

## SCOTLAND, NATIONALISM, AND UNION: A GROWING COMMON GROUND?

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### TALKING PAST EACH OTHER: SCOTLAND'S CONSTITUTIONAL DEBATES

It was a little like waiting for an Edinburgh bus. Nothing much happens for ages, then two came along at once. So it was with devolution review processes in Scotland.

In August 2007 the newly elected Scottish National Party (SNP) Government published its White Paper on Scotland's constitutional options – *Choosing Scotland's Future* – and launched the 'National Conversation', a consultation process around the themes in the White Paper. A little over three months later the Scottish Parliament (by a vote of its unionist majority) resolved in December 2007 to establish 'an independently chaired commission to review devolution in Scotland'. The UK government signalled its support for this commission in January 2008 (as did the Westminster leaderships of the Conservatives and the Liberal Democrats). What became the Commission on Scottish Devolution began its work in April 2008, chaired by Sir Kenneth Calman.

The Calman Commission reported in June 2009, and most of its recommendations were taken forward in the White Paper *Scotland's Future in the United Kingdom* published by the UK Government in November 2009. The National Conversation unfolded through a mix of on-line discussion forums and consultation meetings held around Scotland. This 'conversation' fed into a Scottish Government White Paper, *Your Scotland, Your Voice: A National Conversation*, published a week after the UK Government's White Paper in December 2009.

These two devolution review processes had very different remits. The National Conversation set out three options:

- Continuing with the current constitutional settlement with no or minimal change
- Extending devolved power in Scotland in areas identified during the National Conversation
- Taking the steps to allow Scotland to become a fully independent country (Scottish Executive 2007: vii-viii)

The Calman Commission had a more constrained remit focused on:

- Enabling the Scottish Parliament to serve the people of Scotland better
- Improving the financial accountability of the Scottish Parliament
- Continuing to secure the position of Scotland within the United Kingdom (Commission on Scottish Devolution 2009: 3)

The latter point explicitly excluded independence as an option, reflecting the Calman Commission's genesis in discussions among the unionist parties in late 2007. Equally the National Conversation, reflecting the SNP's ambition of an independent Scotland, had no remit to 'secure the position of Scotland within the UK'. The two White Papers which drew on Calman and the National Conversation took forward these seemingly irreconcilable perspectives, by and large talking past, rather than with, one another. *Choosing Scotland's Future* reiterated that the SNP Government's 'favoured policy is independence' (Scottish Government 2009, p. 17). For the UK Government Scotland's future was to be 'at the heart of the United Kingdom' (Scotland Office 2009, p. 20).

## **SCOTLAND, THE UK, AND ENGLAND**

Taken together these parallel processes have pointed up two themes in how Scotland's relationship with the UK has been conceived and addressed. The first is the divide between unionism and nationalism. Scotland's constitutional future appears deeply contested by those who see Scotland as a distinctive part of a bigger union in the UK, and those who would see it as an independent state. Scotland's will is not, as the cliché would have it, a settled one.

The second is that Scotland's constitutional debate in all its variants is deeply insular. In both Calman and the National Conversation Scotland's relationships with the rest of the UK were understood at best as relationships with the UK government: either, in the nationalist variant, as a framework first for negotiating Scotland's independence, and then for running close, neighbourly relations with the rest-UK government afterwards; or, in the unionist variant, as a framework for strengthening Scottish autonomy while affirming Scotland's place in the wider UK union. There is little consideration anywhere of Scotland's relationships with the other component parts of the UK, most particularly the one described by unionist and nationalist alike as 'down south' and 'across the border': England.

The seemingly deep divide between the rival perspectives on Scotland's constitutional future, and the compartmentalisation of the Scottish debate from the rest of the UK, and in particular England, appear in principle to be problematic. Without some kind of rapprochement between unionism and nationalism it is difficult to see much prospect of finding an enduring constitutional framework for Scotland, especially if ideas for Scotland continue to be developed in isolation from England. England's size, economic weight and proximity mean that what happens there is likely to shape and constrain the government of Scotland, whatever constitutional status Scotland has. Ignoring England does not appear well-advised.

Appearances can deceive. In fact in both respects – the relationship of unionism and nationalism, and of Scotland to England – there are signs of a convergence. Behind the veil of rhetoric of unionist-nationalist irreconcilability there is in fact a broad area of shared ground where unionism and nationalism in Scotland converge, suggesting that we might better talk less about stark constitutional alternatives and more about a continuum of possibilities where the dividing line between union and independence is blurred. And public opinion research shows that the Scots and the English have remarkably convergent views on how Scotland should be governed.

## UNIONIST-NATIONALISM AND NATIONALIST-UNIONISM

In a sense unionists in Scotland are now markedly nationalist. That is, while endorsing continued union, they see a growing rationale for a more self-contained Scottish political system more fully demarcated from the UK-level political system centred on Westminster. They conceive of politics in Scotland increasingly in distinctive national terms.

To an extent this nationalist turn was disguised in the Calman Commission and the UK White Paper that followed. The Calman process involved both multi-party coordination between Labour, the Conservatives and the Liberal Democrats, and multi-level coordination between the Scottish and Westminster variants of those parties. There was perhaps more consensus across parties at each level than there was within parties across levels. Key voices in all three parties in Scotland were in favour of significantly strengthened devolution. Powerful voices among the Conservatives and Labour at Westminster were sceptical about the need for further devolution, with some in both parties harbouring a residual opposition to the idea of having devolution at all. Only the Liberal Democrats had similar pro-devolution instincts at both levels.

What emerged from Calman was therefore a relatively low common denominator which lagged behind the centre of gravity within and across the three unionist parties *in Scotland*. In particular this left the Calman recommendations on further devolution of legislative powers as fragmented, lacking any overall rationale (including bits and pieces on election administration, airguns, licensing laws, drink-driving, speed limits and a few other minor areas, not all of which were taken forward in the UK Government White Paper). More ambitious ideas floated in some quarters in Scotland – for example devolution of aspects of social security, so as to connect with current powers in health, education, housing and social services in a joined-up anti-poverty strategy – had little chance of making it through Calman.

But where Calman was able to introduce a radical departure was in the recommendations on the financing of Scottish devolution. Calman's recommendations (mostly accepted in the White Paper) were for the Scottish

Parliament to have full control of a number of immobile tax bases, such as stamp duty, to have additional borrowing powers, including for infrastructure investment, and for a reduced block grant from Westminster balanced by a much wider scope for diverging from the UK level of personal income tax in Scotland (Commission on Scottish Devolution 2009, pp. 111-3).

While there has been a lively debate about the desirability and practicability of this package – especially the powers on income tax – the full effect, combined with existing powers in local council tax and business rates, would be to give the Scottish Parliament significantly more fiscal autonomy than most other regional or devolved governments in Europe. And again, if anything, the centre of gravity of debate among unionists *in Scotland* is one favouring even more fiscal autonomy than Calman in the end recommended, either as a way of increasing the accountability of the Parliament's spending decisions, or as a lever for achieving economic or environmental goals.

Together with the openness to more legislative powers this commitment to even greater fiscal autonomy suggests a unionism focused *in Scotland* on establishing an increasingly distinctive, national political system for Scotland within the UK union.

How far from the SNP this is is a moot point; over the last couple of years it has firmed up a position which might be called a unionist nationalism. For some time now the SNP's mantra has been 'independence of course, but if not that, then maximum devolution within the UK'. 'Devolution-max' has entered the contemporary political lexicon of SNP nationalism. Much more space was given in the 2007 White Paper which launched the National Conversation to further-reaching devolution than to independence. When the SNP Government responded to Calman's consultation on fiscal autonomy, the order of preference was first, independence and second, maximum fiscal autonomy within the UK, the latter cross-referenced to the situation of very extensive fiscal autonomy available to the Basque Country in Spain.

And *Choosing Scotland's Future* in 2009 gives attention throughout to the possibility of 'full devolution', 'a package of specific extensions to devolved responsibilities, including fiscal autonomy, but short of independence' (Scottish Government 2009, p. 5), alongside the status quo and independence, deeming this an acceptable alternative (or a step on the road) to independence.

But even on full independence the SNP has given increasing attention to a 'British dimension': a union of crowns; retaining the pound sterling (and with it acceptance of UK monetary policy), at least until a referendum on the introduction of the Euro; cooperation with the UK on defence, including retention of bases in Scotland; shared services with the UK, ranging from vehicle licensing to diplomatic representation abroad; and a number of institutions of 'partnership between the Scottish Government and the UK Government' (Scottish Government 2009, p. 112).

All this suggests a nationalism in Scotland focused on establishing as distinctive a national political system for Scotland as possible, but in all variants – devolution-max, or what some have called 'independence-lite' – within some kind of continuing union with the rest of the UK.

Where exactly the point of demarcation lies between the SNP's nationalism-within-union and the new nationalism of the unionist parties in Scotland is unclear. There is a substantial area of overlap. The traditional dichotomy of 'union' and 'independence' appears less and less useful; constitutional politics in Scotland in fact has a large middle ground disguised by what appears increasingly to be a redundant partisan tribalism.

## **WHAT THE SCOTS (AND THE ENGLISH) WANT**

That middle ground – a distinctive Scottish national political system, but with continuing union – is also where the Scottish people are to be found. The most reliable measure of Scottish opinion is the Scottish Social Attitudes Survey, which has now built up an impressive dataset. This shows:

- That devolution is the most popular constitutional option of the Scots, and usually a majority option, while independence is consistently favoured by a significant minority and the abolition of devolution by a small minority (Table 1)
- That 60%-plus of Scots think the Scottish Parliament should have more powers and that 50%-plus think it should have power to raise its own resources to cover its spending (Table 2)

**Table 1. Scotland's Constitutional Options**

Scotland should	1999	2000	2001	2002	2003	2004	2005	2006	2007
Be independent	28	30	27	30	26	32	35	30	24
Remain part of the UK with its own elected Parliament	58	55	60	52	55	45	44	54	62
Remain part of the UK without an elected Parliament	10	12	9	12	13	17	14	9	10

Source: Curtice 2009, p. 122..

**Table 2. More Powers for the Scottish Parliament?**

	Agree			Neither			Disagree		
	2001	2003	2007	2001	2003	2007	2001	2003	2007
'The Scottish Parliament should be given more powers'	68	59	66	14	18	17	17	23	16
'Now that Scotland has its own Parliament, it should pay for its services out of taxes collected in Scotland'	52	51	57	18	16	16	27	29	22

Source: Curtice 2009, pp. 129, 134.

These data show that further-reaching devolution is – and is consistently – the default option in Scottish public opinion. Remarkably, so it is in *English* public opinion. Table 3 reports English views on Scottish constitutional options. Though generally favouring Scottish independence a little less than the Scots, otherwise the pattern of English views is fairly similar to that in Scotland. So it is

on fiscal autonomy (Table 4), except that the English agree in more substantial majorities that the Scottish Parliament should raise the money it spends.

**Table 3. Scotland’s Constitutional Options – As Seen from England**

Scotland should	1999	2000	2001	2003	2007
<b>Be independent</b>	20	20	19	17	19
<b>Remain part of the UK with its own elected Parliament</b>	54	52	60	60	48
<b>Remain part of the UK without an elected Parliament</b>	13	17	11	13	18

Source: Curtice 2009, p. 123.

**Table 4. The English on Scottish Fiscal Autonomy**

	2001			2003			2007		
	Agree	Neither	Disagree	Agree	Neither	Disagree	Agree	Neither	Disagree
<b>‘Now that Scotland has its own Parliament, it should pay for its services out of taxes collected in Scotland’</b>	73	12	12	74	12	10	75	14	6

Source: Curtice 2009, p. 134.

These data suggest that the English agree that the Scots should have a more distinctive political system, demarcated more fully from decision-making that affects England – though still within the union. The English are as or more in favour as the Scots of the compartmentalisation of Scotland from the rest of UK politics, as confirmed in attitudes towards the ‘West Lothian Question’ (Table 5).



**Table 5. Views on the West Lothian Question**

	England			Scotland		
	2001	2003	2007	2001	2003	2007
<b>Scottish MPs not to vote on English laws</b>						
Agree	57	60	60	51	48	50
Neither agree nor disagree	18	18	16	21	29	26
Disagree	14	11	11	24	23	22

Source: Curtice 2009, p. 133.

## PROSPECTS

Where this double outbreak of consensus – between unionism and nationalism in Scotland, and among the Scots and the English – leaves us is unclear. Partisan tradition in Scotland has so far prevented cooperation between unionists and the SNP in Scotland, however reconcilable views in practice are. And both Labour and the Conservatives at Westminster are much more reticent than their Scottish counterparts about more devolution.

Some views, intriguingly, suggest the catalyst for change in the end might come from England. There are some indications in the public opinion data reported above and elsewhere that the English are beginning to define themselves more self-consciously as a political community with its own distinctive territorial interests. Some figures in the Conservative Party have sought to nurture that self-consciousness, and to an extent official Conservative policy – notably on the West Lothian Question – is pushing in the same direction.

The Conservative-led Government elected in 2010 might in other words be the platform for a fuller demarcation of English from Scottish politics. Given the long-term electoral weakness of the Conservatives in Scotland there is an obvious logic: more devolution and fiscal autonomy for Scotland, in return for a reduced Scottish presence (dominated anyway by Labour) in Westminster. Not, perhaps the route to devolution-max (or ‘independence-lite’) the SNP expected, but one surely it would jump at?

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