

# *Margaret 'Maid of Norway' and Scottish queenship*

Article

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Margaret 'Maid of Norway' and Scottish Queenship<sup>1</sup>

The untimely death of King Alexander III of Scotland on 18 March 1286 was one of those freak accidents which had consequences far beyond those normally associated with such an event. The death of a strong and popular medieval king was always met with regret, and the possible implications for the stability of the realm would be viewed with uneasiness. These feelings were necessarily so much the worse when the death was the result of a sheer accident, and was therefore both premature and unexpected. Alexander's fatal fall from his horse on one of Scotland's notorious 'dark and stormy nights' was therefore a severe blow to a small, relatively poor country which was enjoying hitherto unknown peace and prosperity under a firm, successful and apparently well-loved monarch.

All the time he lived upon earth security reigned in steadfastness of peace and quiet, and gleeful freedom. O Scotland, truly unhappy, when bereft of so great a leader and pilot ... Thou hast an everlasting spring of mourning and sorrow in the death of one whose praiseworthy life bestowed on thee especially, such increase of welfare.<sup>2</sup>

Scotland sorrowed, of course. But later historians have tended to ascribe to Alexander III a legacy of unprecedented constitutional catastrophe, for he died without a surviving heir of his body, and indeed without any male heir whatsoever. With hindsight it is possible to see that Alexander's death heralded a period of about thirty years of intermittent factional strife, civil war and invasion before stable, independent rule was again established, and it has become customary to assume that these events were an inevitable result of the problems of succession which arose in 1286. The purpose of this article is to show that the events of those thirty years were not an inevitable consequence of Alexander's death, and that the idea of a constitutional catastrophe with reference to the year 1286 not only did not occur to contemporaries, but also betrays a misunderstanding of at least one element of the monarchical system of medieval Scotland.

Alexander III's two sons had both predeceased him. His daughter Margaret, who in 1281 had married Erik king of Norway, was also dead, leaving her daughter Margaret, the 'Maid of Norway', as Alexander III's nearest heir. The only living heir of Alexander's blood - Scotland's monarch - was a girl, an infant, and in Norway. Moreover, in March 1286 it was not entirely clear that Margaret was the rightful heir, since Alexander's widow, Yolande, claimed to carry his child. Had a posthumous son been born, he would have been the rightful monarch. The case of a posthumous daughter might have been debated, but the wording of the entail made in 1284, quoted

below, seems to state the case plainly enough. However, another child never appeared, and whether the pregnancy was feigned, or whether Yolande miscarried, is unknown. At any rate, the pregnancy should not have had any effect other than to delay the recognition of Margaret as the rightful monarch. In the previous few years, when it had become apparent that there might be a succession problem, the way had been carefully laid for Margaret's inheritance of the throne. The treaty made on the occasion of her mother's marriage to King Erik in 1281 specifically upheld the right of sons or daughters of the marriage to succeed to the Scottish throne, failing more direct heirs.<sup>3</sup> Three years later, following the death of Alexander's second son, an entail was made in the Scottish parliament, settling the succession on the 'Maid of Norway' should Alexander III die 'leaving no lawful son or sons, daughter or daughters of his body or of the body of his son'.<sup>4</sup> Shortly thereafter, Alexander III wrote to Edward I of England, saying that 'much good may come to pass yet through ... the daughter ... of our beloved, the late queen of Norway, of happy memory, who is now our heir-apparent'.<sup>5</sup> Clearly, this was a reference to her probable succession to the throne. The inference is frequently taken one stage further when it is suggested that Alexander had already considered the possibility of uniting the thrones of England and Scotland through the marriage of Margaret to Edward's heir, the future Edward II. Whether or not that inference is justified, it is clear that Alexander expected Margaret to inherit his throne.

Evidently, there should have been little reason for a crisis in 1286. There was at least one legitimate heir to the throne, and in a short space of time a very mature decision was reached regarding the immediate government of the country. Six guardians, representing most of the major interests in the realm, were chosen in parliament to handle the government until the situation became more stable. The degree of organisation, in view of the unexpected nature of the throne's vacancy, was remarkable, and the records show that the administration of the kingdom's affairs continued unimpeded in an impressively efficient manner.

There were problems, however. It appears that these were largely caused by two men who were to figure greatly in Scottish politics within a few years: Robert Bruce, Lord of Annandale, and John Balliol, Lord of Galloway. The chronicler Bower mentions that after Alexander III's death, in April 1286, a parliament was held, at which there was 'bitter pleading regarding the right of succession to the kingdom' involving these two men.<sup>6</sup> The normal interpretation of this reference, in the light of later events, is that Bruce and Balliol were denying the right of Margaret to inherit, and were disputing which of them had the right to be king.<sup>7</sup> This question of succession was not resolved by that parliament, and was left in the hands of the six guardians who were chosen to rule the country. Bruce, however, apparently not satisfied, continued to disturb the peace. Later in the year he made a

bond with some associates, at Turnberry in Ayrshire. This 'Turnberry Pact', ostensibly a bond in support of Richard Earl of Ulster, involved an oath to uphold allegiance to him

who, by reason of the blood of the lord Alexander, King of Scotland, of happy memory, who last died, will gain and obtain the Kingdom of Scotland, according to the ancient customs hitherto approved and used in the Kingdom of Scotland.<sup>8</sup>

For reasons best known to themselves, many historians have cited this bond as evidence that in 1286 Bruce was plotting to win the throne. Furthermore, several years later, Balliol accused Bruce of having committed warlike and rebellious acts which had brought Scotland perilously close to civil war, so that 'good subjects quitted the land or were banished therefrom'.<sup>9</sup>

Almost certainly, too much significance has been read into these three episodes. Nevertheless, they do require some explanation. There is little justification for the supposition that Bruce and Balliol laid claim to the crown in the parliament of 1286, and that thereafter Bruce tried both by force and plot to establish himself on the throne. The discussion in the 1286 parliament need not have been any more significant than an attempt to decide, as had been done in 1284, who was to be the next heir to the throne. The infant mortality rate was high, and the Scots must have been aware that should Margaret die and Yolande not given birth to a child, there would be no established successor to the throne. Such a situation was to be avoided at all costs. The right of the next heir to head a government of regency was well attested in later centuries, and would probably also have figured in the minds of Bruce and Balliol when they put across their respective pleas for recognition as heir presumptive. So, with respect both to acknowledgement of their rights to the throne should the royal line fail, and to leadership of any government of regency, the discussion in this parliament was fully important enough to turn into 'bitter pleading' on the parts of these two men. If it were the case that Bruce and Balliol attempted to win the throne for themselves in April 1286, the implication would be that they denied Margaret's right to inherit, and disbelieved in Yolande's pregnancy. Margaret's lineage was unquestionable; childhood, by then, was no obstacle to inheritance of the crown: the late lamented Alexander III himself had succeeded to the throne as a child; and so only on the grounds of her sex could their objections be raised. There was no objection to Margaret's succession. Clearly, the community of the realm had discussed and approved the rights of someone in her position. This is shown by the 1281 marriage treaty and the 1284 entail (which can still be seen to bear Bruce's and Balliol's names amongst all the others). What was at stake in the 'bitter pleadings' of the 1286 parliament was not the identity of Alexander III's successor, but that of the heir presumptive

to either Margaret or the possible unborn child, whichever was the rightful monarch.

Once the events of April 1286 have been interpreted in this way, Bruce's actions later in the year are more easily explained. His rebellious acts are to be seen as an attempt to win a share in the government of guardians, from which he and his family had been excluded. The Balliol family was represented, and it is significant that Balliol apparently ceased his trouble-making activities after the 1286 parliament. If the events in the parliament at Scone had been concerned with the immediate tenancy of the crown, why did Balliol not also continue to rebel after April 1286? If there had been a generally accepted feeling that Margaret should not rule, why did Bruce's rising not gain more general support? There was no such feeling. Bruce had no reason to oppose Margaret's inheritance, and there is no evidence to suggest that he did so. As for the 'Turnberry Pact', there is no reason to assume that it implies that Bruce claimed the throne. It is worded in no more specific a way than most other references of the period relating to the monarch. Another document, of July 1286, mentions

the most high lord the king of Scotland, whosoever he may be, or the person or persons who occupy his place, or who are, or who shall be governor of the said realm.<sup>10</sup>

This is never assumed to imply a claim to the throne, but it is nevertheless worded similarly to the 'Turnberry Pact'. Indeed, the uncertainty displayed in this document could be taken to support the idea that what was at stake in the parliament of April 1286 and in Bruce's rebellion was not the crown itself, but the regency. The 'Turnberry Pact' need be no more than it purports to be: a bond in support of the earl of Ulster, saving allegiance to the king of England, and to the true heir to the Scottish throne - Margaret or the unborn child.

So, in 1286, Bruce and Balliol did not attempt to take the throne. The pattern of events, the accounts of the older historians, and the clear evidence of contemporary documents do not support such a suggestion. Their actions were motivated by a desire to share or lead the government, and to be recognised as heir presumptive. This is of importance to the theory of kingship in Scotland. If there had been a feeling that females could not inherit the crown, it is doubtful if the relevant clause would have been inserted into the 1281 treaty, the entail of 1284 would probably not have been made, and it certainly would not have stated specifically the right of a daughter of either Alexander III or his son to inherit the crown before Margaret. The early historians give no evidence of anti-female feeling at this stage, Fordun, Bower and Wyntoun all accepting without question Margaret's right to succeed.

(Wyntoun, indeed, marvels at the Norwegians' refusal to accept a female ruler, in despite of their law, when he alleges that Margaret was murdered.)<sup>11</sup> Precedent for female rule was commonplace in Europe, although not in Scotland. Thus, in European terms it was not a particularly unusual event when Margaret became queen, after Yolande failed to produce a child.

In 1286, then, the guardians were appointed to sustain the government, and despite the Bruce rebellion they ruled with a good measure of stability. In the summer an embassy was sent to Edward I in Gascony. Its intention was probably to inform him of the turn of events, and to ensure that no threat was posed to Scotland from abroad. If promises of friendship and protection could be secured from Edward I, and support for government on Margaret's behalf was forthcoming, Erik of Norway would be much more likely to allow Margaret to come to Scotland, and so let Scottish politics run their course, the monarch being resident in the kingdom. It is also possible that the marriage of Margaret to the young Prince Edward, which Alexander III may have had in mind, was mentioned in these negotiations. Such a bond would certainly have ensured the support of Edward I, and in 1236 it is unlikely that Edward's ambitions towards Scotland were as clear as they were in 1289, when the Scots tried to ensure that no 'deals' affecting them were struck between Edward I and Erik without their knowledge. Above all, the Scots required internal stability in 1286, and freedom from hostile foreign intervention. The appointment of guardians and the dispatch of embassies to treat with the English at that time were attempts to obtain that state of affairs. By the end of the year, then, Margaret was Queen of Scots, and only her inauguration was lacking to complete the official commencement of her reign. It is noticeable that by then documents referring to such as 'the king whosoever he may be' cease, and although Margaret is not found with the title 'Queen' until 1289, she was clearly regarded as such. In April 1288, Pope Nicholas IV issued bulls to Scotland regarding the election of Matthew Bishop of Dunkeld. Amongst them was one specifically addressed to 'Margaretæ natae carissimi in Christo filii nostri regis Norwegiae illustris'.<sup>12</sup> If it is not accepted that the pope recognised Margaret as queen, then it must be explained why he sent a bull regarding the election of a Scottish bishop to the infant daughter of the Norwegian king! The same pope, in November 1289, sanctioned the marriage of Margaret to Prince Edward. In that bull the case is stated explicitly:

It is clearly remembered how ... the king of Scots went the way of all flesh, with no male children of his own living, and the beloved daughter in Christ, Margaret, the daughter of our beloved son Erik illustrious king of Norway, the granddaughter of the foresaid king of Scots, succeeded that king of Scots in the foresaid kingdom.<sup>13</sup>

Also, in the early stages of the competition for the Scottish crown in 1291-2, it was stated specifically that the discussions concerned the '*jus succedendi in regnum Scocie, nuper vacans post mortem egregie domine Margarete ... quondam ipsius regni regine et domine*'.<sup>14</sup> Between 1286 and 1290 Margaret was accorded various titles: 'Heiress of Scotland',<sup>15</sup> 'Our Lady',<sup>16</sup> and 'Damsel of Scotland'.<sup>17</sup> These must all convey the special relationship between Margaret and the kingdom, but the one which was most truly and formally hers, and which was frequently used in 1289-90, is 'Queen'.<sup>18</sup> There was no doubt in anyone's mind that she was the rightful monarch of Scotland. Government by the '*custodes regni Scocie de communitate electi*' continued on her behalf, and gives every indication of having pursued conscientiously the normal everyday affairs of government. Edward I treated the guardians in the same way as he would have treated a monarch, communicating with them frequently regarding such routine business as border justice and mercantile affairs. The country appears to have proceeded with its business in a remarkably normal fashion.

However, despite its apparently ordinary appearance, the guardians' rule was weak and subject to much disobedience. The treaty of Salisbury, a tripartite agreement involving Scotland, England and Norway, signed on 6 November 1289,<sup>19</sup> was designed to achieve the situation in which Margaret would be obeyed 'as a lady, a queen, and the heir of the foresaid kingdom of Scotland'; and that she should be ordained and praised just as other kings are in their kingdoms'.<sup>20</sup> It also made provisional arrangements about her being sent to Scotland. On the same day as that treaty was signed, Edward I issued a plea to the prelates, magnates and the whole community of Scotland, to obey the guardians, to whom rule was delegated on behalf of Margaret, '*dominam et reginam*'.<sup>21</sup> The urgency with which the guardians sought Margaret's arrival in Scotland was understandable: she could then be inaugurated, so allowing her personal reign to begin officially, and the guardians' government, then ruling actually in her name, would have that added air of legality which might command greater respect in the kingdom.

At the same time, negotiations were proceeding with regard to the queen's marriage. Edward I, certain that Margaret would be married to his own son, had already petitioned the pope for a dispensation allowing this marriage.<sup>22</sup> As noted above, these negotiations may well have been initiated soon after Alexander III's death, and although the treaty of Salisbury stated that Margaret was to come to Scotland free of any marriage contract, it seems probable that the Scots were in some haste to secure the marriage. There is no contradiction in that. In the treaty of Salisbury the Scots' demands were made in the interests of self-determination. Safeguards were taken against the possibility that Erik would make an agreement about the marriage which was prejudicial to Scottish interests. The Scots thus ensured through the treaty of Salisbury that they would not be unaccounted for in any

agreement made. This in no way conflicted with their desire that a marriage agreement should be reached with all possible haste. The Scots' wish for the accomplishment of a marriage treaty is indicative of their pressing need for strong government. With Margaret married to the heir to the English throne, Edward I would be obliged to offer help and support to those who governed on her behalf. Even as early in the proceedings as Salisbury, that support had been forthcoming in the form of Edward's order for obedience to the guardians' government. This is a much more realistic explanation for their haste than the suggestion that the guardians 'set about finding a king through the marriage of the kingdom's heiress'.<sup>23</sup> The finding of a king was not the cause of their haste. Government by guardians would have continued in any case, for an infant 'king' was of little more use to the Scots than an infant queen. The priority of the guardians was to find stability, so that the government could continue on an even keel until Margaret, possibly with the advice and help of her husband, could assume the rule herself. A major threat to stability was the presence of a powerful and ambitious neighbour, and therefore by offering Margaret in marriage to the heir to the English throne, the Scots at once averted the potential danger and found a new and useful ally. There was no question of Margaret's being regarded as unfit for rule. She had been accepted as heiress in 1284, and long before Salisbury was signed she was quite unequivocally called 'queen'. The Scots' diplomacy of 1288-90 was aimed at finding English support, not an English king. This interpretation of the motives behind the Scots' desire to achieve the marriage is supported by a letter which they wrote to Edward I in March 1290,<sup>24</sup> in which they declared that they appreciated the good done for Scotland by Edward and his predecessors, and indicated that the proposed marriage, of which they had heard rumours, would be agreeable to them if certain conditions, which on that occasion they left unspecified, were met. This letter was clearly intended to solicit Edward's favour, and it provided the basis for the negotiations regarding the marriage itself.

The Scots had a lot to gain through the marriage of Margaret to Prince Edward: in the short term, relief from potential hostile intervention and support against other troubles; in the long term, the benefits of peace between the two kingdoms which could be brought about by a joint monarchy. They also had a lot to lose: perhaps the independence of their kingdom. They were well aware of this danger, and so in March 1290 the Scots made it clear that their acceptance of the proposed marriage would not be unconditional. When the treaty was finally signed at Birgham on 18 July 1290,<sup>25</sup> it was an elaborate attempt to protect all Scotland's liberties, both political and legal, whilst arranging for the marriage of Margaret, '*regni Scocie hereditariam et reginam*' to Edward, the heir to the English throne. The 'rights, laws, liberties and customs of the kingdom of Scotland, in all things and over the whole of that kingdom and its marches' were to be perpetually observed. All ecclesiastical elections were to be made within the kingdom, homages and

services relating to the kingdom of Scotland were to be taken within that kingdom, justice towards her subjects was to be performed only within that kingdom, taxes, hosts and suchlike were only to be imposed under the circumstances in which a King of Scots could impose them, and no parliaments for internal affairs were to be held outwith the kingdom.<sup>26</sup> Perhaps it was a futile attempt, but the Scots were trying to give no concessions to total union or incorporation, whilst nevertheless recognising that their queen would probably be resident in England. The treaty was aimed at gaining them stability and security, whilst maintaining the independence of their kingdom. That the rights of neither kingdom were to be increased or decreased must have been a forlorn hope. Even though the Scots' conditions had apparently been met, the treaty held qualifications such as

saving the right of our said lord (i.e. Edward I), and of any other whomsoever, which has pertained to him, or to any other, in the marches or elsewhere ... before the time of the present agreement, or which in any right way ought to pertain in the future.

Whilst not entirely vitiating the safeguards for independence, the deliberate vagueness of this statement, in view of previous and future claims of English supremacy, must have been recognised to be a loophole in the Scots' case, which they would undoubtedly rather have seen omitted. However, the Scots had made their stand. They had pushed their policy through almost to its conclusion, and had brought about a treaty which would have married their queen to the English throne. They thus gained the political support which they required, and at the same time made an effort to maintain their kingdom's independence, and tried to affirm that the Scottish crown was held by the queen. The royalty lay in her, and not in any husband who may have been found for her. But the treaty was never fulfilled. As requested, Erik arranged for Margaret's passage to Scotland, and in late September 1290 she left Norway on an English ship. In early October, Bishop Fraser of St. Andrews wrote to Edward I, telling him of the rumour that 'our lady the queen' was dead, 'on which account the kingdom of Scotland is disturbed and the community distracted'.<sup>27</sup> In keeping with the style of recent relationships between the two countries, Fraser asked Edward I to help keep the peace, should the rumours prove true, so that those in authority might stand by the oath they had taken in 1286 (although then of less wide significance), to establish on the throne the rightful heir. In 1286 the succession had been obvious. In 1290, on the death of Margaret, it was not. Scotland had survived one crisis only to enter another, far more serious.

The story of Queen Margaret, whether poignant, romantic, or merely unfortunate, is of great significance to the idea of monarchy in Scotland. Had there been a feeling that women had no right to inherit the crown, or an

objection to the principle of government by a female, then Margaret, an infant, and not even a Scottish infant, would have been ousted from the position which was hers by hereditary right. In this respect, Scottish practice appears to have paralleled European. That females could inherit and pass on royal right is quite clear. The evidence is irrefutable. Nevertheless, in 1291 Robert Bruce, in making his claim for the throne of Scotland, said 'the blood male is more worthy and more pure to demand a kingdom than blood female'.<sup>28</sup> Two and a half centuries later, only fifteen years after the accession of Scotland's other queen regnant, Mary, John Knox wrote,

to promote a woman to beare rule, superioritie, dominion, or empire above any Realme, Nation, or Citie, is repugnant to Nature; contumelie to God, a thing most contrarious to his reveled will and approved ordinance; and finallie, it is the subversion of good Order, of all equitie and justice.<sup>29</sup>

Such statements, particularly the second, obviously express a feeling that female rule was not acceptable. Why, then, did two females attain the crown of Scotland without opposition on the grounds of their infancy and sex?

The answer lies in the fact that it was not a commonly held idea in either the thirteenth or the sixteenth centuries that females could neither inherit nor rule. Both the men responsible for the above statements had other axes to grind. Both had political objectives which were threatened: in Bruce's case, by the possibility that a female could inherit before a male of the same degree, and in Knox's case, by the political and religious beliefs of two reigning queens. Indeed, Bruce's statement was little more than truth. The succession system did prefer males to females of the same degree. In so far as that the blood male was deemed more satisfactory. However, Scotland was like most other states in this respect: when the occasion demanded, there was no objection to female rule. It would be naive, however, to pretend that female monarchs were regarded in exactly the same light as males. The problems of succession and retention of independence, both vital elements to be upheld in any reign, were of obvious concern under female rule, and coloured the attitudes of their subjects to queens.

The suppositions which can be made regarding the type of attitude prevalent to female rule in Scotland in the late thirteenth century can be supported by a study of the more fully documented reign of Scotland's other queen, Mary. Knox claimed that men 'have removed women from rule and authoritie' because compared to men, 'their sight in civile regiment is but blindness; their strength, weakness; their counsel, foolishness; and judgement, phrensie'.<sup>30</sup> Bishop Aylmer, however, in his reply to the 'First Blast', defends female rule as being 'stablyshed by lawe, confirmed by custome, and ratefied by common consent of all the orders in the realme'.<sup>31</sup> If God sends no male heir, then

'for some secret purpose he myndeth the female should reigne and governe', and after all, 'it is his appoyntment and not ours'.<sup>32</sup> Given the fact that there were at that time queens on the thrones of both England and Scotland, it seems that Aylmer's view was more strictly accurate. It must be remembered that Knox's motives were not the abstract philosophisings of a political theorist. He wrote with political objectives. The 'First Blast' was directed specifically against Mary Tudor, whose legitimacy was not suspect, unless in terms of her sex, which Knox therefore turned as a weapon against her. In the sixteenth century as in the thirteenth, propaganda opposing female rule was not based on established custom or generally held belief. It was invented to help the propagandists attain their political ambitions. There was no objection to Mary Queen of Scots' government founded on the fact that she was a woman.

However, one of the problems which dogged Mary's reign was that of marriage. About three months after her birth and almost immediate succession to the throne, negotiations for the marriage of 'the most excellent princess Mary, Queen of Scotland' ('excellissime principisse Marie regine Scocie')<sup>33</sup> to the contemporary Prince Edward, the son and heir of Henry VIII of England, were commenced. Mary's title left no doubt that she was accepted as queen. James Earl of Arran, who was the nearest male heir to the Scottish throne (although through female descent), did not claim to be the rightful king, and was content (indeed he insisted upon it) to be declared regent and 'second person of the realm'.<sup>34</sup> In the instructions given to the Scottish ambassadors who were to treat for the marriage,<sup>35</sup> great care was taken to impress that Scotland's independence was not in any way to be infringed. Scotland was to stand in 'the liberty and freedom of times bypast'. If Henry VIII wanted Mary to go south while still a child, the ambassadors were to reply that 'it is ane rycht he and rycht grete inconvenient to the realme of Scotland to grant thereto'. No marriage was to be completed 'bot that hir grace may remane and he kepit in this realme quhill sche may be abill to complete mariage'. No matter if Mary had successors from the marriage,

it is to be providit for the state rycht and libertie of the realme ... that this realme sall evir haif and beir the name of Scotland and to broke the auld libertie privileges and fredomes in all estatiss as it has been in all tymes bigane and salbe gidit and governit under ane governor borne of the realme self and salbe gidit be the awin lawis.

Provision was to be made that Mary 'and hir successoris succeedand to the crone of Ingland' should appoint the nearest lawful heir to the throne as governor of Scotland, who would also, the succession failing, have the right to claim the crown of Scotland without any impediment whatsoever. Clearly the Scots felt threatened, and it is noticeable that the safeguards which they took to

avert this threat were remarkably similar to those taken in like circumstances in 1289. Agreement was reached in 1543, and a treaty was signed at Greenwich in which many of the Scots' demands were met. However, the convolutions of politics precluded the completion of the deal, and Scotland went off on a new pro-French tack: another treaty, another marriage and, inevitably, a war with England. Although the treaty of Haddington, with France, was itself far less specific in its terms than Greenwich, only mentioning that the king of France undertook to 'keip, manteine and defend the realme, liegis of the same, liberties and lawis thair of', <sup>36</sup> while Mary was in France, more specific agreements about government and succession were made in 1558, nearer the time of the marriage which the treaty arranged. One of those agreements touched upon the succession of female heirs. By the laws of France, female succession there was impossible, <sup>37</sup> but it was stated that failing male heirs of Mary, female ones were to succeed freely in Scotland because 'they mon aucht succed to the croun of Scotland be the lawis of the samin'. <sup>38</sup> There can be no more plainly stated denial that there was any Scottish law or custom prohibiting the rule of women. The marriage to the dauphin went ahead as planned, and from April 1558 the business of Scottish government proceeded in the names of 'Franciscus et Maria die gratia Rex et Regina Scotorum Delphinus et Delphina Francie'. <sup>39</sup> Before long, however, the situation changed again. In December 1560 Francis died, and Mary returned to Scotland. The hunt for a husband began once more. The necessity of finding one who would cause no prejudice to the realm was paramount, and spasmodic negotiations with England and Spain have the air of being a little half-hearted. In 1565 a husband was found. He was Henry Lord Darnley, on the face of it a good choice. He was himself in line for the throne, and his Scottish blood precluded the type of foreign domination feared earlier. However, his adherence to the reformed faith was not sufficiently strong to render him unsuspect to many of the Scottish nobility, among whom he quickly became unpopular. Nevertheless, Mary and he were married on 29 July 1565, and thereafter Scotland was nominally ruled by 'King Henry and Queen Mary'. <sup>40</sup> This marriage did not reach the two-year mark. The couple's relationship was often strained, and it ended with Darnley's murder in February 1567. Very shortly thereafter Mary married again. Her new husband, the Earl of Bothwell, was one of those suspected of Darnley's murder, and this fact, coupled with the indecent haste with which she remarried, made her choice total anathema to most of her subjects, the result being that by July 1567 Mary and her new husband were separated, and her term of imprisonment, leading to enforced abdication, had started.

That brief sketch of Mary's matrimonial career illustrates the fear with which the queen's marriage was regarded. It is clear that the Scots recognised the need to find both a suitable husband and adequate safeguards in the marriage agreement. The impression given is that the husband of the queen was a very important figure. No matter how indisputable was the queen's

right to the crown, her husband was an extremely influential character. In explaining why this was so, various considerations must be borne in mind. Bruce, in 1291, said the male was 'more worthy and more pure' than the female to rule a kingdom; Aylmer admitted in 1559 that because of their physical weakness women, with some exceptions, were less meet to rule than men;<sup>41</sup> the theorist Aquinas claimed that 'woman is naturally subject to man: for man is more gifted by nature with powers of reasonable discretion than woman'.<sup>42</sup> So, while none of these writers flatly denies the right of a woman to rule (and indeed Aylmer hotly defends it), they all feel that the man is generally more suitable and more able to bear authority. This feeling must in part explain the riddle of the queen's husband. A woman could inherit and rule, but was regarded as being less fitted to the task than a man, and so when a husband was found, to whom in normal daily life the woman would be subject, the Scots would naturally look to him for at least part of the government. The presence of a man in government added extra security to the queen's rule. That is why the husbands were normally called 'king': it was expected that they would share the government of the kingdom.

There can be little doubt that this ruling function of the queen's husband explains why such elaborate safeguards had to be taken for the interests of the country when the husband was to be a foreign prince. Such a man had to be persuaded to rule Scotland in her own interests, rather than in those of his native land. The position of the queen's husband also helps to explain the opposition to, and murder of, Darnley. He was regarded as unsuitable to govern because of his religious attitudes and weakness of character. Although he tried to gain a foothold in the government, he failed, and his position of 'king' was more of an obstacle to good government than a help. This, at least, was the attitude of one section of the nobility, the traditional upholders and advisers of the monarch. Thus he was removed. Previous to his death the opposition to him had voiced itself in no uncertain terms. They denied that 'the man named hir husband has any authority over them as king',<sup>43</sup> a clear indication both that he was expected to have such authority, and that they had no intention of obeying him. The expression that he would rule is shown in one of the English ambassador Randolph's letters to England:

What cause this people have to rejoice of this their "worthy prince", I leave the worlde to thinke. When they have said and thought all they can, they find nothing but that "God muste sende hym a shorte ende", or themselves a miserable life under such a government as this is like to be.<sup>44</sup>

Bothwell, too, was on the receiving end of this part of the theory. He, too, was unsuitable to rule. He had been charged with the murder of Darnley, but never properly tried, and by his conduct in the country, particularly his shady

relationship with, and over-hasty marriage to, the queen, he showed himself to be quite unfit to govern. The nobility of the country would not accept him as their king. The supreme authority in the land was justice, which Bothwell had flouted quite openly. The deposition of Mary herself, of course, happened for the same reason. She had overstepped the bounds of her position by her actions with Bothwell and her suspected part in Darnley's murder. She had entered that class of rulers who 'mask the injustice of their rule with the cloak of regal dignity',<sup>45</sup> and so because she had ignored the limitations which must be placed on every monarch in order to avoid tyranny, she fell beneath the power of those who claimed that they acted to restore justice to the community. Again, one of Randolph's letters puts across this idea more succinctly than any high-flown theoretical exposition:

How she, with this kind of government, her suspicion of her people, and debate with the chief of her nobility, can stand and prosper, passes my wit.<sup>46</sup>

Clearly, then, the idea that a queen, while fully able to inherit and bear the crown, is better to rule with a husband who can provide the extra strength derived from a king, clarifies the positions of Francis, Darnley, Bothwell and Mary herself. The actions of the governments in 1543 and in the 1560s in trying to find husbands for their queen were prompted by the desire to find suitably strong rulers to rule with their monarch. However, this cannot be the whole story. There are other vital considerations which must be taken into account. There are, after all, instances of highly successful queens who did not marry. Perhaps more important was the matter of succession. One of the most fundamental duties of a medieval monarch was to ensure that the succession to the throne was secure after his or her death. Hence, Alexander III's remarriage relatively late in life, and his attempts to have Margaret recognised as heir. This duty was as much part of a queen's duties as a king's, and so the matter of marriage was important. Because the succession normally passed in the male line there were obvious dangers for the independence of the queen's kingdom, and hence the community of the realm was particularly involved in the marriage of their queen. This must, to a great extent, explain the interest shown by the nobility in Mary's later marriages, and their concern that the man chosen should be of suitable rank and character, and should carry no prejudice to the kingdom.

The matter of political security must also rate high on the list of priorities. That Margaret 'Maid of Norway's' marriage was principally a political act aimed at ensuring the active support of England during what was inevitably going to be a long minority has already been discussed. The marriage planned for Mary in 1543 must have had the same motives behind it. The Scots had recently suffered badly in battle against the English, and the

threat of invasion must have been in their minds. A strong party of the nobility was opposed to anti-English policy, and it was they who gained the upper hand in the government following James V's death. Wishing to secure their kingdom, they went about assuring peace by attempting to marry their queen to an English prince. When the other party gained the upper hand, the policy changed, and again in an attempt to take out some insurance against hostile intervention, the French treaty was sought. This matter of national security was probably a far greater consideration in these early negotiations than was the question of male or female ability to rule. The immediate practical necessities were more important in forming policy than were the abstractions of political theory.

There are obvious problems involved in comparing the sixteenth century with the thirteenth, which make too much assumption rash with regard to political theory and motivation of policy. However, there are unmistakable similarities between the early years of Mary's reign and the period 1286-90. Both the queens came to the throne at a time of political uncertainty. In both cases a government was quickly established to rule on their behalf, and negotiations were begun for the marriage of the queens to the respective heirs to the English throne. When those treaties were signed they both contained detailed provision for the security and independence of the Scottish realm in all times to come. It can hardly be a coincidence that the instructions given to the Scots ambassadors in 1543 were so strikingly similar to the provisions of the treaty of Birgham. The protection of the 'rights, liberties and customs of Scotland, enjoyed and held hitherto' provided for in Birgham was paralleled in 1543 by the instruction that Scotland was to 'broke the auld libertie privileges and fredomes in all estatys as it hes bene in all tymes bigane'. The same provision was made for the succession of the queen's nearest heir, failing heirs of the marriage. No court of law or parliament affecting the realm of Scotland or its inhabitants was to be held outwith the kingdom, according to Birgham. The Scots ambassadors in 1543 were instructed that

our soverane lady induring her lifytyme nor hir successoris kingis  
or quenis of Ingland sall nocht call or summond ony of the realme  
of Scotland to ony parliaments or courtis except to the parliamentis  
or courtis to be haldin within the realme self.

In both their terms and wording there are indisputable comparisons to be drawn between these two documents. The contention that the primary aim of these treaties was to gain political security is also supported by the preamble to the 1543 instructions:

The lords of artiklis ... haifand consideratioun of the adversitie  
of tyme bigane and of the dangerous apperand of scaith of the tyme  
instant and siclik to cum hes concludit that ane ample commissioun

be maid and send with the imbassatoris that are to depart to the said king of Ingland ...

Clearly, it was the forbidding nature of the contemporary political scene that prompted the Scots to seek English friendship in 1543, rather than concern about the strength of Mary's personal rule in the future.

The comparison of the sixteenth and the thirteenth centuries is valid in so far as it applies to the political situation which pertained on the occasions of the deaths of Alexander III and James V. In neither period was there any sign of antagonism to female rule. That was accepted. The marriages which were sought so hastily were necessary in order to secure assurance against hostile incursion when the realm was weak. That there were dangers involved in these treaties is apparent from the provisions made to safeguard the land's independence. Later in the lives of the queens the questions of succession and help with the rule of the country would become important, but Margaret did not live long enough to become involved with such affairs. To claim that in the late 1280s the guardians were merely using Margaret in order to find a king, is at best to misinterpret the evidence.

Female rule was common elsewhere in Europe, and while shortage of space does not allow detailed study of other countries, a few brief examples will suffice. The idea was not new to England by the late thirteenth century: Matilda, the daughter of Henry I, never properly attained the throne, but she was accepted as heir by the barons in 1127, under circumstances similar to those obtaining in Scotland in 1284. The fears about the part to be played by her husband came paramount in her case. Henry I's son had died in 1120, but it was seven years later, after the death of her first husband, the emperor Henry IV, that she was recognised as heir. Earlier it had been feared that through her succession England might have been absorbed into the empire. When Henry I of England died in 1135, Matilda was not accepted as queen, although a section of the community did support her claim. This refusal of her right was probably largely connected with the outrageous behaviour of her second husband, Geoffrey of Anjou, in ruling Normandy, which lost her much support. The greater military power of her cousin Stephen, who claimed in opposition to her, coupled with the disadvantages of her husbands, was more responsible than her sex for her losing the kingdom. It is worth noticing that it was Matilda's son who succeeded Stephen to the throne in 1154. Her right to the crown was not disputed. The two successive queens of England in the sixteenth century also support the contention that there was no anti-female law or custom in that country. The kingdom of Jerusalem had a remarkable group of queens in the twelfth century. Most of these women ruled in conjunction with their husbands, although the resignation of Guy du Lusignan in 1190 on the grounds that his right to rule came only through his late wife Sybilla's royalty, demonstrates the commonly held belief that it was the queen

who held the crown and the royalty. Jerusalem also had several female regents in the mid-thirteenth century, when the regency was a hereditary post, governing the kingdom for the absentee Hohenstaufen kings. Castile was also apparently willing to accept female rule. In 1109 Uraca, daughter of Alfonso VI of Castile, succeeded her father. She was quickly married, following the pattern of other countries, to Alfonso I of Aragon, who took a large share in the rule of Castile, and because of the amount of Aragonese interference which this involved, became very unpopular. Adequate safeguards after the style of the Scottish treaties clearly had not been made. In 1214, when Alfonso VIII of Castile died, his daughter, Berengaria, became regent for his infant son Henry I, and later, on the death of Henry, she succeeded to the crown herself, but thereafter resigned it in favour of her own son. The obvious fifteenth-century example of a Spanish queen regnant, Isabella of Castile, need hardly be mentioned. Navarre, too, in the fourteenth century, accepted a queen. In 1328 that kingdom accepted as their monarch Joan, who had been twice set aside from the crown of France, although the closest heir to Louis X, who had died in 1316. Previous to this, Navarre had been annexed to France, but the French refusal to accept Joan as queen meant that Navarre split off to become a separate kingdom. Thus the kingdoms of Spain show, over four centuries, the same readiness to accept queens, the concern over the status of the queens and their husbands, and the consequences which foreign marriage might produce.

Not all states accepted female rule. Aragon seems to have been reluctant, and if Wyntoun is to be believed, apparently the Norwegians were unwilling to be ruled by a woman, although their law allowed it. Of course, with such cases it is impossible to state categorically the reaction to female rule, since a situation never arose in which the decision had to be made. The only kingdom which in this period did reject female rule entirely was France.<sup>47</sup> In 1316, however, Louis X died, leaving only a daughter, Joan, as heir. Her claim to the throne was set aside in favour of Louis' brother, Philip V. He died in 1322, and leaving no heirs, passed the throne to the last brother, Charles IV. When he died, also without heirs, the question of female succession was again raised. Joan, the daughter of Louis X, could still claim the crown (and, as noted above, was accepted as queen in Navarre), and so could Edward, son and heir of Edward II of England, who had married Isabel, the sister of Louis X, Philip V, and Charles IV. The other claimants were cousins of the three late brothers. The idea of female rule was rejected. If, however, it was accepted that a female could pass on the right to rule, then the heir to the throne was the future Edward III of England, whose father, Edward II, thus had the right of regency. It is hardly surprising that the decision reached regarding the succession was that no female could inherit or transmit inheritance, according to the so-called 'Salic Law'. The successor chosen was one of the cousins, Philip VI. The threat of foreign domination, which caused so much concern to those states which did accept female rule,

forced France to formulate a previously unheard-of law (although it was based on a principle which had been applied earlier), in order to retain the independence of their kingdom.

It is ironic that this example, more than any other, helps to explain the position of queens in Scotland and the other European states. The theory which allowed or disallowed female rule, which accorded or prohibited the kingly status of a queen's husband, was formulated by the practical necessities of the contemporary political situation. The theory to be gleaned from political documents and from the writings of contemporary politicians is a far more accurate reflection of the real beliefs of the time than the work of theorists such as Aquinas, whose ideas can often be exemplified in practice only with hindsight; the reason for their being put into effect was rarely the philosophical or theoretical basis in the work, but more normally the bare necessities of hard politics. So, with respect to ideas about female rule at least, the theory of kingship found its roots in the actual problem which had to be solved. In Scotland no absolute law or clearly-expressed theory seems to have existed. However, the treatment of the queen when a child, and the attitude to her marriage and its associated problems, appear to have been similar to the reactions of many European states, and did not apparently change significantly between the thirteenth and the sixteenth centuries.

When it became clear in late 1286 that Alexander III's widow would bear no heir to the kingdom, there was no thought of constitutional catastrophe: there can have been no doubt and no dispute that Scotland had an under-age female monarch. The setting up of a government so quickly after Alexander's death and the promptness of the start to negotiations with England show that the community, while obviously concerned, was not completely taken aback. The sudden death of a king was nothing new, and, as shown above, European states gave ample precedence for the acceptance of female rule. The government adopted the sensible approach, and entered into negotiations which would have given the Scots a greater degree of political security in the near future. The marriage, had it taken place, might also have helped the queen fulfil her duty to ensure the succession, and perhaps, quite incidentally, it would have given her the help and strength of a man in government. The political security thus gained assured the guardians a stronger basis upon which to proceed against the inevitable unruly elements in the kingdom, who felt excluded from the government. There was no reason to dispute Margaret's right to rule, and no evidence that anyone did dispute that right. Her age was no impediment: the acceptance in Scotland of the twelve-year-old Malcolm IV as king in 1153 (not as a minor), and of the seven-year-old Alexander III in 1249, points to a dynastic principle overriding objection to a possibly incapable sovereign. Minority had been known and survived, and the minority of a female was little different from that of a male. It made political sense to accept Margaret as queen in 1286, and only her premature death prevented the plans from going ahead.

In conclusion, the reign of Mary Stewart, the early part of which bears a striking resemblance to the period after Alexander III's death, supports the ideas about 'queenship' which can be gleaned from the events of 1286-90. It appears that in the sixteenth century as in the thirteenth, a female was acceptable as a carrier of royal right and authority. She could inherit the crown, and bear the rule of the country. If a suitable husband was found for her he would probably share in the government and would help to ensure future succession. He would probably be called 'king', although no harm would come to the queen's royal status through his title, which was held only through her right. In the particular case in question, though, the marriage was sought as a means of obtaining political security in a time of uncertainty. If a queen could fulfil the basic duties of government - the protection of the community through the justice which ultimately ruled all - then there could be no objection to her wielding sovereign authority. Knox, writing in the sixteenth century, had particular political and religious reasons for opposing the rule of the two queens, Mary of England and Mary of Scotland, and so justified his stance by attempting to formulate an anti-feminist theory which was, historically, quite out of place in both countries. Political events forced him to invent political theory. Similarly, the bare facts of the political scene in Scotland in 1286 forced the Scots to accept an infant girl as their monarch. No theory existed to discourage them from so doing. Thus, during the period until Margaret's death, they followed the policies which seemed to offer Scotland the best chance of survival under such difficult circumstances. Between 1286 and 1290 the kingdom was not, as has been claimed, without a monarch. There was a queen. Strictly speaking, that queen's reign never started, since she was not inaugurated, and so did not have the 'royal dignity' bestowed upon her. The guardians ruled in her place, until she could come to Scotland and receive from the community the authority to rule, in the traditional ceremony at Scone. From that day the guardians would no longer have ruled 'in her place', but, on account of her age, would have continued to govern 'in her name'. However, these were technicalities; Margaret had been accepted as queen, and had she lived to rule, her official regnal year would probably have been pre-dated to some date in the autumn when it had been finally accepted that she, and not any posthumous child of Alexander III, was the rightful monarch. The shortness of her life is the only reason why Margaret Queen of Scots is not always recognised as having been a queen, a position which she held as surely as her more universally acclaimed counterpart.

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## READING MEDIEVAL STUDIES

### NOTES

1. I am indebted to Professor G.W.S. Barrow for his careful reading of this article, and for his invaluable comments and suggestions, too numerous to acknowledge individually.
2. J. de Fordun, Chronica Gentis Scotorum, ed. Skene, I, 309-10 (Trans. II, 394-05).
3. Acts of the Parliament of Scotland (A.P.S.), I, 422.
4. Ibid., 424.
5. E.L.G. Stones, Anglo-Scottish Relations 1178-1328, Some Selected Documents, London 1965, pp.42-3.
6. W. Bower, Scotichronicon, ed. Goodall, II, 138.
7. e.g. W.C. Dickinson and A.A.M. Duncan, Scotland from the Earliest Times to 1603, Oxford 1977, pp.140-41.
8. J. Stevenson, Documents Illustrative of the History of Scotland, I, no.12, 22-23.
9. F. Palgrave, Documents Illustrating the History of Scotland, p.42. (Trans. p.LXXI).
10. Stevenson, op. cit., I, no.9, 19.
11. A. Wyntoun, The Original Chronicle of Andrew of Wyntoun, ed. Laing, V, bk.8, ch.5, II.93-120.
12. Stevenson, op. cit., I, no.26, 48.
13. Ibid., no.76, 111-13.
14. E.L.G. Stones and G. Simpson, Edward I and the Throne of Scotland 1291-7, Oxford 1978, II, 10.
15. J. Bain, Calendar of Documents Relating to Scotland, II, no.469, and see no.18.
16. This title may be significant. Apart from the conventional courtesy of referring to one of higher social standing as 'my lord' or 'my lady',

implying that Margaret was recognised to be of higher standing than the guardians, the association of the term 'lady' with a territorial designation is particularly important. It appears that such a style normally implies at least incipient royalty. The Empress Matilda was, on her proclamation as queen by a sizeable section of the English nobility in 1141, styled 'Domina Anglorum', and John Lackland's style 'Dominus Hibernie' is probably to be seen in the same light. (See A.L. Poole, Domesday Book to Magna Carta, Oxford 1951, p.3 and n., pp.143, 312.) Pope Alexander III, in his confirmation of the bull 'Laudabiliter', mentioned the 'kingdom' of Ireland ('Hiberniae Regni', cf. Giraldus Cambrensis, Opera (Rolls Series) V, 318-9). John's style probably betrays Henry II's initial intention that John should become king of Ireland. There are several other references from England, Scotland and the papacy to the 'kingdom' of Ireland in the thirteenth century, e.g. T. Hearne, Liber Niger Saccarii, I, 44-7; various references in Giraldus Cambrensis' Expurgatio Hibernica; W. Stubbs, Select Charters (9th ed.) p.280; Matthew Paris, Chronica Majora (Rolls Series), IV, 381). Margaret's style 'Domina Scocie' (e.g. Palgrave, op. cit., p.42) is therefore of great significance. That the courtesy title 'lady' most often appears beside the title 'queen', e.g. Facsimiles of the National Manuscripts of Scotland, I, no.70, must add weight to this supposition. When the Scots referred to 'our lady', they meant 'our queen'.

17. Bain, op. cit., II, 106-9.
18. e.g. Stevenson, op. cit., I, no.75, 105 and many others. She was styled 'Queen of Scots' by Erik on 1 April 1289. (Foedera I, 706).
19. Stevenson, op. cit., I, no.75, 105-11.
20. This phrase, juxtaposing the titles 'heir', 'queen', and 'king', gives the lie to the suggestion which has been made, that the description of Margaret as 'heirress of Scotland' implied an uncertainty about her right to rule, or that the use of the word 'king' in the 'Turnberry Pact' implied a denial of Margaret's right. The title 'heir and queen', which is often found, sums up her position neatly: 'queen', because she had been accepted as Alexander III's successor, but still 'heir', because lacking her inauguration, her reign could not actually have yet started.
21. Foedera I, 721.
22. The petition was granted, in a bull issued on 6 November 1289.

# READING MEDIEVAL STUDIES

23. A. A.M. Duncan, The Nation of Scots and the Declaration of Arbroath (Historical Association Pamphlet, General Series no.75), 1970, p.10.
24. A.P.S., I, 441-2.
25. Stevenson, op. cit., I, no.108, 162-73. (Trans. G. Donaldson, Scottish Historical Documents, Edinburgh 1970, pp.40-41.
26. 'With a personal union of the crowns parliament was to be the guardian of the status of the kingdom and its people: in 1290 parliament and no other assembly was seen as the community in political action.' A. A.M. Duncan, 'The Early Parliaments of Scotland', Scottish Historical Review, 45, 1966, 38.
27. Facsimiles of the National Manuscripts of Scotland, I, no.70.
28. Palgrave, op. cit., p.24.
29. J. Knox, 'The First Blast of the Trumpet Against the Monstrous Regiment of Women' in The Works of John Knox, ed. Laing, Edinburgh 1895, IV, 373.
30. Ibid., 374.
31. J. Aylmer, An Harborowe for Faithfull and Trewe Subjectes, Amsterdam 1972, p.B2.
32. Ibid., p.B3.
33. A.P.S., II, 409.
34. Ibid., 411.
35. Ibid., 412.
36. Ibid., 481.
37. See above, pp.90-91.
38. A.P.S., II, 505.
39. Ibid., 517.

40. For the use of his title 'king', see e.g. Register of the Privy Seal of Scotland, V, Pt.2, nos. 3147, 3149 (241-2).
41. Aylmer, op. cit., p.C2.
42. 'Summa Theologica', in Aquinas: Selected Political Writings, ed. A.P. d'Entreves, Oxford 1974, p.103.
43. Calendar of State Papers (Scotland), II, 212-3.
44. Ibid., 504-5.
45. Aquinas, 'De Regimine Principum', ed. cit., p.21.
46. Calendar of State Papers (Scotland), II, 213.
47. The issue had not arisen since the tenth century: but earlier, in Merovingian times, female rule appears to have been quite acceptable.