A National Flag?: King James I and the British Flag

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Introduction

On January 23, 1632, William Byng, Captain of Deal Castle, wrote a letter to Sir Edward Nicholas. Byng wrote the letter, to "acquaint [Sir Nicholas] of an accident, which hath happened heere."[1] The 'accident' occurred when, "some dozen of Hollanders shipps cumming from the Southward, the Admiral bearing…his flagg in maine top, passing by Wallmer castle…never so mutch as striking either flagg or maine top in token of saluting the castle."[2] The issue was that Dutch ships in British waters were expected to strike their flag when confronted by a ship of the Navy Royal or other official representation of the British Crown, in this instance, Wallmer Castle.[3] Byng explains that the accident, or mistake, was on the part of the Dutch Admiral, who claimed that he did not strike his flag because, "hee was in his cabin, and (the tide) running very strong brought him before the castles." [4] After hearing the shot the Admiral realized his error and struck his flag. When Captain Byng met the Dutch Admiral he, "demanded (as the custome is) to bee paid for the shott." The Dutch Admiral consented and paid in gunpowder, whereupon Byng "remitted all payment, and [the Admiral] very curteously bestowed seven or eyght shillings on [Byng's] people and to all good friends."[5]

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[1] "Heere" is in reference to the two castles Deal and Wallmer. The two castles neighbor one another on the Southeast tip of England, near Dover. Sir Edward Nicholas served as Secretary of State to Charles I and Charles II. Capt. William Byng to Sir Edward Nicholas, *Calendar of State Papers, Domestic Series, of the reign of Charles I, January 1627-February 1628, preserved in the State Paper Department of Her Majesty's Public Record Office, vol. 2: January 1627-February 1628* (London: Longman, Brown, Green, Longmans and Roberts), 34.

[2] Ibid., 34.

[3] The Navy Royal was the official name of the British Navy and is now the official name of the United Kingdom's Navy.
Strike – To take down a flag, particularly as a sign of deference or surrender, as defined in Timothy Wilson, *Flags at Sea* (Annapolis, MD: National Maritime Museum & Naval Institute Press, 1986), 112.

[4] Capt. William Byng to Sir Edward Nicholas, *Calendar of State Papers*, 34.

[5] Ibid., 34.

This short account involves three maritime customs that were widely observed in the seventeenth century: the custom of striking one's flag in situations where a sign of deference was necessary, the custom of firing a single shot when the previous custom was not adhered to, and the customary payment for the shot by the party who did not initially follow the first custom.[6] The decorum and procedure present in these three traditions is palpable. It is clear that the ceremony and respect shown by these gestures were just as important as their functional qualities.[7] This is especially true when considering the third custom, the payment for the shot. While in this case, the Dutch Admiral did spend additional money, when he gave shillings to Byng's 'people,' in an attempt to be gracious and smooth relations over, it is hard to imagine that the economic cost of paying for a single shot was generally large enough to make it anything more than a symbolic gesture.

Captain Byng's letter also offers insight into two nautical uses for flags. The first was simply for identification; Byng knew that the fleet was Dutch based on the flags flown. Likewise, other nation's ships would be immediately recognizable based on the flags they flew. The letter also indicates that the flags used to represent identity were also used in symbolic signaling. This is in comparison to non-symbolic signaling, where standardized flags would be used to send messages.[8] The two differ in that the flags used for symbolic signaling have some meaning or importance that adds a level of significance

[6] England (Britain) and Holland are shown to observe, or at least be aware of these customs here, and the latter parts of this paper will show that there is evidence that a variety of countries were committed to the same nautical protocols. In this case the certain situation was a Dutch ship sailing in British waters (the narrow straights) although other instances include British ships striking in sight of other British ships in order of command.

[7] An account from a merchant vessel in 1603 indicates why communication at sea in the seventeenth century was so important. Calendar of the Manuscripts of the Most Hon. the Marquis of Salisbury, preserved at Hatfield House, Hertfordshire, ed. M. S. Guiseppi, vol. 15: 1603, 158.

[8] A practice that greatly increased in size and standardization during the seventeenth and eighteenth centuries. For more on the use of flags for *non-symbolic* signaling see Julian P. Jellie, "Just Four Flags? The Commercial Code of Signals For The Use of All Nations," *Mariner's Mirror* 85, no. 3 (August 1999): 288-298.

to a signal, beyond what traditional signaling flags could relay. For instance, when a flag is struck, it is always a flag signifying identity; the same message could be easily conveyed using a signal flag, but the respect and deference is much more tangible with a flag that represents a ships identity.

In the case of the Narrow Seas, which were recognized internationally as British waters, it was customary for a ship to strike its flag when it spotted a vessel of the Navy Royal. It was also customary for British ships to strike their flags for other British ships in respect to rank.[9] This coupled, with the idea that the practice of striking a flag was technically done in reference to another flag, made flags have a high symbolic capital. This is further underlined by the stringent customs surrounding flags in the Early Modern Period. Negotiations of power were both carried out and evidenced by the use of flags. In part because of this, during the Early Modern Period, flags became indispensible to any king or country.

In 1632, when the Dutch Admiral eventually struck his flag in front of Wallmer Castle, to whom was he actually striking it in deference to? As one flag is theoretically struck in recognition of another, the answer lies in who the authority was behind the British Flag. In 1632, the British Flag was an ancestor of the Union Jack.[10] In existence since 1606, the British Flag, which I shall subsequently call the Union Flag, was a

[9] An order from the Lords of the Admiralty to Captain Richard Plumleigh, Admiral of the Victory, does well to demonstrate this. "The ships under his charge are to be the Victory, Bonaventure, Dreadnought, and St. Dennis, which he is to dispose of according to instructions which he shall shortly receive. If he should meet in any part of the Narrow Seas with the Convertive, in which Capt. Pennington commands as Admiral of those seas, Plumleigh is to take in his flag and to continue it furled whilst in sight of that ship, it being an ancient honour and privilege belonging only to that Admiral to carry the flag in the main top in those seas." Lords of the Admiralty to Captain Richard Plumleigh, Admiral of the Victory, employed for foreign service, Lord of the Admiralty, *Calendar of State Papers, Domestic Series, of the reign of Charles I, April 1631-Mar 1633, preserved in the State Paper Department of Her Majesty's Public Record Office*, ed. John Bruce, Vol. 5: *April 1631-Mar 1633*, (London: Longman, Green, Longman and Roberts), 444.

[10] The Union Jack, as it exists today, is the same as the British Flag, but with the addition of a red saltire in 1801 representing Ireland. See Appendix A for the British Flag (Image 1) and Union Jack (Image 2).

creation of King James I.[11] King James I was the father of King Charles I, who was King when Captain Byng penned his letter in 1632.[12] The Union Flag is and was an international symbol. It and its successors, would fly, and sit in the canton of other flags, all around the globe, signifying the power and success of the British Empire.[13] It is clear that the deference was to the Union Flag, but whom did it stand for and what did it represent?

In the early seventeenth century Hugh Lee, an Englishman, spent twelve years as an English trade consul in Lisbon. During his time in Portugal, Lee wrote a number of letters to the Earl of Salisbury in order to keep him updated on the goings on in Lisbon.[14] Lee's letters were largely concerned with shipping and the threat of Catholicism, but he would occasionally relay how "his Majesty's subjects" in Lisbon were faring.[15] On one such occasion, Lee wrote a letter on April 2, 1607, *stilo novo*, in which he described a problem he was having at port, one he hoped the Earl could remedy.

> Besides the disorders amongst the younger and most ungoverned sort of merchants, here is many times disorders amongst the mariners and sea faring men, in such sort that great quarrels are many times likely to arise through their willful follies; and principally betwixt the Scottish masters and the English touching the wearing of their flags, which now are made with both the red cross and St.

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[11] The flag was initially referred to as the British flag, although that designation ceased at some time around 1639. The flag was called the Union Flag at least as early as 1625.

[12] Charles I inherited both the English and Scottish thrones in 1625. William Gordon Perrin, *British Flags: Their Early History, and Their Development at Sea; with an Account of the Origin of the Flag as a National Device* (New York: Cambridge University Press, 1922), 58.

[13] Some flags still house the Union Jack in their canton today, including, Australia, Fiji, Hawaii, and New Zealand.
Canton – The area in the upper hoist corner of a flag or a rectangular field filling that area, as defined in Whitney Smith, *Flags: Through the Ages and Across the World* (New York: McGraw-Hill Book Company, 1975), 13.

[14] The Earl of Salisbury or Robert Cecil served as the secretary of state to both Elizabeth I and James I. For more on Cecil see...Alan Haynes, *Robert Cecil, Earl of Salisbury, 1563-1612: Servant of Two Sovereigns,* (London: Peter Owen Publishers, 1989).

[15] Alison Games, *The Web of Empire: English Cosmopolitans in an Age of Expansion 1560-1660,* (New York: Oxford University Press, 2008), 100-101.

> Andrew's cross joined in one; and the Scot wears the English cross of St. George under the Scottish, which breeds many quarrels.[16]

Lee references two versions of the Union Flag in his account, one promulgated by English sailors, and the other by Scottish sailors. This means that in 1607, there were, at least unofficially, two variations of the Union Flag being flown. The Scottish sailors refused to fly the English version and vice versa, albeit the English did fly the official version.[17] Hugh Lee's letter is evidence that in the opinion of these English and Scottish sailors, one flag, or at least the flag presented (the Union Flag) could not represent them both.

The flag was however, intended to represent both England and Scotland, married as they were by the Union of the Crowns. The Union of the Crowns occurred when King James VI of Scotland ascended to the English throne in 1603, becoming King James I of England. The new king wanted a new flag to both symbolize and simplify the joining of the two nations. This new Union Flag would eventually evolve into the Union Jack. But was this Union Flag a national flag? When did it become a national flag? Did it become a national flag? Is the Union Jack today even a national flag?

In order to answer these questions, the idea of a national flag must be examined. A national flag is one that is employed not to represent any individual but the collective whole. Loyalty to a national flag means loyalty to a people, including oneself, and so the honor of a flag is one's own honor. In order for a flag to be a national flag it needs to exist independent of a particular government or ruler, and at times in spite of them. A flag

[16] Hugh Lee to the Earl of Salisbury, Hugh Lee, *Calendar of the manuscripts of the most Hon. the Marquis of Salisbury*, ed. M. S. Guiseppi, vol. 19: *1607* (London: Her Majesty's Stationery Office), 70.
[17] See Appendix A, (Image 1), for the official version of the Union Flag, that had St. George's Cross superimposed on St. Andrew's Cross.

is only national if it is representative of a nation, and in order to be representative of a nation it must persist beyond and through changes in leadership.

This paper asserts that the Union Flag was not a national flag but a heraldic device of James I. The flag developed in 1606 did not meet any of the requirements of a national flag. The Union Flag represented James I and his experiment in union, and not a British nation. The British 'nation' did not exist, its emergence was in part limited by the fact that the Union of the Crowns was only a union of crowns, and not a union of parliaments, or as Hugh Lee's letter suggests, it was not a union of the English and Scottish people either. The flag was not representative of an Anglo-Scottish union, or a new (combined) nation, but was merely a personal emblem of James I. The Union Flag was not a national flag in 1606, but a new version of the royal arms. The Union Flag was based solely on the authority of the king, and so when saluted it was deference to the king and not Britain. At this time Britain was simply the creation of heritage and the politics that surrounded it, that sat the Stuarts on the English throne. At this time King James I was for all intents and purposes Britain.[18]

One reason that the Union Flag was not a national flag is that in 1606 it was unreasonable for a single flag to represent all of Britain. The divide between England and Scotland was too large. There was a long history between the two nations that could not be overcome simply by a shared king and a shared flag. As Hugh Lee's letter indicates

[18] When Queen Elizabeth died in 1603, "there had been no repeal of the stipulation made by Henry VIII, both in Act of Parliament and in his will, that after the death without heirs of his three children, Edward, Mary and Elizabeth, the crown should descend to the heirs of his younger sister, Mary.... Consequently, the rightful heir when Elizabeth lay dying was no scion of the Scottish House, but the eldest representative of the Suffolk line—Princess Mary's great-grandson, Edward Seymour, Lord Beauchamp. But Elizabeth's ministers were not the slaves of legal niceties. The Queen's neutrality left their choice unfettered; and though expectation of personal profit largely moved them, their action proved politic. Lord Beauchamp was a man of insignificant position and character; James VI, however contemptible in many respects, had experience as a ruler, and a contiguous kingdom to add to the endowments of the English Crown". *Cambridge Modern History*, III, 360, quoted in Perrin, *British Flags*, 54.

the flag was not even shared, there was an English version and a Scottish version. James I merely unified the crowns and created himself a new heraldic emblem in the guise of a national flag. The Union of the Crowns did not last and neither did the Union Flag when Civil War broke out under James I's son Charles I, in 1642. Eventually the monarchy was restored to the Stuarts and in 1707 Queen Anne even elected to retain the Union Flag.

> That the two kingdoms of Scotland and England shall, upon the 1st 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 ensigns 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 manner as Her Majesty shall think fit, and used in all flags, banners, standards and ensigns, both at sea and land.[19]

Queen Anne ultimately did decide to keep the Union Flag, but it is important to note that it was entirely her decision, as well as one that could have gone either way.

The possibility of a British nation was also limited by geography and the lack of technology at the time. Britain was simply too disparate for a nation to form, even England and Scotland in their smaller territories were yet to overcome the topography and have a clear collective group of people. It was impossible to have a flag that was representative of the 'British' people and their authority. The Union Flag was limited to symbols and ideas that would have meant nothing to many. It was an invention of James I that was not representative of Britain as a while. One reason for this was that Britain as a whole in 1606 was not representable, especially by the flag chosen, as it combined the Cross of St. George and the Cross of St. Andrew, which were not even representative of the all of England and Scotland respectively. The seventeenth century was a time when many people remained quite isolated, and were consequently not connected to Britain and nor any flag that was intended to represent them.

[19] Acts of Union 1707, in Larkin and Hughes, *Royal Stuart Proclamations*, vol. 1, (Oxford: Oxford University Press, 1973), http://www.heraldica.org/topics/britain/britstyles.htm#1604.

Perhaps the most extreme example of isolation is the island of St. Kilda, situated north of Scotland. The Scottish, English and Irish periodically visited St. Kilda and the islands that surrounded it, but besides these sporadic visits they had little interaction with the outside world. In 1697, the Scottish writer Martin Martin explored these islands. Martin did not understand these estranged islands to be a part of Scotland, and based on his account, it does not seem like their inhabitants particularly identified with any nation. The Irish had an early influence, noticeable in many traditions and in some of the dialect. For instance, the forts are called *dun* from the Irish word *dain*. However, closer to the time of Martin's travels, the English King Charles I visited St. Kilda. Charles I's impact was not efficacious or likely even long lasting, only remembered faintly in connection with the foundation of a house, and a law, "it is absolutely unlawful to call the island of St Kilda…by its proper Irish name Hirt."[20]

These islands were truly outside the realm of politics and it is hard to believe that identity played a large role in any of the inhabitants' lives. Martin attests that selling and buying were not yet a thing in the northern islands and he also recounts places like the island Rona that housed only five families. Martin's journey uncovered the most extreme examples of isolation in Britain, but the lack of connections between peoples was not limited to the extremities.[21] As discussed by the authors of *Archaeologies of the British: Explorations of Identity in Great Britain and Its Colonies, 1600-1945,* many people lived lives of vastly different experiences within what would become Britain. [22]

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[20] Martin Martin, and Donald Monroe, *A Description of the Western Islands of Scotland Circa 1695: A Voyage to St Kilda with A Description of the Occidental I.e. Western Islands of Scotland*, (Edinburgh: Birlinn Limited, 1999), 23.
[21] Martin, *A Description of the Western Islands of Scotland Circa 1695,* 17-44.
[22] Susan Lawrence, ed., *Archaeologies of the British: Explorations of Identity in Great Britain and Its Colonies, 1600-1945* (New York: Routledge, 2003).

This paper proposes that James I added the Union Flag to his repertoire in order to both symbolize his power, and further his ambitions. James I recognized the growing importance and value of flags, and saw a national flag as a valuable symbol. The Union Flag was a symbol with which James I could strengthen both his dynasty and his own image, both domestically and abroad. A Union Flag provided an opportunity to better establish and spread his authority, as well as providing an internationally competitive symbol.

One way to analyze King James I choices surrounding the Union Flag is through an examination of ethnosymbolism. Ethnosymbolism concerns the symbolic capital that creates a national idea and sense of belonging. While ethnosymbolism specifically pertains to nationalism and the state, two concepts it employs, are applicable in the case of King James I and his symbolic choices surrounding the Union Flag. Anthony Smith helped to develop a dichotomy that puts these two concepts in opposition to one another. The divide is between primordialism and instrumentalism. Primordialism asserts that nations are a natural consequence of history. The idea is that mankind was forever on the path to nationhood and that man's most natural state is in the nation. In this theory, ethnosymbolism is a very natural thing for groups to have and experience.

Instrumentalism instead argues that nations are the ends of the upper class, and that these elites develop ethnosymbolism to help spur and maintain their project of nationhood. It is possible to argue that flags are an example of a symbol designed by the elite to generate loyalty. Professor Daniele Conversi offers an alternative route; she suggests that symbols chose the elite as much as the elite chose specific symbols. This proposal provides an interesting mix between primordialism and instrumentalism, and

this paper posits that this is where King James I's Union Flag falls. The Union Flag was a recognition by James I of the growing value and utility of flags, specifically national ones. James I saw the potential for the Union Flag to be both a tool and a trophy.[23]

The history of flags, along with the transformation in how they were viewed and used during the Early Modern Period in Britain, has been reviewed by a number of vexillologists. This study however, differs from the typical vexillology account, in that it does not limit itself to the technical history of flags. The most famous vexillologist is Whitney Smith. Smith coined the term vexillology, and was involved in the creation of various society centered on flags, and also produced numerous publications. In 1975 Smith released a book entitled *Flags: Through the Ages and Across the World* that serves as an encyclopedia of sorts. Thirty-nine years later Alfred Znamierowski wrote *The World Encyclopedia of Flags: The Definitive Guide to International Flags, Banners, Standards and Ensigns, with over 1400 Illustrations*. Both books are extremely well researched and do well to cover all parts of the world. They each describe in detail the development of flags in Britain; however, they limit themselves to analyzing the technical developments and do not reflect on their meanings or their origins. This paper differentiates itself from these accounts in that it asks what the British Flag meant and where it came from.

The book *British Flags: Their Early History, and Their Development at Sea; with an Account of the Origin of the Flag as a National Device* is widely understood to be the authority on British Flags in the Early Modern Period. Its author W. G. Perrin was a member of the British Admiralty and so dedicated his book primarily to the use of flags

[23] Anthony D. Smith, *Nationalism and Modernism: A Critical Survey of Recent Theories of Nations and Nationalism,* (New York: Routledge, 1998).

at sea. He does however, devote a quarter of his book to, as his chapter describes, "Early English, Scottish and Irish Flags".[24] W. G. Perrin worked tremendously at uncovering information, writing in the years leading up to the publication of his book in 1922, Perrin attempted to leave no stone unturned in his pursuit of the history of British Flags. However, even Perrin felt that the records were both too extensive and at times too incomplete to serve the interest of his book.[25]

Perrin's tenacity should be congratulated, but fortunately more recent works, such as this one, have technological avenues open to them that allow an acceleration of Perrin's search. Today it is possible to search many sources both official and unofficial as well as sources from multiple nations in the course of a day. In comparison, Perrin was restricted to the official British records he had access to, a pile he admitted he never finished. In spite of this, this study will not necessarily be complete while Perrin's was not, it will by no means cover every important source, and it is likely that some of the sources Perrin enjoyed were not accessible for this project.[26]

Similar to Whitney Smith and Alfred Znamierowski Perrin's book is largely a technical history of flags; it is also an almost exclusively naval one, with the exception of the section already mentioned on English, Scottish and Irish Flags. This account is different from Perrin's in that it asks different questions about the flags concerned, in that it entertains a narrower focus, and in that it examines more than just the nautical history of British flags.

[24] William Gordon Perrin, *British Flags: Their Early History, and Their Development at Sea; with an Account of the Origin of the Flag as a National Device* (New York: Cambridge University Press, 1922).
[25] Ibid.
[26] Ibid.

W. G. Perrin wrote his account in 1874. More recently, in 2006, scholar Nick Groom researched and wrote a book on the Union Jack that explores all the history Perrin would have been familiar with, as well as the 132 years after Perrin's work was published. Groom tells an entertaining and accessible story about the Union Jack. Beyond the readability of his book, his account stands out from Smith's, Znamierowski's, and Perrin's in that it does reflect on the meaning and broader implications of the development of British flags.

In Groom's discussion on the creation of the Union Flag in 1606, he describes how James I was realizing a long anticipated goal of union. This description understands the union of England and Scotland to be a somewhat inevitable occurrence, one that had been flirted with in the past, but one that had not yet lasted. Groom supports his primordialist understanding with references to poets and commentators of the time. A description James I also undertakes, "Namely the blessed Union, or rather Reuniting of these two mightie, famous, and ancient Kingdomes of England and Scotland, under one Imperiall Crowne."[27] In spite of the rhetoric James I, and some others of his time, used this paper disagrees with the idea that the union of England and Scotland was inexorable. The Union Flag did not represent the inevitable coming together of two halves of a whole, but instead represented an unlikely union; a union that was balanced on the ambitions of James I, and subject to a lot of resistance.[28]

This paper will be divided into two sections and structured chronologically. The first section will concern the time before the Union Flag was created in 1606. James I's

[27] Nick Groom, *The Union Jack: The Story of the British Flag* (London: Atlantic Books, 2006), 125.
[28] Ibid.

idea was to combine 'national symbols' from England and Scotland.[29] The first chapter will examine the histories of these 'national symbols' and the 'national flags' that wore them. The chapter will take an in-depth look at whether these symbols were indeed national and whether subsequently the symbolism on the Union Flag can be considered national. The chapter will proceed in three parts, the first discussing the Cross of St. Andrew, Scotland's 'national symbol'. *Part 2* will concern England's 'national symbol', the Cross of St. George. The third part will analyze the similarities between the Union Flag and the Royal Arms, and argue that the Union Flag, in its initial form, was just a new version of the Royal Arms for James I and the Stuart lineage.

The second chapter in the first section analyzes the rise and utility of flags, largely through the lens of the military. Before discussing the advantages that flags had in accessibility when compared to heraldry. This chapter analyzes the centuries before the Union of the Crowns and discusses the relationship between heraldry and flags, in order to recognize what value James I would have seen in having a national flag as well as what traditions and applications he would seek to use the flag for.

The second part of this thesis will describe the Stuarts. The third chapter will focus on James I and the creation of the Union Flag. It will proceed by analyzing his legislation before taking a more in depth look at the case of Hugh Lee. The chapter will next discuss what can be said about whose authority the flag represented during the reign of James I as well as whom the flag represented generally. The final part of the chapter takes an in depth look into how the national flag was received, and argues that its reception indicates that it could indeed not be considered a national flag. The final

[29] "National symbols" refers to the Cross of St. George (England) and the Cross of St. Andrew (Scotland). Both crosses and their places in history, imagery, and flags will be described in the first chapter.

chapter will review Charles I's reign and end with the Civil Wars. The chapter will have a parallel format to the previous chapter considering James I. The chapter will review the legislation surrounding the Union Flag before returning to the question of whether it could be considered a national flag, or now from Charles I's perspective, a dynastic one. The chapter will conclude with the Civil Wars and the temporary failure of the Stuart dynasty that saw the Union Flag temporarily lost, and proved that the flag was far more Stuart than British.

The conclusion of the paper will reflect on the Civil Wars and the future of the Union Flag, including how it managed to survive. The conclusion will also extrapolate on if and when the Union Flag, and then the Union Jack, could be consider national flags, as defined in the introduction.

Section One

Chapter 1: History of the Union Jack

The Union Jack is comprised of three crosses that represent, England, Scotland and Ireland. Before 1801, however, the flag only contained crosses representing England and Scotland. In 1801, Ireland was added to the flag in the form of 'St. Patrick's Cross.'[30] The fact that St. Patrick was not a martyr and so did not have a cross made the Cross of Saint Patrick an interesting choice. The cross is actually the emblem of the Fitzgerald's, a wealthy Irish family, with St. Patrick merely acting as a surrogate. Conveniently, the Fitzgerald's cross was a red saltire on a white background, a perfect complement to St. Andrew's Cross in the Union Jack, (a white saltire on a blue background).[31] The two crosses are counterchanged, with St. Andrew's Cross above St. Patrick's on the hoist side, and St. Patrick's above St. Andrew's on the fly side.[32] This was designed to show Scotland's precedence over Ireland in the union.[33]

St. Patrick's Cross was not a completely arbitrary selection for the Irish symbol in the Union Jack. St. Patrick was the patron saint of Ireland, the Fitzgerald's were a very powerful family, and as described, the design fit nicely with the cross schema. However, the red saltire that appears on the Union Jack could not be considered a national flag of Ireland if by itself. The Irish national emblem that had appeared in previous renditions of emblematic flags was the Celtic Harp.[34] St. Patrick's Cross was added to the Union Flag

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[30] The Act of Union in 1800 saw Ireland join the United Kingdom of Great Britain and Ireland in 1801.
[31] *Saltire* – A diagonal cross whose arms extend to the edges of a flag or shield, as defined in Smith, *Flags,* 24.
[32] Graham Bartram, *British Flags & Emblems,* (United Kingsom: Tuckwell Press, 2004) 4-5.
Counterchanged – Having two colors alternating on either side of a line drawn through a flag or coat of arms, as defined in, Smith, *Flags,* 14.
[33] Bartman, *British Flags & Emblems,* 16.
[34] See Appendix B for an example of a Celtic Harp

nearly 200 years after its creation, yet it was arguably even less of a national symbol than St. George's or St Andrew's crosses had been previously. The Union Flag was made up of two somewhat random flags, which themselves developed from happenstance, to form what cannot be considered a national flag based on symbolism alone.

From the vantage of the present, the Union Jack's status and role in shaping the world appear almost inevitable. Moreover, it is hard to assess the Union Jack without being constantly cognizant of the wealth of history the flag has been through, and all the places it has flown. However, at its conception, its symbolic value was nonexistent. Of course it was the combination of symbols, but the Union Jack and the Union Flag before it were not the sum of parts. Individually, the saints whose symbols made up the flags were becoming established national symbols, but they were still rivals. The Union Flag did not represent a natural union between England and Scotland, St. George and St. Andrew, but a forced symbolism. A forced symbolism that combined instead of created, that portrayed Scotland as Subservient to England. The Union Flag displayed King James I claims and possessions just like any royal badge would.

The Union Flag was not automatically national. Just like, the English and Scottish flags, which were not immediately national, it had to subsist for a long time to become national. St. George and St. Andrew's flags slowly gained meaning over time, they had no fundamental significance, but shrugged off challengers while building history. This chapter will review the history of English and Scottish flags in the time leading up to 1606 and compare the Union Flag to royal emblems, in order to show that the Union Flag was built to be a heraldic emblem and not a national flag.

Part 1: St. Andrew of Scotland

St. Andrew, the patron saint of Scotland, was not from Scotland. In fact, St. Andrew never set foot in Scotland. St. Andrew spent his life in the Middle East, and perhaps more naturally, subsequently had a large cult dedicated to him there. Nevertheless, St. Andrew has been the patron Saint of Scotland since the eleventh century.[35] He was most commonly symbolized by his X-shaped cross. According to legend, St. Andrew was crucified on an X-shaped cross.[36] An X-shaped cross that was eventually adapted into a white saltire on a blue background for Scotland's flag.[37] How did St. Andrew become Scotland's patron saint?

The selection of St. Andrew as patron saint of Scotland and his cross as a Scottish national symbol were somewhat happenstance. However, both did grow in significance and gain meaning over time as history compiled behind them. However, in 1606 when James I adopted St. Andrews saltire into his Union Flag it could hardly be considered to represent all of Scotland. In fact, arguably the only time Scotland appeared as a nation was when it was in opposition to the. Historian Colin Kidd claims that there was no real idea of Scottish nationalism outside of pride from independence and resistance from England.[38] Scotland was in disparate parts, a nation hard to unite, with the most entrenched divide between the highlands and the lowlands. A variety of lifestyles and realities coupled by rugged topography in places made a national flag unlikely. The path

[35] Alfred Znamierowski, *The World Encyclopedia of Flags: The Definitive Guide to International Flags, Banners, Standards and Ensigns, with over 1400 Illustrations* (London: Lorenz Books, 2014), 149.
[36] The X-shape of the cross allegedly comes from St. Andrew's desire to be crucified on a different shaped cross from the one Jesus was crucified on, in a manner of respect for Jesus.
[37] See Appendix C (Image 9).
[38] Colin Kidd, *Subverting Scotland's Past: Scottish Whig Historians and the Creation of an Anglo-British Identity, 1689-c. 1830* (Cambridge: Cambridge University Press, 1993).

the alleged national flag took is strange in itself. St. Andrew's rise to prominence in Scotland seems happenstance, his cross is likely invented and his flag is thus a mix of a random saint with a false symbol who has no actual connection to Scotland. The patron saint of Scotland and the symbols attributed to him had no concrete national connection to Scotland, only what they gained over time. Because of this it is possible to assume that there would be little difference if a different saint with a different set of symbols gained precedence in Scotland rather than St. Andrew, or indeed as did happen St. Andrew gained precedence elsewhere and other peoples held him and his saltire as 'national' symbols.

Scotland was probably first made aware of St. Andrew during the Roman occupation, but a more tangible connection was drawn in 596 AD when Pope Gregory the Great sent Augustine of Canterbury on an ecclesiastical mission to Scotland.[39] Augustine had been the Prior of a "monastery in honor of St. Andrew" before being outsourced to Britain.[40] St. Andrew gained a foothold in Scotland, but was not widely recognizable. However, he began to grow in popularity after, "A Pictish king in the eighth or ninth century AD founded a church in the name of the apostle Andrew at Kinrymont in Fife."[41] It is by chance that St. Andrew was the particular saint to catch on and that he happened to be the favorite of Pope Gregory the Great.

Historian Ursula Hall wrote a book titled, *The Cross of St. Andrew*, in which she explores the history of the symbolism surrounding St. Andrew. It is her contention that, due to the practicalities of physics and stability, "when we consider whether Andrew

[39] St. Andrew also happened to be Pope Gregory's favorite saint. Ursula Hall, *The Cross of St. Andrew* (Edinburgh: Birlinn, 2006), 85.
[40] Hall, *The Cross of St. Andrew*, 76.
[41] Ibid., 85.

could have been put to death on an X-shaped cross…we have to conclude that it is extremely unlikely."[42] Unperturbed by this seemingly physical impossibility the Scottish used X-shaped imagery frequently. One location of repeated use was on seals. One example of a seal that contained St. Andrew's cross, also promoted St. Andrew as a national figure in Scotland; St. Andrew appeared on his cross with the words "Andrew be leader of your fellow scots."[43]

The Scottish flag came from the sky, at least allegedly. The story surmised is that in the lead up to a battle a Pictish King saw a white cross on a blue sky that was taken as a symbol from St. Andrew, Scotland's patron saint. There are two versions of the story in the midst of six telling's as divided by historian Ursula Hall in her book *The Cross of St. Andrew.* The unlikely choice of a saint, combined with the unlikely type of a cross, on the near mythical choice of a blue background is the story of the Scottish Flag. British Broadcasting Reporter Justin Parkinson shared his thoughts on the symbolism in flags in a recent article titled, "Which Flags Still Include the Union Jack?"

> It isn't the design but what it shows about their history and means to them. Saying you like a flag because of its design is like saying you like your family because they are all handsome or beautiful. You love them because of who they are, unconditionally. Flags are a bit like that.[44]

Over time the blue flag with the white saltire became uniquely Scottish, caught up in enough traditions and legends where it was truly thought of as national. However, its simple inclusion in the Union Flag did not guarantee the same for James I invention. The Union Flag was a mix of two, often bitter, rival's flags and had no history of its own and so could not be considered to have a national draw.

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[42] Hall, *The Cross of St. Andrew*, 31.
[43] Ibid., 99.
[44] Justin Parkinson, "Which Flags Still Include the Union Jack?" *BBC News Magazine* (March 24, 2016), http://www.bbc.com/news/magazine-35890670 (accessed March 25, 2017).

This paper has posited that the Union Jack was a flag somewhat consistent with the instrumentalist tradition, insofar as James I chose to combine preexisting designs with somewhat national appeal. It is interesting to note therefore that in Scotland St. Andrew's cross was also, in a way, an instrumentalist decision. This is because, according to Hall, St. Andrew's was whom the 'establishment' wanted as the patron saint of Scotland, while St. Columba was the "popular" choice.[45]

Part 2: St. George of Britain

On August 2, 1138 the Battle of the Standard was fought between English and Scottish forces. The battle was named the Battle of the Standard due to an English cart that bore three standards, St. Peter's, St. John of Beverley's and St. Wilfred's of Ripon's. 162 years later King Edward I of England took the Scottish Castle of Carlaverock in 1300. Among the banners he raised were those of St. Edmund, St. George, and St. Edward. Out of all these saints St. George managed to become the patron saint of England. These were not even the only six saints who had a national audience in the Medieval Period in England. St. George's main competition for the status of patron saint of England was arguably St. Edward the Confessor.[46] St. Edwards arms were, "on a blue field, a cross flory between five martlets, gold."[47] History very nearly saw an alternative to the red cross on a white field that is so engrained today. The English flag could have just as easily been blue. St. George was also an unlikely candidate, because similar to St. Andrew, he would become a patron saint of a nation he was not even from. William Gordon Perrin marvels at his ascension to this position, "how did it come to pass that this

[45] Hall, *The Cross of St. Andrew*, 101.
[46] Perrin, *British Flags,* 35-39.
[47] See Image 6 in Appendix C Perrin, *British Flags,* 35.

foreign saint completely eclipsed those who, in the literal sense of the word, were strictly national?"[48]

St. George was distinguished from the crowd because of the army. As Perrin puts it, "St George was not a churchman's but a soldier's saint."[49] Even the fabled origin of St. George's Cross has a military nature, "according to legend, St George saved a princess from a dragon and with its blood made the sign of the cross on his white shield."[50] St. George gained his popularity in the crusades, especially with the average soldier as those who did not have their own emblems wore his cross.[51] St. George finally took precedence when Edward III credited him for the victory in the Battle of Crécy during the Hundred Years' War. In 1348, Edward III established the Chapel of St. George at Windsor, and Perrin believes that it is this year, "that we may date the actual dethronement of Edward the Confessor from the position of "patron saint" of England and the definite substitution of St George in his place."[52]

There were several advantages to using the Cross of St. George in the Union Flag. The first was that while it was arguably not fully national it was still very recognizable. It also had begun to transcend its role as a purely religious symbol, for instance, during the Reformation religious flags like St. Edward's and St. Edmund's were replaced by the royal badge, but St. George's Cross remained.[53] In a way the soldiering saint won the battle of saints to become the patron saint of England. The story about the Pictish King seeing the Cross of St. Andrew in the sky is about a military encounter as well. It is

[48] Perrin, *British Flags,* 35.
[49] Ibid., 36.
[50] Znamierowski, *The World Encyclopedia of Flags,* 149.
[51] Perrin, *British Flags,* 36.
[52] Ibid., 39-40.
[53] Ibid., 40.

arguable that both crosses survived and realized symbolic prominence based on the military memories associated with them. As the next chapter will review, saints and their crosses were understood to both help win battles and help their bearers stay alive. It appears that James I picked up the symbolic success of military saints and incorporated two into his flag.

The problem with James I selection of two soldiering saints is that the two had met on the battlefield before. On one occasion, in 1385, the Scots allied with the French for a raid on the English. The orders concerning what the troops were to wear included, "every man French and Scots shall have sign before and behind, namely white St Andrew's Cross, and his jack white or his coat white he shall bear the said white cross in piece of black cloth round or square."[54] The English received similar orders in Durham on their way to meet the Scottish and French invaders, "every man in the king's army [was] to bear a large cross of St George on his clothing before and behind."[55] One reason this is notable is the involvement of the French. This is an example of the French and Scottish uniting under, or with, St. Andrew's cross against the English. This shows that the Scottish 'national' symbol was viewed as somewhat transferable in 1385. The French were fighting against the English bearing a cross that would eventually be forced upon the English in the Union Flag. Moreover, Scotland and England were fighting under their respective patron saints. This underlines how uncomfortable the combination of crosses would have been too many. It is hard to imagine the Union Flag as representative of both Scotland and England when it contained crosses that each nation had fought against for so long and until recently.

[54] Perrin, *British Flags,* 47.
[55] Ibid., 40.

Part 3: Royal Arms

In 1189, King Richard I debuted the Royal Arms. He bore on his shield a single lion, an emblem that would grow into three lions before his death and continue to change and adapt in accordance to new leadership or a change in possessions or succession until present day.[56] The Stuart Royal Arms consisted of emblems representing England, France, Scotland and Ireland. Ireland was a new addition under King James I, even though it "had been more or less under the rule of the kings of England from the time of Henry II."[57] The placement of Ireland in the Royal Standard by James I could be attributed to a desire to display all of the territory he ruled over. A feat somewhat duplicated in the creation of the Union Flag.

The Union Flag was somewhat different however, in that it strictly contained symbols representing England and Scotland. The Union Flag represented the creation of a new kingdom not the supplementation of an old one. This alternative goal was revealed in part by the King's titles. In 1603, he was described as King of England, France, Scotland and Ireland.[58] A year later however King James I would change his title to "King of Great Brittaine, France, and Ireland, Defender of the Faith."[59] The Royal Arms stayed the same through this name change, but the desire to have Britain as chief among his kingdoms was clear.

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[56] See Appendix D and Appendix E for a history of the royal arms 1189-1801.
[57] Perrin, *British Flags,* 63.
[58] Proclamation, Declaring the Undoubted Right of our Soveraigne Lord King James, to the Crowne of the Realmes of England, Fraunce and Ireland, in Larkin and Hughes, *Royal Stuart Proclamations,* vol. 1 (Oxford: Oxford University Press, 1973), 1. http://www.heraldica.org/topics/britain/brit-proclamations.htm#James1.
[59] A Proclamation Concerning the Kings Majesties Stile, of King of Great Britaine, &c, in Larkin and Hughes, *Royal Stuart Proclamations*, vol. 1 (Oxford: Oxford University Press, 1973), http://www.heraldica.org/topics/britain/britstyles.htm#1604.

Both King James I's Union Flag and Royal Arms were a compilation of national symbols. He opted to change his title and would refer to Scotland and England as north and south Britain in his 1606 proclamation that created the Union Flag but in terms of symbols he combined instead of created.[60] If James I's Union Flag was going to mirror his Royals Arms except reference only England and Scotland in its imagery then why would he bother with its creation?

Chapter 2: The Crusades – 1606: The Rise and Utility of Flags

Recent history allowed James I to recognize the potential of what a national flag could do for him. English and Scottish Kings and Queens had had Royal Arms for hundreds of years. However, in the build up to the Union of the Crowns it was becoming increasingly apparent that national type flags were the heirs apparent to heraldry, especially on the battlefield. Although Royal Arms continued to exist, the Union Flag represented an evolution, an evolution to a new heraldic emblem, one with different and better features.

Part 1: Military

In the time leading up to 1606 flags had become a more attractive tool in the military than heraldry. Beyond the European transition to using flags as the new standard of communication and representation on the battlefield, Kings previous to James I, both in England and on the Continent had seen 'national flags' as a practical way to siphon power from the nobility.

[60] Perrin, *British Flags*, 55.

In 1340, at Pont-á-Tressin, in France, William de Bailleil fought Robert de Bailleil. William's troops mistook Robert for William and rallied to him. They were promptly sent packing. Their mistake was a foreseeable one as the banners the brothers' carried were the same but for a gold cross. This is but one example of the confusion heraldry could cause on a medieval battlefield. Over a century later in England, at "the battle of Barnet in 1471, troops belonging to the Earl of Warwick attacked their allies under the Earl of Oxford because the latter's emblem of a star with streamers was so similar to the sun with streamers badge of King Edward IV, their mutual enemy."[61]

The immense detail employed in heraldry and the sheer number of vexilloids at every battle made distinguishing friend from foe difficult.[62] This was especially true considering the sheer number of vexilloids present at some battles. For instance, in 1339, at Buironfosse, no battle was fought, but troops showed up. The French had 220 banners and 560 pennons while the English had 74 banners and 230 pennons.[63] The proliferation of colors was increased by practices like the Venn System where, "the Lieutenant Colonel's was a simple saltire; the Major's had one device (e.g. a star), on the saltire, the 1st Captain's had two, the 2nd Captain's three and so on."[64] A movement away from heraldry made tactical sense; gradually individual arms were replaced by collective vexilloids in a process that would eventually see 'national' flags take over.

The importance of flags was stressed off the field as well. In Britain, "mercenaries, and later the soldiers of standing armies, took a holy oath to defend their

[61] Robert W. Jones, *Bloodied Banners: Martial Display on the Medieval Battlefield* (Woodbridge, Suffolk, UK: Boydell Press, 2010), 12.
[62] Vexilloids is an all-encompassing term for banners, pennants, flags, etc.
[63] Znamierowski, *The World Encyclopedia of Flags,* 39.
[64] S. Ede-Borrett, and B. McGarrigle, *Flags of The English Civil Wars: Part Two The Scottish Colours of Foot and Cornets of Horse 1639-1651,* (Raider Books, 1989), 7.

'colour' to the death."[65] In fact, in 1639, a set of rules entitled *Military Discipline* was released in London. The first rule regarding colors had dire consequences, while the second promised glory: "whosoever runs from his colours and doeth not defend them to the uttermost of his power so long as they may be in danger, shall suffer death for it," and "whatsoever officer or souldier shall take the colours of the enemy shall have the honour and reward according to his worth whether hereafter we have peace or war." [66] The value of the colors was drilled into soldiers outside the battlefield.

Once on the battlefield, flags played an important role in the survival of the troops. Not only did regiments live and breathe under the symbol of their brotherhood, but in the hectic wasteland that battles created, finding one's flag and comrades was a way to stay alive. Military historian, Robert W. Jones suggests that this tactical advantage was the reason flags became popular. He describes how the detail of heraldry often caused confusion between sides, whereas flags were unmistakable.[67] These examples demonstrate the advantage 'national flags' were perceived to have over more traditional heraldry.

The transition to the use of 'national flags' was gradual. In England, as early as the fourteenth century under King Edward III, St George's cross began to show up on banners in battles. The Cross would appear on the hoist side of the banners–the position of predominance–but visually, it still played a secondary role.

> These standards all contained in the nearly square compartment close to the staff, the red Cross of St. George on a silver field, the rest of the standard, which

[65] Znamierowski, *The World Encyclopedia of Flags,* 76.
[66] Ede-Borrett, *Flags of The English Civil Wars,* 1.
[67] Robert W. Jones, *Bloodied Banners: Martial Display on the Medieval Battlefield* (Woodbridge, Suffolk, UK: Boydell Press, 2010).

> tapered off gradually, was generally divided into two or four longitudinal stripes usually of the owners livery colours.[68]

Then over the livery colors were placed badges and mottos. The flags of St. George and St. Andrew began to grow in prominence on the battlefield as the Union of the Crowns neared. At Holyrood Palace, in Edinburgh, there is a drawing from the late sixteenth century depicting the encounter between Queen Mary and the Confederate Lords. The Confederate Lords fly their respective flags as Mary does hers, but her forces also fly four Scottish flags. There is another drawing from the late sixteenth century, this one of the 1572-73 siege of Edinburgh by the English. The drawing shows both English and Scottish forces making use of their national flags.

Beyond having become an almost essential piece of warfare in the previous centuries, 'national flags' also allowed kings like James I to supplant the nobility's influence. As the Middle Ages became the Early Modern Period, things began to change. In the late fifteenth century, King Henry VII abolished private armies, which meant no more personalized badges. Then, in 1597, France "developed consistent designs for their infantry colours and cavalry standards," a practice soon copied.[69] Flags in the British army followed suit, merging until only a company flag was allowed in addition to the national one. This consolidation tied different parts of the armies together. During the seventeenth century the cavalry and the infantry started to fly the same flag as well. Flying fewer flags made tactical sense, but it also made soldiers follow, live and die for the king's colors.

[68] John Woodward and George Burnett, *A Treatise on Heraldry: British and Foreign,* (Rutland, Vermont: Charles E. Tuttle, 1969) 654.
[69] Znamierowski, *The World Encyclopedia of Flags,* 39.

Part 2: Accessibility

Another difference between traditional heraldry and religious flags was the complexity and subsequent inaccessibility of the former. As heraldic expert Peter M. Daly put, "in a well-constructed emblem, the reader/viewer should be able to combine the semantic messages of the three separate parts and, by excluding a host of other possibilities, arrive at a specific meaning, a general truth, or a remarkable insight."[70] This is an exciting appreciation of emblems, but one we cannot expect the average Early Modern British resident to entertain. Developed in the sixteenth century cadency marks contributed to the narrowing of the appreciative audience. A successor to a variety of ways of differencing, cadency marks were a way to distinguish between the head of a household and his sons and other generations.[71] The history tells a story of an exclusive class based system where the symbolism and its significance were reserved for those who had their own heraldry.

[70] Karl Josef Holtgen, "Emblematic Title Pages and Frontispieces: The Case of Early Modern England," in *Companion to Emblem Studies*, ed. Peter M. Daly (Brooklyn: AMS Press, 2008), 393.
[71] John Woodward, and George Burnett, *Woodward's A Treatise on Heraldry: British and Foreign,* (Rutland, VT: Charles E Tuttle CO, 1969), 397.

Section Two

Chapter 3: James I

James I was a King all his life. He ascended to the Scottish throne a year after his birth in 1567 and remained there until his death in 1625. In 1603, the Union of the Crowns saw him ascend to the throne of England, where he would also rule until 1625. Although regents administered the kingdom throughout his childhood, it is clear that James's life long kingship had an effect on him. In a doctrine adopted by his son Charles I, James describes the divine right of kings, an idea that claims that Kings and their rule is sacred. James I reasserted this idea before Parliament in 1609.

> The state of monarchy is the supremest thing upon earth; for kings are not only God's lieutenants upon earth, and sit upon God's throne, but even by God himself they are called Gods...
> Kings are justly called Gods, for that they exercise a manner or resemblance of divine power upon earth. For if you will consider the attributes to God, you shall see how they agree in the person of a king. God hath power to create, or destroy, make or unmake at his pleasure, to give life or send death, to judge all, and to be judged nor accountable to none. To raise low things, and to make high things low at his pleasure, and to God are both soul and body due. And the like power have Kings: they make and unmake their subjects: they have power of raising, and casting down: of life and of death: judges over all their subjects, and in all causes, and yet accountable to none but God only. They have power to exalt low things, and abase high things, and make of their subjects like men at the chess. A pawn to take a bishop or a knight, and to cry up or down any of their subjects, as they do their money. And to the king is due both the affection of the soul, and the service of the body of his subjects...
> I conclude then this point touching the power of kings with this axiom of divinity, that as to dispute what God may do, is blasphemy, but *quid vult Deus*, that divines may lawfully, and do ordinarily dispute and discuss; for to dispute *A posse ad esse* is both against logic and divinity: so is it sedition in subjects to dispute what a king may do in the height of his power. But just kings will ever be willing to declare what they will do, if they will not incur the curse of God. I will not be content that my power be disputed upon, but I shall ever be willing to make the reason appear of all my doings, and rule my actions according to my laws.[72]

[72] King James I, "Speech Before Parliament" (speech, London, March 21, 1609), Luminarium: Anthology of English Literature, http://www.luminarium.org/sevenlit/james/1609speech.htm.

This of course was not a popular statement in Parliament. King James I viewed himself and his rule as supreme and unchecked. He clearly thought of himself as above the state, an idea that would get his son in trouble down the line.

What did this mean for the Union Flag? It meant that it was a representation of James I's power and empire both domestically and abroad. He was the King of Britain and any symbolism, such as the flag, represented his authority and not Parliament's and not the people's. This flag was a heraldic emblem and nothing more. A national flag would subsist without King James I and his lineage, but that is certainly not the picture painted here. Britain was James I's creation and divine right and the Union flag was designed to that end.

Part 1: Legislation and the Union Flag Under James I

In 1606, the Union Flag was born.

> A Proclamation declaring what Flags South and North Britains shall bear at Sea. Whereas some difference has arisen between our Subjects of South and North Britain, Travelling by Sea, about the bearing of their flags, for the avoiding of all such contentions hereafter, We have with the advice of our Council ordered That from henceforth all our subjects of this Isle and Kingdom of Great Britain and the Members thereof shall bear in their maintop the Red Cross, commonly called St George's Cross, and the White Cross, commonly called St Andrew's Cross, joined together, according to a form made by our Heralds and sent by Us to our Admiral to be published to our said Subjects. And in their foretop Our Subjects of South Britain shall wear the Red Cross only as they were wont, and our Subjects of North Britain in their Foretop the White Cross only as they were accustomed. Wherefore We will and command all our Subjects to be conformable and obedient to this Our Order, and that from henceforth they do not use to bear their flags in any other Sort, as they will answer the contrary at their Peril.[73]

There are a few things of note in this passage, beyond the creation of the Union Flag. One is the difficulty the heralds had in choosing a design. The issue was that there is

[73] Perrin, *British Flags*, 55.

necessarily a hierarchy in the design of a flag and the positioning of its components. While multiple combinations were debated in this case, all suggested one state's subservience to the other.[74] It was eventually decided that the Cross of St. George should be superimposed on the Cross of St. Andrew. Perhaps the new flag was a combination of crosses not to appease or convince domestic constituents of the union, but to display to the international world that the two nations had been joined.

This passage is also interesting rhetorically as King James I describes Scotland and England as south and north Britain, likely in an attempt to further his goal of union. However, as we shall see the English and Scots would soon forget their respective countries. It was clear that the Union Flag was not a national flag and that it had other frailties beside.

Part 2: The Case of Hugh Lee

Hugh Lee wrote his complaint a year after this proclamation was issued, meaning that it was not widespread or at least it had failed to spread as far as Portugal, to an English Consul no less.

> Pardon me in troubling you with such complaints as daily arise amongst his Majesty's subjects here one against another: for the company being now dissolved I know none to complain unto fitter than your lordship who has been ever ready to put remedy in any disorder, the patron of perfection. Besides the disorders amongst the younger and most ungoverned sort of merchants, here is many times disorders amongst the mariners and sea faring men, in such sort that great quarrels are many times likely to arise through their willful follies; and principally betwixt the Scottish masters and the English touching the wearing of their flags, which now are made with both the red cross and St. Andrew's cross joined in one; and the Scot wears the English cross of St. George under the Scottish, which breeds many quarrels, and were very fit it were decreed which should be worn uppermost, for avoiding contention. Which discords are not fit to be brought in question here in these countries where they would rather rejoice at our discord and

[74] See Appendix G for a list of potential designs.

> animate matter thereunto than be means of any concord. So that for my own part I rather persuade with the English masters to forbear here and to complain at home, for here is now a Scots master that has said he will so wear his flag, in despite of who shall speak against it. It were very good that an order might be put herein to be observed, upon a certain pain to whomsoever should do the contrary.[75]

It is clear from Lee's explanation of his temporary solution of asking for English resignation regarding the wearing of the flag that he felt a similar request could or should not be made of the Scots. It is also possible he never considered it; Lee after all was an English trade counsel.

Clearly, the relationship between Lee and the Scots was tenuous and at least for him an uncomfortable one. Yet Lee and the Scots were very much on the same side and both were well aware of it. This is in part revealed by Lee's dismissal of solving the issue through Portuguese channels, "Which discords are not fit to be brought in question here in these countries where they would rather rejoice at our discord and animate matter thereunto than be means of any concord."[76] Lee's use of the word "our" infers that his understanding of England and Scotland is different depending on the context. When his perspective is limited to the two parties they appear separate and distinct, he encourages his fellow Englishmen to be reasonable with the Scots, and when the context is international, on the continent, he is aware of the two parts but addresses them as a single entity.

Regardless of whether either party appreciated the other, or had bought into the enterprise of union, it was clear to both sides that at least for the time being they were grouped, in an often uncomfortable union, with their island neighbors. In Lisbon, the English and Scottish were tied by being outsiders in a foreign land who had the

[75] Hugh Lee to the Earl of Salisbury, 23 Mar. 1606, *Calendar of the manuscripts of the most Hon. the Marquis of Salisbury.* ed. M. S. Guiseppi (London: Her Majesty's Stationery Office), 70.
[76] Ibid., 70.

commonality of king and territory. This connection was developed by the Portuguese and evidenced by Lee's comment that the Portuguese, "would rather rejoice at our discord."[77] It is likely that the Portuguese were not alone at understanding the English and the Scottish as a single entity, although there were likely many who also understood that this was an entity made of two disparate parts.

It is clear from Lee's letter that sailors understood their identity through this flag. They had the same unease and complaint that many Scottish intellectuals had, that the English Cross of St. George superseded the Scottish cross of St. Andrew. They thought of the Union, or at least their part in it, as both represented and negotiated by the flag. Maybe they bought into the Union and wanted precedence, maybe they wanted out, regardless the significance is the same, they flew their version of the Union Flag.

As a final not, in the passage Lee refers to 'His Majesty's Subjects'. While this designation is indeed correct it also reveals that Lee, at least arguably, saw the Union as the sharing of a king rather than the sharing of a nation. The flag likewise, would have been representative of England and Scotland sharing a king, rather than England and Scotland as one nation.

Part 3: Authority and the Union Flag Under King James I

This paper began with an anecdote that described an interaction where a Dutch ship eventual struck her flag in deference to a British castle. Nine years prior a Dutch ship had done quite the opposite much to the chagrin of Captain Thos. Best.

> The agent refuses to deliver up the ordnance till the ship returns to Leith after being at Aberdeen, which will cause delay. The Dunkirk ship cannot sail out but

[77] Hugh Lee to the Earl of Salisbury, *Calendar of the manuscripts of the most Hon. the Marquis of Salisbury*, 70.

> with a spring tide and favouring wind. Intends to man her from his own ships, hoist the King's colours on board, and bring her out in spite of the Hollanders. Their Admiral declares he will not lower his flag to that of the King. Never knew such a thing during his 40 years' service, and if the Admiral persists, will shoot the flag down.[78]

Judging by the Captain's statement that he had seen nothing like it in forty years, it is not presumptuous to believe that the custom of striking one's flag was very well followed. However, in this case the custom is not followed, the Dutch Admiral refuses to strike his flag in deference to the King's.

Captain Best might commit a Freudian slip here. Although it is impossible to know whether the actual flag of the King was being flown it is extremely unlikely that it was. Flying the King's flag was rarely permitted, and in this instance Captain Best is writing in complaint to Secretary of State Conway, where it seems if he were flying the King's colors support would be closer to hand. It might also be less likely for the Dutch Admiral to refuse to strike his flag, as that sort of refusal was far more egregious.

The King's colors that Captain Best described are likely then synonymous with the Union Flag. The Union Flag, that he arguably has connected with James I, rather than the 'nation' of Britain; although, he might simply view King James I and Britain as one in the same. Regardless the implication is the same, that the Union Jack was King James I's and not a national flag.

A flag has authority in part by how it is protected, defended and avenged. There is a higher consequence for offending the King's Flag and so the King's Flag has more authority. In Britain this was evidenced by a letter Secretary of State Conway wrote to

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[78] Capt. Thos. Best to Sec. Conway, Captain Thomas Best, *Calendar of State Papers, Domestic Series, of the reign of James I, 1623-1625, preserved in the State Paper Department of her Majesty's Public Record Office*, ed. Mary Anne Everett Green, Vol. 4: *1623-1625* (London: Longman, Brown, Green, Longmans and Roberts), 15.

John Coke in 1624, "The master of the ship appointed to convey the Spanish Ambassador to Calais is to allow Sir Rich. Bingley's lieutenant to command the ship whilst the Ambassador is on board, and, for better safety, to take the King's flag and colours."[79]

The authority behind the Union Flag during King James I's rule was clearly the King. When a flag was struck it was in deference to the King, be it international or domestic. James I was the King of Ireland, France and Britain, and it was his power that was respected internationally.

Part 4: Reception of the Union Flag Under King James I

A National Flag has to be representative of the whole nation. A survey of the response to the Union Flag, under both James I and Charles I, proves that it was never close to being representative of both England and Scotland. The first reply King James I received was from the Council of Scotland on August 7, 1606:

> Most sacred Soverayne. A greate nomber of the maisteris and awnaris of the schippis of this your Majesteis kingdome hes verie havelie com- plaint to your Majesteis Counsel! that the form and patrone of the flaggis of schippis, send doun heir and commandit to be ressavit and used be the subjectis of boith kingdomes, is very prejudiciall to the fredome and dignitie of this Estate and will gif occasioun of reprotche to this natioun quhairevir the said flage sal happin to be worne beyond sea becaus, as your sacred Majestic may persave, the Scottis Croce, callit Sanctandrois Croce is twyse divydit, and the Inglishe Croce, callit Sanct George, haldin haill and drawne through the Scottis Croce, whiche is thairby obscurit and no takin nor merk to be scene of the Scottis Armes. This will breid some heit and miscontentment betwix your Majesteis subjectis, and it is to be feirit that some inconvenientis sail fall oute betwix thame, for oure seyfairing men cannot be induceit to ressave that flag as it is set doun. They haif drawne two new drauchtis and patronis as most indifferent for boith kingdomes which they presented to the Counsell, and craved our approbatioun of the same ; hot we haif reserved that to your Majesteis princelie determination, —as moir particularlie the Erll of Mar,

[79] [Sec. Conway] to John Coke. Edward Conway, Viscount Conway and Killultagh, *Calendar of State Papers, Domestic Series, of the reign of James I, 1623-1625, preserved in the State Paper Department of her Majesty's Public Record Office*, ed. Mary Anne Everett Green, Vol. 4: *1623-1625* (London: Longman, Brown, Green, Longmans and Roberts), 279.

> who wes present and hard thair complaynt, and to whome we haif remittit the discourse and delyverie of that mater, will inform your Majestic, and latt Your Heynes see the errour of the first patrone and the indiflerencie of the two new drauchtis. And sua, most humelie beseiking your Majestic, as your Heynes has evir had a speciall regaird of the honnour, fredome and libertie of this your Heynes antient and native kingdome that it wuld pleis your sacres Majestic in this particulair to gif unto your Heynes subjectis some satisfactioun and con- tentment, we pray God to blisse your sacred Majestic with a lang and prosperous reignne and eternall felicitie.[80]

The Scottish Council details the disservice the Union Flag does to St. Andrew's Cross. They describe how the current design, 'is very prejudicial to the freedom and dignity' of the Scots. This letter indicates that the Union Flag was not representative of both England and Scotland not because it excludes either party, but because it introduces Scotland as a subservient one. Even though England was larger and more powerful than Scotland at the time, Scotland felt underrepresented. King James I had moved to London and now Scottish sailors were being asked to fly a flag that held them in lesser regard than English Sailors. It seems that a national flag would have had to either represent the two parts equally, or come at a time where unequal representation was more accepted.

Chapter 4: Charles 1

Charles I was King from 1625 until he was beheaded in 1649. His beheading was a shocking blow to the divine right of kings that he and his father had long been so well affiliated with. When Charles I died the Union Flag went with him, and while it was resurrected later, its disappearance and the subsequent carousal of 'national' flags that

[80] Council of Scotland to the King, *Calendar of State Papers, Domestic Series, of the reign of James I, 1603-1610, preserved in the State Paper Department of her Majesty's Public Record Office,* Ed. Mary Anne Everett Green. Vol. 1: *1603-1610* (London: Longman, Brown, Green, Longmans and Roberts), 328.

followed show that at this time that flags were still attached to their rulers as much as their nation.

Part 1: Legislation and the Union Flag Under Charles I

Much of the legislation concerning flags under Charles I involved restricting the use of the Union Flag to the Navy Royal. This wave of legislation that would last into the 1660s was prompted by a complaint from Sir John Pennington, Admiral of the Narrow Seas, in 1634:

> For alteringe of the Coulers whereby his Ma^{ts} owne Shippes may be knowne from his Subiects I leave to yo^{r} Lo^{pps} more deepe consideration. But under correction I conceive it to bee very materyall and much for his Ma^{ts} Hono^{r}, and besides will free disputes with Strangers, for when they omitt doinge their Respectes to his Mats Shippes till they bee shott at they alleadge they did not know it to be the kinges Shippe.[81]

King Charles I agreed and released a Proclamation in 1935:

> Wee taking into Our Royall consideration that it is meete for the Honour of Our owne Ships in Our Navie Royall and of such other Ships as are or shall be employed in Our immediate Service, that the same bee by their Flags distinguished from the ships of any other of Our Subjects, doe hereby straitly prohibite and forbid that none of Our Subjects, of any of Our Nations and Kingdomes, shall from hencefoorth presume to carry the Union Flagge in the Maine toppe, or other part of any of their Ships (that is) S. Georges Crosse and S. Andrews Crosse joyned together upon paine of Our high displeasure, but that the same Union Flagge bee still reserved as an ornament proper for Our owne Ships and Ships in Our immediate Service and Pay, and none other. And likewise Our further will and pleasure is, that all the other Ships of Our Subjects of England or South Britaine bearing flags shall from hencefoorth carry the Red-Crosse, commonly called S. George his Crosse, as of olde time hath beene used ; And also that all the other ships of Our Subjects of Scotland or North Britaine shall from hencefoorth carry the White Crosse commonly called S. Andrews Crosse, Whereby the severall Shipping may thereby bee distinguished and We thereby the better discerne the number and goodnesse of the same. Wherefore Wee will and straitly command all Our Subjects foorthwith to bee conformable and obedient to this Our Order, as they will answer the contrary at their perills.[82]

[81] Perrin, *British Flags,* 59.
[82] *Ibid.,* 59.

To present day Britain has had restrictions on who can fly the Union Flag and now the Union Jack and where and when they can fly it. It was viewed as valuabl symbolic capital in the 1600s when it was restricted to naval vessels. Perrin argues that this is why Pennington called from the restriction, because he wanted more power than the merchants and being able to fly the King's Union Flag when others could not was a realization of that.

Merchants wanted to fly it for other reasons however. In 1686 the Naval Board listed a few of these reasons:

> Ist. That in Holland they are freed by from taking Pilot.
> 2dly. As to France they are by the Jack excused from paying the Duty of 50 Sous by Tun paid by every Mercht Man coming into French Port.
> 3dly. All our Merchant Men lower their Topsails below Gravesend to any ship or vessel carrying the King's Jack, be but Victualling Hoy.[83]

These advantages were worthwhile enough to many merchants that the practice of flying the Union Flag did not cease after 1935. This is evidenced by an order from Lord High Admiral James Duke of York in 1661:

> And for preventing the abuse which hath been of late practised concerning Flags, Pendents and other Ornaments His Majesty doth hereby strictly prohibit forbid the use of His Majesties Colours in Merchant Ships, and doth Authorize and Command all Commanders and Officers of any His Majesties Ships of War not only to take from Merchants Ships all such Colours but likewise to seize the Commander of such Merchant-Ships, wherein after the first day of April next they shall be used, and to bring them to condign punishment.[84]

The practice did not stop however and further punishments were threatened. In 1666, Lord High Admiral Duke handed out a 'Warrant for taking into custody such Ma^{rs} of Merch^{t} Ships as shall presume to Wear the Kings Jack" and sent naval officers out

[83] Perrin, *British Flags*, 69.
[84] Ibid., 67.

looking for ships.[85] By 1974 numerous merchant vessels were flying imitation Jacks in order to receive the same benefits. Another order was issued to similar effect.[86] All of this was evidence of the growing power and sway the variety of English, Scottish and British Jacks had at sea. Many of these discussed however, were not the Union Flag. The Navy Royal's power was growing at sea; irrespective of who was in charge and what flag they flew. There was no national flag, but these flags like the Union Flag did not need to be national in order to function.

Part 2: Reception of the Union Flag Under James I

In 1634, Sir Edward Nicholas was doubtful "whether the Scots have used to carry that Flag of the Union."[87] In twenty-eight years the Union Flag had not caught on with the Scots. In 1634, the royal union with England was still uncomfortable for many Scots, as it was vice versa. This serves to underline the point that in 1606 a British nation with a national flag was unrealistic. Just under thirty years later it is still unrealistic, in fact, it might even be less realistic in 1634 than it was in 1606. Regardless, the Union Flag was not a national flag in 1606 and that did not change in the next twenty-eight years.

During the seventeenth century and on into the eighteenth, Scottish soldiers provided an ideal description of why the Union Flag was not representative enough to be considered a national flag. During the Early Modern Period, Scots fought against each other, fought against the English, fought for the English and fought for a variety of powers in the continent, most notably the Dutch, the French and the Swedes during the Thirty Years War. Historian Linda Colley attributes the Scottish appearance in a variety

[85] Perrin, *British Flags,* 68.
[86] Ibid., 68-69.
[87] Ibid., 56.

of armies to the frequency of large and poor Scottish families. Colley argues that the younger sons had no choice but to find a living in places like the army. The Scot's warring tradition played a role as well, James Hayes writes that in the British army, there were "a total of seventy eight Scottish colonels out of the 374 confirmed and appointed [between 1714 and 1763]".[88] Linda Colley also attests to this notion: "Even before the Union, the British army had been one of the few departments statewide open to Scottish ambition."[89] Having Scots join the British army was not just accepted but encouraged. The British Secretary of War, Lord Barrington, described Scots as obedient and brave when concluded to Parliament, "I am for having always in our army as many Scottish soldiers as possible."[90]

Scottish soldiers found success on the continent as well. In his book *Echoes of Success*, historian Ian Stewart Kelly discuses three Scottish groups of particular note, fighting on the continent: the Scots under Sweden's Gustavus Adolphus, the United Netherlands' Scots Brigade, and the Scots in the French *Guard Écossaise.*[91] Matthew Glozier also discusses how Scots were viewed as prolific warriors on the continent, and how they featured heavily in many officer cores, especially Sweden's. Glozier goes onto discuss how regiments in these foreign armies would often be made up entirely of Scots.[92]

[88] James Hayes, "Scottish Officers in the British Army, 1714-63," *The Scottish Historical Review* 37, no. 123 (1958): 26.
[89] Colley, *Britons*, 129.
[90] Ibid., 121.
[91] Ian Stewart Kelly, *Echoes of Success: Identity and the Highland Regiments*, (Boston: Brill 2015).
[92] Steve Murdoch, ed., *Scotland and the Thirty Years War, 1618-1648* (Boston: Brill, 2001).

The presence of Scots as mercenaries across the continent did not, however, mean that their loyalties were completely fickle. Indeed many proudly wore their Scottish identity, some even with flags.

> The banner of St Andrew was the flag Scotsmen took with them when they went, as so many of them did, to serve in Continental armies. The Douglas regiment in France carried with it the old blue banner. The Green Brigade, which was originally formed under Hepburn for service with Gustavus Adolphus, and which later joined with its Scottish comrades in France to form the Regiment d'Hebron, is the body known as the Royal Regiment of Foot, the first Royal Scots. Its uniform was originally green, hence the name, and its standards also of that colour, but had the saltire in the canton. The Scots Brigade which served with the Dutch as early as the sixteenth century, and which served in the Peninsular War as a Scots Regiment, the 94th of the line, also carried in its earlier days a green flag with the saltire.[93]

During the Civil Wars of the seventeenth century the Scots carried a variety of colors as well, however, always with a saltire.[94] The British nation promoted by the Union of the Crowns and the Union Flag was in part undone by Scotland's own growth towards nationhood, as evidenced by Scottish militants.

Conclusion

Around 1750 a book was titled, *The Ensigns, Colours or Flags of the Ships at Sea: Belonging to the Several Princes and States in the World*.[95] The book is filled with drawing of flags, including the 'Scotch Union Flag'. In 1750, 143 years after Hugh Lee complained about sailors in Lisbon arguing over the Union Flag and the Scottish Union Flag, the issue was not yet resolved.

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[93] Znamierowski, *The World Encyclopedia of Flags*, 44-45.
[94] Ede-Borrett, *Flags of The English Civil Wars*, 5.
[95] See Appendix H for the Scottish Union Jack. *The Ensigns, Colours or Flags of the Ships at Sea: Belonging to the Several Princes and States in the World, S.n., [1750?], Eighteenth Century Collections Online, tinyurl.galegroup.com/tinyurl/pCWK8 (Accessed 2 Apr. 2017), 17.*

After Charles I's death several flags were experimented with. After his death, the 'Navy Committee' asked the Council of State what flags should be flown. The Committee asked in February 22, 1649, shortly after his beheading on January 30. There was an assumption with the old Stuart ruler gone that the flag would change. This assumption points to the Union Flag as being a piece of heraldry, rather than a national flag, as much as anything.

The Council of State responded:

> That the Ships at Sea in service of the State shall onely beare the red Crosse in a white flag, thus bringing the navy back to the old English flag and once more into line with the merchant shipping. The royal arms were ordered to be removed from the sterns and replaced by "the Armes of England and Ireland in two Scutcheons."[96]

This was the first of many vexillogical changes that would occur over the coming decades, each further encouraging the notion that flags were still very much relative to leadership in Britain. The next step was when in 1654 an Ordinance of the Commonwealth Parliament brought Scotland and a year later St. Andrew's Cross back into the fold. However, this addition was limited to a seal and did not appear in naval flags until 1658.[97]

The alterations continued by the flag only had two major changes left to make. The Act of Union in 1707 went a step beyond the 1603 Union of the Crowns in that it conjoined the Parliaments of England and Scotland. Queen Anne, a Stuart took the throne, and the first question addressed by the Act of Union in its first article was the flag:

[96] See Appendix D (Image 5) for an image of the Commonwealth Standard. Perrin, *British Flags*, 64.
[97] See Appendix D (Image 6) for an image of Cromwell's Standard.
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> That the two kingdoms of Scotland and England shall, upon the Ist 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 ensigns 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 manner as Her Majesty shall think fit, and used in all flags, banners, standards and ensigns, both at sea and land.[98]

Queen Anne decided to return the Union Flag, in a state that it would remain until the 1801 addition of Ireland:

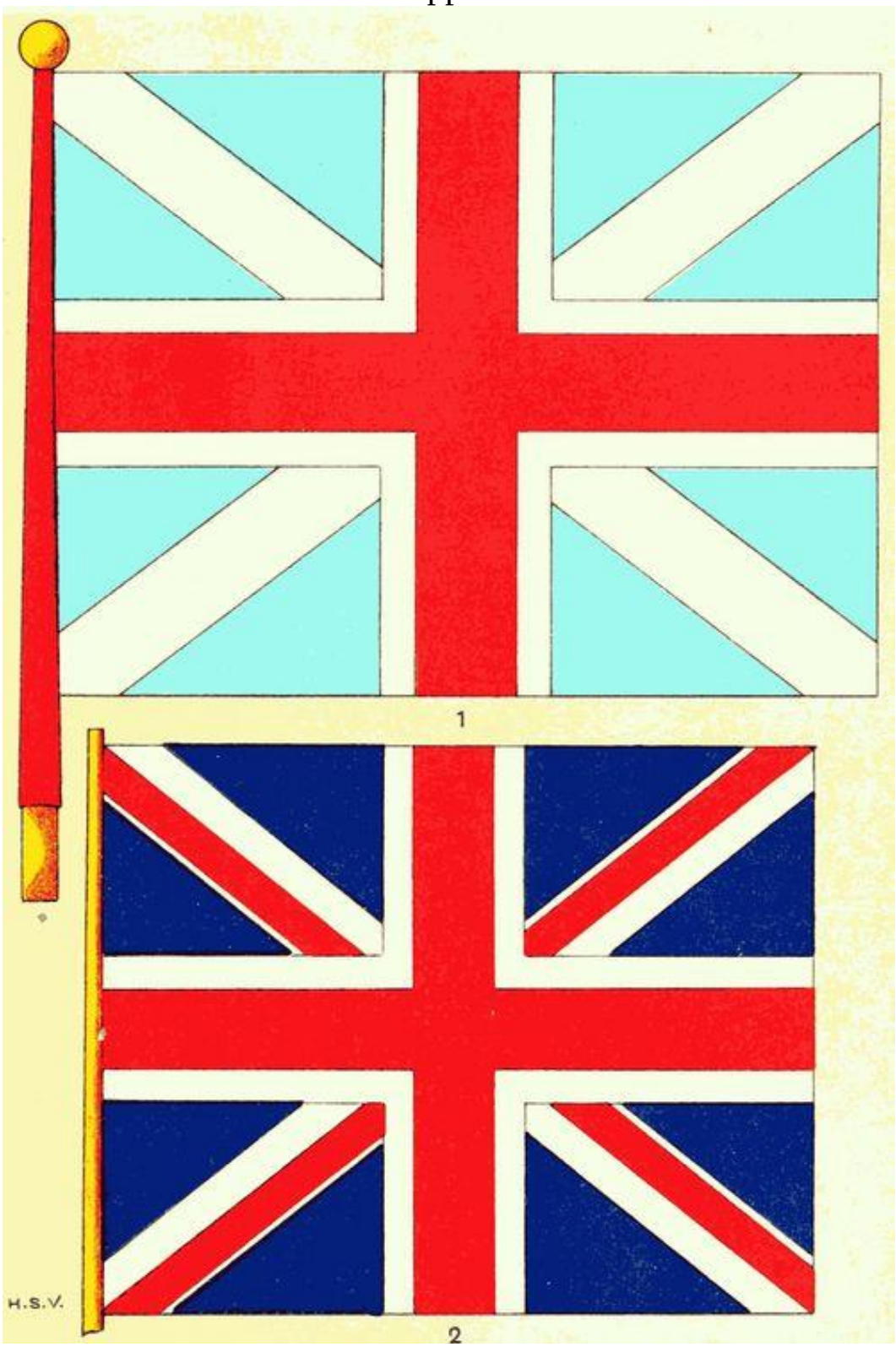
> The Union Flag shall be azure, the Crosses Saltires of St Andrew and St Patrick Quarterly per Saltire, counterchanged Argent and Gules; the latter fimbriated of the Second surmounted by the Cross of St George of the Third, fimbriated as the Saltire.[99]

The Proclamation of 1801 created the Union Jack that still flies today.

The Union Jack has its origins in the Union Flag of 1606 and the English and Scottish flags in existence before it, but the flag created in 1606 was far more different than it visually appears. In 1606, James I created for himself a new type of royal emblem. A type that was better suited for the times and had more practical advantages than previous badges. The Union Flag could not be consider a national flag as it was not representative of the 'nation' it was proposed to represent, and it was also tied too closely to the Stuart house to sustain itself as an emblem without their support.

[98] Acts of Union 1707, in Larkin and Hughes, *Royal Stuart Proclamations*, vol. 1, (Oxford: Oxford University Press, 1973), http://www.heraldica.org/topics/britain/britstyles.htm#1604.
[99] Perrin, *British Flags*, 72.

Appendix A



1. The Union (British) Flag
2. The Union Jack

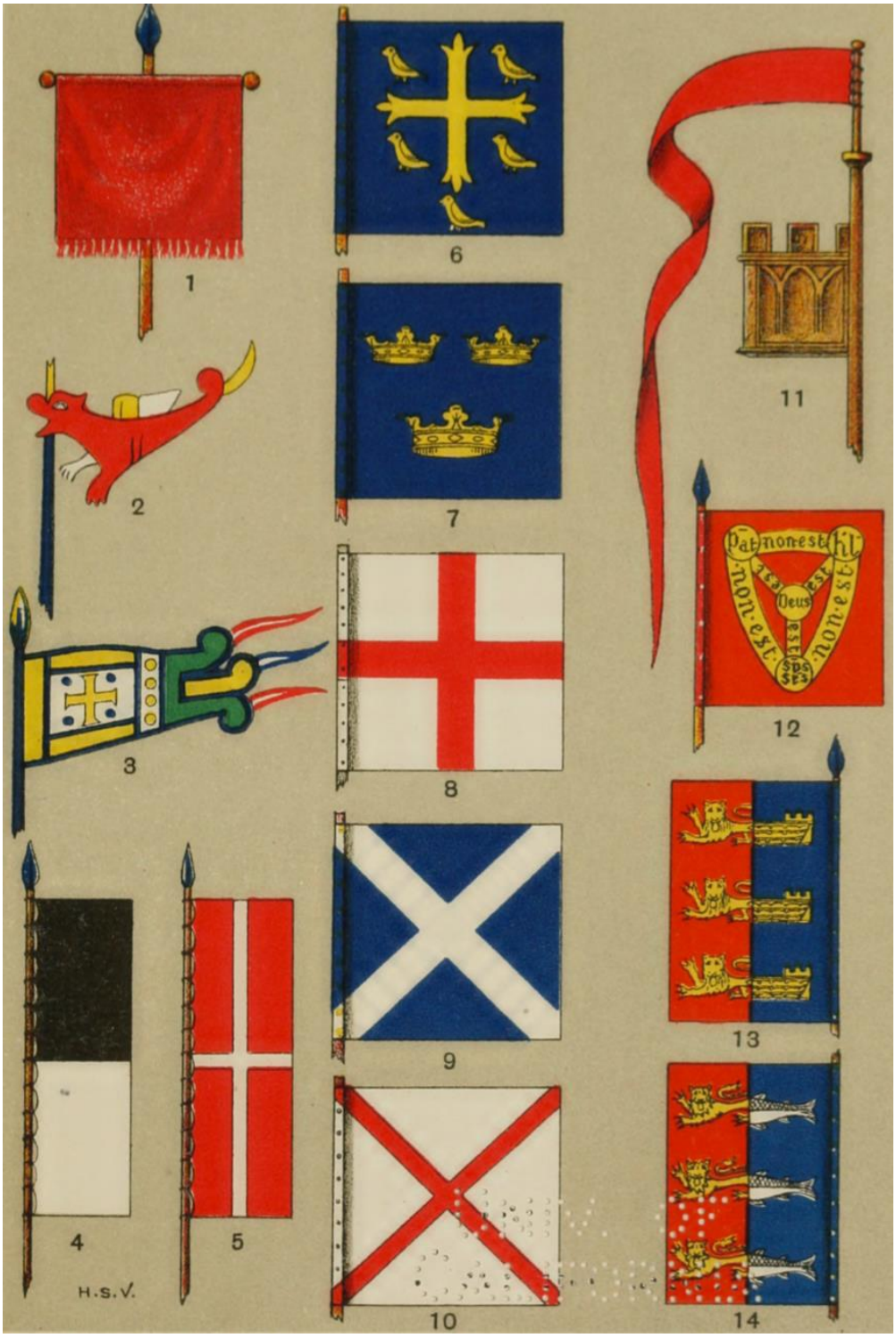
Perrin, *British Flags*.

Appendix B

Cromwell's Standard as Lord Protector 1658. Includes the Celtic Harp.

Vincent Morley

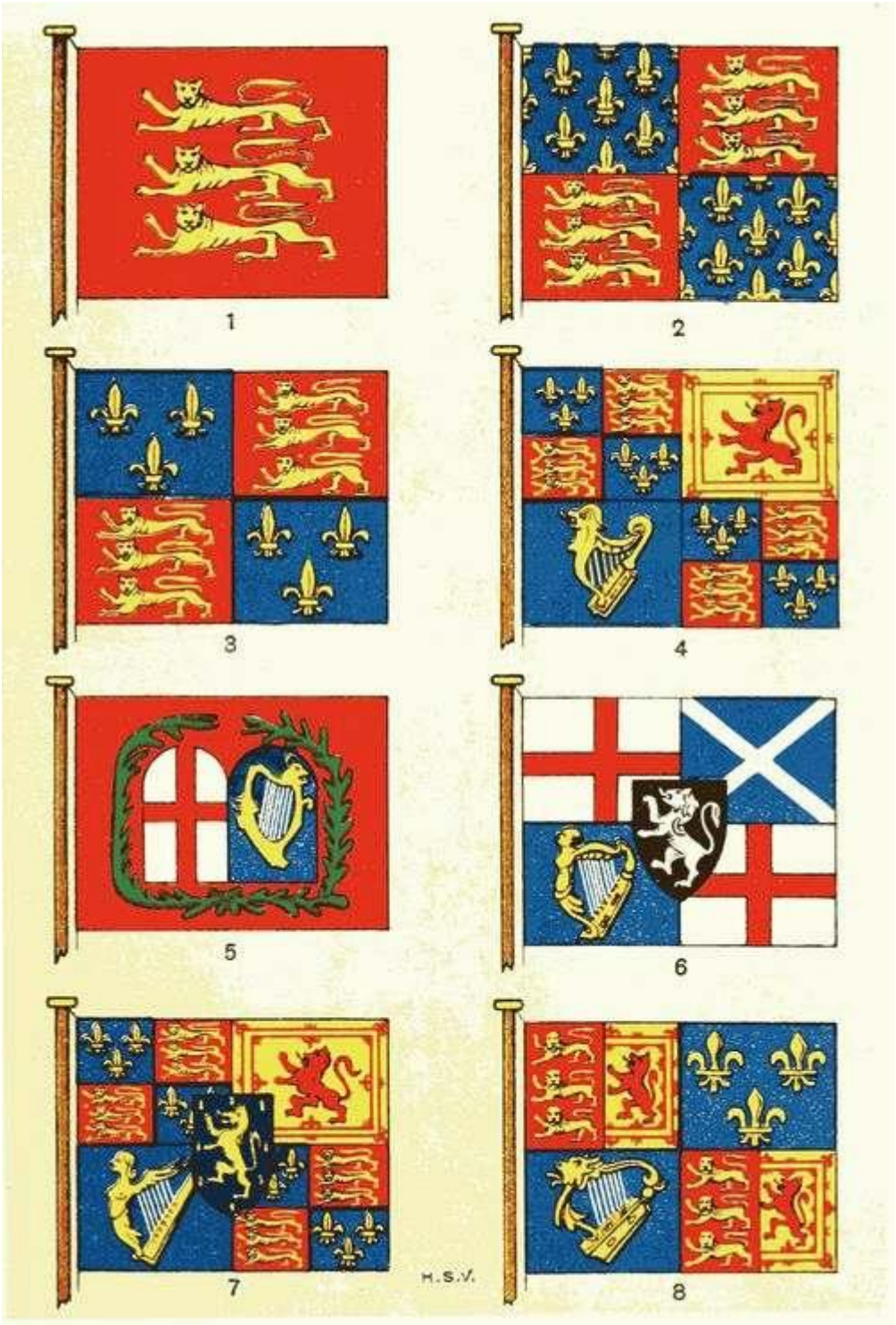
Appendix C



6. Cross of St. Edward
7. Cross of St. Edmund
8. Cross of St. George
9. Cross of St. Andrew
10. Irish Saltire

Perrin, *British Flags.*

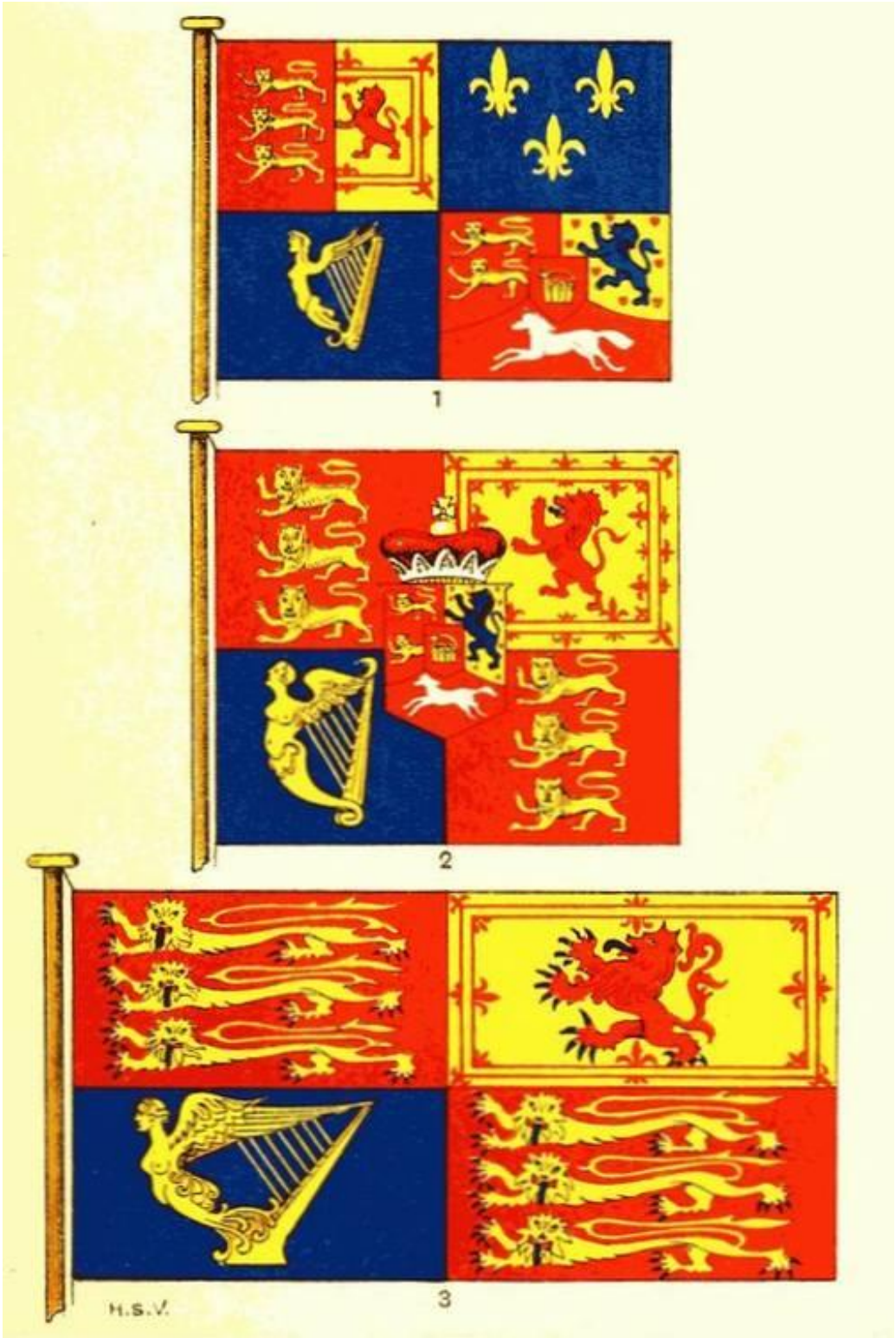
Appendix D



1. Royal Standard, 1198
2. Royal Standard, 1340
3. Royal Standard, 1411
4. Stuart Royal Standard
5. Commonwealth Standard
6. Cromwell's Standard
7. Royal Standard, 1689
8. Royal Standard, 1707

Perrin, *British Flags.*

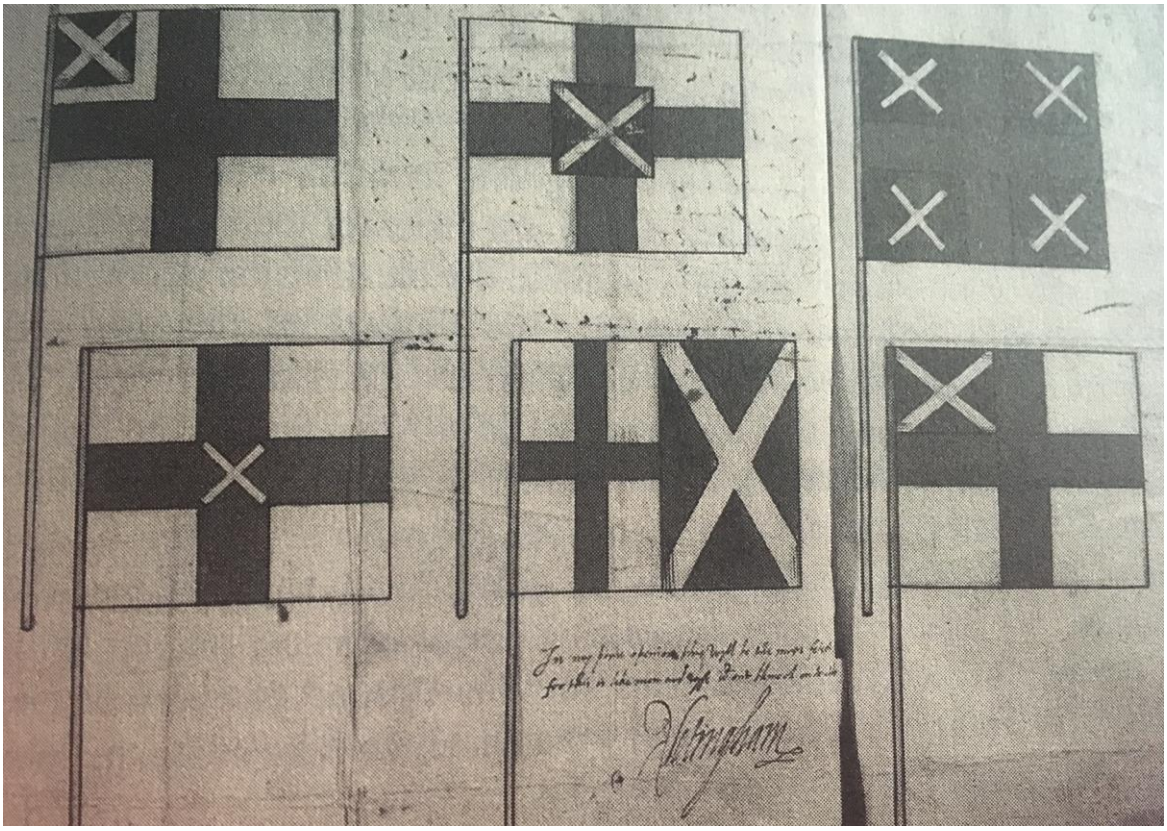
Appendix F



1. Royal Standard, 1714
2. Royal Standard, 1801
3. Royal Standard, 1837

Perrin, *British Flags.*

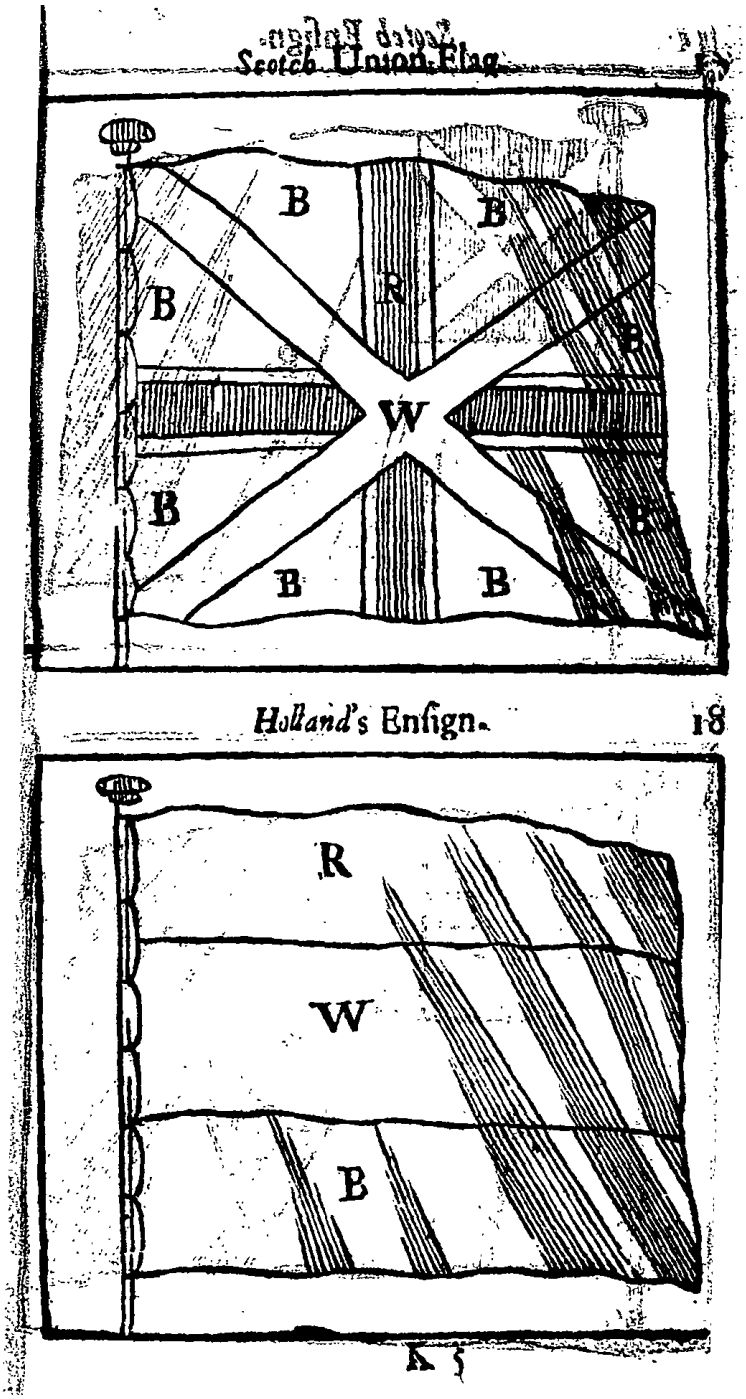
Appendix G



Designs for the union flag, 1604.

Claire McEachern, *The Poetics of English Nationhood, 1590-1612* (Cambridge: Cambridge University Press, 1996), 141.

Appendix H



17. The Scottish Union Flag

The Ensigns, Colours or Flags of the Ships at Sea, 17.

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