AN OUTBREAK OF CONSENSUS: SCOTTISH POLITICS AFTER DEVOLUTION

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Scotland's major political parties are typically described as either nationalist or unionist. But has devolution changed their position on the 'national question'? Is the political will for devolution north of the border being reflected in the corridors of Westminster? Charlie Jeffery investigates.

It was a little like waiting for an Edinburgh bus. Nothing much happens for ages, then two come along at once. So it was with devolution review processes in Scotland: after years of inactivity, suddenly two review processes began almost simultaneously.

In August 2007 the newly elected Scottish National Party government published a 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 (Scottish Executive, 2007). A little over three months later the Scottish Parliament (by a vote of its unionist majority) resolved to establish 'an independently chaired commission to review devolution in Scotland'. The Westminster government signalled its support for this commission in January 2008 and 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 featured in the White Paper Scotland's Future in the United Kingdom, published in November 2009 (Commission on Scottish Devolution, 2009; Scotland Office, 2009). Meanwhile, the National Conversation unfolded through a mix of online 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 Calman Commission's White Paper in December 2009 (Scottish Government, 2009).

These two devolution review processes came up with very different conclusions. 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; or
- taking the steps to allow Scotland to become a fully independent country.

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The Calman Commission had a more constrained remit, looking at:

- enabling the Scottish Parliament to serve the people of Scotland better;
- improving the financial accountability of the Scottish Parliament; and
- continuing to secure the position of Scotland within the United Kingdom.

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 Scottish National Party's ambitions for an independent Scotland, had no remit to 'secure the position of Scotland within the UK'.

Scotland, the UK and England

Taken together these parallel processes pointed up two themes in Scotland's relationship with the UK. 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 remains of the 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, particularly 'the auld enemy', 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, is, in principle, 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 appears ill-advised.

Appearances can deceive, however. Indeed there are signs of a convergence, in both the relationship of unionism with nationalism and of Scotland with England. Behind the rhetoric of unionist-nationalist irreconcilability there is in fact a broad area of shared ground among unionism and nationalism in Scotland, suggesting that it might be better to talk less about stark constitutional alternatives and more about a continuum of possibilities where the dividing line between union and independence is blurred.

Unionist Nationalism and Nationalist Unionism

In a sense unionists in Scotland are now markedly nationalist. While endorsing the continuation of the union, they see a growing rationale for a self-contained Scottish political system distinct from Westminster. Increasingly unionists conceive of politics in Scotland in national terms.

To an extent this nationalist turn was disguised in both the Calman Commission and the UK White Paper. The Calman process involved both multiparty co-ordination between Labour, the Conservatives and the Liberal Democrats, and multi-level co-ordination between the Scottish and Westminster variants of those parties. There was perhaps more cross-party consensus at each level than there was within individual political parties in both Holyrood and Westminster. 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 devolution altogether. Only the Liberal Democrats had similar pro-devolution instincts in Edinburgh and London.

What emerged from Calman was therefore a relatively safe consensus that 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 fragmented and piecemeal, 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 subsequent UK government White Paper. More ambitious ideas that were 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.

Calman was, however, able to introduce a radical departure in its 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.

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 give the Scottish Parliament significantly more fiscal autonomy than most other regional or devolved governments in Europe. And again, if anything, the consensus emerging among unionists in Scotland favours even more fiscal autonomy than Calman eventually 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. If anything unionism in Scotland is focused on establishing an increasingly distinctive, national political system for Scotland within the UK union.

How far the SNP is from this position is a moot point: over the last couple of years it has firmed up a position that might be called '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', and 'devolution-max' has entered the SNP's political lexicon. Much more space was given in the White Paper that launched the National Conversation to further-reaching devolution than was given 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 extensive fiscal autonomy available to the Basques in Spain.

In 2009, Choosing Scotland's Future focused attention throughout on the possibility of 'full devolution', 'a package of specific extensions to devolved responsibilities, including fiscal autonomy, but short of independence', 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 recognition 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; co-operation 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'.

All this suggests a kind of Scottish nationalism focused on establishing as distinctive a national political system for Scotland as possible, but in all variants – devolution-max, or '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' is less and less useful. Constitutional politics in Scotland has a large middle ground disguised by an increasingly redundant partisan tribalism.

What the Scots (and the English) Want

This 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 yearly Scottish Social Attitudes Survey, which has now built up an impressive data set. This shows:

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

TABLE 1: Scotland's constitutional options

	1999	2000	2001	2002	2003	2004	2005	2006	2007
Scotland should …									
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 and Seyd, 2009, p. 122.

TABLE 2 More powers for the Scottish parliament?

	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 and Seyd, 2009, p. 122.

Further-reaching devolution is consistently the default option in Scottish public opinion. Remarkably, so is it the popular view in England (see Table 3). Although generally favouring Scottish independence a little less than the Scots, English views follow a similar pattern. The same is true of fiscal autonomy (Table 4), except that in England a larger majority agree that the Scottish Parliament should raise the money it spends.

TABLE 3 Scotland's constitutional options – as seen from England

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

Source: Curtice and Seyd, 2009, p. 122.

TABLE 4 The English on Scottish fiscal autonomy

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

Source: Curtice and Seyd, 2009, p. 122.

So, the English agree that the Scots should have a political system distinct from England – though still within the union. Indeed the English are as, or more, in favour of the compartmentalisation of Scotland from the rest of UK politics, as attitudes towards Scottish MPs voting in Westminster on matters affecting English seats but not voting on such matters affecting their own constituency because they have been devolved to the Scottish Parliament, the so-called West Lothian question, illustrate (see Table 5).

TABLE 5 Views on the West Lothian question

		England			Scotland	
	2001	2003	2007	2001	2003	2007
Scottish MPs not to vote on English laws						

Agree	55	60	60	51	48	50
Neither agree nor disagree	18	18	16	21	29	26
Disagree	14	11	11	24	23	22

Source: Curtice and Seyd, 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 co-operation between unionists and the SNP in Scotland, however reconcilable their views are in practice. And both Labour and the Conservatives at Westminster are much more reticent than their Scottish counterparts about further devolution, with Gordon Brown's Labour government in no hurry to implement the Calman recommendations (shelved until after the 2010 election), and David Cameron's Conservative alternative seemingly sceptical about the report's fiscal implications.

Intriguingly, 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 better define themselves as a political community with their own distinctive territorial interests. Some figures in the Conservative party have sought to nurture this, and to an extent official Conservative policy – notably on the West Lothian Question – is pushing in the same direction.

The expected change to a Conservative government 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 almost certainly one it would jump at.

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