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A Crisis of the Union

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Introduction

The election of a majority Scottish National Party (SNP) government in Scotland in 2011 all but guaranteed that Scotland would vote on an independence referendum in 2014. The prospect of Scottish independence has triggered widespread concern about the potential emergence of a crisis of the Union following the departure of its second largest member. Scottish independence would force the other devolved territories, and perhaps English regions, to reconsider the role and value of the Union and what it stands for. Further, even an extension of Scottish devolution (a potential longer term consequence of a 'no to independence' vote in 2014) would raise new questions about the powers of Wales and Northern Ireland and the future of England within a new Union (Hazell 2006)

This chapter outlines three key qualifications to such arguments. First, Scottish independence is still unlikely: the rise in support for the SNP has not been accompanied by a rise in support for independence. In fact, support for independence *fell* in 2007 even though the SNP gained enough electoral support to form a minority government. By 2011, support for independence had risen, but only back to one-third of the population. The SNP's popularity can be better explained in terms of valence politics factors such as its image of governing competence. Consequently, there may be a crisis of the Union, but more in terms of an impending point of decision in 2014 than a realistic possibility of a sudden, fundamental constitutional change.

Second, to a large extent, the 'crisis of the Union' is 15–20 years out of sync with important aspects of the current debate on crisis in the UK. For example, the 'conservative conception of crisis' outlined in the Introduction to this volume, regarding the general notion that politics has failed, was a key part of Scotland's (and Wales') 'new politics' narrative in the run up to the devolution referendums in 1997. This now almost forgotten narrative was already about a 'crisis' of representative government. Indeed, perhaps ironically, the modern Scottish experience may provide a corrective to the idea that traditional representative democracy in the UK is under threat. The Scottish experience shows us that 'new politics' is often little more than rhetoric and the Scottish Parliament has operated along Westminster lines despite being designed as a 'consensus democracy' with participative and deliberative elements (Cairney 2011: 39). In other words, in the light of the argument presented in the Introduction about the need for 'more participatory or deliberative models practised elsewhere', the case of Scotland may reveal there is rhetorical gap between elites paying lip service to the notion of greater engagement and the actual political reality. In so doing,

Scotland many not offer a sharp corrective to the British political tradition (BPT) argued elsewhere by some.

Third, the same sorts of crises associated with UK politics and representative government can be found in Scottish politics, suggesting that major political reform or constitutional change does not represent a solution to such problems. For example, the Scottish Parliament had its own expenses scandal and 'lobbygate' experience several years before Westminster and it also has representatives with similar levels of 'politics facilitating' backgrounds (Keating and Cairney 2006).

Overall, these qualifications suggest that a focus on the independence referendum in 2014, as a symbol of the crisis of the Union, does not give us the full picture. The more likely outcome of Scottish nationalism, articulated and addressed over centuries, is a further extension of political devolution. The cumulative effect of these (generally less visible) crises, addressed by the UK state, is a fundamental shift in the nature of the Union in incremental steps rather than a punctuation or big bang in 2014. The following section identifies the extent to which this discussion ties in with broader conceptions of crisis explored in the book, before outlining the three main qualifications to a focus on the referendum in 2014 as a symbol of the crisis of the Union.

Scotland as a source of crisis, a source of comparison and a source of information

The Scottish case provides two different points of reference for a wider discussion of UK crisis. First, devolution in 1999 is a key example of the UK state adapting to perceived crisis through modifications to the constitutional settlement, along the lines, outlined in the Introduction, of the 'Whiggish-like ability to adapt and incorporate new political and economic situations'. In this case, there is an unusual mix of perceived and created crisis. There may have been a growing desire in the 1990s to address rising levels of Scottish nationalism, linked to measures such as Scottish Social Attitudes surveys, which showed high and/ or increasing levels of 'Scottishness' (Cairney 2011: 146–7) and electoral behaviour from the 1970s, demonstrating a 'democratic deficit' when Scotland generally voted Labour but often received a Conservative UK government. However, there was also an attempt by devolution supporters to reflect, reinforce and *construct* a 'conservative' sense of crisis, in which the public no longer trusts politicians to devise a particular form of devolution. Devolution was accompanied by a new series of measures to go beyond representative democracy towards new forms of participative and deliberative democracy. As the Scottish Constitutional Convention (the key body set up to advance devolution) argues, Scotland has, 'consistently declared through the ballot box the wish for an approach to public policy which accords more closely with its collective and community traditions' (SCC 1995).

Consequently, second, devolution provides a new source of comparison for the UK. At face value, we may expect that a new political system set up, in part, to solve a growing sense of crisis may be less subject to concerns about levels of public disillusionment with the political process. The 'conservative' sense of crisis should be less apparent in Scotland if

there is not only a more collective political tradition but also a political system designed to address the limitations of representative democracy. Yet, as discussed below, the evidence for this sense of Scottish distinctiveness, in tradition and politics, is often overstated and we can identify similar indicators of dissatisfaction.

These two aspects may be closely related if we link current dissatisfaction with Scottish politics to dissatisfaction with its current devolution settlement. Surveys conducted or collated by John Curtice since 1999 (reported in Cairney 2011: Chapter 7) broadly suggest that respondents are ambivalent or unimpressed with the Scottish Parliament's achievements since devolution but that they have far greater trust in the Scottish Parliament or Scottish Government to act in Scotland's interests and would prefer Scottish institutions to have the greatest say in how Scotland is run. Consequently, the perceived solution to a disenchantment with Scottish politics may be to devolve more powers to the Scottish Parliament (short of full independence).

Overall, although Scottish independence is still unlikely, the current constitutional debate may reinforce the long-term, cumulative effect of the UK state's 'Whiggish-like ability to adapt and incorporate new political and economic situations'. The UK state has a long history of accommodating Scottish nationalist demands and each measure has taken us further from a relatively unified Union towards significant political devolution and, potentially, a further devolved settlement that has a passing resemblance to Scottish independence (for a detailed history see Mitchell 2003). The Union took place in 1707 accompanied by various commitments to maintain distinctive Scottish institutions (the legal system, religion, local government and education). The Scottish Office was created in 1885 to take responsibility for a small number of government bodies and the post of Secretary of State for Scotland began as a symbolic gesture to address nationalistic grievances about the threat of UK assimilation (largely through 19th-century attempts to harmonise the education systems in Scotland and England). From 1926, the Scottish Secretary became established as a full member of the UK Cabinet. In the post-war period, the Scottish Office expanded in line with the expansion of the UK welfare state. Political devolution in 1999 was therefore an opportunity to provide new scrutiny to the significant range of administrative responsibilities – in areas such as health, education, crime, housing and local government – that developed in this period. This was followed in 2012 by a new Scotland Act devolving more powers to the Scottish Parliament.

In this context, even if the 2014 referendum produces a 'no' vote, it is not unrealistic to see the formation of 'devo max' – the devolution of all responsibilities with the exception of foreign affairs (which may include dealings with the European Union), defence and some economic policies (including monetary policy, if Scotland uses the pound as currency) – in the near future. The UK state has shown an ability, over 300 years, to adapt to crises to maintain the Union, but the cumulative effect may be a fundamental change in the way that Scotland is governed within it.

Support for the SNP does not mean support for independence

The referendum on Scottish independence will take place on the 18th September 2014 following the ‘Edinburgh Agreement’ struck by the UK and Scottish Governments (Scottish Government 2012). The agreement ensures that the UK passes a Section 30 order (which alters reserved UK and devolved Scottish powers) to give responsibility for the administration of the referendum to the Scottish Parliament. The governments agreed to have a single question on independence (rather than a multi-option referendum including ‘devo max’). The next step, in mid-2013 was for the Scottish Government to pass a Referendum Bill outlining the details, includingsetting the voting age at 16, and producing the final agreed question, ‘Should Scotland be an independent country?’. Yet, a lead for the SNP in opinion polls, and the decision to have a referendum, should not be confused with high support for independence.

Support for the SNP

The SNP won the Scottish Parliament election by one seat in 2007, forming a single party minority government with 36 per cent of seats (see Table 7.1). In 2011, it won a majority of seats (53.5 per cent) and formed a single party majority government. The 2011 majority may appear small in the UK context of single party majorities exaggerated by the plurality electoral system (at least until the 2010 General Election), but it is generally thought to represent an ‘avalanche’ win because Scotland’s mixed member proportional (MMP) electoral system is designed to stop one party gaining a majority of seats (at least without a majority of votes – the SNP received 45 per cent of constituency votes and 44 per cent of regional votes). Consequently, the SNP argued (immediately after the win) that it had a clear mandate to introduce a referendum on independence – a position that no other party felt able to counter. Yet, the rise in SNP support should not be seen simply in those terms.

Table 7.1 Scottish Parliament election results 1999–2011

	1st vote (%)	Seats	2nd vote(%)	Seats	Total seats	% Seats
Labour						
1999	38.8	53	33.6	3	56	43.4
2003	34.6	46	29.6	4	50	38.8
2007	32.2	37	29.2	9	46	35.7
2011	31.7	15	26.3	22	37	28.7
Scottish National Party						
1999	28.7	7	27.3	28	35	27.1
2003	23.8	9	21.6	18	27	20.9
2007	32.9	21	31.0	26	47	36.4
2011	45.4	53	44.0	16	69	53.5
Conservative						
1999	15.6	0	15.4	18	18	14
2003	16.6	3	15.5	15	18	14
2007	16.6	4	13.9	13	17	13.2
2011	13.9	3	12.4	12	15	11.6
Liberal Democrat						
1999	14.2	12	12.4	5	17	13.2
2003	15.4	13	11.6	4	17	13.2
2007	16.2	11	13.9	5	16	12.4
2011	7.9	2	5.2	3	5	3.9
Green						
1999	0	0	3.6	1	1	0.8

2003	0	0	6.5	7	7	5.4
2007	0.2	0	4.0	2	2	1.6
2011	0	0	4.4	2	2	1.6
Scottish Socialist Party						
1999	1.0	0	2.0	1	1	0.8
2003	6.2	0	6.5	6	6	4.7
2007	0	0	0.6	0	0	0
2011	0	0	0.4	0	0	0
Other						
1999	1.7	1	5.7	0	1	3.1
2003	3.4	2	8.7	2	4	0.8
2007	3.1	0	7.4	1	1	0.8
2011	1.1	0	7.3	1	1	0.8

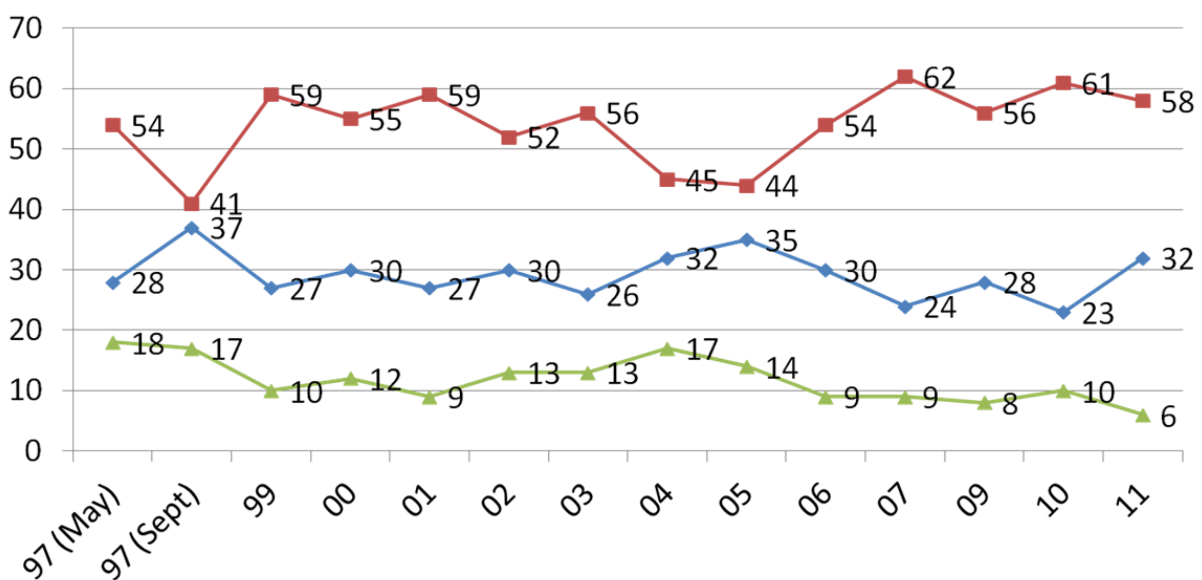
The SNP's popularity can best be explained in terms of valence politics, which relates to a tendency 'to vote in accordance with one's opinion of the party, the party leader, the government's record in office or one's prediction about another party's likely performance' (Cairney 2011: 22; on valence politics in Scotland see Johns et al. 2009; 2010; on the UK see Stokes1992, Clarke et al. 2004). Voters in 2007 appeared to support the SNP based on its image, its leader's image, its vision and its likely record in government; the SNP offered 'a more positive and Scottish oriented agenda than Labour' (Johns et al. 2009: 207, 229, 2010, Curtice 2009). The same can be said for the SNP's landslide victory in 2011 (the Scottish Election Study's equivalent texts have yet to be published, but preliminary analysis suggests the same effect – see http://www.scottishelectionstudy.org.uk/ and Johns et al. 2011). It was 'based largely on voter perceptions of the competence of the SNP in government' – a factor compounded by the SNP's ability to exploit the reduction in support for the Scottish Liberal Democrats, following the UK party's decision to engage in UK Coalition government (Cairney 2011: 22).

Support for independence

Put simply, there is not enough support for independence. This argument is best demonstrated using the results from polls asking people to choose between three main options: independence, devolution (status quo or further devolution) and no parliament. As Figure 7.1 (provided by John Curtice, in Cairney and McGarvey 2013) shows, there have only been two points since 1997 when devolution and independence have been within ten percentage points of each other – in September 1997, during the 'yes' to devolution campaign, and in 2005. Notably, the gap *widened* in 2007 (the first SNP election victory) and stayed rather wide in 2011 (the electoral avalanche).While support for independence has risen since 2007 (using this measure), it is only because support was unusually low in 2007.

The SNP's broad plan was to win in 2007 and boost support for independence in office by presenting a strong image of governing competence before campaigning in 2010. It did not have the desired effect in terms of support for independence (although it helped explain its electoral win in 2011). Indeed, ironically, its successful first term may have had the opposite effect – by providing a stronger 'Scottish voice' and therefore reducing Scottish discontent within the Union; showing people that they could enjoy some of the benefits of independence without the risk of 'separation' (Curtice and Ormston 2011: 31; Curtice in Cairney 2011: 151).

Figure 7.1 Constitutional preferences 1997–2011



Source: Cairney and McGarvey (2013) drawing on Curtice (2012a: 8) and Curtice (2012b: 2)

Of course, this information is now less relevant following the decision not to have a multi-option referendum. Instead, our attention now moves to responses to a single yes/ no question on independence. They still generally reveal insufficient support for independence, but the results are often close. Much depends on the question asked. Support for independence tends to be lowest (often below 30 per cent, compared to over 50 per cent against) when people are asked about a 'completely separate state outside the UK' (Cairney

2011: 153). They are generally higher when people are asked about an 'independent country' (the SNP's preferred wording). Yet, as Table 7.2 suggests, the response also varies over time to the same question. Further, this type of question has often produced a plurality in favour of independence (or a majority if we remove 'don't know'). Perhaps worryingly for the SNP, a plurality has not been achieved since 2006, while the highest levels of support were recorded as far back as 1998 (although this might provide some cause for optimism, since it followed the last constitutional change campaign).

Table 7.2 Support for Scotland as an independent country

%	1998	1999	2000	2001	2006	2007	2009
For	48–56	38–49	47	45	51	33–46	38–42
Against	35–44	42–50	43	49	39	44–46	50–54

Source: Adapted from Curtice (2009: 16–17)

Surveys from 2007–12, based on the SNP's previously favoured wording – in which respondents were asked about the Scottish Government negotiating independence with the UK government (a less scary and more non-committal question) – tended to suggest that there is often little to separate the 'yes' and 'no' responses, with a small 'yes' victory in August 2011 followed by a larger 'no' victory in January 2012.

Table 7.3 Support for a negotiated independence settlement, 2007–12

%	August 07	November 07	March 08	June 08	October 08	January 09	May 09	August 11	January 12
Agree	35	40	41	39	35	38	36	39	35
Disagree	50	44	40	41	43	40	39	38	44

Source: 2007–09 Curtice in Cairney (2011: 154), Dinwoodie (2011), TNS-BRMB (2012)

This issue has been made all the more important by the recent debate on the wording of the referendum. The Scottish Government's consultation document *Your Scotland, Your Referendum* (Scottish Government 2011) proposed to ask this question: 'Do you agree that Scotland should be an independent country?'. The question was described in many party political, media and academic forums as a leading question and challenged in a (February 2012) survey financed by Lord Ashcroft (http://lordashcroft.com/pdf/02022012_referendum_poll_tables.pdf). Further, the SNP's preferred wording did not produce any recent plurality in favour of 'yes' (Ipsos Mori 2012a).

The final outcome, following recommendations from the Electoral Commission, was 'Should Scotland be an independent country? Yes/No' (Scottish Government 2013). Consequently, surveys from 2013 are likely to focus on the actual wording of the referendum,

which presents an initial problem of comparability and the tendency of some media accounts to wrongly identify large swings in opinion based on responses to different questions. Still, the figures suggest that, based on the question to be asked, there is currently insufficient support for independence.

Scotland and the 'conservative' conception of crisis: 20 years on?

A significant aspect of elite support for devolution in the 1990s was built on the idea of a general crisis of legitimation, articulated by bodies such as the Scottish Constitutional Convention (SCC) – a (largely self-selected) set of political parties (Scottish Labour, Scottish Liberal Democrat, Green, plus occasional SNP involvement), interest groups (including, for example, the Scottish Council of Voluntary Organisations) and other prominent members of Scottish 'civil society' which formed in 1989 to 'promote the principle (and detailed workings of) of devolved government' (McGarvey and Cairney 2008: 12–13).

Much was made in Scotland of a 'democratic deficit', in which the Scottish population got a government for which it did not vote, particularly from 1979 when a period of Thatcherite government followed the first referendum on devolution; a small majority voted 'yes', but not enough to pass the required threshold of 40 per cent of the voting population (McCrone and Lewis 1999: 17). The relatively high levels of opposition to 'Thatcherism' in Scotland also became intertwined with support for devolution (Mitchell and Bennie 1996), and with narratives about replacing discredited forms of top-down politics based on the concentration and misuse of power associated with a Thatcherite interpretation of the Westminster model (McGarvey and Cairney 2008: 32–4). Devolution was accompanied by an electoral system designed to diffuse power (at least among parties likely to be forced to form coalition or minority governments) and a new series of measures to encourage new forms of participative and deliberative democracy.

In other words, new Scottish politics would replace the old Westminster model. The SCC's final report in 1995 famously summed up the argument that 'The coming of a Scottish Parliament will usher in a way of politics that is radically different from the rituals of Westminster: more participative, more creative, less needlessly confrontational.'

Following the decision to introduce a Scottish Parliament (after the referendum in 1997), its agenda was followed by the Consultative Steering Group (CSG) – a cross-party group chaired by Henry McLeish (Labour minister and future Scottish First Minister) with members drawn from 'civil society' (associated with the SCC or devolution campaign). It was established by the UK government (Scottish Office) to construct the standing orders of the Scottish Parliament and articulate the principles it would seek to uphold 'the sharing of power' (between government, parliament and 'the people'); accountability (of government to parliament and the people); accessibility; and, equal opportunity (CSG 1999: 6). Further, its statement of principles would not look out of place as a response to the current crises of representative government explored in Chapters 1 and 2:

> They aim to provide an open, accessible and, above all, participative Parliament, which will take a proactive approach to engaging with the Scottish people – in particular those groups traditionally excluded from the democratic process. To achieve this the Scottish Parliament must avoid adopting procedures which are obscure or archaic. It should adopt procedures and practices that people will understand, that will engage their interest, and that will encourage them to obtain information and exchange views. *We have detected a great deal of cynicism about and disillusionment with the democratic process*; it will require an effort both from the Parliament itself and from the people with whom it interacts to achieve the participative democracy many seek. We firmly believe that the Scottish Parliament should set itself the highest standards. Our key principles are intended to achieve a Parliament whose elected Members the Scottish people will trust and respect, and a Parliament with which they will want to engage. (CSG 1999: 6; emphasis added)

Notably, this 1990s rhetoric was largely developed by actors within Scotland. As Flinders (2010) suggests, devolution was not sold by the UK government or Labour Party as the start of a new approach to, or rejection of, the core tenets of the Westminster model – that of representative and 'responsible' government. Indeed, Flinders (2010: 12) suggests the opposite: that a commitment to some constitutional changes (including devolution) may have provided some cover to the protection of majoritarian government in the UK – the Labour Party used a 'rhetorical commitment' to limit constitutional reform to 'win power' and then hoard it within central government. Indeed, one of the few direct and recent references in the UK to a 'new politics' is more closely related to a speech made by the new Deputy Prime Minister Nick Clegg (reported in Duffett 2010):

> So, three steps to new politics. First, sweeping legislation to restore the hard won liberties that have been taken, one by one, from the British people … Second, reform of our politics. Reform to reduce the power of political elites, and to drag Westminster into the 21st century … The third, and final step, is the redistribution of power away from the centre.

In both cases, the meaning of new politics is not precise, referring broadly to an alternative to the elitism practices associated with the BPT and the Westminster model and buzz words such as participatory and deliberative forms of democracy to address the alleged problems associated with representative democracy, which include (McGarvey and Cairney 2008: 12–13):

- a first-past-the-post system which exaggerates majorities and generally ensures that one party dominates proceedings
- a 'top-down' system, in which power is concentrated within government
- an adversarial style of politics with a charged partisan atmosphere in Westminster
- limited links between state and civic society; outside of the voting process, there are limited means for 'the people' to influence government

- an unrepresentative parliament with a particular lack of women and a rise in candidates with no experience outside of the close world of politics.

Consequently the Scottish new politics agenda includes the following aims:

- a proportional electoral system, with a strong likelihood of coalition and bargaining between parties
- a consensual style of politics, with an enhanced role for business-like committees and a reduced role for party conflict in plenary
- 'power-sharing' to address the problem of executive dominance in a system where power is concentrated within government
- fostering closer links between state and 'civic society' through parliament (e.g. with a focus on the right to petition parliament, a new civic forum and a new committee role to oblige the executive to consult widely) to reflect a Scottish system with a tradition of civic democracy and the diffusion of power (McGarvey and Cairney 2008: 12–13)
- There is also reference in the SCC to equality in the selection of candidates, perhaps as part of a wider move away from the idea of professional politicians (Keating and Cairney 2006).

The literature suggests two main reasons for this exposition of new politics. The first relates to the idea that Scotland has its own consensual 'political tradition' based on the pursuit of negotiated settlements rather than the imposition of policy (McGarvey and Cairney 2008: 13). In other words, it is presented as an alternative to the BPT of majoritarian representative democracy in which power is concentrated at the centre, leaders are strong and the government knows best (discussed in many other chapters throughout this volume).

This argument was made particularly strongly in the 1990s, following the era of Thatcherism and the tendency for Scottish interests to attempt to agree a common line to use to lobby in the UK and often oppose UK government policy (Midwinter et al. 1991). The description of a 'democratic deficit' combined with a Thatcherite policy style reinforced:

> a perception of governmental remoteness and antipathy towards the distinctiveness of Scottish policy traditions. The argument was that if the Scottish electorate was being denied democratic control (or at least government responsiveness), then there would be an alternative, more participatory, venue in which to articulate Scottish priorities. (Cairney et al. 2009: 105)

Second, the devolution agenda coincided with a political climate that was not conducive to the funding of simply another tier of democracy and politicians:

> A perception of popular disenchantment with politics and politicians suggested that a new Scottish Parliament should not replicate a political system discredited in the public eye … For politics to be participative and inclusive, its Parliament would have to play down party conflicts, assert its right to initiate as well as scrutinize legislation and prove to be a focal point for participation outwith the electoral cycle. (McGarvey and Cairney. 2008: 13)

The Scottish experience has the potential to provide valuable lessons for political reformers in the UK. In particular, it may provide a corrective to the idea that traditional representative democracy in the UK can be transformed quickly with the introduction of new institutions and processes. Instead, it shows that politicians can still revert to type, adopting a Westminster style of political culture (including power hoarding within government and adversarialism within parliament) within a new institutional context.

The Scottish experience often seems to show us that new politics was little more than rhetoric; the Scottish political system has operated along 'old Westminster' lines despite being designed as a 'consensus democracy' with participative and deliberative elements. There are notable differences in the nature of Scottish political institutions (including the electoral system, the standing orders of the Scottish Parliament and the petitions process), but fewer notable attempts to ensure a change in behaviour.

In the Scottish Parliament, the relationship between the two main political parties (the SNP and Labour) has always been adversarial, contributing to a traditional (in Westminster terms) Scottish Government and parliament relationship: 'The first eight years of devolution [1999–2007] were marked by a form of majoritarian (coalition) government that would not seem out of place in the UK' (Cairney 2011: 39). Indeed, Labour sought to form a coalition government to dominate parliament and make sure that it could not be 'ambushed' by the SNP (Arter 2004: 83). The next four years, from 2007–11, were marked by minority government but a surprising degree of continuity in terms of governmental dominance: 'the Scottish Parliament plenary was used largely as an adversarial forum and committees were not particularly effective' (Cairney 2011: 40; compare with Flinders 2010: 137–42). The next five years of majority government, from 2011–16, will reinforce that asymmetrical relationship in which parliament is a peripheral part of the policy process.

In the wider sphere, there is little evidence of a shift towards more participation or deliberation in Scottish politics. Indeed, Cairney's (2011: 13) review of the first ten years of devolution (based on over 30 Scotland Devolution Monitoring Reports) finds almost no evidence of new forms of participation beyond the brief existence of the Scottish Civic Forum and a rather ineffective petitions process.

In other words, even in a Scottish system designed to contrast with old Westminster, the dominant notion associated with the BPT of representative and responsible government has become difficult to shake off. Partly, this is because new politics was accompanied by a fairly traditional political design in which the Scottish Government would produce most policy and the Scottish Parliament would provide scrutiny, with other forms of participation given few resources or institutional support. As Mitchell (2004: 39, 2005: 37) argues, such measures 'appear more symbolic than effective … an elaborate democratic veneer sitting atop long established processes'.

The ‘crises’ did not stop in Scotland after 1999

Consequently, the same sorts of crises currently associated with UK politics and representative government can be found in Scottish politics. First, the Scottish Parliament had its own ‘lobbygate’ scandal in 1999 when John Reid’s son was caught suggesting to people that his lobbying firm (Beattie Media) could guarantee privileged access to Scottish ministers (Cairney 2011: 198). This attitude reflected a continuation of the sort of ‘club government’ we associate with UK politics and, perhaps in particular, a Labour party occupying government in the UK and Scotland.

Second, the Scottish Parliament had its own expenses scandal several years before Westminster (Cairney 2011: 7–8, on which this next section draws). There have been some vague calls for Westminster to learn from Holyrood’s expenses and second-homes system when, in fact, the latter developed over time as much through partisan debates, self-interest and a response to media criticism as any higher sense of propriety that preceded public attention. For example, the Scottish Parliament has been dogged from 1999 by the issue of different allowances for constituency and regional Members of the Scottish Parliament (MSPs) – a debate made more contentious by the make-up of the parliament in which most constituency MSPs were Scottish Labour and most regional MSPs were from the opposition parties (before the SNP reversed the trend in 2011). Media attention to MSP costs also became an annual event following the publication of expenses by the Scottish Parliament Corporate Body (SPCB). It reached a crisis point in 2005, following various freedom of information requests by journalists for more detailed breakdowns of expenses, which led to two resignations related to questionable claims – David McLetchie as Conservative leader and Keith Raffan as an MSP –. Such cases produced a general feeling among politicians (and Presiding Officer George Reid in particular) that the constant attention undermined the Scottish Parliament’s reputation as a transparent body. This prompted the SPCB to publish, in December 2005, a much more detailed account of expenses and initiate in June 2006 an online search facility on the Scottish Parliament’s website.

Yet, the levels of unwanted attention did not end there. Instead, there was a shift in media attention to the possibility of MSPs making a profit from sales of their second homes in Edinburgh (the mortgage interest was funded via MSP expenses) which prompted First Minister Jack McConnell to write to George Reid to request that the SPCB consider how to reform the system. While the original intention of George Reid was for the SCPB to produce a legacy paper for consideration by the new parliament in 2007, his successor Alex Fergusson commissioned an independent review to take a ‘first principles’ approach to the allowances of MSPs and party leaders, and the extent to which centrally provided services (particularly relating to office equipment) could replace allowances. The Langlands Review recommended abolishing the payment of an allowance to meet mortgage interest payments (by phasing it out by 2011) and setting a cap on claims for overnight stays for MSPs in eligible areas. While this was accepted by the Scottish Parliament in June 2008, the debate also took us back to the very first party conflicts over the office and staff allowances for list and constituency MSPs. Thus, again, the media was able to report that the parties were divided despite voting

themselves a significant rise in allowances. The overall outcome is a transparent system that can be emulated by other legislatures, but it is one that resulted from external pressure and internal adversarial debate.

Third, the Scottish Parliament also has representatives with similar levels of 'politics facilitating' backgrounds, discussed in Chapters 4 and 5 (Keating and Cairney 2006). The issue of MP backgrounds is relevant to the popular idea that they have become a group of professional politicians recruited from an increasingly narrow pool, with limited experience of (and therefore a tendency to be detached from) the 'real world' (articulated most recently by Cowley 2012 and Allen 2012). This problem was addressed to some extent by Scottish Parliamentary reformers (although the SCC focused primarily on greater gender parity) and, to a larger extent, by Scottish Labour which sought to recruit people from a wider pool (or, at least, fewer men and fewer former councillors). Yet, the Scottish Parliament does not highlight a markedly different experience from that of Westminster or wider European trends (Keating and Cairney 2006). While it elected proportionately more women (an important, if partial, achievement), it also 'accelerated the trend towards professional middle-class leadership' (2006: 56). Further, 'MSPs are more likely than MPs to be white, middle-aged, middle-class, and university-educated with a professional or 'politics-facilitating' background' (McGarvey and Cairney 2008: 231). Indeed, one effect of a rise in Conservative MPs in the UK is that the number of narrowly political appointments has reduced somewhat (since they are more likely to have business backgrounds, albeit followed by a spell in politics).

Conclusion

The forthcoming referendum on Scottish independence in September 2014 has prompted consideration of a crisis of the Union in at least one way – in the sense that an important decision has to be made. The evidence does not suggest that the referendum will lead to a break-up of the Union. Rather, we are more likely to witness the longer term extension of devolution, into areas such as welfare and fiscal powers, after a 'no' vote. In this context, the more important effect of Scottish nationalism has been the much longer term effect of the ability of the UK state to adapt. The Union of 1707, which guaranteed some distinctively Scottish institutions, was followed by the introduction of a Scottish Office and Scottish Secretary in 1885, significant administrative devolution from 1945, political devolution in 1999 and (albeit limited) further devolution from 2012. A further extension of devolution may cement the long-term transformation of Scottish Government after a series of incremental changes rather than a single post-crisis event.

This chapter argues that the Scottish experience may be as interesting for the comparisons it provides between Scottish and UK practices and the way that they relate to other conceptions of crisis (such as 'conservative'). In particular, the new Scottish political system was designed, in part, to break from the BPT – its type of representative government and its tradition of 'responsible' government. Scotland was designed as a consensus, not majoritarian, democracy and its 'architects' proposed a series of measures to move away

from a ‘government knows best’ approach, in which power is concentrated in central government, to a more participative and deliberative democracy.

The consequences of this apparent contrast of institutional design are unclear. Scotland has a traditional government–parliament relationship. Its efforts to introduce a petitions system and a civic forum have produced few tangible outcomes. It had its own lobbygate expenses scandals. Its representatives are drawn largely from the same kind of pool of recruitment as its Westminster equivalent. In broader terms, the Scottish experience does not challenge the idea of the BPT, in particular, a central government ‘club’ which still processes the vast bulk of government business.

The Scottish experience shows us the limited extent to which the population (or key parts of it) and its parliament can pay attention to modern governments with huge resources and responsibilities. Instead, the public pays a lot of attention to a very small proportion of government business. This is the context for the political reform agenda in the UK, aimed at rebuilding trust in politicians by (somehow) bringing them closer to the people and encouraging greater participation in politics – the Scottish experience tells us that unrealistic expectations for change may simply produce greater disenchantment with politics.

Modern debates on independence have not been built, in the same way, on the criticisms of representative democracy and clubby politics that we witnessed in the 1990s. Instead, the independence agenda rests on a range of other arguments, from the simple desire for self-determination to, for example, the more complicated arguments about the alleged desire in Scotland for more ‘social democratic’ policies. There is little evidence to suggest that the independence debate is live because of crises of legitimation in the UK. There is also little evidence to suggest that a general sense of crisis in the UK can be exploited disproportionately to raise support for independence.

On the other hand, the formation of a Conservative-led UK government in 2010 raises the spectre of another ‘democratic deficit’ in Scotland which still tends to vote Labour in UK general elections. We may be able to identify important arguments linking economic crises to the need for constitutional change – such as the idea that the UK government will fulfil its commitment to introduce austerity measures in non-devolved areas, raising the spectre of a return to ‘Thatcherism’, which (however defined) was relatively unpopular in Scotland. However, we can also identify arguments linking crisis to the need to preserve the Union – such as the idea that small states struggle to deal with economic crises (e.g. the UK Labour government argued that an independent Scotland could not have ‘bailed out’ the Royal Bank of Scotland). Overall, the debate on constitutional change rests on a more mixed description of crisis in the UK.

endnotes

1.See also Cairney 2011: 149–51 which provides a breakdown of categories – including independence in or out of the European Union, and devolution with or without tax powers – but showing very similar results.

2.Curtice produced the figures from Scottish Election Study (the May 1997); Scottish Referendum Study (September 1997) and Scottish Social Attitudes (1999–2011). Note: most years do not add up to 100 per cent because ‘don’t know’ is excluded; May 1997 should read 51/26/17 (Curtice, in correspondence). Methodological note: respondents are asked to choose in a way that might put some people off independence – for Scotland to be ‘independent, separate from the UK’ (either within or outwith the European Union); for Scotland to ‘remain part of the UK, with its own elected parliament’ (either with or without taxation powers), or for Scotland to ‘remain part of the UK without an elected parliament’ (Curtice and Ormston 2011: 28). Support for independence seems to increase to 31 per cent (2007–10) if respondents are instead asked who should be responsible for defence and foreign affairs (2011: 29).

3.Note: the hyphens denote a range of scores from multiple polls taken in that year. In most cases the question is: ‘In a referendum on independence for Scotland, how would you vote? I agree that Scotland should become an independent country; I do not agree that Scotland should become an independent country’. ‘Don’t know’ varied from 9–18 per cent. </en>

4.The question is: ‘The SNP are outlining their plans for a possible referendum on Scottish independence in future. If such a referendum were to be held tomorrow, how would you vote? I agree [I do not agree] that the Scottish Government should negotiate a settlement with the government of the United Kingdom so that Scotland becomes an independent state’. Note: the figures do not add up to 100 per cent because many people ‘don’t know’.

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