocratic president. Nevertheless, one aspect of Poland-Lithuania's republican system deserves consideration. Polish-Lithuanian political culture was permeated by the spirit of compromise in the form of its emphasis on the need for unanimity (*jednomyślność*). On account of the decay of this system in the 17th century, with the extension of

the principle to its logical conclusion in the notorious *liberum veto*, by which the objection of one member could break the sejm, the Polish-Lithuanian parliament, the idea of unanimity has been widely mocked and viewed as one of the reasons for the failure of the republic's political system. Yet the principle worked tolerably well in the 15th and 16th centuries, and it is better understood as a system that placed a high value on consensus. Formal votes were rare; the emphasis was on negotiating until objections were withdrawn, and the appearance of unanimity could be upheld.

In democratic systems that today place considerable value on their diversity, it is worth reflecting on a multinational, religiously plural political system in which consensus and therefore compromise were highly valued. For the doctrine of popular sovereignty that underpins most modern democracies—though not in a strict legal sense in the United Kingdom—raises considerable problems for increasingly diverse societies. As the Poles—and particularly the Lithuanians—realised in the early modern period, the principle of deciding contested matters by majority vote raises fundamental problems with regard to minorities: as a Lithuanian observed in the 1650s, when there was talk of abolishing the *liberum veto* after the shock of its first use, majority voting in the sejm would bring the union to an end, 'since ... their votes would be inferior to those of the Poles, to whom they would be subordinated rather than united'.⁷³

The problems inherent in the majoritarian principle are of particular significance within the surviving unions in the British-Irish Isles, where the 2014 and 2016 referenda have proved highly divisive and raise significant issues concerning the operation of popular sovereignty when the sovereign people is fundamentally divided. Following a narrow majority in a popular referendum in 2016, the United Kingdom withdrew from the European Union on the basis of a straight 'yes or no' question that failed to take any account of the nature of the future relationship between the two entities. Following a rather less narrow vote two years earlier, Scotland had chosen to remain part of the United Kingdom, but that verdict was only briefly accepted by the Scottish National Party (SNP) government in Edinburgh, which has since concentrated its efforts on campaigning for a second referendum to determine the settled will of the Scottish people. Should such a referendum be held, whatever result it brings is unlikely to heal the divisions within the Scottish electorate. The torturous negotiations over the terms of Britain's exit, in which hardline Brexiteers rejected compromise and destroyed hopes for a soft Brexit that would have made it easier for Remainers to accept the verdict of the referendum, suggest that although referenda play an increasing role in many contemporary democracies, often to positive effect, on complex constitutional questions they can prove bitterly divisive.⁷⁴

The stark yes/no choice offered in referenda make compromise and the emergence of consensus difficult, especially in grand constitutional matters that touch on the absolutes of identity, nationhood, and democracy. How can compromise be reached between those who reject the British idea and claim the right of self-determination for the Scottish people, and those who feel themselves both Scottish and British? To its credit, the SNP espouses a vision of inclusive civic, rather than ethnic, nationalism, and is not opposed to the idea of union *per se*, as its attitude to the European Union indicates, with official policy envisaging an application for re-entry by an independent Scotland, reflecting the 62 per cent of those Scots who voted in the 2016 referendum that were in favour of remaining in the EU.

⁷³Pietro Vidoni to cardinal Virginio Orsini, Poznań, 20 January 1658, quoted in Frost (1993).

⁷⁴For a full discussion that argues that referenda are here to stay, see Stacey & Albert (2022).

The politics of the EU is itself based on myriad compromises, in which states retain sovereignty, but are prepared to compromise the control that Bodin's doctrine of indivisible sovereignty promises in favour of the benefits that compromising national sovereignty brings. Yet political scientists are increasingly challenging the Bodinian definition of sovereignty in an internationalised and transnational world, in which compromise and collaboration are the basis of a globalised economic system whose complexity has been revealed in the wake of Putin's invasion of Ukraine. It may well be, as Michael Keating, another colleague in Aberdeen, has argued, we are living in a post-sovereignty age, in which the days of the nation-state based on indivisible sovereignty may be numbered:

Many nationalists today argue that they do not wish to form a lesser version of the nation-state. They believe that the model of the nation-state is no longer appropriate. They would say 'We function in a multilevel system, and believe that is better than the level of the state. We do not want a new state in the old sense. We wish to rise above that. We want to have the capacity to function on many levels. We like to divide sovereignty.'⁷⁵

If Keating is right, then the context for political unions may be changing, and it is worth noting that in the council of ministers of the European Union, the protection of the sovereign rights of the twenty-seven members of the union is preserved by a modern version of the *liberum veto*, which means that decisions have to be based on compromise and consensus. If the British union is to survive, it must reconsider the model of union implemented in 1707 and extended to Ireland in 1800–1. The framework of the unitary state embodied in the 1707 union worked well enough for Scotland as well as England between the late 18th century and the 1970s, when the rise of modern Scottish nationalism began, as the crumbling of faith in socialist central planning began to undermine Scotland's long domination by the Scottish Labour Party, which was very happy to operate the levers of power from Westminster.

In 2012, six in ten Scots supported the inclusion in the promised referendum of a question on so-called devolution max, a form of Home Rule, which would give the Holyrood parliament in Edinburgh control over almost all domestic matters, while retaining powers at Westminster over a common foreign policy and defence.⁷⁶ As the 29th Survey of British Social Attitudes in 2012 revealed, while devolution max was only marginally more popular than the status quo, and there was more support for full independence, 'the responses reported ... give the impression that "devolution max" has majority support not because it is necessarily the single most popular option, but rather because it is the one option around which both "nationalists" and many "unionists" can seemingly potentially coalesce'.⁷⁷ Yet although the SNP were considering this compromise option while negotiating for the holding of the 2014 referendum, it failed to make its way onto the ballot paper, and currently is strongly opposed by the party's leadership.

The prospects for a consensus emerging in which both unionists and nationalists balance inconveniences and meet on the common ground of a multilevel system might therefore seem bleak as, at the time of writing, the Holyrood and Westminster governments shell each other from prepared positions over the issue of a second referendum. Yet the 2021 British Social Attitudes Survey suggests that the Scottish electorate itself is rather more nuanced in its attitude than the simplistic divide of independence/union might suggest. An analysis by Keating and David McCrone

⁷⁵ Keating (2017).

⁷⁶ Ipsos (2012).

⁷⁷ Curtice & Ormston (2012).

indicates that no less than 65 per cent of Scots who reject the notion of UK parliamentary sovereignty, and who believe that the Scottish people are sovereign and have the right to self-determination, support an independent Scotland in the EU, which suggests that they do not object to multilevel powersharing and political union in principle: they are European unionists rather than British unionists. Nevertheless, over half this group of the Scottish electorate (54 per cent) believe that an independent Scotland should share a currency with the United Kingdom, 42 per cent would accept common armed forces with the rest of the United Kingdom, and 31 per cent believe that Scotland should have the same immigration policy as the rest of the United Kingdom. Likewise, opinion among unionists suggests that the polarising effect of the referendum question distorts the picture. Just under a fifth (19 per cent) believe that all Scottish taxes should be decided by the Holyrood parliament, with the same percentage believing that welfare policy should be decided in Edinburgh.⁷⁸

Given that there is a substantial group in the middle between those who take fundamentalist positions on the sovereignty issue, it seems that Keating is right, and that the Scottish electorate as a whole rather likes the idea of divided sovereignty in practice. Thus, while on the one hand Scottish sovereigntists, as McCrone and Keating term them, ‘are clear on the *subject* of self-determination’, they are ‘flexible on the *object*’, and are ‘closer to modern academic understandings of sovereignty, and to the post-sovereignty position than the classical view’. On the other hand, ‘being a British unionist ... does not imply accepting a unitary British state in which Westminster and Whitehall make all the key decisions’.⁷⁹

Politicians on both sides of the intensely polarised independence/union divide would do well to ponder these figures as they argue over a second referendum that would undoubtedly prove just as polarising as the first. It suggests that with radical thought a compromise solution might be possible, through an acceptance that the age of indivisible Bodinian sovereignty has passed. For such a compromise to emerge, however, would require fundamental reform of the unitary state model that triumphed in 1707 and 1800, as Gordon Brown has urged. The piecemeal reform in the pragmatic British tradition that has taken place since 1997 has failed to address the problem of vision identified by Jackson. What, in the circumstances of the early 20th century, are the purposes of the union, its telos, as Keating terms it?⁸⁰ Any confederative or federal solution would come up against the same problem that Fletcher of Saltoun faced in 1706–7, and which Tony Blair came up against after granting devolution in 1997, when his Labour government briefly explored devolving power to the English regions. Nevertheless, the day of the unitary state in the British-Irish Isles has long passed, as was essentially already clear in 1914, when the Westminster committed itself to introducing a multilevel system before the Great War intervened.

That compromise was destroyed by contingency, albeit a major contingency in the shape of the Great War. Nevertheless, history suggests that successful compromises on political union can emerge from highly embittered negotiations. Poles, Lithuanians, and Ruthenians, who never embraced the Bodinian idea of sovereignty, managed it at Lublin in 1569, when the disposition to compromise emerged very late, after Sigismund August called the bluff of the Lithuanian magnates. This disposition is vital, as is the seeking of common ground so necessary for compromise to succeed. Despite the apparent willingness of modern politicians to pander to the ultras in the

⁷⁸ McCrone & Keating (2022: 7, table 4).

⁷⁹ McCrone & Keating (2022: 9).

⁸⁰ See Keating (2021).

political parties on whose support they draw, the long history of compromise suggests that hope should not yet be surrendered for the health of democratic societies. The 2021 Social Attitudes survey in the UK and the unexpected results of the 2022 US midterm elections suggest that the broader electorate is more open to compromise than might appear from politicians who too often fail to recognise that grand principles are themselves in essence larger expediences, as Morley recognised, and that the vast majority of the small compromises that make for stable societies are by no means rotten.

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References

- Albers, P. & Kay, J. (1987), 'Sharing the Land: a Study in American Indian Territoriality', in Ross, T.E. & Moore, T.G. (eds), *A Cultural Geography of North American Indians* (London, Routledge), 47–91.
- Alter, P. (1989), *Nationalism* (London, Hodder Education), 93.
- Babcock, M. (2016), 'Territoriality and the Historiography of Early North America', *Journal of American Studies*, 50(3): 515–36.
- Brewer, J. (2018), 'Towards a Sociology of Compromise', in Brewer, J. (ed.), *The Sociology of Compromise after Conflict* (*Palgrave Studies on Compromise after Conflict*; Cham, Palgrave), 1–29. https://doi.org/10.1007/978-3-319-78744-2_1
- Brown, M. (2016), *The Irish Enlightenment* (Cambridge MA, Harvard University Press).
- Burke, E. (1775), *The speech of Edmund Burke, Esq; on moving his resolutions for conciliation with the colonies, March 22, 1775* (Dublin, J. Exshaw & R. Moncrieffe), 71.
- Callières, F. de (1716), *De la manière de negocier avec les souverains* (Amsterdam, Pour la Compagnie), translated as *The Art of Negotiating with Foreign Sovereigns* (London, Lintott, and J. Graves, 1716).
- Clerk of Penicuik, J. (1993), *History of the Union of Scotland and England*, tr. and ed. Duncan, D. (Edinburgh, Scottish History Society), 93.
- Connolly, S. (2008), *Divided Kingdom. Ireland 1630–1800* (Oxford, Oxford University Press).
- Corvey, O. (1694), *Arbitrium redivivum, or, The law of arbitration collected from the law-books both ancient and modern and deduced to these times, wherein the whole learning of awards or arbitrements is methodically treated: with several forms of submissions by way of covenants and bond: as also several forms of arbitrements or awards. By the Author of Regula Placitandi* (London, Assigns of Rich. and Edw. Atkins Esquires).
- Curtice, J. & Ormston, R. (2012), 'More devolution for Scotland within the UK?', *British Social Attitudes*, 29th edn. <https://www.bsa.natcen.ac.uk/latest-report/british-social-attitudes-29/scottish-independence/more-devolution-for-scotland-within-the-uk.aspx>
- Doderidge, J. (1631), *The English lawyer Describing a method for the managing of the lawes of this land. And expressing the best qualities requisite in the student practizer iudges and fathers of the same* (London, Assigns of I. More).

- Frick, D. (2013), *Kith, Kin, & Neighbours. Communities and Confessions in Seventeenth-Century Wilno* (Ithaca, Cornell University Press).
- Frost, R. (1993), *After the Deluge. Poland-Lithuania and the Second Northern War, 1655–1660* (Cambridge, Cambridge University Press), 146.
- Frost, R. (2022), ‘The Roads not Taken: Liberty, Sovereignty and the Idea of the Republic in Poland-Lithuania and the British Isles, 1550–1660’, *Transactions of the Royal Historical Society*, 6th series, 32: 93–112.
- Fumurescu, A. (2010), *Compromise: A Historical and Philosophical History* (Cambridge, Cambridge University Press).
- Fumurescu, A. (2019), *Compromise and the American Founding: The Quest for the People’s Two Bodies* (Cambridge, Cambridge University Press).
- Gallay, A. (2019), *Walter Raleigh. Architect of Empire* (New York, Basic Books).
- Hämäläinen, P. (2008), *The Comanche Empire* (New Haven, Yale University Press), 6.
- Hosking, G. (2014), *Trust: A History* (Oxford, Oxford University Press).
- Ipsos (2012), ‘Scots back inclusion of “Devolution Max” question in referendum.’
<https://www.ipsos.com/en-uk/scots-back-inclusion-devolution-max-question-referendum>
- Jackson, A. (2012), *The Two Unions: Ireland, Scotland and the Survival of the United Kingdom, 1707–2007* (Oxford, Oxford University Press).
- Keating, M. (2001), *Plurinational Democracy: Stateless Nations in a Post-Sovereignty Era* (Oxford, Oxford University Press), 1.
- Keating, M. (2017), ‘The nation state is dead. Long live the nation state’ (interview), *Academia*.
<https://www.academia.bz.it/articles/the-nation-state-is-dead-long-live-the-nation-state>
- Keating, M. (2021), *State and Nation in the United Kingdom: the Fractured Union*, chapter 1.
- Keens-Soper, M. (1973), ‘François de Callières and Diplomatic Theory’, *Historical Journal*, 16(2): 503.
- Kidd, C. (1993), *Subverting Scotland’s Past: Scottish Whig Historians and the Creation of an Anglo-British Identity, 1689–1830* (Cambridge, Cambridge University Press), 336–6.
- Kutrzeba, S. & Semkowicz, W. (eds) (1932), *Akta unji Polski z Litwą, 1385–1795* (Cracow, Polska Akademia Umiejętności).
- Macaulay, T.B. (2012), *The History of England from the Accession of James II*, ed. More-Macaulay-Trevelyan, H. (Cambridge, Cambridge University Press), ii, 629.
- Margalit, A. (2010), *On Compromise and Rotten Compromises* (Princeton, Princeton University Press).
- McCrone, D. & Keating, M. (2022), ‘Exploring Sovereignty in Scotland’, *Political Quarterly*, 7, table 4.
<https://doi.org/10.1111/1467-923X.13214>
- Morley, J. (1874), *On Compromise* (London, Chapman and Hall).
- Morley, J. (1877), *On Compromise*, 2nd edn (London, Chapman and Hall).
- Morley, J. (2012) *Burke*, (Cambridge, Cambridge University Press), 84.
- Organization of American Historians (1994), ‘National History Day 1995: Supplement: Conflict and Compromise in History’, *OAH Magazine of History*, (Spring 1994), 33–9.
- Otto, P. (2013), ‘Real Estate or Political Sovereignty? The Dutch, Munsees, and the Purchase of Manhattan Island’, in Rosenblatt, A.M. & Rosenblatt, J.C. (eds), *Opening Statements—Law, Jurisprudence, and the History of Dutch New York* (Albany NY, State University of New York Press), 67–81.
- Robertson, J. (1995), ‘The union debate in Scotland, 1698–1707’, in Robertson, J. (ed.), *A Union for Empire. Political Thought and the Union of 1707* (Cambridge, Cambridge University Press).
- Scott, P.H. (1979), *The Union of Scotland and England in Contemporary Documents* (Edinburgh, Chambers for the Saltire Society), 25–6.
- Spencer, H. (1873), *The Study of Sociology* (London, Henry S. King & Cox), 397.
- Stacey, R. & Albert, R. (2022), ‘Introduction: Democracy, Liberalism and Constitutional Referendums: When Does Ric Popular Sovereignty Legitimate Constitutional Change?’, in Stacey, R. & Albert, R. (eds), *The Limits and Legitimacy of Referendums* (Oxford, Oxford University Press), 1–33.
- Whatley, C.A. (2001), *Bought and Sold for English Gold? Explaining the Union of 1797* (2nd edn (East Linton, Tuckwell Press).
- Whatley, C.A. (2007), *The Scots and the Union* (Edinburgh, Edinburgh University Press).
- Whatley, C.A. (2013), ‘Reformed Religion, Regime Change, Scottish Whigs and the Struggle for the “Soul” of Scotland, c.1688–c.1788’, *The Scottish Historical Review*, 92/1(233): 66–99.

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