Scottish Politics
Also by Paul Cairney

THE SCOTTISH POLITICAL SYSTEM SINCE DEVOLUTION
UNDERSTANDING PUBLIC POLICY
GLOBAL TOBACCO CONTROL (with Donley Studlar and Haddii Mamudu)
For Linda, Evie, Alfie, Frankie, Haf, Sean and Tyana
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Preface to the Second Edition

In the five years since we wrote the first edition we have witnessed a remarkable combination of continuity and dramatic political change. As the chapters on Parliament, Government, intergovernmental relations, finance and public policy demonstrate, the election of an SNP Government in 2007 did not lead to major changes to the fundamental processes and institutions of Scottish politics. However, as the chapters on elections and constitutional change demonstrate, the SNP has since won a majority in the Scottish Parliament and secured the right to hold a referendum on independence in 2014. This is a dramatic combination of events that very few people predicted successfully, even in the run-up to the election in 2011. It comes at a time when two other major events have set a new wider context for Scottish politics. The first is the formation of a coalition government in the UK by the Conservatives and Liberal Democrats in 2010. The second is the global economic crisis which hit not long after the publication of the first edition in 2008. Both events have combined to provide a new context for Scottish Politics. For example, the economic crisis contributed to a significant rise in UK Government debt, and the strategy since 2010 has been to seek major reductions in public spending. Consequently, the Scottish Government budget is likely to fall (in real terms) for the foreseeable future. The UK Government will also be led by the Conservatives in the run-up to the referendum in 2014. This factor, combined with the growing image of ‘Tory cuts’, may aid the SNP’s cause since it allows it to link long-term constitutional change to short-term dissatisfaction with the UK Government.

Such developments have contributed to the revised layout of this second edition. Most of the chapters remain, but we have added a new chapter (12) on constitutional change to reflect the importance of the referendum on independence which is likely to dominate Scottish political debate until 2014 at the very least. In Chapter 4 we devote more time to the importance of ‘valence politics’ to remind ourselves that people who vote for the SNP may not necessarily support independence (rather, the SNP has a strong image of governing competence and ‘stands up for Scotland’ within the UK). There is more emphasis on the impact of the new economic context. For example, in the new Chapter 8 we examine its effect on the relationships between the Scottish Government and ‘pressure participants’. There is also more emphasis on the impact of the SNP since 2007 (for example, on the role of local authorities, as discussed in Chapter 7) and, for example, the effect of different forms of government – coalition, minority and majority –
since 1999. There is less emphasis on the idea of ‘new politics’ and the promise of a new political culture and new practices. Most notably, there is no longer a separate chapter on new forms of political participation because there is almost nothing new to write about. Instead, we have reduced this discussion, included it alongside a discussion of the Scottish Parliament (Chapter 5) and made the first edition chapter (on assessing Scottish democracy) available on the Palgrave companion website.

As we noted in the first edition, the term ‘Scottish Government’ is generally used in the book to describe the executive from 1999 even though ‘Scottish Executive’ was the term used from 1999–2007 (we make any relevant differences clear throughout the text). We should also note the meaning of ‘unionist’ (discussed in Chapter 1). A good rule of thumb is that, although it used to refer to parties who opposed devolution, it now generally refers to parties who favour devolution but oppose Scottish independence.

We thanked a lot of people in the preface to the first edition, which makes this preface much simpler. Neil would like to thank Arthur Midwinter and the on-going support of his colleagues in the School of Government and Public Policy. Paul would like to wish Grant Jordan well in his retirement. Both would like to thank Helen Caunce at Palgrave Macmillan for her smooth handling of the second edition.

Throughout the text readers will find words and key terms in bold – succinct definitions of these can usually be found on the page on which they first appear. We have also used boxes to give more in-depth accounts of key points, themes, background information and the like. Reference is usually made to relevant boxes in the text. There is a guide to further reading at the end of each chapter – students of Scottish politics should always bear in mind they are reading one particular account of Scottish politics in this book. There are many others. These guides are designed to give readers a flavour of the most relevant literature that students are encouraged to pursue. The constraints of space in a textbook means that not everything can be covered in great depth; by following up these references students will be able to explore subjects in more detail.

Finally, the nature of the independence debate is likely to change during the production of this book. New developments may be better followed in the media and new social media (although you may need a thick skin to engage in the debate on Twitter). The book has a companion website at Palgrave Macmillan. Paul also maintains a blog, as do people like Alan Trench (‘Devolution Matters’) and organizations such as the Constitution Unit. The details of these sites can be found at the end of Chapters 2 and 12. Paul and Neil also have Twitter accounts – @CairneyPaul and @NeilMcGarvey – which they use occasionally to report new developments.
Scottish Politics on the web

Additional material relating to this text can be found at the associated website at www.palgrave.com/politics/mcgarvey. Updated material will also be posted periodically on this site to keep readers up to date with major developments in Scottish politics.

Paul Cairney
Neil McGarvey
# List of Abbreviations

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<td>ADES</td>
<td>Association of Directors of Education in Scotland</td>
</tr>
<tr>
<td>AME</td>
<td>Annual Managed Expenditure</td>
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<tr>
<td>AMS</td>
<td>Additional Member System</td>
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<td>ASBO</td>
<td>Anti-Social Behaviour Order</td>
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<td>BBC</td>
<td>British Broadcasting Corporation</td>
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<td>BMA</td>
<td>British Medical Association</td>
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<td>BV</td>
<td>Best Value</td>
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<td>BVTF</td>
<td>Best Value Task Force</td>
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<tr>
<td>CAP</td>
<td>Common Agricultural Policy</td>
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<tr>
<td>CBI</td>
<td>Confederation of British Industry</td>
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<td>CCT</td>
<td>Compulsory Competitive Tendering</td>
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<td>CON</td>
<td>Conservative</td>
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<td>COSLA</td>
<td>Convention of Scottish Local Authorities</td>
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<td>CREST</td>
<td>Centre for Research into Elections and Social Trends</td>
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<td>CSG</td>
<td>Consultative Steering Group</td>
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<td>CSR</td>
<td>Comprehensive Spending Review</td>
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<td>DCA</td>
<td>Department for Constitutional Affairs</td>
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<td>DEL</td>
<td>Departmental Expenditure Limit</td>
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<td>DFM</td>
<td>Deputy First Minister</td>
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<td>DWP</td>
<td>UK Department of Work and Pensions</td>
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<td>EIS</td>
<td>Educational Institute for Scotland</td>
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<td>ESRC</td>
<td>Economic and Social Research Council</td>
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<td>EU</td>
<td>European Union</td>
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<td>FM</td>
<td>First Minister</td>
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<td>FMQ</td>
<td>First Minister’s Questions</td>
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<tr>
<td>FOE</td>
<td>Friends of the Earth</td>
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<td>G8</td>
<td>Group of Eight</td>
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<td>GERS</td>
<td>Government Expenditure and Revenue in Scotland</td>
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<tr>
<td>GP</td>
<td>general practitioner</td>
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<td>HBOS</td>
<td>Halifax Bank of Scotland</td>
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<td>HE</td>
<td>higher education</td>
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<td>HMIe</td>
<td>HM Inspectorate of Education</td>
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<td>IBM</td>
<td>International Business Machines</td>
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<td>ICT</td>
<td>information and communication technologies</td>
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<td>IGR</td>
<td>intergovernmental relations</td>
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<td>IMF</td>
<td>International Monetary Fund</td>
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<td>IND</td>
<td>Independent</td>
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<td>IT</td>
<td>information technology</td>
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<td>Abbreviation</td>
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<td>ITV</td>
<td>Independent Television</td>
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<td>JMC</td>
<td>Joint Ministerial Committee</td>
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<td>LAB</td>
<td>Labour</td>
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<td>LD</td>
<td>Liberal Democrat</td>
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<td>LEC</td>
<td>Local Enterprise Company</td>
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<td>LSVT</td>
<td>large-scale voluntary transfer</td>
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<td>MEP</td>
<td>Member of the European Parliament</td>
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<td>MI5</td>
<td>Military Intelligence</td>
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<td>MLG</td>
<td>multilevel governance</td>
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<td>MMP</td>
<td>Mixed Member Proportional</td>
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<td>MP</td>
<td>Member of Parliament (Westminster)</td>
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<td>MPA</td>
<td>Ministerial Parliamentary Aide</td>
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<td>MSP</td>
<td>Member of the Scottish Parliament</td>
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<td>MWC</td>
<td>Mental Welfare Commission</td>
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<td>NATO</td>
<td>North Atlantic Treaty Organization</td>
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<td>NDPB</td>
<td>non-departmental public body</td>
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<td>NEBU</td>
<td>Non-Government Bills Unit</td>
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<td>NEDS</td>
<td>non-educated delinquents</td>
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<td>NFUS</td>
<td>National Farmers’ Union Scotland</td>
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<td>NHS</td>
<td>National Health Service</td>
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<td>NPM</td>
<td>new public management</td>
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<td>OFSTED</td>
<td>Office for Standards in Education</td>
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<td>PFI</td>
<td>private finance initiative</td>
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<td>PLP</td>
<td>Parliamentary Labour Party</td>
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<td>PPC</td>
<td>Public Petitions Committee</td>
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<td>PPP</td>
<td>public–private partnership</td>
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<td>PR</td>
<td>proportional representation</td>
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<td>QUANGOS</td>
<td>quasi-governmental organizations</td>
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<tr>
<td>RAE</td>
<td>Research Assessment Exercise (now replaced by REF: Research Excellence Framework)</td>
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<tr>
<td>RBS</td>
<td>Royal Bank of Scotland</td>
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<td>RCN</td>
<td>Royal College of Nursing</td>
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<td>RSL</td>
<td>registered social landlord</td>
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<td>SCC</td>
<td>Scottish Constitutional Convention</td>
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<td>SCF</td>
<td>Scottish Civic Forum</td>
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<td>SCVO</td>
<td>Scottish Council for Voluntary Organisations</td>
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<td>SDA</td>
<td>Scottish Development Agency</td>
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<td>SDP</td>
<td>Social Democratic Party</td>
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<td>SHEFC</td>
<td>Scottish Higher Education Funding Council</td>
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<td>SIP</td>
<td>Social Inclusion Partnership</td>
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<td>SLD</td>
<td>Scottish Liberal Democrat Party</td>
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<td>SMG</td>
<td>Senior Management Group</td>
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<td>SML</td>
<td>Scottish Militant Labour</td>
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<td>SNP</td>
<td>Scottish National Party</td>
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<td>SPICE</td>
<td>Scottish Parliament Information Centre</td>
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<td>SSCUP</td>
<td>Scottish Senior Citizen’s Unity Party</td>
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<td>SSP</td>
<td>Scottish Socialist Party</td>
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<td>STUC</td>
<td>Scottish Trades Union Congress</td>
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<td>STV</td>
<td>Scottish Television; single transferable vote</td>
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<td>TUC</td>
<td>Trade Union Congress</td>
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<td>UK</td>
<td>United Kingdom</td>
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<td>United Nations</td>
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<tr>
<td>USA</td>
<td>United States of America</td>
</tr>
<tr>
<td>VAT</td>
<td>Value-Added Tax</td>
</tr>
<tr>
<td>WTD</td>
<td>Working Time Directive (EU)</td>
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<tr>
<td>WTO</td>
<td>World Trade Organization</td>
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Chapter 1

What is Scottish Politics?

The election of the Scottish National Party (SNP) majority administration in 2011 was a watershed moment in Scottish politics and pushed the constitutional issue to the fore. It is likely to earn its place in the Scottish history books regardless of what follows. It may be marked as the beginning of the end of Scotland’s membership of the United Kingdom, or the end of the beginning of devolution. It was historic in many ways – it was Scotland’s first majority administration; it was the first time a majority on the floor of the Scottish Parliament favoured independence; and it could signal what Hassan and Shaw (2012) term the end of ‘Labour Scotland’. It undoubtedly reconfigured both external and internal understandings of ‘Scottish Politics’.

This book places recent developments within a broader, historical, societal, economic and political context. It aims to give the student of Scottish politics a comprehensive introduction to the context, institutions, processes and policies that are important in Scottish political life. As a starting point it is useful to clarify what ‘Scottish politics’ means.

What is ‘politics’?

The common-sense view of politics defines it by reference to institutions, calling to attention a particular arena in which politics takes place. The answer therefore appears self-evident – Scottish politics is about what goes on in the Scottish Government and Scottish Parliament. The focus is on the formal machinery and operation of government and the capacity of governing institutions to shape the behaviour of their population. This approach to studying politics is often criticized as too limiting and state-centric. It is referred to as an ‘institutional’ approach and is often criticized as offering a distinctly narrow view of ‘the political’, failing to acknowledge the broader societal context in which politics can take place, for example within the family, relationships, school, community and workplace.

Yet, as this book shows, using an institutional focus as a starting point to introduce a political system is useful. Why? The executive, bureaucratic and legislative branches of government are usually the arenas where political control, influence and authority are located in any political system. The modern state derives this power from the elected status of its
decision-makers. This sense of democratic legitimacy gives it a source of authority – the public generally accepts the right of elected politicians to use their political authority and make laws. However, while politicians and institutions may have the legal authority to make laws, their authority may not always appear to be legitimate. For example, in the 1980s and 1990s Scottish home-rule campaigners questioned the legitimacy of the Conservative-led UK Government to govern Scotland, because of the Conservative Party’s weak representation there.

The institutional picture is complicated in Scotland by the existence of separate branches of government at both Scottish and UK levels. Scotland is a nation, but not a state. The Scotland Act 1998 sets out a clear list of reserved powers which UK state institutions in Westminster and Whitehall retain, with the rest falling under the jurisdiction of the Scottish Parliament and Government. There do, however, remain a number of policy areas where it is not possible to draw clear lines of demarcation between Scotland and the UK or Europe (see Box 1.1). The 1999 devolution settlement involved the transfer of powers to Scotland’s governing institutions: the Scottish Government and Scottish Parliament. Without a basic knowledge of the institutional environment of Scottish politics it is difficult for any student of it to make sense of what is going on.

This book will set out in detail the context within which Scottish politics operates. In an introductory text, historical and descriptive detail is important as it forms the bedrock of information from which more ambitious and theoretical work on Scottish politics can take place. An understanding of political institutions is important as they tend to set the ‘rules of engagement’ and the agenda of Scottish politics. Institutions are also the public face of politics. The Scottish Government, Parliament and political parties therein are the arenas in which the public perceive Scottish politics to take place. However, as a number of chapters in this book show, the Scottish Government and Parliament are not the only sources of power.

Discussions of institutional power can be supplemented by a range of other definitions of politics which draw attention to the wider policy process. For example, ‘politics as management’ definitions focus on the ‘production’ part of politics – politics exists because people want to ‘do things’. A key part of the SNP Government’s aim since 2007 is to project a strong image of governing competence.
Governance definitions of politics highlight the reliance of governments on a wide range of other institutions (e.g. commercial and voluntary sector, local authorities) and the interdependent relationships that are established between them.

To this we can add democratic definitions of politics which focus on how collective interests are aggregated and how these processes can be improved. The home-rule campaigners had in mind a ‘more democratic’ Scotland when they campaigned for a change in constitutional arrangements. The emphasis is on transparency, participation, deliberation, exchange and compromise and the absence of secrecy, self-interest and violence in the resolution of conflict.

Socio-economic definitions widen the definition to include social relations in the family, workplace and community – relatively removed from the institutions of government. Politics often occurs at a ‘micro’ level in these environments, with cleavages such as gender, ethnicity and class deemed of importance in establishing systematic forms of power.

Politics is fundamentally about interaction between social forces, political ideologies and interests. Any individual or institution which engages in Scottish politics has the aim to promote their own particular interests (see Box 1.2). Within Scotland, this can
include very broad forms of influence through education or culture, systematic influence through political parties or the media, or power exerted in particular areas by interest groups. The role of external actors, such as the UK state, the EU or other global institutions, may also shape the agenda of Scottish politics.

The most succinct power definition and description of politics is Lasswell’s (1936) classic assertion that ‘politics is about who gets what, when and how’. This broad definition leaves open almost any avenue of enquiry for the political researcher since almost any human activity and exchange tends to involve some degree of power. It also allows analysis to extend beyond formal institutions. As Marsh and Rhodes note:

Politics is about more than what governments choose to do or not to do; it is about the uneven distribution of power in society, how the struggle over power is conducted, and its impact on the creation and distribution of resources, life chances and well-being. (1992a: 9)

Indeed, any attempt at a narrow definition of the appropriate subject matter of politics could itself be interpreted as an exercise in power. The phrase ‘this is a private matter’ should always raise critical attention (Cairney, 2012a: 53). For example, when a Scottish business(wo)man declares politicians should not be ‘meddling in the commercial world’, he or she is trying to narrow the scope and agenda of politics (see Box 1.2), presenting it as distinct from commercial operations. However, it could be that his or her workers have a less demarcated view of the public/private divide. As Hay argues:

The political should be defined in such a way as to encompass the entire sphere of the social … All events, processes and practices which occur within the social sphere have the potential to be political. (2002: 3)

What is 'Scottish'?

If defining politics is not straightforward, then surely some comfort can be drawn from the fact that the ‘Scottish’ element of it is self-evident. Scottish politics is politics that takes place in Scotland – or is it? If only it were that simple. The broad definitions outlined above suggest that events with an impact on Scottish politics can take place anywhere and everywhere.

Most notably, Scottish Government is not controlled solely by policymakers in Scotland. Scotland is not a nation-state – there is not a direct correspondence between the geographic boundaries of the Scottish ‘nation’ and the (UK) state. It is not alone in this regard – ‘nations’ such as Catalonia, the
Basque Country and Palestine also lack state structures. Some national populations such as Albanians, Serbs and Kurds are spread throughout more than one state. The position of Scotland as a stateless nation, whilst unusual in the comparative context, is not unique.

We may also question the catch-all nature of the term ‘Scottish’ because, within Scotland, there are various interests with opposing views. For example, the interests of the populations of Highland and Lowland may not coincide. The urban, suburban and rural populations may offer different perspectives on issues such as transport and the environment. Religious groups and their leaders (e.g. Protestant, Catholic, Jewish, Muslim, atheist, etc.) may offer differing views on education and moral issues. Different economic interests (e.g. the unemployed, trade unions, employers, pensioners) may differ in their assessment of tax and public expenditure priorities. Scottish politics is as much about how these differences are mediated and resolved within Scotland as, for example, how different Scottish attitudes are from the rest of the UK.

Externally, decisions relevant to Scottish politics take place at many different levels and not necessarily within the formal machinery of government. These decisions could be taken at community, local, regional, Scottish, UK, European or global level. We live in an era of multi-level governance (Chapter 10) and political decisions that impact on Scotland can be taken in many arenas. Numerous external institutions can impinge, constrain or even dictate the agenda of Scottish politics – for example the UK Government, the European Union (EU) and the North Atlantic Treaty Organization (NATO). Intergovernmental bodies are also contributing to

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**Box 1.2 Power and agenda-setting**

Agenda-setting refers to the types of problems which capture the attention of decision-makers and the solutions which are considered. Since there is an almost infinite number of issues and solutions which could be considered, the choice of a small proportion represents the power of organizations and individuals to ‘set the agenda’ (see Cairney, 2012a: 183–9). Power is exercised not only when an issue is raised to the top of the agenda, but also when a decision is made to ignore an issue completely (Bachrach and Baratz, 1962). Political power may be difficult to observe if directed towards the shaping of preferences or a common ‘taken-for-granted’ understanding of what is important in political life (Lukes, 1974). A key concern of political science is the extent to which the exercise of power is diffused across the population or restricted to a small number of elites. In modern liberal democracies such as Scotland we can point to a trend towards pluralism in the control of knowledge and to a diffusion of power associated with governance and the interdependent nature of politics. The Scottish Government (or any other political institution) is unlikely to achieve its aims unless it forms relations with other bodies in Scotland.

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**European Union (EU):** The union of 27 states and 495 million people designed to foster closer cooperation and economic and political ties between countries in Europe.
denser connections between countries – a process described by the (rather vague) term globalization (see Cairney, 2012a: 119).

There are obvious political arenas – the Scottish Parliament, the Scottish Government, local councils in Scotland, the House of Commons at Westminster, the UK-based civil service in Whitehall, the UK Cabinet, the UK Prime Minister’s office, the European Commission in Brussels. There are other not so obvious arenas – international trade negotiations such as the G8 summit and the World Trade Organization (WTO); supranational bodies such as the United Nations (UN); and major pressure groups such as Amnesty and Greenpeace. Other possibilities are the headquarters of multinationals with significant interests in Scotland, such as Amazon, BP, RBS and HBOS. Therefore, decisions that impact on Scottish politics may be taken in London, Brussels, Washington, Beijing, Strasbourg or almost any other major city in the world or any institution, public or private, with interests in Scotland.

The state in Scotland manifests itself at many levels, and most of the key institutions of the state (MI5, the Bank of England, the Armed Forces, the BBC) fall within the realm of reserved powers. Therefore, in territorial politics, a distinction tends to be made between the centre and periphery of a political system. The traditions of the British state could be described as elitist and hierarchical; democracy has come from above not below. Ministers still represent ‘The Crown’. Indeed one could argue that the Scottish Parliament is an arena of low politics (social policy, transport, local government and the like), since issues of high politics (economy, foreign and defence policy, border control) remain located at British state level (see Bulpitt, 1983). Therefore, a cynic may argue that devolution is the British state’s response to an internal challenge from Scottish nationalist forces – it is an accommodation to those interests, but one that leaves the fundamentals of the UK state intact.

This focus of ‘territorial politics’, which emphasizes both Scotland’s place within the UK and the decentralization and devolution of power to a stateless nation, is also found in a range of Western democratic states (see...
for example Keating, 1998; Bogdanor, 1999; Bradbury, 2006). ‘Territories’ like Quebec in Canada, Flanders in Belgium and Catalonia in Spain have all enjoyed increased levels of political autonomy in recent decades (and many are watching recent developments in Scotland with great interest). The UK itself is based on three territorial unions: England and Wales (1536); Scotland (1707); and Britain and Ireland (1800), replaced with the six counties of Northern Ireland (1921) after the 26 counties of Ireland negotiated their exit from the union.

Territorial politics, like many other branches of political science, has a predominant focus on institutions and their relationships with each other. If we shift our attention to wider issues such as political participation and identity then we may come to different conclusions about the distinctiveness of Scottish politics. In recent decades, perceptions of ‘Scottishness’ have been growing at the same time as ‘Britishness’ has been diminishing. Unionism has been the glue that binds Scotland with the rest of the UK. In the days of the British Empire and the dominance of British economic interests around the world it was easy to see why the concept of the union and Britain was appealing. With the end of

Table 1.1  Levels of governance in Scotland

<table>
<thead>
<tr>
<th>Level of governance</th>
<th>Institutional examples</th>
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<tbody>
<tr>
<td>International</td>
<td>United Nations, World Trade Organization, World Bank, International Monetary Fund, multinational corporations, international interest groups</td>
</tr>
<tr>
<td>European</td>
<td>European Union, EU institutions, European interest groups</td>
</tr>
<tr>
<td>UK state</td>
<td>UK Parliament, UK Ministries, UK interest groups</td>
</tr>
<tr>
<td>Scotland (state)</td>
<td>Scottish Parliament, Scottish Government</td>
</tr>
<tr>
<td>Scotland</td>
<td>Scottish Agencies, Non-Departmental Public Bodies, UK state agencies (e.g. HM Revenue and Customs, Jobcentre Plus), Scottish interest groups (e.g. Scottish Council for Voluntary Organizations)</td>
</tr>
<tr>
<td>Regional</td>
<td>Strathclyde Passenger Transport Executive, Highlands and Islands Enterprise, Health Boards</td>
</tr>
<tr>
<td>Local</td>
<td>32 local councils</td>
</tr>
<tr>
<td>Local community</td>
<td>Community councils, tenants’ organizations</td>
</tr>
</tbody>
</table>

Centre and periphery: ‘Centre’ usually refers to the part of government in which power is concentrated; ‘periphery’ refers to local, regional or territorial governments.

Low politics: Policy matters deemed peripheral to the centre and devolved to territorial and local governments.

High politics: All matters that are vital to the survival of the state, such as defence, foreign affairs, security and economic concerns.
that Empire and Britain’s relative economic decline, that appeal is no longer as readily apparent and British identity as a source of collective participation may not have the appeal or resonance it once had (Nairn, 2001).

Indeed, levels of Scottish national identity provide a key background to the study of attitudes to constitutional change (Table 12.3).

The Scottish politics of difference

Scottish politics has in recent years developed its own agenda, separate from that of British politics. Its defining feature has been the issue of constitutional change, but there are also issues (e.g. education, local government, land reform) that have always had a uniquely Scottish angle. The party system has diverged from the UK norm, with the SNP emerging as a major party and the Conservatives demoted to minority status. The neo-liberal ‘laissez-faire’ politics of Thatcherism in the 1980s were perceived as alien by the majority of Scots (and many in the rest of the UK). Scottish political attitudes are also different. However, whilst opinion polls have tended to demonstrate a more ‘progressive’ attitude to issues such as income redistribution (Paterson et al., 2001), they also highlight few differences in moral views (Park, 2002).

Political differences in Scotland have the potential to be magnified by new post-devolution arrangements. For example, Scotland’s proportional electoral system has helped produce a multi-party system with a reduced likelihood (when compared with Westminster) of single party majorities (a fact that may currently seem ironic when Scotland has a single party majority and the UK a coalition government). The Scottish Parliament has working methods and practices that deliberately eschew those of ‘old Westminster’. Scottish difference also extends to the role of the state. The public-sector presence in Scotland – if measured in terms of key indicators such as expenditure, employment and housing – is more significant, and the impact of commercialism on the provision of services such as education and health is less well-developed than south of the border. Fewer state activities have tended to be outsourced to the market. Therefore, devolution has provided Scottish politics with the potential to diverge further from UK politics – and a key aim of this book is to assess the extent to which this has occurred.

Placed in a broader comparative context Scotland does not appear so exceptional – indeed it is the UK, rather than Scotland, which appears unusual. Scottish politics is actually quite a bit like that of other small European democ-
Asymmetrical constitutional settlement: The uneven nature of the UK devolution settlement, with no English regional devolution and different arrangements in Scotland, Wales and Northern Ireland (see Birrell, 2012; Cairney, 2012c).

racies. For example, the dynamics of executive coalition politics, minority government, the electoral systems used, the multi-party system, the Parliament’s working procedures, the asymmetrical constitutional settlement, the interdependencies and intergovernmental relations between Scotland and the UK all have parallels in Continental Europe. Similar arrangements exist in areas such as Quebec, Catalonia and Flanders – all of these ‘territories’ exist within the context of claims for more governing autonomy from their respective states. As a book primarily about Scottish politics, we do at various points seek to place Scottish politics within the broader comparative context.

Of course most answers to the multitude of questions that Scottish devolution has raised will be provisional. It has been suggested that a full analysis of policy change may take ‘a decade or more’ (Jenkins-Smith and Sabattier, 1993; see also Pressman and Wildavsky, 1973) and Scottish devolution has only just entered its teens. Further, as the former Welsh Secretary Ron Davies famously argued, devolution should be viewed as a ‘process rather than an event’. Such phrases are becoming important again as Scotland’s constitutional status and the current devolution settlement remain high on the Scottish political agenda.

A Scottish political system?

Before devolution, one of the liveliest debates in the literature on Scottish politics was about whether or not Scotland had a ‘political system’ (Kellas,

<table>
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<tr>
<th>Box 1.3 Quotes about Scottish politics</th>
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<tbody>
<tr>
<td>‘Devolution, the settled will of the Scottish people.’ John Smith, former UK Labour Party Leader.</td>
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<tr>
<td>‘Devolution will kill Nationalism stone dead.’ George Robertson, former Shadow Secretary of State for Scotland (Labour).</td>
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<tr>
<td>‘There shall be a Scottish Parliament. I rather like that sentence.’ Donald Dewar, former First Minister of Scotland (Labour).</td>
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<tr>
<td>‘Devolution is not just for Christmas.’ Michael Forsyth, Former Conservative Secretary of State for Scotland.</td>
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<tr>
<td>‘Devolution will be like a motorway to independence with no exits.’ Tam Dalyell, Labour MP.</td>
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1989; Moore and Booth, 1989; Midwinter et al., 1991). In this book we suggest that Scottish politics exhibits far more features of a political system today than it did when Kellas first advanced the argument in 1973. However, the consequence of multi-level governance is that the term ‘political system’ has diminishing relevance. Although devolution has enhanced Scottish legislative and governing authority and its institutions have been transformed, most elements of ‘high politics’ are reserved to the UK, many devolved policies are Europeanized and the globalization of economies fosters a level of interdependence that transcends nations and regions (McGarvey and Cairney, 2008b).

Easton (1953; 1957; 1965) emphasized a political system as an entity which could be studied on its own. He defined it as ‘a set of interactions, abstracted from the totality of social behaviour, through which values are authoritatively allocated for society’ (1965: 57). A political system is that part of society where the ultimate collective decisions are made; where power lies. A defining feature of states is their authority to enforce collective decisions, by force if necessary. Therefore, the key question is whether or not Scottish political institutions (rather than those in the UK, the EU or beyond) authoritatively allocate values with a degree of authority not witnessed before devolution. Further, does this provide new forms of ‘inputs’ to the system? Almond and Coleman (1960) outline three categories of input: the structures which exist to co-opt citizens into administrative and political structures; interest articulation through voting, campaigning, lobbying and demonstrating; and the processes of interest aggregation often performed by parties and interest groups.

The Scottish Parliament has the authority to pass primary legislation in devolved areas. This authority has been added to pre-existing powers – regarding the legal, education and local government systems in Scotland – safeguarded by the 1707 Act of Union. Scotland also has distinct political parties, interest groups and structures of governance. However, Scotland remains a sub-system of the UK. Legal sovereignty remains in Westminster, and Scotland remains part of the broader UK political system. Indeed, the UK political system has survived by displaying its capacity to respond to the stresses caused by Scottish demands for home rule; by devolving some powers while retaining others. The UK political system continues to evolve and its adaptability has probably been the key to its durability.

**New politics**

A main theme of much academic work immediately post-devolution was the notion of ‘new politics’ (Brown, 2000; Mitchell, 2000). The phrase was also
New politics: A phrase, often linked to ‘old Westminster’, associated with supplementing the aim of devolution with a wider democratization of Scottish politics.

Civic (or civil) society: Self-organized groups beyond the direct control of the state and organized around domestic, economic, cultural and social activities. The phrase might be used particularly when a collection of such voluntary and social organizations share the same broad interests or principles.

Scottish Constitutional Convention (SCC): An organization of political parties, interest groups, civic and religious leaders formed in 1989 to promote the principle (and detailed workings) of devolved government.

Consultative Steering Group (CSG): The cross-party group established by the Scottish Office pre-devolution to report on the operational requirements and draft rules for the Scottish Parliament.

resurrected briefly when the 2007 election produced a minority SNP administration required to seek ad hoc coalitions and informal cooperation with other parties (Cairney, 2011a: 47). Yet there was often a lack of certainty regarding what ‘new politics’ actually means.

What we can say with most certainty was that new politics became associated with the chance that devolution gave to improve the political process. It was a phrase born out of Scottish civic society’s participation in the campaign for home rule and the desire that devolution be accompanied by a wider democratization of Scottish politics. A new Scottish Parliament would not only address the democratic deficit in territorial representation, but also mark a departure from the type of politics associated with old Westminster. This is outlined at length by the Scottish Constitutional Convention (SCC) final report in 1995 and summed up in its 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.

Such language was maintained during the devolution referendum campaign and the work of the Consultative Steering Group (CSG).

These hopes for the new parliament were based on a widespread critique of the existing procedures and practices in the UK, including: the electoral system and its propensity to exaggerate majorities and exclude small parties; the political executive (by virtue of its majority) dominating an overloaded legislature; adversarial styles of politics; an unelected and unrepresentative second chamber; consultation with the most powerful and well-resourced interest groups, concentrating power and limiting links with wider society; and a political class that is a poor microcosmic representation of society.

These deficiencies would be addressed through a number of aims: a proportional electoral system with a strong likelihood of coalition and bargaining between parties; a consensual style of politics with a reduced role for party conflict; power-sharing rather
than executive dominance; a central role for parliamentary committees; closer links between state and civic society through parliament; and equality in the selection of candidates within a Scottish Parliament equally attractive to men and women.

The literature suggests two main reasons for this exposition of new politics. The first relates to a narrative of the ‘Scottish political tradition’, which involves consensus or at least the pursuit of negotiated settlements rather than the imposition of policy (Cairney, 2011c). This would be facilitated by the new Parliament, new electoral system and new rules of engagement and communication which would allow a greater role for ‘the people’. The second relates to the political climate in the run up to devolution. 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. The new Parliament in Edinburgh would be less remote, more participative and inclusive, play down party conflicts, assert its right to initiate as well as scrutinize legislation and prove to be a focal point for participation outside of the electoral cycle.

In most respects, such hopes tie in with wider academic discussions about the differences between types of democracy. In effect, the architects of devolution were describing and promoting a shift from a majoritarian to a consensus democracy (Box 1.4).

Since ‘new politics’ became such a rallying call for the architects of devolution, it gave the early devolution literature a key reference point with which to

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**Box 1.4  Majoritarian and consensus democracies**

Lijphart (1999: 2) argues that there are two basic models of electoral and political system design: those that concentrate power in the hands of the few (majoritarian) and those that ‘share, disperse, and limit power’ (consensus). In a majoritarian democracy the first-past-the-post voting system exaggerates governing majorities by (generally) granting a majority of seats in the legislature to a party which commands only a plurality of the vote. Lijphart (1999: 2–3) associates majoritarian democracies with an ‘exclusive, competitive and adversarial’ mentality. In a consensus democracy, the proportional electoral system generally produces no overall majority and power is dispersed across parties, encouraging the formation of coalitions based on common aims and a spirit of ‘inclusiveness, bargaining and compromise’. Consequently, PR systems may be more representative and more conducive to bargaining, while single-party governments may be more accountable and responsive to electoral swings.
assess the success of devolution (a topic to which we return in the Conclusion). The literature also provided a series of critiques or qualifications to the new politics project (see McGarvey and Cairney, 2008a: 14–16; 224–6):

- ‘Old Westminster’ is misleading – the final report of the SCC should be seen as a manifesto rather than a blueprint for action. It was based on a caricature of the UK political process that is not borne out by the evidence (Chapter 8) and thus produced unrealistic expectations for the Scottish system.
- Scotland maintained Westminster-style powers, procedures and culture – including the Westminster assumption that the Scottish Government will govern while the Scottish Parliament performs a scrutiny role (Chapter 5).
- The continued role for party politics – the SCC under-estimates the role of political parties, in particular their strength of partisanship and ability to discipline the legislature.
- Terms such as ‘consensus’ may be misleading – the pre-devolution Scottish ‘consensus’ may have been based on a common enemy (the former Conservative Government) that no longer exists (Chapter 2). Often politics involves the legitimate debate of opposing views; consensus is often difficult, if not impossible to achieve.

In summary, the literature suggests that the architects of new politics presented unrealistic expectations about the level of consensus in Scotland and the ability to maintain it through political institutions. Indeed, it could be that the talking up of the capabilities of the Parliament is directly linked to the largely negative media and public assessment of its initial performance post-devolution (see Mitchell, 2001; McGarvey, 2001a). However, if we view the final report of the SCC as a manifesto then there is an implicit recognition of wider political constraints. In this sense, new politics refers to an aspiration for difference at the margins – less partisanship, more public involvement, a greater pursuit of consensus. The notion of new politics is an aspiration; a hope that the Westminster legacy and the inheritance of pre-devolution institutions does not impinge too much on future political decisions. However, too many of Scotland’s political actors were schooled in the traditions and rituals of Westminster and Whitehall practice for devolution to represent a sharp break from the past.

Key themes

There are several themes which inform this book. First, we emphasize that Scottish politics today takes place within a context shaped by history, the
legacy of which is embodied in formal institutions. There are also informal institutions such as governmental conventions (e.g. collective cabinet responsibility), the ‘standard operating procedures’ of formal institutions and the **assumptive worlds** of political actors which structure the environment within which political actors make decisions. Linked to this is the emphasis on the idea that political exchange in Scotland is constrained by the **inherited commitments** of previous decisions. Scottish politicians, when they make policy decisions, are making incremental adjustments to the historical legacy. Bureaucratic culture, interest-group pressure and wider political pressures often mean the scope for policy change is restricted.

Second, we recognize that Scottish politics has undoubtedly changed. Both formal and informal institutions have changed in significant ways since 1999. The democratic and legitimacy deficit associated with the Conservative years in office (1979–97) has been addressed by the creation of the new democratic processes, not least the Parliament itself. Whilst 1999 did not mark **year zero** it has resulted in changes within all of Scotland’s key political institutions. These changes were fuelled by expectations that a type of consensual politics engendered by party and civic society cooperation in the 1980s and 1990s would continue after devolution. However, the reality of post-devolution political and policy processes suggests that these hopes were unrealistic as soon as the ‘common enemy’ (the Conservative Government in the UK) was removed.

Third, we place emphasis on the broader dynamics of policy-making. In Scottish public policy-making most attention tends to be focused on the policy formulation and output stages. However, an examination of the agenda-setting and implementation stages can also be revealing. For example, the subject of finance, although often considered boring and technical, should not be neglected by any student of Scottish politics because it tells us much about the power to keep important issues off the political agenda (Chapter 11). The effect of the global economic crisis, and the potential impact of Scottish Government budget cuts, is also a theme discussed throughout the book. Further, a focus on implementation shows us the difference between the expectations associated with high profile Scottish policy choices (which often mark a divergence from choices made by the UK Government) and their actual long term outcomes (Chapter 9). Overall, an understanding of Scottish politics extends beyond Scotland’s formal governing institutions. Understanding new electoral and democratic processes, voter behaviour, the
different forms of policy delivery as well as the broader financial and governing context is necessary to produce a more rounded account of Scottish politics.

Last, but not least, we consider the recent impact of the SNP on Scottish Politics. The most obvious impact is electoral: in 2007 it won the most Scottish Parliament seats and formed a minority government; in 2011 it won the majority of seats. This is, without doubt, the most significant election result since Scottish devolution – not least because the electoral system was designed to minimize the chance that any party would secure a majority without a majority of the vote (Chapter 2). The effect of SNP Government since 2007 is surprising in several respects. For example, a period of minority government did not produce a sea change in relationships either between the main parties in the Scottish Parliament or between the Scottish Parliament and Government. Nor did the SNP secure a fundamentally different relationship between the Scottish and UK Governments or embark on a radically different policy programme. Indeed, we might argue that a bigger SNP effect has been on the Scottish Government’s relationship with sub-national bodies such as local authorities.

Of course, the biggest impact of the SNP election win in 2011 is that there will be a referendum on Scottish independence in 2014. Consequently, we will explore the extent to which devolution has satisfied nationalist demands and its ability to continue to do so. The UK state has successfully accommodated the demands for increased levels of autonomy from the Celtic fringe, with Scotland, Wales and Northern Ireland all gaining different forms of devolution since 1999. Scotland’s constitutional settlement was also amended by a new Scotland Act 2012. Devolution, however, did not mark the end of the constitutional debate in Scotland. Indeed, if anything, it has added fuel to the fire. Devolved elections gave the SNP a new platform and ultimately allowed it to find a way to pursue its independence agenda in a way that Westminster alone could not (Johns et al., 2010). The constitutional issue is now at the top of the agenda of Scottish politics. Even if there is a ‘no’ vote, it is likely that demands emanating from Scotland will place the British political system under increasing strain – and more accommodation of Scottish distinctiveness and difference may be required.

These themes are outlined in greater depth in subsequent chapters. Chapter 2 outlines a contemporary historical narrative of Scottish politics. Recent political history in Scotland is a story of how various political institutions, galvanized by Scottish public opinion, placed demands on the British government, forcing it to accommodate Scottish differentiation whilst retaining the integrity of the British political system (see Midwinter et al., 1991: 196–9). This chapter provides a historical, social and economic context as well as briefly examining the role of the media.
Chapter 3 outlines details of Scotland’s major political parties and the impact of devolution on their role and structure. We then consider broad developments in the Scottish party system since 1999. We review and assess the role and functions of political parties as well as trends in party organization and how they are impacting on the parties in Scotland.

Chapter 4 focuses on electoral processes in Scotland. Scotland today has four separate electoral systems. Each voting system has parallels in the wider world and owes more to European than British democratic tradition. The chapter looks at alternative explanations for electoral choice, questioning why Scottish voters vote the way they do.

In Chapter 5 we discuss the role and influence of the Scottish Parliament. We highlight the association between Holyrood and the hopes associated with ‘new politics’. We argue that, although the Scottish Parliament is at the heart of new procedures and initiatives, it has also inherited many cultural and institutional elements from Westminster. We examine the Scottish Parliament and Government relationship during coalition, minority and majority government, arguing that the Scottish Parliament is, in many ways, peripheral to the Scottish policy process.

In Chapter 6 we examine ministers and civil servants within the Scottish Government. We identify the role of the Scottish Cabinet and the First Minister, and explore the differing environments within which the Scottish Government has operated since 1999. We describe the basic responsibilities and structures of the Scottish Government and consider the role of its civil service and its influence on post-devolution policy processes.

In Chapter 7 we examine the governmental institutions beyond Holyrood, including local government and public bodies that do not fit neatly into the conventional central/local government classification. We examine the broader governance and the changing nature of public service delivery in Scotland, focusing in particular on bodies operating at ‘arm’s-length’ from government.

In Chapter 8 we examine the extent to which the process of policy-making is distinctive in Scotland following devolution. We describe and explain the ‘Scottish Policy Style’: the way that the Scottish Government makes policy, in consultation with ‘pressure participants’ such as interest groups, and the way that it implements policy in partnership with organizations such as local authorities.

In Chapter 9 we examine the outputs of the public policy-making process. We explore the extent to which the new political arrangements in Scotland have produced ‘Scottish solutions to Scottish problems’. We focus particular attention on ‘flagship’ policies such as free personal care, student fees, local government elections and the smoking ban and assess the scale of policy change from formulation to implementation.
Chapter 10 extends the theme of multi-level governance to the influence of the UK and EU on Scottish politics. We explore the blurry boundaries between reserved and devolved powers as well as the means used by both governments to solve disputes. It discusses one of the more curious developments since 1999: as a range of issues have been devolved, so too have they been Europeanized. We also consider the importance of a shared party in the Scottish and UK Governments, exploring the impact of SNP Government from 2007 and Conservative-led UK Government from 2010.

In Chapter 11 we explore the history, development and durability of the ‘Barnett formula’ as a means of allocating territorial public expenditure in the United Kingdom. We discuss the fairness of the Scottish settlement and what this tells us about power relationships within the UK. We highlight the continued importance of the UK Treasury, and other external factors such as the UK’s new ‘age of austerity’, and we consider the extent to which Scottish actors determine the level and allocation of funding in Scotland.

Chapter 12 provides the background necessary to produce a full understanding of the contemporary Scottish independence debate. We consider the meaning of independence and devolution, which have changed markedly over the post-war period. We chart the modern history of the constitutional change debate, including SNP and UK Government attempts to modify the constitution from 2007. We consider the links between levels of Scottish national identity and levels of support for constitutional change, and we consider variations in such support. Finally, we consider current issues and what happens next.

In the concluding chapter we explore the impact of devolution on Scottish politics, including the idea that we can call it a success.

Despite our acknowledgement of Scottish politics’ place within the wider UK political system we view it as a legitimate unit of political analysis. Scotland should be viewed as a very interesting sub-system of UK politics. We contend that what is going on in Scottish politics should of course be of interest in itself to all students of politics. In an introductory book there is little advantage in seeking to overwhelm students with comparative data and theories. Describing what is happening in Scottish politics is a precondition for explaining why it is occurring. However, where appropriate we do try to place Scottish politics within its wider comparative context and introduce some relevant theories to both inform and develop our description and analysis.
Further reading


Online sources

Scottish Parliament: www.scottish.parliament.uk/
University of London’s Constitution Unit: www.ucl.ac.uk/constitution-unit/
UK Politics page: www.ukpolitics.org.uk/
Paul Cairney’s Blog: http://paulcairney.blogspot.co.uk/
Chapter 2

Devolution: Historical, Social and Economic Context

Scottish politics today is not taking place within a vacuum – important legacies from previous developments and external influences continue to shape and structure Scottish political institutions and behaviour. Therefore, any examination of Scottish politics should look well beyond political institutions and the establishment of the modern parliament in 1999. This chapter places Scottish politics in its wider historical, social and economic setting. We also consider the role of the media as an important source of context for policymakers when they make decisions.

A key argument is that Scottish politics both shapes and is constrained by the environment in which it operates. In particular, the economic picture informs political decision-making (expressed most simply as: money oils the wheels of parties, parliament and government), particularly during periods of crisis. Political choices are made that can reshape Scotland’s economy and society. However, those political choices may be constrained by institutional economic factors (e.g. reduced money from the UK Treasury) and social factors (e.g. an expanding and ageing population).

The present shape of Scottish politics was shaped by pre- and post-war events, particularly from the 1960s when constitutional issues came to the forefront. The chapter highlights the development of administrative devolution in Scotland and the legacy of the Scottish Office’s roles and responsibilities. We review the rise of the home rule issue and its development, including the referendum campaigns in 1979 and 1997, and the Scottish Constitutional Convention.

The main problem for students of Scottish politics is that its main developments have tended to be subsumed within the wider story of UK politics. This is compounded by the fact that narratives of UK politics tend to have a very centralist slant. Yet, as Rokkan and Urwin (1983) note, the UK’s union state is highly unusual in comparative terms. While the dominant framework for the study of UK politics has been the

**Constitutional issues**: Those relating to the structure and fundamental political rules of a nation or state.

**Administrative devolution**: The partial devolution of administration and policy responsibilities to Scottish Office ministers before legislative devolution in 1999.

**Union state**: The Act of Union 1707 ensured that certain aspects of the Scottish polity would remain intact. Therefore, while the UK resembles a unitary state, the centre’s ability to alter sub-governmental units in Scotland is uncertain.
Westminster Model (Box 2.1), scholars of Scottish politics (Kellas, 1989; Midwinter et al., 1991; Brown et al., 1998; Mitchell, 2009; Keating, 2010) have presented an alternative story.

Viewed from Scotland and the rest of the ‘periphery’, the UK was never a unitary state but a state of unions (Mitchell, 2009). Scotland was part of the UK and the ‘centre’ was dominant in terms of political power, but Scotland had retained some distinct features of nationhood. The union with England was

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**Unitary state**: A state in which all constitutional power (legal, executive and parliamentary) resides in the centre. Sub-governmental units may exist but are subject to change from the top.

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**Box 2.1 The Westminster model of UK politics**

The Westminster model is a narrative of UK politics emphasizing the importance of institutions such as the prime minister, Cabinet, political parties, the civil service and Parliament. It contains prescriptive and descriptive elements, which are not always easy to disentangle. These include:

- **Majority party control of the executive**. The single-member plurality system exaggerates the majority of the biggest party.
- **A two-party system based on single-member constituencies**. The electoral system also exaggerates the swing of votes to produce two-party dominance.
- **An institutionalized opposition party**. This creates a party of government and an officially recognized party of opposition in Parliament.
- **The importance of constitutional conventions**. E.g. Collective Cabinet responsibility.
- **Doctrine of parliamentary sovereignty and the unitary state**. The UK Parliament has the power or make or unmake any laws.
- **Accountability through elections and ministerial responsibility**. The government receives a mandate to govern and is held to account at the ballot box. Ministers are responsible for all decisions made in their departments.
- **A personalized and institutional view of power, which belongs to a particular actor or institution**. Power is assumed to be held by individuals or institutions, partly to simplify governmental accountability to the public through Parliament.
- **Inductive legal-historical methodology**. The way to understand UK politics is through an understanding and appreciation of its legal basis and history.

The Westminster model suggests strong central control. Power resides within central government or the ‘core executive’, and this is furthered by the reliance on representative democracy and parliamentary rather than popular supremacy (except during elections) and an electoral system that tends to result in governing-party control over Parliament. So power is centralized and elitist and governing is top-down or ‘one way traffic from those governing (the Government) to those being governed (society)’ (Richards and Smith, 2002: 3; see also Rhodes 1988; 1997; Bevir and Rhodes, 1999; Bache and Flinders, 2004a; 2004b; Dunleavy 2006; Marsh 2012). There is therefore little room for discussion of power in the ‘periphery’ (which includes Scotland).
partial, with the major institutions in civic life retaining a separate Scottish identity. The incorporation of Scotland into Britain was always incomplete because Scotland’s elites negotiated to retain control over religion, law, education and local government (Paterson, 2000b).

Overall, distinctively Scottish institutions such as education bodies (e.g. Universities Scotland), professional associations (e.g. Law Society, Educational Institute for Scotland) and sporting institutions (e.g. Scottish Football Association) have contributed to a picture of Scottish distinctiveness within the UK. These differences have been reinforced and reproduced by media outlets in Scotland and as the UK national media have increasingly introduced Scottish editions of newspapers and programmes.

Administrative devolution and the ‘Scottish political system’

Scotland has always been the junior partner in the union – at 5.2 million it has approximately 10 per cent of England’s (53 million) population (in 1707 its population of approximately one million was closer to 20 per cent). Yet, as the British state, economy and empire expanded its scope and influence, Scotland appeared to accept its position within it enthusiastically. The political identity that flourished was one of unionist nationalism. This has two elements: the belief that Scotland had to remain in the union to realize its potential as a nation, and the belief that, in the absence of Scottish nationalism, the union could have degenerated into an English takeover of Scotland (Brown et al., 1998: 11). If the union was ever questioned by campaigners it was not to seek its repeal, but to make adjustments. The first politically significant home-rule movement in Scotland in the late nineteenth century sought modest devolution of responsibilities from London, rather than outright separation. This is not unusual even in the contemporary context – often national minorities decide that their self-determination can be adequately exercised as part of a larger state.

In part, calls for political devolution were muted because the British state addressed them with a form of administrative devolution. There are two notable aspects to this process. First, the Scottish Office created in 1885 was relatively small, taking over responsibility for little more than a number of small existing governmental bodies. The post of Secretary of State for Scotland was also fairly low status – a symbolic gesture to address nationalist grievances over the way the union was handled in London rather than one which marked a shift in power (the Scottish Secretary did not sit in Cabinet until 1926). Second, however, these moves created a precedent – that when Scotland’s policy circumstances are different, its policy response and hence administrative arrangements should be different. This became important in the early twentieth century and then the

**Scottish Office:** The territorial department of the UK Government that existed from 1885–1999.
post-war period as the Scottish Office began to grow in tandem with the growth
of the state (Mitchell, 2003a). The Secretary of State also became a figurehead
for the articulation of Scottish interests in the Cabinet.

These developments provide the context for the most significant debate on
the distinctiveness of Scottish politics before devolution. This centred on
James Kellas’s *The Scottish Political System* that ran to four editions from
1973 to 1989. His arguments represented a reaction to the ‘homogeneity
thesis’ that suggested that the UK was a unitary state with no significant terri-
torial dimension. For Kellas, there were two preconditions for a Scottish polit-
ical system (which were both met). First, the majority of the population would
see their national identity as primarily Scottish rather than British. This was
furthered by the retention of Scottish culture and education, as well as the
commonly held idea of Scotland as a ‘stateless nation’. Second, Scots could
appeal to Scottish institutions as a means of ‘articulating and aggregating their
interests’ (Kellas, 1989: 211). These existed in the form of Scottish MPs, inter-
est groups, media, the Scottish Office as a focus for demands, and a Scottish
public service and legal system to execute decisions and adjudicate disputes
(see also Paterson, 1994).

Much intellectual energy was then spent debating the levels of political
autonomy vested in Scotland’s institutions. The anti-case rested on the argument
that sovereignty resided elsewhere. In other words, the final decision on policy
in Scotland was made in the UK Cabinet, not in the Scottish Office (Rose, 1982;
Moore and Booth, 1989). The basis for a credible counter-argument was best
articulated by Bulpitt, whose *Territory and Power in the United Kingdom*
(1983) still informs contemporary debates on devolution. Bulpitt suggests that
for long periods the ‘periphery’ (organizations such as local or territorial govern-
ment) benefited from a form of autonomy caused by a lack of attention to local
matters by the ‘centre’ (which we can take to mean central government). Central
actors looking for a quiet life will inevitably focus their attention on ‘high poli-
tics’ (which used to refer to the empire, economic and foreign affairs) and leave
the ‘low politics’, including relatively unimportant aspects of territorial affairs,
to peripheral institutions. Therefore, while the UK Government may have the
ability to intervene in Scottish politics, ‘it is a mistake to equate potential power
with actual power’ (ibid.: 29–30). We can see evidence of this autonomy through
neglect in the development of the Scottish Office’s responsibilities, which also
had significant discretion in implementing policy, while the ‘Barnett formula’
gave it the ability to direct spending priorities.

Yet, this autonomy was limited to certain policy areas (such as education)
left relatively untouched by the union, and to issues which received minimal
central government attention. The Scottish Office was never a particularly
innovative political institution and its scope for policy leadership and auton-
omy was limited (Midwinter *et al*., 1991: 78). On the few occasions when it
initiated policies it was within strict parameters or due to exceptional circum-
stances (ibid.: 57). For Midwinter *et al*., the phrase ‘administrative devolu-
tion’ was something of a misnomer as it conveyed the idea that the Scottish Office represented a form of self-government. The Scottish Office had a wide range of responsibilities, but was not powerful within Whitehall. It rarely led UK policy and was set up to influence and then implement the policies of other departments (ibid., 1991; Cairney, 2002; Keating, 2005a).

The autonomy argument was particularly undermined by the experience of the Thatcher Government and the apparent willingness of Conservative ministers to ride roughshod over policies and institutions previously seen as insulated within Scotland. In these circumstances, a more convincing picture of the Scottish Office was as the UK’s largest pressure group: a focal point to ensure that Scottish interests presented a united front in negotiations with the Treasury and other Whitehall departments. So successful was the Scottish Office that political historian Peter Hennessy places it alongside the military and doctors as one of the three great institutions in gaining substantial resources from the Treasury (Mitchell, 2011: 39).

Perhaps most importantly, changes to Scottish public administration have been piecemeal and incremental but they have accumulated to provide a significant legacy. In 1999, the Scottish Parliament inherited rather than chose its policy responsibilities (such as health, education and social work).

The rise of the home-rule agenda

The successful campaign for home rule in Scotland also built on many previous efforts. Indeed, various organizations – such as the Scottish Home Rule Association – have campaigned for Scottish home rule over the course of the past 125 years (Mitchell, 1996a). Although none were successful, they highlight the fact that the campaign for Scottish home rule is not a uniquely modern phenomenon. It was also not the sole preserve of the SNP that was formed in 1934 – well after various political interests had been campaigning for home rule. Mitchell (ibid.) identifies home rule pressure groups, constitutional conventions, the use of petitions and referenda and party campaigns for constitutional change as alternative routes to self-government – all of which have been evident in Scotland.

When a political consensus amongst three of Scotland’s four main political parties, as well as important institutions in Scottish civic society, coalesced around the constitutional convention, Scottish constitutional change seemed almost inevitable. A large majority of Scotland’s trade unions, professional associations, local councils and religious organizations all became part of a political movement in favour of devolution. It is important to note that a significant component of this consensus was negative – it was based around a rejection of Thatcherism and the unitary vision of the UK state. The interests who formed the SCC were those groups that had felt frozen out of government decision-making by the Conservatives.
This level of unified coalition in favour of home rule, in the 1980s, was new. In the immediate aftermath of the Second World War, the creation of the Welfare State ‘had forged a new and significant meaning of Britishness’ (McCrone, 2001b: 21). This was also supplemented by the accommodation of Scottish interests within the union. Although the immediate post-war decade can be viewed as unionism’s heyday in Scotland, a key part of unionism as an ideology has been an accommodation of Scottish distinctiveness and difference. In the 1950s the Conservatives (in office at the UK level in 1951–64) doubled the number of Scottish Office junior ministers from two to four and established the Balfour Commission to inquire into the workings of government and the management of the Scottish economy. The Commission recognized a ‘general deterioration’ in the relationship between Scotland and England (Harvie and Jones, 2000: 65). The Labour Party had flirted with the idea of home rule – in 1947 the Scottish Council of the Labour Party endorsed it, but in 1958 it rejected it. A recognition of Scottish distinctiveness and difference was therefore already part of the political landscape in the 1950s.

However, it was in the 1960s that the issue of home rule came to feature more prominently in the Scottish political agenda with the SNP expanding its membership rapidly (see p. 44). The British Empire and economy had been in relative decline in the post-war period (although in absolute terms the economy had continued to grow) and the benefits of the union were beginning to be questioned more seriously.

The SNP’s breakthrough in 1967 marked it as a serious electoral force in Scottish politics and the party made further gains at the 1970 and both 1974 UK general elections (see Table 3.1). The two major UK parties were responding to the perceived demand for constitutional change. In government at the UK level the Labour Party established the Kilbrandon Commission in the late 1960s to look into the constitutional question.

The Kilbrandon Commission’s Report was published in 1973, recommending the establishment of a Scottish Assembly with legislative powers covering the main areas of social policy dealt with by the Scottish Office. However, other policy areas such as law and order and economic development were to remain under the Secretary of State for Scotland, who would remain elected through the Westminster Parliament. Moreover, he or she would retain veto powers over Assembly legislation. The Assembly would enjoy no taxation powers and was to be directly elected but through the Westminster first-past-the-post electoral system.
The 1979 referendum

In the year after the Commission’s report was published there were two general elections held at UK level. These were the high watermark for the SNP (see Table 3.1: p. 45) – at the October 1974 election the party gained over 30 per cent of the vote. SNP success also extended to the 1977 local elections (see Table 4.2: p. 71) and came in tandem with the breakaway of some Labour MPs to form the Scottish Labour Party (the UK Labour Party in Scotland did not change its name to this until the 1990s). The prospect of being defeated by the SNP in Scotland was very real, and the Labour Party in office in 1974–79 was well-aware of the significance of the home-rule agenda. It had established the Kilbrandon Commission and the party was under pressure to follow through on its recommendations. Yet, there is slim evidence of widespread enthusiastic support within the Labour Party at the time.

A Scotland Bill was introduced into the House of Commons in 1978. Since Scottish backbench support was not particularly enthusiastic (and the original bill had been unsuccessful) the government agreed to retain the full Scottish complement of 71 MPs to secure backbench support and ensure electorate approval of the scheme via a referendum. As the Bill passed through the legislature an amendment was made by Labour MP George Cunninghame (who was a Scottish MP in a London seat) requiring that the proposals be approved by not only a majority of the Scottish voters via a referendum but also by 40 per cent of the registered Scottish electorate. In other words, those staying at home would be counted as ‘No’ voters.

Opinion polls prior to the referendum appeared to suggest that the ‘Yes’ vote would win comfortably. However, the ‘Yes’ campaign was divided, with a lack of cooperation amongst the parties in favour. The SNP support was lukewarm, with the party fearing that unqualified support may be seen as a sell-out by the fundamentalists within the party (Finlay, 2004: 338). The Scottish Labour Party was divided on the issue, with some Labour MPs combining with Conservatives in the ‘No’ campaign. Many constituency Labour Party offices did not actively campaign in favour of a ‘Yes’ vote. Moreover, the Labour Government was increasingly unpopular. The campaign and referendum took place during the immediate aftermath of the Winter of Discontent which led to the downfall of Prime Minister James Callaghan. It was therefore not a good time to introduce a Labour-led policy whose main effect would be to ‘entrench Labour domination in Scotland through an assembly elected by the first-past-the-post system’ (Dardanelli, 2005a: 321).

**Fundamentalists:** Those within the SNP who believe in the ‘big bang’ approach to independence and are sceptical of devolution as a stepping stone.

**Winter of Discontent:** The 1978/79 winter period when there was widespread industrial unrest in Britain.
During the campaign, Tam Dalyell’s infamous West Lothian question highlighted a series of unresolved constitutional questions of concern to those urging a ‘No’ vote. They were backed, in terms of funding and support, by Scotland’s largely unionist business community. Overall, the ‘No’ campaign appeared better organized and more coherent; those urging a negative response coalesced under one clear message. The ‘Yes’ campaign appeared divided and incoherent, with two separate campaigns run by, or excluding, the SNP.

The referendum was held on 1 March 1979 with a slim majority voting in favour (see Table 2.1). However, when the result was ‘modified’ to take into account the Cunninghame amendment, the 40 per cent figure was not achieved – the proportion of the registered electorate in favour was only 32.9 per cent. As Finlay (2004: 328) notes of the 1979 referendum results, ‘broadly speaking a third wanted it (devolution), a third did not and a third did not care’.

Ironically, a policy devised to ‘stop the SNP’ with a ‘Yes’ vote actually undermined it with a ‘No’ vote for a policy increasingly associated with the SNP (ibid.: 340). It took the SNP almost a decade to recover. Almost immediately after the referendum campaign the SNP backed a Conservative motion of no confidence in the Labour Government. This vote was successful and forced a general election. According to the then Prime Minister, James Callaghan, it was like turkeys voting for Christmas. The SNP lost nine of their eleven MPs at the subsequent election, and home rule disappeared off the Scottish political agenda.

### The Conservative years, 1979–97

On 3 May 1979, the election of a Thatcher-led Conservative Party marked the beginning of 18 years of Conservative rule at Westminster. At the UK level, the party secured its biggest majority of seats over Labour since 1935. In Scotland, the party’s support went up from 24.7 to 31.4 per cent and it elected 22 MPs in Scotland – one of only two blips in an otherwise downward trajec-
tory since the 1950s. Even the defeated Labour Party’s share of the vote increased in Scotland – from 36.3 to 41.5 per cent. This was mainly due to the SNP vote collapsing from 30.4 to 17.3 per cent (see Table 3.1).

A lot has been written about Thatcherism and its impact on Scottish politics in the 1980s and its enduring legacy today. As Finlay observes, ‘in popular Scottish mythology, the eighties match the thirties as the Devil’s decade’ (2004: 341). Non-Conservative Scottish politicians are fond of citing factory/shipyard/pit closures, mass unemployment, the poll tax, industrial unrest, attacks on local government, unwanted NHS marketization, a democratic deficit and the like. The images conjured up of Scottish politics in the 1980s is generally negative. In a sense, the case made for devolution in this decade was also negative – home rule would solve the democratic deficit and prevent a London UK government imposing its will on Scotland. Scottish devolution therefore represented ‘unfinished business’, and a Scottish assembly could have ‘defended Scotland from Thatcherism’ (McCrone and Lewis, 1999: 17).

The size of the democratic deficit in Scotland increased as the decline of the Conservative Party in Scottish politics accelerated. In 1987 the party only returned ten MPs to Westminster and much of its demise resulted from a combination of factors:

- Economic/industrial policies that left Scotland’s manufacturing and industrial base to contend with the ill-wind of market forces without intervention;
- The collapse of the residual Protestant working-class unionist vote and the appeal of unionism as a political ideology;
- The combination of increasing identification with Scottish nationality and the growing perception of the Conservatives as an English party;
- Poor territorial management and a new ‘unitarism’ in unionist outlook – that is, the notion that all parts of the UK should be subject to similar policies, rather than the accommodation of Scottish difference;
- A policy agenda of tax-cutting, public-sector retrenchment and marketization perceived as alien and out of sync with the Scottish electorate’s allegedly more egalitarian philosophy;
- Thatcher’s failure to convince the Scottish middle classes (in sufficient numbers) of the utility of her government’s policies, with the Conservative electoral strategy perceived as most relevant to the south of England;
- The policy-making style of the Thatcher Government was contrary to the
well-established consultative approach where the Scottish Office would allow various sectional interests of civic Scotland opportunity to impress their views on government.

The Thatcherite vision of a reinvigorated ‘Great’ Britain, free economy and strong state was premised around a hardline unionist stance allowing no scope for devolution of power. Her own memoirs referred to the Scottish Office as ‘unnecessary bureaucracy’ (Finlay, 2008: 619). Thatcher’s misunderstanding of Scotland was evident in her famous speech to the General Assembly of the Church of Scotland in May 1988, the ‘Sermon on the Mound’ – a eulogy on individualism, enterprise, Adam Smith economics and state retrenchment, provoking a barrage of criticism from the Scottish media as well as the Church of Scotland (Finlay, 2008: 164).

During the Thatcher era the Scottish Labour Party re-established itself as Scotland’s dominant political party. The real turning point came after the 1987 general election and the re-election of Thatcher, despite a further collapse of the Conservative Party’s vote in Scotland. Few would disagree that this collapse was caused by the fallout from the poll tax, which reignited the devolution issue in the late 1980s (see former Secretary of State for Scotland, Ian Lang’s account, 2002: 172). The campaign in Scotland was dominated by accusations that Scotland was being used as a guinea pig (the poll tax was implemented one year ahead of England and Wales – see Box 2.2).

Box 2.2 The poll tax

The poll tax is a classic case study of how not to make public policy and is rightly regarded as an unmitigated policy disaster (see Butler et al., 1994). The poll tax (officially called the ‘community charge’) was introduced to replace rates (based on the notional rental value of a house) as the local taxation used to fund local government. In the early 1980s, UK central–local government relations were marked by high-profile confrontations between metropolitan left-wing local authorities and the right-wing central government. The Thatcher government was concerned with excessive local expenditure and believed that compelling local councils to set a high profile ‘community charge’ for local services could help control their spending. It was hoped that high tax/spending (generally Labour) councils would be punished at the ballot box, while low spending (generally Conservative) councils would be ‘rewarded’. Most adults would be forced to pay the same level of tax regardless of ability to pay (the unemployed/students would pay 20 per cent). When it was implemented, the fees that councils charged were far in excess of original estimates and polls suggest that voters blamed central government rather than their local council for the high level of tax. In Scotland all of this was compounded by the fact that it was implemented a year early (partly to meet Scottish ministerial demands for rates reform). The poll tax was ‘the ultimate symbol of the Thatcherite imposition of unpopular policies on a reluctant nation’ (Finlay, 2004: 362). It played a significant part in the downfall of Thatcher as prime minister and was replaced with council tax by her successor John Major.
The Scottish Constitutional Convention, 1989–95

The widely predicted 1987 election result was the ‘doomsday scenario’ for home rule campaigners – the Conservative Party was re-elected despite its declining vote in Scotland. Scotland returned 50 Labour MPs who pledged to prevent the worst excesses of the Thatcherite philosophy impacting on Scotland. The political reality of the Westminster system of majoritarian democracy was that they were pretty powerless to do anything. In light of their weakness within Parliament, home rule campaigners sought to create extra-parliamentary pressure on the Thatcher Government.

An SCC was established in 1989. It was a collection of elite interests who sought a middle way between the Conservative Party’s uncompromising unreformed unionism and the SNP’s independence. The SCC sought to popularize the idea of home rule amongst the Scottish electorate as well and engineer elite and cross-party support in favour of devolution. It claimed that Scottish sovereignty rested with the Scottish people rather than the Crown in Parliament. Membership included the Labour Party; the Scottish Liberal Democrats; the Scottish Democratic Left; the Orkney and Shetland Movement; the Scottish Green Party; the Scottish Trade Union Congress; the Regional, District and Island Councils; the main Scottish Churches; the Federation of Small Businesses; ethnic minority representatives; and the Scottish Women’s Forum. Its final report, Scotland’s Parliament: Scotland’s Right in 1995, argued for a proportional electoral system and a Scottish Parliament with equal representation of men and women. The SCC, with its commitment to a consensual style of operation, was also a key architect of ‘new politics’ in post-devolution Scotland.

It was widely anticipated that Labour would win the 1992 UK election and devolution could be implemented. However, the Conservatives under John Major won again (he had campaigned by extolling the benefits of the union) and the party had a minor recovery in Scotland with 11 seats gained. After this election, the Scottish Office engaged in a ‘Taking Stock’ exercise. However, little changed beyond public relations spin, minor tinkerings with the Westminster Scottish Committee structure and the symbolic return to Scotland of the Stone of Destiny, a symbolically important block of sandstone used originally as a seat in Scottish coronations. Instead, the Conservative government published Scotland and the Union: A Partnership for Good extolling the benefits Scotland received from the union.

The ‘toll’ or cumulative experience of this 18 years of Conservative rule (and its policy agenda throughout) must be understood and appreciated – it is possibly the most important factor in explaining the high public support for devolution. As Finlay has argued:

Majoritarian democracy: A democratic system which prioritizes the will of the majority. The label is often used to refer to countries using the first-past-the-post electoral system (which often produces single party majorities without a majority of the votes cast).
The attack on British institutions such as the Health Service, comprehensive education, the mixed economy, and nationalized industries went down like a lead balloon in Scotland … and it can be argued that such institutions were a major factor in shoring up a sense of British identity in the past. (2001a: 249)

The 1997 referendum

Pressure for devolution intensified after 1992; the then Labour leader John Smith famously referred to it as ‘the settled will of the Scottish people’. This support continued under Tony Blair, and the Labour Party in 1995 proposed a two-question referendum. This would not only defuse the Tories ‘tartan tax’ 1992 general election campaign sound bite (giving people the chance to accept/reject the Parliament’s ability to raise/reduce income tax by 3p) but also give popular legitimacy to a subsequent devolution bill in Westminster. The UK general election in 1997 resulted in a Labour landslide victory and in Scotland the Conservative Party won no seats and only 15.6 per cent of the vote – their lowest share since 1865 (see Table 3.1). Plans were put in place almost immediately for the two-question referendum.

The 1997 campaign was in marked contrast to that of 1979 (Denver et al., 2000). The ‘Yes, Yes’ campaign was well-funded, organized and united. All of the Scottish leaders from the parties in favour of constitutional change campaigned under one umbrella group – Scotland Forward. The ‘Yes, Yes’ campaign was also buoyed by its association with a popular Labour Government and a feeling within Labour that the SCC had addressed most of the constitutional questions which dogged the 1979 campaign. In contrast, the ‘No, No’ campaign was dominated by the increasingly unpopular Scottish Conservatives and led by arch-unionist Donald Findlay through the ‘Think Twice’ organization. In contrast to 1979 it was poorly funded and amateurish, symbolic of the decline of unionism as a significant ideology in Scottish politics.

The result seemed inevitable. As Kellner (2012) notes, ‘the referendum was not so much a contest between rival visions of Scotland’s future as a formal ratification of a done deal’. Significant majorities voted ‘Yes’ to both ques-

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<tr>
<td>Support for a Scottish Parliament</td>
<td>74.3</td>
<td>25.7</td>
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<td>Support for taxation powers</td>
<td>63.3</td>
<td>36.4</td>
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<td>Turnout 60.2%</td>
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</table>
Significantly, all parts of Scotland voted ‘Yes’ overall and the vote would have been enough to pass Cunninghame’s 40 per cent threshold had it still been in force.

The election and referendum in 1997 followed three decades when Scottish political attitudes and behaviour began to depart significantly from that in England. Ideological support for unionism and Britain (at least as a unitary state) fell sharply.

As unionism declined as an ideology (see Box 2.4), nationalism has grown and there appears to have been some redefining in what it means to be ‘Scottish’. From 1979, notions of social democracy, egalitarianism and being collectivist in outlook were invoked as Scottish traits that were opposite to the dominant ideology of the then Thatcher Government. As Mitchell (2005) has noted, the period from 1979 to 1997 allowed anyone or any institution opposed to the Conservative Party to coalesce under one umbrella. The Conservative Party in government became an ‘other’ which mobilized a political base around support for devolution. As Mitchell (2005: 25) observes:

**Box 2.3 Scotland as a case study in the European Union and beyond?**

Keating (2001; 2004b) and Dardanelli (2005a; 2005b) have emphasized the broader global comparative dimension of the Scottish constitutional question. Dardanelli suggests that following the shift of the SNP’s strategy to ‘independence in Europe’ and a more positive public perception of the EU, the ‘fear of secession’ largely disappeared and supporters of devolution voted ‘Yes’ in 1997. He links the Scottish experience to a wider EU picture: greater levels of integration within the EU have increased demands for ‘regional self-government’ within member states. In this context, Scotland makes an ‘ideal test case’ since ‘the establishment of the Scottish Parliament is arguably the highest-profile case of demand for self-government at regional level in Europe’. Keating (2001) extends a similar discussion to Catalonia within the EU and Quebec within the North American Free Trade Agreement. He finds a common desire among the public for a form of regional autonomy within a wider system of government. He suggests that as the world changes so does the meaning of phrases such as ‘nation’, ‘national identity’ and ‘nationalism’. Since people may define their identity in terms of regions (e.g. Scotland), states (e.g. the UK) and beyond (e.g. the EU), then referendums based on campaigns which exaggerate a stark choice between independence and integration are asking the wrong question. A form of pragmatic nationalism is also apparent in regions such as Wales and Flanders. Keating (2004b) suggests that trends in globalization and growing uncertainty about the idea of a nation state as the sole source of formal authority has led many nationalists to seek a form of regional self-government stopping short of the demands for a state. This is reflected in campaigns for devolution which do not see independence as the logical next step.
In essence Scottish home rule came about when what was perceived to be distinctive about Scottish politics was perceived to be under threat. Ironically, much of this Scottish base was British-made. Whether in the form of the policy-making institutions, the welfare state or the ideology of welfare state and state intervention, what came to be seen as under threat had been a very British creation. The reality was that for all the talk of ‘the democratic will of the Scottish people’, the key to motivating support for devolution was that it was a way to retain the union but resist the unwanted policies of a right-of-centre UK government (Finlay, 2004: 368). This ties in with a broader comparative picture on national identities linked to the welfare state. The post-war welfare state gave a sense of social and economic security to its citizens and provided an incentive to stay within the union. Without this security (following ‘welfare retrenchment’) and protection from ‘the risks and uncertainties of the market’, the benefits of UK-wide political structures were less apparent and territorial identities more difficult to manage (McEwen, 2006: 16). Therefore, seeking the maintenance of a welfare state and territorial representation became complementary aims.

The Scottish media

The media are crucial in politics not least because they are the ‘space in which politics is communicated’ to the wider public (Schlesinger et al., 2001: 259). Edelman (1988) refers to ‘politics as spectacle’ – image, perception and
impression are crucially important in politics. This is why so much political resource, energy and finance is invested in public relations and old and new media communication. Managing the media, directing its agenda and limiting its capacity to inflict damage on your interests has become a central activity in modern-day Scottish politics. Public relations and communications professionals that were once bystanders and spectators in the political process are now a central part of it. Communicating the political message seems, at some points, as important as the substance of it. The mass media are key filters of information that substantially influences the way people perceive politics. The media can set the agenda by dictating headline news stories.

The proliferation of the **new media** in Scotland has enabled a wider and more pluralistic expression of views that is usually seen as good for the health of Scottish democracy. The media (old and new) also tend to be viewed, along with Parliament, as having the potential to keep the executive branch of government in check and call it to account. Party leaders such as Henry McLeish, Wendy Alexander (Labour) and David McLetchie (Conservative) all resigned from their posts after the Scottish media covered allegations concerning expenses and fundraising.

The old media in Scotland are a mixture of home-grown institutions (e.g. *The Herald*, *The Press and Journal*) and UK Scottish versions (e.g. *The Scottish Sun*, BBC Scotland). Like political institutions, they have been in decline in terms of public attachment (judged in terms of readership and viewers) (see Table 2.3). The proliferation of alternative digital channels and new media outlets has changed how the Scottish public gain coverage of political stories. Old media outlets have increasingly utilized new media interactive tools and platforms.

Both old and new media coverage of Scottish politics tends to simplify politics. Partisanship is rife. A simplified, personalized and often gossip orientated account of politics is projected. Politics is often reported as if one individual (for example, the First Minister) controls this plethora of organizations that is ‘Scottish Government’, ignoring its disaggregation and complexity (see Chapter 7). The focus tends to be on the personalities and preferences of key decision-makers and party leaders. There are, of course, instances in Scottish politics when the personalities and preferences of individual politicians are crucial variables in an explanation of events, but students of Scottish politics should be aware of the simplifications associated with some orthodox journalistic narratives.

One of the most evident consequences of devolution has been the shift in the media coverage of Scottish politics; coverage is now almost exclusively focused on the activities of the First Minister, Scottish Government and
Parliament. Edinburgh – with the Parliament, executive, political journalists, lobby firms and interest groups now resembling a mini-Westminster – has become the focus of both political print, broadcast journalists and online bloggers in the Scottish media. The Scottish MPs in Westminster (beyond those with UK Cabinet status) are much less well covered by the national media.

Television and radio broadcasters in Scotland are bound by charter to show balance and impartiality in coverage of political parties. The only exceptions are party-political and election broadcasts. Yet, Scotland’s minority parties often complain of a broadcasting bias towards the four major parties. STV, Grampian and Border television are three ITV franchises which cover Scotland, while BBC Scotland’s autonomy from London is limited by its scale and budget. There are on-going accusations of excessive BBC centralism and metropolitan bias, with events on the Scottish periphery not placed highly enough on the BBC’s UK national news agenda. The SNP, during the 2010 UK general election campaign, was not included in the UK networked leadership debates and failed in an Edinburgh Court of Session action to gain access.

Newspapers are often vehemently partisan in their coverage of Scottish politics, evident not only in editorial and comment columns but in the actual news content and how it is reported. Any student of Scottish politics should be cautious when reading ‘insider accounts’. The Scottish political village is small, with much interpersonal linkage between politicians, policy advisers and journalists – often detracting from the sense of perspective and detachment necessary to provide more objective analysis (Mitchell, 2001: 222)

<table>
<thead>
<tr>
<th>Daily newspapers</th>
<th>Average sales (April 2007)</th>
<th>Average sales (July 2012)</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>The Sun</em></td>
<td>402,706</td>
<td>306,930</td>
</tr>
<tr>
<td><em>Daily Record</em></td>
<td>370,286</td>
<td>253,047</td>
</tr>
<tr>
<td><em>Daily Mail</em></td>
<td>124,689</td>
<td>103,590</td>
</tr>
<tr>
<td><em>Daily Express</em></td>
<td>78,504</td>
<td>61,616</td>
</tr>
<tr>
<td><em>Daily Star</em></td>
<td>93,346</td>
<td>58,814</td>
</tr>
<tr>
<td><em>The Herald</em></td>
<td>71,262</td>
<td>44,283</td>
</tr>
<tr>
<td><em>Scotsman</em></td>
<td>57,079</td>
<td>35,077</td>
</tr>
<tr>
<td><em>Mirror</em></td>
<td>34,928</td>
<td>21,572</td>
</tr>
<tr>
<td><em>The Times</em> (London)</td>
<td>27,806*</td>
<td>19,004</td>
</tr>
<tr>
<td><em>Daily Telegraph</em></td>
<td>25,033*</td>
<td>19,580</td>
</tr>
<tr>
<td><em>The Guardian</em></td>
<td>16,083*</td>
<td>11,901</td>
</tr>
</tbody>
</table>

* Figures based on March 2007.

Traditionally, at election time, the tabloids have become almost comical in their bias (see Box 2.5). However, it is difficult to disentangle cause and effect – it could be that readers select a paper to fit their politics and papers follow an editorial bias to attract particular types of reader (see Newton and Brynin, 2001). In any case, newspaper sales, although high in comparison to other Western European countries, are falling rapidly (see Table 2.3). Moreover, their political coverage is being trimmed and it could be that in the age of the new media their influence is waning.

The Scottish print media has historically had a notorious unionist bias. Until recently, save for a very brief period in the early 1990s when the Scottish Sun supported independence, no major Scottish newspaper has supported the SNP (the paper reconverted to the SNP – but not independence – at the 2011 parliamentary election). However, by the 1990s the Scottish press were almost unanimously in favour of the establishment of a Parliament in Edinburgh (and there is now more media support for the SNP – see p. 78).

Media bias may of course not be simply about party politics; feminists, for example, often complain that the portrayal of female politicians can be sexist. It may also reflect a class bias, with the coverage of political issues dominated by elite opinion, issues and agendas to the neglect of the issues that concern the socially and politically excluded.

Newspaper sales in Scotland depart significantly from those in England. Around 90 per cent of the newspapers read in Scotland are produced in Scotland (Finlay, 2004: 378). The best-selling tabloid is the same but the Scottish Sun is a different version than its counterpart south of the border (albeit often with similar content). Scottish newspapers (Sunday Mail, Daily Record, The Herald, Scotsman, Scotland on Sunday, Sunday Herald) are very prominent in the Scottish sales charts. In the past couple of decades, virtually all of the British newspapers tend to produce Scottish supplements or print editions. This has meant that the non-Scottish editions either ignore Scottish issues or criticize the subsidies that English taxpayers effectively give to Scotland (the Daily Mail is particularly critical of Scottish policies and the SNP). Either way, this accentuates the division between the ‘UK’ and ‘Scottish’ media.

A consequence of the new media of blogs, online sites and twitter has been a disaggregation of where individuals gain political information. While old media outlets run their own sites, ‘unofficial’ message-boards, podcasts and blogs have gained currency. Often these sites can be very partisan in favour of one interest. This online social media can at times merely reflect the partisanship inherent in political exchange; it also has a tendency to accentuate division and the extent of political warfare between the contemporary tribalists of Scottish politics – SNP and Labour Party members. Complaints of the online activities of ‘cybernats’ and their rivals are common among politicians (Lallands Peat Warrior, 2012). However, it is often these sites that break news stories today with conventional outlets lagging behind.
Economy

Like the Scottish media, the Scottish economy has undergone significant restructuring as it seeks to respond to the challenges of globalization, new technology and changing demographics. However, Scotland’s adjustment to a post-industrial society with an economy increasingly centred on services rather than manufacturing has been painful and slow. The decline of shipbuilding on the Clyde, steelworks and mining throughout Scotland, as well as manufacturing, decimated employment in whole communities causing much unemployment and poverty. Even one of the supposed success stories – banking and financial services – has been tarnished by the post-2008 banking collapse with RBS and the Bank of Scotland suffering. The banking crisis and its fallout has had far-reaching political consequences in Scotland and beyond. Government spending cutbacks across all sectors, public sector pay freezes and huge deficits in the UK Government accounts are just three of the notable consequences.

In global terms, Scotland has a relatively modern and open economy with significant natural resources (most notably, oil). Scottish GDP stands at £117
billion. It is presently part of the eighth largest state economy in the world – Scotland’s ‘ranking’ would be 59th (Sutherland, 2012). Despite being the first industrial state, the UK has been in relative economic decline and has gradually fallen behind many of its neighbours (e.g. Germany, France, the Netherlands, Denmark) in gross domestic product per head. Levels of income per head in Scotland are close to the UK average. However, the degree of income inequality in Scotland (0.35) and UK (0.36) is considerably higher than the OECD average of 0.31 (according to the Wealth and Assets Survey 2008/10) (Ashcroft, 2012).

Such economic variables provide a crucial context for understanding contemporary Scottish politics. A significant part of the rationale for constitutional change is the alleged divergence in visions of the nature of the state and political economy in Scotland and the UK. For the SNP, the UK political system has too readily served the wishes of the City of London’s financial interests at the expense of the long-term interests of the UK as a whole. However, having a global perspective with the capacity to attract inward investment has been very much the conventional orthodoxy of economic policy-making. In Scotland this was given institutional form by the creation of Scottish Enterprise.

Post-devolution narratives of Scottish politics are often dominated by the notion of ‘new’ Scotland. In economic terms, the new Scotland is based on new economies of renewable energy, new information and communication technologies, new retail, leisure, tourism, financial services and the service sector – all to be contrasted with the old Scotland of traditional heavy industry and manufacturing industries. Where oil fits into this picture is not always elaborated, despite its significance to any post-independence Scottish economy. The new Scotland narrative is to be contrasted with the far more negative analysis published in 2012 by The Economist. The free-market journal published a gloomy prognosis of the viability of independence with a ‘Skintland’ front cover. It identified four key problems with independence: the over dominance of oil and gas, doubts over renewables, the weakness of the financial sector post-crash, and uncertainty over Scotland’s favoured currency (The Economist, 2012).

Whatever the merits of this gloomy analysis, the most striking thing about the current constitutional debate is that even with outright independence it is not clear that the Scottish Government will have much scope for autonomy in terms of the levers of economic policy. Monetary policy will remain with the Bank of
England and fiscal policy discretion may be minimal (see pp. 223, 238). From a nationalist perspective, however, it would allow a Scottish Government more scope for autonomy, free of the influence of the City of London with its financial interests interwoven with global banking, trade, networks and investment. Economic decisions may be made with a focus on Scotland, rather than the whole of the UK.

Presently, the climate of austerity and retrenchment dominates the political context. As in all political systems, in Scotland there is a very strong political focus on improving Scotland’s economic growth rate. Sustainable economic growth is viewed by all mainstream parties as crucial to electoral success (and decades of psephological research tend to confirm this as a valid assumption). Furthermore, the constitutional debate is centred on economic performance and self-governing economic viability (also note that one of the features of the devolution settlement is the lack of institutional incentive to encourage economic growth; see Mitchell, 2011: 38).

Until the post-2008 global economic slowdown, SNP politicians were fond of invoking Scandinavian countries and the ‘Arc of Prosperity’ (that included Ireland and Iceland) as the models for Scotland (the Scandinavian countries also have levels of equality and social solidarity that many actors in Scotland would like to emulate). However, the economic problems of both Ireland and Iceland have been used by their opponents to highlight the difficulty that small and open economies can have when faced with external economic shocks.

Overall, most would agree that economic trends and shocks undoubtedly constrain and restrict the degree of political autonomy the Scottish Government has. Further, a key debate in Scottish politics is the extent to which the Scottish Government should have greater control over the levers of economic policy. Key policy choices for any government are in the field of areas such as taxation (up or down?), regulation (hard or light?), labour market (more regulated or freer?) and investment (public or private?). Presently, the Scottish Government only has very limited control of such economic levers (see p. 230).

**Society**

In recent years the Scottish population has started to expand, after decades of decline (see Table 2.4). It remains a relatively homogeneous country – 96.8 per cent of the population is white. Religion plays a declining role, with Scotland an increasingly secular society (in terms of observance). After decades of expansion, home ownership has recently gone into decline, with the private rented sector expanding. Public/state schools dominate the education system with only 30,507 attending independent schools – 4.3 per cent,
compared with 7 per cent in England (Young, 2012). Scotland has a relatively well-educated population, with over one-quarter educated to degree standard.

One of the defining features of Scottish politics is the lack of alignment between state, economy, society and nation. There exists Scottish, UK and increasingly European versions of each. Each are, to a degree, abstract concepts but they also have institutional expressions. Most would agree that in Scotland most ‘state’ institutions remain at the UK level (e.g. Treasury, Bank of England, Foreign Office). However, the Scottish Government undertakes activities that could be deemed as state-like (e.g. the collection of taxes, public education) and the EU plays an ever-more significant role in many areas including energy, agriculture and fisheries.

In an historical sense, Scotland often seems like more of a ‘real’ nation than the UK – the timeline of the former trumping the latter. The ancient nation of Scotland and its appeal has been kept alive by various institutions in Scottish society. ‘Scottish society’ is a far more abstract concept than both state and nation. ‘Society’ is often implicitly assumed in much social scientific analysis as providing the framework in which collections of people and political behaviour can be analysed. More often than not, it is aligned with nation-states. Analysis of Scottish politics tends to emphasize the lack of alignment in Scotland and, possibly in an attempt to further distinguish it, has often emphasized its distinctive civil society.

Hearn (2002: 20) notes how the term ‘civil society has served both as an analytical tool for academics studying Scottish politics and as a popular rallying call for pro-home rule activists’. In Scotland, it is often a label for middle-class intellectuals and activists who hold privileged positions in the modern

<table>
<thead>
<tr>
<th>Statistics for Scottish society, 2011</th>
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<tbody>
<tr>
<td><strong>Population</strong></td>
</tr>
<tr>
<td><strong>Life expectancy</strong></td>
</tr>
<tr>
<td><strong>Ethnicity</strong></td>
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<tr>
<td><strong>Religion</strong></td>
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<tr>
<td><strong>Housing</strong></td>
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<tr>
<td><strong>School</strong></td>
</tr>
<tr>
<td><strong>Education level</strong></td>
</tr>
</tbody>
</table>

* 2001 census figures.

Sources: Scotland’s People Annual Report 2011 (www.scotland.gov.uk/Publications/2012/08/5277/2); Young 2012.
welfare state (ibid.: 22, 27). For this reason we would suggest it should be used with caution. Combined with the discourse of ‘new’ Scotland, it tends to portray a unified Scotland as a singular, horizontal community of interests that masks many of the divisions relating to gender, class, ethnicity and income that remain endemic in Scottish society (see Law and Mooney, 2006).

Scotland’s societal indicators do not quite match up to the marketing slogan utilized by Jack McConnell, when First Minister, that Scotland is ‘the best small country in the world’. This was closely linked to the ‘One Scotland’ narrative espoused by the Scottish Government. It tends to draw a veil over issues of polarization, poverty, deprivation and unemployment or portray them as somehow outside the mainstream Scottish political agenda. Scotland remains a nation where divisions of wealth, income, class and status are readily apparent. Any substantive analysis of Scottish politics must acknowledge this. Scotland has a societal profile of deep inequality that tends to be associated with neo-liberal economies and political systems. This despite the fact that the dominant profile and discourse of its politics tends to be that of the language of social democracy. ‘Scottish social democracy’ may be a misnomer (Hassan, 2012a). There remain concentrated areas of Scotland that are excluded economically, culturally and politically. However, due to their lack of political participation and engagement there remains little (vote-gathering) incentive on the part of politicians from mainstream parties to engage with the excluded.

Conclusion

In summary, in this chapter we have sought to provide an outline of the context of contemporary Scottish politics by highlighting the historical legacy and the economic, social and media context. The development of administrative devolution in the form of the Scottish Office encouraged a conception of Scotland as a political as well as a cultural entity (Mitchell, 2003a). The experience of the Conservative administrations in the 1980s and 1990s left an indelible mark on contemporary Scottish politics. Home rule became popular not solely because the population wished to express its Scottish political identity – it was also a convenient way of ensuring that unpopular policies, which did not appeal to the Scottish electorate, could no longer be imposed from London. The agenda of Scottish politics has increasingly diverged from that of Westminster and this increased desire for autonomy has parallels in other areas such as Catalonia in Spain and Quebec in Canada.

These developments have all been tracked by a media in Scotland that has become focused on the new institutions of Scotland. Although initially negative, media coverage has gradually become more positive. Its coverage of Scottish politics has increasingly been set against a backdrop of economic slowdown and government fiscal austerity. Scottish society remains an
uneven one by international standards. There remains a striking inconsistency in its politics – mainstream politicians all talk the language of social democracy while presiding over an economy and society with inequalities and social problems that tend to be more associated with neo-liberal political systems.

A key focus of the remainder of this book is the role political institutions have played in both shaping and being constrained by Scotland’s social, economic and historical context. Understanding the role that such institutional variables play is central to understanding the scope and autonomy of Scottish politics.

Further reading


Online sources

Media:
www.stv.tv
www.allmediascotland.com
www.bbc.co.uk/scotland
www.theherald.co.uk
www.scotsman.com
www.holyrood.com
www.dailyrecord.co.uk
www.scotlandonsunday.com
www.sundayherald.com
www.thisisnorthscotland.co.uk

Scottish politics blogs:
www.betternation.org
http://brightgreenscotland.org
http://underdogsbiteupwards.blogspot.com
http://lallandspeatworrier.blogspot.com
http://burdzeyeyview.wordpress.com
www.labourhame.com
http://andrewrunning.blogspot.com
http://bellacaledonia.org.uk
Scottish economy:
www.scotland.gov.uk/Topics/Economy
www.scottisheconomywatch.com
www.cppr.ac.uk/centres/cppr/analysisofthescottisheconomy
www.strath.ac.uk/fraser

Scottish society:
www.scottishcivictrust.org.uk
www.stuc.org.uk
www.churchofscotland.org.uk
www.scmo.org
www.eis.org.uk
www.cosla.gov.uk
www.sns.gov.uk
Chapter 3

Scotland’s Political Parties

Since devolution in 1999, Scotland’s political party system and the parties have undergone significant transformation. The dominance of Labour in electoral politics has ended, the SNP has grown organizationally and electorally and a new multi-party system has emerged in the Scottish Parliament. Somewhat ironically, given their respective electoral systems, from 2011 Scotland had single-party government while the UK had two parties in coalition government.

Box 3.1 Key roles of political parties in Scotland

**Interest aggregation.** Parties serve as cohesive disciplined organizations with a card-carrying membership base. They tend to be broad coalitions bound by a broad commitment to a shared ideology. Their attachment to the wider electorate is looser and electoral loyalty has become weaker.

**Electoral machines.** They make electoral democracy work by publishing manifestos and inviting the electorate to make choices based on them. They input into the machinery of government the wishes of the Scottish electorate (although if recent electoral turnout figures are an indicator the parties are performing poorly).

**Democratic linkage.** Parties link Scotland’s citizens to their governmental institutions, facilitating accountability and legitimacy in the Scottish Government, Parliament and local councils. They select, recruit, train and socialize the individuals who run these organizations. The Scottish Parliament legitimizes the outputs of government in Scotland.

**Education.** Parties inform the electorate of key political issues through policy announcements, debate in the chamber, speeches, press releases and online sites.

**Participation.** Parties allow people to engage with democracy by becoming party members. As party members they can play roles in candidate selection, party policy and campaigning. However, all the major political parties in Scotland (with the notable exception of the SNP) have had declining membership and activism in recent years.

**Policy-making.** Scotland’s political parties (if they gain office) are keys to determining the legislative and policy outputs of the Scottish Parliament and Government. Parties in general tend to promote and establish coherence and stability in political systems by staffing the governmental and policy-making institutions.

**Elite recruitment and socialization.** Parties prepare candidates for elected office – they are the avenues through which ambitious politicians must travel to hold positions of influence in UK or Scottish Government.
In this chapter we review these developments while outlining the roles that parties play in Scottish politics (see Box 3.1). Political parties were the mobilizing device of politics in the twentieth century, drawing millions of people into national policy processes (Hague and Harrop, 2001: 167). The era of mass parties in Scottish politics is gone – changing forms of political participation have tended to result in membership decline in parties. However, as institutions they remain defining players in Scottish politics (Hopkin, 2009: 181).

The party system in Scotland has been significantly different from the UK for some time:

party labels (north and south of the border) may be similar but their histories and agendas are quite different, and increasingly so … the political parties in Scotland cannot be taken as British parties writ small. (Brown et al., 1998: 117)

Devolution has accentuated these differences. Scottish arms of major UK parties (Labour, Conservative, Liberal Democrat) have, to varying degrees, developed their own decision-making processes. Further, the dynamic of Scottish party politics is driven by SNP-Labour competition whereas at the UK level the Conservatives and Labour are the major parties. In this chapter we seek to explain these developments by outlining a contemporary history of Scotland’s four major political parties. We then explore Scotland’s changing party system before examining contemporary trends in party organization and outlook.

**Scottish political parties**

**Scottish National Party**

The SNP achieved (minority) governmental status for the first time in May 2007. It built on this and gained a majority in the Scottish Parliament in May 2011 (the first party to do so). Its *raison d’être* is to demand Scottish independence. It is a relatively young political party formed in 1934 (see Mitchell, 1990b; 1996a; Lynch, 2002b; Hassan 2009; Mitchell et al., 2011c on the history of the SNP). For the first few decades of its existence it was little more than an unsuccessful minority political movement (Kidd, 2008: 24). After more than 30 years of struggle (which saw one Motherwell by-election win in 1945), the SNP expanded rapidly – between 1962 and 1968 membership increased from 2,000 to 120,000 and the number of SNP branches rose from 40 to nearly 500, comfortably exceeding Labour (Hutchison, 2000: 119).

Its next electoral breakthrough occurred in the 1967 Hamilton by-election. However, it was the 1970 general election that signalled its status as a new electoral force in Scottish politics. Its success coincided with the end of the ‘Golden Age’ of post-war economic expansion in Western Europe and the beginning of the boom in North Sea oil. The SNP used the slogan ‘It’s
Scotland’s Oil’ to argue that an independent Scotland could use new oil revenue streams to reinvigorate the Scottish economy, contribute to improved public services and secure Scotland’s future.

At the first three general elections of the 1970s the party added around 10 percentage points to its vote at each one, peaking at 30.4 per cent in October 1974 (see Table 3.1). For a brief period in the mid-1970s it looked as if it would usurp the Labour Party in Scotland. However, this breakthrough was never reflected in the number of seats won – its share of the vote translated into only 11 seats due to the perversities of the first-past-the-post electoral system. This was followed by a huge loss of votes and the loss of nine seats in the 1979 general election. The fall-out from this defeat was a period of in-fighting, retrenchment and stagnation for the SNP (see Box 3.2 and McEwen, 2002: 50).

In the late 1970s, the disbandment of the short-lived ‘Scottish Labour Party’ (not to be confused with the present Scottish Labour Party) led by Jim Sillars led to an influx of left-wingers into the SNP and the creation of The 79 group within

**The 79 group:** SNP group, set up in 1979, committed to moving the SNP leftward in ideological profile, in an effort to make inroads in the heartlands of the Labour Party in Scotland – the heavily populated and industrialized central belt.

<table>
<thead>
<tr>
<th>Year</th>
<th>Labour Seats (%)</th>
<th>Labour %</th>
<th>Con Seats (%)</th>
<th>Con %</th>
<th>Lib Dem Seats (%)</th>
<th>Lib Dem %</th>
<th>SNP Seats (%)</th>
<th>SNP %</th>
</tr>
</thead>
<tbody>
<tr>
<td>1945</td>
<td>37 47.6</td>
<td>27 41.1</td>
<td>0 5.0</td>
<td>0 1.2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1950</td>
<td>37 46.2</td>
<td>32 44.8</td>
<td>2 6.6</td>
<td>0 0.4</td>
<td></td>
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<td></td>
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<tr>
<td>1951</td>
<td>35 47.9</td>
<td>35 48.6</td>
<td>1 2.7</td>
<td>0 0.3</td>
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<tr>
<td>1955</td>
<td>34 46.7</td>
<td>36 50.1</td>
<td>1 1.9</td>
<td>0 0.5</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>1959</td>
<td>38 46.7</td>
<td>31 47.2</td>
<td>1 4.1</td>
<td>0 0.8</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1964</td>
<td>43 48.7</td>
<td>24 40.6</td>
<td>4 7.6</td>
<td>0 2.4</td>
<td></td>
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<td>1966</td>
<td>46 49.9</td>
<td>20 37.7</td>
<td>5 6.8</td>
<td>0 5.0</td>
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it (whose members were expelled from the party for a brief period). During this period, the party was an eclectic mix of right-of-centre traditionalists and left-of-centre social democrats and thus difficult to pin down on the **ideological spectrum**. In the late 1980s the party was part of the ‘Can Pay, Won’t Pay’ anti-poll tax campaign (Box 2.2). The poll tax issue dominated Scottish politics in the late 1980s and it was during this period that the party’s electoral fortunes appeared to take an upswing. However, Jim Sillars’s Govan by-election victory in 1988 proved to be a false dawn and the party failed to make any significant breakthrough at the 1992 UK general election.

It was only once Alex Salmond became National Convener in 1990 that the SNP’s status as a social democratic party became clearer. McEwen (2002) credits Salmond with giving the party a clear ideological profile. It rooted itself on the centre-left, with its social democratic policy platform providing the coherency necessary to reinforce its ‘credibility as an alternative to Labour in Scotland’ (ibid.: 54).

The SNP’s fundamental aim has always been the creation of an independent, sovereign Scottish state. However, despite a shared commitment to that aim, the party’s members, activists and parliamentarians have often disagreed about the means by which to achieve it. Historically, the most important cleavage was between independence fundamentalists and **gradualist** home-rulers (Mitchell, 1990b; McEwen, 2002). In the 1970s and 1980s the fundamentalist minority wing emphasized independence as the overriding aim of the SNP and tended to be suspicious of ‘halfway house’ measures. The success of each strategy has varied over time. For example, during the late 1980s the party sought to counter charges of separatism by redefining its constitutional goal as ‘Independence in Europe’ – it wanted Scotland to be separate from the UK but more embedded into the European Community (now European Union). This perhaps contrasts with the fundamentalists’ ‘high point’ in 1989 when the SNP walked out of the cross-party Scottish Constitutional Convention. Yet, the gradualists have been dominant ever since, using pragmatism and an incrementalist strategy to embrace devolution and self-government as a stepping-stone to independence.

Even as the SNP grew in the 30 years prior to devolution it was, in the words of Hassan, ‘a marginal force often ridiculed, patronised and caricatured by opponents’ (2009: 1) (its slogan ‘Free by 93’ used during the 1992 UK
general election campaign was still being used to ridicule it some years later). However, the party has developed increased credibility remarkably quickly. It has built up a form of Scottish nationalism that is ‘impeccably civic’ (Keating, 2009: 217) with a vision of statehood as a panacea for many of the social and economic ills Scotland faces.

Devolution transformed the SNP, giving it a much more visible platform on which to campaign for independence. It allowed for a comprehensive modernization of the party transforming it into a formidable election-winning machine in 2007 and 2011. Alex Salmond, who resigned as party convenor after the 1999 election, returned in 2004 and became the party’s key figurehead. Like his party, he has grown in status and popularity post-devolution. The party has sought to establish itself as capable of governing an autonomous Scotland. Table 3.2 charts the increase in SNP election success.

In a survey of SNP members, Mitchell et al. (2011c: 68–9) report that SNP membership is largely middle class, professional and well educated (as is the membership of the other major parties). It has a predominance of males (68.2 per cent) and is, on average, older than other parties. Over 40 per cent of SNP members report no affiliation with any religion (higher than the general population). It is quite a rural party, with 69 per cent of its members coming from outside Scotland’s cities and their suburbs. Its members are more active than those of other parties but activity is still low – almost 70 per cent of members report their activity as ‘not very’ or ‘not at all’ active.
Table 3.2  Scottish election results: number of seats and % vote

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<tr>
<th></th>
<th>First vote</th>
<th>% seats</th>
<th>Second vote</th>
<th>% seats</th>
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Most accounts suggest that the SNP has developed an increasingly social democratic platform (see Lynch, 2009), while some have identified neo-liberal elements (see Gallagher, 2009; Cuthbert and Cuthbert, 2009; Hassan, 2009). It has increasingly relied on non-ideological appeals (e.g. the tactic of labelling the 2007 party list ballot papers with ‘Alex Salmond for First Minister’), populist policies (such as the abolition of prescription charges and council tax freezes) and an emphasis on valence issues (e.g. economic growth, a better run health service). Its nationalism is ‘liberal and inclusive … assertive but not overly strident; confident and seemingly constructive’ (Hepburn and McLaughlin, 2011).
Overall, the experience of devolution has brought with it significantly increased opportunities for the SNP. First, it has allowed the party to grow into a more credible electoral force, following reforms to its management, organization and communication. Second, the SNP receives more votes in Scottish Parliament elections than it does for Westminster (see Figure 3.1). Third, the combination of increased vote share and the new electoral systems (Single transferable vote (STV), Mixed Member Proportional (MMP) and Party List) ensure the SNP is well represented at local, national and European level (see Tables 4.1 and 4.2).

The Scottish Labour Party

The Scottish Labour Party (the Labour Party in Scotland until 1994) was Scotland’s largest party at all UK general and Scottish parliamentary elections from 1964 to 2003. Donnachie et al. refer to ‘Labour’s hegemony nationally and locally in much of urban-industrial Scotland during the past fifty years’ (1989: 1). Hassan refers to the Scottish Labour Party as ‘one of the most important and defining institutions in the last 100 years plus of Scotland … an institutionalized party – blurring the boundaries between party and state’ (2004: 1–4). Irvine refers to it as ‘Scotland’s establishment party’ (2004: 225), as do Saren and McCormick (2004: 100). In 2002, MacWhirter argued that ‘the Scottish political classes … remain … Labour dominated and shaped by the Labour state’ (2002: 35).

Hassan and Shaw explore the concept of ‘Labour Scotland’ as ‘the widespread belief both inside the party and among many of its opponents that Labour spoke for and represented most of Scotland’ (2012: 5). The party, through its dominance, patronage and networks, has reached into many arenas of Scottish political, economic and cultural life. It enjoyed the support of Scotland’s (then) best-selling tabloid newspaper in the 1980s and 1990s, the Daily Record, and, until 2007, it was the largest party in local government in terms of votes, councillors and council control. In the post-war years, Labour Scotland was associated with new, improved public services in areas such as health, education and housing. It was associated with creating a new Scottish society of reduced poverty and increased opportunity. Overall, it ‘has long prided itself on its radical traditions and romantic view of itself … but it has increasingly become a conservative party, the political establishment’ (Hassan, 2002b: 43).
As Hassan and Shaw note, the party in Scotland had a very narrow, unionized, economistic and masculine orientation for longer than other parts of Britain where women, lesbian and gay groups had opened up and liberalized the party in the 1980s (2012: 212–3). It was almost unique amongst Western European political parties in enjoying four decades of political hegemony in one country. It was adept at responding to and accommodating changes in the Scottish political environment. By continuing to ‘win’ Scottish elections from the 1960s, the Scottish Labour Party never had to undertake the reflective self-appraisal exercises which follow electoral defeat. Results in the 2007 and 2011 Scottish Parliamentary elections indicate the party is at a critical juncture in its history.

However, even at its historical peak, Labour was not dominant in the sense that the majority of the Scottish population voted for it. It has consistently failed to secure 50 per cent of the popular vote. Also, its organization, membership base and activism was always weaker than other parts of the UK (ibid.: 229). Rather, its dominance stems from maintaining around 40 per cent of the vote under a plurality system that exaggerated its support. At the Blair landslide 1997 UK general election it secured 45.6 per cent of the votes (its highest since 1966) (see Table 3.1). However, 14 years later in the Scottish Parliament elections its share fell to 31.7 per cent of the constituency vote and only 26.3 per cent of the regional vote. The Labour Party’s share of the vote has moved downward at each successive Scottish election. In 1999 it had the largest Scottish Parliamentary group of Members of the Scottish Parliament.
(MSPs) (56), but this fell to 50 in 2003, 46 in 2007 and 37 in 2011 (see Table 3.2).

This story of Labour dominance also extended to Scottish local government up to 2007, though the party achieved over 50 per cent of the vote at the 2003 elections in only three out of 32 council areas (North Lanarkshire, South Lanarkshire, West Dunbartonshire). Twelve other councils elected Labour majorities with less than half of the vote. The introduction of the STV, and its falling vote share, hit the party hard at the 2007 and 2012 local elections (note that Scottish Parliament and local elections were ‘decoupled’ from 2011). At the first elections to the Scottish unitary authorities in 1995 the number of elected Labour councillors was 613; in 2007 only 348 were elected – moving the party into second place behind the SNP. This rose to 394 in 2012 with the party in control of four councils (though it remained behind the SNP in terms of councillor numbers).

Before devolution, the Scottish Labour Party was:

on one level … nationalized and incorporated into the British Labour Party – a highly centralized, formalized structure which allowed for little differentiation. However, on a more informal level, the Scottish party retained the discretion and freedom to invoke a distinctly Scottish agenda, symbols and language. (Hassan, 2002b: 29–30)

Unitary authorities: In 1995 Scottish local government was reorganized from a two-tier region/district system (where functions were split) to a unitary system – where councils now undertake all functions.

Like all political parties in Scotland today, it has increasingly adopted the language and symbols of Scottish nationalism. It tended to portray itself in the 1980s and 1990s as representing Scotland’s interests in Westminster and Whitehall. This was helped by the rising proportion of Scottish Labour MPs within Westminster’s Parliamentary Labour Party when the party suffered heavy defeats (allowing Scottish MPs to graduate to senior positions, culminating in Gordon Brown and Alistair Darling becoming Prime Minister and Chancellor in 2007). However, its policy stance on devolution helped it to portray a level of responsiveness to Scottish public opinion and distinction from Westminster. Labour’s plans for devolution were both a response to Scottish public opinion and an expedient pragmatic response to political pressure (from the SNP).

As part of the UK Labour Party, the themes of planning, redistribution, tackling poverty and support for public services such as the NHS and comprehensive education tend to be associated with Labour. The Blair post-1997 ‘modernizing’ years and party ‘professionalization’ somewhat diluted these themes. Today, party leaders and personalities tend to account for as much of its policy direction as underlying ideology. The Scottish party tends to be
viewed as further to the left than its UK counterpart. This reflects the dynamic of party competition — its main competitor in Scotland (the SNP) also tends to be labelled as centre-left, whilst at the UK level the party’s main challenger (Conservative) is a right of centre party.

The Labour Party, regarding Scotland’s attitude to home rule, has been fluid and changeable. In the post-war period only a small minority were committed ‘home-rulers’. The Scottish constitutional issue was superseded by more important socio-economic issues, and the dominant focus was on the British state as a vehicle for delivering social change. Even when the party adopted its devolution policy in the 1970s it was not with universal enthusiasm within the party. It was only in the 1980s that the issue of devolution began to win over the hearts and minds of party activists and parliamentarians. Devolution was seen as a way of preserving and developing the welfare state in Scotland. A campaign group within the party — Scottish Labour Action — called for more devolution of power to Scotland. The party began to accentuate its Scottish dimension, though it was not relabelled the ‘Scottish Labour Party’ until 1994. The Westminster orientation of the Scottish Labour Party is also reflected in the fact that only five (less than 10 per cent of) Labour MPs stood down in 1999 to become MSPs.

During its period of coalition government with the Liberal Democrats (1999–2007) the party was the senior partner and the Scottish Government (known then as the Scottish Executive) operated in a manner befitting a majoritarian government at Westminster. However, everything changed for Scottish Labour in 2007. Since then, the party has undergone a succession of leadership changes as well as policy reappraisals and revisions.

Post-defeat, in 2007, the party joined other political parties on the Calman Commission. Its final report (2009) laid the basis of the Scotland Act passed by the Conservative–Liberal Democrat UK Coalition in 2012. Wendy Alexander took over from the departing Jack McConnell, but her short leadership was embroiled in an issue that came under the media spotlight concerning her campaign funding, and she was replaced by Iain Gray. Although he looked briefly (according to opinion polls and the 2010 UK general election result) capable of replacing Salmond as First Minister, Labour support fell in 2011 and he resigned to be replaced by Johann Lamont.

After the party’s devastating defeat in 2011, a review was led jointly by Jim Murphy MP and Sarah Boyack MSP. The joint leadership is perhaps reflective of the fundamental problem Scottish Labour has — while the SNP focus is primarily on Scotland, Scottish Labour has to contend more with the demands of Holyrood and Westminster elections. The unitary nature of the party organization and structure does not reflect political devolution. Within the party, power bases exist within its Glasgow headquarters and the parliamentary party in both Holyrood and Westminster. The leadership and organizational structure is such that the latter is always deemed the greater priority, with the Scottish party subordinate to the strategic demands of the UK. In turn the
Scottish electorate tend to view the SNP as the party most attuned to Scotland’s interests (see Johns et al., 2010). The increasing accentuation of the ‘Scottish dimension’ in post-devolution debates has hindered Labour’s capacity to cope with the SNP.

The party allegedly has a ‘Fawlty Towers’ ('Don’t mention the war’) complex regarding the constitution – it has often been unwilling to talk about Scotland’s constitutional future (McLeish and Brown, 2007: 162–3; 2012). As Keating notes, the strong unionist position has appeared devoid of a vision of positivity for Scotland’s future (2010: 62). The party has struggled to compete with the SNP which projects itself as an avowedly Scottish party. Scottish Labour remains a party where the autonomy of the Scottish leadership is not always evident.

**The Scottish Conservative and Unionist Party**

The Scottish Conservative and Unionist Party’s status in Scottish politics has been transformed in the past four decades. In the immediate post-war period it could claim to be Scotland’s largest party and its performance in Scotland was similar to England (see Table 3.1). At the time, the party drew heavily on Protestant working-class and middle-class support (Seawright, 1999). During this time, its official title in Scotland was the Scottish Unionist Party – ‘Conservative’ did not return until 1965 (Seawright, 2002). The strand of unionism that ‘fused the appeals of Empire, religion, Ulster, and a definition of Scottishness which derived to a large extent from Presbyterian mythology’ (Walker, 1996: 35) was a useful electoral tool in this era.

However, this ‘flag waving’, rigid, unitarist emphasis on the sovereignty of Westminster is but one strand of unionism; unionists have also been willing to accommodate Scottish differences and diversity within the UK. Indeed, Kidd’s (2008: 264) historical analysis demonstrates the often narrow line between unionism and nationalism: ‘unionist and nationalist alike resented English indifference, chauvinism and the assumption that Scotland was a mere province within an English empire’.

The party’s unionist stance allowed it to tap into Scotland’s working-class Protestant vote for the first half of the twentieth century, allowing it to build an electoral coalition to compete with the rapidly expanding Labour Party. However, since the 1960s, the party has been in almost permanent decline towards minor party status in Scotland. While Thatcherism was the heyday for the popular support of the Conservatives in the UK, in Scotland this period was one of retrenchment. The unitary unionism, neo-liberalism and authoritarian populism of Thatcherism were out of sync with the direction of Scottish political sentiment and the party suffered badly at the polls. This brand of ‘rule Britannia’ flag-waving unionism of old institutions like the Orange Order and Rangers FC is now at the margins of Scottish political, civic and sporting life. Moreover, the neo-liberalism emphasis on individualism was also out of sync.
Box 3.3  Ideology and Scotland’s major political parties

Scotland’s political parties are often too close to give notions of ‘left’ and ‘right’ meaningful analytical purchase. Further, the economic ideological spectrum exists in tandem with an unusual nationalist-unionist one (distinct from nationalist-cosmopolitan measures). Branding, marketing and other electioneering techniques tend to de-emphasize ideology and all four major parties pursue the ‘Scottish’ brand. Each party has followed a general trend towards ideological deradicalization: the nationalism of the SNP has been part-diluted by its acceptance of devolved governing structures; the socialism of the Scottish Labour Party by policies such as public–private partnerships; the unionism of the Tories by devolution; and the ‘liberalness’ of the Liberal Democrats by coalitions with Labour in Scotland (1999–2007) and the Conservatives in the UK (2010–). All have embraced professionalization and the centrist nature of mainstream parties, positioning themselves similarly by accepting the ‘neo-liberal’ parameters of the post-Thatcher Scotland, with an emphasis on public investment and redistribution to ameliorate social inequalities. The parties appear different ‘only in terms of nationalist ideology and constitutional preference’ (Johns et al., 2009: 209). As Gallagher (2009: 553) notes, the SNP and Labour attract support from the same social base (see also Brand et al., 1994a; 1994b; Johns et al., 2010). They lay claim to be social democratic parties and appeal to similar types of voter.

The Scottish National Party is committed to independence for Scotland. In recent decades it has downplayed its cultural nationalism and emphasized economic and civic variants. Since the 1980s the party has combined a social democratic stance on most issues with liberalism in economic policy. It emphasizes a vision of Scottish nationalism in the context of the traditions of European social democracy. The Scottish Labour Party has its roots in the trade-union movement. It is labelled ‘social democratic’ and has a bias towards collectivist (or state) orientated solutions to society’s problems. The Blairite modernization diluted its left-of-centre outlook but Scottish Labour is associated with a more pragmatic, non-market approach than the UK party. The Scottish Liberal Democrats have a centrist ideological profile that usually makes them natural coalition bedfellows. Since 2010 they have suffered electorally due to their UK coalition with the Conservatives. The main dividing line tends to be between ‘Orange Book’ liberals and social democrats (reflecting the party’s merger in 1988). The Scottish Conservative and Unionist Party has traditionally been about continuity, eschewing radicalism in economic and social policy, defending the union and maintaining the political and constitutional status quo (or making marginal adjustments to it). Broadly speaking it is pro-business and tends to favour market solutions to societal problems.

with traditional Scottish Toryism that tended to emphasize civic duty and social responsibility (McCrone, 2001b: 110, 113).

In Scotland, the party became increasingly viewed as an English party, imposing alien right-wing policies via its control of the Scottish Office. In territorial management terms there appeared little acknowledgement of Scottish distinctiveness.
Post-devolution, the party leadership in the form of William Hague, Iain Duncan Smith and Michael Howard was generally perceived as insensitive to Scottish interests. However, David Cameron has shown greater ‘respect’ as party leader, with the Conservative-led Government adjusting to the reality of devolution (aided by its coalition with the Liberal Democrats, with 11 MPs in Scotland) and the Scottish Conservatives being granted more autonomy from Conservative Central Office in London. The Scottish Party has partly rebranded itself, shifting its ideological profile closer to the centre, increasing its Scottish emphasis and adopting a pragmatic approach to working within the Scottish Parliament. However, it still remains a rather toxic brand, with a lingering perception of anti-Scottishness. For Murdo Fraser, a credible leadership candidate of the party in Scotland in 2012, this problem was so fundamental that he campaigned for the Scottish party to detach itself from the UK party (see Convery, 2012). Michael Gove, a UK Conservative Cabinet minister, also identified the perception that ‘you could only be a good Scot if you were pro-Scottish Parliament and anti-Thatcher: the three became one’ (cited in Torrance, 2012a).

Ironically, devolution has benefited the Scottish Conservatives somewhat. Although the party was wiped out in Scotland during the 1997 UK general election and is still electorally weak compared with the 1950s, it was reinvigorated by the new electoral system and has achieved significant parliamentary representation at all Scottish parliamentary elections (in contrast to its continued poor fortune in the 2010 UK general election, even when the party gained 92 seats in England).

The Scottish Liberal Democrats

The Scottish Liberal Democrats were formed in 1988 after a merger between the Liberal Party and the Social Democratic Party. The party has increasingly found itself operating on the same ideological terrain as Labour and the SNP. It is normally classified as a centrists party. It worked closely with Scottish Labour on the Constitutional Convention, formed part of a coalition partnership from 1999 to 2007 and worked alongside both Labour and the Conservatives on the Calman Commission after 2007.

In recent history, the old Scottish Liberal Party has been a smaller minority – between 1945 and 1979 it never gained more than 9 per cent of the vote in Westminster elections (Lynch, 2002a: 85). Only during the Liberal/SDP
Alliance period in 1983 and 1987 did the party increase its support (in 1983 to 25.4 per cent and in 1987 to 19.4 per cent). In the 1990s, after the merger of the Liberals and the Social Democrats in 1988, its support declined to around 13 per cent. However, despite this decline the Scottish Liberal Democrats actually increased its number of seats (it benefited from a geographical concentration of votes). It has a significant support base in the Scottish Borders, the Highlands and Islands and the North-East.

The Scottish Liberal Democrats have always had a significant degree of autonomy from their UK counterparts. Indeed, as Lynch (2002a: 84) suggests, they are recognizable as a party within a party, with their own Scottish office, executive powers, policy-making capacity, staff, membership and manifestos: ‘the constitutional and political reality of devolution has finally caught up with the organizational reality of life within the federal Liberal Democrats’. The Liberal

**Federal:** A form of organization where branches retain a degree of formally recognized autonomy from the centre.

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**Box 3.4 Scotland’s minor parties**

*The Scottish Green Party* has its roots in the Ecology Party in Scotland of the late 1970s (Bennie, 2004). It gained its independence from the UK party in 1990. It is committed to radical policies in areas such as equality, decentralization and sustainability. It has gained parliamentary representation in all elections – one MSP in 1999, seven in 2003, two in 2007 and 2011. The performance of the Scottish Greens is broadly in line with their counterparts on Continental Europe where similar parties tend to gain 5–10 per cent of the vote. It retains potential for influence if parliamentary arithmetic results in a minority or coalition government requiring votes (as in 2007).

*The Scottish Socialist Party* roots lie in the Militant Tendency within the Labour Party in the 1980s. Led by Tommy Sheridan, it looked briefly to have finally united the left in Scottish politics. However, Sheridan’s court action against News International contributed to a split, with their former leader forming a new party, *Solidarity*. Since its high point of six MSPs in 2003 the party has failed to gain any parliamentary representation.

The *Scottish Senior Citizens’ Unity Party (SSCUP)* and the *Pensioners’ Party* both stood at the 2003 election – the former in the West of Scotland Regional Lists and the latter in the East of Scotland. John Swinburne was elected as an MSP for the SSCUP on the Central Scotland list between 2003 and 2007.

There are other parties that have never gained any representation. The *Socialist Labour Party* is led by Arthur Scargill (former president of the National Union of Mineworkers) and campaigns on a UK-wide basis. The *Highlands and Islands Alliance* campaigns on the basis that the distinctive voice of this geographical area should be heard in the Parliament. The *British National Party* is a far-right anti-immigration party. Unlike in England, it has failed to make any breakthrough or gain representation at any level. The UK Independence Party’s (UKIP’s) success in English local government elections in 2013 has no Scottish equivalent.
Democrats (as their name suggests) do not tend to operate within the same strict parameters of party discipline as the other major parties; there tends to be more of a culture of tolerance towards the political maverick and free-wheeler.

The Scottish Liberal Democrats initially gained from devolution as the minority party in the coalition with Labour 1999–2007 (it had two Cabinet ministers from 1999–2003 and three from 2003–07). The introduction of STV at the local government elections in 2007 was a long sought after goal (and an outcome of its partnership agreement with Labour). Although this allowed it to establish a foothold in previous ‘Liberal Democrat free areas’, the party’s number of councillors reduced from 175 to 166 in 2007, and collapsed to 71 in 2012. Despite the steady growth of support and stature over the 1999–2007 period the decision of the UK Liberal Democrats to form a coalition with the Conservatives after the 2010 UK general election has resulted in a collapse of the party’s vote in Scotland. At the Scottish Parliament elections in 2011 the party had elected only five MSPs.

**Scotland’s changing party system**

Until the late 1960s, the party system in Scotland operated largely in parallel to the system in the UK. The UK national parties, the Conservatives and Labour, were electorally dominant, with the Liberal Party operating at the fringes. However, the two-party system began to break down in the 1970s, with support of each of the two main parties declining at both UK and Scottish levels.

In contrast to the rather stable two-party Conservative–Labour dominant duopoly (in votes and seats) in the UK, the party system in Scotland has been far more fluid. The development of the Scottish National Party as an electoral force since the 1970s has seen it rise to be Scotland’s largest political party since 2007. At the same time, the Conservative Party has been in decline. The traditional two-party Labour versus Conservative electoral contest continues to operate at UK level while a more complicated, multiparty environment exists in Scotland. This creates a different party-political dynamic, which is best illustrated with reference to the Labour Party. At the UK level it is usually labelled a centre-left party and its key opponent is a centre-right party. In Scotland the environment is very different. It is a centre-left unionist party and its key opponent is a centre-left nationalist party. At the UK level, it faces a challenge from the right, while in Scotland it comes from the left. In terms of a simple ‘Downsian’ analysis (which refers to two parties competing for the electoral middle ground) the party at UK level has an incentive to move right,
while in Scotland it has more reason to move in the opposite direction (see Box 4.6).

The post-devolution period has witnessed the end of any perceptions of continued Labour dominance and permanence. It has also created a duality of party systems, with voters increasingly differentiating between favoured parties according to different types of election. The SNP has tended to do better at Scottish Parliamentary than UK general elections; the inverse is true for Scottish Labour.

It is therefore necessary to differentiate between the ‘Holyrood’ party system and the ‘Westminster’ party system. The former is far more pluralistic, due to a more proportional electoral system as well as diverging voting behaviour. The first-past-the-post electoral system continues to accentuate the dominance of Labour at Westminster elections. The Scottish party system today is very different from the Westminster system. It is more fluid and dynamic – one need only look at the alliances forged in Scotland’s local councils to appreciate the variety of potential coalition arrangements. Post-election, in 2011, the SNP appeared dominant with all its major opposition parties seeking new leadership and engaging in root and branch post-mortems of their electoral performance.

**Box 3.5 Scotland’s party competition since 1945**

Party competition in Scotland has been in a state of transition for the past 40 years. The first-past-the-post electoral system tends to produce a two-party system (although the number of parties can explain the choice of electoral system, rather than the other way around – see Colomer, 2005: 1). Increasingly there is a need to differentiate the party systems at Westminster and Holyrood levels. In the post-war period Scotland’s party competition has gone through three phases:

**1945–70: two-party duopoly.** The dominance of Labour and the Conservatives in the UK was paralleled in Scotland with both parties collectively achieving around 90 per cent of the popular vote. Since 1970, the two-party share of the vote has been in decline in both the UK and Scotland.

**1970–99: Labour dominant plus three.** Gradually (aided by the electoral system) the Labour Party in Scotland became more dominant – its previous rival, the Conservative Party, was in decline while new challengers, the SNP and the Liberals/Alliance/Liberal Democrats, never achieved support consistently enough for them to be considered major challengers.

**1999–: multi-party politics.** Devolution and a new electoral system resulted in a more fluid party system that has involved coalition, minority and majority government (although 2007 and 2011 often seemed like a competition between the two largest parties).

**Pluralistic:** A political system where power is diffused or where there is more than one centre of power.
Centralizing trends in party organization

All of Scotland’s political parties have tended to be organized around local constituency associations. In the post-war years of mass parties, the constituency associations were the foot-soldiers of the party and crucial to local campaigning, distributing leaflets, raising funds and recruiting new members. Members still ‘provide financial backing, participate in policy development, help attract electoral support, and supply senior and elected officials’ (Mitchell et al., 2011c: 2). However, the grassroots politics of local wards, committees and constituency associations has generally diminished in importance in party policy-making terms. In some parties, grassroots politics was never that important in any case – membership of local parties was more about socializing with like-minded people and organizing events to raise party funds. Indeed, constituency branches tend to be run largely on voluntary effort and ‘across all four parties, office space, office equipment and computers provided by party HQ are virtually non-existent’ (Clark, 2008: 42).

As parties have matured, their internal structures have become more centrist with power vested in key office-holders and parliamentary leadership. Party bureaucracies in the form of National (Scottish) Executives and party headquarters have drawn power away from constituency organizations (Clark, 2008). In line with the analysis of books published half a century ago (Michels, 1959; McKenzie, 1963), parties have become increasingly oligarchic, with leaderships gaining increased control. They are no longer mass parties (see Box 3.6) and resemble the ‘modern cadre’ party model outlined by Koole (quoted in Clark, 2008:46):

They have low membership ratios, privilege formal vertical structures, are reliant on members for resources and funding, and leadership groups essentially predominate in policy terms. Each of these indicators is to varying degrees evident in the four main Scottish parties.

Reforms designed to make parties more successful have often been at the expense of internal democratic procedures designed to enhance membership policy influence. For example, Hassan and Shaw refer to ‘the dominant culture within Scottish Labour of fixing, manipulating and lack of democracy, and those in leadership positions colluding in rather than challenging this’ (2012: 132–3).

The professionalization of modern parties (particularly regarding electioneering), new information and communication technology and the dominance of the national media has strengthened the role of the centre (Hague and Harrop, 2001: ch. 11; Calvert, 2002: 163–6). Parties no longer need large-scale party membership to communicate their message to the electorate. Although constituency party activity is still relevant, professional media relations and campaigns have tended to be the defining feature of contemporary
parties (see Denver and MacAllister, 2003; Clark, 2006). Electioneering techniques and research have become more sophisticated with parties seeking mechanisms to maintain awareness of the electorate’s opinions, demands and reactions to policy issues and initiatives. Specialized communications, public relations and marketing professionals have been recruited to rebrand and re-image political parties, with new logos, colours and messages being used to project more modern appealing messages. Annual conferences are increasingly used to present as positive a picture of the party as possible to the wider

**Box 3.6 Issues for Scottish political parties today**

_Falling membership._ Most major political parties have experienced a long-term decline in membership (Mair and van Biezen, 2001). Scotland has not been immune to this trend. Party membership figures in 2005 suggested 19,061 for Labour, 10,854 for the SNP, 4,300 for the Liberal Democrats and 15,000 for the Conservatives – or 1.25 per cent of the Scottish electorate, which is low by comparative standards (Clark, 2008: 31). The average branch membership in Scotland was 285 for Labour, 166 for the SNP, 106 for the Liberal Democrats and 872 for Conservative associations – considerably smaller than in England (ibid.: 32–3). However, the SNP has enjoyed a membership boom in recent years and has taken over Labour as the largest party in membership terms. According to the *Caledonian Mercury* (on 29 September 2010, cited in Hassan and Warhurst, 2012: 143), the SNP had 15,945 members while Labour only issued 13,135 leadership ballot papers to Scottish party members during their UK leadership campaign in 2010.

_Changing membership._ The majority of members in today’s political parties would appear to be ‘direct-debit’ members – they pay their annual subscription but show no great interest in being active in local constituency parties.

_Debilitating party identification._ The proportion of voters who strongly identify with any political party has been in decline.

_Party funding._ The parties in Scotland like those at the UK level are increasingly reliant on donors for campaign funding.

_Coalition._ Due to the post-devolution change to a more proportional electoral system, it is likely that all of the parties will at some point be faced with the decision of whether or not to join or cooperate with other parties in coalition. Coalition negotiations inevitably involve parties compromising their manifestos. This runs counter to the programmatic, disciplined orientation of political parties.

_Balancing UK and Scottish elections._ All of the major parties are also represented in the Westminster Parliament, thus necessitating the need for relations and parameters for the parties to be established. Electioneering post-devolution has taken an increasingly Scottish flavour. Since 1959, Labour and the Conservatives have always produced a Scottish manifesto (Labour produced one for the 1950 general election). Yet, these have generally followed the British one with an added Scottish flavour (not unlike Scottish editions of UK newspapers).
electorate via the media. In these carefully crafted, largely stage-managed affairs, division, dissent and splits are carefully avoided. Conferences are increasingly moving towards being seen as a ‘party rally’ rather than being important policy-making forums for the major parties.

There has been a tendency towards the ‘presidentialization’ of party leaders. The focus of the media is on the personality and skills of the leader and much emphasis is placed on the projection and image of the leadership in parties. Increasingly candidate centred, personality driven contests have tended to accentuate the power of those at the top of political parties. Moreover, the trend in funding has increasingly been that parties are becoming more reliant on donors. As parties gain office, the governing strand of the party tends to gain more power. For example, the SNP has transformed itself organizationally as it has moved from being a campaigning party to one of government (Mitchell et al., 2011c).

**Catch-all parties?**

Scotland’s four major political parties are becoming much closer, albeit to a varying degree, to what Kircheimer (1966) described as ‘catch-all parties’. Each has gradually diluted its ideological ‘baggage’ in an effort to gain more electoral success, evolved to seek to govern in the national interest (rather than represent one group), and become dominated by leaders who communicate with voters directly via the media and canvass electoral support from all groups in society (to govern rather than represent).

Yet, despite their similarities of ideology, outlook and policy platform, non-cooperation is the default stance of the SNP and Labour. There is an adversarial and tribalism between these two in Scotland that has been reinforced post-devolution. The tribalism and competitive nature of politics has tended to result in the exaggeration of small differences, with minimal cooperation (at least in public) being the general rule of engagement.

This may have had an effect on public perceptions of the parties. The two most recent Scottish Election Studies have shown that, when asked to place the SNP and Labour on 0–10 left–right scales on political issues, only the constitutional issue tends to highlight substantial difference. However, when asked about overall differences between both parties in 2007, 68 per cent professed to see ‘quite a lot’ or ‘a great deal’ of difference between the parties (Johns et al., 2009: 214–15). At first, this may seem perplexing, but part of the explanation may be that the origins and values of each party may appear different. The SNP’s founding principle lies in the quest for some form of Scottish statehood, whereas Labour’s is based on the politics of economic and social values (Hassan, 2010).
Conclusion

Political parties are very much the public face of Scottish politics – their leadership, outlook and policies dominate media coverage. The general public’s perception of Scottish politics is one that is filtered to it through political parties. Parties provide one of the key links between the state and civil society and the institutions of government and wider society (Heywood, 2002: 247). Like elsewhere in Europe, Scotland’s political parties have not been immune to various trends in party structure and organization, including elite centralization and professionalization, inspired in part by the need for more sophisticated media relations and electioneering. Each of the four major parties may increasingly be described as ‘catch-all’ ones which seek to project themselves as the party concerned with Scotland’s national interest.

As political institutions of mass mobilization, parties in Scotland (as elsewhere) are in decline. Party membership in the established parties has generally been falling (though the SNP has enjoyed a post-2007 surge), voter loyalties weakening (see Chapter 4) and alternative forms of political mobilization (e.g. pressure groups, social movements, direct action) have become more important to a younger generation.

Devolution was a process that contained within it the potential of dismantling Scottish Labour’s one-party dominant model of politics. Scotland now has a more pluralist, multi-party political system than the one engendered by Westminster first-past-the-post elections prior to 1999. Indeed one must differentiate the Westminster from the Holyrood party system in Scotland – the former remains dominated by Labour, while the latter is more pluralistic (even if currently dominated by the SNP).

Devolution has also challenged the three UK state-wide parties to engage in internal reform to reflect the reality of devolution. Particularly within Scottish Labour, reform has been grudging, piecemeal and slow. As Van Houten (2009) notes, the relationship between state-wide and sub-national parties tends to be a delicate balancing act, with the delegation of authority and tasks leading to potential loss of control. Of all Scotland’s parties, Labour has struggled most with this – its internal party structure undoubtedly impacted on devolution’s liberating potential in its early years (Keating, 2005a: 218).

In this chapter we have sought to demonstrate the fluid and changeable environment of Scotland’s political parties. In the small world of Scottish politics the political parties have formed loose alliances at various junctures, although in this small village tribal loyalty and interparty partisanship is often the norm. As Torrance (2012a) notes, ‘it’s easier to be tribal when you can see the whites of the other tribes’ eyes’. Despite notions of consensus associated with new politics, the norm of Scottish party politics can be an uncompromising tribalism that can be brutal at times. That said, when one leaves aside the constitutional ideas and arguments that provide the stuff of political dispute between SNP and Labour, proclaimed differences do tend to blur.
Hassan’s (2002b: 43) prediction that ‘the dilution of the institutionally focused labourist culture and the development of a more open, democratic politics’ will challenge Labour’s dominance as a quasi-establishment party has been proven true. The elections of 2003, 2007 and 2011 have all – in different ways – changed the face of party politics and the party system in Scotland. In 2003 the performance of minor parties briefly threatened the ‘cosy cartel’ of Scotland’s four major parties; in 2007 the SNP victory led to Scotland’s first minority Government; and in 2011 the SNP landslide led to the first majority Government. Scottish party politics today has been transformed, with the SNP taking over Labour’s mantle as ‘Scotland’s party’. It is dominant in terms of votes, seats, membership, organization and message.

Further reading

Hutchison (2000) provides an excellent historical account of each party’s development in the twentieth century. The collection of chapters by Hassan, McEwen, Lynch, Seawright and Bennie in Hassan and Warhurst (2002) provide early accounts of each party immediately post-devolution.


Online sources

Scottish Conservative Party: www.scottishconservatives.com
Scottish Green Party: www.scottishgreens.org.uk
Scottish Labour Party: www.scottishlabour.org.uk
Scottish Liberal Democrats: www.scotlibdems.org.uk
Scottish National Party: www.snp.org.uk
Labour for Independence: www.labourforindy.co.uk
In this chapter we examine the new electoral systems, voting behaviour and political campaigning in an age of multi-level elections in Scotland. Increased volatility and divergence between Scottish and British electoral behaviour is evident. The UK-based parties, although playing a key role in integrating Scotland into the British political system, have also increasingly sought to accommodate Scottish interests.

Recent analysis of electoral behaviour in Scotland (Johns et al., 2010; 2011b) has challenged the previous orthodoxy that tended to emphasize the relevance of cleavages such as class, religion and national identity. Partisan and party dealignment, combined with new electoral systems, has resulted in an ever-increasing proportion of the electorate eschewing loyalty to a particular party and varying their vote between, and often even during, elections. This combination has contributed to the high proportion (37 per cent) of new MSPs in 2011, compared with 33 per cent in 2007 and 20 per cent in 2003.

This distinctive Scottish picture is a relatively recent phenomenon. In the immediate post-war period, electoral behaviour and party preferences at UK and Scottish levels were relatively stable and differences negligible. Numerous factors played a role in ‘uniting the kingdom’ – winning the war, the continuing relevance of the British Empire, post-war economic growth and prosperity and the creation of the welfare state all gave meaning and relevance to ‘Britishness’. However, as all of these factors have subsided in relevance and importance, the gap between electoral behaviour in Scotland and the rest of the UK has grown. The old stable Labour/Conservative duopoly is no more. At the 1959 UK general election these parties gained 93.9 per cent of the vote in Scotland (Table 3.1); at the 2011 Scottish Parliament election collectively they gained only 45.6 per cent of the constituency and 38.7 per cent of the regional votes (Table 3.2). The modern Scottish voter is much more willing to switch allegiance between elections and, if given the opportunity to do so, vote for more than one party during the same election. Key differences between elections and electoral behaviour in Scotland compared with the UK have emerged:

**Nationalist:** An ideology which emphasizes the need for congruence between the geographic borders of nations and states. The modern SNP promotes ‘civic nationalism’ rather than an ‘ethnic nationalist’ focus on factors such as birth right and ethnicity.
• The centrality of a nationalist party in Scotland (with no UK equivalent).
• Four or multi-party, as opposed to three or ‘two-and-a-half’ party, competition (although in both systems only two parties compete to be the largest).
• The emergence of the constitutional issue at the forefront of the Scottish political agenda.
• Four distinct electoral systems for local, Scottish, UK and EU elections.
• A distinct and separate social, broadcast and print media which tends to focus on Scottish, as opposed to UK, political stories.
• The long-term decline of the once dominant Scottish Conservative and Unionist Party.
• The recent but dramatic decline of support for the Liberal Democrats in the Scottish Parliament following its coalition government with the Conservatives in the UK.

In this chapter we explore key factors of importance in explaining electoral choice in Scotland, including electoral systems, cleavages, ideology and party strategy. We suggest that the Scottish electorate has become less aligned to political parties and the key factor for voters is their assessment of party competence, leadership, image and performance.

**Electoral systems**

The Scottish electorate faces four different voting systems, making Scotland ‘one of the world’s most prominent electoral reform testing laboratories’ (Steven, 2008: 277). Until recently, all Scottish elections were conducted using the first-past-the-post electoral method. However, it is viewed as unfair because it exaggerates support for some parties at the expense of others. Dunleavy refers to it as the ‘primitive Commons electoral system that renders irrelevant so many deeply felt votes’ (2005: 530). Each of the ‘new’ systems is designed to introduce a greater degree of proportionality.

Since 1999 the party-list method has been used for European Parliament elections, the Mixed Member Proportional (MMP) system for the Scottish Parliament and (since 2007) the Single Transferable Vote (STV) system for local elections. The once dominant single-member plurality is now only used for the House of Commons. The four voting systems are outlined below:

• **House of Commons: single-member plurality**, or ‘first past the post’ as it is more commonly known, is a very simple electoral system. For House of Commons elections, Scotland is divided into 59 constituencies and the candidate receiving the largest share of the votes in each is elected. This majoritarian system is used for elections in the United States, Canada and India, as well as the UK. Until 2004, legislation required Scottish
Parliament constituencies to have generally the same boundaries as
Scottish Westminster constituencies. This link was broken by the Scottish
Parliament (Constituencies) Act 2004 which reduced Westminster
constituencies from 73 to 59 for the 2005 UK general election. The bound-
aries are under review and will be redrawn for the 2015 UK general elec-
tion.

- **Scottish Parliament: the mixed-member proportional (MMP) system** is
  used for elections to the Scottish Parliament. It combines the single-
  member plurality system with regional party lists. There are 73 MSPs
elected from constituencies using the first-past-the-post method. Until the
2011 election the 73 constituencies were based on the 1997 UK general
election 72 constituency boundaries, with Orkney and Shetland electing an
MSP each instead of sharing one. Both the constituency and regional
boundaries were revised in 2011. The other 56 MSPs are elected from eight
regional lists. Electors use a second vote for a political party, not directly
for an individual. The individuals selected from the second vote come from
lists drawn up by the political parties before the election, at a national or
regional level. The D’Hondt method (Box 4.1) is used to calculate the
number of MSPs the region elects. Members elected from regional lists are
designed to make the result more proportional. MMP is a hybrid system
designed, in the words of Shugart and Wattenberg (2008: 595), to achieve
the ‘best of both worlds’, i.e. combine the strong representative-constituent
link enjoyed under single member plurality with a degree of proportion-
ality via regional lists. It is not fully proportional – in 2011, the SNP won an
overall majority of seats despite gaining under half of the constituency and
list votes.

- **Local government: single transferable vote (STV)** is the voting system used
  from 2007 for local elections in Scotland. Electors, instead of placing an
  ‘X’ against their preferred candidate, rate their preferences 1, 2, 3 and so on.
  It is designed to produce a more proportional result, minimize wasted votes
and give electors more control over candidate choice – they vote for indi-
vidual candidates rather than party lists. STV does this by using multi-
member constituencies and by transferring votes that would otherwise be
wasted. STV initially allocates an individual’s vote to his or her first choice
and then subsequently transfers unneeded or unused votes (according to the
voter’s stated preferences) after candidates are either elected or eliminated.
It is used for elections in Ireland, Northern Ireland (bar the House of
Commons), Malta and some local elections in New Zealand.

- **European Parliament: the party list method** is used to elect Scottish MEPs
to the European Parliament. Scotland constitutes a single constituency with
seven MEPs elected using the d’Hondt method. European Parliament elec-
tions suffer from low turnout (28.6 per cent in 2009), exacerbated by very
limited (local and national) campaigning and the electoral system (Denver
The multiplicity of electoral systems in Scotland led the Secretary of State for Scotland to establish a Commission on Boundary Differences and Voting Systems, chaired by Sir John Arbuthnott. This made a number of recommendations including: an end to holding the Scottish parliamentary and local elections on the same day to minimize the increased risk of spoilt ballot papers; revising the MMP system to allow voters to choose between individual list candidates; reviewing Scottish Parliament and Westminster constituencies together; introducing STV for elections to the European Parliament; improving voter education; and a ‘rapid move’ towards the introduction of electronic voting and counting (Arbuthnott, 2006). While Scottish Parliament and local elections have been decoupled, few of the other recommendations have been implemented fully.

While these issues may seem rather technical and humdrum, one need only consider the vastly different results in the 2010 UK general election in Scotland.

Box 4.1 The d’Hondt divisor
Party-list votes are totalled from each of the constituencies making up the region. These totals are then divided by the number of seats each party has won (initially from constituencies), plus one. The party with the highest resulting total elects one regional member. That party’s divisor is then increased by one (because of its victory) and new figures calculated. Again, the party with the highest total wins a seat. The process is then repeated until all seven regional MSPs are elected. The aim of the system is to compensate parties which pile up votes in constituencies but fail to win many MSPs. Under the d’Hondt system, they are much more likely to gain regional members. Conversely, parties which do well in constituency elections will do less well in the top-up seats.

Spoilt ballot papers: Ballot papers deemed invalid by the returning officer at the election count. The Scottish Election in 2007 had record numbers of such papers.

Plurality systems: winner-takes-all votes to elect members from particular constituencies.

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Box 4.2 Mixed member proportional systems in comparative perspective
Advocates of MMP suggest that it offers the best of both worlds – the direct link between MP and constituent found in plurality systems and the sense of fairness and reduction of ‘lost votes’ in proportional systems. This may explain the popularity of MMP when electoral systems are being introduced or redesigned throughout the world. A form of MMP has been adopted by countries with wide and varied electoral histories such as Germany, New Zealand, Italy, Israel, Japan, Venezuela, Bolivia, Mexico, Hungary and Russia. Although MMP is more likely to produce two-party systems than other forms of PR, it is much less likely than plurality systems to marginalize minor parties (Shugart and Wattenberg, 2003).
and the 2011 Scottish parliamentary election to witness how important an electoral system can be in shaping the results of a contest (see Tables 3.1 and 3.2 and Figure 3.1). The means by which votes are translated into seats is instrumental in determining both the shape of government and political parties (Gallagher and Mitchell, 2005: 4; see also Colomer, 2005: 1). Electoral systems and rules, although often portrayed as some sort of neutral transmission mechanism whereby votes are translated into seats in Parliament, have often emerged via political argumentation and negotiation and usually favour established mainstream parties. All of Scotland’s systems have a bias against small minority parties, as a threshold of support is usually required to achieve representation. However, PR systems tend to herald a much larger party system consisting of an increased number of political actors.

In a way, the introduction of PR by Scottish Labour was ‘quite remarkable’ (Lundberg, 2007: 25) considering the party’s dominance in Scotland and what it stood to lose. To understand the rationale in such selfish terms, we can consider Colomer’s (2005: 2) hypothesis that political actors ‘seek to minimize the opportunities for them to become absolute losers’. Or, perhaps Labour selected MMP simply because it was the best way of undermining the SNP (Ritchie, 2000)! For students of politics, this is a broad point worth emphasizing – political actors not only compete within the different arenas of politics (local, parliamentary, government, etc.) but also seek to shape the constitutional boundaries and rules of political institutions (see for example the Labour-Liberal Democrat role in the SCC, discussed by Bennie and Clark, 2003: 143).

Different electoral systems also ‘impact on the internal life of the parties’ (Gallagher and Mitchell, 2005: 21). In the first two parliamentary terms, the Arbuthnott Commission (2006: 4) noted concerns over ‘friction between constituency MSPs and their regional counterparts’, linked particularly to claims by constituency MSPs that they should receive more in allowances to cover their greater costs. This claim is arguably backed by independent review (Maddox, 2008) and the MSP code of conduct guidelines, written in 2000, which outlined an expectation that constituency MSPs be the ‘usual point of contact’ for constituents (Scottish Parliament, 2000).

The tension is a direct consequence of the MMP system, coupled with the spread of parties between list and constituency seats – although this relationship is changing. Prior to 2011 (when the fiercest debates took place – see Cairney, 2011a: 7–8), constituency MSPs were more likely to be Labour and Liberal Democrat and regional list MSPs more likely to be SNP and Conservative. The 2011 result partly reversed the constituency–regional MSP make-up, with SNP dominating the former. In 2011, Labour’s failure to participate in dual candidacy (where candidates contest constituencies and appear on regional party lists) led to the party losing some of its most experienced and high profile MSPs from the constituency ballot in favour of novice candidates elected in regional lists. Only 19 per cent of Labour candidates appeared on
regional lists, compared with 78 per cent for the SNP, 52 per cent for the Liberal Democrats and 86 per cent for the Conservatives (The Guardian, 2011). The difference perhaps reflects Labour’s majoritarian view of democracy with its language of direct mandates. This is at odds with the principles underpinning proportional representation (Lundberg, 2007: 164). Labour tended to view regional list MSPs as second class (Curtice and Steven, 2011: 29). Prior to 2011, many of its constituency candidates opposed dual candidacy, reflecting its historical tendency to do well in the constituency vote (in Scottish Parliament and UK general elections).

**Local elections in Scotland**

Tables 4.1 and 4.2 give details of local election results in Scotland. The introduction of a PR system for local elections was a long-running demand of the Scottish Liberal Democrats, the junior partner in the Labour-led coalition government between 1999 and 2007. It was introduced after the Local Governance (Scotland) Act 2004. **Multi-member wards** have significantly altered the party-political complexion of councils in both 2007 and 2012 (Curtice, 2008; Bennie and Clark, 2008; Clark 2012a; 2012b). The main beneficiary of the change in electoral system has been the party that was in opposition at the time – the SNP.

The SNP emerged as the largest party in Scottish local government in both 2007 and 2012 local elections (Table 4.2). It controls two councils – Dundee and Angus. At the 2007 elections, the Labour Party lost over 161 councillors and control of 11 councils (compared with the post-2003 election position). It improved its performance in 2012 when it increased its share of the vote and, contrary to some expectations, held on to its control of Glasgow City and North Lanarkshire, and gained Renfrewshire and West Dunbartonshire Councils (Table 4.1).

Tables 4.1 and 4.2 highlight that a combination of fluctuating party support and the new electoral system means that the vast bulk of Scotland’s councils are hung, with no party enjoying overall control. Contrary to expectation, STV has not been a boon for Scotland’s smaller parties – both the Conservatives and the Liberal Democrats have fewer councillors in 2012 than they did at the last pre-STV election in 2003. The Greens have 14 councillors but the high threshold required in Scotland’s relatively small multi-member wards (with three or four elected members) make it difficult for them (Green councillors are concentrated in urban Scotland). That said, the independent councillor tradition in rural Scotland is alive and well – the number of independents elected increased from 187 in 2007 to 196 in 2012.
Evidence from the 2007 and 2012 local elections suggest that the Scottish electorate adapted well to the STV system (the problems in 2007 were linked to the use of two different systems, not STV per se). Denver et al. (2009) report 78 per cent casting a second preference and 54 per cent a third preference vote in 2007. Clark (2012a: 8) reports a similar pattern in 2012.

<table>
<thead>
<tr>
<th>Council</th>
<th>Number of seats won (2007 figure in brackets)</th>
<th>SNP</th>
<th>Lab.</th>
<th>Other</th>
<th>LD</th>
<th>Con.</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aberdeen</td>
<td>15 (12)</td>
<td>17 (10)</td>
<td>3 (1)</td>
<td>5 (15)</td>
<td>3 (5)</td>
<td>43</td>
<td></td>
</tr>
<tr>
<td>Aberdeenshire</td>
<td>28 (22)</td>
<td>2 (0)</td>
<td>11 (8)</td>
<td>12 (24)</td>
<td>14 (14)</td>
<td>68</td>
<td></td>
</tr>
<tr>
<td>Angus</td>
<td>15 (13)</td>
<td>1 (2)</td>
<td>8 (6)</td>
<td>1 (3)</td>
<td>4 (5)</td>
<td>29</td>
<td></td>
</tr>
<tr>
<td>Argyll &amp; Bute</td>
<td>12 (10)</td>
<td>0 (0)</td>
<td>13 (16)</td>
<td>4 (7)</td>
<td>4 (3)</td>
<td>36</td>
<td></td>
</tr>
<tr>
<td>Clackmannanshire</td>
<td>8 (7)</td>
<td>8 (8)</td>
<td>1 (1)</td>
<td>0 (1)</td>
<td>1 (1)</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>Dumfries &amp; Galloway</td>
<td>10 (10)</td>
<td>15 (14)</td>
<td>7 (2)</td>
<td>1 (3)</td>
<td>14 (18)</td>
<td>47</td>
<td></td>
</tr>
<tr>
<td>Dundee</td>
<td>16 (13)</td>
<td>10 (10)</td>
<td>1 (1)</td>
<td>1 (2)</td>
<td>1 (3)</td>
<td>29</td>
<td></td>
</tr>
<tr>
<td>East Ayrshire</td>
<td>15 (14)</td>
<td>14 (14)</td>
<td>1 (1)</td>
<td>0 (0)</td>
<td>2 (3)</td>
<td>32</td>
<td></td>
</tr>
<tr>
<td>East Dunbartonshire</td>
<td>8 (8)</td>
<td>8 (6)</td>
<td>3 (2)</td>
<td>3 (3)</td>
<td>2 (5)</td>
<td>24</td>
<td></td>
</tr>
<tr>
<td>East Lothian</td>
<td>9 (7)</td>
<td>10 (7)</td>
<td>1 (1)</td>
<td>0 (6)</td>
<td>3 (2)</td>
<td>23</td>
<td></td>
</tr>
<tr>
<td>East Renfrewshire</td>
<td>4 (3)</td>
<td>8 (7)</td>
<td>2 (2)</td>
<td>0 (1)</td>
<td>6 (7)</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Edinburgh</td>
<td>18 (12)</td>
<td>20 (15)</td>
<td>6 (3)</td>
<td>3 (17)</td>
<td>11 (11)</td>
<td>58</td>
<td></td>
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<tr>
<td>Falkirk</td>
<td>13 (13)</td>
<td>14 (14)</td>
<td>3 (3)</td>
<td>0 (0)</td>
<td>2 (2)</td>
<td>32</td>
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<tr>
<td>Fife</td>
<td>26 (23)</td>
<td>35 (24)</td>
<td>4 (5)</td>
<td>10 (21)</td>
<td>3 (5)</td>
<td>78</td>
<td></td>
</tr>
<tr>
<td>Glasgow</td>
<td>27 (22)</td>
<td>44 (45)</td>
<td>6 (6)</td>
<td>1 (5)</td>
<td>1 (1)</td>
<td>79</td>
<td></td>
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<tr>
<td>Highland</td>
<td>22 (17)</td>
<td>8 (7)</td>
<td>35 (35)</td>
<td>15 (21)</td>
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<td></td>
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<tr>
<td>Inverclyde</td>
<td>6 (5)</td>
<td>10 (9)</td>
<td>1 (1)</td>
<td>2 (4)</td>
<td>1 (1)</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Midlothian</td>
<td>8 (6)</td>
<td>8 (9)</td>
<td>1 (0)</td>
<td>0 (3)</td>
<td>0 (0)</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>Moray</td>
<td>10 (9)</td>
<td>3 (2)</td>
<td>10 (12)</td>
<td>0 (0)</td>
<td>3 (3)</td>
<td>26</td>
<td></td>
</tr>
<tr>
<td>North Ayrshire</td>
<td>12 (8)</td>
<td>11 (12)</td>
<td>6 (5)</td>
<td>0 (2)</td>
<td>1 (3)</td>
<td>30</td>
<td></td>
</tr>
<tr>
<td>N. Lanarkshire</td>
<td>26 (23)</td>
<td>41 (40)</td>
<td>3 (5)</td>
<td>0 (1)</td>
<td>0 (1)</td>
<td>70</td>
<td></td>
</tr>
<tr>
<td>Orkney</td>
<td>0 (0)</td>
<td>0 (0)</td>
<td>21 (21)</td>
<td>0 (0)</td>
<td>0 (0)</td>
<td>21</td>
<td></td>
</tr>
<tr>
<td>Perth &amp; Kinross</td>
<td>18 (18)</td>
<td>4 (3)</td>
<td>4 (0)</td>
<td>5 (8)</td>
<td>10 (12)</td>
<td>41</td>
<td></td>
</tr>
<tr>
<td>Renfrewshire</td>
<td>15 (17)</td>
<td>22 (17)</td>
<td>1 (0)</td>
<td>1 (4)</td>
<td>1 (2)</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td>Scottish Borders</td>
<td>9 (6)</td>
<td>0 (0)</td>
<td>9 (7)</td>
<td>6 (10)</td>
<td>10 (11)</td>
<td>34</td>
<td></td>
</tr>
<tr>
<td>Shetland</td>
<td>0 (0)</td>
<td>0 (0)</td>
<td>22 (22)</td>
<td>0 (0)</td>
<td>0 (0)</td>
<td>22</td>
<td></td>
</tr>
<tr>
<td>South Ayrshire</td>
<td>9 (8)</td>
<td>9 (9)</td>
<td>2 (1)</td>
<td>0 (0)</td>
<td>10 (12)</td>
<td>30</td>
<td></td>
</tr>
<tr>
<td>S. Lanarkshire</td>
<td>28 (24)</td>
<td>33 (30)</td>
<td>2 (3)</td>
<td>1 (2)</td>
<td>3 (8)</td>
<td>67</td>
<td></td>
</tr>
<tr>
<td>Stirling</td>
<td>9 (7)</td>
<td>8 (8)</td>
<td>1 (0)</td>
<td>0 (3)</td>
<td>4 (4)</td>
<td>22</td>
<td></td>
</tr>
<tr>
<td>W. Dunbartonshire</td>
<td>6 (9)</td>
<td>12 (10)</td>
<td>3 (3)</td>
<td>0 (0)</td>
<td>0 (0)</td>
<td>22</td>
<td></td>
</tr>
<tr>
<td>West Lothian</td>
<td>15 (13)</td>
<td>16 (14)</td>
<td>1 (4)</td>
<td>0 (0)</td>
<td>1 (1)</td>
<td>32</td>
<td></td>
</tr>
<tr>
<td>Western Isles</td>
<td>7 (4)</td>
<td>3 (2)</td>
<td>21 (25)</td>
<td>0 (0)</td>
<td>0 (0)</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total seats</td>
<td>424 (363)</td>
<td>394 (348)</td>
<td>216 (202)</td>
<td>71 (166)</td>
<td>115 (143)</td>
<td>1,222</td>
</tr>
<tr>
<td></td>
<td>First preference votes (%)</td>
<td>32.4 (27.9)</td>
<td>31.4 (28.1)</td>
<td>16.4 (15.8)</td>
<td>6.6 (12.7)</td>
<td>13.3 (15.6)</td>
<td>100</td>
</tr>
</tbody>
</table>
Voting behaviour in Scottish elections has become a lot less predictable, with previously stable party identifications and loyalties breaking down. This can be said quite definitively, despite the fact that historical data prior to the 1960s on Scottish electorate attitudes is scarce (see Budge and Urwin, 1966 for the first major study). Since then, explaining electoral choice has been one of the most vibrant and empirically sophisticated branches of political science in Scotland (see Bennie et al., 1997; Brown et al., 1999; Paterson et al., 2001; Bromley et al., 2003; Curtice, 2005; Denver et al., 2007; Curtice et al., 2009; Mitchell and Johns, 2009; Johns et al., 2009; 2010).

Until the 1970s, electoral studies emphasized the importance of long-standing and stable party alignments. Socialization from parent to child, in communities and in the workplace resulted in party allegiances being passed from generation to generation. Family, housing, community and workplace were accorded great importance in shaping electoral preference. Voting, rather than being a deliberative activity that involved a rational assessment of competing party positions, was an expressive act. Individuals, in the act of voting, were expressing their allegiance to a particular cleavage (often class). Voters with an identity with a particular party dominated the electorate and the electoral contest was about targeting the relatively small numbers of floating uncommitted voters who would decide the outcome.

In 1975, Pulzer summed up this focus: ‘class is the basis of British Party Politics, all else is embellishment and detail’ (1975: 102). However, like much analysis of British politics at the time, it completely ignored what was going

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Table 4.2  Local election results and party representation, 1974–2012

<table>
<thead>
<tr>
<th>Year</th>
<th>Percentage of vote (seats in brackets)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Labour</td>
</tr>
<tr>
<td>2012 (Unitary)*</td>
<td>32 (394)</td>
</tr>
<tr>
<td>2007 (Unitary)*</td>
<td>29 (348)</td>
</tr>
<tr>
<td>2003 (Unitary)</td>
<td>33 (509)</td>
</tr>
<tr>
<td>1999 (Unitary)</td>
<td>36 (551)</td>
</tr>
<tr>
<td>1995 (Unitary)</td>
<td>44 (613)</td>
</tr>
<tr>
<td>1992 (District)</td>
<td>34 (468)</td>
</tr>
<tr>
<td>1988 (District)</td>
<td>43 (553)</td>
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<tr>
<td>1984 (District)</td>
<td>46 (545)</td>
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<tr>
<td>1980 (District)</td>
<td>45 (494)</td>
</tr>
<tr>
<td>1977 (District)</td>
<td>32 (299)</td>
</tr>
<tr>
<td>1974 (District)</td>
<td>38 (428)</td>
</tr>
</tbody>
</table>

* Relates to first preference votes.

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Cleavages, identification and dealignment

Voting behaviour in Scottish elections has become a lot less predictable, with previously stable party identifications and loyalties breaking down. This can be said quite definitively, despite the fact that historical data prior to the 1960s on Scottish electorate attitudes is scarce (see Budge and Urwin, 1966 for the first major study). Since then, explaining electoral choice has been one of the most vibrant and empirically sophisticated branches of political science in Scotland (see Bennie et al., 1997; Brown et al., 1999; Paterson et al., 2001; Bromley et al., 2003; Curtice, 2005; Denver et al., 2007; Curtice et al., 2009; Mitchell and Johns, 2009; Johns et al., 2009; 2010).

Until the 1970s, electoral studies emphasized the importance of long-standing and stable party alignments. Socialization from parent to child, in communities and in the workplace resulted in party allegiances being passed from generation to generation. Family, housing, community and workplace were accorded great importance in shaping electoral preference. Voting, rather than being a deliberative activity that involved a rational assessment of competing party positions, was an expressive act. Individuals, in the act of voting, were expressing their allegiance to a particular cleavage (often class). Voters with an identity with a particular party dominated the electorate and the electoral contest was about targeting the relatively small numbers of floating uncommitted voters who would decide the outcome.

In 1975, Pulzer summed up this focus: ‘class is the basis of British Party Politics, all else is embellishment and detail’ (1975: 102). However, like much analysis of British politics at the time, it completely ignored what was going
on in Scotland since, in the October 1974 UK general election, the SNP had achieved over 30 per cent of the vote in Scotland, securing votes across all social classes. Indeed, Pulzer was writing just when the class basis of British political party alignment was beginning to break down. The share of the vote of the two main parties had also been in decline and, for a period in the 1980s, there was a lot of talk of the then **Social Democratic Party/Liberal Alliance** ‘breaking the mould’ of British two-party politics.

For much of the post-war period, Pulzer’s analysis was accurate at both the Scottish and UK levels. There was a high correlation between class and party alignment in Scotland (Budge and Urwin, 1966). The working class tended to identify with the Labour Party, while the middle class had a greater tendency to support the Unionist Party (as the Conservatives were called in Scotland until 1965).

One notable feature of the Scottish electorate has been the subjective perception of working-class identity. With deindustrialization, changing employment patterns, the expansion of higher education and owner-occupation the size of the working class has been falling in Scotland by all objective indicators (see Payne, 1987; Paterson *et al*., 2004). Thus, although the class structure of Scotland and the rest of the UK is similar (McCrone, 2001b: 83–4; Sweeney *et al*., 2003: 83), subjective class identity is different with self-perceptions of working-class identity higher (Bennie *et al*., 1997: 102; Johns *et al*., 2010: 82). A voter’s subjective self-definition of his or her class is a more accurate predictor of party choice than the objective indicator (Johns *et al*., 2010: 82). However, there is an absence of a strong relationship between social context and voting for the SNP (ibid.: 28). Indeed, overall there are only marginal differences between the class profiles of Labour and SNP voters (ibid.: 33).

However, a key trend identified by psephologists in recent decades has been **partisan dealignment** and a decrease in the power of socialization to account for party identification (see Crewe, 1988). An individual’s class background has become a less accurate predictor of voting allegiance. This is particularly the case in Scotland, with the Labour Party and the SNP both campaigning for the same group of voters (see Brand *et al*., 1993; Denver *et al*., 2007; Johns *et al*., 2010). Paterson *et al*., (2001: 58) report a ‘dramatic’ fall in the image in Scotland of the Labour Party as one that looks after working-class interests. Labour’s dominance amongst working-class voters has weakened as it has
won more middle-class support (Johns et al., 2010: 33). This trend may be more to do with nationalist politics than ‘post-materialism’ (Box 4.3)

The rise of the SNP and Scottish national identity resulted in a new cleavage emerging in the Scottish electorate. Nationality interacted with class as a key factor in changing electoral behaviour in Scotland in the 1980s and 1990s, and the SNP and the Labour Party have used both class and national identity to appeal to the electorate. In the past three decades, all of Scotland’s political parties have sought to project themselves as (somehow) standing up for Scotland’s interests. The politics of Scottish nationalism and identity became more evident as the appeal of being ‘British’ was no longer so self-evident. The rise of Scottish nationalism’s impact on Scottish politics has been complex, wide and varied, impacting on voter, party and media behaviour – therefore it should not be automatically equated with the rise of the SNP.

Table 4.3 provides one measure of national identity (the three main measures are compared in Table 12.3 and linked to attitudes towards constitutional change). It highlights the important rise – from a very strong base – in Scottish identity (and associated decrease in British identity) amongst the electorate. Scottish identity has a strong political as well as cultural dimension. It is intertwined with attitudes to England and anti-Conservatism (Bennie et al., 1997). In the 1980s, the Conservatives were portrayed by opposition parties as the ‘class and national enemies’ of the Scottish people (ibid.: 99). This forging of class and nationality identity has been a significant part of the dynamic

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**Box 4.3** Post-materialism and voting

Inglehart (1977) suggests that class politics was in decline as the electorate, taking material and physical well-being for granted, were entering into a stage of post-materialism. European politics was about the basic conditions of life up until the 1960s – however, people now no longer worry about material shortages and basic security. Dalton (1996) suggests traditional political cleavages are being replaced with new ones emphasizing such issues as the environment, minority rights and greater democratization. Modernization theories of political development in the 1960s and 1970s predicted the demise of ‘pre-modern’ bases of alignment such as territory, religion and ethnicity. They tend to emphasize a weakening of traditional social ties such as class, increasing secularization and a dealignment of political identification. However, beyond the emergence of the Green Party, post-devolution, there is little evidence to support the thesis in Scottish politics. Indeed the rise of the SNP is an example of a party utilizing a materialist sound-bite (‘It’s Scotland’s Oil’) and a pre-modern cleavage (nationality) to develop and grow.
causing divergence in Scottish electoral behaviour. However, by the late 1990s, such was the dominance of Scottish identity amongst the electorate that it was becoming a weaker predictor of electoral preference (Denver et al., 2000: 159–68; Johns et al., 2010: 82–8).

Another variable with some historical significance is religion. Historically in Scotland, the Conservative and Unionist Party utilized the appeal of the British Empire, religion, Ulster and a definition of Scottish nationhood derived from Presbyterian mythology to gather Protestant working-class votes in the mid-decades of the twentieth century (Walker, 1996). The Labour Party in Scotland has traditionally had the allegiance of the Roman Catholic community. In the early twentieth century there was a significant degree of anti-Catholic sentiment linked to the question of Irish immigration. Surveys in the west of Scotland in the 1950s and 1960s found a strong link between religion and voting; 75 per cent of working-class and 80 per cent of middle-class Catholics voted Labour at the 1964 election (Budge and Urwin, 1966: 69). In a comparative context, the strong Catholic support for a left-leaning party was unusual – in mainland Europe it is more common for parties of the Right to secure the Catholic vote. The Scottish position probably reflected a combination of unusual Scottish factors – the immigrant background of most Catholics and the large-scale unionization (and associated politicization) of the Catholic workforce. Catholics remain more pro-Labour, anti-SNP and anti-Conservative than the population as a whole (Devine, 2000: 214), though the Labour allegiance is weakening (Johns et al., 2010: 176). Catholic reticence towards the SNP can be ‘ascribed to the virulent strain of anti-Irish and anti-Catholic sentiment which can be found in the early history of the National Party’ (Devine, 2000: 213). Contemporary evidence suggests the SNP beginning to make inroads into the Catholic vote in Scotland (Bennie et al., 1997: 114; Johns et al., 2010).

However, religion is a relatively unimportant variable in understanding the modern Scottish voter in an increasingly secular Scottish society. There are 37 per cent of Scots who assert themselves to have ‘no religion’ which is now a higher figure than any religious denomination (Bruce et al., 2004: 64) and the rate of observance in established churches appears to be in terminal decline.

<table>
<thead>
<tr>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Scottish</td>
<td>65</td>
<td>56</td>
<td>72</td>
<td>72</td>
<td>77</td>
<td>73</td>
<td>79</td>
<td>72</td>
<td>75</td>
</tr>
<tr>
<td>British</td>
<td>31</td>
<td>38</td>
<td>25</td>
<td>20</td>
<td>17</td>
<td>20</td>
<td>14</td>
<td>19</td>
<td>15</td>
</tr>
</tbody>
</table>

Note: ‘Other’, ‘don’t know’ and ‘not answered’ have been omitted.

There are few Scots who are religious enough to base their vote on their religious identity. There are, however, periodic instances of religious leaders exerting significant political influence (Box 4.4).

There has been little work done on the impact of race and ethnicity on voting behaviour in Scotland, probably because of the low numbers (particularly compared with England). Survey evidence has produced some examples of a strong Scottish identity among the Scottish Asian community – for example, in 2003, 49% of ‘Ethnic Pakistanis’ identified themselves as ‘Scottish, not British’ (15%) or ‘More Scottish than British’ (34%). This is significantly higher than people born in England willing to identify themselves as English, although, in each case, respondents were more likely to identify according to (Muslim) religion than nation (see Curtice, 2004: 19, drawing on Hussain and Miller, 2003). The UK Home Office’s dispersal policy has recently added to the cultural mix, with the African community in urban Scotland growing.

Another feature of electoral behaviour in Scotland worth noting is the different levels of support for the parties in the different regions. The SNP has tended to be stronger in more northern and rural areas, but its claim to be a national party was given more credibility in 2011 when their consistency of support in all of Scotland became more apparent. Labour’s (now challenged) heartland has traditionally been Glasgow and its surrounds in Lanarkshire, Renfrewshire and Dunbartonshire.

Other factors in voter choice are demographics such as sex and age. For example, women are ‘markedly’ less likely to vote SNP than men (and the party

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**Box 4.4 From Section 28 to equal marriage**

The Section 28 episode highlighted how Scotland’s religious leaders can influence the political process. Section 28 clause 2a of the Local Government (Scotland) Act 1986 stated that ‘a local authority shall not intentionally promote homosexuality or publish material with the intention of promoting homosexuality’. In practice, this meant that teachers did not discuss homosexuality at all. The Labour-led Scottish Government proposed to abolish the clause in 2000, which led to a ‘Keep The Clause’ campaign led by a coalition of tabloid editors and church leaders, funded by millionaire Brian Souter (owner of the Stagecoach transport group). They argued that its repeal and the subsequent ‘promotion of homosexuality’ would threaten the traditional value of the family. The clause was repealed in 2000 by a vote of 99 to 17, with concessions given to placate religious leaders. In practice, this means that while teachers are now able to discuss homosexuality, they are also required to stress the importance of a stable family life. This episode was an early indication that Scottish politics in the post-devolution era may not be quite as enlightened, liberal and inclusive as some of the home-rule campaigners had assumed. It compares with legislation, introduced in 2013, to allow people of the same sex to marry. The plan met with resistance from the Church of Scotland and Roman Catholic Church. As in Westminster, the compromise is that same-sex marriage ceremonies will become legal but churches will not be under a legal obligation to perform them (BBC News, 12 December 2012).
membership gap is wider – Johns et al., 2011b: 581). Age is not a particularly significant factor in understanding preferences between the SNP and Labour but, as ever, the elderly are more likely to vote Conservative than the young – only 7 per cent of 18–34 year olds reported voting Conservative, while 17 per cent of those older than 55 did so (ibid., 2011a).

It may be surprising to consider how little discussion there is (at least in this chapter) of people voting according to their preferences regarding the major issues of the day. Green-Pedersen (2007) charts how party competition in Western Europe is increasingly characterized by competition for the content of the party political agenda. A theory of rational choice might suggest that the electorate peruses the policy manifestos of each party before making a judgement based on a calculation of the costs and benefits of each. However, the role that issues play in electoral choice is debatable. There has long been evidence to support both the claim that voters prefer the policies of parties they support (Butler and Stokes, 1974: 276–95) and the alternative – that policies determine the voters’ party preferences (Sarlvik and Crewe, 1983: 197–226). Rather, the literature is more likely to identify the importance of valence politics.

**Valence politics and the Scottish voter**

The orthodoxy in the electoral behaviour literature has shifted away from a model of voter choice based on cleavages and identity towards one based on valence issues. Stokes (1963) used the term to refer to consensual issues – like economic growth, low crime and improved health care – where there is broad agreement on the aims of politics. He argued that the electorate’s perception of a party’s capacity to deliver on such issues is highly important to party competition and electoral choice (see also Stokes, 1992). This is particularly the case during a period of ‘weak ideological focus’ – parties are judged on competence rather than ideological differentiation. During such periods, ‘it will not do simply to exclude valence-issues from the discussion of party competition. The people’s choice too often depends on them’ (Stokes, 1963: 373). The present ideological convergence of parties in Scotland could be labelled such a period. As noted in Chapter 3, the main parties have largely converged on the same ideological/policy terrain. This makes valence issues more relevant (Clarke et al., 2004).

Denver et al. (2007) suggest that valence politics had previously been an under-appreciated factor in recent Scottish elections. Voters now have an increasing tendency to judge parties on such factors as performance in office,
cohesion and leadership, economic competence and general image (see also Green, 2007). As Clarke et al. (2009: 5) suggest, ‘people vote for the party that they think is most likely to deliver the mix of policy outcomes that are widely seen as good things’. These ‘good things’ are economic growth and stability, effective and efficient public services, the maintenance of security and order, and the like. Further, a key statecraft task for party leadership is to cultivate an image of governing competence and leadership. A key part of this is party management and the projection of unity (see Bulpitt, 1982; 1983).

Johns et al. (2011a) also employ a valence model of voting that emphasizes the electorate’s judgement of a party’s capacity to deliver on key consensual issues such as economic growth, low crime, and improving health and education. The electorate’s judgement may be based on the party’s past record or a prospective assessment about the competence of their leadership (this being a convenient proxy indicator of potential competence). The modern voter, lacking in enthusiasm for politics, does not invest the time and energy into examining

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**Box 4.5 Summary of SNP and Labour party manifestos at the 2011 Scottish election**

**SNP**

- Reintroduce the minimum pricing of alcohol; protect NHS budget.
- Freeze council tax; amend Scotland Bill to gain additional powers over Corporation Tax; enable 25,000 modern apprenticeships and 100,000 training places a year.
- Maintain police numbers; roll out ‘no knives, better lives’ scheme, consult on options to reform the police service.
- No university tuition fees; continue reduction in primary school P1 to P3 class sizes; expand preschool support.
- No new nuclear power stations; more investment in developing renewable energy.
- Referendum on Scottish independence; amend Scotland Bill to extend powers of Scottish Parliament.

**Labour**

- Right to see a cancer specialist within two weeks; protect NHS budget.
- Freeze council tax; guarantee modern apprenticeships for suitably qualified 16 to 18 year olds.
- Protect police numbers; six-month mandatory minimum jail term for carrying a knife; create national police force and single fire service.
- No university tuition fees; specialized training for up to 1,000 teachers.
- Plans for new nuclear power stations ‘considered on merit’; 80 per cent of energy to come from renewables by 2020.
- Support increased borrowing powers and devolution of capital borrowing powers as set out in the Scotland Bill.
party policies and thus often makes judgements on the basis of image, competence and performance. This suggests that we view and understand Scottish electoral behaviour through the lens of ‘performance politics’.

In the words of Mitchell and Johns, ‘dealignment created a potentially promiscuous electorate, and the electoral institutions of devolution tend to encourage such promiscuity’ (2009: 81). Voters are becoming more willing and likely to vote for different parties in elections at different levels and even, when given the opportunity, at the same election. The proportion of ticket splitters increased from 18 per cent in 1999, to 28 per cent in 2003 and 30 per cent in 2007 (ibid.).

Explaining SNP victories in 2007 and 2011, Johns et al. suggest the twin processes of ‘dealignment and ideological convergence’ has resulted in electoral choice being decided on party image, leadership, capacity and competence. The SNP victory is linked strongly to it being seen as a credible party of government that offered a positive message and more Scottish orientated agenda than Labour (Johns et al., 2009: 229; 2011a).

The SNP outscored all of the other Scottish parties in terms of key aspects of party image, including unity, capacity for strong government, ability to keep promises and to stay in touch with ordinary people as well as manage the impact of cuts from Westminster. Consequently, some analysis of the 2011 election campaign suggests that Labour played into SNP hands by mirroring SNP policy (summarized in Box 4.5) and making the contest about which leader would be the most effective (Herbert et al., 2011) – although note that the parties with clear ideologies, such as the Greens and the Scottish Socialist Party, consistently find themselves at the electoral margins.

Certainly, recent elections reinforced the fact that campaign coverage tends to be dominated by a focus on party leaders and front-bench spokespersons of the major parties. In both 2007 and 2011, Salmond featured heavily in SNP campaign literature and broadcasts at both elections. The party exploited its perceived electoral asset by using the term ‘Scottish National Party (SNP) Alex Salmond for First Minister’ on the regional list ballot paper in 2011. It was also notable that some media endorsements of the SNP were couched around an emphasis on re-electing Salmond as First Minister (e.g. The Scotsman leader, 4 May 2011). One should not overestimate the impact of media endorsement on voter choice, but the 2011 election did see a significant swing towards the SNP with The Sun, (the now defunct) News of the World, The Scotsman, The Sunday Herald, Scotland on Sunday and the Sunday Express all encouraging a vote for the SNP. The switching of The Sun’s editorial endorsement was one of the big stories of the 2011 campaign, given their previous hostility to the SNP.

The wildly different performances of the SNP and Labour at the 2010 UK general and 2011 Scottish Parliamentary elections (see Figure 3.1) demonstrate vividly that the electorate is aware of the distinctions between them. A generally accepted rule of thumb is that, relative to each other, Labour will do
better in a UK-wide poll, while the SNP will perform better in a Scottish poll. This reflects an overall trend of dealignment. Fewer and fewer are willing to identify themselves as being a consistent supporter of one political party. In 2011, 44 per cent of the Scottish electorate were unwilling to do so and, even amongst the majority that did, many abstained or defected from the party they claimed identification with (Johns et al., 2011b). It would appear that a voter’s assessment of both past and potential performance of a party in government is often a more accurate predictor of ballot choice than many other factors, including his or her class, preferred national identity, religion, age or sex.

**Party identification and campaigning in different venues**

Parties are not passive recipients of the electoral choices of voters. Downsian rational choice theory (Downs, 1957) emphasizes the importance of party strategy – major parties tend to be as rational as some voters in their quest for votes (see Box 4.6).

Electioneering in campaigns has undergone significant change in recent decades. Parties have become gradually more attuned to the needs of the print, broadcast and social media and have utilized new communication and information technologies to engage with the electorate in new ways. Party image – which emphasizes such factors as an elector’s general perception of a party, its policies or leader – has become more important in explaining electoral behaviour. Some voters identify with or lean towards a particular party (although these numbers are falling). The Scottish Labour Party still

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**Box 4.6 Rational and tactical voting**

Downs (1957) outlines a picture of democracy pervaded by ‘rationality’. Parties are conceptualized as entrepreneurs who operate in a political marketplace in which they try to attract as many voters as possible. Voters are portrayed as rational and well-informed consumers, basing their electoral choice on their scrutiny of each party’s electoral platform. Parties seek to appeal to the mass of voters by offering a platform that is consistent with the median (average) voter – they offer a centrist platform in order not to alienate moderate voters who tend to form the majority of the electorate.

Downsian electoral choice theory also holds that electors are rational in who they decide to vote for. A manifestation of this is tactical voting where an elector chooses the party he or she thinks has the best chance of defeating an incumbent MP/MSP. It has been suggested (Brown et al., 1999: 51) that part of the explanation for the Conservative Party’s wipe-out at the 1997 UK general election was the willingness of the Scottish electorate to vote tactically and defeat Conservative candidates. Scotland’s new electoral systems offer the electorate further scope for tactical voting.
has more identifiers with an ‘attachment’ to it than the SNP despite the election result – in 2007, 27 per cent identified with the Labour Party, while only 21 per cent identified with the SNP (Johns et al., 2010: 42). However, campaigns often fail to mobilize these identifiers into voting – in 2011, 25 per cent of SNP identifiers did not vote, compared with 34 per cent of Conservatives, 40 per cent of Liberal Democrats and 45 per cent of Labour (idem, 2011b).

These figures are not altogether surprising when one considers the decline in turnout for recent elections. Political campaigns are not mobilizing the electorate like they once did. The print media (particularly the tabloids), driven by commercial imperatives, tend to eschew political coverage (since broadcast and social media data tend to suggest that politics is a minority interest). Turnout at Scottish Parliamentary elections has been around 50 per cent for the past two elections. It has been generally lower than UK general elections (see Table 4.4). There is also variation between constituencies, with turnout tending to be lower in less affluent constituencies (e.g. Eastwood’s 63.2 per cent compared with Glasgow Provan’s 34.8 per cent in 2011).

As outlined in Chapter 3, in recent decades all political parties in Scotland have sought to project and emphasize their ‘Scottishness’. Johns et al. (2010; 2011b) outline that one of the key reasons for the SNP victories in 2007 and 2011 was their positive agenda for governing Scotland, while Labour’s negative campaigns, and in particular their continuous reference to the risks associated with independence, was misdirected. The UK general elections in 2001, 2005 and 2010 also suggested that parties highlighted ‘Scottish’ or devolved issues when campaigning for representation in Westminster. Three of the five pledges on Labour’s Scottish pledge card in 2001 referred to devolved issues.

Yet, despite the blurred boundaries between devolved and reserved campaigning, party success is different for Holyrood and Westminster (see Tables 3.1 and 3.2). The SNP has noticeably achieved higher levels of support at Scottish than UK elections (which mirrors the experience of nationalist parties in other territories such as Catalonia). In the 1970s and 1980s, the SNP

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<td>UK general Scottish Parliament</td>
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Note: UK figures are for Scottish turnout at UK general elections.
appeared rather opportunistic in its approach to electioneering and lacked a coherent collective image. Its raison d’être was independence and this was the only policy holding together a rather eclectic mix of members from across the ideological spectrum. Under the leadership of Salmond, a clearer and more consistent social democratic ideological base has emerged. Post-devolution, the party has sought to shake off the ‘one-issue’ party tag by projecting itself as a potential party of government. In the minds of the electorate, a vote for the SNP is no longer equated automatically with a vote for Scottish independence.

The Scottish Labour Party have adopted a campaign strategy largely in keeping with the UK national party; indeed, House of Commons-based MPs like Douglas Alexander and Jim Murphy have played significant roles during campaigning. The Labour Party won successive Scottish elections by strategically tailoring its message to the electorate, particularly in the urban and central belt core of support. The involvement of Labour in the devolution campaign in the 1980s and 1990s was driven by their desire to maintain their hegemony in Scotland, and marked a departure from their previous beliefs in the contradictory nature of class and national political identity (Denver et al., 2000: 15). Labour had to re-engage with national identity in an effort to maintain their Scottish working-class vote, as a result of the emergence of a centre–periphery cleavage in British politics. Although Labour campaigns in 2007 and 2011 were heavily criticized, it should be remembered that defeat in 2007 was very narrow and the party’s share of the constituency vote in 2011 was only half a percentage point lower than in 2007. It also performed better than expected at the 2012 local elections.

**Candidate selection**

Each political party in Scotland has undergone transformation in its internal democratic processes post-devolution (Chapter 3), and one aspect of these reforms has been the new processes for the selection and election of candidates within each party. The Scottish Constitutional Convention’s Electoral Agreement – signed by Labour, the Liberal Democrats and the Green Party – committed each to striving to achieve gender parity in MSPs (although the more centralist Labour proved to be the most successful – Cairney, 2011a: 30).

The Labour Party’s processes for selection at the initial 1999 Scottish Parliamentary elections were very rigorous. Candidates were asked to outline their Labour Party and life experience, commitment to the Scottish Parliament and equal opportunities, and relevant skills such as strategic thinking and action, advocacy, leadership and teamwork, communication and campaigning, in an effort to make it onto the party’s approved panel of candidates and compete for a constituency party selection. All of Scotland’s constituency Labour parties were ‘twinned’ with a neighbouring constituency in order that one male and one female candidate could be selected.
The other parties also reformed their processes but no other party increased central control like Labour (see pp. 49–53, 59–61). The Liberal Democrat ‘centre’ promoted gender balanced shortlists for constituency and list seats, but had less control over candidate selection (ibid.). The SNP, although not signatories to the SCC Electoral Agreement, made some efforts to achieve a gender balance, but in the context of allowing aspects of candidate selection to remain with the membership. The Conservatives placed more emphasis on merit alone.

All the parties have adapted their strategies as they approach elections under the new systems. The minor parties contesting the Scottish Parliamentary elections tend only to use the regional ballots. In 2011, only 30 candidates from minor parties stood in constituency ballots – in contrast with the 113 who stood in Scotland’s 59 Westminster constituencies in 2010 (Curtice and Steven, 2011: 6). The major parties changed their approach to STV elections in 2012 after learning lessons from 2007 and the ‘vote management’ technique used in Ireland:

This aims to maximise preference transfers between a party’s candidates in a ward, minimise leakage of transfers to other parties’ candidates and ultimately attempts to ensure that parties with more than one candidate in a constituency have more than one candidate elected. (Clark, 2012a: 5)

Is the Scottish electorate left wing?

Scottish political attitudes are often characterized as being more left wing than those in the rest of Britain (Lynch, 2001: 176). This is often because the most popular Scottish parties are usually labelled left-of-centre; the reconstruction of Scottish national identity often revolves around left-of-centre themes and the centre of party political gravity appears further to the left than at the UK level. Brown et al. (1999: 76) also detect some differences in attitudes using the three main scales – socialist–laissez-faire, liberal–authoritarian and nationalist–cosmopolitan (although the third measure is often problematic in a Scottish context).

However, the opinion poll evidence is often inconclusive – most polls have not found marked differences in Scottish and English attitudes. Indeed such research has tended to suggest that Scots are not as left wing as voting behaviour would suggest (Brown et al., 1998; 1999; Paterson et al., 2001; Bond and Rosie, 2006; Curtice and Ormston, 2011). Scots’ views on the main dimensions of social and economic policy are close to the UK mean; in fact, the outlying region appears to be the south of England (Bond and Rosie, 2006; Keating, 2010: 366). The only issue where a sharp distinction is evident is on the question of redistribution, which ‘remains in the respectable political lexicon in Scotland’ (Paterson et al., 2001: 126). The Paterson et al. 2001 study
shows that 61 per cent of Scots thought income and wealth should be redistributed compared with only 36 per cent of the English.

More recent evidence suggests that Scottish public opinion is not as social democratic as it is often assumed to be. Curtice and Ormstom (2011) suggest that Scotland has become less social democratic since devolution, with only a modest gap between it and England. Scotland and England have not become ‘more differentiated socially, economically or in core values’ (Keating, 2010: 367). Rather, Keating suggests that Scotland’s left-wing reputation owes more to an *elite-dominated* public domain where we find ‘a distinct conception of the welfare state (in Scotland) … more favourable to universalism and skeptical about the restructuring pursued under both Conservative and New Labour Governments’ (ibid.: 372). He cites survey evidence of groups such as academics and medical general practitioners, as well the small number of schools that chose to opt-out of local authority control, to highlight the source of such attitudes.

Further, both the SNP and Labour tend to portray themselves as social democratic parties. For example, the SNP 2005 general election manifesto stated explicitly that ‘the SNP believes in social democracy’. Its leader Alex Salmond has referred to ‘our Scottish social democracy’ (Curtice and Ormston, 2011). As Law and Mooney (2006: 537) note, ‘Scottish politicians … are not averse to drawing upon perceived ideologies and myths about Scottish civil society, particularly concerning its egalitarian and collectivist tendencies’. According to Scott and Mooney (2009: 380–1), notions ‘of empowerment, social inclusion and, to a lesser extent, redistribution – have remained as part of the political rhetoric of both New Labour and the SNP throughout the period of devolution’. However, it was, and remains, a society and polity where inequalities in wealth, income, education, health and opportunity remain high by European standards. Indeed, contrary to the elite political rhetoric emphasizing social democracy, Scottish society often resembles that of a neo-liberal political system.

**Conclusion**

In this chapter we have outlined Scotland’s four voting systems. The first-past-the-post electoral system is symbolic of Scotland’s continued membership of the United Kingdom; MMP for the Scottish Parliament is a ‘halfway house’ adaptation, a compensatory proportional system (though not to the extent of some other MMP systems such as those in Germany and New Zealand); STV for local elections has resulted in more coalition arrangements in Scotland’s local councils; the party-list system is used for European Parliament elections and reflects the European tradition of proportional electoral systems. The introduction of these new voting systems has resulted in increased levels of representation for all of Scotland’s parties with the exception of the previously dominant Scottish Labour Party.
The ‘Scottish’ dimension of elections in Scotland has been accentuated in recent decades. Since the emergence of the SNP, all of Scotland’s parties have engaged in strategies that seek to project it as representing and defending Scotland’s interests. ‘Issues’ have taken on a Scottish dimension (e.g. poll tax, water privatization, tuition fees, nuclear energy). Structural features of Scottish politics today have built Scottish political identity into Scottish political discourse (Bennie et al., 1997: 160). Scotland is a multi-party democracy, with elections (in all but a few safe seats) being genuinely competitive.

Trends in Scottish electoral behaviour have been related to wider themes in the electoral change literature such as post-materialism, rationality and (in particular) partisan dealignment combined with valence voting. Class, religion, housing tenure and other ‘traditional’ explanations of voting behaviour have all become less important in recent decades. The 2011 election of a majority SNP Government could represent a profound shift in Scottish electoral preference. By winning its largest share of the vote ever, winning in Labour strongholds, dominating the constituency vote and achieving a majority of seats, the SNP confounded electoral predictions. The unpredictability of this outcome is reflective of the volatility of the modern Scottish voter. The decline of old cleavages and identities has complicated the picture for psephologists seeking to explain why the Scottish electorate votes the way it does. Today, Scottish parties have fewer ideological anchors and it is increasingly difficult to find differences in their policy platforms. Understanding voter assessments of party campaign, performance, image and leadership are now more relevant to understanding electoral choice. Valence politics now occupies a central place in the study of voter choice in Scotland.

Further reading

For introductions to electoral systems see Lundberg (2007), Gallagher and Mitchell (2008) and Farrell (2011). For research on STV and local elections see Bennie and Clark (2008), Clark (2012a; 2012b) and Curtice (2008). Scottish electoral behaviour is the most researched area of Scottish politics. For pre-devolution see Budge and Urwin (1966); Brand et al. (1983); Bennie et al. (1997), Brown et al. (1999) and Denver et al. (2000). For post-devolution studies see Curtice et al. (2009; 2011) and Curtice and Steven (2011). The 2007 and 2011 Scottish election study data and analysis can be found in Johns et al. (2009; 2010; 2011a, 2011b) and Mitchell et al. (2011a; 2011b). Clarke et al. (2009) is the latest in a series of British election studies and worth reading for a wider UK context.

Online sources

Electoral information:  
www.hansardsociety.org.uk  
www.electoralcalculus.co.uk/polls_scot.html  
www.scottishelections.org.uk
www7.politicalbetting.com

Government:
Boundary Commission for Scotland: www.bcomm-scotland.independent.gov.uk
www.electoralcommission.org.uk/scotland
www.aboutmyvote.co.uk

Polling organizations:
www.yougov.com
www.populuslimited.com
www.crest.ox.ac.uk
http://ukpollingreport.co.uk/blog/archives/category/scotland
Chapter 5

The Scottish Parliament and ‘New Politics’

Most hopes for a new type of politics in Scotland were invested in the structure of the Scottish Parliament and the role of MSPs. The Consultative Steering Group (CSG) sought to enhance Parliament’s ability to monitor the Scottish Government’s policies, set the agenda through the inquiries process and initiate its own legislation if it identified gaps in Government policy (Box 5.1 outlines these and other commonly cited functions of parliaments in liberal democracies). At the heart of this new process is the role of parliamentary committees which were given more powers and a potentially greater policy role than their Westminster counterparts. New politics also involves the participation of more individuals and groups or a means to include ‘excluded’ groups. Consequently, the Scottish Parliament has become the hub for initiatives to foster wider public engagement and encourage ‘participatory’ and ‘deliberative’ forms of democracy. It has also provided a means to improve the ‘representativeness’ of elected members in terms of their social backgrounds (including their gender, race and class). Overall, the idea was that the Scottish Government would share power with the Scottish Parliament which would, in turn, be more representative of its population and foster popular participation through mechanisms such as a petitions process and civic forum. This was an ambitious set of aims.

Yet, the CSG also recognized the need for the Scottish Government to ‘govern’ and did not equate power-sharing with the involvement of Parliament in the day-to-day policy-making process. This is an important qualification, since the result may be a relatively powerful Parliament compared with legislatures in other countries but not compared with the Scottish Government which has far greater resources and remains a focal point for the policy process. This is particularly the case when the Scottish Government commands a majority in the Scottish Parliament (as a Labour/Liberal Democrat coalition from 1999–2007 and an SNP majority from 2011–16), though it was also the case during the SNP’s minority government (2007–11).
Reflecting on eight years of disappointing coalition government and his hopes for something different under minority government, Presiding Officer Alex Fergusson (2007–11) argued that ‘our electorate … want this new politics to work for them and we have a duty to deliver what the electorate expect’ (SPOR, 14 May 2007, col. 13). Instead, the minority experience provided the final nail in the coffin of this sort of new politics. It demonstrated that the Scottish Parliament provides the arena for political theatre but performs a peripheral part in the policy process. There is also very limited evidence to support the Parliament’s ability to foster new and effective forms of deliberative and participatory democracy. The experience of microcosmic representation presents a mixed picture. While there has been a marked shift in the gender balance (compared with Westminster), otherwise the Parliament is often no more representative of its population.

In this chapter we explore these issues by examining:

- The CSG proposals on parliamentary business.
- The formal structures and powers of Scottish parliamentary committees.
- The factors which qualify committee power, such as the role of parties, committee size and legislative workload.
- The significance of parliamentary ‘outputs’ such as committee inquiries, non-Government legislation and amendments to Scottish Government legislation.
- The effect of coalition, minority and majority government.
- The wider ability of the Scottish Parliament to improve participatory, deliberative and representative democracy.

**The CSG proposals on parliamentary business**

The CSG was guided by four broad principles: the sharing of power; accountability; participation; and equal opportunities (Scottish Office, 1998a). It often used Westminster as a guide on how not to design parliamentary business. However, there are also similarities with Westminster. The most significant can be found in a description of the role of the Scottish Government (known then as the ‘Scottish Executive’). It recognized the need for the Executive to govern (ibid.: section 2.6.1) and that the majority of legislation will originate there (ibid.: section 3.5.5).
In other areas, the broad aims would not look out of place in Westminster. The arrangements must: provide Parliament with the time and opportunity to scrutinize the work of the Government; allow for the debate of issues of both national and local interest; and enable individual Members to raise matters of concern and introduce proposals for legislation.

In other words, the CSG envisaged a traditional role for the Scottish Parliament in which the Government would propose policy and the Parliament would consider (and vote on) the principles. The difference was to come in the enhanced abilities of the Parliament to perform this scrutiny role (i.e. examining and questioning the operation of the executive branch of government) effectively, as well as the greater opportunity to introduce legislation. The former would be advanced by relatively powerful Scottish parliamentary committees which combine two separate roles found in Westminster – the standing committee which scrutinizes Bills line-by-line and the select committee which performs a broader monitoring role of a government department. The combination would enable members of these new committees to develop the type of specialist expertise necessary to scrutinize the details of policy effectively (ibid.: section 2.13). It would also further the development of three significant roles: (1) to conduct inquiries and influence the Government’s future agenda; (2) to initiate legislation in areas

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**Box 5.1 Functions of Parliament**

- **Law-making.** As a legislature, a Parliament deliberates, debates and passes new laws. The volume of new Scottish legislation vastly exceeds that of pre-devolution when it had to fit in a crowded UK Parliament timetable.
- **Extend democratic control.** The intention of devolution was to extend democratic control over the responsibilities previously held by the Scottish Office.
- **Legitimize the outputs of government.** The Scottish Parliament legitimates legislation as a representative institution of the people. It gives its assent to laws originating from the executive branch of government. It provides a forum for the articulation of different interests and an outlet for tensions.
- **Socialization and training of politicians.** New parliamentarians are schooled in the ‘rules’ and practices of Scottish politics within the Parliament.
- **Holding the government to account.** Through debates, questions and committee inquiries, ministers can be called to account for their actions and decisions.
- **Providing a recruitment pool for ministers.** The Scottish Parliament provides the arena from which new ministers are recruited.
- **Expression.** Scottish parliamentarians express the views and demands of their constituents, providing a link between ‘the people’ and Parliament.

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**Standing committee:**
A non-permanent committee in the UK Parliament established to scrutinize Bills line-by-line.

**Select committee:**
Committees which oversee the work of government departments.
not covered adequately by the Government; and (3) to monitor the effectiveness of Scottish Government consultation with individuals and groups with an interest in policy.

The committees perform two functions. First, they ensure that the Scottish Government consults adequately before presenting legislation for parliamentary approval; and, second, they consider the principles of the bill before it reaches plenary (i.e. the whole chamber):

What is desired is an earlier involvement of relevant bodies from the outset – identifying issues which need to be addressed, contributing to the policy-making process and the preparation of legislation … The role of the Committee would essentially be a monitoring/enforcing role to ensure the requirement is met. The Committee would always remain able to take evidence relating to the legislative proposals if it felt that the Executive’s consultation process had been insufficient. (Ibid.: section 3.5.4)

In a sense, the CSG proposal killed two birds with one stone, since it also recognized that when Government proposals are produced in the form of a ‘draft Act’ presented to Parliament they are very difficult to change (Richardson and Jordan, 1979). Therefore, this ‘policy-development stage’:

would not only deliver a scrutiny stage pre-introduction, but would also allow individuals and groups to influence the policy-making process at a much earlier stage than at present. By making the system more participative, it is intended that better legislation should result. (Ibid.: section 3.5.3)

This is not to say that the proposals presented to Westminster are somehow deficient because of a poor consultation process. Indeed, the main reason that ‘draft Act’ proposals are so difficult to change is that they are often based on painstaking consultation processes over a much longer period than it takes to process the legislation (Richardson and Jordan, 1979). Indeed, government resistance to substantive legislative change may be based on the belief that it would necessitate another round of consultation with the affected organizations. Rather, the distinctive approach in Scotland is to extend parliamentary involvement to the pre-legislative arena – to allow committee influence over the consultation process (to make it more ‘participative’). While it reflects a strong commitment to widening participation, it also follows from the rejection of an equivalence to the House of Lords. With no revising chamber, there is greater emphasis on getting policy right at a much earlier stage (‘frontloading’). This is best demonstrated in a comparison of the formal legislative processes for bills in each Parliament. The Scottish Parliament has the following functions not shared by Westminster:

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**Revising chamber:** A second legislative chamber in a bicameral system which reviews the legislative outputs of the other chamber.
• A formal, systematic, pre-legislative role.
• A mechanism to ensure that the Scottish Government seeks to justify the introduction of the bill with financial and policy memorandums (and a statement by the Presiding Officer on the Scottish Parliament’s legislative competence).

- Its committees consider legislation before plenary at two stages (stage 1 principles and stages 2/3 amendments).
- A simpler means for MSPs to introduce legislation (requiring support from 18 MSPs drawn from at least half of the parties in the Parliamentary Bureau).
- A means for committees to introduce legislation (see McGarvey and Cairney, 2008a: ch. 5 for more background and a more detailed comparison).

However, we should bear in mind that new politics discussions often present a caricature of Westminster politics (see Chapter 1; Flinders and Kelso, 2011 argue that similar accounts can be found in the UK literature). As a result, five caveats should be borne in mind. First, the formal differences may be offset by similarities in culture and practice. For example, Westminster MPs and committees may enjoy a less visible but often more important degree of informal pre-legislative influence (ibid.: 262). Second, new politics in Scotland may reflect a wider agenda for political reform. Westminster procedures are also subject to change, with a process of modernization taking place to ensure that more draft bills are produced to enable pre-legislative scrutiny and that bills are referred to select committees (or committees containing members from the Commons and the Lords) (House of Commons Information Service, 2007; Kelso, 2007; Flinders, 2007). Indeed, Westminster has gone beyond Holyrood by (since 2010) holding secret ballots to elect select committee chairs. Third, there is a big difference between hopes for broad parliamentary influence and finding evidence of this in practice. For example, the committee role in overseeing the pre-legislative process will not necessarily ensure its meaningful involvement in the production of draft policy (Arter, 2004). Fourth, MSPs may have the right to introduce legislation but not the resources or expertise to produce substantive changes to Scottish laws, despite the supportive role of bodies such as the Non-Executive Bills Unit. Finally, it is reasonable to suggest that if ‘old Westminster’ is not an influential body, then the Scottish Parliament’s relative strength is not that impressive.
The powers of Scottish Parliament committees

To explore the influence of the Scottish Parliament and its committees, we can examine the formal powers that institutions enjoy, the factors that may undermine the exercise of those powers and the tangible effects of these powers (Arter, 2002 labels these ‘inputs, withinputs and outputs’). By combining standing and select committee functions, the architects of the Scottish Parliament invested in Scottish committees an unusual range of powers compared with Westminster and the legislatures of most West European countries. The Scottish Parliament has permanent and specialized committees with relatively small numbers of members, a proportional (by party) number of convenors (chairs) selected by a committee, committee deliberation both before the initial and final plenary stages, the ability to initiate and redraft bills as well as invite witnesses and demand government documents (including the role of monitoring pre-legislative consultation). These are all indicators of unusually high committee strength according to Mattson and Strøm’s (2004: 100–1) criteria. As Arter (2002: 99) suggests, the Scottish committee system was designed to be ‘extraordinarily deliberative, rationalistic, open and consensual’:

Box 5.2  Case study: the ban on smoking in public places

In February 2004, Stewart Maxwell MSP (SNP, in opposition) introduced a bill to prohibit smoking in certain public places. This was limited in scope, applying to premises where food is served and consumed (largely a devolved area). The process that followed the introduction of the bill demonstrates two aspects of the Scottish process. First, Maxwell was aided by the Non-Executive Bills Unit (NEBU), designed to address the problem of MSP resources when drafting legislation. Second, the lack of MSP ability to consult widely with groups and affected interests is addressed by the committee process in the lead-up to its stage 1 report. At this stage, the lead committee takes responsibility for the development of the bill. The Health Committee received 323 written submissions and met seven times to discuss the bill in 2004 before delivering its report. The report was supportive of the evidence on passive smoking and the principles of the bill, and critical of the voluntary arrangements between the Scottish Government and licensed premises. Although its findings were delayed until the Scottish Government consulted on introducing a more comprehensive bill, its views were well known to Scottish Ministers. Therefore, while Maxwell’s bill may have still fallen at stage 1, the MSP and committee support it received added significant pressure on the Government to come forward with its own legislation (Cairney, 2007b; compare with the role of Westminster in equivalent legislation – Cairney, 2007d; 2009a).
• *Deliberative*: there is a two-stage consultation process before a bill goes to the House (first by the Scottish Government under committee supervision and second by committees themselves).

• *Rationalistic*: there is a large information gathering exercise during consideration of issues.

• *Open*: there is good contact with groups, and the operation of the Scottish Parliament is well publicized.

• *Consensual*: there is a commitment to seeking pragmatic rather than dogmatic solutions.

However, the committee framework is also subject to practical resource constraints. For example, MSPs employ 516 staff, but most activity is geared towards the constituency and elections; the Scottish Parliament employs 476 staff, but the vast majority are employed to run the Parliament (and keep it secure) rather than scrutinize public policy (Scottish Parliament, 2012: 125). In turn, it oversees the work of a Scottish public sector with around half a million employees (Scottish Government, 2012c: 6). Further, while small committees may foster a business-like attitude to politics, they may also struggle to conduct a wide range of business in a short and restricted time period (committees were initially expected to meet once per fortnight on a Tuesday or Wednesday morning, with the Wednesday afternoon and Thursday reserved for plenary; from August 2012 they were able to meet in the mornings, Tuesday to Thursday, with plenary meetings in the afternoons – see SPOR, 6 June 2012, ‘Parliamentary Reform’). These problems were evident during the 1999–2003 session when committee turnover was high and the legislative timetable of the Scottish Government was very demanding (it passed 50 bills). As a result, a report by the Procedures Committee (2003, para. 1016) warned against the Parliament becoming a ‘conveyor belt for passing legislation’ to the detriment of scrutiny and influence. Yet, from 2003–07 the legislation rate increased, with 53 Scottish Government bills passed (relatively time-consuming ‘private bills’, which generally relate to large infrastructure projects by private companies, also rose from one to nine). It fell from 2007–11, but only to 42.

However, by far the most significant factor is the role of parties. For example, during the initial coalition years (1999–2007), the governing coalition had enough MSPs to ensure a voting majority on all committees and the lead member in each committee acted as an informal *party whip*, with parties agreeing a line before the official meetings (it is also often alleged that each committee has a ‘mole’ acting as a direct link to government ministers and special advisers).

The parties also appoint their own convenors (the numbers of which are allocated proportionately by party) and even decide which MSPs sit on which committees. As a result, many MSPs complained about the detrimental effects of constant party
control on the ‘independence’ of committees (Scottish Council Foundation, 2002; 2007). As Arter (2003: 31–2) suggests, both factors (resources and party control) came together during the committee restructuring which took place in December 2000. Those in support of the change pointed to early problems – the excessive workload of some MSPs (with some serving two or three committees) and some committees (especially the Justice and Home Affairs Committee which processed one-third of Scottish Government bills). The solution was to reduce committee membership (to seven or nine members in many cases) and create more committees where necessary (for example, a second Justice Committee). This would reduce the need for some MSPs to attend multiple committees and give the overloaded committees more time to focus on work other than legislation. However, those against the change suggested that the driver was a Scottish Government wish to process its legislation more quickly and the change was forced through by the business managers of the main parties. While it is difficult to take a clear position on these arguments, we may at least say that the role of parties – rather than new politics and consensus – remained uppermost in the minds of MSPs.

**Box 5.3 Are Scottish parliamentary committees effective?**

*Effective*

1. Small size will foster an effective collective identity and hence committee autonomy.
2. The combined roles of standing and select committees will foster policy expertise.
3. Committees will foster an agenda-setting role through inquiries which are not in the control of party managers.
4. Working practices will be consensual rather than partisan.
5. The openness of proceedings will discourage adversarialism.

*Ineffective*

1. The committees will be too small to make scrutiny effective (especially if there are attendance problems).
2. High turnover undermines a committee ethos and the combined roles leads to overload.
3. The legislative load means that committees have no time for agenda setting through inquiry work.
4. The open process will lead to party posturing (and witness examination will often be ritualistic).
5. Committee specialization will fragment the House and undermine collective decision-making.
6. There is always a trade-off between broader MSP knowledge, time and turnover.

*Source:* Adapted from Arter (2002).
In this light, a combination of Scottish parliamentary powers and constraints suggests that the structures of committees may not be a good predictor of the influence of Parliament. As Box 5.3 suggests, there is no agreement on the optimal size of committees, the optimal balance between expertise and workload, or the effect that parties will have on the operation of committees. Rather, negotiations are based on the party arithmetic and the likelihood of finding enough MSPs to fill posts (see Cairney, 2008a: 18 on why committees had 8, not 13, members from 2007–11).

Therefore, to gather a more definitive picture of parliamentary influence we need to extend our analysis to ‘outputs’. For example, Arter (2003) suggests that there is evidence of Scottish parliamentary influence in the healthy number of public **petitions**, the number of committee inquiries and the high number of non-Government bills. To this we can add the level of parliamentary influence on Scottish Government bills and perhaps the wider element of pressure brought to bear by oral and written questions to ministers. Yet, the tangible effect of these measures is difficult to pin down and may often be more symbolic than substantive (but see Flinders and Kelso, 2011: 262–3 on other measures of parliamentary influence).

**The ‘outputs’ of the Scottish Parliament: questions, inquiries and bills**

General Question Time, First Minister’s Questions (FMQs) and the format to pursue written questions of MSPs to the Government do not differ significantly from Westminster procedures. In particular, FMQs are a similar source of stage-managed party-political theatre, giving the opposition leaders and First Minister the chance to let off steam, score points and gain positive media coverage. Its size and design makes it a less noisy spectacle (although MSPs do have desks to bang and the legroom to make noise with their feet), but it is no less theatrical. An MSP may be better served with the written question to pursue constituency, factual and substantive policy points. Yet, while the constituency role of MSPs is important and taken seriously by all concerned, the tangible policy effects from these activities is rare.

The same can be said for committee inquiries. For Arter (2003), inquiries can represent an assertion of committee autonomy and independence from Government. The findings may also help to shape the policy agenda (examples include changes to water policy, mobile phone masts and the push towards policy on free care for the elderly – see Box 5.4).

It is difficult to find examples where the committee inquiry does more than add to the pressure which already exists. However, we should not take this
argument too far because it may be holding up the process to an unfair standard; even the Scottish Government relies on a wide range of factors (such as its perception of public opinion) and events (such as crises which focus attention on issues) when pursuing policy change. What we can say with more certainty is that the first parliamentary session represented a ‘honeymoon period’. The second session saw a change in committee focus towards scrutinizing Scottish Government legislation and ‘Sewel motions’ (see p. 194). While, from 1999–2003 there were 166 inquiries (Arter, 2004: 77), this fell to 99 in 2003–07. Indeed, a common theme throughout committee ‘legacy’

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**Box 5.4 Case study: free personal care for older people**

A range of actors are involved when a policy decision is made, and the influence of each is subject to interpretation and debate. This is particularly true in the case of free personal care for older people, one of the Scottish Government’s first ‘flagship’ policies, based on the Sutherland Report (see p. 177). How influential was the Health and Community Care Committee (2000) inquiry?

**A ‘best case’ narrative**

In 1999, Westminster’s Health Select Committee recommended implementing the Sutherland Report’s recommendations but the government favoured means testing and targeted support. The Scottish Government announced similar plans in October 2000. The Scottish Parliament’s Health and Community Care report called for a full implementation of Sutherland in November 2000. This show of all-party support, combined with the status of Scottish committees (and the weight of evidence gathered from interest groups during its inquiry), suggested that there would be significant opposition to a more limited policy. This contributed to a reversal of Scottish Government policy and proved more influential than pressure, from within the Scottish Cabinet and the UK Government, to follow a uniform UK line.

**A ‘worst case’ narrative**

Shortly after the Scottish Government decision to follow the UK line, First Minister Donald Dewar died. His successor, Henry McLeish was keen to ‘make his mark’. McLeish saw free personal care as an opportunity to cement his position and, following the Health and Community Care Committee report which included survey evidence on public attitudes to free care, he knew that free personal care would be popular. He announced his intention to pursue the policy on *Newsnight Scotland* without seeking Cabinet approval. Then, when he saw the opposition in his Cabinet and from the UK, he appeared to backtrack. However, the costs of a media, public and parliamentary backlash soon became clear. The Liberal Democrats favoured the policy and conspired to force McLeish’s hand within Cabinet, since the likely alternative was a Labour defeat in the Scottish Parliament (the SNP and Conservatives both planned to vote for the policy, in part to expose Scottish Government divisions). Therefore, the policy shift may be better explained by chance, opportunism and party politics.
papers (which summarize their work and suggest future business for subsequent committees) was that the scrutiny of Scottish Government business undermined independent committee investigations.

In that context, it is surprising that the committees did not produce more agenda-setting inquiries during the minority government of 2007–11. The 2007–09 period was particularly notable for a relative lack of legislative activity but also a relative lack of serious committee activity: ‘few found enough common ground to pursue a long-term inquiry in any meaningful way, while others merely exploited the chance to make party political points with short, headline grabbing, inquiries’ (Cairney, 2011a: 51). A more positive slant is that shorter inquiries are snappier and more focused. Some committees have also explored ways to use new technologies to attract public attention or simply to communicate with ministers rather than rely on published reports. However, there is little evidence of a systematic shift in this direction (for example, published reports are still traditional, often without a summary of key recommendations) or a tangible effect, either in terms of public or media engagement or policy influence (a notable exception is the Finance Committee Inquiry into preventative spending in 2011 – for its report and the Scottish Government response see Scottish Parliament, 2011).

The production of non-Government bills displays similar trends. For Arter (2004: 80–1), the unusually high number of successful non-Government bills in the first session (12 out of 61) suggests that the Scottish Parliament could be considered to be a ‘legislating assembly’. The importance and number of committee (three) and member bills (eight) suggest that Scottish practice was ‘light years away from Westminster practice and indeed most other West European legislatures outside the Icelandic Alpingi’. Yet, the idea of a major legislating role was not envisaged by the CSG which recognized the Government’s need to govern. The conclusions also do not tally with the literature on Government–Parliament relations which point to an immense gulf between their relative capacities. The Government has far more resources to consult with groups and to research, initiate, draft, redraft, monitor and evaluate bills. So how do we explain the appearance of the Scottish Parliament appearing initially to ‘punch above its weight’?

First, while the numbers are important in comparison with other legislatures, there is less reason to think that they are significant in comparison with Government bills. Non-Government bills are more restricted in their scope by the relative inability of MSPs to consult widely with interest groups and to rely on a large specialist staff to research and draft the bill. The bills tend to address relatively limited aspects of public policy (such as dog fouling), take a long time to pass (such as the fox hunting ban) or represent a way for governments to ‘handout’ (and provide administrative support for) a bill to sympathetic

| Non-Government bills: | Bills introduced into Parliament by MSPs or Committees (private bills, proposed by outside organizations, are now processed by the Scottish Government). |

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MSPs (such as Labour bills, in the first session, on leaseholds and mortgage rights; Green MSP Patrick Harvie’s bill on crimes aggravated by prejudice in relation to sexuality, gender and disability in 2009; and SNP MSP Mark MacDonald’s bill on high hedges in 2012). One key exception is the bill by Tommy Sheridan MSP to abolish archaic laws on debt collection. This was passed with backbench Labour support, despite initial Scottish Government opposition (before being superseded by a Government bill). Committee bills now tend to relate only to Scottish Parliament business.

Second, the numbers are not that different from Westminster. In the second four-year session, only three Members’ Bills were passed (two had little more than symbolic value) and committees passed only one. Non-Government bills rose in the third session, both in number – MSPs passed seven (including a bill to register tartans) and committees passed two (parliamentary commissions and pensions) – and in proportion (i.e. compared with the 42 passed by the Scottish Government). However, the Scottish Parliament did not pass an unusual number of bills when we compare comparable legislation with Westminster. The 15 bills passed from 1999–2007 represents 12.7 per cent of all public bills, compared with 11.1 per cent in Westminster in the same period (House of Commons Information Service, 2006: 7). The proportion in the Scottish Parliament rose to 17.6 per cent (9 of 51) from 2007–11 compared with 16.7 per cent (15 of 90) in Westminster from 2007–10 (SPICe, 2011a: 8; House of Commons Information Office, 2007–10). Therefore, it is unclear how much the Scottish Parliament’s greater ‘powers’ translate to more significant policy outputs than we see in Westminster.

Influencing Scottish Government primary legislation

Of course, with non-Government bills we may be setting too high a standard for assessing the legislative role of the Scottish Parliament. Since the CSG suggests a traditional scrutiny role, perhaps this is where we will see the added value of the committee process. This begins at stage 1, with committees assessing the principles of the bill and evaluating the stakeholder consultation process (including the option to recommend more consultation or undertake its own oral sessions). A ‘best-case’ analysis of this process is that, since the Scottish Government is generally good at consulting widely (see Chapter 8), the committees rarely have to invoke their powers. Further, in the rare occasions they do, this is taken seriously and acted upon.

At stage 2 (following plenary approval of the bill’s principles), committees have the ability to scrutinize and amend the bill in detail. This is followed at stage 3 by Whole House consideration of final amendments and a final vote (if necessary) to approve the bill. The convention, generally respected from 1999–2007, is that the most significant amendments will be considered at stage 2 in the relatively business-like and expert committee arena, to allow the
fullest possible scrutiny and to guard against the possibility of ‘bounced’ amendments (in which the Scottish Government amends a bill at the last moment to circumvent scrutiny). It is perhaps at stage 2 that we would expect to find the added value of Scottish Parliament committees, since the combination of standing and select committees allows for detailed consideration by MSPs specializing in the relevant policy area. But how do we demonstrate this value? Shephard and Cairney (2004; 2005) analysed all amendments to Scottish Government bills in the first parliamentary session (1999–2003), leading to four main findings:

- The Holyrood process appears to mirror Westminster with the Scottish Government proposing the vast majority of all successful amendments, while MSPs propose most of the failed ones.
- However, this ‘dominance’ refers to a power granted by Parliament rather than a power over Parliament. Further, if we examine the most substantive amendments, then committee and parliamentary influence becomes much clearer.
- A central part of this process involves MSPs withdrawing amendments at stage 2 when assured that the Scottish Government will address the issue and bring forward an amendment at stage 3.
- Although the Government used its majority to win almost all of the votes on amendments, very few (3 per cent) reach this point.

A best-case analysis suggests that the process is based on trust and a good working relationship between Government and Parliament. This is demonstrated by the willingness of the Scottish Government to explain and justify all of its amendments and for MSPs to accept them without the need to vote. Perhaps more significantly, it is also demonstrated by a willingness of MSPs to accept the need for the Government to address their concerns and revisit the issue on their behalf. Much of this process is based on norms or conventions in the spirit of ‘new politics’ which endured throughout the first full session (particularly when the minister had previous experience as a committee member).

The evidence also suggests that the Government shows a healthy respect for the centrality of committees to legislative scrutiny. Whilst the plenary stage is relatively partisan and the Government can rely on its majority, it has demonstrated a clear willingness to remove most controversial decisions from this arena and into a less partisan committee arena designed to foster power sharing between Government and Parliament. At the heart of this process is the trade of withdrawn amendments for Government assurance. Indeed, this trade, combined with direct MSP influence, accounted (from 1999–2003) for almost 60 per cent of substantial amendments presented at stage 3 of the process (Cairney, 2006b; compare with Russell et al., 2012 on Westminster).

But what would a less sympathetic explanation highlight? First, the
Scottish Government rarely withdraws legislative proposals in response to parliamentary concern. Second, MSPs have limited resources and are reliant on interest groups to raise issues and propose amendments. Third, we should view the amendments process in context and not overestimate its significance. As a whole, Government bills do not change significantly from introduction to Royal Assent. The bills represent ‘draft Acts’, and a particularly strict rule (in the Scottish Parliament, not Westminster) on ‘wrecking amendments’ means that a bill cannot be amended in such a way as to undermine its original principles. Therefore, amendments may be ‘substantial’ in relation to other amendments but not to the bill itself. Fourth, it is just as likely that amendments are withdrawn by MSPs, not out of a sense of cooperation, but because a series of lost votes would be dispiriting. Fifth, although MSPs often withdraw amendments after ministerial assurances at stage 3, they rarely check if any promises have been kept (a problem that prompted the Standards, Procedures and Public Appointments Committee to initiate its inquiry into Post-Legislative Scrutiny in 2013).

Finally, it is still the Government which produces and amends the majority of legislation. Indeed, this may be a better explanation of the low rates of voting. Since many amendments are technical in nature, MSPs (and particularly those new to the committee or engaging only in plenary scrutiny) may not have the knowledge to recognize the effects most amendments make (instead, MSPs generally rely on printed sheets, provided by their parties, to tell them how to vote). This gulf in knowledge and resources is magnified greatly when we extend our analysis beyond primary legislation. Most bills contain general provisions stating that ministers may order statutory instruments or produce guidance in furtherance of the bill, after its completion. The Subordinate Legislation Committee tends to act to qualify this power by insisting (via subject committees) that statutory instruments are subject to committee scrutiny and approval. However, the sheer number of instruments (4,470 in the first two parliamentary sessions) means that most are skimmed and only a small number are referred to subject committees for further analysis. Subordinate legislation therefore represents a further ability of governments to make decisions outside the parliamentary spotlight (see Page, 2001).
The effect of coalition, minority and majority government

The context for our initial analysis (McGarvey and Cairney, 2008a: 100–6) was that Scotland was governed, from 1999–2007, by a coalition government with a legislative majority. With a majority, the Government can ensure safe passage for its legislation and operate in relative autonomy before presenting plans to Parliament. In contrast, the minority government from 2007–11 was obliged to negotiate with a number of parties to secure a majority vote on each successive issue.

Yet, the effect of minority government should not be exaggerated, for four main reasons. First, the SNP was able to rely on fairly regular support from at least one other party. Most notably, the Conservatives voted with the Government on 72 per cent of bills (including the annual budget bills – see Box 5.6). Its support took the SNP up to 64 of 129 MSPs (or 128 plus the Presiding Officer), with support from the Greens (two MSPs) or Margo MacDonald, enough to secure a small majority. In other cases, it was often able to form coalitions without the need for Conservative support (Cairney, 2011a: 52). Second, most of the SNP’s legislative programme did not attract significant opposition – partly because many parties operate on the centre-left
and many bills are so innocuous that they would be introduced by most parties (such as on flood prevention – ibid.: 51).

Third, most of the conditions outlined in this chapter still apply. Small size, MSP committee turnover and legislative loads still undermine the abilities of committees to scrutinize, amend and initiate legislation (also note the

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**Box 5.6 The annual budget bills and the accounting process compared**

The expectations for new politics extended to a reform of the budgetary process to enhance parliamentary scrutiny (Scottish Office, 1998b; Midwinter, 2005: 15). The process is unusual. Stage 1 used to involve (in UK ‘spending review’ years) each subject committee reviewing in some depth the strategy of their departments and feeding their evaluations up to the Finance Committee, but the process tends now to be more accelerated. Stage 2 involves an examination of more detailed proposals of the draft budget. Stage 3 involves the formal approval of the Budget Bill. There is some evidence of this process making a difference from 1999–2007 but there were few amendments to the budget bill (committees can make recommendations but only ministers amend the bill) and the process was not designed to allow MSPs to present alternative budget choices. The process ensures a greater degree of openness to spending decisions than in the Scottish Office days but committees still struggle to get the information required for detailed scrutiny (even after the Financial Scrutiny Unit was established in 2009).

In this context of information and resource constraint, the process took on a new significance under minority government. It became the most important legislative test because there was an obligation for a majority to agree to the bill each year (Cairney, 2011a: 55). Some opposition parties took time to adjust to their new (and unusually powerful) role, contributing to a temporary budget ‘crisis’ in 2009 when the bill was rejected in plenary (a slightly modified version was passed a week later). The other rounds were relatively uneventful, with the Scottish Government securing enough support in exchange for concessions to at least two other parties (and, in particular, the Conservatives who cooperated each year). The concessions represented a ‘small fraction of the overall budget’ and rarely contradicted SNP policy (ibid.: 55–6).

This limited role for the Scottish Parliament, in the determination of Scottish Government funding priorities, perhaps contrasts with a greater role in accounting for that spending. The Audit Committee of the Scottish Parliament considers financial audit and value-for-money reports and monitors matters of regularity and propriety in public expenditure. The Scottish Auditor General is in charge of Audit Scotland and her or his independence is enshrined in legislation. Audit Scotland audits the accounts of Central Government bodies (Scottish Government departments, non-departmental public bodies (NDPBs) and commissions), NHS bodies, councils, police, fire and other boards, further education colleges and Scottish Water. In recent decades, the role of public audit has expanded into efficiency, value-for-money and performance issues. Audit Scotland now also reports to Parliament on the economy, efficiency and effectiveness with which departments have used their resources.
inexperience of many MSPs; 37 per cent were new in 2011 – SPICe, 2011b: 42). The gulf in resources between Government and Parliament remains. Consequently, the importance of questions, inquiries and non-Government bills has not changed significantly. Fourth, to some extent, the status of committees fell for several reasons: the small SNP group (47 MSPs) used 17 MSPs to fill government posts (from 2011 it filled 20 posts from 66–9 available MSPs); Scottish Labour’s front bench did not sit on committees; and party politics (and a strong party whip) undermined the ability of committees to act as separate units and to exploit the lack of a government voting majority. In particular, there was a new dynamic between committee and plenary during the legislative process. The possibility for a coalition in plenary to overturn decisions made by a different coalition in committee was used on many occasions (including to abolish the Graduate Endowment) and the convention to respect committee decisions was respected on fewer occasions (Cairney, 2011a: 54).

In this context, we can identify three types of difference that minority government made:

1. **The Scottish Government was unable to get its own way all of the time.** The SNP’s initial strategy was to modify the ambitions associated with its ‘first 100 days’ commitments (but see Scottish Government, 2007b). It could not gather enough parliamentary support for a referendum on independence, a local income tax and minimum pricing on a unit of alcohol. However, it still passed 42 bills in four years (following a general feeling in Parliament that 50 was too much). Its new majority status has made a referendum inevitable (see p. 236) and it passed the Alcohol (Minimum Pricing) (Scotland) Act in 2012.

2. **The Scottish Government lost more votes.** Most of its defeats came from ‘non-binding’ motions and it was able to negotiate with the other parties to avoid more damaging losses on legislation (98.7 per cent of SNP Government amendments to its own legislation were passed successfully – MacGregor, 2010). Key exceptions include a Scottish Parliament motion in 2007 to approve funding for the Edinburgh trams project (the Scottish Government response was to provide £500 million and try to wash its hands of the project) and a Scottish Government defeat on a budget bill (Box 5.6).

3. **The Scottish Government paid more attention to the other parties.** Civil servants were more likely to anticipate the reactions of opposition parties when developing policy (by, for example, reading party and MSP statements), but in the context of their commitment to further Government policy (Paun, 2009: 52; Cairney, 2011a: 52). During coalition and majority government they may be more likely to pay attention to backbench MSPs of the governing parties (although in a quieter way than we might associate with the relatively ‘rebellious’ Westminster).

However, it is just as interesting to note how little changed. The Scottish Government continued to produce and amend the bulk of primary and
secondary legislation. Further, it was able to pursue many of its key policy aims – on capital finance projects, public service and administrative reform, curriculum reform, prescription charging and devolving more responsibilities to local authorities – without recourse to legislation (ibid.: 50). The Scottish Parliament possessed too few resources to make any major policy differences beyond the margins. This is the context for the new period of majority government in which opposition parties may struggle to secure a meaningful role in Scottish politics.

**The Scottish Parliament: an arena for new forms of participatory and deliberative democracy?**

The limited role of Parliament draws our attention to the importance of interest groups (Chapter 8) and ‘civil society’ as alternative providers of deliberation, debate or opposition. Indeed, a key strand of ‘new politics’ involved the identification of wider forms of participatory and deliberative democracy alongside improved representative democracy (see McGarvey and Cairney, 2008a: ch. 11 for a more extensive discussion):

- **Participatory democracy** refers to decision-making with a focus on the direct participation of citizens. According to the SCC (1995), 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’.

- **Deliberative democracy** refers to decision-making through reasoned and open discussion among the citizenry as a whole in a setting where all participants have equal status, rather than discussions behind closed doors among a small number of elite decision-makers. Collective outcomes are not determined merely by the ‘tyranny of the majority’ (where the decisions of the majority do not respect minority rights), but by means of extensive arguments offered by and to participants affected by policy decisions. The pursuit of reasoned argument suggests that preferences can be changed instead of just aggregated, with the end result being a form of consensus not achievable through traditional forms of democracy.

The main innovations were the development of a Scottish Civic Forum (SCF), in which a self-selecting cross-section of the population would come together to set the agenda for, or evaluate, public policies, and a petitions process which would be open to all, with a very low threshold for participation (to supplement the participative and deliberative nature of committee activity – see Davidson and Stark, 2011; Halpin et al., 2012). The architects of devolution opted for procedures which feed into traditional forms of participation and support representative government rather than, for example, the widespread use of referendums which bind decision-makers.
The SCF embodied the spirit of the original SCC aims. It provided information about Scottish Government and Parliament consultations and ran regular national and regional events to give people the opportunity to respond. It went to great lengths to reduce common obstacles to participation – providing travel to events, childcare and language services – and to extend participation beyond the ‘usual suspects’ (groups and individuals already well engaged in politics and policy-making). However, it struggled to attract a sizeable audience and to engage regularly (in a meaningful way) with the Scottish Government and Parliament. It was abolished in 2006 when neither the Scottish Government nor Parliament were willing to continue its funding.

The petitions process is a relative success. Indeed, anyone taking a tour of the Scottish Parliament with MSPs will soon hear that ‘it is the jewel in our crown’. It was designed to be an improvement on old Westminster practices, which were complex with no demonstrable end result (Lynch and Birrell, 2001: 1–2; note the recent but limited reform in Westminster – Winetrobe, 2011). However, the evidence on participation is mixed. There is evidence of high rates of participation, with 964 petitions initiated from 1999–2006 (Carman, 2006), while the electronic submission system is admired and emulated by a number of other legislatures (Arter, 2004: 22). A healthy proportion is proposed by individuals (53 per cent) and community groups (18 per cent). However, a small number of people account for over 10 per cent of all petitions and the majority have only one or two signatures. There is also a clear bias in petition initiation towards older, male, middle-class, university-educated and politically active individuals (Carman, 2006) – undermining the idea that it helps the Scottish Parliament reach previously excluded groups. Indeed, public knowledge of petitions is still low; the majority do not know how the process works (Carman, 2012).

We should also note the limited effect a petition can have. If our focus is on satisfaction with the process itself, then the evidence is promising. Most petitioners report that they are generally happy with the process (Carman, 2006). However, if we are looking for examples where petitions have gone on to set the political agenda and then make an identifiable difference to public policy decisions, we will be more disappointed. The Procedures Committee (2003) suggests that we should not expect too much from petitions, since their role was limited from the start. They are most effective as a means of setting the agenda, raising issues and hoping that they receive enough attention from decision-makers (indeed, Carman, 2006 suggests that many petitioners feel successful if their topic reaches this stage; see also Carman, 2010).

Representative democracy and microcosmic representation

The limited effect of these ‘new politics’ reforms reminds us of the continued
centrality of representative democracy or ‘indirect’ democracy whereby citizens decide who should represent them in an elected chamber rather than participate directly. Popular sovereignty is expressed through regular elections of representatives acting on their behalf. Addressing representative democracy was the task which received most SCC attention. The basis for the SCC’s push for devolution was that the Scottish electorate had lost control over its representatives since it did not get the government that it voted for and could not vote that government out. A Scottish Parliament would therefore address a large part of the ‘democratic deficit’ in Scottish politics. This idea of improving representative democracy would be extended by microcosmic representation, or the ability of MSPs to represent directly the social background of Scotland’s population. The assumption here is that if elected members do not resemble the populations they are there to represent, then certain under-represented populations will be further marginalized within society. For example, in Westminster, we can identify the long-standing under-representation of women, ethnic minorities and the working class (as well as young people) which may suggest that certain issues important to these groups may struggle to reach Parliament’s agenda, however well-intentioned its elected members may be. There is also a tendency to focus on the extent to which MPs had a ‘proper job’ and went to a state school before election.

Gender, ethnicity and disability

The representation of women in the Scottish Parliament is a qualified success. It is significantly higher than the international average of 20 per cent and the current UK average of 22 per cent, but it has yet to reach the Nordic average of 42 per cent (Inter-Parliamentary Union, 2012), while close to 50 per cent seems like a distant prospect. As Table 5.1 indicates, the proportion of women in the Scottish Parliament began at 37 per cent in 1999, rising to 40 per cent in 2003, falling to 33 per cent in 2007, before rising slightly to 35 per cent in 2011. These proportions are higher than among Scottish MPs (and the rest of the UK) in Westminster. Indeed, at its peak in 2003, the 40 per cent in Holyrood was well over double the 15 per cent Scottish female representation

| Table 5.1 Female and male elected members in Holyrood and Westminster, 1997–2011 (%) |
|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
|                               | Scottish Parliament           | Scottish MPs                  | MPs in rest of UK            |
| Women                         | 37  40  33  35                | 17  15  15  22                | 18  20  22                   |
| Men                            | 63  60  67  65                | 83  85  85  78                | 82  80  78                   |
Table 5.2  Female and male elected members in Holyrood by party, 1999–2011

<table>
<thead>
<tr>
<th></th>
<th>Labour</th>
<th>SNP</th>
<th>Conservative</th>
<th>Liberal Democrat</th>
</tr>
</thead>
<tbody>
<tr>
<td>Women (%)</td>
<td>50</td>
<td>56</td>
<td>50</td>
<td>46</td>
</tr>
<tr>
<td>Men (%)</td>
<td>50</td>
<td>44</td>
<td>50</td>
<td>54</td>
</tr>
<tr>
<td>Total number of men and women</td>
<td>56</td>
<td>50</td>
<td>46</td>
<td>37</td>
</tr>
</tbody>
</table>
in Westminster (see Malley, 2012 on how this might impact on their respective cultures).

There are significant differences by party, with much of the early trends explained by the high number of women in Scottish Labour. Labour was the party which made the clearest commitment towards gender parity in candidate selection through a centralized system (Cairney, 2011a: 29–31). It achieved its aims through twinned constituencies. As Table 5.2 shows, the initial figure of 37 per cent of women in the whole Parliament owed much to the number of Labour MSPs.

In the other two main parties, the number of women was relatively low. Perhaps ironically for the Liberal Democrats so involved in the SCC, its Scottish average is lower than its UK average (further, from 1999 to 2007 it did not propose one female minister within the coalition, contributing to relatively low female representation in government of around 25 per cent). For the Conservatives (which had the only female leader in Annabelle Goldie during 2006–11, before Wendy Alexander became the leader of Labour during 2007–08), their 29 per cent in 2007 and 40 per cent in 2011 is much higher than the 9 and 16 per cent of Westminster MPs in 2005 and 2010.

In 2003, the growing overall proportion of women (40 per cent) resulted from a rising proportion among Labour (56 per cent). The SNP win in 2007 had a big impact. While it became the largest party with 47 seats, the proportion of women in its ranks fell to 25 per cent. Labour’s dwindling numbers contributed to the overall proportion of women in Holyrood dropping to one-third, the lowest level since devolution. The SNP electoral avalanche in 2011 could have had a bigger impact (Labour lost six women and the LibDems lost one) but the number of women MSPs actually rose from 43 to 45 (the SNP gained seven, the Conservatives one and the Greens one).

The success of the SNP’s Bashir Ahmad in 2007 marked the first ethnic minority candidate to be elected to the Scottish Parliament since devolution. The SNP now has two such MSPs (1.6 per cent) in a country with (approximately) a 2 per cent minority ethnic population (House of Commons Library, 2012). There were no instances of significant publicly declared disabilities among new MSPs until 2011 (Dennis Robertson is now blind; Siobhan McMahon was born with a disability).

Social class and occupation

As Keating and Cairney (2006) suggest, there were countervailing pressures on recruitment by class and occupation in Scotland. While there was a general commitment to broaden recruitment and create a more open political class, more representative of the country as a whole, there was also a strong trend within Britain and Western Europe to a narrow recruitment from the professional middle classes and those ‘politics-facilitating’ occupations that lend themselves easily to political life (Box 5.7). The evidence suggests that the
latter influence is more important (particularly among women), with recruitment to the Scottish Parliament accelerating post-war trends away from the working class and towards the professional (including lawyers and teachers) and politics-facilitating occupations (including party workers and trade-union officials). For example, Shephard et al. (2001: 96) report that 19 per cent of Scottish MPs in 1997 had some experience in blue-collar or industrial work, compared with less than 2 per cent of MSPs in 1999. Keating and Cairney (2006: 46) show this effect on Scottish Labour in particular, with blue and white-collar backgrounds accounting for 42 per cent of Scottish MPs from 1945–70, falling to 10 per cent in 2005, compared with 2 per cent of MSPs in 2003 (despite these occupations accounting for almost half of the Scottish population). Scottish MP professional backgrounds rose from 36 per cent in 1945–70 to 46 per cent in 2005, compared with 56 per cent of MSPs in 2003, while politics-facilitating backgrounds rose from 15 to 29 per cent in the same time intervals, compared with 32 per cent of MSPs in 2003.

This trend towards a rise in the politics-facilitating occupations continued in 2011 (Wilson et al., 2011). The overall trend of professionalization is also reflected in the other main parties. There are perhaps only two significant differences. The first is that a professional background for Labour MSPs is much more likely to refer to public sector occupations (such as social work, teaching and nursing) than the other parties which draw more from the private sector. The second is that Scottish Labour made a concerted effort to reduce candidate selection from local government, which is increasingly seen elsewhere in the UK and Europe as part of a career path towards higher elected office. Scottish Labour bucked this trend to an extent, with less than 45 per cent serving previously as councillors compared with over 60 per cent in Westminster and the Welsh Assembly (Keating and Cairney, 2006).

**Box 5.7 ‘Politics-facilitating’ professions**

The typical career path of European parliamentarians includes securing a university degree, a prominent position within a political party, election to local or regional government and entry into a ‘politics-facilitating’ occupation. This refers to a job which helps a candidate secure election and/or perform the role of an MP. Traditionally, this refers to ‘professional’ or ‘brokerage’ occupations such as lawyers and teachers who have communication and advocacy skills that transfer easily into the political arena. More recently, it refers to ‘instrumental’ occupations, such as party worker or full time local councillor, which are seen as a more direct stepping-stone to elected office. The common criticism is that the recruitment of politicians from such a narrow range of occupations inhibits their capacity to be truly representative, particularly since party worthies may be more likely to gain Cabinet posts than councillors (Cairney, 2007a; Allen, 2012; Cowley, 2012).
Education and age

In Westminster it seemed almost traditional for MPs to have received an education from an independent school followed by three years at Oxford or Cambridge University (ibid.). This is often still the case for Conservative MPs, although the 58 per cent educated privately and the 45 per cent of Oxbridge graduates in 2005 fell to 50 and 35 per cent respectively in 2010 (Wilson et al., 2011). Overall, 36 per cent of MPs are educated privately and 26 per cent are Oxbridge graduates. Devolution makes an overall difference, with 15 per cent educated privately and 2 per cent being from Oxbridge (although note that the figures for Scottish MPs, 9 and 2 per cent respectively, are very similar), though these figures are still unrepresentative of the Scottish population. Further, all four main parties enjoy incredibly high rates of further and higher education. While the participation rate among the Scottish population (45–50 per cent) is high compared with the rest of the UK, it cannot compete with the 80–90 per cent levels among MSPs (ibid.).

When elected in 1999, MSPs were more representative of the Scottish population’s age distribution than Scottish MPs (see Shephard et al., 2001). For example, the figure of 30 per cent in the population aged 20–39 was almost met by MSPs (29 per cent) but not MPs (10 per cent). The mean age of MSPs (45) was also significantly lower than MPs (50). Yet if we look at the mean age when MPs were first elected, this falls to around 40 (ibid.: 89). The age of MPs and MSPs is gradually converging (Wilson et al., 2011), suggesting that the level of youthful representativeness in the Scottish Parliament was only a temporary result of the new Parliament.

Overall, the differences in Scotland regarding microcosmic representation relate primarily to gender. MSPs are as likely as MPs to be white, middle aged, middle class and university educated with a professional or politics-facilitating background. The resemblance between MSPs and the Scottish population is not uncanny. Much depends on where we look and which party we examine. Indeed, without the social background of Scottish Labour MSPs, the difference made by devolution would often be negligible.

Conclusion

The CSG recognized the need for the Government to govern and its plans for committee powers may be seen as an improvement on Parliament’s traditional scrutiny role rather than the pursuit of an innovative or new relationship. Indeed, it is doubtful if any such plans would be fruitful without a wholesale change to the structure of government (perhaps along the lines of the US system). From what we know about ‘old Westminster’ and other parliamentary systems, there is an immense gulf between the capacities of the legislature and the Government. The Government has far more resources to consult with
groups and to research, initiate, draft, redraft, monitor and evaluate bills. Therefore, while the Scottish Parliament’s powers are extensive in comparison to most West European legislatures, it is much more difficult to demonstrate the effects of its powers in relation to the Government. It is also difficult to see how it translates to superior ‘outputs’ (this finding is widespread in the study of legislatures – Arter, 2006).

The results suggest that even a ‘best case’ analysis of Scottish parliamentary influence is heavily qualified by the role and power of the Scottish Government. In other words, the evidence suggests that the Scottish Parliament is more an arena for political parties and governmental legislation than an actor or agenda-setter in its own right. This does not necessarily suggest that the Government attempts to subvert the process envisaged by the architects of new politics. Rather, the logic of consultation between interest groups and government at an early stage suggests that most policy is formulated outside the legislative arena, while any legislation to be passed tends to be presented at an advanced stage.

To a large extent this process is consistent with a traditional role of Parliament – to invite its Government to present well-thought-out proposals and to consider the principles rather than the details of legislation. The Government is not ‘robbing’ the Parliament of powers. Rather, decision-making is devolved by Parliament to the Government, with the former providing a wider legitimacy to decisions taken by a small number of actors (Judge, 1993). The Government derives its legitimacy from the Parliament, while the latter relies on the former to take care of the business of government and administration. Therefore, while there are obvious differences between the Scottish and Westminster Parliaments in terms of layout, culture and convention, each institution serves the same function. Indeed, now that its standard operating procedures have become routine, we can see that the Scottish Parliament is firmly in the Westminster School of Parliaments (much like its equivalents in Wales and Northern Ireland – Birrell, 2012; Cairney, 2012c; although see Malley, 2012, on important differences in the Scottish Parliament’s day-to-day practices and culture).

The legitimizing function of the Scottish Parliament is one that deserves emphasis – it has ‘solved’ the perceived democratic (or legitimacy) deficit of Scottish politics. No one today questions the accountability and legitimacy of the outputs of government in Scotland in the way that they did in the years leading up to devolution, largely because of the existence of the Scottish Parliament. This sense of legitimacy may be threatened, to some extent, by the general sense of disenchantment in politics that we might associate most with contemporary UK politics (and Westminster in particular, following the expenses scandal in 2009). However, the architects of devolution had already addressed such concerns when promoting new forms of representative, participatory and deliberative democracy to supplement the functions of the Scottish Parliament. In this context, it is important to note that the reforms often had a limited effect.
The evidence suggests that the much criticized Westminster style of democracy should not be disregarded as an enduring influence. The architects of devolution emphasized a wide range of new forms of democracy, but from a starting point which is fairly traditional. Perhaps the image conjured up is a journey from London to the Nordic consensual democracies, though one made on foot rather than by plane (and note that we should not romanticize the role of Parliament in countries like Sweden anyway). Scotland’s democratic processes still rest on the centrality of the Scottish Government to public policy, while the primary role of the Scottish Parliament is to scrutinize government rather than act as a hub for new types of participation. Grander visions of the potential impact of new democratic processes have not been realized. The overall experience reminds us of the importance of well-respected Parliaments at the centre of representative democracies.

Further reading

Many of the examples discussed in this chapter are outlined in more detail in the ‘Scottish Parliament’ section of the Scottish Devolution Monitor Reports. These reports ran from 1999–2009 and are still archived by UCL’s Constitution Unit. Cairney (2011a) provides a systematic assessment of the reports. On the role of parliaments, see Judge (1993), Norton (2005), Rush (2005) and Flinders and Kelso (2011); for early Scottish parliamentary committees see Arter (2002, 2003, 2004). More positive evaluations of deliberative democracy in Scotland can be found in Davidson and Stark (2011) and Halpin et al. (2012). For a comparison with the other devolved territories see Birrell (2012).

Online sources

Scottish Parliament: www.scottish.parliament.uk/
Scottish Constitutional Convention: www.almac.co.uk/business_park/scc/
Consultative Steering Group
www.scottish.parliament.uk/PublicInformationdocuments/Report_of_the_
  Consultative_Steering_Group.pdf
House of Commons: www.parliament.uk/business/commons/
UCL Constitution Unit: www.ucl.ac.uk/constitution-unit/
Westminster Rebellions: http://nottspolitics.org/2012/05/08/the-bumper-book-of-
  coalition-rebellions/ and www.revolts.org.uk
The Scottish Government is at the heart of Scotland’s new political system. This was not the case before 1999. Instead, the Scottish Office was a territorial department devoted primarily to implementing and adapting UK policies. Devolution was therefore more about a shift in power and responsibility between executives than new forms of public and parliamentary participation. Scotland’s central government has changed significantly over the decades rather than merely since 1999. The Scottish Office was established in 1885 and, for a long time, was a patchwork of loosely related departments. A corporate structure emerged in the latter half of the twentieth century. Pre-devolution, the Scottish Office lacked democratic legitimacy and was an example of administrative devolution (Mitchell, 2003a: 215).

In many ways the shift in corporate titles from Scottish Office (1885–1999) to Scottish Executive (1999–2007) and finally to Scottish Government (2007–) captures the story of recent Scottish political history (Box 6.1). It is a body which began as a UK territorial department, developed into a relatively autonomous executive with its own policy-making capacities under the Labour/Liberal Democrat coalition, and then began to assert its (albeit highly qualified) autonomy from the UK under the SNP. All this took place at a time when Scotland experienced three different types of government: A Scottish Labour–Liberal Democrat coalition from 1999–2007; a minority SNP Government from 2007–11; and a majority SNP Government from 2011.

This chapter outlines in detail what the Scottish Government is and does, by:

- Making the distinction between Scottish Government ministers and the civil service.
- Outlining their respective structures and responsibilities.
- Examining the role of First Ministers.
- Comparing the experience of coalition, minority and majority government.
- Examining the role of the civil service before and after 2007.
As in several other chapters, it is useful to describe Scottish institutions and processes using comparisons with the UK government. Many aspects are similar – there is Cabinet-style government, ministers are effectively chosen by the First Minister (FM), and ministers are in day-to-day control of their portfolios, with the FM enjoying roaming influence. However, there is less evidence of direct central influence in Scotland, compared with the Prime Minister or the Treasury, and more scope for collective decision-making. Further, ministerial and departmental functions often do not coincide in Scotland – this can foster ‘joined-up government’ or lead to problems with coordination. Scotland also has much more experience of non-majority government.

When we examine the civil service, the types of comparison are slightly different because the Scottish civil service operates with a high degree of autonomy but within a UK system. Scottish civil servants may also share a common background or culture with their UK counterparts. Indeed, the image of a UK, not Scottish, civil service contributed to the argument (in the early years of devolution) that it represented a stumbling block to the type of radical policy change envisaged before devolution. Yet, this picture of the civil service as a source of inertia may be based on an old ‘Yes Minister’ caricature which has long been undermined by initiatives in the UK (such as Next Steps, delayering and the increase in outside policy advice).

Still, the early image of the civil service was not helped by the legacy of the Scottish Office as a body viewed with suspicion by Scottish interests during the Conservative years. It was also more of an implementing than an initiating body during this period. As a result, the policy capacity was not there immediately following devolution, and it struggled to adapt to the need for policy innovation and increased policy coordination across departments. Nor was the civil service equipped to deal with the avalanche of parliamentary demands on its time. These early criticisms have perhaps been largely forgotten, replaced by new concerns about the ability of the Scottish Government to pursue holistic government in an era of austerity and falling civil service numbers.
Scottish Government ministers: how do they compare with the UK?

A key comparison between Scottish and UK Government is that the former has fewer responsibilities and ministers. However, one could be forgiven for not noticing the difference when faced with the Scottish Government’s huge list of its own structure and responsibilities, which (at over three pages) is too long to reproduce in this book (see online resources at end of this chapter on Scottish Government: About People).

Cabinet government

The Scottish Government has also inherited a broadly similar form of Cabinet government, with some often-practical differences. The Scottish Government has a smaller ministerial team reflecting its size and scope. While the UK Cabinet generally has 22–23 members, Scotland’s initially had 12. This was headed by the First Minister and included the Lord Advocate (see Box 6.2). These 12, combined with seven deputy ministers and the Solicitor General (the Lord Advocate’s deputy prosecutor), combined to make up the Scottish Executive from 1999–2007 (with some variation in numbers to reflect a small amount of reshuffles). One of the first innovations by the SNP – when forming a minority government in 2007 – was to ‘slim down’ the Scottish Cabinet to six minis-
ters (or ‘Cabinet Secretaries’) and ten deputies (not including the two legal posts). The move was highlighted by the SNP as a first step in its efficient government agenda, although it now has eight Cabinet Secretaries and 13 other ministers – more than the Scottish Executive total of 18 plus 2 law officers (suggesting that the numbers also depend on the pool of recruitment). Its relatively small size ensures a smaller and more manageable group compared with the UK Cabinet which is often described as an arena for broad discussions rather than a decision-making body. Indeed, even a coalition Cabinet in Scotland would be more likely to produce a meaningful collective body, given its smaller size and the tradition of cooperative working inherited from the Scottish Office (Parry, 2001; Keating, 2005a).

However, we can qualify this argument in three main ways. First, the UK system includes far more Cabinet committees than Scotland’s and these may function effectively as a source of policy coordination. Second, from 1999–2007, most broad decisions on policy had already been agreed and enshrined in the coalition’s partnership agreement. This often relegated the importance of Cabinet meetings to ad hoc decisions or marginal changes to policy (we can often say the same for the current UK Government).

Third, it is difficult to identify a stronger sense of collective Cabinet responsibility in Scotland. This was often undermined by its lack of enforcement, and early experience suggested that it was often adhered to in theory but not in practice. This was highlighted in 2002 after a Scottish Government minister (Mike Watson) campaigned publicly against the closure of a hospital in his constituency and when Cathy Jamieson refused to support Jack McConnell during the Scottish Executive’s and UK Government’s dispute with fire-fighters (see The Scotsman, 2002). In December 2006, the limits to collective action were more clearly defined when Malcolm Chisholm resigned as Communities Minister. Chisholm’s position appeared to become untenable after he voted with the SNP in opposition to the UK Government’s White Paper on Trident. In this case, precedent suggests that if Chisholm had merely broken ranks and spoken against UK government policy (as he did when criticizing ‘dawn raids’ on asylum-seekers) he might have kept his job. However, the line was crossed when he voted for the SNP motion – even though the motion had no formal weight and there was no need for a Scottish Government position on the issue (see Cairney, 2011a: 65–7 for more examples).
Although the First Minister requires formal parliamentary approval for ministerial choices, he or she effectively makes the final decision, which is challenged rarely, even during periods of minority government (perhaps in contrast to the European Parliament’s approval of Commissioners – Judge and Earnshaw, 2002). As Keating (2005a: 96; 2010: 110) suggests, ‘the FM in practice has almost complete freedom in hiring and firing’, with the exception of coalition government where the Deputy First Minister chooses ministers for the second party (as in the UK where the Prime Minister and Deputy Prime Minister perform similar functions).

A more significant constraint is the pool of recruitment, particularly when a party is in office for a long period with little MSP turnover. Labour, between 1997 and 2010 in the UK, could often choose from over 400 MPs to fill around 100 government posts. They could also increase this pool by sending people to, and recruiting from, the House of Lords (Keating, 2005a: 97). In contrast, the Scottish First Minister from 2003–07 had just 49 MSPs from which to choose seven senior ministers, five junior and eight Ministerial Parliamentary Aides (MPAs). Given that Labour was also entitled to nominate eight committee convenors, the numbers suggested that most Labour MSPs had an excellent chance of receiving some sort of patronage (Mitchell, 2003c; Lynch, 2006).

### Box 6.2 The Lord Advocate

The Lord Advocate has two distinctive features. The first is that he or she participates in Cabinet and the Scottish Parliament without being an MSP. The second is that the Lord Advocate once combined the roles (which are performed by two people in the UK) of chief legal adviser and member of the Scottish Cabinet (the Attorney General) on the one hand, and Scotland’s chief prosecutor (Director of Public Prosecutions) on the other. During Cohn Boyd’s term (2000–06) the Shirley McKie case raised questions of possible conflict between the Lord Advocate’s roles and whether any of Boyd’s decisions were motivated by political rather than legal considerations. The background of Boyd’s successor, Elish Angiolini, was also notable. Angiolini had a legal civil service background (as a formal fiscal and then Solicitor General) and was not an advocate (the status of advocate was seen traditionally as a symbol of independence from government). When the SNP formed a government in 2007 it announced that Angiolini would remain as chief legal adviser but (to emphasize separation and depoliticization) would no longer attend Cabinet meetings unless invited. Angiolini was succeeded by Frank Mulholland (also not an advocate) in 2011.

**Ministerial Parliamentary Aides (MPAs):** The equivalent of Westminster Parliamentary Private Secretaries. The SNP Government uses the term Parliamentary Liaison Officers. They can sit on the relevant committee of their minister and are expected to follow similar rules on collective Cabinet responsibility.
Given this limited room for manoeuvre, it is perhaps surprising that Scottish Labour ministers spent no longer in post than their UK counterparts (Liberal Democrats enjoyed much lengthier terms – Cairney, 2011a: 67). The average term of 18 months suggests that few were in post long enough to command their brief or do anything more than manage crises (Keating, 2005a: 98). From 2007, the pool of recruitment for the SNP was even more limited, with the need to find an entire ministerial and deputy ministerial team (since there were no coalition partners) and Parliamentary Liaison Officers from 47 MSPs. In part, this was addressed by limiting the size of the cabinet to six senior ministers, with the remainder of the party standing an excellent chance of selection for relatively junior posts and key committee roles. The SNP’s pool of recruitment rocketed to 69 in 2011, perhaps helping to explain its relatively generous crop of ministers (although the effective number is 66: Tricia Marwick became Presiding Officer in 2011; John Finnie and Jean Urquhart resigned (but remained MSPs) in 2012 over the SNP’s stance on NATO).

The role of the First Minister

Like the Prime Minister (PM), the First Minister (FM) does not oversee a large government department. Rather, he or she has the ability to contribute to the policies of other departments. This intervention, and the ability to coordinate policy from the centre, should be less difficult with a smaller government and the ability of the FM to micromanage a smaller ministerial team. However, the FM does not enjoy the same level of resources at the ‘centre’ as the PM. As with many aspects of the new government, this partly follows the legacy of the Scottish Office which had a small centre with a federal structure of departments (Parry, 2001; Keating, 2005a: 96–7).

Yet, even in the UK, where the PM has more resources and a range of policy units which report straight to Number 10, this does not translate to a strong centre. This is demonstrated well by the experience of public-service agreements which were designed to set and then oversee targets related to efficiency within Whitehall departments. The targets were originally overseen by a unit within Number 10 but then transferred to the Treasury in recognition of the ‘weakness of the centre’ but also the strength of the Treasury which could...
influence departments through extensive controls of public expenditure (Richards and Smith, 2004: 188).

The Treasury became an even more powerful actor in UK domestic policy, involved in policy innovation and holding departments (but not the Scottish Government) to strict performance and expenditure targets. Lynch (2006: 434) points to some moves in this direction in Scotland, with a growing ‘core Government’ of FM staff, policy advisers, divisions for media communication and legal services, plus a growing Finance Department which oversees the work of others. The latter role was extended further by the SNP’s introduction of a Finance and Sustainable Growth department with direct control over a wide range of functions. Yet, finance departments in Scotland still do not enjoy the status or policy capacity of the Treasury, while the FM does not command the resources available to the PM. First Ministers work better when cultivating relationships with departmental ministers rather than pursuing the ability to monitor and control departments directly (Cairney, 2011a: 63). Much therefore depends on the personality of the FM.

It is significant to note that in his ten years of office, Tony Blair was the UK counterpart of four First Ministers (a fact perhaps now qualified by Alex Salmond’s record of three PMs). The brief average tenure, in the early years of devolution, makes it difficult to make many comparisons with the UK or draw conclusions about the effect that each FM had within the Scottish Government, particularly since the first two resided over the transitional phase of devolution and all four have operated (until 2011) either within coalition or minority government (Lynch, 2006). However, the experience of Donald Dewar (1999–2000) and Henry McLeish (2000–01) is also in some respects the most informative, with the evidence suggesting that Cabinet splits (which did not seem to relate to coalition government) were just as regular a feature in Scotland.

Jack McConnell’s (2001–07) fortunes within Cabinet contrasted with McLeish’s, in part as a reflection of his willingness to dispense with most of the (Labour) Cabinet he inherited. McConnell was more likely than his predecessors to recognize the limitations of devolution, preferring to lower expectations and promising ‘to do less, better’ (Shephard and Cairney, 2005). He also rarely intervened in departmental decisions, preferring to pursue cross-cutting themes such as ‘environmental justice’ (Keating, 2005a: 97), sectarianism and public-service reform. Alex Salmond’s (2007–present) early style tended towards reasoned argument (with the exception of his comments on the outgoing PM Tony Blair) rather than a much-anticipated adversarial position (see p. 206). Within the Scottish Government, Salmond continued McConnell’s light touch over departments and the delegation of much oversight to the increasingly significant finance department (led by John...
Swinney). He has had a more external focus than previous FMs, seeking to advance Scotland’s interests in European and international forums. Unlike most national leaders, Salmond’s popularity is generally high and has been high for a remarkably long time (Cairney, 2011a: 161).

**Joined-up government?**

In Scotland, there has been a long tradition of often-overlapping ministerial and departmental functions. To a large extent, the first Scottish Government in 1999 inherited that style of government. The existence of ‘ministers without ministries’ was a ‘hangover from the Scottish Office days’ when there were far fewer ministers than there were departmental responsibilities (Parry and Jones, 2000: 54; Keating, 2005a: 98). Five factors need to be noted. First, the Scottish Office often seemed to face fragmented rather than joined-up government when addressing issues such as community care, prompting the first Scottish Government to place most responsibility within the health department and its ministers (Rhodes et al., 2003: 95).

Second, administrative divisions between policy areas often develop regardless of how departments are organized. For example, in the early coalition years, higher education (and lifelong learning), transport and enterprise were combined in Scotland to support the importance of higher education to business and the economy. However, distinct **policy communities** still surrounded higher education on its own and as part of a UK set-up. Similarly, the department for Rural Affairs may have included the environment, but this does not on its own overcome divisions or imbalances of power between agricultural and environmental interest groups (Keating, 2005a: 98). Third, overlapping responsibilities can help cause confusion. For example, Parry (2001: 40–1; see also Cairney, 2011a: 62–4) argues that one of the Scottish Government’s early **policy disasters** – the failure to deliver higher-level exam results in 2000 – is a good example of departmental boundary problems, with the Scottish Qualifications Authority ‘sponsored by the Department of Enterprise and Lifelong Learning but serving the education system’.

Fourth, overlapping responsibilities are often given to ministers for political, not administrative, reasons. For example, Wendy Alexander appeared to be bribed by Jack McConnell into staying in office with the promise of a huge department with a wide range of responsibilities (an alternative view is that Alexander fought to keep post-16 education and McConnell outflanked her by giving her an impossible workload). Alexander
was subsequently dubbed ‘Minister for Everything’ (see Mitchell, 2003c). More recently, the SNP appears to be guilty of the same push for a departmental fiefdom in the Finance and Sustainable Growth Department for John ‘38 jobs’ Swinney in the name of joined-up government and central coordination. Fifth, this issue was complicated by the maintenance of coalition government (1999–2007) which produced an elaborate system of communication between departments to satisfy the desire of both parties to remain ‘in the loop’. Again, while we may be tempted to link this communication to joined-up government, it may be more accurate to link it to a greater potential confusion about who is in charge and, therefore, a diminished sense of individual ministerial responsibility (Cairney, 2011b: 264).

Consequently, this is an area in which single-party SNP Government made a difference by reducing the ‘need to coordinate policy making to the nth degree’ and challenging the assumption that ministers and civil servants need to operate within strongly delineated departmental boundaries (ibid.: 266). The SNP introduced (or perhaps accelerated) moves to reform the Scottish Government machine so as to foster joined-up government by aligning the work of all ‘departments’ to a set of overall national priorities. Indeed, the idea associated with the term ‘Scotland Performs’ is that the seven ‘Purpose Targets’ and approximately 45 ‘National Indicators’ are used as key points of reference for all bodies (under the purview of the Scottish Government) delivering public services in Scotland, as well as a way to monitor their progress (for example, the local authority ‘Single Outcome Agreements’ discussed in Chapter 7 make reference to these targets). Consequently, civil servants in different departments are encouraged to take the same approach to a set of common indicators and to measure their own progress according to this overall agenda (although they may not always be specific enough to guide behaviour in a meaningful way). Former Permanent Secretary John Elvidge (2011: 4) calls this (perhaps exaggerating a little) ‘a radical Scottish model of government’ developed by the SNP from the experience of the first eight years of devolution (and the experience of the US state of Virginia):

> It is based on the effort to have government function as a single organisation, working towards a single defined government purpose based on outcomes, and establishing a partnership based on that purpose with the rest of the public sector which is capable of being joined by other parts of civil society.

**Scotland’s experience of coalition, minority and majority government**

Scotland’s position contrasts to some extent with the UK’s: while the current UK coalition government is unusual, so too is Scotland’s majority government. The UK’s electoral system generally produces majorities (and, at least
according to Lijphart, 1999, adversarial politics), while Scotland’s more proportional system generally produces coalition and minority government (and arguably the potential for greater cooperation between parties). However, given their current fortunes, Scotland has considerable experience of different governing types on which the UK can draw (see also Box 6.3 on the broader picture).

A proportional electoral system ensures that most Scottish governments will be minority administrations or composed of more than one party. From 1999–2007, there was a coalition between Labour and the Liberal Democrats. As discussed in Chapter 5, the coalition allowed both parties to control the Scottish Parliament for eight years, with almost no significant defeats on legislative votes or parliamentary motions. The strength of the parties within the coalition determined the make-up of the Cabinet, with the Liberal Democrats able to exploit a fall in Labour MSPs in 2003 to gain an extra place. From 1999–2003, the Liberal Democrats had two of the 12 ministers in Cabinet (17 per cent, reflecting a 17/73 or 23 per cent share of the seats), rising to 3 of 12 (25 per cent, reflecting a 17/67 or 25 per cent share) from 2003. Both parties also agreed a process of internal selection by each party when supplying ministers (rather than the need to agree jointly the Cabinet personnel). However, this is where the agreement ended, and the differing cultures of the two parties were exposed when they entered into negotiations in 1999.

Interviews with senior Liberal Democrat officials (in Laffin, 2005: 4–6) suggest that while Labour was used to internal negotiations with unions and local government, the Liberal Democrats (LDs) preferred a more open system. The LDs’ weaker centre made it necessary for the party’s MSPs as a whole to agree policy and cooperate within the lifetime of the Parliament. Also the LDs were more prepared and presented more demands during the 1999 negotiations (a 25-page list compared with Labour’s four). This surprised Donald Dewar (and the civil service), who expected the LDs to agree to a set of broad principles. A big part of the different LD approach was experience of coalition in the 1970s which represented a ‘lost opportunity’ to ‘extract significant concessions’ from the UK government. The lesson was that they had to present, and get Labour to agree to, a series of detailed commitments. In contrast, Labour (and the civil service already used to supporting the ‘government of the day’) expected spending and policy commitments made from 1997 to continue with some slight modifications.

The key to LD success was the partnership agreement which formally tied Labour to a series of policy measures. However, there is a degree of uncertainty about the relative levels of success of the coalition partners. Roddin (2004) argues that the Liberal Democrats did proportionately well out of the 1999 agreement (according to the number of their manifesto commitments included in it as a proportion of their size within the coalition). Yet, this may be partly explained by the similarity in Labour and LD manifestos which ensured that many LD aims were accepted without negotiation (this image of
relative power is also challenged by former leader Jim Wallace – Cairney, 2011a: 33; compare with Quinn et al., 2013, on the UK coalition). Its more distinctive policies, which entailed significant spending and a divergence from Labour policy – such as free prescriptions, free dental check-ups and the abolition of higher education tuition fees – were less likely to succeed. The first two were dropped, while the third became quite a saga. Intense negotiations spilled over into the UK arena, with pressure brought to bear by UK ministers and attempts by Dewar to influence Wallace via UK party leader Paddy Ashdown (Laffin, 2005: 6). An eventual compromise was reached in which the issue was sent to review (by a committee headed by Andrew Cubie). While the subsequent legislation ensured that fees would not be introduced in line with England, the results also represented a significantly watered-down version of LD policy, particularly since there was enough opposition support to ensure the same, more successful, outcome that the LDs enjoyed with free personal care (note that free prescriptions and tuition fees were introduced by the SNP Government from 2007).

From 2003, the Liberal Democrats appeared to be in a stronger bargaining position following the drop of Labour seats from 56 to 50. The size of the coalition majority was also smaller (from 73 to 67 of 129) and very little parliamentary dissent could be tolerated. From the experience of 1999, this may have suggested that more concessions would have to be made to the LDs to ensure that the party as a whole could be relied upon to maintain the coalition line in Parliament. Yet, Labour was also becoming an experienced coalition partner (with some potentially rebellious backbenchers) and went to great

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**Box 6.3 Proportional representation and government formation**

A broad concern in PR systems is whether, during elections, parties signal an intention to form a coalition or exaggerate party differences to seek a distinct electoral platform. All Scottish parties have chosen the latter even though parties seem to favour coalition government over going it alone (see Box 5.5). They prefer coalition to minority government because it offers ‘strength and stability’ in Parliament. More particular issues refer to the time taken to agree a coalition’s agenda (Scotland’s five days in 1999 was the same as the UK in 2010 but significantly shorter than the three week average in Western Europe), the ‘tightness’ of the coalition agreement (the junior partner normally prefers a more detailed agreement), the status of the Cabinet as a body ratifying decisions in lower-level coalition forums, and the propensity of the national government to influence sub-national arrangements. Minority governments are most common in countries with a propensity for consensus, when parliaments allow all parties some influence outside of government and/or when the main party can rely on another party for support in the legislature (see Strom, 1990; Seyd, 2002). Cairney (2011b) argues that both the SNP and Labour might favour minority government in the future, based on the SNP’s experience, but the 2011 election result has postponed a test of this prediction.
lengths to ensure that both parties signed up to complete cooperation over agreed policies (Laffin, 2005: 7; see also Scottish Labour & Scottish Liberal Democrats, 2003: 49).

As a result, the LDs enjoyed some success, with the most notable commitment being the decision to introduce proportional representation (by the single transferable vote – see p. 66) in local government elections in the face of widespread Labour party opposition. The LDs also secured a commitment to introduce free eye tests. Yet, this came at some cost, including support for Labour’s crime agenda, and significant concessions over issues such as free prescriptions. Nicol Stephen also had the unenviable task of publicly supporting policies against LD wishes – in the decision to support a major motorway bypass scheme as transport minister and then to introduce fees for English medical students studying in Scotland as enterprise minister. As in 1999, the negotiations were made easier by a broad level of agreement on issues such as class sizes, teaching, health care and the economy.

Minority government

Following the election results in May 2007, the LDs declared publicly that they would not enter into coalition with Labour or negotiate with the SNP until they dropped plans for a referendum on independence. This left the door open for the SNP to attempt to form a minority government. To bolster their numbers in the Scottish Parliament, the SNP negotiated (in exchange for assurances on certain environmental policies) the support of the two Green MSPs. The operation of a minority administration in the Scottish Parliament was new and significantly different territory. As we suggested in Chapter 5, this did not cause a major difference to the Scottish Government’s relationship with the Scottish Parliament. Further, the upside to a relative loss of ‘strength and stability’ in Parliament is a relative gain in government. As Cairney (2011a: 249; 2011b) argues, the SNP minority government ‘did not have to negotiate its policy programme, or share ministerial posts, with another party’. This factor, combined with its streamlined approach to government (described above) and a remarkable lack of in-fighting (particularly when compared with Labour’s first term – Cairney, 2011a: 31), contributed to an ‘extended period of governing competence’ (currently the main explanation for its electoral landslide in 2011). In other words, a general perception of the success of the SNP’s period of minority government contributed to its subsequent period of majority government.

To a large extent, the Scottish experience of minority (and coalition) government does not fit well within the comparative picture in which, for example, it lasts for an average of 13 months (compared with an average of 17 months for coalitions – Muller and Strøm, 2003b: 1). Rather, it lasted for a full parliamentary term (and coalition lasted two) – an outcome perhaps all the more remarkable (in comparative terms) given the size of its minority (47, or
36 per cent, of 129 seats). The SNP Government also enjoyed a relative lack of internal turmoil – with, for example, very few ministers replaced in response to external pressure, often despite the best efforts of the opposition parties (the main exception was Fiona Hyslop, former Cabinet Secretary for Education, associated with controversy over school class sizes and curriculum reform – Cairney, 2011a: 53). This fact may have some bearing on the relationship between ministers and civil servants.

Majority government

We are now into even less certain territory – single-party majority government from 2011 (likely until 2016). The SNP’s electoral avalanche has prompted major changes in levels of attention to the independence referendum (see Chapter 12) and the 2012 annual legislative programme was accompanied by the news that Nicola Sturgeon would take on a new portfolio which included responsibility for the independence agenda. The election of 69 (now effectively 66) SNP MSPs has also made it easier to recruit a larger ministerial team. However, the majority has not marked a major change in the internal workings of government (or its ‘policy style’).

The civil service

A government’s civil service is key to its ability to research, develop, consult on and implement policy. Given the number of ministers, their length of time in the job and the enormous pressures on their time, they rely on the civil service as the mainstay of government, providing an institutional memory, choosing and setting the agenda for consultation and preparing legislation to present to Parliament.

There are three main civil services: UK Home (which includes Scotland), Diplomatic and Northern Ireland. Scottish Government civil servants are all recruited on merit and are non-party political in the Home branch. Like the UK-based civil service, they have a culture of subordination and impartiality. Civil servants are permanent and serve with equal loyalty to all elected governments. It is important to emphasize that, although civil servants may appear before select committees, they serve ministers in Government, not MSPs in the Parliament (a position that took some time to understand in Scotland). Although civil servants are legally subordinate to ministers and responsible for implementing the decisions of their political masters, the size of the bureaucracy and the limits to ministerial input suggest that much power is invested in the civil service. The UK civil service has tended historically to have a generalist ethos. Few of the highest ranking
The Scottish Government civil service also plays a key role within the devolution settlement. Supporters of the Union feared that the introduction of a new Scottish Parliament would mark a ‘slippery slope’ towards independence. Its architects were conscious of the need to introduce structures to ensure smooth relations between Scotland and the UK and to prevent the types of disputes which could cause divisions. One of these ‘checks and balances’ was the maintenance of a unified UK civil service which would ensure relations between the two countries could be managed without a constant reference to formal intergovernmental relations. Section 51 of the Scotland Act

Box 6.4 The Scottish Government budget and staffing

Although we discuss a perceived lack of policy capacity in the Scottish civil service compared to Whitehall, its capacity compared with the Scottish Parliament is unmistakable:

- The total size of the UK public sector workforce is changing in response to a reduction in UK Government budgets, but it is still impressive. The costs of administration (including NDPBs or ‘quangos’) are listed at £21.3 billion in 2010–11, falling to £13.2 billion in 2011–12 (HM Treasury, 2012a: 24) – a figure difficult to reconcile with the 2012 level of public employment (5.9 million) compared with 2011 (6 million). The total ‘headcount’ UK civil service is 463,750 (Office for National Statistics, 2012).
- The total of public sector employees in Scotland is 580,100, of which 487,600 (84 per cent) relate to Scottish Government activities (Scottish Government, 2012d).
- The planned cost of Scottish Government administration for 2007–08 was £236 million, of which £152 million was staff costs (Scottish Government, 2012c: 212).
- In 2012, the number of civil servants working for the Scottish Government was 16,520 (headcount, including temporary staff). NDPBs employed a further 10,460 (Office for National Statistics, 2012).
- A focus on permanent staff in 2010 showed that only 17,610 (35 per cent) of the 50,602 civil servants working in Scotland were employed by the Scottish Government. The remainder were employed by Whitehall departments. This included 5,910 (civilians) in Defence, 10,240 for HM Revenue & Customs and 14,020 in Work and Pensions (Office for National Statistics, 2011a).
- However, relatively senior staff were concentrated in the Scottish Government (270 or 90 per cent of the 300 senior civil service grades working in Scotland) (Office for National Statistics, 2011a).
- MSPs employ 516 staff (mostly geared towards the constituency) and the Scottish Parliament employs 476 (mostly to run the Parliament rather than scrutinize the Scottish Government) (Scottish Parliament, 2012: 125).

civil servants come from narrow professional backgrounds – administrative, policy analysis, and advisory, communication and managerial skills tend to be deemed important.

The Scottish Government civil service also plays a key role within the devolution settlement. Supporters of the Union feared that the introduction of a new Scottish Parliament would mark a ‘slippery slope’ towards independence. Its architects were conscious of the need to introduce structures to ensure smooth relations between Scotland and the UK and to prevent the types of disputes which could cause divisions. One of these ‘checks and balances’ was the maintenance of a unified UK civil service which would ensure relations between the two countries could be managed without a constant reference to formal intergovernmental relations. Section 51 of the Scotland Act
1998 makes it clear that service of the Scottish Administration shall be service in the Home Civil Service. This UK model has no parallels in other intergovernmental systems, whether British-derived (Canada, Australia) or European federalist (Germany) (Parry, 2001). Intergovernmental relations with officials have rested not on legal status but on a mutual trust and recognition of a common approach – that of a professional, non-partisan service engaging with the political priorities of their ministers (Parry, 2003). This represented an important and positive role within the UK (see Chapter 10).

In the early years of devolution, this relationship with the UK was often used to portray the civil service negatively, as a legacy of the past and a block to change in the future. As Ford and Casebow (2002: 46) put it, a view held widely among the media, politicians and ‘independent commentators’ was that the service became a brake on innovation and an obstacle to reform, broadly untouched by the change in political culture engendered by the new constitutional and democratic arrangements. Various claims have also been made about civil servants protecting their ‘fiefdoms’ (Cairney, 2011a: 72–3). Yet, the basis (the explanation and the evidence) for this alleged source of inertia was less clear. There are many other possible explanations for this perception of inertia, such as a lack of attention to problems of implementation or a collective attachment to unrealistic expectations about the amount of policy change which can occur in a short time (this is common to most political systems – see Hayes, 2001). Further, even if we do lay the blame at the door of the civil service, it is still worth considering the specific reasons for their role. Was it based on an unwillingness to support change based on a cultural and political attachment to the UK state? If so, this might reflect the similarities in social backgrounds, the level of contact between the Scottish and UK civil service, and the obstructive role the UK civil service as a whole may play. Or alternatively, was there an inability to support the changes expected by ministers due to inadequacies in staffing levels and policy-making skills, reflecting the legacy of the structure of the Scottish Office and the lack of attention paid by the SCC and CSG to civil service reform?

The social background of civil servants

There is a long history of viewing senior civil servants as part of the ‘ruling class’ and sharing its social background as part of a socialization process: ‘mostly men drawn from upper middle-class families and educated at private schools and Oxbridge’ (Keating and Cairney, 2006: 53). It is not clear if this type of analysis can be applied to Scotland, particularly since direct comparisons are made difficult by the relative seniority of civil servants in the UK (Scotland has only one Permanent Secretary compared with 27 in Whitehall).

The evidence in the mid-2000s suggested that: (a)
levels of private schooling were falling among senior civil servants (from 88 per cent of Permanent Secretaries from 1974–77 to 62 per cent in 2004, or 42 per cent of grades 1–3); but (b) the levels among Scottish civil servants were significantly lower still (33 per cent of the former Senior Management Group (SMG), which was until 2007 – when it was replaced by the Strategic Board – the senior decision-making body in the Scottish Government). Levels of Oxbridge education are also understandably lower, although 33 per cent of the SMG in 2004 (compared with 48 per cent in equivalent UK grades) was still high. There are also just about as many men in senior positions in Scotland: 64 per cent of the Senior Civil Service in the Scottish Government is male (compared with 66 per cent in the UK – Office for National Statistics, 2012, Table 22). Taken as a whole, there are significant overlaps in social background.

Yet, the evidence also highlights differences according to levels of ‘Scottishness’, with most senior civil servants in the Scottish Government born, schooled and taking higher education in Scotland (Keating and Cairney, 2006: 54). More importantly, it is difficult to demonstrate how partially shared backgrounds translate into tangible political effects. Perhaps a common upbringing allows contact between civil servants to be straightforward, but it is difficult to say more than this.

Socialization and the level of UK–Scottish contact

A more likely candidate for UK influence comes from a combination of this background with the encouragement of shared attitudes through training and socialization. This point is made most forcibly by Rhodes et al. (2003: 82):

No matter how differentiated the UK civil service has been, the power of the centre has been sustained by transfers. Devolution did not change
anything; there is a commitment in the concordat between the Cabinet Office and the Scottish administration to promote inter-administration mobility.

Yet, the actual levels of mobility were never high, with the Scottish Office ‘dominated by Scots, who tended to remain in that department, apart from short spells working in London … where they learned the ways of Whitehall’ (Keating, 2005a: 102). This continued after devolution, with the first SMG containing four of ten civil servants with Whitehall experience, falling to two of nine in 2004 (although in both cases this included the Permanent Secretary; the third and current Permanent Secretary, Sir Peter Housden, transferred from Whitehall). Further, if we look beyond the SMG to what were formerly called the ‘Heads of Group’ (one payband below the SMG), we see that only 34 per cent spent any time in Whitehall. This falls below 30 per cent if we exclude English civil servants transferring from Whitehall departments to seek policy-influencing work at a relatively low payband within the Scottish Government (Keating and Cairney, 2006: 55). As Parry (2003) suggests, while some experience in Whitehall may advance careers, this is increasingly undermined (especially for young high flyers) by the ‘lack of attraction in relocating’. Civil servants in the Scottish Government can advance their careers as quickly with secondments to other parts of the public or private sectors in Scotland.

This suggests that the idea of civil service unity across the UK does not derive from a Whitehall culture as such, but from a need felt by senior civil servants in Scotland to continue to contribute to a UK policy process and feel part of ‘the Whitehall club of policy formation’ (Parry and Jones 2000: 63). Yet, even this desire to contribute to UK policy has been undermined over time by significant party political differences and policy divergence in fields such as health and education.

The civil service as a source of inertia?

Even if we accept that there is still a centralizing force within the unified civil service, can we go further to suggest that the civil service is necessarily a source of obstruction? An old anecdotal story from the memoirs of Ian Lang (the former Conservative Secretary of State for Scotland before devolution) would suggest so:

One day I wanted to write some notes for a speech and it suddenly struck me that, whilst oceans of printed verbiage washed daily across my desk, there was never any plain, blank paper within reach. I opened every drawer – empty. So I rang through to my private secretary: could I have some plain paper please? He rushed in. Was there some kind of problem? No, I just wanted to write something so I needed some paper. He went out and came back after a pause, holding in front of him like a dead rat, one single sheet
of plain white paper, which he solemnly laid on my desk. After an apprehensive glance at me he left and I suddenly realized how civil servants controlled their "masters": always keep them supplied with an endless supply of neatly prepared memoranda. Never give them time to think for themselves. Above all, never give them paper with nothing on it. (Lang, 2002: 64–5)

However, the old ‘Yes Minister’ version of the civil service role depended on factors – such as civil service control of the flow of information to ministers and the means to implement policy – which have been undermined over time, while the caricature comes under increasing challenge within the UK literature (see Richards and Smith, 2004). Since 1979, we have seen a variety of UK civil service reforms which undermine the notion of its dominance of the policy process, including: attempts to reduce civil service numbers under Thatcher, Blair and the current UK Government; the personalization of promotion; efficiency scrutinies; the Next Steps process of separating policy units from implementing agencies (which was already apparent in Scotland); delayering the civil service to ensure that ministers have direct contact with those developing policy at lower levels within the civil service (a process perhaps more apparent in Scotland anyway); and the greater use of advisers as an alternative source of advice (although fewer have been employed in Scotland).

Therefore, even if we could identify some widespread desire for continuity within a unified civil service, we should have less confidence about its ability to thwart change. Perhaps a more realistic expectation for the gap between (often unrealistic) expectations for rapid policy change and actual events is an inability rather than unwillingness to deliver ministerial and parliamentary aims in such a short time period. This resulted from the legacy of the Scottish Office’s role and responsibilities and a lack of attention to how this role would have to change to serve the new political institutions.

The legacy of the Scottish Office

Mitchell (2003a: 5) outlines three main functions that the Scottish Office played in Scottish politics: it was the institutional expression of the union state demonstrating that Scotland would be treated distinctly but within a centralized state; articulating Scottish interests at the heart of government, especially in the Cabinet and Whitehall; and administering a growing range of duties.

During the Thatcher period in office, a greater emphasis was placed on the latter role, with the Scottish Office implementing policy within a framework set by the UK Government, with little ‘ownership’ among Scottish participants. Ford and Casebow (2002: 46) suggest this produced a ‘siege mentality’ in which many Scottish interests were hostile to a Conservative government which had no interest in the views of outside organizations. While this may be
an exaggeration (particularly given the discussion of the Scottish Office as the UK’s largest pressure group in Chapter 2), the civil service was not engaged in the same kind of work before devolution.

Following devolution, the civil service’s role went from filtering up to Whitehall and managing implementation, to policy initiation and development – which requires different skills. This involves providing support to a significantly expanded ministerial team and ‘a whole new game of dealing with interest groups, now better organized, more vocal and with an outlet in the Parliament’ (Keating, 2005a: 104). This required a significant amount of ‘policy capacity’, or a large staff engaged in researching and consulting on policy initiatives, which took time to develop. In the meantime, the civil service relied heavily on outside interests to replace its own research capacity, consulting frequently with expert groups and local government (ibid.). Indeed, the positive consequence is that this contributed to what might be called a ‘Scottish policy style’ with close contact between the Scottish Government and interest groups within a small and fairly tight-knit policy community.

The Scottish Government and Parliament

In the early years of devolution, the Scottish Government was taken by surprise by the volume of parliamentary business it had to deal with (Parry and Jones, 2000: 60). The Scottish Office was not used to dealing frequently with Parliament or its MPs who spent most of their time in London rather than Edinburgh. The new relationship, which saw a huge rise in parliamentary scrutiny through new select committees and parliamentary questions, therefore required a ‘change of style and pace’ to reflect new parliamentary demands, which the civil service appeared unable to deliver in the first two years (Ford and Casebow, 2002: 47). A particular issue was the time and resources needed to answer parliamentary questions.

The time taken for civil servants to adapt may be mistaken as opposition, particularly since many MSPs were not familiar with the traditional role of civil servants answering to ministers rather than directly to Parliament (Keating, 2005a: 104). Further, it is unwise to place this problem at the door of the civil service, since this relationship and the future role of the civil service was ignored by the CSG, media, ministers and even civil-service unions in the run-up to devolution (Pyper, 1999). Indeed, Parry and Jones (2000: 53) suggest that since the CSG had ‘steered clear of the Government branch or the relationship between ministers, civil servants and MSPs’, much of the detailed planning was left to the discretion of the first Permanent Secretary, Muir Russell.

Therefore, despite the new politics agenda of change in most other areas of politics, ‘devolution was accompanied by the continued prevalence of UK civil service norms and Westminster modes of accountability’ (ibid.). These
norms suggest that the civil service can give the Scottish Parliament and its committees information, but not answer questions on policy, since this line of accountability, for the decisions made within the Scottish Government, remains with ministers (Kirkpatrick and Pyper, 2001: 6). Scottish ministers did not attempt to change this relationship (which may be in their interests since it ensures that ministers are at the centre of policy) and so it took time for all concerned to adapt (Parry and Jones, 2000: 59).

The impact of the SNP Government on the civil service

The civil service and its management, recruitment and equal opportunities policy is a reserved matter (the responsibility of the UK government). This produces an uncertain relationship between two sources of civil service loyalty, namely a ‘practical loyalty’ towards their respective ministers on the one hand and an ‘ultimate loyalty’ to the Crown and Whitehall on the other (Rhodes et al., 2003: 97). In 2007, it seemed likely that the biggest impact of the SNP Government would relate to its push for a more independent civil service (perhaps along the lines of the civil service in Northern Ireland) to address this potential contradiction. However, the issue did not come to a head – in part because, in practice, the civil service serves Scottish ministers and the idea of loyalty to the Crown remains rather abstract (with the notable exception of the UK’s continued role in recruitment – Parry, 2012). Indeed, the current and former permanent secretaries were often criticized for being too loyal to their ministers.

The former Permanent Secretary John Elvidge suggested that the informal contacts between civil servants in Scotland and England had already diminished from 2007, with a more formal relationship developing in response to the unwillingness of separate governments to reveal sensitive aspects of policy development (particularly following a high-profile disagreement on foot-and-mouth compensation – BBC News, 2007a). Therefore, any further change would be ‘breaking quite a slender thread’ (see Cairney, 2011a: 105). Indeed, Elvidge made similar comments, regarding being relaxed about the idea of a separate civil service, before the election of the SNP (ibid.: 104). After 2011, the new Permanent Secretary John Housden was criticized in some newspapers (such as the Daily Telegraph – Johnson, 2012), regarding his alleged public support for the SNP Government and many of its policies – including, most notably, the policy of holding a referendum on independence.

In this light, perhaps the biggest impact of the SNP Government has been its new ‘holistic’ approach to government, combined with remarkable ministerial continuity, at least compared with their Labour predecessors and their UK equivalents, which contributes to their relatively firm grasp of policy briefs in the context of another ‘Yes Minister’ inspired cliché – that ministers do not stay in departments long enough to direct their civil servants with any
great authority (see also Cairney, 2011a: 71–2, on the issue of civil service relocation, initiated by the coalition government and largely halted by the SNP).

However, the biggest impact overall (in this new era) may be the economic crisis which has contributed to significant falls in civil service staffing. The cumulative effect of these developments is still difficult to predict. They may complement each other (a reduction in civil service numbers may give people more cross-cutting responsibilities and oblige them to cooperate with others) or contradict each other (highly pressured civil servants may be more inclined to engage in ‘silo’ working and find insufficient time to consider the effects of their actions on other departments and policies).

**Conclusion**

The Scottish Government’s ministers and civil servants occupy the centre of the Scottish policy process. Ministers are the focal point for this power in relation to Parliament and wider society, but the resources (e.g. expertise, knowledge, networks) held by civil servants are crucial for the development, legislation and implementation of policy over the long term. This makes them powerful actors in Scottish politics.

When compared with the UK, the Scottish Government has fewer resources and responsibilities. There is more potential for meaningful Cabinet government. This potential is often reinforced by the role of the First Minister, which tends to be supportive rather than interfering. This image is particularly relevant in the SNP era, with Alex Salmond playing an overarching role (and often focused on the UK and international stage) and key responsibilities managed by a small number of Cabinet secretaries (including John Swinney and Nicola Sturgeon). Although it may seem easier for First Ministers to coordinate and even micromanage this process, they do not appear to enjoy the inclination or resources necessary to monitor the day-to-day activities of departments. Much power therefore still resides in individual departments and their ministers.

The same story can be told of the relative likelihood of joined-up government in Scotland, with examples of institutional failure, problems of coordination and the case of the ‘Minister for Everything’ undermining the idea that this will necessarily be easier in a small country. There is also historical evidence of a similar level of disagreement and power struggles within Cabinet which relate more to factions within the Labour party rather than (or despite) the role of the Liberal Democrats within coalition government. The SNP has had some impact in this regard (although the effect is difficult to gauge), achieving a relatively united governing team and overseeing a new approach to government which crosses departmental boundaries (and sets the agenda for similar ways of working across the public service).

The civil service plays a number of positive roles, including supporting
ministers to formulate and implement policy, consulting with interest groups, and managing relations with the UK government. Yet, most early portrayals of civil servants were negative, focusing on their inability or unwillingness to support the type of policy process and policy change envisaged by the architects of devolution. The evidence in this chapter suggests that such problems were temporary. After a period of adaptation and transition, the civil service has adjusted to devolution and there is little evidence of them acting as a potential brake on further devolution.

Analysis of the backgrounds of civil servants, their level of experience in Whitehall and their links to Whitehall policy discussions suggests that the ability and desire of Scottish civil servants to support the centralizing role of Whitehall is diminishing over time. Analysis of the legacy of the Scottish Office and the lack of attention to civil-service accountability before devolution suggests that what appeared to be obstruction was actually a period of adaptation to the new political institutions in Scotland. Since these issues have now been resolved, more recent evidence points to the development of open policy networks with interest groups. The formation of a minority SNP government highlighted the issue of civil-service independence in Scotland. However, the Scottish Government already enjoys a degree of political autonomy from the UK and the issue soon faded from the policy agenda, perhaps replaced by administrative reform and the new challenges associated with austerity measures.

Further reading


Online sources

Scottish Government: www.scotland.gov.uk/
Scottish Government – About People: www.scotland.gov.uk/About/People/14944/Scottish-Cabinet
Scotland Performs: www.scotland.gov.uk/About/Performance/scotPerforms
UK Cabinet Office: www.cabinet-office.gov.uk
Scottish Ministerial Code: www.scotland.gov.uk/About/14944/684
The Scottish Government is at the centre of a broad and eclectic range of institutions that deliver public policy in Scotland. It does not ‘execute’ many of the public policies over which it has responsibility. Public policies tend to be implemented by other types of institutions, agencies and bodies. Policy networks play a significant role. It is a flawed assumption that ‘orders’ from the Scottish Government will naturally lead to compliance by the institutions involved in public service delivery. Instead, the policy-making and service delivery processes involve a multitude of networks of actors. Lipsky (1971) referred to the power of ‘street level bureaucrats’ who deliver public policies – these may be teachers, doctors, nurses, social workers, housing officers or the like. These individuals, the institutions they work for and the unions, professional associations and interest groups that represent them, all play a significant role in Scottish politics and governance. Further, many of these organizations had been involved in Scottish policy-making long before the Scottish Parliament was established in 1999; many contemporary Scottish governance arrangements are built on inherited structures (Parry, 2009: 138).

Local councils are of fundamental importance to Scottish governance. These 32 authorities are the main mechanisms for public service delivery. They employ over 260,000 people and spend £12 billion a year (see COSLA in online sources at the end of this chapter). Local government delivers a broad range of public services, including education, social work, housing, police, fire, roads and transport, leisure services, planning and economic development (although note the new Scottish Government role in setting up single police and fire authorities). Local authorities also undertake a variety of regulatory activities such as environmental health, licensing and trading standards. Local councils have local expertise, implement policy and have some independent tax raising powers (McConnell, 2004: 220). Councils are also elected bodies, which lends legitimacy to their role in Scottish ‘pluralism’, in which the Scottish Government shares power with many other bodies.

Many of the other bodies responsible for public service delivery do not share this potential for ‘legitimate’ pluralism. They are often called ‘the
unelected state’ in Scotland. Scotland, like most European countries, has ‘an extensive layer of delegated governance which is administratively “thick”’ (Denton and Flinders, 2006: 65). It includes local health boards, government agencies and quangos. There have also been trends towards the further inclusion of the private sector in the delivery of public services, through policies such as the Private Finance Initiative and public–private partnerships which suggests that the ‘problem’ of governance will increase in significance (Cairney, 2009b).

One objective of devolution was to strengthen democratic accountability and the scrutiny of such bodies through closer links to the Government and Parliament (Midwinter and McGarvey, 2001a). At times, this agenda was linked to the idea of a ‘bonfire of the quangos’ in which unelected bodies would be dismantled or subsumed within central government. Yet, quangos also perform useful functions, and many would not enjoy the same legitimacy if perceived to be too influenced by ministers.

This chapter outlines the changing environment of Scottish governance, focusing on local government and other bodies involved in Scottish governance.

**Local government**

Local government in Scotland consists of 32 unitary local councils. These councils were created in 1995–96 and took over the functions of the previous 53 district, nine regional and three islands councils (see Table 4.1 for a list of the councils). Box 7.1 outlines the defining characteristics of Scotland’s local councils. Local government is fundamental to understanding governance in Scotland – it has grown steadily in scale and expenditure: roughly 45 per cent of all public-sector jobs in Scotland are in local authorities (McConnell, 2004: 1); they are responsible for delivering a wide range of services; and they are the only democratically elected institutions outside the Scottish Parliament (although the Scottish Government is currently experimenting with the idea of electing health boards).

It is also important to emphasize the democratic, political and governmental dimension of local authorities. Many of Scotland’s well-known national
politicians served their ‘political apprenticeships’ as local councillors. Councils have an elected status the other bodies discussed in this chapter lack. They are the lynchpin through which the pluralism of political, civic and social life is established. Councils act as important counter-weights to excessive centralism in the Scottish polity – vibrant, strong, well-functioning, sub-national units of local government are important for pluralism in Scotland. Therefore, councils should not be viewed as merely local administrative bodies delivering national public services.

Councils have an interdependent relationship with the Scottish Government, which requires them to deliver services efficiently in accordance with their national political and financial priorities and the parameters set by them. In return, councils expect the Scottish Government to provide the financial resources and legislative framework necessary to do so, without limiting the councils’ degree of political autonomy to represent their local communities effectively (see McConnell, 2004: 211–12).

The governance role of councils is not restricted to implementation. The Scottish local councils’ umbrella body, the Convention of Scottish Local Authorities (COSLA), local authority professional groups (such as the Association of Directors of Education, ADES, or Social Work, ADSW) and individual councils are all engaged regularly in policy formulation and consultation with the Scottish Government.

In the post-war period, services such as education, social work and housing were significantly expanded and professionalized at a UK level, underpinned by the political consensus that grew out of the Labour Government’s Welfare State programme from 1945–51. Local government was expanded on the values that underpinned the welfare state – statutory

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**Box 7.1 The defining characteristics of Scottish local government**

Midwinter neatly summarizes the essential features of Scottish local government:

- Are directly elected by popular franchise;
- Are multi-purpose bodies;
- Are responsible for service provision within a defined geographical area;
- May only act within the specific powers set by Parliament;
- Have the power to raise local taxation (council tax accounts for roughly 20 per cent of local government expenditure);
- Are corporate bodies whose powers are vested in the whole council.

*Source:* Adapted from Midwinter (1995: 13).
standards achieved through regulation and underpinned by a public-sector ethos (Pratchett and Wingfield, 1996).

This notion of a public-sector ethos was challenged and subject to considerable pressure from the 1970s as central government, in common with governments in other countries (Box 7.2), adopted policies designed to allow alternative delivery agencies a role – using, for example, compulsory competitive tendering (CCT). The critique of direct provision came not only from academic and think-tank critiques of the public sector (see Niskanen, 1971; 1973; and Dunleavy’s 1980 opening chapter) but also the Conservative party which began to articulate an ideological opposition to the ‘paternal’ or ‘nanny’ role of the state. Ian Lang, former Secretary of State for Scotland, summarized this critique when he suggested that the post-war consensus, ‘founded on support for monopolistic, one-dimensional public service delivery, with public services themselves acting as purchaser, provider and regulator – was unsustainable. It was a recipe for spiralling costs and ultimately poorer services (1992: 3).

As a result, local government in the UK has gone through an almost continual cycle of reform since 1979 (Midwinter, 1995; Stoker, 2004; Wilson and Game, 2011). New public management (NPM) (Box 7.6) ideas were influential in many of the reforms initiated during the 1980s and 1990s. Various policy initiatives (often continued under Labour) were a direct chal-
challenge to the traditional direct public-service provision model of local government. These include **best value (BV)**, the right to buy council houses, **large-scale voluntary transfers (LSVT)** and public–private partnerships (PPP) (Box 7.3). These reforms signalled a new era of local governance (Rhodes, 1997; Stoker, 1999; 2000). ‘Partnerships’ and ‘shared services’ sum up the new paradigm of local public service delivery (see Scottish Executive Efficient Government Delivery Group 2006; Clyde Valley Review, 2009; Serco/CIPFA, 2010; SOLACE (Scotland), 2010; McGarvey, 2012b). Most recently, the Scottish Government-instructed Christie Commission argued for ‘a radical, new, collaborative culture throughout our public services’ (2011: viii) as well as the prioritization of preventative measures to reduce demand and lessen inequalities (the idea is that it saves money to address social problems early, before they become chronic – an agenda furthered by the ‘Improvement Service’ funded by Scottish local authorities).

The pre-devolution experience suggests an extensive ability of the centre to reorganize and control subordinate local government in the face of opposition. At the UK level, central–local government relations deteriorated as the centre relied on regulation rather than consensus. In Scotland, with a smaller scale and the greater ability to maintain personal central–local relationships (see p. 162), something resembling a working relationship was maintained (McGarvey, 2002: 30).

Yet, councils still remain subordinate to the Scottish Parliament which can abolish, restructure, merge or otherwise control any local authority (it also provides the vast majority of finance for local government expenditure – above 80 per cent). For example, the Scottish Government introduced STV in local elections (see p. 69) despite considerable local authority opposition. This potential for tension, but a general desire to work together, has prompted the Scottish Government and COSLA to become co-signatories to two partnership frameworks since 1999. These are symbolic protocols with emphasis on constructive shared working, openness, transparency and trust (Scottish Executive/COSLA, 2001; Scottish Government/COSLA, 2007).

In that spirit, a significant policy development post-devolution has been **community planning**. The policy creates a strategic structure to oversee existing community planning partnerships (CPPs) with public-sector bodies and allows for the development of a shared strategic vision for an area and a statement of common purpose (Community Planning Working Group, 1998, para. 11). Councils work alongside police and fire services, health boards,
local enterprise companies, housing associations, benefits agencies and other bodies to create a more ‘joined-up’ or holistic strategic framework for governing arrangements.

In doing so they now (from 2008) develop single outcome agreements (SOAs). These set out how local partners within CPPs will contribute towards the national outcomes of the Scottish Government. Implicit in these agreements is the idea that local government and other public agencies prioritize Scottish Government national outcome indicators and develop a clear link between local and national public policy priorities.

In exchange, the Scottish Government made a commitment, in the 2007 Concordat, to reduce the ring-fencing of funds and the centralized monitoring of local authorities (Box 7.4). It deliberately avoided micromanagement and intervention in local affairs. In return for local government agreement to deliver on its strategic objectives – including a council tax freeze, a reduction of class sizes and the recruitment of additional police officers – the Scottish Government agreed to reduce its monitoring and reporting requirements and

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**Box 7.3 The politics of public–private partnerships and the Scottish Futures Trust**

PPPs were common as the financing vehicle of choice for the renewal of Scotland’s public-sector infrastructure between 1997 and 2007. PPPs were essentially Private Finance Initiative projects rebranded and relabelled by the UK Labour Government. Typically PPP schemes involved a 20–35-year time period during which a commercial company or consortium undertakes to design, build, finance, operate and maintain (‘DBFM’) a project (e.g. school) in return for an annual lease payment from a public-sector partner (e.g. local education authority). PFI/PPP schemes were used in numerous projects including the Skye Bridge, transport, schools and hospital projects. PPP has been widely criticized, seen as the latest encroachment of big business into the public sector and lacking in accountability. However, according to their advocates, PPPs help to fund the modernization of public sector infrastructure (and maintain funding on ‘non-essential’ capital works when government budgets are tight), transfer risk, allow the public sector to focus on strategic priorities and policies, leaving operational tasks such as facilities management to its commercial partner.

In 2007, the incoming SNP suggested it would replace PPP projects with ‘not-for-profit trusts’ under the Scottish Futures Trust (SFT). SFT schemes can involve the creation of ‘hubco’ (public/private sector consortium) ‘DBFM’ deals with other companies. SFT is a policy made in opposition that has taken some years to develop and, as it has done so, its anti-private finance character has gradually been diluted. It is often difficult to see significant differences between PFI, PPP and SFT (Hellowell and Pollock, 2009). Indeed, the SFT scheme won awards for promoting private finance and partnership!

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**Ring-fencing:** When a central government provides funds that must be spent in a specific area in a particular way.
allowed local authorities to retain any monies gleaned from efficiency savings (previously top-sliced by the Government). Scottish local authorities were given a greater degree of political and managerial autonomy and COSLA got direct and regular access to Government ministers.

The SNP has not sought to replicate the English system of ‘detailed regulation, target setting, monitoring, inspection and direct intervention when public services go wrong’ (John, 2009: 13). Further, a key aim of the SOAs is to move beyond a previous tendency of the Scottish Government to maintain often short-term targets as a means to control local delivery, towards longer term outcomes directed at a local level. SOAs are still linked to the idea of Best Value – utilizing performance indicators, bench-marking, consultative exercises and competition as tools. However, BV in Scotland has always had less emphasis on competition and open tendering, perhaps reflecting the experience of CCT in Scotland in the 1980s and 1990s where the vast majority of contracts were not contracted out. The direct service provision role of Scottish local authorities remains significant.

So, part of the explanation for SNP policy is that it accelerates a Scottish tradition. A further explanation is that it lacked a governing majority and money (due to austerity) – two of the traditional levers of government power. The Scottish Government was perhaps forced to use more diplomatic skills of leadership and persuasion – a tactic that made strategic electoral sense, since local authorities had long complained of central interference in the Labour era.

**Box 7.4 Scottish Government and COSLA Concordat 2007**

- The Scottish Government would not reform local authority structures or boundaries during the term of the Parliament;
- Single Outcome Agreements (SOAs) would be produced in each council area underpinned by agreed national indicators and outcomes;
- SOA processes would be supported by a streamlined system of external scrutiny and a more proportionate inspection regime;
- The Scottish Government would reduce substantially the number of funding streams to local government;
- Local councils would agree to deliver on a specific set of commitments from the funding provided;
- Local councils would be allowed to retain all their efficiency savings;
- COSLA and the Scottish Government would put in place joint arrangements to monitor and oversee that the partnership is working effectively.

**Top-slice:** A euphemism to describe broadly the practice of taking back money, ostensibly from the top, if an identified efficiency saving involves less spending.

**Direct service provision:** Provision of public services by public institutions.
Such developments highlight the often distinctive nature of central–local relations in Scotland (see McGarvey 2002; 2005; 2009; 2011). Proximity and the village feel of politics in Scotland creates a more interpersonal dynamic. Initial post-devolution research identified positive attitudes in local government circles (see Bennet et al., 2002). This is not altogether surprising since, in the 1980s and 1990s, COSLA had come to view devolution as a Scottish safeguard against a UK Government seeking to impose its alien political agenda on Scotland.

Yet, the Bennett et al. research also highlighted the view that the civil service in Scotland still often used a ‘command model of the world’ (ibid.: 16). The Labour/Liberal Democrat coalition Government (1999–2007) was not unlike its Labour-led UK counterpart in its willingness to use its extensive regulatory, budgetary and command powers to steer local government in its favoured managerial and policy direction. Central prescription and intervention, whilst not evident to the same degree as at the UK level, were apparent in mindset and attitude. Devolution ‘remained so strictly directed by central Labour that devolution sometimes seemed to be more an internal reorganization of Labour than a fundamental reform of Britain’s constitutional structure’ (Ott, 2009: 40).

Consequently, governing tools used by the Scottish Executive in this period were often not dissimilar to that of the Blair Government in London: ‘powers of well-being, Best Value, retention of business rates at the centre, ring-fencing of grants in accordance with central priorities, support for citizen participation and encouragement of various means to boost electoral turnout’ (McConnell, 2004: 236). Such tools were also accompanied by more partnership based measures. The new Local Government Improvement Service, established in 2005, emerged as a central–local bridge, acting as a facilitator and disseminator of best practice across Scotland’s 32 local councils and working closely with COSLA and local authorities to provide advice, consultancy and programme support to councils and their partners.

However accurate, the rhetoric of ‘partnership’ can often be useful to both sides. In particular, the SNP Government, during its period of minority government, nurtured its relationship with local government as a key plank of its statecraft so as to project an image of governing competence in order to demonstrate that Scotland can govern itself (McGarvey, 2012b). It deliberately avoided micromanagement and intervention in local affairs, preferring to accentuate the influence of ‘national’ local government interests such as COSLA and accommodating professional associations. In turn, local government (via COSLA) has willingly foregone some aspects of local policy-making autonomy in return for an enhanced policy development and advisory role.

Such trends in local authority relations, combined with the move to pilot local health board elections (Scottish Government, 2012f) and reform community councils, perhaps highlight a stated SNP preference to ‘give power back to local communities’. However, they should be compared with...
moves – in areas such as the police and fire services (the Police and Fire Reform (Scotland) Act 2012 introduced a single police service and single fire service) and further education (with reduced budgets in many areas arguably used to encourage college mergers) – that suggest a centralizing trend built on the argument that fewer organizations reduce duplication (its preferred local income tax may also make local authorities even more reliant on the Scottish Government for funding).

These developments have taken place with minimal parliamentary involvement. In fact, the further devolution of power and responsibility to local authorities, with their own elected mandates, has made it more difficult for committees to hold them to account. The same picture has emerged in relation to the lack of effective scrutiny of bodies such as government agencies, non-elected public bodies, professional associations and regulatory agencies. It is to these bodies, that we now turn.

**Governance**

The concept of ‘governance’ is central to an understanding of contemporary policy-making (Rhodes, 1997; Stoker, 1999; 2000; 2011; Pierre, 2000). The term ‘government’ has been used broadly to refer to the conventional institutions and processes of the public sector, while ‘governance’ is a broader term for providing direction to the public sector – or ‘steering’ rather than ‘rowing’. The governance literature suggests that the ability of the state to act unilaterally is diminishing; government operates in an interdependent environment where it does not have all the knowledge and information required to solve complex policy problems (Pierre and Stoker, 2000; Rhodes, 2000; Richards and Smith, 2002). The idea of ‘command and control’ from the centre is increasingly misleading as a description of how governments can, and try to, direct policy outcomes (Peters, 1997: 51). Instead, they use a wide variety of tools or ‘policy instruments’, such as economic incentives, education, regulation and marketization, to pursue their aims at various stages of the policy process (Lowi, 1964; Hood, 1986; John, 2011). The governance literature emphasizes a changing role for government towards coordination rather than policy control and the use of networks over bureaucracy in the delivery of public policy and services. It often highlights the pluralism, incoherence, complexity, disaggregation and sectorization involved in policy-making processes.

Numerous strands of political science can be linked to this governance thesis, including the literature on policy networks, which examines the interdependence between policy-makers and the organizations, such as interest groups, that they consult (see Richardson and Jordan, 1979; Marsh and Rhodes, 1992a; 1992b; Rhodes, 1997), and the concept of the ‘hollowed-out’ (or hollowing) state, which is losing its ability to govern without external
support (see Rhodes, 1994; 1997; Foster and Plowden, 1996; Black, 1999; compare with Marsh, 2008). This rather negative idea can be contrasted with concepts which explore the ability of governments to regulate policy activity (Hood et al., 1999; Moran, 2003), the globally influential ‘reinventing government’ idea (Osborne and Gaebler, 1992) and the concept of NPM, describing the benefits of using private sector methods to take control of the outputs of the public sector (Box 7.6).

In this context, government in Scotland (as in other liberal democracies) cannot be considered as a stand-alone institution divorced from other institutions and pressures. The Scottish Government is less involved with the direct provision of public services and increasingly functions instead as a regulator of networks of service provision. Its primary function is often to establish a series of policy and resource frameworks within which a vast number of public and private bodies operate. The important point is that, although the Scottish Government may have the constitutional authority, bureaucracy and capacity to legislate, the practical reality of day-to-day policy-making requires negotiation, networking and interplay with a range of other actors and institutions. Only in rare circumstances would the Government have the authority and power (or willingness) to impose its will without recourse to consultation and engagement with key stakeholders and interests. The norm is for ministers to delegate significant tasks to civil servants who, with their skills and expertise, can often be at the centre of Scottish policy-making processes. These officials tend to maintain policy networks with key interest groups and other organizations (in fact, most lobbying of Government and Parliament is done by other parts of Government or public sector organizations – Cairney et al., 2009).

What were previously described as hierarchical Weberian bureaucracies are now conceptualized as new network governing structures; or, governments simply allow other organizations to deliver policy under their (often light touch) direction. Local authorities traditionally performed that role but, between 1997 and 2007, PPPs were a good example of the changed environment of policy-making and delivery (indeed, local authorities often voluntarily tender some services to the voluntary and private sector).

While it makes sense for the Scottish Government to recognize the limitations to its power, and to act accordingly, we may still identify a ‘problem’ of governance or lack of central control (Cairney, 2009b; 2012a). From a ‘democratic’ perspective, the problem may be one of accountability, when decisions are taken and public money spent by unelected bodies that are only accountable to
the electorate, via Parliament, in a very indirect way. This problem tends to arise periodically in Scottish politics when, for example, ministers criticize the role of quangos.

**Government agencies and non-departmental public bodies (quangos)**

Government agencies and non-departmental public bodies (NDPBs) are key organizations responsible for the delivery of a large proportion of public services. A useful image of Scottish Government is that of an iceberg: ministerial departments are the visible ‘democratic’ elements at the tip, with a range of bodies operating under the surface (Flinders, 2004). These ministerial departments act as the ‘parent’ departments of a wide range of agencies and quangos (Denton and Flinders, 2006: 65–8).

Scotland’s agencies (Table 7.1) are clearly linked to a Scottish Government department, are staffed by civil servants and are responsible for delivering services in accordance with Government policies. They tend to carry out a discrete area of work and their relations with the Government are defined in a policy and resource framework document that sets out their operational responsibilities. The theory is that the Scottish Government retains control of policy and strategy while the agency gets on with operational responsibilities.

NDPBs tend to be more commonly referred to as ‘quangos’. Quangos are numerous in both type and number (Table 7.2). Although it is often difficult to distinguish between agencies and quangos, the main difference is that quangos may be less subject to direct ministerial (or senior civil servant) control. This was demonstrated by the renaming of Scottish Homes to Communities Scotland and its changed status from NDPB to agency (the regulatory functions were passed to the Scottish Housing Regulator). The result was a greater integration into the civil-service structure, more contact with and direction from ministers, and a greater demand from MSPs in the form of parliamentary questions.

Quangos are also more likely to be criticized publicly. Payne and Skelcher suggest that quangos ‘are subject neither to election nor to the extensive probity and transparency standards required of local and central government’ (1997: 207). They also identify a reduction in the extent to which public policy decisions taken by these bodies are open to public scrutiny and influence. Instead, politicians often make fleeting reference to public sector reform. A ‘bonfire of the quangos’ is a particularly popular sound-bite in Scottish and UK politics – Gordon Brown promised one in 1995, Henry McLeish and Alex
Salmond made similar commitments (MacDonnell, 2007), and the current UK Government is still fanning the flames.

In Scotland, despite Government reviews in 2001 (see Scottish Executive 2001a; 2001c) and 2008, the same basic governance structures remain in place. Initially, some were abolished, some reclassified and some amalgamated – for example, the review resulted in a fall in the number of health bodies (Trusts were abolished). However, as Denton and Flinders note, ‘the specific details of the reform plans actually represent more continuity than change’ (2006: 70). In 2008, under the banner ‘Simplifying Public Services’, the SNP announced a reduction of 52 of 199 national organizations (Parry, 2009: 134). However, this is not the same as reducing their overall cost or range of responsibilities (Cairney, 2011a: 133–5).

Quangos have changed little post-devolution as, despite all the rhetoric about democracy and abolition, they tend to perform key (if sometimes rather mundane) tasks that, otherwise, the Government would have to ask the civil service to perform. Quangos are useful in many ways for government. They allow for the co-optation of non-political elites into Scottish governance processes. Moreover, they allow acknowledged experts in a subject to become involved and to contribute to the provision of government services (see Hogwood, 1995; Parry, 1999b; SPICE, 2000c).

Quangos are adaptable and allow central governments to set up bodies free from damaging party-political attention and, in some cases, free from ministerial involvement which may undermine their operations (Weir and Beetham, 1998: 203–4) There is also a degree of democratic oversight: appointments are subject to checks by the Scottish Commissioner for Public Appointments; and, if a Scottish minister wishes to create a new quango, they must notify the relevant committee in the Scottish Parliament (Denton and Flinders, 2006: 74).

Table 7.1 Government agencies in Scotland

<table>
<thead>
<tr>
<th>Accountant in Bankruptcy</th>
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<tr>
<td>Education Scotland</td>
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<td>National Archives of Scotland</td>
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<td>Historic Scotland</td>
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<td>Scottish Public Pensions Agency</td>
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<tr>
<td>Transport Scotland</td>
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<tr>
<td>Social Care and Social Work Improvement Scotland</td>
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<td>Scottish Housing Regulator</td>
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<tr>
<td>Disclosure Scotland</td>
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<td>Scottish Court Services</td>
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<td>Student Awards Agency for Scotland</td>
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Scottish Commissioner for Public Appointments: Individual responsible for monitoring and establishing a code of practice for ministerial appointments to quangos.
A certain level of independence is often necessary for a publicly funded body to have credibility within its policy sphere. For example, the HM Inspectorate of Education (HMIe) (now a government agency, which merged with Learning and Teaching Scotland to become Education Scotland) severed historic Scottish Office/Executive ties when it was perceived to be too close to Scottish ministers and effectively making, running and inspecting policy. Similarly, the credibility of Audit Scotland (a Scottish Parliament-funded body set up to report to the Auditor General and the Accounts Commission) hinges on the extent to which it can function independently of Scottish ministerial influence. Perhaps the best example is the Mental Welfare Commission (MWC) which is officially an NHS body sponsored by the Health Department but has to be seen as virtually independent of government to fulfil its ‘statutory duty to protect people who may, by reason of mental disorder, be incapable of protecting themselves or their interests adequately’. The people most relevant to the MWC will be detained on the instigation of psychiatrists (and social work mental health officers) within the same NHS and therefore they cannot be seen to be merely another arm of the health service.

Like the MWC, many quangos tend to have a natural ‘client’ group for which services are provided. Indeed, the quango may be so associated with particular policy areas that there would be significant political costs to major government-initiated reforms without their support. Quangos can therefore be significant actors in the policy process, and many operate from a base of considerable staff resources, knowledge and expertise.

Table 7.2 outlines the different types of quangos in Scotland. Government NDPBs and NHS bodies employ their own staff (not civil servants) and manage their own budgets. Post-devolution, the 28 NHS Trusts and 15 Health Boards were consolidated into 14 NHS Boards. The NHS in Scotland contains 23 different types of bodies delivering and overseeing health services, providing management, technical or advisory services. These bodies have a board whose members are appointed by ministers. Scotland also retains two nation-

<table>
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<th>Table 7.2 Quangos in Scotland</th>
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<tr>
<td>Nationalized Industries (e.g. Highlands &amp; Islands Airports Ltd, Caledonian MacBrayne Ltd)</td>
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<td>Public Corporation (Scottish Water, Scottish Futures Trust)</td>
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<tr>
<td>Executive NDPBs (e.g. Further and Higher Education Funding Council, Scottish Enterprise, Legal Aid Board, Police Services Authority, VisitScotland, SportScotland, Scottish Natural Heritage, National Museums, National Galleries)</td>
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<tr>
<td>Advisory NDPBs (e.g. Judicial Appointments Board, Architecture and Design Scotland, Law Commission, Local Government Boundary Commission)</td>
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<td>Tribunals (e.g. Mental Health Parole Board)</td>
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<tr>
<td>NHS Bodies (e.g. NHS Boards, Health Education Board for Scotland, NHS 24)</td>
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alized industries which, due to a combination of population sparsity and political pressure, have survived the sell-off of public assets in recent decades – Caledonian MacBrayne Ltd and Highlands and Islands Airports Ltd. Scottish Water also remains a public asset in Scotland.

**Quangos: new forms of governance and accountability?**

An irony, identified in the UK literature, is that the Conservative government (1979–97) exacerbated its own governance problems by encouraging new forms of public service delivery and accountability (often while trying to solve delivery problems in local authorities – Rhodes, 1997). Scotland is no exception. In the early 1990s, Ian Lang, then Conservative Secretary of State for Scotland, emphasized that an objective of the Scottish Office had been establishing ‘a genuine plurality of organizations to deliver services’ (1992: 1). The public sector was no longer to be ‘purchaser, provider and regulator’ (ibid.: 3). In possibly one of the clearest statements of the influence of NPM philosophy on government in Scotland, Lang emphasized that traditional mechanisms had to be supplemented by ‘more specific kinds of accountability’ (ibid.: 4):

Accountability is also achieved if public services are delivered closer to the people who rely on them. Decisions should be taken much closer to the customer so that the lines of accountability are clear. And there should be greater openness so that the customer is empowered and enabled to hold public services to account.

Relevant bodies may include the commercial sector, professional associations, voluntary organizations (see Box 7.5), government agencies, community groups and interest groups in civic society. There has been a blurring of the traditional distinction between the public and private sectors, with state and civil society in Scotland partly merging to deliver public services (indeed, the Scottish Government may also rely on such bodies when formulating policy).

Issues for which government used to have sole responsibility are now the responsibility of partnership arrangements between agencies. For example, in the past two decades, the social housing policy arena has been transformed, with new housing associations and registered social landlords (RSLs) taking over what was previously the role of local councils.

This outcome fits neatly into the notion of a vibrant civil society in Scotland, reflecting a key role of government as sustaining and nurturing pluralism, as well as providing a framework for interest expression and cooperative problem-solving. An

**Registered social landlords (RSLs):**

Landlords such as housing associations who provide social (or government-backed) housing.
optimistic state-centric interpretation of developments would still see the Scottish Government as having a positive role in conducting, facilitating and leading the complex range and variety of organizations in Scottish civil society. Indeed an active civil society of pluralistic interests is usually viewed as a positive in any liberal democracy. The UK coalition government ‘Big Society’ theme chimes with these ideas (although there is little evidence of this UK Government agenda impacting in any significant way in Scotland).

Yet, this outcome also raises a number of issues identified by Stoker (1998). Firstly, there is a divorce between the complex reality of decision-making associated with governance and the established normative codes used to explain and justify government. A defence of government in Scotland has traditionally drawn from the accountability linkages derived from the processes of representative democracy (i.e. the Westminster model’s focus on elections and a subordinate bureaucracy). The notion that these policy networks have significant autonomy from the Scottish Government and Parliament does not sit easily with such codes. According to Rhodes, the ‘institutional complexity created obscures who is accountable to whom for what’ (1997: 54).

Secondly, there is the possibility that these networks can become elitist and institutionalize irresponsibility by operating behind closed doors. These networks of governance, and the way they do business, may undermine democracy and accountability, transferring decision-making into interpersonal relationships and the semi-institutionalized politics of networks. Lowi (1969) was a particular critic of the trend towards such ‘government by experts’ in Western liberal democracies. According to Lowi, these policy networks can reinforce existing inequalities, erode political responsibility by shutting out the public, favour established conservative interests and thus corrupt democratic government by eroding the formal mechanisms of representative democracy. Policy networks are a system of private government subject only to the most tenuous forms of accountability.

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**Box 7.5 Scottish Council for Voluntary Organisations (SCVO)**

The Scottish Council for Voluntary Organisations is a national body representing a large part of the voluntary sector. It is an umbrella body which also acts as an interest group which seeks to advance the values and shared interests of the voluntary sector. It has over 1,400 members ranging from individuals to grassroots groups. There are around 45,000 voluntary organizations in Scotland operating in what is now commonly termed the ‘third sector’. Its mission is to support people to take voluntary action to help themselves and others as well as bring about social change aimed at creating a more just and fair Scotland. See [www.scvo.org.uk](http://www.scvo.org.uk).
Thirdly, there is a danger of blame avoidance in such disaggregated governing structures. The more actors that become involved in Scottish public-service delivery the more potential there is for these problems to develop. For example, in the new disaggregated partnership arrangements for the building of schools and hospitals through PPP (see Box 7.3) goods or services previously provided in publicly owned buildings are now provided in buildings owned by commercial companies or consortia leased by the public sector. This can create a situation where the public/private sector partners blame each other for service failures and higher-than-expected costs.

**Regulating governance in Scotland**

Another strand of the literature on UK Government emphasizes the substantial regulatory capability which exists within government (see Hood *et al.*, 1999). Henkel (1991) refers to an **evaluative state**, Power (1997) an **audit society** and Flinders (2008) delegated governance. Faced with these new networks of service provision, one response of the Scottish governmental bodies has been to use regulatory tools. Governance by regulation offers a solution to the two key governance problems identified by Rhodes (1997) – control and accountability. Regulation offers the centre (i.e. Scottish Government) the capacity to steer self-organizing networks as well as institutionalize mechanisms of accountability (McGarvey, 2001b; Midwinter and McGarvey, 2001a). The increasing use of regulatory tools can be seen as the centre’s response to the loss of control it has suffered as new modes of governance have emerged. The suggestion is that, as the old interventionist state based on monolithic public bureaucracies has declined, a new regulatory state has replaced it. Much of this regulation is based on ideas associated with NPM (Box 7.6).

The regulatory state thesis suggests there is ‘more emphasis on the use of authority, rules and standard setting, particularly displacing an earlier emphasis on public ownership, public subsidies and directly provided services’ (Hood *et al.*, 1999: 3). There is a shift away from the tradition of ‘high-trust’ towards a ‘low-trust’ arm’s-length relations in government (Hood, 1994: 131) with government delivering fewer public services directly to the people, ‘but regulating other bodies responsible for provision’ (Hood *et al.*, 1999: 93–4). Numerous types of regulator inside government are identified, such as public auditors, professional inspectorates and ombudsmen. In Scotland this calls attention to the activities of oversight and scrutiny bodies such as the Auditor General and Audit Scotland, the Scottish Public Services Ombudsman, and the Education Inspectorate. It also suggests that as public-service delivery

**Evaluative state:** A state with elaborate mechanisms through which to judge the worth or merit of particular activities.

**Audit society:** A society with extensive processes of inspection, checks and examination.
becomes more complex, then individual bodies may become subject to audit from a range of scrutiny bodies. This has contributed to an agenda in Scotland (and the rest of the UK) towards a rationalization of oversight and the pursuit of a common framework to address the unintended consequences of accountability (see Box 7.7).

Yet, Scotland has not followed the same mode of regulation as the UK. One of the best examples of this is in the field of health care. Scotland has eliminated the relatively independent hospital trusts and the purchaser–provider split that was the basis of a quasi-market system in the NHS (Greer, 2005a). The Scottish Government restored the 15 Health Boards to the centre of the system (one, Argyll and Clyde, was abolished in 2005), and it is these boards that directly run hospitals, receive needs-based grants for overall population health and other services, and contract with general practitioners. This structure, whilst not formally transferring power to health professionals, does so almost by default. By eliminating the trust structure, it reduces the power of trust chief executives who are now (at least compared with their English counterparts) subordinates of distant Health Boards. Medical professionals appear to have filled this power vacuum (ibid.). In England, the trend is in the other direction, with a greater use of markets and the private sector, but also a relatively punitive target-based regime to ensure compliance with a set of standards. Scotland has not completely abandoned what Moran (2007) refers to as ‘club government’

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**Box 7.6 New Public Management (NPM)**

NPM ideas tend to be associated in the UK with the Conservative central government’s (1979–97) management, marketization and financial reform programme in the 1980s and 1990s. NPM ideas tend to emphasize the following as useful tools in the reform of the public sector:

- new performance accountability mechanisms;
- decentralization, disaggregation and devolution;
- private-sector styles of management;
- managerialism;
- competition.

Initially – in the 1980s – these ideas tended to be associated with an ideological preference for less government. However, in the 1990s, NPM became more associated with a learned response to the ‘realities’ of governing in a complex, rapidly changing environment. This is most adequately encapsulated in Osborne and Gaebler’s (1992) oft-cited phrase concerning the need for less rowing (or direct public provision) and more steering (management of provision).
where trust, mutuality, networking and less hard-nosed forms of regulation inform practice.

There is also a different regulatory environment in education. At secondary education level, the first education legislation to pass the Scottish Parliament placed new duties on councils (rather than schools, as in England) to raise standards. The schools inspectorate in Scotland has also tended to operate in a more conciliatory style to its counterpart in England, OFSTED (Cairney, 2013a). The regulatory environment of education in Scotland has always been different from the rest of the UK (Paterson, 2003), with the size of the Scottish state allowing closer links and a stronger sense of hierarchy from schools to local authorities to central government. For example, while in England the head teacher is seen as a semi-autonomous figurehead in a school (answerable to a board of governors), in Scotland he or she has a direct line manager in the local authority.

**Conclusion**

The study of governance structures should not be viewed as a dull exercise in understanding the vagaries and technical complexity of Scottish public administration. The processes and structures involved in governance are intensely political and many key decisions are taken with them. Scotland is

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**Box 7.7 Regulatory funding bodies**

*Scottish Enterprise* is Scotland’s economic development agency. It was established in 1990 bringing together functions previously carried out by the old Scottish Development Agency (SDA) and the former Manpower Services Commission/Training Agency. It covers 93 per cent of Scotland’s population – the Highland and Islands Enterprise covers the rest. It works in partnership with the public and private sectors in Scotland with the aim of stimulating economic growth, exploiting low carbon opportunities, improving business infrastructure and supporting business. Its regulatory role over local enterprise companies (LECs) was taken away when the SNP Government created a new company called Skills Development Scotland to oversee a reduced (from 21 to 6) number of LECs.

*The Scottish Housing Regulator (formerly Communities Scotland)* regulates Registered Social Landlord (RSL) and local authority housing services in Scotland. It seeks to safeguard and promote the interests of both current and future tenants and people who use housing services provided by RSLs and councils. It assesses how well social landlords are performing housing services as well as their financial well-being and standards of governance.

*The Scottish Funding Council* was established in 2005 to provide a strategic overview of Scotland’s 37 colleges and 19 universities and higher education institutions. It is a Non-Departmental Public Body and funds teaching and learning provision as well as research.
moving closer to the European norm, with the post-war tradition of the self-sufficient government being directly challenged by an eclectic mix of new organizational forms. The state, through outsourcing, public–private partnership and contracting schemes is becoming more disaggregated.

Although often depicted as such, local authorities are not subordinate administrative bodies subject to the whims of central government. They are key democratic and governmental institutions. Government in Scotland, central or local, is seldom the sole direct provider of public services. That said, the public-sector tradition has proved more durable in Scotland than in England, with a ‘policy style’ based on ‘universalistic, directly provided, undifferentiated public services that use networks rather than competition and are governed based on a high degree of trust in the professionalism of providers’ (Greer, 2005a).

Therefore, the traditional bureaucratic governing form has not been quite displaced – it is widely recognized that bureaucracy, for all its failings, has numerous strengths, including reliability, predictability, probity, cohesion and continuity (Rhodes, 1997: 109). Scottish governing structures appear to allow for a greater role for the state than those in comparable policy areas at the UK level.

That said, many of the key issues Scottish Government faces – environmental, economic growth, poverty, crime, community safety – require the cooperation of institutions inside and outside of government. In the terminology of international relations, the Scottish Government relies on both hard power (the power of command and economic incentives) as well as soft power (the capacity to persuade others to share your objectives and vision) (see Nye 1990; 2005). To study governance requires an examination of a multiplicity of interdependent institutions with blurred boundaries between them.

The irony of course is that, as Scottish governance becomes ever more complex, the normative appeal of the old codes of accountability increases. There is a general normative preference in favour of the ballot box and the institutions of representative democracy (i.e. Parliament and local authority elected chambers) to ensure accountability in public administration. Traditional legalistic and constitutional notions of public accountability still retain significant appeal for Scottish politicians, public officials, the broadcast and print media and, most importantly, the public.

In summary, there has not been a wholesale shift from a bureaucratic state in Scotland; hierarchical bureaucracy is alive and well in many parts of government. Many institutions of Scottish government have accommodated the market, managerial and regulatory reforms and remain standing. The form that post-devolution governance structures have taken reflects a greater commitment to direct public provision (or, at least, more traditional forms of delivery) than that which exists at the UK level. Traditional working practices

**Outsourcing**: Inviting bids from external sources to undertake activities previously undertaken by government employees.
and inherited beliefs about the utility of direct public provision appear to be more durable in Scotland. The picture painted of Scottish governance in this chapter is a conservative one, with incremental change being the dominant emphasis. The governing institutions of Scottish politics were not reinvented in 1999 – they reflected pre-established policies, ideologies and institutional processes.

Further reading


Online sources

www.scottishhousingregulator.gov.uk/
www.creativescotland.com/
www.visitscotland.com/
www.scottishenterprise.com/
www.cosla.gov.uk
www.improvementservice.org.uk/
www.show.scot.nhs.uk
www.scvo.org.uk
www.scottishfuturetrust.org.uk
In Chapter 5 we suggested that the Scottish Parliament did not foster new and effective forms of deliberative and participatory democracy. We highlighted the similarities between the Westminster and Holyrood systems and argued that, in both, most policy is formulated outside the legislative arena following regular consultation between governments and pressure participants such as interest groups. In this chapter we examine the extent to which that process of policy-making is distinctive in Scotland following devolution. In other words, is there a ‘Scottish Policy Style’? Policy style refers simply to the ways in which governments make and implement policy (Richardson, 1982). It has two dimensions: the way that governments make policy, in consultation with pressure participants, and the way that they implement policy in partnership with organizations such as local authorities.

We can identify some hopes for ‘new politics’ in this area, linked to the idea that Scotland is a ‘consensus’ rather than a ‘majoritarian’ democracy (Box 8.2). The SCC proposed, albeit in a rather vague way, a new type of pluralist democracy in which consultation with affected interests would be as wide as possible, not only with established interest groups but also previously excluded groups with a limited voice and ability to organize. This push for broader consultation is associated with a monitoring role performed by Scottish Parliament committees who may oblige the Scottish Government to consult far and wide until they are satisfied that all groups have ‘had their say’. This would perhaps help to produce a new and improved consultation process between the Scottish Government, Scottish Parliament and a wide range of representative organizations in the community, voluntary sector, professions and business. This inclusion of hitherto excluded sections of society would come at some expense to the ‘usual suspects’, or the larger and better resourced groups which tend to dominate consultation time with government.

The tone of much of these recommendations is based on the idea that new forms of consultation would take Scotland further away from UK policy-making which is relatively ‘top-down’ and based either on a lack of proper
consultation or consultation restricted to a small number of powerful groups that squeeze out the competition. Yet, much of the policy-making literature suggests that this image of the UK is a caricature based on minimal evidence. Scotland may have its own policy style, but this is often related to factors unconnected with ‘new politics’ (such as Scotland’s size and the scale of its responsibilities). The recommendations are also perhaps based on the assumption that there can be a Scottish-specific arena in which pressure participants can engage. Rather, organized groups must consider how best to influence policy in an era of ‘multi-level governance’ in which many levels and types of government are involved, from the European Union to local authorities. Further, the role of local authorities has changed since 2007, prompting many groups to reassess their lobbying strategies.

In this chapter we discuss:

• The meaning of ‘pluralist democracy’ and the SCC hopes for a new Scottish policy style.
• The nature of pressure politics in Scotland.
• The evidence of a difference between Scottish and UK policy styles.
• The strategies of interest groups in Scotland who are faced with uncertainty in the era of multi-level governance.
• The impact of SNP Government since 2007.

Pluralist democracy in Scotland

One problem with representative democracy is that it is relatively easy to address the ‘democratic deficit’ by reforming political and geographical boundaries (shifting popular representation from the UK to Scotland), but it is difficult to address disenchantment with traditional forms of popular participation. We are still faced with low electoral turnouts (indeed, fewer people vote in Scottish Parliament elections than in UK general elections) and a voting population with often limited knowledge of the policies of parties and candidates. One alternative form of participation for individuals is through organizations such as interest groups (Jordan and Stevenson, 2000). Indeed, the relationship between pressure participants and governments is at the heart of explanations for government policy – most policy is made in policy ‘networks’ or ‘communities’ (Box 8.1).

The SCC envisaged a new role for interest groups engaging directly with the Scottish Government and Scottish Parliament. Perhaps in recognition of the barriers to policy influence described in Box 8.1, it rejects the idea that this consultation will take place with the ‘usual suspects’. This push for broader consultation is associated with an unusual formal monitoring role performed by Scottish Parliament committees which may oblige the Scottish Government to consult far and wide (a power used very rarely, which suggests
that the Scottish Government tends to consult well enough). In other words, we can identify hopes for an improved pluralist democracy. Access for groups would be more frequent and of a better quality than in the past; the consultation process would be more open, perhaps with a clearer link between group effort and the end result. As described, these aims are reminiscent of Lijphart’s (1999) famous description of consensus democracies, marking a deliberate movement away from the idea of ‘majoritarian’ democracy (Box 8.2).

Yet, this simple binary distinction between the ‘majoritarian’ UK and ‘consensus’ Scottish democracy is just as problematic as the description of ‘old Westminster’ and ‘new Scottish Parliament’ that we described in Chapter 1. It is based on a caricature of UK politics that is often assumed rather than demonstrated. For example, it assumes (wrongly) that the barriers to consultation are relatively high in the UK. These points should be borne in mind when we consider the ‘Scottish Policy Style’. The evidence may suggest that group–government relations in Scotland are generally consensual, but does it also suggest that such relations differ from other countries such as the UK?

**Pressure politics in Scotland: the development of ‘territorial policy communities’**

What we can say with more certainty is that devolution has changed the ways
in which groups and governments interact in Scotland. Keating et al. (2009: 54) suggest that devolved policy-making arrangements are particularly significant in Scotland, compared with Wales and Northern Ireland, because the Scottish Parliament was granted the most powers within the UK political system. Their main suggestion is that, in Scotland, we should expect:

1. Relatively high levels of interest group devolution, or the proliferation of new Scottish groups, as groups feel increasingly obliged to lobby Scottish political institutions.
2. ‘Cognitive change’, in which policy problems are defined from a Scottish territorial perspective and groups follow, and seek to influence, a devolved policy agenda.
3. In some cases, very close relationships between groups and government.

Box 8.2 Majoritarian and consensus democracies

Lijphart (1999) presents a simple distinction between ‘majoritarian’ and ‘consensus’ democracies according to their formal institutional make-up (a comprehensive table outlining their differences can be found in Cairney, 2012a: 89). Lijphart’s (1999: 2) argument is that there are two basic models of electoral and political system design: those that concentrate power in the hands of the few (majoritarian) and those that ‘share, disperse, and limit power’ (consensus). In a majoritarian democracy the first-past-the-post voting system exaggerates governing majorities by (in most cases) granting a majority of seats in the legislature to a party which commands only a plurality of the vote. This result in the UK, combined with an imbalance of power towards the governing party’s leadership, a weak second chamber and a unitary government, generally produces a concentration of power at the centre. Lijphart (1999: 2–3) associates majoritarian democracies with an ‘exclusive, competitive and adversarial’ mentality in which parties compete within Parliament, interest groups are more likely to compete with each other than cooperate, and governments are more likely to impose policy from the top down than seek consensus. In effect, this is a description of the ‘Westminster model’ so familiar to students of UK and Scottish politics (Box 2.1). In a ‘consensus’ democracy, the proportional electoral system generally produces no overall majority and power is dispersed across parties, encouraging the formation of coalitions based on common aims. This spirit of ‘inclusiveness, bargaining and compromise’ extends to group–government relations, with groups more likely to cooperate with each other and governments more willing to form corporatist alliances.

Using Lijphart’s measures, Flinders (2010) identifies profoundly different political systems in the UK and Scotland. ‘Bi-constitutionalism’ suggests that, while the UK remains majoritarian, the devolved Scottish arena became like a consensus democracy in the Lijphart mould, with a proportional electoral system providing a new context conducive to power sharing among parties, between government and Parliament, and between the government and interest groups (ibid.: 173–7). This interpretation, and method of calculation, is critiqued by Jordan and Cairney (2013).
The relationships might resemble ‘corporatism’ (in which representatives of business, trades unions and government from close relationships which are ‘institutionalized’ within government policy-making structures), although the Scottish Government does not have the economic policy levers associated with such relationships.

4. A new group–government dynamic, in which groups might either coalesce around a common lobbying strategy, or find that they are now competitors in their new environment.

5. A series of ‘historic legacies’ based on how groups initially viewed devolution. For example, groups opposed to devolution may have been slower to adapt and devote resources to lobbying new Scottish institutions.

While many UK groups had regional arms, and many Scottish-specific groups existed before devolution (partly reflecting the value of lobbying the old Scottish Office), there has been a significant shift of group attention to reflect the new devolved arrangements. In particular, UK groups have devolved further resources to their Scottish offices to reflect the devolution of power and their new lobbying demands (50 per cent of groups lobbying in Scotland fall into this category – Keating, 2005a: 65). We should not over-estimate this shift, since organizational devolution has varied (often according to the level of devolution in their areas, e.g. trade union devolution is often limited, reflecting the reservation of employment law) and some groups have provided few additional resources (such as one additional member of staff).

Perhaps more importantly, groups increasingly follow a devolved policy agenda. This shift of focus varies, from Scottish compulsory education (and, to a lesser extent, health) policy which has always been distinct in Scotland – most relevant organizations existed long before devolution in 1999 (Cairney, 2013a) – to examples such as ‘free personal care’ in which the Scottish Government was preparing to make its own decision, to areas such as economic development in which there is still a limited, but important, Scottish Government role. They also face a new organizational task. The pre-1999 process often involved the Scottish Office deciding how to implement a version of UK Government policy, perhaps joining with a coalition of groups to attempt to influence UK policy formulation. It was replaced by the need for the Scottish Government to come up with its own policies and, consequently, for pressure participants to answer Scottish Government calls for policy ideas. This may also come with a new dynamic: the same groups, formerly joined together in (for example) a united lobby against UK policies, now find that they have to compete with each other, or at least have more of a chance to express different views.

The evidence suggests that some groups addressed the need to change more quickly than others. Most notably, business groups opposed to devolution (and linked in the minds of many to Conservative party rule up to 1997) were relatively slow to adapt, while the voluntary sector quickly established links that it began to develop with the Labour party in government from 1997 (Keating...
et al., 2009: 55). Perhaps ironically (since education was relatively devolved), some teacher unions took time to adapt to their new arrangements after significant spells in which they enjoyed very poor relationships with civil servants in the Scottish Office (Cairney, 2013a).

**Interest groups and participation: the evidence**

How do we assess the evidence on group–government relations and connect it to the fulfilment of SCC aims? The most direct way is to talk to a wide range of organizations such as interest groups and ask them to assess their experiences since devolution (and, if possible, to compare them with pre-1999 consultations). Box 8.3 reports the key findings of research conducted within the first two years of devolution.

The evidence suggests that the experience of interest groups is broadly (although not completely) in line with the hopes associated with new politics. Groups are generally positive about devolution, feel engaged and listened to, and benefit from their proximity to decision-makers. Therefore, devolution has marked a profound and enduring shift in the fortunes of interest groups trying to influence Scottish policy (similar conclusions are also reported by groups in Wales). Interest groups report better relations than they experienced before devolution, and most suggest that their lobbying experiences are superior to those enjoyed at the UK Government level.

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**Box 8.3 Interest groups: the post-devolution experience**

- Devolution caused a profound shift of group focus, with many Scottish groups increasing their policy capacity and UK groups increasing the resource of their Scottish arms;
- Groups have a positive image of the Scottish Parliament and Scottish Government and choose to ‘hedge their bets’ and influence both;
- Both the Scottish Parliament (MSPs and committees) and the Scottish Government (ministers and civil servants) are much easier to access, with fewer resources required by groups to engage and a greater willingness of decision-makers to consult;
- Groups enjoy regular dialogue with MSPs and civil servants;
- The terms of engagement have changed, from the lobbying and complaining which characterized engagement with the Scottish Office, to substantive debate and engagement on policy issues with the Scottish Government;
- Networks have also developed between groups with similar interests – such as the ‘gang of 5’ business groups (including the CBI and Chambers of Commerce) – and more common ground has been found between a range of economic and social groups around Scottish Government themes such as social inclusion.

**Sources:** Keating and Stevenson (2001); Keating (2005a; 2009); Keating et al. (2009).
However, we need to bear in mind the difference between group perceptions of their lobbying experiences and their knowledge regarding why they are in this new position and how it compares to equivalent processes related to the UK Government. Consequently, there are several arguments which may qualify this rosy picture, divided into a consideration of group perceptions and Scottish-specific conditions.

The first point on group perceptions (made by Grant Jordan in correspondence, and discussed to some extent in Jordan and Stevenson, 2000) is that, since many of the groups interviewed were associated with the devolution movement, they would be very unlikely to report that devolution did not make a difference (in other words, ‘they would say that, wouldn’t they?’). Second, comparisons are often based on a skewed idea of group–government relations in the UK (ibid.; Jordan and Cairney, 2013). The barriers to entry to the UK Government consultation process have always been low (and, since 1999, we have seen that process become easier following the use of information technology to manage consultations). Consultation lists are large and groups are generally included if they ask. The process on this scale therefore becomes ‘cosmetic’; a ‘trawling exercise’ with low-level civil-service involvement (Grant, 2000). Maloney et al. (1994: 32) distinguished between ‘peripheral insider’ groups (engaged but not influential in the process) with core or specialist insiders who enjoy more frequent and fruitful contact with government.

This is relevant to Scotland where groups report better access but ‘claim that it is still too early to tell whether the consultation process offers them any real influence’ (Keating and Stevenson, 2001). In more recent interviews, respondents are still reticent on the link between access and influence, suggesting that it is ‘easy to speak to the civil service but not to change things’. Often, groups will also report the higher likelihood that civil servants will act as gatekeepers to ministers, particularly if the issue is no longer on the Scottish Government’s agenda.

Third, interest-group devolution may explain why Scottish groups are so enthusiastic about relationships with government. They are comparing their influence now with their lack of influence before devolution (as relatively neglected regional offices), rather than the influence their UK counterparts enjoyed. Similarly, independent groups are comparing their access as Scottish groups in devolved territories with their previous UK experience of competition with groups who had more resources and better access to UK decision-makers. Devolution may therefore be as much about reducing competition as opening channels of access. Or, groups may find that an issue that was crowded out by other agendas in the UK may receive greater prominence in Scotland.

These three points were perhaps most relevant in the early years of devolution, particularly for interviewees with longer memories. Many of the most vocal supporters of devolution were from interests that had poor contacts with
successive UK Conservative Governments and pursued agendas not favoured by the Conservatives. The calls for ‘new politics’ were perhaps sparked by this specific political tension rather than a more general ‘majoritarian’ or top-down style. The idea that the UK Government failed to engage with groups perhaps gives way to the idea that it paid relatively little attention to ‘fringe’ interests representing agendas different from the majority party. Groups are perhaps now more able to reflect on their experiences over the longer term.

Fourth, it is the size of the interest-group population in England which exaggerates the appearance of ‘top-down’ policy-making which excludes many groups. There are fewer ‘winners’ and more ‘losers’ to highlight their exclusion or lack of influence. In Scotland, while groups may feel more included, there is still a process of winning and losing. Although devolution presents a new opportunity to engage with government, many groups may not have the capacity to exploit it. Much depends on the status of groups before devolution, with independent groups reporting fewer problems compared with devolved arms of UK organizations with insufficient organizational devolution. Some may have one member of staff with no research capacity. So, for example, the biggest winner is often local government (and its associated professional groups) which is relatively well-resourced and a crucial player in the implementation of policy. Or, there are dominant groups within particular policy areas, such as the Educational Institute for Scotland or the British Medical Association (Box 8.4).

Fifth, interviews with a large number of groups will throw up a range of perceptions and responses to the same questions. In particular, many groups report fluctuating fortunes according to the agenda of the Scottish Government at any particular time. For example, many business groups were initially opposed to devolution and it took them some time to develop a meaningful relationship with the Government. This was particularly the case for groups representing landowners and seen as the ‘old guard’ with close links to previous Conservative governments. In contrast, social groups and trade unions already had a good relationship with government following the election of Labour in 1997. These groups were supportive of devolution and were able to build on relationships immediately. There was also a strong social policy agenda immediately following devolution. This meant that social and voluntary groups were more likely to seek and gain access. Then, from 2003–07, there was a significant shift of focus to the importance of the economy, perhaps at the expense of social issues. Labour’s punitive focus on crime also had the potential to undermine, or at least detract attention from, the initial focus on social inclusion (for example, homelessness groups worried that the focus on anti-social behaviour undermined the security of housing tenancies). As a result, business groups felt more influential in this second term and some social groups felt marginalized following the shift. There were some expectations that the election of an SNP Government might interrupt established group–government relationships – perhaps, for example, having a
great effect on the Scottish Government’s relationship with trades unions (allied traditionally with the Labour Party). However, arguably the biggest effect has been on its relationship with local authorities (as well as particular bodies following particular decisions, such as to regulate alcohol – Box 8.5).

The first point to note on Scottish-specific conditions is that we can reasonably expect a degree of similarity in Scottish and UK processes. In particular, there is the same logic to regular consultation with the ‘usual suspects’. These groups have resources valuable to government – such as the expertise necessary to give good advice and the ability to represent a large group of people with often-similar views (the latter is often associated with ‘professional’ groups of, for example, teachers, doctors and nurses). In Scotland there is a growing acknowledgement by groups and government on this point. After an initial flurry of activity, groups have become more selective in their approach to consultation responses, while governments are increasingly aware of the greater need to consult those most affected by, and involved in, the implementation of policy. A good example of this process is when some groups talk about ‘pre-consultation’, or even in some cases what might be clumsily called ‘pre-pre-consultation’. In other words, some groups are contacted before the consultation goes out to the general public. Others are asked to form working groups to advise the Scottish Government on what the consultation should look like. Therefore the consultation may eventually be wide but, by the time the questions are asked of the public, the debate has been ‘framed’ in a particular way based on answers that have already been provided.

Second, we are rarely comparing like with like when we study the top level of government in each country. In Scotland, the interest-group population is relatively small, allowing senior ministers and civil servants the ability to manage policy communities personally. In other words, it is often possible in Scotland to have a meeting with all the major players in one small seminar room (in England it would require a lecture theatre). In England, the terrain is vast and the scope of government is divided into more manageable sub-sectors at lower levels of government (or government agencies). It is at this lower level of government that UK-focused groups are more likely to express satisfaction with their participation.

Third, these new consultation arrangements may be borne out of necessity as well as choice, as a reflection of policy-making constraints as well as a new culture. The Scottish Government suffers from a relative lack of policy capacity in comparison to the UK Government (in other words, it has far fewer trained and experienced civil servants available to research, consult on and make policy). The legacy of the Scottish Office is a civil service engaged in policy implementation rather than policy formulation. It lacked capacity following devolution and relied heavily on outside interests for information and advice. As Keating (2005a: 106) suggests, this factor combined with a smaller political arena (with closer personal contacts and easier coordination) explains high levels of participation and the ‘Scottish Policy Style’.
A final point is that the first eight years of devolution went hand in hand with significant increases in UK and Scottish public expenditure. The main effect was that there were comparatively few major policy disagreements in Scotland. Departments or groups were competing with each other for resources, but that competition was not fierce because most policy programmes appeared to be relatively well funded. In fact, the Scottish Government did not spend its entire budget from 1999–2007 (instead, it maintained a surplus or ‘end year flexibility’ – see p. 228). Now, in the austerity era, in which Scottish Government budgets are falling, there is more potential for strained relationships between government and groups, and competition between different groups or interests, when tougher policy choices have to be made. Time will tell if the first ‘honeymoon’ decade of Scottish group–

Box 8.4  **Pluralism and the ‘usual suspects’**

Most groups may report better links with the Scottish Government, but the ‘usual suspects’ may still be consulted the most. We can see this in a range of policy areas. In compulsory education, there is less union competition than we find in England. The Educational Institute for Scotland (EIS) is by far the biggest union with 58,000 members (its closest ‘rival’, the Scottish Secondary Teachers’ Association has 8,000) and head-teacher organizations often do not have the status enjoyed in England. This means that the EIS dominates professional representation in pay negotiations since ‘seats at the table’ are allocated by size. In health, the British Medical Association and the Royal College of Nursing are consulted routinely, while the remainder of the health profession may struggle for systematic inclusion (via the Allied Health Professions group which is not well funded). In issues relating to local government, although individual professions are represented, the Convention of Scottish Local Authorities (COSLA) is by far the most consulted. The Scottish Council for Voluntary Organisations (SCVO) has a prominent place as a key (but not sole) representative of the ‘third’ or voluntary sector. In issues related to business, the ‘big 5’ (Confederation of British Industry, Institute of Directors, Chambers of Commerce, Scottish Financial Enterprise, Scottish Council for Development and Industry) formed a group which often excluded the Federation of Small Businesses. In issues related to the environment, Friends of the Earth is realistic about its influence when environmental policy competes with agriculture. Further, since the drafting of legislation requires expertise, the Law Society of Scotland and Faculty of Advocates are called upon more than most. Yet, it is still appropriate to describe the Scottish system as pluralistic: (a) because no group dominates one policy area to the exclusion of all others; and (b) this large range of elites competing for governmental attention and public policy resources ensures that no group dominates the policy-process as a whole. The picture also changes with, for example, the EIS being now less powerful following the devolution of much education policy-making to local authorities. Of course, this discussion suggests that ‘pluralism’ is not synonymous with equality of access and power. Rather, it is ‘elitism’s close cousin’ (Moran, 2005: 16).
government relations reflected a particularly Scottish culture of cooperation and the pursuit of consensus or the once favourable economic climate (Cairney, 2011a: 80).

**How do interest groups deal with multi-level governance?**

In Chapter 10 we identify the importance of multi-level governance, which partly involves the spread of policy-making responsibility to many levels (including the EU, the UK, Scottish Government and local authorities) and types of government (such as central, local, agencies and quangos). One consequence of this complicated picture is that pressure participants often adopt rather sophisticated strategies to make sure that they are lobbying the right people at the right times. This may be easier for some than others, since lobbying takes time and resources that not all groups possess.

There are three main points to note. First, not surprisingly, groups are more willing to seek access to Scottish institutions when they appear to be central to, or have a significant influence on, particular policies. Second, the strategy of groups varies according to their own resources and organizational structure. In other words, small groups with few resources to lobby tend to focus their attention on the Scottish Government as a route into the UK and EU (and even local authority) arenas. Similarly, Scottish arms of UK organizations often filter their views up to the UK centre, with direct governmental contact often restricted to the Scottish Government as a supplement to the main event (since Scottish arms of groups rarely develop their own positions on EU and UK policy). Third, there is significant variation by policy area (see Keating, 2005a; 2010; Keating and Stevenson, 2001). Therefore, as a whole, we see distinct policy areas with varying group strategies within them. A number of examples should demonstrate this point.

**Policy areas more reserved than devolved**

Since most economic policy areas are reserved, the big banks based in Scotland tend to focus their efforts towards the UK and wider international fields, either individually or as part of the British Bankers’ Association. This is a process complicated by the economic crisis and the failure of many major banks, but the experience suggests that the main point of contact remained the UK, not Scottish, Government (and the UK Government is now the majority shareholder of the Royal Bank of Scotland). Scottish banks are also part of Scottish Financial Enterprise which seeks to promote a positive image of the financial sector through issues such as education and training and social inclusion (again, an aim that was undermined severely by the economic crisis and the role and plight of many of the major banks).
The whisky trade (which may be based in Scotland but is increasingly owned elsewhere) traditionally focused almost all of its efforts at the UK and EU levels, with issues of duty and general taxation at the forefront of their concerns. This focus changed somewhat after 2007 when the Scottish Government announced plans to introduce a minimum price on a unit of alcohol (and the Scotch Whisky Association became the main representative of the alcohol industry seeking to oppose the measures – Box 8.5).

The Scottish arms of business groups such as the Confederation of British Industry, Institute of Directors and Federation of Small Business in Scotland lobby in the Scottish arena (business rates, tourism, training, transport) while maintaining links with their UK organizations which take the lead on UK and European issues. They are also often key players in the debate on constitutional change, partly because the idea of business confidence and uncertainty is often used by opponents of independence to try to close down the debate (see p. 258).

The reserved nature of employment law and the minimum wage may explain why it has taken a long time for UK unions to devolve significant resources to their Scottish branches. The biggest exception is the large public-sector trade union UNISON which largely represents a range of NHS staff. The Scottish Trades Union Congress (STUC) (a separate organization from the TUC) enjoyed close links with the Scottish Labour Party and signed a concordat in 2004 with the Scottish Government to make sure that access to civil servants would be similar to access to ministers even following a change of party in government. It discusses devolved matters – such as economic development, public services, ‘social partnership’ and lifelong learning – with blurred issues such as the health and safety of public sector workers more difficult to resolve.

Policy areas which are devolved but Europeanized

Since agriculture policy is Europeanized, Scottish groups must maintain links with the UK government to access the EU formally. The National Farmers Union Scotland (NFUS) uses the Scottish Government as a first point of formal contact while maintaining day-to-day links with the NFU England (which is a separate organization) and broad European networks. The reform of the EU Common Agricultural Policy (CAP) has increased the scope for territorial differences in implementation, but most of the consultation documents issued by the Scottish Government relate to EU or UK agendas. The NFUS supplements these links with informal EU contact through a Brussels office it shares with the NFU.

Environmental policy has, since 1999, shared a government department with agriculture (although the Scottish Government is increasingly blurring
boundaries between formal departments – see p. 120). Therefore, while Friends of the Earth (FOE) Scotland (a separate organization from the rest of the UK) focuses most of its efforts in Scotland, it is realistic about its relative success given the size of the agricultural budget compared with environmental spending. While there are some relevant reserved issues (such as company law) it spends the remainder of its time linking with FOE Europe. The number of Scottish Government consultation documents arising from EU or UK agendas is similarly high.

Relatively devolved areas

Compulsory education policy is possibly the best example of focused group activity at a devolved level. Teaching unions such as the EIS focus primarily on lobbying the Scottish Government and negotiating with local authorities. Although Scottish branches of UK organizations have some degree of representation, the EIS is by far the biggest. This reflects a long tradition of difference in Scottish education (Cairney, 2013a). In higher education, the University and College Union (Scottish Branch) has a Scottish focus, although the existence of UK-wide arrangements for research funding and the high mobility of staff necessitates a greater degree of integration with a UK body.

Health policy is one of the most devolved areas and the British Medical Association (BMA) and Royal College of Nursing (RCN) had reasonably well-established Scottish organizations before devolution. However, while both enjoy a high degree of autonomy on Scottish matters they also complain about a lack of UK understanding of devolution and a lack of organizational devolution (which affects levels of staffing and finance for devolved offices). Both tend to focus on Scottish NHS delivery (including the terms and conditions of their staff). The Royal Colleges of Surgeons and Physicians also influence the Scottish NHS, but as bodies interested in standards, clinical guidelines and delivery, rather than as a union. A significant UK focus is maintained by the reservation of medical standards and training. While all of these groups have an interest in Europeanization following the effects of the Working Time Directive, lobbying would take place around the implementation.

While social-work policy is devolved, there are good reasons to keep a UK as well as a Scottish focus. The British Association of Social Workers (or its arm in Scotland) tends to follow policy developments. If, for example, a mental health bill or social work review is being processed by the Scottish Government it will direct its focus there. If there is an asylum bill or UK consideration of adoption, it then refocuses its efforts. This contrasts to some degree with housing and homelessness policy. Housing is devolved (although there are reserved elements such as levels of housing benefit) and groups tend to direct their efforts toward the Scottish Government and Parliament (with no
real contact with MPs or MEPs). The SCVO generally devotes its time to developments within Scotland, but cannot maintain a sole Scottish focus while issues such as charity law remain reserved.

**The impact of SNP Government since 2007**

In Chapter 7 we described a major SNP effect on central–local relations, with the Scottish Government signing a concordat with COSLA that introduced greater autonomy for local authorities. This move has enhanced an already distinctive ‘Scottish Policy Style’ relating to the ways in which it implements...
policy. The Scottish Government often, and increasingly, adopts a ‘bottom-up’ approach to implementation in which flexibility is built into the initial policy. In comparison with the dominant image of the UK Government’s implementation style, there is less of a sense of top-down control linked to specific targets which are monitored and enforced energetically (Greer and Jarman, 2008; Cairney, 2011a: 184). Implementing bodies are often given considerable discretion to manage implementation, based perhaps on a combination of ‘a high degree of trust in the professionalism of providers’ (Greer and Jarman, 2008: 178), the ability of Scottish policy-makers to form direct, personal relationships with the chief executives of health boards and local authorities, and the philosophies of particular governments. The SNP Government, and Alex Salmond in particular, has signalled an end to ‘top-down diktats’ (Cairney, 2011a: 130).

This move has benefited local authorities (often the biggest players in Scottish Government consultations) but is often criticized by other pressure participants. It produces the counter-intuitive finding that the same Scottish groups, who seem relatively satisfied with the consultation process, often appear to be more disappointed with policy outcomes than their UK counterparts (even allowing for the fact that some pro-devolution campaigners had exaggerated hopes for major policy change). Such dissatisfaction may be an unintended consequence of the combination of Scottish policy styles. First, it adopts a consensual consultation style, promoting high group ownership of policy and signalling to groups that they can make a difference to government decisions. Second, it pursues a bottom-up implementation style, in which it sets strategic priorities but often leaves the details of implementation to other organizations.

Consequently, groups with limited resources may be the least supportive of flexible delivery arrangements because they often only have the ability to influence the initial policy choice made by the Scottish Government. The more that governments make policy commitments that lack detailed restrictions and leave the final outcome to the organizations that deliver policy, the less some groups see their initial influence continued during implementation (Cairney, 2009b: 366). Even the better resourced groups, which once had to influence a single Scottish Government, may now have to lobby to influence 32 different local authorities with different aims. The potential irony is that a combination of two different Scottish policy styles, both of which focus on consensus and trust, may contribute to rather tense group–government relationships. For example, teaching unions and local authorities often engage in relatively tense negotiations at the local level (Cairney, 2013a) and similar tensions may develop between local and health authorities. The devolution of responsibility also produces alliances between many groups and the Scottish Parliament, which is often frustrated by its inability to hold the Scottish Government to account when it devolves so much responsibility to local and health authorities.
Conclusion

Most policy is made by governments in consultation with pressure participants such as interest groups. In this chapter we have examined the extent to which that process, or pluralist democracy, is distinctive in Scotland. This was certainly the aim of devolution reformers, with the SCC drawing (albeit rather broadly) on ideas that we might associate with Lijphart’s (1999) distinction between majoritarian and consensus democracies. It is also the picture identified by Flinders (2010), who identifies ‘bi-constitutionality’, or the development of a consensus democracy, in Scotland at the same time as the Labour Government maintained majoritarianism in the UK.

There is certainly extensive evidence to suggest that Scotland has its own system of group–government relations, associated with Keating et al.’s (2009) idea of ‘territorial policy communities’. Scottish groups have refocused their efforts towards the Scottish arena and the different policy agendas pursued by the Scottish Government. However, the evidence also points to a rather complicated picture of group–government relations, in which the ‘Scottish Policy Style’ may often be distinctive, but that difference may not necessarily be caused by a new culture of policy-making or new Scottish institutions.

There is some evidence that the Scottish Government does not just consult with the ‘usual suspects’. Further, most groups interviewed are satisfied with the consultation process, feel that decision-makers are accessible and that their opinions are listened to. However, the extent to which the Scottish process differs from the UK is debatable. Further, the differences may relate most to particular circumstances in Scotland (for example, the Scottish Government has relatively limited policy capacity and relies more on outside groups for information and advice) and perhaps even a particular era (when public expenditure was high, reducing competition for policy resources).

It is also difficult to talk of a distinctive Scottish style when pressure participants often have to maintain a sophisticated lobbying strategy to ensure that they lobby the right people at the right level of government at the right time. A key development in this multi-level picture is the new role of local authorities as the locus of power for many decisions which were once the purview of the Scottish Government. Groups may increasingly find that a focus on a ‘Scottish Policy Style’ is misleading, since group–government relations may vary considerably within Scotland.

Further reading

Keating (2005a; 2010), Keating et al. (2009) and Cairney (2008; 2009c; 2011a; 2011b; 2013a) have written extensively on ‘territorial policy communities’ and the ‘Scottish Policy Style’. See Cairney (2012a: ch. 8) and Chapter 10 in this book on multi-level governance.
Online sources

Convention of Scottish Local Authorities: www.cosla.gov.uk/
Friends of the Earth Scotland: www.foe-scotland.org.uk/
Scottish Council for Development and Industry: www.scdi.org.uk/
Scottish Trades Union Congress: www.stuc.org.uk/
CBI Scotland: www.cbi.org.uk/about-the-cbi/uk/scotland/
Scottish Council for Voluntary Organizations: www.scvo.org.uk/
NFU Scotland: www.nfus.org.uk/
Scotch Whisky Association: www.scotch-whisky.org.uk/
ASH Scotland: www.ashscotland.org.uk/
Educational Institute of Scotland: www.eis.org.uk/
In this chapter we move from the previous chapter’s focus on the policy process to examine the extent to which the new political arrangements in Scotland have produced new policy outputs. Such discussions often focus on the extent of policy divergence and difference between Scotland and England (or the rest of the UK) as a key test of devolution. On the basis of differing social and party attitudes and the need for ‘Scottish solutions to Scottish problems’ there were widespread expectations of divergence as soon as the Scottish Parliament had the opportunity to legislate. To a great extent, this picture of a ‘rush to policy’ has been confirmed since devolution, with 180 pieces of primary legislation passed in three four-year parliamentary terms. Yet, there are three main qualifications to the idea of Scotland as a source of fast-paced policy divergence.

First, in the 1980s and 1990s, most policy innovation came from the UK Government. Indeed, as noted in Chapter 2, part of the rationale for devolution was the defence of existing state institutions. The ‘Yes, Yes’ vote in 1997 was in part ‘a vote to change institutions in order to stay the same’ (Mitchell, 2005: 26–7). Second, factors such as a shared party of government, the role of the Treasury and the Europeanization of policy undermine the idea that Scotland will necessarily go its own way. Third, there is a big difference between making the decision to be different and seeing that decision through to its final outcome.

The evidence supports these qualifications. Policy divergence through legislation has been slower to develop than we might expect, and this picture is reinforced if we extend analysis to the wider policy ‘cycle’. In the relatively small number of cases where significant divergence has occurred in legislation, the incomplete implementation of policy has undermined divergence.

This is not to say that policy change has not been significant since devolution. In many cases, significant policy changes may have a greater effect on Scotland or be missed with a focus on divergence. This suggests that a focus on being different may be inappropriate, particularly since devolution is no longer in its infancy or enjoying its ‘honeymoon’ period. In this sense it is more important to develop and gain support for policies which are appropriate to Scotland regardless of the UK Government position, particularly since
a key aim of devolution was to address the ‘democratic deficit’ (Box 9.1). Yet, the temptation to look across the border is strong and has been reinforced not only by the election of an SNP Government keen to distance itself from its UK counterpart, but also the media reaction in London which often suggests that English taxpayers are subsidizing Scottish policy divergence (e.g. Browne, 2007; Settle, 2007a,b; Groves, 2011).

This chapter therefore explores:

- How we identify and measure policy change. For example, although in this chapter we focus heavily on outputs such as legislation or funding for services, we also consider outcomes following implementation.
- Why policies in Scotland may diverge or converge.
- The evidence for policy change in a range of policy areas – including ‘flagship’ policies regarding free personal care, student fees and the smoking ban – in each parliamentary session.
- The implementation of those policies.

**Box 9.1 Tests of Scottish policy: divergence, legitimacy and ownership**

Although the extent to which policies diverge is a key test of the difference that devolution has made, we can take two other factors into account. The first is the legitimacy that an elected Scottish Parliament provides. For example, James Mitchell (in correspondence) suggests that the development of enough political maturity to produce the same policies as England (when appropriate) may be a better test of devolution success. Indeed, in some cases, the legitimacy of the Scottish Parliament may be necessary to achieve convergence, since in the past a UK-wide policy may have been viewed as top-down and imposed on a Scottish population which did not vote for the UK Government. Comparative experience also highlights the importance of ‘policy ownership’. For example, McEwen (2005; 2006) draws on the experience of Quebec which negotiated an opt-out from pan-Canadian social policies in the 1960s. This allowed it to finance and develop its own policies in areas such as health, education, income security and pensions. The focus in Quebec then shifted to policies tailored to the Quebecois population by its own government, rather than the resemblance to Canadian policy as a whole (although, as in Scotland, the maintenance of a welfare state was seen as a symbol of Quebecois difference). In this sense, the famous phrase ‘Scottish solutions for Scottish problems’ (see Cairney, 2011a: 175) would refer as much to the way that policy is developed as to its substance and comparison with UK policy. The SNP Government has the potential to harness this idea of ownership. Just as the post-war welfare state was used to foster a sense of British identity, so too could Scottish welfare policies be used to reinforce a Scottish national identity (a strategy used often, in tandem with a reference to ‘Tory cuts’, and particular ideas such as the ‘bedroom tax’, to highlight the potential for greater Scottish/UK welfare differences).
Measuring change: what is public policy?

Although the term ‘public policy’ may appear self-evident, there are many ways to identify it (Table 9.1). Policy is difficult to measure and pin down. Politicians often make speeches announcing new policy initiatives which, due to a lack of willpower, institutional constraints and/or finance never actually materialize in the form envisaged. Some policy announcements can be mere ‘window-dressing’ that does not involve any change in policy. The aim may be to show a desire to tackle intractable problems without any concrete change in policy taking place. Policy-making is often more symbolic than substantive and, in the age of spin, policy statements are often rehashed versions of old statements with ‘new’ monies being announced for ‘new’ initiatives. Further, this lack of direction from the ‘top’ often leads to discretion at the ‘bottom’, with actors at the ‘front line’ delivering public services that reshape policy as they implement it.

<table>
<thead>
<tr>
<th>Policy can be:</th>
<th>Example:</th>
</tr>
</thead>
<tbody>
<tr>
<td>A label for a field of activity</td>
<td>Scottish transport policy.</td>
</tr>
<tr>
<td>An expression of general</td>
<td>‘We want to curb anti-social behaviour’ (Jack McConnell).</td>
</tr>
<tr>
<td>purpose/desired state of affairs</td>
<td></td>
</tr>
<tr>
<td>A set of specific proposals</td>
<td>Draft Land Reform (Scotland) Bill – Consultation Paper.</td>
</tr>
<tr>
<td>Decisions of government</td>
<td>Outcome of Scottish Cabinet decision-making.</td>
</tr>
<tr>
<td>Formal authorization</td>
<td>Scottish Government Environment and Rural Affairs Department formal authorization of Marine Fish Farms in Scottish Waters.</td>
</tr>
<tr>
<td>A Programme</td>
<td>Scottish social inclusion programme.</td>
</tr>
<tr>
<td>Categorized</td>
<td>Regulatory, distributive, redistributive.</td>
</tr>
<tr>
<td>High visibility</td>
<td>‘Flagship’ policies such as free personal care, student fees and the smoking ban.</td>
</tr>
<tr>
<td>Low visibility</td>
<td>Seed potato regulations.</td>
</tr>
<tr>
<td>Output</td>
<td>The funding of more teachers.</td>
</tr>
<tr>
<td>Outcome</td>
<td>The effect of more teachers on student attainment.</td>
</tr>
<tr>
<td>A theory or model</td>
<td>‘Give more money to Scottish police forces and crime will go down’.</td>
</tr>
<tr>
<td>A process</td>
<td>Agenda-setting, policy-formulation, implementation, evaluation.</td>
</tr>
</tbody>
</table>

Source: Based on typology from Hogwood and Gunn (1984).
Therefore, while in this chapter we examine the main legislative changes, we suggest that other measures – such as the distribution of money (Chapter 11) or the implementation of policy – are just as important to our discussion of policy divergence or change.

Reasons for divergence

A number of factors suggest policy divergence will occur between Scotland and England (see Keating, 2005a; 2010; Keating et al., 2003). First, different social attitudes often exist in both countries. The more direct the link between social preferences and public policy then the more Scottish policy will diverge. However, as we suggested in Chapter 4, these differences in attitudes are generally subtle. Scotland may be slightly more ‘left wing’ when asked questions about the welfare state – suggesting a preference for public services, a larger role for the state, redistribution and comprehensive schooling – but just as ‘right wing’ when it comes to law and order. Crucially, political elites also interpret and react to those attitudes differently. For example, the UK Labour government, between 1997 and 2010, sought to create a distinct niche within the public sector for the middle classes who would otherwise defect to private provision and weaken political support for the welfare state – but these measures were pursued less by Scottish Labour, partly because its perception (and the size) of the problem differed (for example, levels of private medicine and education are higher in south-east England than in Scotland). There is also the current example of EU membership: respondents in Scotland are more likely to favour EU membership than those in England, but those differences do not explain well the very different reactions of their parties and governments (see Curtice, 2013).

Second, there are different parties in government. Although, from 1999 to 2007, Scotland and England shared the same party of government, in Scotland this required coalition with the Liberal Democrats. Both parties shared many policy objectives. However, in key areas such as personal care for the elderly, student fees and proportional representation in local elections, divergent policy was the price Labour paid for retaining office. This was followed, in 2007, by the election of an SNP Scottish Government and, in 2010, by the election of a Conservative–Liberal Democrat UK Government – producing further divergent policies in areas such as student fees. There are also more left-of-centre political parties competing in Holyrood (and the centre-right Conservative party has limited support) while, in Westminster, the centre-left Labour party faces competition from the right-of-centre Conservative party (although note that political parties are difficult to categorize – see p. 46). Therefore, parties in each jurisdiction must act differently to command different centre grounds.

Third, First Ministers are often conscious of the need to make Scottish Government policy distinctive so as to justify the value of devolution and to cement their own positions. Fourth, public sector professionals may have a
larger role in policy-making in Scotland. MSPs are more likely to be drawn from these professions than their UK counterparts, and policy is negotiated with professionals more, and imposed less, in Scotland (this is sometimes described pejoratively as ‘group capture’). In turn, Scottish professionals may be more inclined to universalist forms of provision (Greer, 2005d; Keating, 2005a; Greer and Jarman, 2008; Keating and Cairney, 2006).

Fifth, there are differing policy conditions. There are differences in economic structures and the values of some businesses to the economy (such as fishing, meat, timber, whisky and tourism). England may have distinctive problems, such as road congestion, which places charging higher on the agenda than in Scotland where rural transport may be more of an issue. Scotland may have a less healthy population in more need of public health measures.

Sixth, it is often better to think in terms of policy difference rather than divergence. Many pieces of legislation will have different starting points based on existing administrative differences (in areas such as education, social work, probation and water). Only in some cases will this act as a springboard for further differences.

Finally, the policy process and policy style in Scotland may be different. Policy may change as legislation passes through the Scottish Parliamentary committee process. Moreover, there was hope that devolution would lead to more fruitful contact between government and interest groups. This would not only aid implementation (with personal relationships replacing regulation and targets) but also produce better policy (Entwhistle, 2006). Or, as we suggested in Chapter 8, a lack of policy capacity to research and formulate policy independently may suggest that policy will be subject to greater influence from the professions that civil servants rely on for information and advice.

However, there are equally convincing reasons to suggest that policies will not diverge. First, public expenditure limits and rules on borrowing, dictated by the Treasury, may limit policy innovation. Second, there is also a complex relationship between reserved and devolved issues which often complicates policy innovation, particularly when issues cross departmental boundaries or involve the tax and benefits system. EU commitments must also be implemented across the EU with a degree of uniformity. Third, there is the UK single economic market to consider. Significant policy differences would have disproportionate effects in Scotland. For example, differences in social entitlement may lead to the problem of ‘welfare immigration’ (although the differences would have to be high).

Fourth, from 1999 to 2007, both countries shared the same party of government. Party and ministerial links ensured a degree of common purpose and a need to avoid the political embarrassment associated with divergence in some areas. This was further facilitated by a UK-wide civil service fostering regular
Box 9.2  Policy transfer and learning since devolution

Keating et al. (2012: 289) distinguish between policy learning, a voluntary process in which governments share experience and ideas, and policy transfer, or the importation of policy which ‘can be more or less coercive’. Coercive elements may be linked to factors such as a shared party of government and Treasury control of funding arrangements, while ‘indirect’ coercion may effectively be caused by the ‘spillover’ effects of UK Government policies for England. It is unusual to find the UK Government simply learning from Scottish experience (mental health policy is one of a few notable exceptions), although Scotland was the first in the UK to legislate to ban smoking in public places. The more common effect is for Scottish policies to be influenced by policies made for England: ‘Scottish policy is made with one eye on England, based on the idea presented by the UK Government that the devolved territories are not keeping up’ (Cairney, 2011a: 178). For example, the UK Government agenda on waiting times in the NHS puts pressure on Scotland to follow suit – partly because waiting times are relatively easy to measure and the Scottish governments want to avoid unfavourable comparisons (and partly because political parties play the same ‘waiting game’ within Scotland – ibid.: 183). The UK Government’s tuition fee regime also puts indirect pressure on Scottish policy because its reduction of higher education spending reduces the Scottish Government budget (see p. 218), though the Scottish Government can choose to fund free higher education at the expense of other funding programmes, which it continues to do (note that it must also offer the same fee arrangement to EU students outside the UK). The effect of indirect pressure depends on the extent to which we can make meaningful comparisons of policy success and the ‘porosity’ of the border between England and the devolved territories (which helps to explain why UK Government policies are felt more in Wales than in Scotland – Keating et al., 2012: 294).

‘Wicked’ policy problems: Long-standing public policy problems (e.g. health inequalities, social exclusion) which require multi-agency coordinated approaches to their ‘solution’.

contact, information sharing and informal influence. In terms of policy learning, when one country innovates, another may follow (Box 9.2).

Fifth, each country shares professionals, many of whom belong to UK-wide professional associations. Further, many interest groups and think tanks still operate on a UK basis and maintain a consistent lobbying line in both jurisdictions (although most think tanks are based in London, not Edinburgh).

Sixth, due to the incremental nature of policy-making, radical change over a wide range of policies is unusual. Governments inherit programmes which cannot be changed overnight. This is particularly the case with ‘wicked’ policy problems (such as health inequalities) which defy obvious solutions and require a level of coordination that most governments find difficult.

Finally, Scotland and England share a range of similar policy conditions and problems – such as an ageing population and
low birth rate – and a broadly similar attitude to solving them. Therefore, to build up a picture of the extent of policy divergence, it is necessary to examine the evidence.

**Primary legislation as an initial test of divergence**

Keating *et al.* (2003; see also Keating, 2005a) compare the legislative outputs of Holyrood and Westminster in Scotland’s first parliamentary session, 1999–2003. They suggest that although there was an as-expected ‘rush to policy’ – with 61 Acts passed and an average of 15 per year, much higher than the six dedicated Scottish Acts passed at Westminster – this did not produce a radical shift from the past or from the rest of the UK. Although there was a small number of ‘flagship’ policies – such as free personal care for older people and the reform of student fees – that marked a clear divergence, most legislation highlighted less significant differences.

We can see this when we look at their three main categories of legislation. First, although the category *Holyrood legislation with no Westminster counterpart* accounted for most (61 per cent) of the legislation under review, most instances are either innocuous ‘housekeeping’ bills or bills, abolishing archaic policies in Scotland, that Westminster had no time for (e.g. Abolition of Feudal Tenure, 2000; Abolition of Poindings and Warrant Sales, 2001). Second, although there are many instances of legislation that deals with the same issue but with a different policy, most display rather subtle differences. Examples include the need to discuss a stable family life when providing sex education (the Westminster Act refers to marriage) and the rejection (in Scotland) of proposals to make businesses charge employees who park at work. The third main category is legislation that deals with the same issue and with the same policy, but with scope for differences in application. This category suggests that there are numerous examples of difference, but that they are subtle and may take time to materialize fully. This mirrors the pre-devolution position in which implementation differences reflected different policy conditions and distinct administrative practices.

‘**Flagship**’ policies and beyond: 1999–2003

‘Flagship’ refers to legislation passed by the Scottish Parliament which is perhaps not only high-profile but also a symbol of intent. The highest profile example was the decision to introduce ‘free personal care’ for older people, since the policy had already been rejected by the UK Government. The background to this policy is the UK Government-commissioned Sutherland Report (1999; see also Simeon, 2003; Shaw, 2003). The report recommended that long-term personal care should be provided free and should not be means
tested. The recommendation was to separate the therapeutic care element from accommodation and subsistence costs and for the costs of personal care to be met by the taxpayer. This was rejected by the UK Government in favour of free nursing care plus means-tested and targeted personal care provision. The decision in Scotland to accept the main Sutherland recommendations therefore represented significant policy divergence (and, as Box 5.4 suggests, there is no shortage of contenders to explain the decision).

The second flagship policy was contained in the Education (Graduate Endowment and Student Support) (Scotland) Act 2001 which removed up-front student tuition fees and provided more financial support for some students in Scotland. In this case, the level of divergence was perhaps less notable because, at the time, Scotland’s Act had no Westminster counterpart and the policy favoured by the Scottish Liberal Democrats (and supported publicly by the SNP and Conservatives) had been ‘watered down’ in coalition negotiations with Labour – the fees were deferred and effectively reduced to approximately £500 per year (for four years) rather than abolished. Subsequently, policy diverged further when Westminster’s Higher Education Act 2004 gave universities the ability to charge fees of approximately £3,000 per year (and then the SNP Government in 2007 signalled its intent to abolish student fees altogether before they rose to a maximum of £9,000 in England – see below). Yet, the picture was complicated by the Scottish Government’s decision to introduce higher fees for English medical students in 2006 (a policy extended to all ‘rUK’ students by the SNP in 2011) and the UK decision to reintroduce some grants in 2007. In other areas, policies were often very similar (at least before 2007), with tuition fees deferred and paid back at the same time as the student loan, and a greater reliance in England on ‘foundation’ degrees which mirrors Scotland’s reliance on further education institutions to provide some part of higher education.

A similar complicated picture developed in compulsory education, which demonstrates the need to look beyond legislation when examining policy. Perhaps the most high-profile policy in the first term was the pay deal awarded to teachers after a review chaired by Professor Gavin McCrone. It ended decades of industrial unrest (the main aim of the policy) and also allowed the expansion of teacher recruitment necessary to set maximum class sizes in some years (a policy reinforced under the SNP). There were two Education Acts that were largely symbolic affirmations of policy differences which existed long before devolution. Compulsory education has always been organized differently in Scotland which has its own policy community, history, tradition and administrative systems (Cairney, 2013a).

Such differences were accelerated following devolution; the development of a new 3–18 educational curriculum further removed Scotland from the testing regime used in England (but which was resisted in Scotland before devolution), while legislation was introduced to abolish school boards (the part-equivalent of boards of governors in England) in favour of wider parent-
teacher forums. This marked further divergence from UK Labour policy which pursued an agenda of differentiation in school provision, with private, grant-maintained and new types of schools competing with comprehensives. The competition comes from key-stage testing and ‘league tables’ (combined with inspection regimes to determine quality).

Scotland’s Mental Health Act 2003 was perhaps the best example of a significant piece of legislation with no Westminster counterpart (until the latter passed a more limited Act in 2007). Mental health also demonstrates at least three of the reasons given for devolution. First, administrative devolution (accompanied by minimal public or political awareness) allowed policy to develop differently in Scotland, with (for example) slower rates of hospital closures, different attitudes to the treatment of personality disorder in hospitals (following a high-profile breakout from Carstairs state mental hospital in the 1970s), a different inquiry process for homicides by patients receiving psychiatric care, and no Scottish equivalent to the Home Office’s role with offenders in secure psychiatric units (four factors which proved crucial to the development of separate legislation). Second, the Scottish Parliament provided the legislative time for bills – the Adults With Incapacity Act 2000 was a bill in the making for almost a decade. Perhaps more impressive is the progress of the Mental Health Act. While the UK government commissioned and received its (Richardson) report into compulsory treatment by 1999, it took eight years to produce an Act with relatively limited scope. In contrast, the Millan Review in Scotland began in 1999 and reported in 2001, with substantive legislation passed by 2003. Third, the process surrounding the mental health Acts in Scotland and England provides one of the best examples of differences in ‘policy styles’ (see Chapter 8) since devolution. Both bills address the controversial area of compulsory treatment in the community and interest-group concern has been apparent in both processes. The Millan review was based on widespread consultation while in England there was an unwillingness of ministers to negotiate with interest groups, leading to years of entrenched positions with no legislative resolution (Cairney, 2009c).

‘Flagship’ policies and beyond: 2003–07

In the second session, the policy most associated with coalition government was the introduction of the single transferable vote in local government elections (Chapter 4). However, the most high-profile ‘flagship’ policy was the ban on smoking in public places in 2005 (see Box 5.2). The turning point came in the lead up to Stewart Maxwell MSP’s press conference to announce widespread support for his bill. Faced with the embarrassing prospect of a range of public health groups criticizing a lack of government action, the Government promised to address the matter comprehensively in exchange for the withdrawal of public support at Maxwell’s conference. Public health group
support for the Government then became crucial to ‘sell’ this new policy at a
time when public opinion was mixed. The example confirms the value of
studying multi-level governance and Scottish influence beyond its formal
position. At the time, this policy not only marked a significant break from UK
policy, but was also done in the face of opposition from the UK’s then Health
Secretary John Reid (although civil servants in the UK Department of Health
were more supportive). Indeed, soon after the legislation was announced in
Scotland, similar statements of intent were made in Wales and Northern
Ireland. These developments were then used (successfully) by public health
groups in England as leverage for change and a ‘free vote’ in Westminster,
leading to comprehensive legislation in line with Scotland (Cairney, 2007d;
2009a).

This experience contrasts with overall developments in health policy,
particularly since there is now significant divergence in the management of
the NHS. This is demonstrated by divergence in Scottish and English Acts.
While the National Health Service Reform (Scotland) Act 2003 abolished the
NHS’s ‘internal market’ which fosters competition between providers of medical services, the UK Health
and Social Care (Community Health and Standards) Act 2003 extended it by introducing ‘foundation
hospitals’ (which achieve relative independence when they meet NHS targets and are then expected to follow
a private business model). As with compulsory educa-
tion, much of the legislation formalized differences
which were apparent before devolution (Cairney,
2002) and then accelerated markedly since 1999. In
England, health policy contained the same elements as
education: diversity and competition mixed with a
strong focus on targets and a top-down ‘command and
control’ style. Faith was placed in managers (with less trust in the medical
profession) on the basis of a long-term belief in new public management
(Greer, 2004).

In Scotland, the policy focus was more on partnership working between
health (and local) authorities. The Scottish Government, due to its smaller
size, is more able to centralize health policy through close involvement
between senior decision-makers and health boards. Further, while England
has a wide pool of experienced health care managers, Scotland has a ‘very
large medical elite infrastructure’ including three Royal Colleges (Greer,
2005d). A policy community was apparent before devolution: ‘the legacy of
the Scottish Office was a tradition of close consultation between the (rela-
tively understaffed) officials there and the medical elites’ (ibid.: 505). Post-
devolution, the effect of this relationship was the reversal of internal market
reforms and a reduced role for non-clinical managers:

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**Foundation hospitals**: Introduced by the Blair-led Government in
England, these hospitals have a significant amount of managerial and
financial freedom when compared with existing hospitals. There are none in
Scotland.

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In the short time since devolution there has been surprising policy divergence … There are in most issues two poles: Scotland and England, with the former running a health service for patients and the latter running one for consumers. England is by far the most radical … Scotland is the most traditionalist, rediscovering the virtues of the pre-Thatcher NHS … Where England has in spirit and in policy opted for a market based set of solutions, Scotland is opting for dominance by the professionals who work in the system. (Greer, 2003; for a more nuanced discussion, see Stewart, 2013)

Greer’s discussion is also interesting because he uses comparative analysis to suggest that the forces of convergence are relatively weak in the UK. Scottish governments are ‘free to do what they like’ if they have party control of the legislature. Unlike the USA and Germany, there are no points of veto in the health care system. Unlike Spain, Canada and Germany the system of finance and regulation is not restrictive and funding from the UK does not come with conditions on how to spend it.

However, there remains considerable indirect influence from England. This is most apparent with its agenda on targets for waiting times and waiting lists. While the medical operations associated with these targets account for a very small proportion of NHS spend, the Department of Health often succeeds in equating target success with real success in health care efficiency. By extension, attempts by devolved governments to set their own agendas with different proxy indicators – for example by directing resources away from acute health care to wider public health measures – are often undermined by a public and media focus on targets, often fuelled by UK ministers bemoaning the lack of ‘modernization’ outside England. Scottish ministers and civil servants then get ‘sucked in’ to debates and feel obliged to fund reductions in waiting lists (see Box 9.2; Cairney, 2006c: 118; 2011a: 183).

‘Flagship’ policies and beyond: 2007–11

The SNP’s first legislative programme was dubbed ‘legislation lite’ by opposition parties (Gray, 2007c). This reflected the lack of a majority in Parliament. Substantive policies, regarding a referendum on independence, the introduction of a local income tax and a minimum price on a unit of alcohol, did not receive that support. Also many major policy aims – on, for example, capital finance projects, public service targets, curriculum reform and prescription charges – did not require Scottish legislation, while significant individual decisions – such as halting the closure of certain hospital services and seeking to prevent ship-to-ship oil transfers in the Firth of Forth – were made by ministers without the need for parliamentary approval. The SNP Government’s incentive was to present an image of governing competence, in preparation for an independence referendum, rather than present a long list of legislative aims.
As a result, the first legislative programme perhaps contained only three bills that would not have been introduced by the previous coalition government: to abolish student fees (by removing the ‘graduate endowment’ of about £2,000, payable upon graduation), abolish the tolls on road bridges, and introduce pilot elections in health boards. These were accompanied by bills unlikely to find opposition in Parliament (for example, to update public health legislation) and/or which were inherited from the previous administration (for example, the reform of the law on debt and damages).

Nevertheless, it is possible to detect a narrative of policy direction under the SNP, particularly in key areas such as health, justice and renewable energy. It continued to play the NHS ‘waiting time game’ (and introduced a statutory rights regime), but sought to differentiate a Scottish NHS driven by an ethos of public service and mutuality from an English one driven by the private market (Cairney, 2011a: 183–5). The Scottish Government introduced pilot health board elections, with the franchise extended to age 16 (the trial of pilot elections was a compromise with opposition parties). It also phased out prescription charges and pledged to maintain policy divergence on ‘free personal care’ in the face of significant funding constraints. In public health, it sought to build on Scotland’s record on tobacco control by introducing further restrictions, such as raising the smoking age to 18, banning cigarette vending machines and seeking to limit the display of tobacco products (measures also adopted in the rest of the UK), and to make similar strides in alcohol control. Some of these measures proved particularly controversial, and difficult to introduce in the face of opposition party objections. They produced some policy change in areas such as drinks promotions, but dropped a proposal to raise the drinking age to 21 and postponed introducing a minimum price on a unit of alcohol (ibid.: 191).

Justice policy also proved to be a sporadically controversial topic, with the SNP Government pursuing some distinctive sentencing reform (by seeking to phase out sentences under six months in favour of community service) combined with an acceleration of Scottish Government policy on home detention and community services, partly to reduce the burden on often overcrowded prisons (ibid.: 197). It also produced legislation with general cross-party support in areas such as the reform of judicial practices, ‘double jeopardy’, the law on sexual offences, forced marriage and support for witnesses and victims of crime (it also legislated quickly to address ECHR rulings on ‘slopping out’ in prisons and questioning witnesses without providing access to legal advice).

Perhaps the most significant SNP policy (apart from its agenda on independence) regards environmental and energy policy, although this is an area in which it has limited policy levers. Its most notable policy was to rule out the building of new nuclear power stations in Scotland – an approach that provoked much tension with the UK Government (although it still supports and/or extends the use of existing nuclear capacity). Instead, it has publicly backed renewable energy – effectively by encouraging private sector devel-
opments and signalling its openness to new developments (which it can ultimately approve via its role in the planning process). It also set very ambitious climate change targets in 2009 which, at the time, went beyond UK commitments (albeit in an area where targets may often seem ‘symbolic or very difficult to track until well after the current government has left office’ – ibid.: 181). The target is to reduce greenhouse gas emissions by 80 per cent by 2050 (with an interim target of 50 per cent by 2030).

‘Flagship’ policies and beyond: 2011–present

A governing majority has allowed the SNP Government to reintroduce policies which had insufficient support under minority government – including the chance to pass a bill on the independence referendum – but it has not altered its policy style markedly. Its plans to introduce a minimum price on a unit of alcohol may be delayed by legal action brought by the alcohol industry (see Box 8.5). It has chosen not to legislate to introduce a local income tax (its 2011 manifesto signals a desire to consult on the issue and legislate after the next election). It also decided not to introduce ‘emergency’ legislation regarding sectarian-related crimes (such as chanting at football grounds) when it faced a mini-backlash regarding the pace of legislative action (the Act passed in December 2012 following lengthier consultation than planned). In general, majority government has not produced ‘majoritarian’ government.

The remainder of the Scottish Government legislative programme in 2012 contains, for example, plans for the Marriage and Civil Partnership Bill which allows same sex couples to marry (as in Westminster, it is subject to a free vote on a ‘conscience’ issue). Three other bills stand out as statements of SNP intent. The Post-16 Education Reform Bill highlights Scottish Government plans to introduce grants for university students in low income families and to reform (and in some cases ‘rationalize’) college provision. It also reminds us of the growing gap between higher education funding in Scotland and England following the UK Government decision in 2011 to raise the maximum allowable fees to £9,000 for domestic students (Welsh students will continue to pay around £3,000). The Children and Young People Bill introduces a ‘minimum of 600 hours free early learning and childcare provision’. The Adult Health & Social Care Integration Bill seeks to integrate further some joint services between local authorities and health boards through shared targets and budgets (although subject to the Scottish Government’s existing agreement with COSLA – see p. 140). Two other bills – Land and Buildings Transaction Tax and Landfill Tax Bills – introduce Scottish-specific taxes following their devolution in the Scotland Act 2012 (see p. 247). The remainder of the programme generally regards issues that arose from professional reviews or other means to reform the law without generating significant party political disagreement.
Limits to a focus on primary legislation

A sole focus on primary legislation alone may not capture the main developments, since policy is also administered from the existing statute book. In some areas (and ‘cross-cutting’ issues in particular), almost all policy is formulated in this way. For example, social inclusion was a key policy priority of both the Labour–Liberal Democrat Scottish Government and the UK Labour Government, which used the term ‘social exclusion’ (see Keating, 2010: 241 on its history). Social inclusion ‘policy’ was a package of measures designed to tackle the disadvantages associated with poverty caused by unemployment or low pay. It includes addressing unequal access to services such as education, training, health, childcare and housing, with the idea that social inclusion policies draw on ‘solidaristic notions of social integration, citizenship and community’ (Fawcett, 2004: 240). In practice there was little to differentiate Scottish and UK approaches. Most concrete policy has been directed at economic regeneration projects in particular areas, which represents not only convergence with the UK, but also the continuation of policies established well before devolution (Keating, 2005a: 195–203). Further, key policy areas, such as social security (including housing benefit) and employment policy, are reserved, not devolved (Sinclair and McKendrick, 2012: 61). The driver for most policy therefore came from a range of the UK Government’s flagship policies – welfare to work, the minimum wage and the Working Families Tax Credit – and Scottish–UK cooperation (which may have had some success – relative and absolute poverty ‘fell in the first decade of devolution’ – ibid.: 62). Post-2007, social inclusion arrangements have been integrated within wider policy-making arrangements on economic growth and development and the Scottish Government performance framework (Keating, 2010: 247).

Another cross-cutting policy area is rural affairs. ‘Rural policy’ is a rather confusing term reflecting a desire within the European Commission to broaden agricultural policy, with a new focus on the ‘economic, social and environmental needs of people living in rural areas’ (Keating, 2005a: 204; Jordan and Halpin, 2006). This is driven by its Common Agricultural Policy (CAP) reforms which provide money to farmers and landowners (via EU member states) only if they fulfil conditions set down by the Commission. As a cross-cutting theme, it therefore has the potential to span a wide range of policy areas, including rural transport issues, access to health and education, the environmental impact of farming and economic development.

Although the UK and Scotland have embraced this new approach to a degree, there are various factors suggesting that policy may diverge. While agricultural revenue and employment is more significant in Scotland, the proportion of land suitable for crops is considerably lower and so it is much more dependent on CAP support (Keating, 2010: 154). Scottish policy is generally more sympathetic to the protection of farmers, particularly since...
Scotland has a larger proportion of small farms compared with the large agri-
businesses in England, while the UK Government has been more open to envi-
ronmental lobbying and the pursuit of alternative uses for the countryside
(Keating, 2005a: 208). There has also been no equivalent to the English popu-
lation boom in rural areas which has led to pressure for housing and develop-
ment, with the Scottish focus more on economic development and retaining
the population. Rural affairs therefore became closely linked to the social
inclusion agenda, while in England the focus was more on protecting rural
areas from the worst excesses of urban overspill (ibid.: 205).

Limits to a focus on divergence

The point of the discussion so far is that, if we look at public policy as a whole,
divergence may be present in a large number of areas, but the differences are
often subtle. However, this is not to say that there has been no significant
policy change, particularly since the same policy may have disproportionate
effects in Scotland.

One of the best examples in the first parliamentary session is Scotland’s
Housing Act in 2001 which follows England’s agenda on the ‘right to buy’
council houses and the transfer of housing stock from local authorities to registered social landlords such as housing associations (in most part because Treasury rules encourage such transfers). The effect in Scotland is larger because there is a much higher local authority social rented sector. In 2000, 24 per cent of housing in Scotland was owned by local authorities, compared with 13.6 per cent in England and 15.1 per cent in Wales (Stirling and Smith, 2003: 147). By 2006, the Scottish figure fell to 15 per cent (with an additional 10 per cent owned by housing associations – McKee and Phillips, 2012: 224). There has been some recent policy divergence: the SNP Government’s Housing Act 2010 enables ministers to remove the right to buy of new tenants, reflecting a widespread concern about the availability of social rented housing (McKee, 2010); the UK Government has increased the right to buy discount (for tenants renting for at least five years) to counter falling sales during the recession (Ramesh, 2012).

In the second session, the most significant development was legislation to tackle anti-social behaviour. Crime and disorder had been a potential source of divergence in the first parliamentary session, with UK Labour pursuing a punitive agenda compared with a Scottish Government department led by Liberal Democrat Jim Wallace. However, from 2003, Scottish Labour took on this remit, signalling a similar move towards legislation as the main policy instrument. Both governments focused on the introduction of **anti-social behaviour orders**, to be issued by local authorities and enforced by the police. As Keating (2005a: 203) suggests, this marked a significant ‘reframing’ of the problem, from one of social exclusion and disadvantage, to one which highlighted social misconduct, particularly among young people. Jack McConnell’s particular attack on ‘neds’ (‘non-educated delinquents’), marked the same type of shift that we saw in UK Labour’s increasing distance from the latter half of its famous phrase, ‘tough on crime, tough on the causes of crime’. In this case, crucial differences only emerged in the enforcement of the orders, with Scottish authorities much more likely to use the orders as a last resort than in England where the uptake was higher. In fact, ASBOs ‘never took off in Scotland’ and they were ‘effectively abolished’ in the early period of the first SNP Government (perhaps as part of a wider movement away from this punitive agenda) (Cairney, 2011a: 196).

It is also possible to identify similar Scottish and UK Government policies from 2007, including a shared commitment to tobacco control, further restrictions on alcohol sales and consumption and ad hoc issues such as same sex marriage.

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**Anti-social behaviour orders (ASBOs):**

Designed to prevent behaviour including drunkenness, intimidation, vandalism and playing loud music at night by individuals and families who make life difficult for their communities.
Divergence and implementation

Divergence is still a key test of devolution’s impact and it is one which captures political attention, since so much political energy was vested in the idea that Scotland was different and, as such, required different policies. We can therefore use this idea to explore the ‘success’ of different policies (see McConnell, 2010 on the various meanings of ‘policy success’). As students of public policy know, the story does not end with the decision to diverge – policy must also be implemented. If the implementation process is incomplete, divergence is even less significant than the focus on legislation suggests.

This line of reasoning is most associated with the ‘top-down’ approach which highlights factors that ensure implementation success:

1. There is an understanding of, and agreement on, clear and consistent objectives.

Box 9.4 Scottish policy in an era of ‘neoliberalism’

Neoliberalism is a rather vague term used to describe a broad aim to minimize (or ‘roll back’) the role of the state in favour of maximizing the use of the market. The UK Government (both parties) encouraged or initiated ‘neoliberal’ reforms from the early 1970s. The most famous reform was privatization: selling state assets (including the nationalized industries and social housing); introducing competition or the public sector equivalent of markets into services once provided solely by the state; encouraging public–private partnerships; and charging for government services (Cairney, 2012a: 158–9). The UK Government also reformed and reduced the size of the civil service and reduced certain aspects of the welfare system (a process linked to the ‘race to the bottom’ when governments reduce taxes and spending to deal with globalization and attract foreign direct investment).

This represents the key context for neoliberalism in the devolution era – not least because many of its key determinants (taxation, welfare and employment policies) are still reserved to the UK. It is tempting to suggest that the Scottish Government always rejected neoliberalism in favour of a more traditional social democratic welfare state. Instead, its actions are more mixed. In health care, it removed most aspects of the ‘internal market’ and bought a once-private hospital to increase capacity. In areas such as higher education and social and health care, it reduced or abolished government charges. However, it encouraged the sale of council housing through the ‘right to buy’ and promoted public–private partnerships when building schools and hospitals. Other measures are subject to more debate. For example, Law and Mooney (2006) argue that the Scottish Government has engaged in neoliberalism by omission, by not doing enough to challenge poverty and class-based inequalities. Scott and Mooney (2009) also point to the ‘neoliberal’ rhetoric (stressing the role of the individual over community solidarity) associated with government economic growth strategies and worry about the effect of reduced government budgets on their social justice-related priorities.
2. A valid/adequate causal theory exists, in which the relationship between cause and effect is direct (i.e. that the policy will work as intended when implemented).

3. Subsequent tasks are fully specified and communicated (in correct sequence) to a team of skilful and compliant officials.

4. The required time and resources (including political will) are available, and fully committed, to the relevant programme.

5. Dependency relationships are minimal and support from interest groups is maintained.

6. External, or socioeconomic, conditions do not significantly constrain, or undermine, the process. (Marsh and Rhodes, 1992a; Cairney, 2009b)

By extension, partial success or policy failure (which may undermine the level of divergence) can be explained according to these requirements not being met. In such cases there is an implementation gap (see Hill and Hupe, 2002: 2; 2008). While such problems are common to all political systems, Scotland may also suffer particular constraints based on ‘external’ factors such as UK political interference (from parties or governments) and the unintended consequences of UK Government policy for England (Cairney, 2009b).

The implementation gap is demonstrated well by free personal care for older people in Scotland. A number of factors demonstrate that this divergence was much less significant than the headlines suggest. First, we see the legacy of initial UK ministerial attempts to set the agenda following the publication of the Sutherland Report. They not only rejected the Report’s main recommendation, but also attempted to influence the Scottish decision (and then its presentation) through its First Minister (McMahon, 2002). When Scotland adopted the policy, the Scottish Government set a specific figure for ‘free’ care – £145 per person per week for personal care plus an additional £65 per person per week, if required, for nursing care (£163 plus £74 in 2013; in England the rates for free nursing care are now £109–150). Consequently, older people, who were previously entitled to Attendance Allowance (which forms part of the reserved benefits system), no longer received it if they received free personal care in a care home. This ‘saving’ to the UK Treasury was not passed back to Scotland and so the new money replaced rather than supplemented existing entitlement (now £52–77 regardless of income or savings).

Second, the policy was adopted quickly following a spell of opposition politics, outspoken Liberal Democrat support and ‘on the hoof’ policy-making by First Minister Henry McLeish (Shaw, 2003) rather than a comprehensive consultation process designed to ensure smooth implementation. This perhaps explains a series of teething troubles associated with a lack of clarity in objectives (updating IT procedures, staff training and estimating take-up)
which delayed the implementation date from April to July 2002. Councils also reported problems in explaining what ‘free’ personal care meant – that is, that it would not include ‘hotel’ costs for people with (at the time of introduction) over £19,000 invested in savings or a house (Audit Scotland, 2004: 13).

Third, the centrality of local authorities to implementation undermined central control, since in practice the money is paid by the Scottish Government to reimburse authorities for the level of care given. The money is not ring fenced (see p. 139) and service provision becomes linked to negotiations on the (in)adequacy of the local government settlement.

The consequence for residential care was incomplete implementation (see Cairney, 2006d: 73). Many councils introduced waiting lists for people who qualify for care and did not implement Scottish Government provisions for deferring fees until the resident dies. The funding shortfall led to disputes over the coverage of the payments (e.g. who pays for meal preparation). The unintended consequence is that private care homes make up the shortfall by overcharging on hotel costs for those who self-fund. Further, while the main success of free personal care has been a reduction in ‘hidden need’ and a significant rise in care at home, the evidence is that, until the new policy was implemented, local authorities did not charge the full amount for home care (with many charging an amount roughly equivalent to the Attendance Allowance). Therefore, for a large but indeterminate part of the Scottish population, the new policy replicates arrangements already in place.

In the field of housing and homelessness policy, although housing benefit and housing stock transfer is effectively controlled by the UK, most other aspects of housing are devolved and post-devolution expectations were high, fuelled by the particular attention given to these issues by Scottish ministers. Policies on homelessness and housing standards were sold as a significant break from the past and an improvement on English policy (Cairney, 2009b). Yet, a series of top-down factors undermined implementation success. With housing quality, Scotland proposed a higher minimum standard than England, but the lack of civil service capacity led to serious delays in meeting them. In contrast, England became more focused on enforcing a lower standard, with more central government follow up and a relatively strong system of monitoring local-authority performance. A similar picture is apparent in homelessness policy which saw Scotland introduce wider definitions of need but without ring-fencing the resources to match the expansion of policy. Therefore, groups like Shelter Scotland identified the ‘best homelessness legislation’ but also the worst social housing conditions in Europe and a lack of political will to implement policy. The Scottish Government passed legislation but showed no sense of urgency, will or new money. Therefore, divergence in policy formulation was undermined by implementation.

The issue of implementation also extends to areas in which there was (eventually) little divergence in policy choice. For example, the ban on fox-
hunting demonstrates implementation problems in both England and Scotland. Both suffer from a lack of resources devoted to enforcing the ban.

In contrast, we can see early signs of success in tobacco policy implementation (although note the longer term aim of reduced smoking in the population): the smoking ban has clear aims, the short-term aim (of prohibiting smoking in public places) worked as intended when implemented; compliance was achieved by placing the onus on the host premises, backed up by sufficient resources within enforcement teams; public health group ‘ownership’ of policy is still high; and social attitudes are largely supportive of the measures.

With the exception of the smoking ban, these examples show a clear implementation gap between expectations and outcomes, suggesting that policy partly fails (or divergence is not followed through) if not enough of the conditions of success are met.

The ‘bottom-up’ approach to implementation studies criticizes this obsession with success and failure rather than the policy outcomes themselves and their main influences (see Cairney, 2012a: ch. 2). It suggests that, while central government policy may be the main influence, it competes with a variety of demands (often including competing or contradictory central government policies) and competing pressures within local implementing organizations (Hjern and Porter, 1981; Hjern, 1982). Although national governments create the overall framework of regulations and resources, the main shaping of policy takes place at regional and local levels by implementation structures in which national considerations may play a small part (see also Chapter 7 on governance). A bottom-up focus allows us to explain why the Scottish Government may lose control of its policy after it has legislated and passed on the money to local authorities or other organizations.

The interesting thing to note about Scottish Government under the SNP is that they often appeared to pursue and promote a ‘bottom up’ implementation strategy. Cairney (2011a: 81) argues that previous Scottish Governments had already shown aspects of this approach, ‘in which flexibility is built into the initial policy and there is less of a sense of top-down control that we associate with the UK government’. However, the SNP also made great play of further rejecting ‘top-down diktats’ and effectively allowing organizations, such as local authorities, to make policy as they implemented it (see p. 168). The best example is primary school class sizes. Successive Scottish Governments have set maximum class size policies but allowed local authorities a degree of flexibility on implementation (subject to a legal maximum of 30 until it was reduced to 25 in 2010). For example, the Labour–Liberal Democrat Government allowed local authorities to follow a maximum average class size. The SNP Government policy was to recommend a maximum size of 18 in primary school classes P1–P3, and provide relevant funding to local authorities, but not enforce the measure. Consequently, there was great variation in local authority approach (linked, to some extent, to the party leading the council). There was also considerable criticism from opposition parties in the
Scottish Parliament, arguing that the policy had failed, but countered by the SNP Government argument that local authorities were free to make their own decisions subject to the legal maximum. The same approach can be found in SNP Government policy on free school meals (Cairney, 2011a: 252; 2013a).

Conclusion

Although there are a number of ways to gauge public policy ‘success’ since devolution, a focus on policy divergence ties in with widespread expectations associated with ‘Scottish Solutions to Scottish Problems’. Factors such as different social attitudes, the role of parties, ministers trying to ‘make their mark’ and differences in policy conditions all point to the likelihood for divergence. Yet, there are also many good reasons to suggest that policies will converge, including the continued influence of UK and EU bodies on Scottish policy, government by the same party, and the fact that different countries often face the same problems and share ideas on how to solve them. This suggests that we need to look at the evidence in detail to gauge the level of policy change and divergence.

There are clearly some high profile instances of major policy change since devolution, including policies to introduce ‘free personal care’, abolish student fees, ban smoking in public places and regulate the sale of alcohol. However, a focus on ‘flagship’ policies alone may exaggerate levels of divergence with the UK. When we look at a large number of the less visible – but just as significant – policy areas, we see that this focus by decision-makers on a handful of key areas means that most are relatively ignored, with far fewer resources devoted to putting a Scottish stamp on policy.

A focus on the implementation of policy changes the picture further. The example of free personal care demonstrates that there is a big difference between making the decision to be different and actually ensuring that the policy is implemented. Similarly, with housing we see a series of good intentions during the honeymoon period of the first parliamentary session, only to be replaced by relative neglect in the second session. This is not to say that policy change has not been significant since devolution. In many cases, such as transferring housing stocks from local authorities and introducing ASBOs, significant policy changes may have a greater effect on Scotland or be missed with a focus on divergence. In others, such as social inclusion and rural policies, we find that a focus on legislative divergence misses the significance of day-to-day policy-making by ministers and civil servants.

Overall, this is not a picture of radical policy change. Scotland is not the ‘land of milk and honey’ portrayed in a wide section of the Scottish and English media (Mooney and Poole, 2004) and there is a widespread misconception about the amount of policy innovation that Scotland’s financial settlement can support. Care for older people was not ‘free’, student fees were not
abolished before 2007, and teachers are not always paid significantly more than their English counterparts (with doctors often paid less). Instead, the Scottish Government generally has to redirect money from one programme to fund another. This factor, exacerbated by the likelihood of reduced Scottish Government budgets for the foreseeable future, remains the main obstacle to policy innovation or change.

**Further reading**


**Online sources**

Centre for Scottish Public Policy: www.cspp.org.uk
Centre for Public Policy for Regions: www.cppr.ac.uk
For SPICe summaries of all Scottish Government bills see:
    www.scottish.parliament.uk/parliamentarybusiness/Bills/12417.aspx
Chapter 10

Intergovernmental Relations and Multilevel Governance

Since 1999, the Scottish Government and Parliament have had greater scope to dictate the direction of public policies in Scotland. However, while political devolution has now strengthened the legitimacy of the Scottish Government, the resources and ultimate constitutional legitimacy still officially reside in London. This power has been compounded by the increasing ‘Europeanization’ of devolved policies and the need to liaise with the UK as the member state. Therefore, in common with other devolved and federal systems there exists a range of intergovernmental relations (IGR) mechanisms to manage this combination of the devolution of policy responsibilities and the maintenance of central control in key areas.

While IGR often refers to formal relationships, the study of multilevel governance (MLG) shifts this focus from power in terms of capacity to the exercise of power. In other words, while the UK government may ‘win’ most disputes because of its superior constitutional position, the effect of devolution is generally for the UK to step back or disengage from most policy areas associated with the Scottish Government. This, combined with the ability of actors such as the civil service to address issues informally, may mean that such disputes rarely arise since they are dealt with out of the spotlight. Indeed, UK IGR tend to be more informal than most other political systems. The election of the SNP Government in 2007, and a Conservative–Liberal Democrat UK Government in 2010, had some impact. However, if we separate ‘day-to-day’ discussions in relation to current policy issues from the relatively tense and public debate on independence, we find a striking degree of continuity in IGR.

The informal route is perhaps a mixed blessing. It offers greater scope for more subtle forms of influence, particularly when the issue may be uncontroversial, low on the UK’s agenda or favourable to the UK’s interests. However, it also tends to exclude actors outside of central government (including, most notably, the Scottish Parliament). In some cases, even the Scottish Government may feel excluded. In particular, it has to work hard to influence EU policy, through the UK Government, before it is obliged to implement.

Our aim in this chapter is to explore these issues which arise from the Scottish Government’s external relations. We do so by outlining:
• The ability of concepts such as IGR and MLG to guide interpretations of these relationships.

• The most common areas of overlap between devolved, reserved and EU powers.

• The means used to address the areas of overlap. This includes discussion of formal measures such as concordats, Sewel motions and Joint Ministerial Committees (JMCs), as well as informal channels through the civil service and political parties.

• The main developments in two key periods: 1999–2007 (when the Scottish and UK Governments were led by the same party) and 2007 onwards (when they were led by different parties).

What becomes clear is that the outcomes vary by policy area and policy issue. This is particularly the case in the early years of new administrations – in 1999 when the Labour-led Scottish Executive was perhaps ‘learning by doing’ and in 2007 when the SNP Government took a different stance on IGR.

IGR and MLG

A common theme of devolution studies is the entanglement of policy issues when decision-making power is vested in more than one actor. Although most political systems outline in detail the policy domains of each level or type of government, it is inevitable that the boundaries between policy areas will become blurred in practice. As Keating (2005a: 18) discusses, these issues of territorial politics are common to most modern federal systems with the dual aim of devolving decisions and maintaining central control when appropriate. Examples include the importance of education (devolved) to the economy (reserved), harmonizing criminal laws to prevent cross-border issues, business laws (e.g. grants, local taxes) to stop companies playing authorities off against each other, and welfare rights to minimize the risk of ‘welfare immigrants’.

There are two relevant approaches to this area of study. The first – IGR – highlights country-level differences according to institutional structures, power and the recourse to established authority and formal resolution (Mitchell, 2003b; Horgan, 2004; Agranoff, 2004; Watts, 2007; McEwen et al., 2012a; 2012b). With this approach we can explore the structure of UK relations – is it a unitary or union state? Can it be meaningfully compared with federal, quasi-federal or other devolved unions? What is the strength of the ‘centre’ and what is the frequency of formal dispute resolution?

In this regard, the UK is a difficult system to characterize. It shares some characteristics with federal states: a combination of shared rule with territorial self-government; a distribution of legal, executive and fiscal powers to allow

Sewel motion:
Passed by the Scottish Parliament to give consent for Westminster to legislate on devolved matters.
devolved territories a level of autonomy; an ‘umpire’ (e.g. the JMC) to rule in disputes between levels of government; and territorial representation at the national level (e.g. the Secretary of State for Scotland). However, what sets it apart is the lack of a supreme constitution which is relatively immune from unilateral change from the top. It shares a key characteristic of unitary states since devolved territories have subordinate status within the UK. However, the terms of the union protect (to some extent) distinctly Scottish organizational arrangements. Therefore, it can usefully be described as a ‘devolved union’ or ‘union state’. However, a form of devolution to only 16 per cent of the population (with England effectively a unitary state) has no equivalent in other countries (Watts, 2007). Since IGR is as much about politics as it is political structures, we can make useful comparisons elsewhere. For example:

- **The role of parties.** The influence of national parties varies considerably, from Canada with a devolved party structure and differentiated party competition by territory, to Germany which has integrated parties and formal links to coordinate policy (Horgan, 2004). In Scotland, coalition government from 1999–2007 complicated our ability to assess the direct influence of the national party of government, although we know that the Labour Party is relatively centralized (when compared with other parties in the UK, not Germany) but the Liberal Democratic party is not (see p. 107). Indeed, the most high-profile disputes from 1999–2007 arose with policies most associated with the Liberal Democrats. Since the election of the SNP, more issues of contention have been made public. This suggests that Labour Party (or perhaps party ministerial) links were important to IGR from 1999–2007.

- **The role of the executives.** The UK’s reliance on IGR through executives is common to political systems with parliamentary executives (such as Canada and Australia). Their respective civil services play a particularly important role, ‘oiling the wheels’ of the administrative machine and providing the ‘glue’ to keep the UK civil service together (Parry, 2012: 297).

- **The role of the courts.** Addressing IGR through the civil service (and then ministers), with the use of courts as a ‘last resort’ is common, but the scale of the lack of legal resolution in the UK is still distinctive. Indeed, private or ‘third party’ court actions against Scottish Parliament legislation may become more significant than UK government objections (Watts, 2007; Trench, 2012).

The second approach – MLG – highlights informal relationships and the blurring of boundaries between public/private action and levels of governmental sovereignty. Decision-making authority is dispersed and policy outcomes are determined by a complex series of negotiations between various levels of government and interest groups (see Hooghe and Marks, 2003a;
The focus is therefore less on formal powers and the ability to ‘win’ disputes, and more on the informal means to influence decisions and, in many cases, avoid disputes.

In summary, we have the ability to discuss: (a) examples of the overt use of power to make decisions (often in the face of opposition); and (b) agenda-setting and the exercise of power to limit the scope of those decisions. As Baumgartner and Jones (1993: 32; 2009) suggest, this often involves competition to define policy problems in a certain way to ensure that they are dealt with in a particular decision-making ‘venue’ (such as the Scottish rather than UK Government). The focus of analysis often moves from the capacity to make decisions to the level of government in which the decisions are made. Therefore, the complexity of governance arrangements, and subsequent competition to ensure decision-making jurisdiction, make it difficult to predict policy outcomes just from the analysis of institutional structures.

These IGR and MLG issues are by no means new to Scotland. As we suggested in Chapter 2, the Scottish Office’s scope extended far beyond the devolved sphere since, although policy was formulated at the UK level, the power to implement public policy was routinely given to Scottish ministers. This allowed ministers to tailor Scottish policy using the scope afforded by a separate Scottish legal system, administrative structure and need for more time to implement (Cairney, 2002). Yet, the pre-devolution experience suggests that the centre is by far the most powerful actor. This is particularly the case when the centre’s attention to policy in the ‘periphery’ is high, as it was for example during the Thatcher era. The remainder of this chapter explores the difference that political devolution has made to these arrangements.

Reserved and devolved areas in Scotland

As set out in Table 10.1, the Scotland Act 1998 specifies which matters are reserved and devolved. The boundaries initially appear reasonably clear (reflecting a general approach to separate policy issues rather than encourage dual responsibility). Devolved matters are those areas not specified in the Act, as well as some extra powers granted on an ad hoc basis (such as the Scottish rail network in 2004). However, since 1999 there have been issues which have highlighted blurry boundaries between the policy competences of the Scottish and UK Governments. Some of these examples can be explained by the novelty of the devolution settlement and initial governmental uncertainty, which occasionally caused public confusion. For example, Scotland’s Deputy Minister for Justice made two press statements on 24 July 2000; the first vowed to aid central government in the development of the Register of Sex Offenders since this involved a reserved power; the second explained that the register was a devolved responsibility (Rhodes et al., 2003: 97).
Early confusion over competence was occasionally exploited for political gain. For example, the lack of a dedicated industry minister in the Scottish Government allowed the Scotland Office to intervene in industrial policy and the early years of devolution reflected turf wars between the First Minister and Secretary of State for Scotland. However, such teething troubles healed over time, as demonstrated by the changing status of the Scotland Office in London. This was formed to act as a conduit between the Scottish Government and ‘Whitehall’ (a shorthand term for the collection of UK Government departments) and to administer certain reserved aspects of Scottish policy. As the confidence and the legitimacy of the Scottish Government and Parliament grew, the perceived necessity (within Whitehall) of the Scotland Office

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**Table 10.1 Reserved and devolved policy areas**

<table>
<thead>
<tr>
<th>Policy areas reserved</th>
<th>Blurry boundaries:</th>
<th>Policy areas devolved</th>
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<tbody>
<tr>
<td>International relations</td>
<td>(1) UK–Scotland</td>
<td>Health</td>
</tr>
<tr>
<td>Defence, national security</td>
<td>Industrial policy</td>
<td>Education and training</td>
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<tr>
<td>Fiscal and monetary policy</td>
<td>Higher education</td>
<td>Economic development</td>
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<tr>
<td>Immigration and nationality</td>
<td>Fuel and child poverty</td>
<td>Local government</td>
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<tr>
<td>Drugs and firearms</td>
<td>Local income tax</td>
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<td></td>
<td>Home Office policies carried out by Scottish police</td>
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<tr>
<td>Regulation of elections</td>
<td>Smoking ban</td>
<td>Police and prisons</td>
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<tr>
<td>Employment</td>
<td>Scotland–Malawi partner</td>
<td>Fire and ambulance services</td>
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<tr>
<td>Company law</td>
<td>NHS compensation</td>
<td>Social work</td>
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<tr>
<td>Consumer protection</td>
<td>New nuclear power plants</td>
<td>Housing and planning</td>
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<tr>
<td>Social security</td>
<td>Effect of Scottish policies on social security</td>
<td>Transport</td>
</tr>
<tr>
<td>Regulation of professions; the civil service</td>
<td>Cross-cutting themes:</td>
<td>Environment</td>
</tr>
<tr>
<td>Energy, nuclear safety</td>
<td>New Deal, Surestart</td>
<td></td>
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<td></td>
<td>2007 election review</td>
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<td></td>
<td>(2) Scotland–Europe</td>
<td></td>
</tr>
<tr>
<td>Air transport, road safety</td>
<td>Common Agricultural and Fisheries Policies</td>
<td>Fisheries</td>
</tr>
<tr>
<td>Gambling</td>
<td>EU Habitat Directive and local planning laws</td>
<td>Forestry</td>
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<tr>
<td>Equality</td>
<td>EU environment directives</td>
<td>Sport</td>
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<tr>
<td>Human reproductive rights</td>
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<tr>
<td>Broadcasting, copyright</td>
<td>EU working time directive and NHS contracts</td>
<td>The arts</td>
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*Sources:* Adapted from Keating (2005a: 22); Cairney (2006a: 431–2); McGarvey and Cairney (2008a: 2; 160–3); and Cairney (2011a: 87).*
receded. In June 2003 it was subsumed within the Department for Constitutional Affairs (DCA) and only covered on a part-time basis by a Cabinet minister. The first part-time Secretary then encouraged Scottish and UK departments to deal directly with each other without the need for the DCA as an intermediary (Cairney, 2011a: 106).

The UK Government revived the full time role in 2007 following the election of an SNP Government. Again, this move seemed driven little by the need for an intermediary to solve intergovernmental disputes. Instead, it largely followed UK Labour Government concerns about its power in Scotland in the absence of a Scottish Labour government. The 2007–10 period (until Labour left UK office) saw a return to strained interpersonal relationships, but this time enhanced by party political tensions (Cairney, 2011a: 106–7). Notably, there was not an equivalent strain in the relationships between government departments, and the DCA role remained low key (note that the Scotland Office is now part of the Ministry of Justice).

**Policy areas with boundary issues**

There are still many areas with blurry boundaries between Scottish and UK powers which are often complicated by the EU dimension. A typology of policy areas with boundary issues was outlined above (see also Chapter 8 on how interest groups deal with these issues).

First, there are policy areas more reserved than devolved. Most economic policy, such as fiscal and monetary policy and customs and excise, is reserved (note that monetary policy would effectively remain reserved even in a new era of independence – see p. 238). There have also been instances of EU influence through the distribution of structural funds to Scotland (Keating, 2010: 183–8). There is some devolved control of revenue through business, water and council-tax rates, and economic development through bodies such as Scottish Enterprise.

Second, there are policy areas which are devolved but Europeanized. For example, the devolution of environmental and agricultural policies to Scotland has come at a time when the responsibility for policy formulation is transferring to the EU. This ensures UK influence at all stages of the process. At the policy formulation stage, the UK has the formal role as the member state. At the policy implementation stage, although the Scottish Government has much more discretion, the UK retains a monitoring role to ensure standards and targets are met by EU deadlines.

Third, there are cross-cutting and multi-faceted areas. For example, law and order is one of the policy areas with the most tangled responsibilities. The Scottish Government is responsible for police, prisons and the justice system but not the classification of drugs or policy on firearms or terrorism. This, combined with a particular need to harmonize policy (to close legal loopholes), makes it necessary to produce a particularly high number of Sewel
motions (see below). The EU dimension is increasingly apparent given the cross-border nature of certain crimes (such as human trafficking) and the development of a pan-EU arrest warrant.

Poverty is another multi-faceted policy area and the Scottish Government does not control all of the relevant policy instruments. With fuel poverty, it can influence levels of insulation and heating in homes, but not the price of fuel or the level of income tax and benefits. With housing poverty, the Executive does not control housing benefits, while its ability to control the stock of social rented accommodation is limited by Treasury rules on borrowing to build. With child poverty, most Scottish policy responses are perhaps at the margins, focusing on access to devolved public services rather than levels of income. There have also been cross-cutting issues in UK policies such as the New Deal and Sure Start which contain reserved and devolved elements. The changes to income support and Working Families Tax Credits also had a knock-on effect on policies such as free school meal entitlement.

Fourth, there are relatively devolved areas with UK and EU elements. For example, although public health is devolved, the example of tobacco control shows the influence of all three levels of government: the EU has issued directives on minimum levels of taxation, maximum levels of tar, product labelling and tobacco advertising; UK policies on these issues go beyond the EU requirements and apply to Scotland; Scotland controls NHS treatments such as smoking-cessation clinics and nicotine replacement therapy and legislated to ban smoking in public places. Similar issues arise with alcohol: the Executive controls licensing law, health education and funds NHS treatment; the UK controls tax (and therefore price levels) and illegal drugs (the medical treatment of drug use is devolved, the legal framework is reserved).

There are fewer cross-cutting issues in broader health policy since the NHS is devolved to Scotland and there is very little direct EU influence. However, there are important indirect effects, such as the EU Working Time Directive (WTD) – the effect of which is to ensure that doctors work no more than an average of 48-hours per week. The restrictions had a significant effect on clinical cover in rural areas. Further, the Royal College recommendations to centralize NHS services, so as to maximize the benefits of clinical training and standards (still a reserved matter), combined with the WTD, ensures a prominent place for UK and EU influence in Scottish NHS organization in terms of employment and training (Greer, 2005b; 2005c).

Similarly, higher education is devolved but certain aspects are still arranged on a UK basis. The UK research funding councils are reserved bodies and the

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**New Deal:** UK Labour employment policy designed to get individuals off ‘welfare’ (social security) and back into work. It was replaced by the ‘Flexible New Deal’ and then (in 2011) the ‘Work Programme’.

**Sure Start:** A UK Labour programme (still in existence) designed to ensure opportunities for children which combines childcare, early education, health and family support policies.
lecturing profession still has a high degree of UK mobility. The Research Excellence Framework, which informs research funding allocations to universities and often dominates academic attention, is conducted on a UK basis and then used by the Scottish Funding Council (with the potential to fund in a different way). There is some European (but not EU) influence in the Bologna process to harmonize levels of accreditation in higher education degrees.

Policy issues arising since devolution

In many cases, the issues are unpredictable and often arise only when they are high on the agenda of one or more government (although few issues have arisen directly between Scotland and the EU). We may expect most of these disputes to arise when there is no shared party of government, particularly since Alex Salmond was critical of the ‘surrenders of the previous administration … [to avoid being] seen arguing with their big brother’ *(Holyrood Magazine*, 2007). However, the era of Labour-led coalition was not without controversy. During 1999–2007 a number of intergovernmental issues rose to prominence:

- The ban on smoking in public places: the Scottish Government legislated to introduce this ban, an area previously considered to be reserved under a concordat with the UK Health and Safety Executive. While the Scottish primary legislation proceeded by treating it as a matter of public health, its secondary legislation and regulations extend to employment policy (to cover, for example, vehicles provided by employers) and the Scottish Government needed UK Department of Health cooperation to make the legislation ‘watertight’ (Cairney, 2007b).
- Hepatitis C: the Scottish Government planned to compensate people who contracted this disease from contaminated blood products in the NHS. The UK Government (with a long history of resisting no-fault compensation) threatened to withhold benefits from those compensated, then challenged devolved competence (compensation for injury and illness is reserved) until it came up with a UK-wide scheme to be implemented in Scotland.
- Aid for Malawi: Scotland’s extensive efforts in providing aid for, and seconding staff to, Malawi seemed to infringe on the reserved area of international aid. However, executive devolution allows Scottish ministers to further UK policy in this area.
- Dawn raids and asylum seeking: the murder of a Kurdish asylum seeker in 2001 and the operation of Dungavel detention centre (including the education and health care of children within it) added to public pressure for Scottish ministers to become involved in an issue considered to be reserved by the UK Government. At the peak of this pressure, the detainees were removed from Scotland rather than treated differently within it. The Home Office directs Scottish local authorities on immigration and controls the use
of ‘dawn raids’ by police forces when removing unsuccessful asylum seekers (Cairney, 2006a). Attempts by the Scottish Government to secure a ‘protocol’ on minimum standards of welfare and police conduct during this process had an unclear impact.

- The Fresh Talent initiative: this gave students the chance to work in Scotland temporarily after graduation and was less controversial because the UK Home Office subsequently adopted similar measures (before the new UK coalition government revised immigration laws) (Cairney, 2011a: 101).

Further, although the SNP Government became embroiled in a number of controversies, many of these debates between Scotland and the UK began before 2007. There are numerous examples. One of the most controversial is the consequence of Scottish policies on reserved entitlements. When the Executive introduced ‘free personal care’ payments of £145 per person per week to older people in 2003 (see p. 188), this meant that they lost their entitlement to Attendance Allowance (£45–65) administered by the UK Department of Work and Pensions (DWP). The pursuit of this money became a key plank of the SNP’s 2007 election campaign, who commissioned a new report by Lord Sutherland to revisit the issue (Scottish Government, 2008), but it has not been resolved.

A similar issue arose with the, as yet unsuccessful, SNP plan to replace the council tax with a local income tax. The potential source of tension regards the effect of a new tax on existing benefits. Many Scottish residents can currently claim for council tax benefits administered by the DWP and local authorities. A local income tax would result in a loss of Scottish entitlement to council tax benefits without any guarantee that the UK Government would pass on the equivalent savings (perhaps as much as £400–500 million) to the Scottish Government to help fund the reform. The outcome of such a move is still uncertain because the Scottish Government did not pursue the measure during its period of minority government (Cairney, 2011a: 94; 2012b: 241) and its 2011 election manifesto merely declared that it would consult on the issue during the 2011–16 term (partly because it did not anticipate having the majority to pass the legislation).

Another potentially tense issue is nuclear power. There is debate regarding the Scottish Government’s ability to ‘block’ UK Government plans to build new power stations in Scotland through devolved planning law. However, the more likely interpretation is that the UK Government has (perhaps from as far back as 1989) delegated this decision to Scottish ministers and that the Scottish Government will simply decide not to build or support them (Cairney, 2011a: 99; 2012b: 242). The matter was put off between 1999 and 2007 (the Liberal Democrats had strong objections) but revisited when the SNP highlighted its opposition in 2007 and the UK Government published a White Paper in 2008 (but UK ministers effectively publicly accepted the Scottish
‘veto’). In contrast, the issue of nuclear weapons is not in Scottish Government control, making a motion rejecting Trident, passed in the Scottish Parliament in 2007, little more than a symbolic gesture (Gray, 2007a).

There are other issues in this vein. Control of firearms is a reserved matter, but concerns over air gun injuries rose on the Scottish political agenda in 2006. Jack McConnell attempted to influence UK policy informally through Home Office ministers without much success, prompting an SNP promise to lobby for Scottish control of the issue before pursuing a similar strategy (the issue was then revisited by the Calman Commission, and the Scotland Act 2012 devolved this responsibility – see p. 247). Another recurring issue is the complaint by Scottish fishing groups that Scottish ministers were excluded from formal EU negotiations on fishing quotas (despite representing most of the UK’s fleet), often suggesting that UK ministers were willing to trade the issue for concessions elsewhere. The prospect of Scottish ministers ‘taking the lead’ on these issues in the future was mooted by Alex Salmond in his first month of office but the Scottish Government made minimal progress. Another issue which arose in those months was when Alex Salmond blamed Tony Blair for a lack of consultation over a concordat with Libya over prisoner extraditions which could affect the man jailed for the Lockerbie bombing. In fact, the Scottish Government was effectively given responsibility for Abdelbaset al-Megrahi and released him, citing compassionate grounds. Notably, while the decision prompted a huge opposition party (and US) backlash, the UK Government kept its distance and its counsel (at least until the war in Libya superseded these events) (Cairney, 2011a: 103; Gallagher, 2012: 203).

IGR: Scotland and the UK

The confusing overlap of responsibilities between Scotland, the UK and the EU suggests that a way has to be found for each authority to cooperate in shared policy domains. Interdependence suggests the need for joint working. However, it does not necessarily suggest that such interactions are consensual or based on an equal sharing of power. Indeed, when compared with other countries, the UK’s political arrangements are unusual. Devolution in the UK is ‘asymmetrical’ in at least two senses (see Birrell, 2012 and Cairney, 2012c for further discussion and definitions of ‘asymmetry’).

First, devolution was extended to a relatively small share of the UK population. Scotland (5.1 million people, 8.1 per cent), Wales (3.1 million, 4.9 per cent) and Northern Ireland (1.8 million, 2.9 per cent) represent 15.9 per cent of the UK population (63 million in the 2011 census). Since devolution was not extended to the English regions, this means that the UK has three executives dealing with a small population and one government in charge of policy for the whole of the English and UK populations.

Second, as a result, the balance of power is tipped towards UK policy
departments dealing predominantly with the English population. The centre is faced with a small set of devolved governments which do not match the powers of federated or devolved authorities in other countries such as Germany, Spain, Belgium or Canada. Scotland is not part of a collection of powerful regions and the UK does not have a ‘supreme constitution’ guaranteeing a level of autonomy for devolved governments (Keating, 2005a: 120; 2010: 37; Watts, 2007).

What the UK does have in common with most systems is the relatively low level of contact between legislatures. It has also proved difficult for Scottish Parliament committees to arrange to hear oral evidence from UK ministers (and, in some cases, civil servants; for example, the Department of Work and Pensions only agreed to allow Scottish-based staff to appear at the Welfare Reform Committee in May 2013 – Scottish Parliament, 2013). Most parliamentary contact surrounds the use of Sewel motions (see below), but even this process is managed by executives. In fact, one of the few issues that keeps Scotland on the agenda in Westminster is the West Lothian Question (Box 10.1).

Box 10.1 The West Lothian question and the role of Scottish MPs

The unintended consequence of devolution was a series of constitutional problems. The most famous was dubbed the ‘West Lothian Question’ in the late 1970s (during debates leading up to the 1979 referendum) after Tam Dalyell MP highlighted his ability as an MP in West Lothian to vote on policies affecting West Bromwich. In other words, a paradox has arisen in which Scottish MPs can no longer vote on devolved issues such as health and education policy in Scotland, but can vote on such matters affecting England. However, English MPs cannot return the favour since these issues are devolved to the Scottish Parliament. The initial response following devolution was to reduce Scottish representation at Westminster from 72 to 59 MPs (from the 2005 election). However, this did not solve the problem as it merely means that Scotland has a roughly proportionate number of MPs in terms of population (it was over-represented in the past). Further, in a series of controversial Acts passed for England – including student fees and foundation hospitals – the government majority was bolstered by Scottish and Welsh Labour MPs (Cairney, 2011a: 226–7). Consequently, it remains controversial, particularly within the Conservative party which pushed for a review (McKay Commission, 2012).

Questions also remain about the role of Scottish MPs. Westminster continues to pass legislation and regulations impacting on Scotland – for example on average ten Sewel motions are passed per year. Westminster legislation determines Scottish constituency boundaries and the number of MPs and MSPs. However, the Secretary of State for Scotland is not a powerful player in the UK Government, the Scottish Affairs Committee is ‘looking for a role’ (it has begun to report on the independence referendum) and the Scottish Grand Committee appears to be defunct since there are very few dedicated Scotland Bills. There is less public recognition of Scottish MPs and they are increasingly overlooked by both their constituents and the media in favour of MSPs.
Rather than legislatures, most contact takes place between executives; and a number of means to frame and conduct these discussions were devised (see House of Commons Library, 2005). First, the Memorandum of Understanding sets out an overarching framework to guide the conduct of executives. It outlines the operation of Joint Ministerial Committees (JMC), the coordination of policy influence in the EU and wider world, the scope of devolved governments, financial assistance to industry and the harmonization of official statistics.

Second, individual concordats between the Scottish and UK Departments (all of which have been renamed or reorganized since devolution) set out agreed policy commitments and a broad outline of devolved and reserved policy issues.

Third, the JMC was set up to allow ministers (and their staff) of the four countries to engage formally on disputes or issues of policy uncertainty (including financial matters). Its remit is:

- To consider non-devolved matters which impinge on devolved responsibilities, and devolved matters which impinge on non-devolved responsibilities.
- To consider devolved matters if it is beneficial to discuss their respective treatment in the different parts of the United Kingdom.
- To keep the arrangements for liaison between the UK Government and the devolved administrations under review.
- To consider disputes between the administrations. (UK Government et al., 2001: 17)

The plenary JMC committee is often chaired by the Prime Minister, while individual policy committees (such as the JMC Europe) are chaired by the relevant Secretary of State.

Finally, the UK Government has the ability to refer issues to the courts (who could refer the issue to the Judicial Committee of the Privy Council or UK Supreme Court) in cases where the Scottish Parliament legislates beyond its legal competence.

However, the assumption behind these arrangements during the years of Labour-led government in Scotland (1999–2007) was that they represented a safety net only to be used in exceptional circumstances. The tendency was not to use them (Trench, 2004a; Cairney, 2012b). The Memorandum and the concordats are not legally binding. Rather, they represent a “statement of polit-
ical intent … binding in honour only’ (UK Government et al., 2001: 5). The Memorandum’s main function is to promote good communication between Executives, particularly when one knows that the forthcoming policies of one Executive will affect the other. The documents reflect a cultural norm of cooperation, not a means of enforcement (Gallagher, 2012: 199). Similarly, the JMC is a consultative rather than an executive body, with issues referred to it on the rare occasions that bilateral discussions between Executives break down. Referral of issues to the Judicial Committee is regarded as a last resort (with the Labour-led Scottish Executive (1999–2007) more likely to ‘remove offending sections’ than face delay – Page, 2005).

The post-2007 era led to some changes in IGR, often accelerated after 2010. Alex Salmond called for JMCs to be revived (only the JMC Europe had met since 2002) and, while Gordon Brown indicated that this could happen (Fraser, 2007), it was the election of a Conservative-led UK Government that prompted a more serious consideration of regular top-level meetings. The JMC plenary met very quickly (less than a month) after the 2010 election, was chaired by David Cameron, agreed a ‘role’ for Scottish ministers in European council negotiations, and produced a schedule of further meetings. The UK Labour and devolved governments produced a marginally revised Memorandum of Understanding (Cabinet Office, 2010; Cm 7864, 2010). After the 2011 election, the new Memorandum of Understanding was used to allow the devolved governments to refer an issue of dispute to the JMC (regarding ‘Barnett consequentials’ (see p. 218) on spending for the London Olympics) (Cairney, 2012b: 244). However, we can still identify broadly the same limited use of formal measures and a general tendency to resolve issues quietly between executives (2012b: 245; 2011a: 94–5).

**Why have formal mechanisms been used so rarely?**

There are what might be called ‘positive’ and ‘negative’ reasons for a lack of formal dispute resolution within the UK. ‘Positive’ reasons refer to those explanations which seem to suit both parties (in other words, they may not be so positive for the other, excluded parties!). Broadly speaking, both executives may benefit from the use of measures to minimize disputes: for the UK Government it reduces the need to spend political capital when imposing decisions; for the Scottish Government it benefits from informal access and potential influence (Cairney, 2012b: 234–5). Rising public expenditure, channelled via the Barnett intergovernmental financial system, plus extensive civil service involvement and a shared party of government, smoothed relations from 1999–2007 (Keating, 2005a: 122–3).

While parties may be integrated in some countries, with formal means to coordinate policy, in the UK the most important links were based on personal relationships between ministers (Horgan, 2004: 124). The informal use of IGR
through parties reflected a desire to avoid political embarrassment and present a united front when possible (Cairney, 2006a). In this sense, the lack of JMC meetings from 1999–2007 reflected good working arrangements. This was in part because ministers in Scotland and London also had the opportunity to meet elsewhere – as in the case of agriculture when they meet to discuss EU legislation (Trench, 2004a: 514).

The post-2007 experience helps us to qualify this party-based argument, demonstrating that an SNP-led Government also engaged generally positively with its Labour, and then Conservative-led, counterparts. It enjoyed the benefits of a routine Barnett system to determine Scottish funding, although the economic crisis and consequent pressures on UK and Scottish public expenditure helped to undermine smooth relations (see p. 232). It also enjoyed the benefits of a UK-wide civil service, although comments by the Scottish Government’s former Permanent Secretary John Elvidge suggests that the informal contacts between civil servants in Scotland and England have diminished somewhat (see p. 131). The Scottish Government’s acceptance of the UK Government’s appointment of Peter Housden, as Elvidge’s successor in 2010, seemed to mark a shift in relations – since Housden had experience as a Whitehall Permanent Secretary and might represent ‘an inside track to Whitehall in tough times’ (Parry, 2012: 298). However, ironically, Housden has hit the headlines more than once for appearing to support the SNP’s push for an independence referendum (albeit in the Daily Telegraph – Johnson, 2012).

‘Negative’ reasons refer to an incomplete relationship based on an asymmetry of power. The structure and frequency of IGR may be more about UK dominance than consensus. The lack of JMC meetings during a Labour-led Government reflected UK disinterest: ‘a clear indicator that devolution is no longer a prime concern of the Prime Minister and other politicians’ (Trench, 2004a: 515–16). Moreover, the civil service in Scotland is slowly moving away from the UK arena, and civil servants in Whitehall often forget about Scotland and neglect to consult (Keating, 2005a: 125; 2010: 100; Cairney, 2011a: 100; compare with Gallagher’s, 2012: 203 examples where the UK Government dropped its proposals following devolved government concerns).

This imbalance of power is most apparent when disputes rise to the surface. In cases such as free personal care for older people and hepatitis C compensation, the Labour-led Scottish Government was reluctant to ‘rock the boat’ and instead accepted UK ‘victories’ to maintain its good relationship with Whitehall (see Trench, 2004a). The SNP Government also appeared often to be ‘stoical’ about ‘the limits to its negotiating power with a Treasury department that exerts considerable power across the UK government as a whole’, partly because its image of governing competence might be undermined if it constantly vented its frustrations about its limited powers (Cairney, 2012b: 241).

However, an alternative view suggests that this may be overplaying the
significance of UK dominance by focusing on a very small number of visible
conflicts. If Whitehall ministers have ‘disentangled themselves from devolu-
tion’, then scope exists for the type of day-to-day autonomy highlighted by
Bulpitt (1983: 139). Further, while Scotland appears to lose the public argu-
ments over finance, this should be seen within a wider context of spending
negotiations in which it often does rather well (see p. 217). For example, part
of the reason that the Scottish Government did not pursue the issue of free
personal care is that this would undermine its work behind the scenes to ensure
a much greater sum towards council house debts.

A final reason for informal IGR is specific to the SNP’s period of minority
government – it occasionally did not have enough support in the Scottish
Parliament to pursue issues that would have increased IGR tensions (such as
the local income tax and independence referendum). The Scottish
Government’s plans to introduce a minimum price on alcohol became more
complicated: it did not have the support from 2007–11, but passed a bill
following the formation of a majority SNP Government. There were some
concerns that the move would fall foul of EU competition laws, but any rele-
vant challenge is likely to come from private companies in the alcohol indus-
try (see Box 8.5) rather than the UK Government (see Trench, 2012, and
Cairney, 2011a: 90, on other examples of ‘third party’ actions).

IGR and legislation: Sewel motions

Westminster still passes a considerable amount of legislation and regulations
for Scotland (Cairney, 2006a). In cases where Westminster legislation may
refer to issues with reserved and devolved elements, it seeks permission from
the Scottish Parliament to legislate on its behalf. Such ‘legislative consent
motions’, initially dubbed ‘Sewel motions’ (named after Lord Sewel, the
minister responsible for ensuring the progress of the Scotland Bill through the
House of Lords in 1998 – Winetrobe, 2001), are passed by the Scottish
Parliament to give that consent.

The procedure was created in anticipation of a small number of instances in
which the UK Government would legislate in devolved areas. The
Memorandum of Understanding makes clear that Westminster retains the
authority to legislate across the UK, but the Government will follow the
convention to ‘not normally legislate with regard to devolved matters except
with the agreement of the devolved legislature’ (UK Government et al., 2001:
8). The passing of a Sewel motion can signal three things. First, that
Westminster will legislate on a devolved matter. Second, that Westminster
legislation will bestow new powers to the Scottish Parliament (a rare occur-
rence). Third, that Westminster will delegate reserved powers to Scottish
ministers. The latter may usefully be dubbed ‘reverse-Sewel’ motions since
they give back rather than remove powers.
The use of Sewel motions was initially accompanied by a degree of controversy, with opposition political parties (SNP, SSP and Green) and some media and academic commentators opposed in principle to their use. This was compounded by the frequency of their use, with 79 passed from 1999–2007 (compared with 103 Executive bills). Such opposition is based on a combination of several arguments. First, by legislating on devolved policy, Westminster is taking back the powers granted following devolution. Second, passing an issue back to Westminster undermines and limits debate in the Scottish Parliament. Third, a number of motions passed (regarding issues such as civil partnerships and the age of consent for gay sex) demonstrated political cowardice, with the Scottish Government keen to remove the issue to another venue and dodge its responsibilities. Fourth, formal contact on Westminster legislation affecting Scotland should be between legislatures rather than Executives, or the Scottish Parliament should have much more say in the future development of the policy involved. The motion is generally a ‘blank cheque’ with no limits on the timing of, or future changes to, the Westminster bill. Fifth, the principle of ‘Scottish solutions for Scottish problems’ suggests that Scotland should legislate even if the policies would be similar (Page and Batey, 2002; Cairney and Keating, 2004; Winetrobe, 2005).

Yet, these concerns can be qualified. First, the numbers are misleading since: the Sewel motion generally refers to a small part of a larger bill; 18 (23 per cent) of the 79 were reverse-Sewel motions which delegated powers to Scottish Ministers; and not all motions were opposed formally by MSPs. During 1999–2003, 20 of 41 (49 per cent) were opposed, rising to 25 of 38 (66 per cent) from 2003–07, reflecting the more systematic opposition by Green and SSP MSPs. Many motions are innocuous, dealing with anomalies which merit minimal debate in Holyrood. The high numbers can therefore be attributed to a Government ‘playing safe’ and referring all issues to the Scottish Parliament. Second, there are as many instances of all-party support for these motions as there are clear examples of cowardice (for example, the Compensation Bill to make compensation claims for asbestosis was passed for expediency). Third, it could also be argued that contact between Executives is more realistic given their resources, the details of legislation and the levels of existing contact. Finally, to devote committee and plenary time to many of these motions would be counterproductive, since this would leave less time for inquiries and scrutiny.

Sewel motions may be introduced for several reasons. For example, they are used to address entangled responsibilities. Law and order features regularly. Legislation on an international criminal court and powers of arrest are devolved, but extradition is reserved. The Proceeds of Crime Act 2002, drug trafficking, money laundering and taxation are reserved, though other civil and criminal matters are devolved. There are other motions relating to reserved bodies operating in devolved areas. These cases foster a UK-wide approach to maintain consistency of standards. The areas involved – such as
food standards, financial services, race relations, health protection and serious organized crime – tend to be devolved but with the potential for UK bodies to act in Scotland. A further category is motions justified mainly in terms of expediency and removing the need for identical legislation in Scotland.

The Government’s (unpublished) guidance on Sewel made clear that most proposals came from UK departments, with Scottish ministers given little time to consider the issue and minimal power to object (Page and Batey 2002: 516; Page, 2002). This interpretation contrasts with the Scottish Minister for Parliamentary Business’s evidence to a House of Lords Inquiry in 2002 (Box 10.2), suggesting that Sewel selection is a pick ‘n’ mix affair following informal contacts and an analysis of upcoming Westminster legislation (Scottish Minister for Parliamentary Business, 2002). While the latter may exaggerate Scottish influence, it is in the interests of both governments for the process to appear seamless, allowing loopholes to be closed and reducing the likelihood of challenge in the courts (Cairney and Keating, 2004). The Sewel procedure is a convenient tool for a Government short of parliamentary time, and reinforces the picture of informal IGR between executives (Cairney, 2006a).

The experience of SNP Government largely reinforces this picture. The SNP is relatively keen to propose its own legislation, rather than a Sewel motion, when possible and practical. However, it also recognizes the innocuous nature of most motions and the benefits of expediency. It passed 7.5 motions per year (30 in total) during 2007–11 compared with 9.6 (39 and 38) during 1999–2007. Consequently, some opposition MSPs pointed out ‘the

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**Foot-and-mouth disease:** A highly contagious viral infection affecting cloven-hoofed animals such as cows. The UK outbreak in 2000–01 led to restrictions of movement placed on UK farmers by the EU.

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**Box 10.2 The House of Lords Select Committee on the Constitution (2002)**

One of the most systematic initial attempts to characterize IGR was performed by the Lords. The report suggests that when the Labour Party was in office in both Scotland and the UK, most contact took place informally through ministers, parties and the civil service. Since this contact was by email, telephone or ‘quick words when people meet socially’ it was not recorded in the same way as formal minuted meetings. The report suggests that such informality depends on the ‘fundamental goodwill of each administration toward the others’. However, if the importance of the JMC is not made clear from the start, this may store up problems when Scotland and the UK do not share the same party of government. Giving the example of the foot-and-mouth disease crisis in 2001, the report argues that formal IGR mechanisms have not worked well so far and that informal means cannot be relied upon in the future (particularly after the honeymoon period of goodwill has ended). Its predictions were perhaps true to some extent, but the SNP experience has shown that governments with different parties can operate in a similarly informal way as their predecessors.
irony of the SNP using a procedure it had so often opposed in principle’ (see Cairney, 2011a: 97 for the SNP’s retort).

One notable exception regards the Sewel motion passed to allow Westminster to give the Scottish Parliament more powers in 2012, which gave provisional approval subject to Scottish Parliament scrutiny of the final proposals (see p. 248). Another is the first rejection of a Sewel motion by the Scottish Parliament in 2012, during the passage of the Welfare Reform Bill 2012. The Scottish Parliament voted by 100 to 18 (in other words, SNP and Labour largely rejected, Conservative and Liberal Democrat largely supported) to reject the parts of the bill which could receive separate Scottish legislation (although this may have a minimal effect – see p. 233).

Creating policy space in Scotland

A final strategy for Scottish interests seeking to influence devolved/reserved boundaries is to shift them – in other words, to treat as devolved an issue previously deemed reserved. To some extent the precedent was set before devolution, with Scottish autonomy often furthered by minimizing UK government attention. This depended on the ability of Scottish actors to frame issues as technical or humdrum while minimizing the appearance of policy divergence. The much feted example of social work reform in the 1960s was originally described as a pilot study (Kellas, 1973).

The modern equivalent is the smoking ban in Scotland which, at the time, marked significant policy divergence in a policy area previously deemed reserved by civil servants, MSPs, concordat and by a series of Scottish Government documents. Yet, the Scottish Executive legislated in 2005 (Cairney, 2006a). Some effort to reframe the issue was therefore necessary to shift the boundaries between devolved and reserved. As interviews with civil servants suggest, this was done by redefining smoking in public places as a public health issue (rather than health and safety, the dominant frame in Ireland and the European Union – Cairney et al., 2012). In this sense, smoking is the most prominent example of the use of the ‘purpose test’ to determine the true nature of a piece of legislation. While the legislation affected reserved areas (health and safety, employment), the primary aim of the legislation was to pursue public health measures. However, such a test presupposes a technical side to these decisions when the decision is really a political one so as to supersede boundaries already agreed. Therefore, the bill was as much based on implicit UK support (perhaps even to test the waters for policy in England) as an imaginative solution to devolved competence in Scotland (Cairney, 2006a). The smoking ban example perhaps shares with social work a sense of exceptionalism. While we might have expected more examples of ‘venue shift’ (ibid.), none has arisen since.
Scotland in Europe

It is ironic that, formally, Scottish Government ministers may have less of a role in the EU than their Scottish Office predecessors (see Box 10.3). This is because, as members of the UK Government, Scottish Office ministers were involved formally in UK negotiations in areas such as fishing, where they had a particular interest and large presence in proportion to the rest of the UK. Now, this formal role is less certain and subject to constraints which seem more significant after devolution: if the Scottish Government participates, then it is bound by the UK rules of Collective Cabinet Responsibility and confidentiality. In other words, ministers may not say publicly or to the Scottish Parliament which policies they disagree with, which becomes tricky if the UK as a whole trades fishing stocks for a ‘more important’ EU policy.

However, the focus of MLG is on the informal means of access and influence in international affairs that Scotland enjoys. This is apparent in its work in Malawi, and at least one Foreign Secretary has recognized the role that the Scottish Government can play in the UK’s foreign affairs (ibid.). Similarly, in Europe, the Scottish Government supplements its limited formal rights in the EU with informal channels of contact. As a result, we can see qualified influence. Although the UK’s ‘centre’ controls its response to European policy, the Scottish Government enjoys considerable access to its decision-making machinery. Also, although the UK government performs a monitoring role to ensure that devolved governments implement EU policy, the Scottish Government enjoys considerable discretion in the implementation of policy.

There is some debate about the practical value of this influence (see Bulmer et al., 2002; 2006; House of Lords, 2002; Keating, 2005a; 2010), and much depends on whose influence we compare with the Scottish Government’s. If, for example, we compare its role with a government region in England, Scotland does well. It not only has a relatively well-established office in Brussels, but its staff also enjoy diplomatic status and have formal access to the EU’s communications network through its full inclusion within the UK’s Permanent Representative to the European Union (an office consisting of civil servants from a range of Whitehall departments).

Further, reforms in the Common Agricultural Policy (CAP) show the flexibility to adapt EU rules to local or regional circumstances. However, there may be as many examples of constraints to discretion, such as when Scotland was free of foot-and-mouth disease long before England, but could not apply to change its export status. Scotland may therefore be best-described as a ‘dependent partner’ with the UK. It (along with the other devolved administrations) is recognized within Whitehall but does not have the resources, constitutional position or direct links to the EU that Whitehall enjoys (Bulmer et al., 2006: 86).
The main problem in researching IGR, particularly when it is conducted informally, is that the relations are kept fairly secret. Much depends on the attitude of Whitehall departments to devolution, but we often do not know what that attitude is. This problem was solved to some extent in 2007 when a report by the Head of the Scottish Government’s European office (the ‘Aron report’) was leaked online (it has now been removed). Although the report largely confirms the existing literature, it is still significant since it is based on widespread interviews with civil servants. The main findings are:

- Currently, the best way for the Scottish Government to influence Europe remains through Whitehall.
- Scottish Government relationships with Whitehall departments vary from engagement to exclusion, but in most cases the problem is that it is not consulted at a stage early enough to influence the direction of policy.
- Direct Scottish Government contact with EU institutions (the Commission, Parliament and Council of Ministers) is limited and often discouraged by Whitehall departments.
- Ministerial links vary according to the personalities of ministers.
- Links are relatively good in areas where constant contact is required (e.g. agriculture and fisheries).

### Box 10.3 EU institutions and organizations

The three main institutions in the EU are:

- **The European Commission**: while direct links between the EC and Scottish Government are increasingly apparent, they are used to supplement rather than subvert existing UK channels.
- **The Council of Ministers**: Scottish ministers can attend if invited by the UK and, in rare cases (e.g. fishing), could take the UK lead.
- **The European Parliament**: Scotland has six MEPs out of 72 in the UK and out of 736 overall. In 2009, Labour and the SNP held two and the Liberal Democrats and Conservatives one.

There are also a number of networks and forums to exert indirect influence without going through Whitehall (see Keating, 2005a: 133–5). These include:

- **The Committee of the Regions**: set up by the Maastricht Treaty to ensure that sub-national authorities such as regional and local governments were consulted about EU policies affecting their operations. However, it is an unwieldy body (over 300 members) with no decision-making capacity and no real authority.
- **Regions with Legislative Power**: established by a smaller number of regions with direct powers to adapt EU policies (rather than local authorities with an administrative role). In 2004, Jack McConnell served as President, expressing sympathy for greater regional recognition but shying away from the more ‘nationalistic tone’ of other members (ibid.: 134; 2010: 160).
In other words, the report reflects an often-uneasy relationship between governments when dealing with the EU. As Cairney (2011a: 107–8) notes, a regular theme from ‘devolution monitoring reports’ was the desire of Scottish actors to be involved directly in EU affairs but the reluctance of UK actors to unfasten their grip on what they generally considered to be a reserved issue (as part of international affairs). Therefore, during 1999–2007, Scottish engagement proceeded on a ‘case by case basis’. Notable attempts by First Minister Henry McLeish to engage in a more formal role were often ‘rebuffed’, perhaps prompting his successor, Jack McConnell, to focus on Scottish influence ‘away from the table’. The same might be said for wider European and international partnerships. McLeish’s efforts to maximize Scotland’s direct participation gave way to McConnell’s strategy of working with the UK Government (ibid.: 109; Keating, 2010: 158). The SNP was critical of this approach in opposition, but its election did not mark a sea change in approach and influence. The rhetoric on Scotland’s place in the world has certainly been much stronger and linked to the pursuit of independence (hence Alex Salmond’s reference to small independent countries in the ‘arc of prosperity’), but any greater Scottish Government influence in the EU is difficult to identify (Cairney, 2011a: 110–12; Keating, 2010: 158).

Conclusion

Devolution has allowed the Scottish Government and Parliament to determine its style of politics and the direction of a wide range of policies in Scotland. However, if we look at the details of policy changes, they betray a reliance on wider political structures at the UK level and beyond. Each example demonstrates that, while general policy areas may be devolved, specific pieces of legislation and their regulations infringe upon, or have consequences for, reserved policy. Similarly, in areas such as environmental and agricultural policy, the devolution of policy downwards to Scotland has occurred in tandem with the transfer of responsibilities upwards to the EU. The consequence is that even the ‘most devolved’ policy areas share blurry boundaries with UK and EU policy domains.

From 1999 to 2007, this boundary issue was addressed informally and between Executives (with a key role for civil servants) with little resort to concordats, the courts or the JMC. The role of the Labour Party in IGR was significant but perhaps dependent on relationships between ministers and based on minimizing policy embarrassment rather than on ensuring policy convergence. Given the internalization of decision-making and lack of formal dispute resolution producing ‘winners and losers’, it is difficult to assess Scotland’s autonomy and influence. A focus on disputes and the apparent imposition of Sewel motions may suggest UK dominance. This is furthered by a study of Scotland’s influence in Europe which is dependent on the attitude of Whitehall departments. Or, a focus on autonomy through UK disinterest and
Scottish initiative may suggest that Scotland has influence beyond its formal structures. While it may not enjoy formal status in Europe, it is able to exploit a significant position within the UK’s political machinery.

The election of the SNP is a significant development, with the evidence suggesting a reduced willingness to keep disputes behind closed doors. Yet, this has not translated to the widespread adoption of formal measures and it may not always be politically advantageous to publicize or exaggerate disputes. Rather, we can detect a degree of continuity in relationships, reflecting the mutually advantageous process of exchange between governments and, to a large extent, the asymmetry of power between them. Of course, all bets seem to be off when it comes to the independence referendum, producing an interesting double layer of relationships (Chapter 12). Good day-to-day exchanges on substantive policy areas exist alongside relatively tense and public relations on Scotland’s constitutional future (although many of these issues are also resolved fairly quietly).

Further reading


Online sources

Alan Trench: http://devolutionmatters.wordpress.com
Cabinet Office: www.cabinet-office.gov.uk/
Scotland Europa: www.scotlandeuropa.com
British/Irish Council: www.britishirishcouncil.org/
Scottish Affairs Committee: http://www.parliament.uk/business/committees/committees-a-z/commons-select/scottish-affairs-committee/
UK Supreme Court: www.supremecourt.gov.uk/index.html
McKay Commission: http://tmc.independent.gov.uk/
Lallands Peat Worrier: http://lallandspeatworrier.blogspot.co.uk/2012/09/baccymongers-bankers-supremes.html
In this chapter we discuss public finance, perhaps the most important aspect of the political process. Yet, despite the importance of finance to Scottish politics, and long running debates producing calls for reform, the system of raising and distributing money has not changed since devolution. Scotland continues to receive almost all of its funding for public expenditure from the UK Treasury in the form of a block grant. The arrangements for the transfer of this money are almost identical to those which existed pre-1999 and reflect the continued use of the Barnett formula to alter the block grant at the margins.

This formula, and its history, is the main focus of the chapter since it is central to an understanding of power relations between Scotland and the UK. These relations are often linked to the idea of Scotland’s ‘financial advantage’ compared with the rest of the UK and the ability of the Scottish Government to spend, but not raise, its money.

There are perhaps two main threats to the current settlement. First, the debate on constitutional change has produced renewed calls for some form of fiscal autonomy, even if Scotland does not vote for independence. Second, the global economic crisis has contributed to the UK’s new ‘age of austerity’ and a reduction in UK and Scottish public expenditure. Consequently, devolution has been marked by significant rises in Scottish funding settlements for (approximately) the first eight years, followed by minimal rises and then reductions in the Scottish Government budget.

In this chapter we:

- Discuss the issues of fairness, advantage and power in relation to Scottish public finance.
- Outline in detail what the Barnett formula is and why it was adopted.
- Consider why the Barnett formula has endured to this day and what this tells us about power and IGR.
- Highlight the role of the Treasury, examining Scotland’s inability to determine its budget but ability to decide how it is spent.
- Highlight trends in Scottish Government spending.
• Examine the consequences of the global economic crisis and the UK’s new ‘age of austerity’.

**Advantage and power in Scottish public finance**

The significance of policy inheritance and incrementalism (Box 11.1) and the continued use of Barnett is difficult to overstate because the formula has been ‘attacked’ from a wide range of commentators for being unfair (McLean and McMillan, 2003). The fact that it has not been reformed, and that it often received minimal attention, is highly significant because it has ‘all the characteristics of an issue likely to explode on to the political agenda at some stage’ (Mitchell *et al.*, 2001: 66). Yet, academic attention to Barnett often seeks to identify and explain several cases when the UK has deliberately chosen not to reform Barnett (Cairney, 2011a: 207).

The SNP Government and Scottish politicians often, and increasingly, denounce the Barnett formula (Settle, 2007a,b), but there is generally far more vociferous criticism from MPs, the media and political commentators in England (regarding Scotland’s ‘advantage’) and, to a lesser extent, Wales.

**Box 11.1 Incrementalism and public expenditure**

A key theme of this book is that governments inherit a range of commitments which they rarely reject in a radical way. Policy change is generally incremental, not radical (see Lindblom, 1979; Rose, 1991; compare with Baumgartner and Jones, 1993; 2009). In the case of Scottish finance we can apply these discussions in two main ways. The first relates to the development of Scotland’s financial settlement. As we discuss with reference to Goschen and Barnett, the various ways in which Scotland has negotiated its budget with the UK Treasury can be traced back to ‘temporary’ formulas which have endured to this day. Further, decision-makers have been reluctant to revisit policy because of the likelihood of opposition to a well-established system which reflects previous negotiations (or displeases fewer people than would policy change). The second relates to changes in Scottish spending patterns. Any spending changes are likely to be incremental regardless of the source of funding (in other words, regardless of who – the UK or Scottish Government – raises taxes), since few governments are willing to shift existing funding allocations beyond the margins or raise taxes to fund new initiatives. One qualification to this argument is that the pursuit of different funding priorities may be more straightforward during years of fast-rising public expenditure (since the extra money can be given to new priorities without lowering the budgets for existing commitments). So, for example, if we seek to compare Scottish Government spending in relation to patterns of spending in English equivalents (to detect different policy priorities) we will generally find differences only at the margins (with key exceptions, such as UK and Scottish Government funding for universities). In such cases, the differences may be significant even if they are not radical.
(regarding the role of the Barnett formula in perpetuating an unequal financial settlement see Holtham, 2011). In some cases, the (often rather misleading) way to describe Scotland’s alleged advantage is to identify a £1,500 per person advantage over its immediate neighbour in the north-east of England (Sky News, 2007). Scotland is often dubbed the ‘land of milk and honey’, able to use its financial advantage to fund personal care for older people, higher levels of staffing in the NHS, better wages for teachers, better roads and the abolition of student fees (Mooney and Poole, 2004: 458). This argument is still recycled to this day, with more recent complaints suggesting that English taxpayers also fund free prescriptions, free eye tests, heating and transport costs for older people and a freeze on council tax (an excellent example is Chapman, 2007; see also Cramb, 2012). The continuation of a finance system which seems so controversial is therefore highly significant; its maintenance highlights both the political costs to reform and the balance of power within territorial politics.

As Keating (2005a: 140) suggests, such discussions can be divided into two main issues. The first is an issue of advantage – whether Scotland gets more or less than its fair share of resources. The former suggests that Scottish political actors exert power successfully during public expenditure negotiations and/or that they successfully defend previously generous settlements. The latter suggests that Scottish oil revenue is subsidizing UK expenditure and that economic policy is geared towards the south-east of England to the exclusion of the north. Further, since it costs more in Scotland to provide the same level of service as England, the Scottish Government is actually constrained by funding levels. This contributes to an inability to introduce innovative (and expensive) public policies in Scotland unless the money can be found from cuts in other budgets. Therefore, any change to the Barnett formula will find criticism from one or both of these quarters.

The second is an issue of power regarding the contrast between Scotland’s lack of influence over the way in which money is raised and its considerable discretion over the way it is distributed. The former refers to the power of the UK Treasury which still controls the means to raise money and then distribute it to Scotland. In this chapter we examine the extent to which it attempts to exercise its power in a devolved Scotland. The latter suggests that when Scotland receives its block grant from the Treasury it has considerable power over how to spend it – particularly when compared with other territorial governments.

The Barnett formula and the Barnett ‘squeeze’

The Barnett formula was named after Joel Barnett MP, Chief Secretary to the Treasury during 1974–79. Although this began as an interim measure in the run up to political devolution in 1979, it still operates today. The settlement
covers most of the Scottish Parliament budget and accounts for approximately 60 per cent of all public spending in Scotland (the remainder is spent directly by Whitehall departments). It comprises two elements: an initial block settlement based on historic spends and the Barnett formula to adjust spending in Scotland to reflect changing levels of spending in England. The formula only relates to changes in the level of spending.

It is based on an estimate of population relativities. Initially this was a 10–5–85 split for Scotland, Wales and England which suggested that Scotland would receive 10/85 of any increase in comparable spending for England in Whitehall departments (or lose the same amount if spending fell). This comparability varies according to department. While some are almost fully devolved (e.g. Health, Education), others are partly devolved (e.g. Transport) and only the comparable spending will be applied to Scotland. The size of these ‘Barnett consequentials’ are based on three estimates: Scotland’s share of the UK population; the change in levels of spending of UK Government departments; and the level of comparability in specific programmes.

Further, if we make certain assumptions – that these estimates are accurate, that public expenditure in England rises and that all other things remain equal – then the formula suggests that Scotland’s relatively high share of public expenditure will be eroded over time. This Barnett ‘squeeze’ occurs because the consequence of extra spending in England is extra spending in Scotland according to its share of the population rather than its traditionally higher share of UK public expenditure. The latter is proportionally greater because Scotland’s initial block settlement produced much larger per capita spending than in England. In other words, let us assume that:

- Scotland initially received a block settlement which represented 120 per cent per head of spending in England.
- Subsequent ‘consequentials’ are paid at the rate of 100 per cent.
- Over time, as the size of the consequentials grows in comparison to the original settlement, the formula will help bring the Scottish share of UK public expenditure down to a level closer to its share of the population.

Therefore, the term ‘squeeze’ is misleading because it is only apparent when levels of spending are rising. A ‘squeeze’ can never refer to an actual reduction in public expenditure in Scotland.
Agenda-setting and the politics of public spending

The decision to adopt and maintain the Barnett formula represents an effective form of agenda-setting. A key tenet of the ‘policy communities’ literature is that policy issues are often portrayed as dull affairs to limit public interest and participation. If an issue can be successfully presented as a ‘technical’ or a ‘humdrum’ topic for the analysts (because the problem has been solved and all that remains is the implementation), then power can be exercised behind the scenes by a small number of participants (Jordan and Maloney, 1997; Baumgartner and Jones, 2009).

With Scottish public finance we can identify a consistently successful attempt by decision-makers in Scotland and the UK to keep the ‘big’ (and potentially most contentious) questions of funding off the political agenda. They have tended to avoid reforms because a very clear sense of winning and losing would result from any deviation from the status quo. Indeed, the only time that the big questions have received consistently high levels of attention is when they have been linked to more fundamental issues – such as devolution in 1979 and independence more recently. Even then, it is telling that during Scottish electoral campaigns, the issue of fiscal autonomy rarely features prominently. Perhaps more important is the level of interest in England, with the election of the SNP and the reaction to a Scottish Prime Minister (Gordon Brown) contributing to higher levels of media interest in Scotland’s ‘advantage’ in 2007 and 2011.

Life before Barnett

The modern history of funding settlements demonstrates the incremental and almost accidental side of Scottish politics. This began in 1888 with the Goschen formula, named after the then Chancellor of the Exchequer. The formula is a by-product of the attempts by George Goschen to link local revenue to local spending and separate it from funding designated for imperial finance. Although this overall project failed, the formula itself lasted over 70 years as a means of determining Scottish entitlement from the UK exchequer (Mitchell and Bell, 2002). The figure of 11/80 of England and Wales was a rough estimate of Scotland’s population share at that time, based loosely on Scotland’s contribution to probate duties (taxes levied on the estate of the deceased), but was never recalculated to take Scotland’s (relative) falling population into account.

As the size of the UK state grew, so did the size of the Scottish Office, with the Goschen formula more or less at the heart of its budget settlement. Indeed,
although the formula was not used formally from 1959, the culture of accepting Scotland’s existing share as a starting point and adjusting at the margins became well-established. Therefore, what began as a formula which initially advantaged per capita spending in England and Wales and received minimal Scottish support, eventually became a system redistributing money to Scotland as its share of the UK population fell (McLean and McMillan, 2003: 50).

The long-term use of the Goschen formula reinforces the idea of incrementalism and inertia in politics: the existing or default position is difficult to shift. Fundamental change is expensive and likely to undermine a well-established negotiated settlement between competing interests. While the Goschen formula is not something that would have been chosen from scratch by a comprehensively rational decision-maker or a more open process of decision-making, as a default position it was difficult to challenge. We may then ask why this process was eventually replaced. The answer is that a ‘window of opportunity’ (see Kingdon, 1984) came in the 1970s with the prospect of political devolution which drew attention to Scotland’s share of public expenditure.

**Barnett and needs assessment**

The high level of UK attention to Scotland’s financial status (particularly among English MPs representing constituencies with ‘comparable needs’) was such that it prompted governmental action. The ‘window of opportunity’ was opened by the prospect of a referendum on devolution. This contributed to the ‘reframing’ of the policy problem – from a technical process to ensure Scotland’s share of resources to a political process providing advantage to Scotland. The Treasury’s response was to commission a Needs Assessment Study to establish the share that each UK territory was ‘entitled’ to (based on indicators of need such as proportions of schoolchildren and older people and population sparsity). This would be used in negotiations with the newly formed Scottish Assembly, perhaps allowing the issue to return, eventually, to its low-salience status (although Barnett himself disputes this motivation – see Twigger, 1998: 8).

In retrospect we may say that the needs-assessment exercise was doomed to failure (in that it was not officially adopted) for three reasons. First, there is no common definition or consensus on the concept of ‘need’. More money spent on one ‘need’ means less on another; it is a political issue involving winners and losers, not a technical issue in which everyone’s problems can be solved. Second, there were problems with the quality of information and its implications. For example, even when ‘objective factors’ (e.g. population

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**Comprehensively rational decision-maker:** An ideal-type referring to the ability of a policy-maker to consider all the information and options, then make consistent decisions (Cairney, 2012a: 96)
sparsity or age) were taken into account it was never clear if any extra spend-
ing would refer to inputs (e.g. number of doctors), outputs (number of opera-
tions) or outcomes (equality in levels of health). Third, the outcomes from a
needs assessment will always require a political decision which takes into
account not only the ‘facts’ but also factors such as the public reaction. The
report itself represented only one aspect of that process. In particular, while
the Treasury report in 1979 suggested that Scotland’s greater need was 16 per
cent (when at that time the level of extra spending was 22 per cent) there was
no rush to close this perceived gap.

Instead, the Barnett formula was introduced on an interim basis. Then,
following the negative referendum vote, the needs-assessment agenda was
dropped. The Treasury was not inclined to impose a system with little more
benefit than the Barnett formula in the immediate aftermath of a referendum
process seen by many in Scotland as an attempt by the UK Government to
thwart home rule. Effectively, the end result was the replacement of the
Goschen formula with a very similar Barnett formula.

This formula remains in place today in large part because the existing
process has several political advantages. First, it satisfies broad coalitions in
Scotland and England. In Scotland, it maintains (at least in the short term)
historic levels of spending. In England, the ‘Barnett squeeze’ gives the impres-
son that, over time, this advantage will be eroded. Second, it satisfies many
governmental interests. For the Scottish Government it traditionally provided
a guaranteed baseline and a chance to negotiate extra funding. It allows
Scottish control over domestic spending, with limited Treasury interference.
For the Treasury, it provides an automatic mechanism to calculate territorial
shares which represent a small part of its overall budget.

The adoption of the formula therefore represented successful agenda-
setting – establishing the principle in fairly secret negotiations and then
revealing the details only when the annual process could be presented as a
humdrum and automatic process (allocating funding at the margins) which
was efficient and had support from all sides within government. Indeed, the
level of implicit support for Barnett was so high that there was no serious,
sustained challenge to this formula either before or after political devolution
in 1999 (perhaps aided by the perception that the Barnett ‘squeeze’ was work-
ing – Cairney, 2011a: 208). In fact, the value of Barnett has been reinforced
since 1999; the trend is towards determining a greater proportion of Scottish
Government spend from this process.

Funding from other sources

Yet, Barnett accounts for only 60 per cent of ‘identifiable’ public expenditure
in Scotland (Keating, 2005a: 143), with the rest determined by the UK govern-
ment, either in funding which merely passes through the Scottish Government
budget (overall, the Scottish Government accounts for approximately 68 per cent of identifiable spending) or is spent directly by Whitehall departments. Whitehall spends approximately 32 per cent of ‘identifiable’ spending in Scotland directly, with 91 per cent of this devoted to ‘social protection’, including family benefits, income support and tax credits (HM Treasury, 2012a: 150). The total identifiable expenditure in Scotland for 2010–11 was £53 billion (ibid.).

The ‘assigned budget’ from Barnett is a subset of the Departmental Expenditure Limit (DEL) which also includes a small miscellany of funds (non-assigned budget) to cover, for example, UK initiatives such as Welfare to Work which are largely administered by Whitehall departments but have devolved elements. The DEL in the 2011–12 draft budget was £28 billion (Scottish Government, 2011: 236). The DEL is a subset of Total Managed Expenditure which also includes the Annual Managed Expenditure (AME) (£5.6 billion). The AME includes non-discretionary money merely ‘passing through’ the Scottish Government from the UK or EU – for example payments to NHS/teacher pensions.

There is also provision for ad hoc funding. This is often referred to as ‘formula bypass’. However, this is misleading because decisions outside the formula are actually commonplace (since the DEL is calculated three years ahead). Post-devolution examples have been the costs of addressing foot-and-mouth disease, funding the Lockerbie trial and the ‘write-off’ of local authority housing debt (reflecting the Treasury’s policy of promoting housing stock transfer).

The Scottish Government/Scottish Parliament can also raise money directly. It has the ability to raise (or lower) income tax by three pence in the pound (this will rise to 10 pence following the Scotland Act 2012 – see p. 247); collects business rates (non-domestic rates) and distributes the money to local authorities (£2.1 billion in 2010–11); and regulates and influences the collection of council tax by local authorities (£1.9 billion – see Scottish Government, 2012a: 11).

In all three cases there is limited room for manoeuvre. The political costs of raising income tax are too high (which suggests that the forthcoming ability to raise it by 10 pence will make little difference). Similarly, given recent SNP moves (from 2007 onwards) to lower business rates and freeze then abolish council tax, there is little prospect of the Scottish Government seeking to raise significantly higher sums from these sources. Without ‘fiscal autonomy’ the Scottish Government is in a relationship of financial dependency with the UK Treasury (Box 11.2).

**Is the Scottish settlement ‘fair’?**

In recent years, and particularly since the new era of SNP Government, the Barnett formula and the issue of higher Scottish per capita spending has
emerged more prominently on both the Scottish and UK political agendas. In 2007, a report by Professor Gavin McCrone suggested that Scotland ‘would be in deficit without the subsidy from the UK’, while the then UK Chancellor Gordon Brown argued that the gains from Scottish oil revenue were outweighed by the advantage from Barnett (note that Barnett is often used, rather confusingly, as a shorthand to describe the overall Scottish settlement) (Gray, 2007b; Devlin, 2007).

In contrast, the SNP argued that not only was Scotland ‘paying its way’, but its funding each year was being ‘squeezed’ by the Barnett formula, while some academics have extrapolated a ‘5 per cent cut in Scotland’s workforce’ as a result of the squeeze’ (SNP, 2007; McMahon, 2005). More recent media and

Box 11.2 Fiscal autonomy

Scottish fiscal autonomy is a rather vague term and subject to numerous constraints and qualifications when Scotland remains part of a UK, EU and global economic system (Box 12.1). But, if we set aside the Scottish-specific issues and focus on the abstract, what are the arguments put forward to support or oppose more fiscal powers?

Arguments for:
- A clearer link between spending and taxes would enhance responsiveness and accountability as well as incentivize the Scottish Government to pursue economic growth since this would raise its income.
- It would allow more discretion in choosing who to tax (e.g. individuals or businesses) and how to tax (e.g. the balance between taxation and charging for services).
- It would allow for adaptation of taxation in line with the preferences of the Scottish population.
- It creates the potential to compete with other regions. If English regions (could) respond, taxation would be kept low. If competition does not materialize, lower business rates could attract more businesses.
- It would reduce hidden inequalities such as the greater benefit, to residents in England, from UK Government tax expenditures.

Arguments against:
- The centralization of taxation allows economies of scale, a wider tax base to secure more redistribution and greater insurance for regions facing exceptional difficulties.
- The legacy of higher spending in Scotland suggests higher taxes and the migration of people and businesses.
- Higher welfare entitlement in Scotland may foster welfare migration and higher levels of dependency.
- Enhanced fiscal autonomy could create Scottish–UK tensions. For example, how much would Scotland pay for common UK services? What share of oil revenue would Scotland be entitled to?
social media accounts continue this rather confusing and often misleading debate. For example, Holyrood Magazine (2012) argues that the ‘Barnett formula squeezes the block grant by one per cent, about £250m each year, which encouraged the 61 per cent hike in council tax up to 2007’, while the blog Conservativehome (2012), quoting the *Daily Telegraph*, argues that ‘if the Barnett Formula was abolished then English local authorities would be paid an extra £2.6 billion’. The Scottish Government argues that Scotland, with 8 per cent of the population, contributes 9.6 per cent of UK tax and receives 9.3 per cent of spending, prompting Gordon (2012) to note that this spending is £10.7 billion more than the contribution (but largely because the UK is currently running a large budget deficit).

To make sense of these debates, we can identify three distinct questions: what was the Barnett formula designed to do; what does it actually do; and, is this fair?

**What was the Barnett formula designed to do?**

We have two plausible answers. The first suggests that the aim of the Barnett formula was to reduce per capita spending levels in Scotland to a level similar to England. Assuming that estimates on population size and comparability are correct (and that all other things remain equal) this would seem to be the long-term consequence of rises in English public expenditure (Bell, 2001). However, Midwinter (2004a; 2004b) argues that this was never a stated aim by the UK government. A second, more likely, aim was to prevent any further advantage to Scotland and/or bring Scotland’s per capita spending closer to the figure identified in the needs assessment. While the formula was introduced before the needs assessment was completed, Joel Barnett suggests that an estimate of greater Scottish need was identified within the Treasury to account for ‘population sparsity in Scotland, transport needs, needs because of relative ill health, rural needs and education and so on and industrial needs – but above all … income per head’ (quoted in Twigger, 1998: 8).

**What does the Barnett formula actually do?**

While a strict application of the Barnett formula suggests long-term convergence, this relies on assumptions which may not be met in practice. The first relates to the accuracy of the estimate of Scotland’s population relative to England. At the inception of Barnett this was set too high – at a level of 11.8 per cent (10/85) – and the estimate was not revisited until 1992. While the Treasury now uses more accurate annual estimates, there is still a degree of uncertainty and a time-lag between spending reviews and the new figures. Although the 2011 census addresses the problem of estimates, uncertainty remains about the continuous effect of immigration, particularly from the new EU accession countries, in the south-east of England (Heald, in correspon-
dence, 2011). Therefore, since the relative population in Scotland has fallen constantly since 1978 (in 2011 it was 5.1 million or 8.1 per cent), this overestimation of the Scottish population has for the most part ‘cushioned the blow’ of reduced per capita spending advantages.

The second assumption is that comparable public expenditure always rises significantly (which is not always the case). The third is that the relative size of the original block settlement falls. Yet, this has been increased regularly to account for inflation. A final assumption is that all other things remain equal. However, they do not. It is normal practice for there to be examples of ‘formula bypass’, such as Treasury-funded pay increases for public sector staff and various other arrangements to ensure additional funding (Keating, 2005a: 145). These were negotiated and used to great effect by pre-devolution Secretaries of State for Scotland who were sensitive to levels of nationalism and keen to highlight the financial benefits of remaining within the union. As a result, the overall Barnett ‘squeeze’ did not appear to materialize (Midwinter, 2004b: 505–6).

A feature of post-devolution predictions is that the ‘Barnett squeeze’ would be more apparent after 1999 since the UK Government would not feel the same need to react to high levels of nationalism. This is reinforced by Bell and Christie (2001: 145) who estimated a £1 billion or 5 per cent ‘squeeze’ by 2003–04. Keating (2005a: 145; but compare with 2010: 175) also suggests that the formula had ‘begun to bite’ in some policy areas following a combination of accurate population estimates, minimal side deals, the extension of Barnett’s coverage and high levels of public expenditure in England (although note that the idea of a squeeze in some areas is problematic because the Scottish Government decides how to spend its overall budget; Barnett does not have a direct effect on individual policy departments).

An alternative hypothesis is that Scotland’s advantage continued because it was still in the interests of the Labour-led governments to stress the benefits of the union dividend. This is supported by figures presented by Midwinter (2004a; 2004b) and Schmucker and Adams (2005) which highlight stable levels of overall per capita spending and no evidence for the squeeze. We can explain the latter by looking beyond the funding related to Barnett, finding that Scotland’s share was maintained by increased payments in areas such as social security (suggesting that Scotland’s ‘advantage’ results partly from higher unemployment or welfare dependence) and agriculture (reflecting its greater importance to the Scottish economy).

If we combine the arguments, we can identify what we might call ‘a quasi-squeeze within an overall pattern of funding continuity’, with the ‘squeeze’ (combined with choices made by the Scottish Government) felt particularly in health where spending per capita in Scotland ‘is roughly the same as in the

**Union dividend:** A phrase used by Labour politicians to bring attention to the financial benefit Scotland receives as part of the UK.
North East of England’ (Cairney, 2011a: 209). Yet, this more balanced argument is generally not made because the issue is rife with confusion, argument and counter-argument.

Is the Scottish settlement fair?

There is a growing perception in England that Scotland receives more than its fair share of UK public expenditure (Wyn Jones et al., 2012), although public perceptions generally do not match the attitudes often expressed by MPs representing key English constituencies (Ormston and Curtice, 2010; Condor, 2010, 2012). The need for Scotland to receive higher funding is also now less supported by its economic position, since it is one of the most economically active UK regions (a key measure is ‘Gross Value Added’ per head, of which Scotland had the third highest of the 12 UK regions in 2010 – Office for National Statistics, 2011b: 2). However, the discussion of Barnett, and the financial settlement that it helps produce, provides only a partial answer to this question, since fair distribution can also relate to the levels of funding raised in Scotland and the effects of wider economic policies and other UK spending. This leads to a consideration of other factors (see Keating, 2005a: 148–50; 2010: 175–9):

- Barnett only refers to comparable regional spending. If we look at UK spending as a whole, there are areas of ‘non-identifiable’ spending (in areas such as defence, the Channel Tunnel and the Olympics 2012) where Scotland does not enjoy the same ‘multiplier effect’ (e.g. army personnel spend their money locally and this benefits local businesses; Olympic regeneration was generally concentrated in London).
- The level of tax expenditure may be greater in England. For example, payments for private education (a much larger sector in England) are value added tax (VAT) free, since most independent schools have charitable status.
- The Treasury raises significant revenue from taxing North Sea Oil. In 1984/85 UK government revenue from oil and gas peaked at £12.3 billion, or 15 per cent of the proportion of overall revenue (BBC News, 2006; Scottish Government, 2012b: 30). In 2010–11 it was £8.8 billion (compare with the Scottish Government budget below). However, we should be careful about how to describe that revenue, noting the debate regarding Scotland’s share of tax revenues from the North Sea (Scottish Government, 2012b, considers population shares and ‘geographical’ shares).
- Economic policies favouring the south-east of England may hinder economic development in Scotland. For example, the maintenance of high interest rates to reduce inflation or stop the south-east economy ‘overheating’ may disproportionately affect a Scottish economy more reliant on manufacturing (an argument made particularly strongly during the Thatcher era).
Lies, damned lies and Scottish public expenditure statistics?

The upshot is that there is a lack of consensus on what Barnett was designed to do, what it actually does and how fair the Scottish settlement is. Further, since there is no consistent data on which to rely, the different use of financial measures to make different points has become a key tool for agenda-setting. We can see this most clearly in partisan debates about Scotland’s contribution to the UK Exchequer. Labour talked of the ‘union dividend’ and that the Treasury ‘is prepared to fund an £11 billion fiscal deficit’; the SNP (in opposition) referred to the non-inclusion of oil-based revenue and the biased nature of government figures (see Scottish Parliament Official Report, 10.1.07, cols 30847–99; since 2007 the Scottish Government has included a discussion of North Sea revenue in its finance reports – see Scottish Government, 2012b).

Some broader points are also worth noting:

• Spending can be expressed in ‘real’ (i.e. adjusted for inflation) or ‘volume’ terms (adjusted, if possible, for public-sector inflation). Midwinter and Burnside (2004) suggest that although spending rose during 1999–2003, ‘outputs’ in areas such as education fell (due in part to above-inflation pay awards for doctors and teachers – see Cairney, 2007c: 27). This is key to our discussion of ‘advantage’ since Scotland could receive more money to fund inputs (e.g. doctors), but still achieve fewer outputs (number of operations) and less favourable outcomes (levels of health).
• Scotland’s expenditure per capita is the figure that tends to attract most political attention. In 2005/06 it was approximately 22 per cent more than England (as a whole) (Schmucker and Adams, 2005: 37) but in 2010–11 it was 17.5 per cent (see HM Treasury, 2012a: 119 and note the variations across English regions – for example, more money is spent per head in London than Scotland).
• While there are distinct Scottish Government figures, these are either derived from the same Treasury figures (HM Treasury, 2012a) or are presented in a non-comparable form, referring to funding for departments (with shifting boundaries) rather than policy areas.
• It is difficult to estimate Scotland’s share of ‘non-identifiable’ spending (e.g. defence, international) incurred on behalf of the UK (£9.1 billion in 2010–11 – Scottish Government, 2012b: 43).

The result is that it is difficult to come to hard-and-fast conclusions about public expenditure statistics, since levels of comparability are often limited and presentation of figures is determined by the source of information. Politicians in Scotland (like everywhere else) use public expenditure statistics for support rather than enlightenment. A less cynical view can point to two elements. First, there are valid and reliable statistics that are collected and
published without political interference, such as Government Expenditure and Revenue in Scotland (GERS) (although this was often criticized by the SNP when in opposition). Second, most politicians simply do not know how the public sector accounts for its own budget. An understanding of the complexities of these procedures is often restricted to expert professionals ‘and there is a danger of democratic processes becoming increasingly mystified rather than more transparent’ (Ezzamel et al., 2005).

**Where does Scotland spend its money?**

Table 11.1 gives a general overview of Scottish public expenditure that highlights the big-spending policy areas such as health, education and training (including further and higher education), transport and public order. This impression of the size of each spending area is crucial when we then examine real rises (or falls) in expenditure. For example, real spending on science and technology rose by 291 per cent from 2000 to 2006, while in social protection it rose 23 per cent. Yet, social protection is still the biggest spending area and the cash rise in science is relatively small. Therefore, a focus on change alone may exaggerate the significance of small but expanding portfolios (particularly if this involves change from a low base or a long period of under-investment).

A focus on the big-spending areas from 2000–11 suggests an above-average rise in health (68 per cent), while housing (203 per cent) and transport (158 per cent) were clear priorities. Perhaps surprisingly, given the wage rises for Scottish teachers and the commitment to reduce student fees, the rise in education (46 per cent) spending is lower than the overall average and often lower than equivalent spending increases in England (Schmueker and Adams, 2005: 39). Overall, the real rise in spending in Scotland from 2000–11 has been 53 per cent – a figure that gives some important context to current discussions of economic austerity (but note that the cash rise, close to 100 per cent, is a very misleading figure often used by elected politicians to reinforce the importance of the union dividend). The first drop in real spending (2010–11) follows a series of very large real rises in annual budgets since devolution.

**UK Treasury power and the Scottish political system**

In Chapter 2 we suggested that, before devolution, there may never have been a ‘Scottish Political System’ because the ultimate authority or final decision rested elsewhere. The significance for present purposes is that this authority still resides in the hands of the UK Treasury which determines the size of Scotland’s budget and its method of collection (even when taking into account the Scotland Act 2012 reforms discussed in Chapter 12). Yet, our discussion of
Table 11.1  Identifiable expenditure on services (current and capital), 2000–11 (£ million)

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<td>841</td>
<td>833</td>
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<td>Civil defence</td>
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<td>7</td>
<td>7</td>
<td>5</td>
<td>9</td>
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<td>Miscellaneous economic</td>
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<td>548</td>
<td>463</td>
<td>549</td>
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<td>461</td>
<td>524</td>
<td>480</td>
<td>489</td>
<td>450</td>
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<td>Science/technology</td>
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<td>70</td>
<td>87</td>
<td>110</td>
<td>161</td>
<td>238</td>
<td>309</td>
<td>273</td>
<td>417</td>
<td>382</td>
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<tr>
<td>Employment</td>
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<td>712</td>
<td>740</td>
<td>736</td>
<td>913</td>
<td>802</td>
<td>813</td>
<td>697</td>
<td>730</td>
<td>649</td>
<td>675</td>
<td>820</td>
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<td>Agriculture, fisheries, forestry</td>
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<td>655</td>
<td>661</td>
<td>733</td>
<td>631</td>
<td>679</td>
<td>686</td>
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<td>906</td>
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<td>7,683</td>
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<td>757</td>
<td>821</td>
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<td>931</td>
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<td>15,967</td>
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<td>17,027</td>
<td>18,327</td>
<td>19,902</td>
<td>20,741</td>
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<tr>
<td>Total</td>
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<td>28,820</td>
<td>31,944</td>
<td>33,701</td>
<td>37,151</td>
<td>38,582</td>
<td>41,902</td>
<td>43,945</td>
<td>46,529</td>
<td>48,709</td>
<td>51,654</td>
<td>53,085</td>
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</table>

Real rise of total per year (%) n.a. 5.1 8.8 2.9 7.9 0.9 3.4 4.9 3.3 1.9 4.5 -0.1 n.a. n.a.

Notes: (1) Data collated from PESA reports: HM Treasury (2005: 92–3; 2006: 100–11; 2012b: 154–5). (2) Some Treasury categories changed from 2006–07 which makes comparisons problematic. In fact, HM Treasury (2012b: 6) warns against comparisons of periods greater than five years apart and notes that its figures on Scotland do not correspond to its overall UK figures. Some are marked with dashes or n.a. (not applicable) (e.g. civil defence was not a separate category in PESA entries before 2007). Others should be treated with caution (e.g. observe the rise in Transport funding 2006/07). (3) The real rise calculation is based on the GDP deflator (HM Treasury, 2012b). Some of the first edition figures (McGarvey and Cairney, 2008: 190) were incorrect, so we include a correct column on the real rise 2000–06 and an overall rise 2000–11. The real rise is determined by calculating the cash rise adjusted for the GDP deflator (HM Treasury, 2012b) (2000–06 is 76.562/86.542; 2000–11 is 76.562/97.672). For example, the 2011 total of 53,085 is the equivalent of 41,612 in 2000 prices (or 27,274 in 2000 is the equivalent of 34,794 in 2011).
Barnett confuses this picture by suggesting that Scotland may have been the most likely to benefit from this relationship. Indeed, the history of spending settlements seems to suggest that the UK Treasury has done all it can to avoid conflict rather than impose its will publicly. In other words, we should not assume that the capacity to exert power is synonymous with the exercise of that power. The idea of Treasury power is also complicated by the fact that while it can control the size of Scotland’s budget, it does not determine how it is spent.

The Scottish Government is reliant on its block grant from the Treasury. Scotland remains heavily dependent on the UK Government’s attitude to taxing and spending. Treasury rules also influence heavily how Scottish local and health authorities fund major capital projects (such as new schools, hospitals and housing programmes). This particular power of the Treasury was highlighted in housing policy where it allowed borrowing to improve the local-authority housing stock only through approved bodies such as housing associations (in other words, local authorities’ borrowing was very limited). In return, the Treasury rewarded a successful transfer of housing stock from local authorities to housing associations (following a ballot of council tenants) by writing-off the debt linked to the housing stock (in Glasgow alone this accounted for £1 billion in ‘formula bypass’). As a general rule with borrowing and Treasury power, the Labour-led Scottish Executive (1999–2007) decided to make a ‘virtue out of necessity’. During this period it supported housing-stock transfer wholeheartedly and encouraged the use of public–private partnerships to build new schools and hospitals.

As we discussed in Chapter 7, the SNP Government sought to challenge this constraint by setting up the ‘Scottish Futures Trust’, a public body tasked with reducing the ‘excessive costs of PPP projects associated with the profit-seeking motives of private companies’ (Cairney, 2011a: 217). The Scottish Government, with very limited borrowing powers of its own (before the Scotland Act 2012), sought to use the borrowing power of local and health authorities to fund capital projects. The effect is difficult to measure (partly since private firms are still employed and still make some profits), provoking considerable academic, media and party political debate on the SNP’s claim for a distinctive policy (ibid.: 218).

Treasury power and the strange case of EU structural funds

The issue of EU structural funds demonstrates the reach of Treasury power in Scotland. As Keating (2005a: 151–3; 2010: 184) discusses, there are four types of funds – regional development, employment training, agriculture and fisheries. They are allocated on three bases – to regions lagging behind the UK average (objective 1), areas affected by industrial decline or rurality (objective 2), or people who are socially excluded (objective 3).
While such funds were in the past given without condition, since 1988 the Commission has sought to use them as a policy instrument to further EU policy objectives. As a result, the money must be seen to be spent in the relevant region and it must be added to the original budget. The regions are also obliged to match the additional money spent.

On paper, this looks like a good deal for the regions since it appears that they can bypass the UK government and receive extra money directly from the EU (approximately £1.1 billion during 2000–06 – Scottish Executive, 2007c). However, a more accurate picture is that the UK as the member state negotiates the funding, with sub-national authorities often peripheral to the process (Bell and Christie, 2001: 147; Sutcliffe, 2002). Further, the Treasury treats EU structural funds as UK money since it is still a net contributor to the EU (and any direct funding would circumvent its public spending plans). Therefore, while in theory the funding is routed through the Barnett system, Scotland receives no extra money (it also has to find matched funding from within its existing budget!). The unintended consequence is that it is in Scotland’s interests for England to receive structural funds since it will enjoy the ‘consequentials’ without having to be seen to spend the money in a certain area. Indeed, this has often been the case, prompting successive Scottish Governments to be relaxed about their often limited allocations from the EU (Keating, 2010: 185–6).

**Treasury power and Scottish spending**

Treasury influence over the way Scotland spends its budget is more difficult to demonstrate. We have three main aspects to explore. The first is that Treasury control over Scotland’s total budget undermines its ability to fund any new policies with a significant cost. Therefore, any changes in Scottish spending must be incremental. As one member of the Scottish Government Finance Department (in an interview in 2005) put it: ‘two-thirds goes to the NHS and local authorities and then there is justice and other sectors. So there is maybe only £1 billion left over to use our discretion with.’ Further, such discretion may fall as budgets fall. Given such constraints, Bell and Christie (2001: 143) suggest that any solution is likely to be limited: any redistribution would be constrained by national public wage structures and legislative commitments, so cut-backs in other services would have high political costs; and new revenue is unlikely.

Second, the Scottish Government (particularly if controlled by the same party in control at the UK level) comes under pressure to make spending decisions similar to those announced in the UK Chancellor’s budget (as with education) or to play catch-up and follow UK agendas (as with the example of NHS waiting-list comparisons). Third, in some cases, Treasury rules influence Scottish policy indirectly. The most high-profile example followed its decision not to refund Attendance Allowance benefits foregone by older people receiving ‘free personal care’ funding.
However, in each case, there are convincing qualifications to Treasury power. First, funding changes would always be incremental as there will always be constraints on the ability of the Scottish Government to raise taxes (Midwinter, 2004a). Of more importance is the real rise in public expenditure and, until very recently, this has been considerable. Second, the post-devolution trend is towards greater Scottish Government discretion in allocating resources. Even when Scotland appears to follow England’s health spending, this may be redirected to (for example) public health rather than health care funding, according to different priorities within Scotland. Further, since 2007, there has been no shared party of government in the UK and Scotland to coordinate spending (although some pressures, such as on NHS performance, still exist). Third, these Treasury rules sometimes have a net benefit for Scotland. For example, the loss of Attendance Allowance benefits was more than offset by the gain in council house debt removal.

The Age of Austerity?

Most Scottish politics must now be viewed through the lens of the economic crisis, which has produced the likelihood of significant real reductions in Scottish spending for the foreseeable future. For example, group–government relations and IGR may become tenser as tougher policy choices are made, producing more losers and fewer winners. Of course, as the discussion of statistics above suggests, there is much competition and debate on how best to express this projected fall in funding. What we know currently, from HM Treasury (2012a: 27), is that the Scottish Government DEL fell from £28.512 to £27.567 billion from 2010–11 to 2011–12 (see Table 11.2). This is a cash reduction of £0.945 billion (3.3 per cent) but a real reduction of £1.587 billion (5.6 per cent). This drop is part of a pattern of reduced spending from 2010–11 until at least 2014–15 (the end point of current

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<tbody>
<tr>
<td>Cash budget</td>
<td>24,951</td>
<td>26,475</td>
<td>26,893</td>
<td>28,431</td>
<td>28,512</td>
<td>27,567</td>
<td>27,757</td>
<td>27,725</td>
<td>27,937</td>
</tr>
<tr>
<td>Adjusted to 2010–11 prices</td>
<td>27,423</td>
<td>28,391</td>
<td>28,073</td>
<td>29,238</td>
<td>28,512</td>
<td>26,925</td>
<td>26,398</td>
<td>25,725</td>
<td>25,289</td>
</tr>
<tr>
<td>Real change n.a.</td>
<td>967</td>
<td>318</td>
<td>1,166</td>
<td>–726</td>
<td>–1,587</td>
<td>–527</td>
<td>–674</td>
<td>–436</td>
<td></td>
</tr>
<tr>
<td>Real change (%) n.a.</td>
<td>3.5</td>
<td>–1.1</td>
<td>4.2</td>
<td>–2.5</td>
<td>–5.6</td>
<td>–2.0</td>
<td>–2.6</td>
<td>–1.7</td>
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A new SNP era began with fluctuating budgets from 2007–11, to be replaced by consistently falling budgets during the 2011–16 parliamentary session.

There are some other factors to consider for future budget decisions. First, the UK Government is currently reforming the ‘social protection’ element of identifiable spending in Scotland – a process that produced a very unusual Scottish Parliament response. The Welfare Reform Bill 2012 is the first to be subject to a rejected ‘Sewel motion’. However, the rejection is likely to have a minimal impact because the Scottish Parliament can only legislate on devolved aspects. The UK Government will still control the welfare reform process (including controversial new rules on disability benefits), which is likely to produce knock-on effects for Scottish Government services (BBC News, 2011; 2012b). Second, the cuts in spending may come at a time when the demand for some services is rising (e.g. the rising proportion of older people results in increased demand for personal and residential care – Scottish Government, 2010). Third, the prospect of budget reductions has accelerated a shift in the mindset during detailed negotiations, from a discussion of budget rises for organizations such as local authorities, health boards and universities, to a discussion of their relative share of the Scottish Government budget. Fourth, many of the key decisions on budget cuts may come increasingly at the local level (for example, the local government ‘Improvement Service’ and the ‘post-Christie’ agenda seeks to promote ‘preventative spending’ to address the gap between local budgets and service demand).

Conclusion

Although public expenditure is one of the most important aspects of public policy, the system to allocate money to territorial governments has remained untouched for a considerable time. The same basic Goschen and Barnett method – of treating the base as a given and then amending at the margins – has been used since the nineteenth century.
The longevity of such arrangements can be explained with reference to three themes running through this chapter: agenda-setting, incrementalism (or, in many cases, inheritance and inertia) and power. The Barnett formula was introduced in relative secrecy as a temporary measure and only acknowledged publicly when it had enough support within Government. Then, the formula was used to keep the potentially controversial issue of territorial finance out of the spotlight. For both the Scottish and UK Governments, it provides a mechanism to simplify territorial funding and avoid the complex and angst-ridden discussions of finance that we find in the USA and a range of other countries.

The experience of Scottish finance informs a broader discussion of power. These issues may be best described as absolute power, relative power and perspectives of power. The centrality of the Treasury to the level of taxation raised in Scotland, as well as its influence over how the money is spent (regardless of EU involvement), demonstrates its absolute power. It also qualifies the idea of a ‘Scottish Political System’ since the ultimate decision-making authority resides elsewhere. Yet, for most of devolution, the Treasury oversaw a period of staggering public expenditure growth in Scotland. The ability of Scotland to go its own way and determine its own spending priorities also demonstrates a high level of power relative to similar sub-national territories (Box 11.3). Further, from an English regional perspective, the ability of Scotland to command a systematic advantage in the face of MP and media criticism demonstrates a power not available elsewhere. It is therefore difficult to maintain this image of Treasury power as a shadow or a constraint to Scottish decision-making when there are so many envious glances from commentators in England and other countries.

This chapter also highlights the potential for confusion and agenda-setting in the use and abuse of public expenditure statistics. Heightened attention to Barnett and Scotland’s ‘advantage’ suggests that hyperbole and media coverage of the issue may have reached an all time high. Therefore students of Scottish public finance should reserve a particular degree of scepticism. This skill may be particularly important as we enter the new ‘age of austerity’ and further constitutional change.

Further reading

Online sources

Her Majesty’s Treasury: www.hm-treasury.gov.uk/
Scottish Government: www.scotland.gov.uk/Topics/Economy
Improvement Service: www.improvementservice.org.uk/
Professor David Heald publications: http://www.davidheald.com/publications.htm
Chapter 12

Constitutional Change and the Referendum on Independence

No issue in Scottish politics receives more attention than constitutional change. To some extent, devolution in 1999 provided a brief window of opportunity to focus primarily on new Scottish politics and policy-making, but there has always been some degree of attention to the idea of further devolution or independence. This attention rose again in the run up to the SNP’s election win in 2007, and it stayed high on the agenda because there was so much controversy regarding the issue of a referendum on independence. This event did not take place, because the minority SNP Government did not secure majority support in Parliament to pass the necessary legislation, but attention to the possibility of a referendum has been ever-present. Media attention began to peak as soon as the SNP won majority status in the Scottish Parliament in 2011 and all but guaranteed that it would hold a referendum on independence in that parliamentary session.

Our aim in this chapter is to provide the background necessary to produce a full understanding of the contemporary Scottish independence debate. First, we consider the meaning of independence, which was once portrayed by its proponents as a bold constitutional step necessary to return Scotland to its former glory, and by its opponents as an extreme or foolish position taken by nationalist fundamentalists, but which is increasingly viewed as a less extreme option. The trend in modern Scottish debates is to highlight the growing similarities between the aims of parties, such as the SNP, who want ‘independence’ for Scotland and those, such as the Liberal Democrats, who appear to favour a version of ‘federalism’. The latter option has, for some time, been dubbed ‘devo max’ and may also be associated with the notion of ‘devo plus’. In both cases, the meaning of ‘further devolution’ is not clear. The first section provides a systematic comparison of these concepts to provide a degree of clarity on key terms.

Second, it charts the modern history of the constitutional change debate (see Keating, 2009; 2012 for a longer history). In the past decade the Steel Report in 2006, the SNP’s ‘National Conversation’ instigated in 2007 and the Calman Commission on Devolution, established in 2008, have all sought to play agenda-setting roles. So far, only the latter’s recommendations have made a difference, translated into the Scotland Act 2012. However, the effect of the 2011 election is that the debate has moved on quickly, with further constitutional change now a realistic prospect.
Third, we consider the links between Scottish national identity and support for constitutional change, and we look at variations in such support. High levels of Scottish national identity perhaps help to explain historic and current support for devolution, but not for independence. The opinion poll data generally suggest that not enough people support independence. Rather, a plurality or majority of respondents tend to favour devolution or an extension of devolved powers. However, much depends on the question asked and the timing of the question (and who you ask). Consequently, it is possible to achieve a plurality in favour of independence if you ask the right question at the right time, leading us to think that a ‘yes’ to independence vote is highly unlikely but should not be written off.

Finally, we consider current issues and what happens next. The arguments for and against independence are already being played out in many different ways, although it is significant (but perhaps not surprising) that few debates really get to the heart of the rights and wrongs, or perceived benefits and costs, of Scottish independence. The first major dispute after the 2011 election revolved around the timing of the vote and then the format of the referendum (regarding the number and wording of questions). There is also some attention paid to the idea that voters in England are increasingly content with the idea of Scottish independence. Less attention has been paid to the substantive arguments on issues such as the nature of a new Scottish state or the future of common public services. The chapter charts those early debates and outlines the key issues that are likely to be addressed when the referendum debate takes off.

**What does independence mean?**

The meaning of ‘independence’ in Scotland has changed markedly. The main change relates to the way that we understand the independence or autonomy of any country in a globalized world and, in the case of Scotland, an increasingly Europeanized political system. Historically, or understood in a Westphalian sense, independence referred to the autonomy to direct all domestic affairs within a well-defined territory. Now, this idea of an autonomous nation state is questioned because countries are interdependent and no country can make decisions on the most significant issues (such as economic policy) due to agreements that they share with others and their membership of a wide range of international organizations. In particular, countries within the European Union have made legal commitments to accept a wide range of EU laws, regulations and financial commitments.
The SNP famously recognized this limitation when it introduced its ‘Independence in Europe’ slogan in the late 1980s. The modern SNP’s idea of independence has also changed somewhat to reflect changing circumstances and a rather pragmatic view on what it will accept to secure its constitutional aims. Most notably, the SNP has stated that Scotland will keep the pound in the short term until its voters decide whether or not to adopt the euro (others argue that the adoption of the euro may be a condition of acceptance of Scotland to the EU). Consequently, monetary policy (and interest rates in particular) will be determined largely by a UK central bank. Scotland is also likely to accept

<table>
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<tr>
<th>Key policy areas</th>
<th>Independence</th>
<th>Devo max</th>
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<tr>
<td>Economic policy (fiscal and monetary</td>
<td>Fiscal autonomy (taxing, spending and borrowing) subject to EU commitments and the effect of monetary policy (set by the Bank of England).</td>
<td>More limited ‘fiscal autonomy’ – the devolution of income and other taxes – but EU commitments may limit variations in VAT and corporation tax. Macroeconomic and trade policy remain reserved. Some ability to borrow from the UK Government.</td>
</tr>
<tr>
<td>International relations (reserved).</td>
<td>Scotland is likely to seek to join the EU and maintain its EU commitments. It would seek membership of international organizations, such as the UN, as an independent country. It might be able to share diplomatic resources with the UK.</td>
<td>Would continue to be reserved. The UK would remain as the EU member state and the UK Government generally treats EU negotiations as international affairs.</td>
</tr>
<tr>
<td>Defence and national security (reserved).</td>
<td>Scotland would inherit responsibility, but need to negotiate with the UK on issues such as the location of nuclear submarines (currently in Scotland). The UK government might continue to recruit soldiers from Scotland.</td>
<td>Defence would continue to be reserved, while Scotland might play a greater role in domestic security (at least as it relates to the Scottish police force).</td>
</tr>
<tr>
<td>Immigration (reserved).</td>
<td>A Scottish responsibility, subject to freedom of movement in the EU.</td>
<td>Would remain reserved (and perhaps be classed as foreign affairs).</td>
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</table>

The SNP famously recognized this limitation when it introduced its ‘Independence in Europe’ slogan in the late 1980s. The modern SNP’s idea of independence has also changed somewhat to reflect changing circumstances and a rather pragmatic view on what it will accept to secure its constitutional aims. Most notably, the SNP has stated that Scotland will keep the pound in the short term until its voters decide whether or not to adopt the euro (others argue that the adoption of the euro may be a condition of acceptance of Scotland to the EU). Consequently, monetary policy (and interest rates in particular) will be determined largely by a UK central bank. Scotland is also likely to accept
that the UK monarch will remain as the Scottish Head of State and UK-wide membership of bodies such as the BBC may be maintained.

Overall, these developments provide us with a relatively messy picture of modern Scottish independence: as a small country part of a globalized world, subject to EU commitments, accepting a key UK role in some key policy areas and perhaps even accepting some legal commitments to shared decision-making with the UK as part of a long-term orderly transition to independence. An independent Scottish Government is likely to agree to inherit most, if not all, existing agreements and membership of international bodies before it considers its future actions.
The other side of this coin is that independence no longer seems such a ‘scary’ prospect to referendum voters because it is not a million miles away from the idea of extended devolution or ‘devo max’, which might refer to the proposal to devolve all policy responsibilities with the exception of defence and foreign affairs (compare this new era with Scottish attitudes to devolution in 1979, discussed by Dardanelli, 2005a and in Box 2.3). Table 12.1 outlines their main differences, bearing in mind that some of these differences may be unclear or disputed. The ‘devo max’ column draws heavily on the Steel Commission report, which also complicates matters by calling for a series of policy areas to be partly devolved (through a legal requirement to consult with the Scottish Government before legislating). The overall picture is one of constrained autonomy when we consider the extent to which any independent country can act unilaterally to determine domestic policy.

Clearly, there are some very important differences, particularly in the areas of fiscal autonomy (versus further fiscal devolution), international affairs and defence. Other areas, such as immigration, social security and energy are less clear. Much will come down to the implementation of Scottish-UK agreements – a process that tends to unfold over a very long period. In that vein, we should also consider the practical effect that independence might have on already-devolved areas such as health, justice and education policies. For example, an independent Scotland in the EU would no longer be able to charge students from the rest of the UK for university tuition fees (Box 12.4). It would also seek to maintain agreements with the rest of the UK on criminal justice issues, such as prisoner transfer agreements and, like any country in a wider global system, might still face pressures to maintain rules on criminal punishment that are broadly consistent with neighbouring countries. Health care policy may be more difficult to predict – while Scotland has a less punitive target-based regime to measure things like waiting lists and times, the comparisons with England will still be made and popular pressure may still encourage governments to maintain and enforce some targets.

**Devo max and devo plus**

The main complication to such comparisons is that the ‘further devolution’ options are not particularly well defined (which explains why so many boxes in Table 12.1 contain a potential part-Scottish responsibility). This problem has resulted partly because the new option of further devolution is nobody’s child (a problem reinforced by the fact that it will not be debated before a referendum). Instead, ‘devo max’ is often discussed more by the SNP, particularly during its efforts – outlined in its White Paper *Your Referendum Your Choice* (Scottish Government, 2009) – to present an image of compromise with the other parties (although Trench, 2011 points out that the SNP used the Steel Commission report as a blueprint).
Consequently, public discussion of devo max has exposed widespread confusion about its meaning. Perhaps the most common mistake is that it involves ‘a proposal in which Scotland would have full economic independence from the United Kingdom but would still remain a part of it and be governed in specific areas such as foreign policy and defence’ (www.macmillandictionary.com/buzzword/entries/devo-max.html). Yet, as Box 12.1 shows, devo max is not about autonomy over economic policy as a whole, since monetary policy would not be devolved. Rather, it involves the further devolution of particular taxes, which is a much more limited proposition. Further, reference to ‘areas such as foreign policy’ suggests that there is not an agreed list of policy areas to be further devolved. Therefore, Curtice and Ormston’s (2011) description may be as close as we can currently get: ‘only defence and foreign affairs together with monetary policy and the currency would remain the preserve of Westminster, along with perhaps some elements of taxation and social protection’. While Jenkins (2012) argues that the basic concept is simple, Martin (2012) disagrees: ‘there are as many explanations of what devo-max means as there are individuals supporting more devolution’.

There has yet to be a further devolution position that is well supported, well known and well described by a major party or significant collection of political actors. Perhaps the closest so far is the idea of ‘devo plus’ put forward by the think tank Reform Scotland and promoted by Jeremy Purvis, Liberal Democrat MSP. Yet, its first report focuses primarily on fiscal devolution at the expense of almost everything else, when it provides a spectrum of options from a unitary state to ‘full indy’:

- Current status: Holyrood responsible for raising only 6 per cent of all income in Scotland despite being responsible for 60 per cent of expenditure.
- Scotland Bill: limited additional powers on income tax; stamp duty and landfill tax devolved from 2015.
- Devo plus: both Holyrood and Westminster accountable, as far as possible, for raising what they spend in Scotland; taxes transferred to Holyrood are income tax and corporation tax; taxes retained by UK are national insurance and VAT.
- Devo max: Holyrood raising most or all income from Scotland; Holyrood provides a grant to the UK; deficit for UK and for devolved services with potential or major dispute.
- Indy lite: constitutionally separate state; currency union; possible defence union; use British monarch; no grant to Westminster.
- Full indy: fully separate state; separate head of state, e.g. president; no currency union with the pound.

(Devo Plus Group, 2012: 6)

Consequently, the constitutional change debate lacks clarity and many debates rely on its participants guessing or assuming the positions of others (prompting
rather frustrated explorations of devo max in the media – see, for example, Buchanan, 2012). Perhaps the least clear term in the debate is ‘fiscal autonomy’ (Box 12.1), which is particularly unfortunate because we know that the Scottish population seems to want it (Curtice and Ormstrom, 2011: 34–6) without knowing exactly what it is.

The modern history of the constitutional change debate

In 1999 the SNP manifesto promised a referendum on independence in the first four years of the Scottish Parliament. However, an election win in 1999
and 2003 for Labour, and its coalition with the Liberal Democrats, closed off this possibility for at least eight years. Consequently, talk of independence was muted in the early years of devolution. In the meantime, attention initially shifted to the role and potential of the new devolved institutions. In terms of the modern cliché, devolution was treated, briefly, as an ‘event rather than a process’. Some constitutional issues arose, but generally the Labour-led coalition was keen to play down the idea of constitutional change, particularly during Jack McConnell’s term as First Minister (Cairney, 2011a: 224).

There was greater attention to the prospect of independence in the run-up to the 2007 Scottish Parliament election. At this time, part of the SNP’s strategy was to put itself at the centre of wider cross-party movements and to foster quasi-non-partisan bodies in favour of independence. For example, the Scottish Independence Convention was launched in 2005 as a ‘cross-party/no-party group whose purpose was to promote independence and create a space for cooperation outside the party boundaries’ (Scottish Independence Convention, 2012). It was also supported by the Scottish Green Party, Scottish Socialist Party and Solidarity. It was joined by a number of other ad hoc groups formed to pursue an independence referendum – including Independence First, which held various marches to highlight the issue and presented a petition to the Scottish Parliament (see Online sources at the end of this chapter).

The main further-devolution alternative was pursued by the Scottish Liberal Democrats (2006) who formed the Steel Commission. Its report recommends a ‘broadly federal solution’ (ibid.: 8), but recognizes that the UK is unlikely to be ‘truly federal’ for the foreseeable future since there are no current plans to introduce elected regional assemblies in England. Instead, Scotland will remain, for some time, as part of an ‘asymmetric federal’ system in which devolution will only be granted to a small part of the population and the devolved governments will be small, in size and power, when compared with the UK Government (representing both the UK and England). In this sense, the federal element would relate to some written guarantee of autonomy or protection from a relatively powerful central government. Its main substantive recommendation is ‘fiscal federalism’ to address a ‘deficit in accountability’ when the Scottish Government spends money it has not raised (ibid.: 113; 117–19). This would be accompanied by a ‘needs-based equalisation formula’ as an alternative to the Barnett formula and a new ability for the Scottish Government to borrow.

Since then, the irony of our initial focus on ‘new politics’ in Scotland, building on the idea of Scotland’s proud tradition of participative and deliberative democracy, is that there has been little in evidence during the consideration of its constitutional future. The debate has been disappointingly disjointed, even if we take into account the need for electorally driven parties to establish their ideological differences with other parties. While the Liberal Democrats spent some time before 2007 considering devolution, Labour spent more time campaigning against independence (Cairney, 2011a: 228). The 2007 Scottish Parliament election result also contributed towards some unfortunately
entrenched positions: the SNP formed a minority government when unable to make a deal with the Liberal Democrats (the independence referendum was the official deal breaker); and the main opposition parties (Labour, Conservative, Liberal Democrat) presented an unusually unified position to oppose a referendum bill and to criticize any attempt by the SNP to spend time or money on the issue. Although it supported a review of devolution, it did not support a review led by the new Scottish Government. Consequently, Scotland enjoyed two separate reviews of the constitution.

The National Conversation

The first review was initiated by the SNP Government from 2007 (see Harvey and Lynch, 2012). It published the White Paper *Choosing Scotland’s Future* (Scottish Government, 2007a) which reflected an attempt to promote independence pragmatically (partly given its minority position) by initiating a lengthy consultation process (from 2007–09, before introducing a draft referendum bill in 2010), appearing open to the alternative of further devolution, and accepting the need for negotiations with the UK Government after a ‘yes’ vote (while arguing that Scotland has the right to self-determination). The initial tone is perhaps best described as ‘unemotional’, describing independence as a way to improve clarity of responsibility (and therefore enhance accountability), outlining in detail why independence would improve processes in key policy areas such as economic, health, justice, environmental and employment policy, highlighting the Scottish Government’s reliance on the UK Government to pursue Scottish issues (in areas such as agriculture and fish) in the EU and bemoaning Scottish reliance on UK decision-making in areas such as immigration and broadcasting, where Scottish interests may diverge from the south-east of England (ibid.: 9–17). This is followed by the promotion of an independent Scotland with its own role in foreign affairs (most notably as an EU member state) and the ability to change its military role (for example, by withdrawing from NATO and acceding to the Nuclear Non-Proliferation Treaty) (ibid.: 22–4). It leaves open the question of joining the euro, but Alex Salmond has long stated his intention to keep the pound before considering the euro (a position confirmed in Scottish Government, 2009: 31). The Scottish Government also published a draft bill on the independence referendum in 2007.

The National Conversation was often a rather low key affair, initially conducted primarily on the internet (with a dedicated website cataloguing, for example, ministerial speeches) before a ‘roadshow’ in 2008 (Cairney, 2011a: 231). Indeed, its ‘success’ was measured on such terms (500,000 visitors to the website and 5,300 attendees at roadshow events) in the second White Paper *Your Scotland, Your Voice: A National Conversation* (Scottish Government, 2009). The bulk of the Paper is devoted to outlining the benefits of independence in substantive policy areas. This is followed by a discussion of the refer-
endum ballot paper, with the SNP expressing a preference for a single yes/no question but inviting other parties to propose a multi-option referendum if they could describe further-devolution coherently (ibid.: 137–8).

The Calman Commission

The election result in 2007 provided some new problems for the main opposition parties. Although they could claim a sort of moral victory for devolution – since two-thirds voted for those parties – the SNP win put pressure on them to respond. All three party leaders soon outlined the need for a constitutional review in the context of the high value of the union (Cairney, 2011a: 232). Although the parties were united in general favour of the union, they did not have a united position on the details.

To resolve these problems, they voted together on a Scottish Parliament motion to introduce what would later be called the ‘Commission on Scottish Devolution’, chaired by Sir Kenneth Calman. It was supported financially and administratively by the UK Government. It had a mix of party affiliated candidates and a ‘range of expertise within and beyond formal politics’ (particularly in the ‘Independent Expert Group’ on financial accountability) and it operated, as much as possible, as a ‘UK independent commission’ (Jeffery, 2009, quoted in Cairney, 2011a: 232). It was set up:

- to review the provisions of the Scotland Act 1998 in the light of experience and to recommend any changes to the present constitutional arrangements that would enable the Scottish Parliament to serve the people of Scotland better, improve the financial accountability of the Scottish Parliament, and continue to secure the position of Scotland within the United Kingdom.

In other words, the one thing that the parties could agree on was that the commission would not consider independence as an option. Instead, it was charged with examining possible reforms to the devolved settlement – and its recommendations should be understood in that context of constraint. Its final report performs two main functions. First, it provides a narrative, to justify the continuation of the union, in terms of the idea of British social citizenship and a ‘social Union with the rest of the UK’ (Commission on Scottish Devolution, 2009: 5). It stresses the need to balance a degree of self-determination, leading often to policy divergence in key areas such as health and social care, with the common belief in fairness, which provides ‘some common expectations about social welfare’ (ibid.: 6).

Second, it recommends a series of, primarily financial, reforms. The most notable recommendation is further tax devolution, but it is here that we can see the most evidence of constraint. The report argues that it would be difficult to maintain the union if the UK Government granted ‘full fiscal autonomy’ to
Scotland (and it uses that term minimally because it is misleading – ibid.: 78). Therefore, macroeconomic policy must generally remain reserved. While this is a defendable unionist position, it presents considerable problems when formulating further tax devolution. In particular, the danger is that a scheme to promote greater accountability for money spent in Scotland only produces the greater appearance of accountability. It recommends that the Scottish Parliament should be obliged to make a positive and more visible decision about its level of income taxation rather than simply maintaining the status quo position by not using the (3p in the pound) ‘tartan tax’. This involves reducing UK income tax in Scotland by 10p in the pound and reducing its grant accordingly, meaning that the Scottish Parliament would have to make a decision to set the Scottish rate at 10p to stay the same as the UK. This is policy change at the margins, with a Scottish Government now merely obliged to state regularly that it will not change the rate of income taxes. The Commission also recommended: the devolution of taxes that would not undermine overall macroeconomic policy; the maintenance of reserved welfare benefits, through a greater ability of Scottish ministers to influence them; giving the Scottish Government, like local authorities, the ability to borrow on a ‘prudential’ basis (i.e. based on its capacity to repay debt); and considering further tax devolution – on VAT and a share of fuel duty – when the other recommendations have ‘bedded in’ (ibid.: 9).

Perhaps the most interesting aspect of the commission’s recommendations on devolved powers is that it did not avoid issues that could be embarrassing to its (then Labour) UK Government sponsor and advantageous to the SNP Government’s agenda. This includes a recommendation to devolve responsibility of the Scottish Parliament elections to the Scottish Parliament (following SNP criticism of the role of the Secretary of State in the 2007 ballot paper fiasco), as well as drink-driving limits (in the context of SNP criticism of UK limits when promoting its overall, divergent, alcohol strategy). It would also allow Scottish ministers to appoint the Scottish member of the BBC Trust (although this falls far short of SNP calls for Scottish-specific broadcasting). It also recommends devolving responsibility for the national speed limits, animal health funding, marine nature conservation (which has divided the UK and Scottish Governments for some time), the Deprived Areas fund, discretionary elements of the reformed Social Fund and the prescribing of controlled drugs to treat addiction.

The report recommends that many issues – such as charity law and regulation, food labelling and regulation, the regulation of all health professions and the UK Insolvency Service – should remain reserved to continue the sensible administrative arrangements and levels of policy uniformity. In other cases, it merely calls for better working arrangements to solve problems associated with devolved and reserved policy interaction (e.g. the issue of the wellbeing of children of asylum seekers). It strongly recom-
mends that the UK Government maintains the principle of UK-wide research councils (which allow Scottish universities to ‘punch above their weight’ and remain part of a wider pool of scientific funding) and establishes comparable ‘government-funded’ status for particular Scottish research institutions.

Box 12.2 Summary of the Scotland Act 2012

The further devolution of tax and borrowing policy:

- Introduces an ability of the Scottish Parliament to vary income tax by 10p in the pound (up or down) and obliges the Scottish Government to announce the Scottish rate annually (although the details are still being negotiated).
- Devolves stamp duty land tax (the Scottish Government announced, in June 2012, plans to reform this tax).
- Devolves landfill tax.
- Allows the Scottish Government to borrow, from the UK Government, up to £2.7 billion (£500 million in current borrowing and £2.2 billion in capital borrowing).

The devolution of policy regarding:

- The administration of Scottish Parliament elections.
- The administration of Scottish Parliament business, including the size of the SPCB (its corporate body), the election of deputy presiding officers, schemes on members’ interests and the disqualification of MSPs.
- Air weapons.
- Issuing ‘addicts licences’ to doctors prescribing controlled drugs in Scotland.
- Drink-driving limits.
- The Scottish national speed limit.

The Act also:

- Formally renames the ‘Scottish Executive’ as ‘Scottish Government’.
- Puts a time limit (normally one year) on proceedings against Scottish ministers when they have allegedly breached the European Convention on Human Rights.
- Requires Scottish Government agreement on the appointment of one member of the BBC Trust.
- Makes the Scottish (not UK) Government responsible for payments to the Gaelic Broadcasting Fund.
- Introduces a Crown Estate Commissioner with special responsibility for Scotland.
- Re-reserves policy regarding Antarctica (but not other areas recommended by Calman i.e. insolvency and the regulation of ‘new’ health professions not covered by the Scotland Act 1998).
- Helps to clarify the role of the UK Supreme court, regarding the role of Scottish law officers and the role of the High and Supreme Courts as courts of appeal.
The outcomes

The SNP’s efforts appeared to come to nothing in the 2007–11 period because it could not secure enough votes in the Scottish Parliament to pass its referendum bill. Instead, it decided not to introduce the bill at all, preferring to use the platform of the 2011 election campaign and the prospect of re-election to further its plans (the background is summarized well in Curtice and Ormstrom, 2011: 24–7). This proved to be a rather good plan. The effect of an SNP majority Government is that it almost guaranteed the passage of a referendum bill in the Scottish Parliament.

In the meantime, the outcome of the Calman Commission report has been the Scotland Act 2012 (Box 12.2). This took some time to produce because, while the UK Labour Government expressed support for the report, it introduced a White Paper too late to allow it to pass a relevant bill before the election in 2010 (Cm7738, 2009). This was followed quickly by the UK Coalition Government’s revised White Paper (Cm 7979, 2010). Both Papers accept most of Calman’s recommendations, with a few exceptions (such as the aggregates levy) (Cairney, 2011a: 237).

The Scotland Bill was subject to unusual parliamentary scrutiny – by both parliaments, before and after the 2011 Scottish Parliament elections. At one stage the process seemed like an SNP masterstroke. The first Scotland Bill committee, with a Labour and Liberal Democrat majority, approved the bill subject to further reconsideration of its provisions (after a UK redraft) and the SNP was criticized for supporting the move. However, the second Scottish Parliament committee review took place after the 2011 election, giving the SNP a majority and a stronger negotiating position (Cairney, 2011a: 237–8). Yet, it appeared to accept quite minor modifications to the bill. It helped pass a Sewel motion, arguing that the bill process had represented a ‘missed opportunity’ and that (following the 2011 election) it has ‘been bypassed by history and events’ (Bruce Crawford, Scottish Parliament Official Report, 18 April 2012 www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=6972).

National identity and support for further constitutional change

The opinion poll data suggest that not enough people support independence to produce a ‘yes’ vote in 2014. Rather, a plurality or majority of respondents tends to favour some form of union involving devolution or an extension of devolved powers. One simple (but, by no means, complete) explanation for this outcome is that attitudes to constitutional change reflect attitudes expressed in surveys of national identity (Box 12.3). This involves two simple rules of thumb. First, if people feel Scottish, not British, they are more likely
to support independence, while people who feel British, not Scottish, are more likely to support the maintenance of the union (in 2011 the respective figures were 53 and 9 per cent in favour of independence – Curtice, 2012a: 12). Second, these extreme positions (on the Scottish–British continuum) are

Box 12.3 Measuring the importance of Scottish national identity

National identity is not easy to assess and different measures and surveys of different people may provide rather different lessons. Table 12.2 outlines three different measures of national identity. We should also bear the following questions in mind:

- Does the survey refer to people simply living in Scotland? ‘Scottish’ attitudes are stronger amongst ‘natives’, or people born and living in Scotland (for example, 34 per cent responded ‘Scottish not British’ and 37 per cent ‘more Scottish than British’ in 2011 – Bechhofer and McCrone, 2012).
- To what extent do respondents identify with a particular political party? Note the complications in identifying the direction of causality and the strength of association in this case. Put simply, Conservative voters are more likely to support the union and SNP voters more likely to support independence, but people vote for parties for many different reasons. The relationship may also be better understood in reverse – people with the strongest levels of national identity may be the most likely to vote SNP.
- Do levels of national identity vary according to factors such as gender, age, ethnicity, social class, education and religion (in the same way that voting behaviour varies) – and how does this affect attitudes towards constitutional change? This is an under-researched topic in which there are still puzzles to solve. For example, Johns et al. (2011a: 586) find that, although women are often more likely ‘to claim Scottishness as their primary identity’, they are less likely to vote SNP and much less likely to be members of the SNP (they also appear less likely to vote for independence – Ipsos Mori, 2012b: 14).
- How does nationality compare with other sources of identity? The only more important source of identity is being a parent. The last time that social class provided a stronger source of identity was 1979 (Curtice, quoted in Cairney, 2011a: 147).
- How does Scottish national identity compare with the rest of Britain? It is higher than in Wales and, in particular, England where the majority of respondents feel at least as British as English (Bechhofer and McCrone, 2012).
- What is the context in which the surveys took place? For example, Bechhofer and McCrone (2012) suggest that respondents are slightly more likely to feel Scottish under an SNP Government.
- To what extent do respondents feel that other people are/are not Scottish? Not surprisingly, those born and living in Scotland tend to be seen as most Scottish. People also get some credit for living in Scotland permanently, having Scottish parents or (to a lesser extent) grandparents and having a Scottish accent (Cairney, 2011a: 147–8; Bechhofer and McCrone, 2012).
rejected by most respondents, who rather cluster ‘around the middle’, embrace ‘dual identities’ and favour ‘various degrees of home rule’ (Keating, 2012: 9).

In other words, it is possible to feel strongly Scottish but to accept the idea that a Scottish nation forms part of a larger union – and, in turn, to understand Britishness in terms of feeling Scottish but as part of a union. People may feel that they are some mix of Scottish and British and perhaps feel some form of belonging to other geographical areas, such as local and European ones. This may help to explain demand for devolution (as a way to accommodate both Scottishness and Britishness) but provide a ‘poor discriminator between supporters and opponents of independence’ (ibid.: 7; 2009: 74–5). In other words, national identity must combine with other factors to further influence attitudes to constitutional change. This includes economic factors (for example, do respondents think they will be better off in an independent Scotland?) and the perhaps-less-tangible levels of pride and confidence regarding Scotland and the ability of a Scottish Government to lead it (Curtice, 2012a,b).

We can explore the issues by using the three main measures of national identity outlined in Table 12.2. This shows that, when people are forced to choose, the vast majority choose Scottish over British. The ‘Scottish’ figure is relatively low in 1979 (but still a majority at 56 per cent), reflecting the success of the ‘no’ to devolution campaign. However, it rose to 72 per cent by 1992 and has never dropped below that figure since. The other side of this coin is that levels of ‘Britishness’ fell markedly during the Conservative Government years (1979–97) and they remain about half of the level recorded in 1979 (largely unaffected by devolution).

The ‘Moreno’ question produces a less extreme picture, since people still have to make a choice about how they express their Scottish identity in relation to their British identity, but they can also choose some mixture of both (the middle three categories). The combination of ‘Scottish not British’ and ‘More Scottish than British’ always achieves a comfortable majority (ranging from 59 to 68 per cent), but the combination of the other three categories, in which Britishness is at least equal to Scottishness, ranges from 30 to 39 per cent. This expression of Britishness is most clear when respondents are free to choose to describe themselves as Scottish and British without considering their relative strengths. By that measure, around half of respondents have considered themselves British since at least as far back as 1997.

The thing that these three measures have in common is that they help to identify notable degrees of continuity: levels of Scottishness and Britishness remain at approximately the same levels as they were in the immediate run up to devolution. Perhaps we can also say that these strong levels of Scottish national identity help to explain levels of support for devolution in 1997 and why respondents continue to support it, without demonstrating a rise in support for independence.
Table 12.2  Three measures of Scottish national identity, 1974–2011

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<tbody>
<tr>
<td>Scottish not British</td>
<td>19</td>
<td>23</td>
<td>32</td>
<td>37</td>
<td>36</td>
<td>31</td>
<td>32</td>
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<td>27</td>
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<tr>
<td>More Scottish than British</td>
<td>40</td>
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<td>32</td>
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<td>Equally Scottish and British</td>
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<td>27</td>
<td>22</td>
<td>21</td>
<td>24</td>
<td>22</td>
<td>22</td>
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<td>More British than Scottish</td>
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<tr>
<td>British not Scottish</td>
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<td>4</td>
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**Free choice: allows the respondent to choose up to three identity responses within the UK (Scottish, British, English, etc.)**

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<td>47</td>
<td>46</td>
<td>49</td>
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<tr>
<td>Both</td>
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<td>35</td>
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<td>41</td>
<td>43</td>
<td>47</td>
<td>38</td>
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<td>33</td>
<td>36</td>
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**Forced choice: the respondent must choose between Scottish and British (or other)**

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</thead>
<tbody>
<tr>
<td>Scottish</td>
<td>65</td>
<td>56</td>
<td>72</td>
<td>72</td>
<td>77</td>
<td>80</td>
<td>77</td>
<td>75</td>
<td>73</td>
<td>82</td>
<td>73</td>
<td>73</td>
<td>75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>British</td>
<td>31</td>
<td>38</td>
<td>25</td>
<td>20</td>
<td>17</td>
<td>13</td>
<td>16</td>
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<td>14</td>
<td>19</td>
<td>15</td>
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*Source:* Data provided (in correspondence) by David McCrone and John Curtice, generated from various Scottish election studies (1974–97) and Scottish Social Attitudes surveys (1999 to present).
Support for constitutional change: what exactly is the question?

The independence debate has produced a dream scenario for the academic or pollster analyst interested in the many ways in which attitudes can be measured. We know, in general, that much depends on the question asked and the timing of the question (and who you ask). However, the stakes are particularly high in Scotland for two main reasons. First, it is possible to achieve a plurality in favour of independence if you ask the right question at the right time. Second, the SNP Government is often portrayed by its opponents as trying to exploit that potential by holding the referendum at the right time (to coincide with events such as the 700th anniversary of the Battle of Bannockburn).

In this context, the biggest influence on the survey results is when respondents are asked to make (a) a choice amongst a return to having no Scottish Parliament/the current devolution settlement/further devolution/independence; or (b) a choice between the status quo/independence. If surveys explore option (a) they always show a plurality (and generally a majority) in favour of devolution, while generally one-quarter to one-third of respondents favour independence. In its simplest form, this can be presented as a choice between

**Figure 12.1  Constitutional preferences, 1997–2011**

Notes  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 in 2013). Methodological note: Respondents were 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 without the EU); 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 (ibid.: 29).

Sources  Curtice (2012a: 8) and Curtice (2012b: 2) who produced the figures from the Scottish Election Study (May 1997); the Scottish Referendum Study (September 1997); and Scottish Social Attitudes (1999–2011).
no parliament/devolution/independence. As Figure 12.1 shows, there have only been two points since 1997 where devolution and independence have been within 10 percentage points of each other. Notably, the gap widened in 2007 (the first SNP election victory) and stays rather wide in 2011 (the second SNP victory). The SNP plan to win in 2007 and boost support for independence in office (by presenting a strong image of governing competence before campaigning in 2010) did not have the desired effect. 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, hence showing people that they could enjoy some of the benefits of independence without the risk of ‘separation’ (Curtice and Ormston, 2011: 31; Curtice quoted in Cairney, 2011a: 151).

The independence question

If surveys explore a binary yes/no question they generally show insufficient support for independence, though the results are often very close and there is a large number of notable exceptions. Much depends on the question asked – a fact made all the more important by the debate on the wording of the referendum. The Scottish Government’s consultation document Your Scotland, Your Referendum (Scottish Government, 2012g) proposed to ask this question: ‘Do you agree that Scotland should be an independent country?’ However, in 2013 it accepted the Electoral Commission’s question: ‘Should Scotland be an independent country?’

The question does matter, as illustrated in a survey financed by a key donor to the Conservative party, Lord Ashcroft (2012); see also Barnes (2012) and Hope (2012). This asked people to respond to a series of alternative referendum questions and compares the results with other questions (note that the figures are percentages of yes plus no, excluding ‘don’t know’):

- ‘Do you agree that Scotland should be an independent country?’ (41 per cent agree, 59 per cent disagree) (this fell to 37 and 63 per cent in June 2012 – Ipsos MORI, 2012b: 14).
- ‘Do you agree or disagree that Scotland should be an independent country?’ (39 per cent agree, 61 per cent disagree).
- ‘Should Scotland become an independent country or should it remain part of the United Kingdom?’ (33 per cent selected ‘independent country’, 67 per cent selected the ‘United Kingdom’ (i.e. devolution)).

In this context, there has been a lot of misguided media and social network coverage of the idea that support for independence has risen or fallen dramatically in a short period. Instead, rather different results from rather different surveys have been publicized. Support for independence tends to be lowest (often below 30 per cent, compared with over 50 per cent against) when
people are asked about a ‘completely separate state outside the UK’ (Cairney, 2011a: 153). They are generally higher when people are asked about an ‘independent country’ (the SNP’s preferred wording). Yet, as Table 12.3 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, it 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). Indeed, even the SNP’s preferred wording (which is a stronger version of this question) has not produced a recent plurality (Ipsos Mori, 2012a).

<table>
<thead>
<tr>
<th>Year</th>
<th>For</th>
<th>Against</th>
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<tbody>
<tr>
<td>1998</td>
<td>48–56</td>
<td>35–44</td>
</tr>
<tr>
<td>1999</td>
<td>38–49</td>
<td>42–50</td>
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<td>2000</td>
<td>47</td>
<td>43</td>
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<td>2001</td>
<td>45</td>
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<td>2006</td>
<td>51</td>
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<td>2007</td>
<td>33–46</td>
<td>44–46</td>
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<tr>
<td>2009</td>
<td>38–42</td>
<td>50–54</td>
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Notes: 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 to 18 per cent.

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

Table 12.3 Support for Scotland as an independent country (per cent)

Table 12.4 Support for a negotiated independence settlement, 2007–12 (per cent)

<table>
<thead>
<tr>
<th>Year</th>
<th>Agree</th>
<th>Disagree</th>
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<tbody>
<tr>
<td>Aug 2007</td>
<td>35</td>
<td>50</td>
</tr>
<tr>
<td>Nov 2007</td>
<td>40</td>
<td>44</td>
</tr>
<tr>
<td>Mar 2008</td>
<td>41</td>
<td>40</td>
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<td>Jun 2008</td>
<td>39</td>
<td>41</td>
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<td>Oct 2008</td>
<td>35</td>
<td>43</td>
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<tr>
<td>Jan 2009</td>
<td>38</td>
<td>40</td>
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<td>May 2009</td>
<td>36</td>
<td>39</td>
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<td>Aug 2011</td>
<td>39</td>
<td>38</td>
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<tr>
<td>Jan 2012</td>
<td>35</td>
<td>44</td>
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Notes: 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’. The figures do not add up to 100 per cent because many people ‘don’t know’.

Surveys based on the SNP’s previously favoured wording, in which respondents are asked about the Scottish Government negotiating independence with the UK Government (perhaps a less scary and more non-committal question), present a slightly different story (Table 12.4). They tend 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.

Overall, these figures suggest that a referendum simply on independence will produce a ‘no’ vote. A multi-option referendum might have produced a majority in favour of some form of ‘devo max’. However, despite much conjecture prior to 2013, and campaigns amongst Scottish civil society for its inclusion, such an option will not appear on the referendum ballot.

**Independence: current issues and debates**

The ‘avalanche’ nature of the SNP’s electoral win in 2011 had a brief impact on the ways in which the independence question was treated by the major parties. The SNP claimed quickly that it provided a clear mandate for a referendum, and no party (in Scotland or the UK) appeared willing to challenge its position. However, this position was followed in 2012 by an unfortunate dispute about the timing of the vote. In particular, the UK Government made speeches suggesting that: the referendum should be held in the first 18 months of the SNP’s new term; the Scottish Parliament may not have the competence to legislate to produce a legally binding referendum; the referendum question should be fair. Ministers such as George Osborne also argued that any ‘delays’ in the vote would cause damaging economic uncertainty (a prediction perhaps now undermined in the context of their new commitment to a referendum on EU membership after the UK General election). The more substantive questions on independence can perhaps be divided into three main sections:

1. **Under what conditions can Scotland become independent?** Following the **Edinburgh Agreement**, the legality of the referendum will be resolved when the UK Government passes the necessary secondary legislation. The decision to advance independence would have to be done in partnership with the UK Government. This would involve the negotiation of anticipated factors – such as Scotland’s share of oil revenues and public debt, and Scotland’s position in the EU (Box 12.4) – as well as debates that may only arise when the details are fully thought through.

2. **What does independence mean and what effect will it have in practice?** Table 12.1 outlines the effect of independence on key policy areas.

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**Edinburgh Agreement:** A document signed by the UK Prime Minister and Scottish First Minister giving the Scottish Parliament control of the independence referendum, subject to agreement on matters such as the question format.
Scotland will necessarily continue to work with the UK Government on issues such as economic policy and may form agreements with it in areas such as defence funding and nuclear weapons (see also Toke et al., 2013 on the trade of electricity). The length of time to complete a transition to independence is not yet clear, though March 2016 (in time for the next Scottish Parliament elections) has been suggested.

3. What will an independent Scotland look like? As Keating (2009; 2012) argues, we have yet to debate what sort of Scottish state will develop after independence. For example, will it move further towards the relatively high-tax and high-spending social democratic model we associate with the Nordic countries, or will it move closer to the ‘neoliberal’, relatively low-tax and reduced-welfare-state model that we associate with the US and some trends in the UK? Keating (2012: 15) suggests that there are competing aims to be found within SNP debates, producing many unresolved issues. Of course, we should not confuse SNP policy with Scottish policy, but the problem may be that only the SNP will formulate a vision for an independent Scotland. This may seem like a bizarre outcome: a vote on an independent Scotland without first considering how it will be done and what might be the outcome.

Arguments for and against independence

The arguments for and against independence are played out in a charged partisan arena in which the big issues are wrapped up in rather petty points made to undermine parties (a good way to track this process is to follow the main parties and MSPs on Twitter – they almost never engage with each other, preferring instead to play to their own self-contained audiences). Box 12.4 gives a flavour of these debates, as played out in the Scottish and UK media. They tend to present rather melodramatic or hyperbolic versions of these broad arguments:

- **Economic**: an independent Scotland could not have bailed out the RBS/the Scottish Government would have avoided the catastrophe; an independent Scottish Government can tailor taxes and growth strategies to Scotland; businesses are happy/will leave in droves; people will be financially better/worse off in an independent Scotland; Scotland relies on UK subsidies/the UK relies on Scottish oil.
- **The tax-and-spend state**: Scotland will be a high tax, high spending country; the Scottish Government will reduce taxes to promote growth.
- **European Union**: at least one member state will veto Scotland’s EU membership; Scotland can decide whether or not it wants to join; Scotland will have to negotiate its entry or exit; Scotland will have a larger or smaller voice in the EU.
- **The euro**: Scotland will have to join it; Scotland can keep the pound until it chooses to join it.
Box 12.4 Constitutional change and the European Union

There seems to be no formal mechanism within the EU to find out what would happen if Scotland separated from the rest of the UK and sought some form of EU membership. Perhaps all we know are the key questions to ask:

1. Will Scotland gain automatic membership of the EU because it currently forms part of a member state? The answer seems to be ‘no’, but the Scottish Government appears to be much more relaxed about the issue than the UK – perhaps because it is largely EU compliant already, following long-term membership as part of the UK (compared with, say, Turkey which would have to undergo major institutional change to join), and that there is time between the vote and Scottish Parliament elections to negotiate its status.

2. What currency will Scotland adopt? There have been some suggestions that Scotland would be obliged to adopt the euro, but the Scottish Government position is that it would remain part of a sterling monetary union until the Scottish population voted to enter the euro (although note that all member states that have joined since the launch of the euro have been obliged to participate if they met the economic criteria – Glencross, in email correspondence). This issue heightened in importance when the eurozone crisis appeared to reduce the incentive to join the euro and increase the long-term incentive to keep the pound.

3. Can Scotland benefit from the same ‘opt-outs’ that the UK enjoys currently? The most economically significant opt-out is the UK ‘rebate’ negotiated by the Thatcher Government. Potentially the most symbolically significant issue regards the need for people crossing the Scotland/England border to show a passport. The solution for the SNP may simply be to negotiate the same opt-out from the Shengen agreement that the UK enjoys. That would mean maintaining passport controls for visitors from the EU.

4. How will it affect current Scottish Government policies? For example, an independent Scotland could no longer charge £9,000 per year tuition fees to students from the rest of the UK because it cannot charge EU students more money than they charge domestic ones (EU regulations promote the equal treatment of citizens in other member states but appear to allow discrimination against citizens within member states because they do not cross a member state border to assert their rights). This may be the catalyst to reform its fees regime, perhaps by charging fees to all EU members and providing equivalent grants to qualifying Scottish residents.

5. How does independence compare with devo max? As Box 12.1 suggests, further fiscal devolution, constrained by EU rules, seems more complicated than independence.

- **International affairs**: Scots will have a smaller or larger international voice; Scots will have to recruit a new generation of diplomats or share UK diplomatic offices.
- **Defence**: Scots will radically change/not change Scotland’s role regarding the armed forces and nuclear question; Scotland will/will not lose soldiers and defence contracts.
Box 12.5 Independence and the media

The Daily Mail, the Daily Telegraph and the Daily Record perhaps compete for the title of being the most anti-SNP and/or anti-independence, while the Scotsman/Scotland on Sunday often present unflattering stories about independence without making such an open declaration against it. For example:

- ‘Breaking up Britain will cost every Scot £20,000’ (Scottish Daily Mail, 26 March 2012).
- ‘£200 on all fuel bills if we split from UK’ (Scottish Daily Mail, 11 April 2012).
- ‘Independent Scotland “may need passport controls at the English border”’ (Daily Telegraph, 20 February 2012).
- ‘Independent vote may cost Scotland top credit rating’ (Daily Telegraph, 6 February 2012).
- ‘Jim Murphy warns that independence could cost “thousands” of defence jobs’ (Scotland on Sunday, 12 February 2012).
- ‘Independent Scotland would be laden with debt, warns NIESR [National Institute of Economic and Social Research]’ (Daily Telegraph, 3 February 2012).
- ‘This newspaper firmly believes that it is in everyone’s best interest that Scotland remains part of the union’ (Sunday Telegraph, 8 January 2012).
- ‘[What else does the First Minister] offer Scots than a guttural Mel Gibson-ish demand for “freedom”?’ (Graeme Archer, Daily Telegraph, 3 February 2012).

The Sun’s position is odd. It came out briefly in support of the SNP in 1992 with its famous front cover dominated by iconic Scottish imagery and the headline ‘Rise up and be a nation again!’. It quickly reverted to an anti-independence stance until 2012 (prompting suggestions that Alex Salmond and Rupert Murdoch had come to an agreement about the newspaper’s coverage). For example:

- ‘Referendum: Nats plan £9m indy poll … but haven’t got the cash’ (Andrew Nicoll, The Sun, 10 November 2009).
- ‘Shut him up. The Scottish Sun knows the Scottish people would NOT vote for independence. So this would be a simple way of shutting him [Alex Salmond] up’ (The Sun, 26 February 2010).

It is more difficult (or impossible) to identify a systematic pro-independence/SNP line in a mainstream printed newspaper. The SNP’s main response has been to set up or support a more sympathetic media presence. Most of this presence is online:

- Newsnet Scotland presents general news coverage, supplemented by a link to a large ‘A–Z of Unionist Myths’ which, by June 2012, had amassed 68 counter-arguments to address ‘an outpouring of bile, negativity, scare mongering and bitterness from the anti-independence parties’.
- Scots Independent is an openly pro-SNP and independence paper with an online presence dedicated primarily to setting out the case for independence and addressing its allegedly ‘unanswered’ questions.
Constitutional issues; Scotland and the UK: Scots will have to present passports at the border; key relationships will not change; independence will help to break up the British welfare state/Scotland has its own welfare state; independence will solve the ‘West Lothian question’ (see p. 203); the rest of the UK should have their say; Scotland will keep the Queen as head of state.

History: Scotland is a stateless nation which demands self-government; the UK has become a stronger, united country.

The costs of major change: the referendum is expensive in a time of austerity; major change will take time and resources; democracy is expensive but good value.

There are also some miscellaneous issues that arise, which often seem tangential to the pros and cons of Scottish independence. For example, there is some speculation about the likelihood of long-term Conservative UK rule after independence. There is also much speculation about the likely policies of independent Scottish governments – on issues such as energy and foreign affairs – but they often confuse Scottish policy with SNP policy. Perhaps most worrying is the tendency for the debate to get too personal or controversial, such as when Joan McAlpine (SNP MSP) was accused of calling anti-independence campaigners anti-Scottish.

Conclusion

Constitutional change and the referendum will dominate Scottish political attention for the foreseeable future. Scotland’s constitutional future is uncertain. We have some idea about the meaning of independence, which has changed markedly to reflect Scotland’s interdependence with the UK, EU and wider world. We might also learn more about the further-devolution option if a significant pro-union position is articulated in the run up to the referendum (as a way of showing what might happen in the future, rather than informing the now rejected multi-option referendum). This will hopefully lead to more substantive debates based on systematic comparisons of constitutional change proposals, rather than the usual mud fights that have characterized early debates.

Yet, our previous experience suggests that this development is not inevitable, since the most recent statements of those positions have taken place in isolation and with limited engagement across the divides. Much of this can be explained by the fact that the stakes are so high. While independence seems to command insufficient public support in opinion polls, a strong ‘yes’ campaign and some serendipity could produce a small majority in favour of independence. Consequently, the opposition parties are taking it incredibly seriously. Further, many newspapers have seen the potential for a
constant campaign based on the various difficulties associated with independence. Time will tell if this negative campaigning will have the intended effect. Recent research by Brandenburg and van Egmond (2012) suggests that media campaigns in one election might have an effect on the next election. Perhaps the unusually long independence campaign will allow for a similar effect.

Further reading

There has been little written, so far, on the forthcoming referendum, but see Keating (2009; 2012) and McLean et al. (2013).

Online sources

Scotland Bill committee final report: www.scottish.parliament.uk/parliamentarybusiness/PreviousCommittees/29884.aspx
Calman Commission: www.commissiononscottishdevolution.org.uk/
National Conversation: www.scotland.gov.uk/Topics/constitution/a-national-conversation
Scottish Government: www.scotland.gov.uk/Publications/2013/02/8079
Alan Trench: http://devolutionmatters.wordpress.com/
Lallands Peat Worrier: http://lallandspeatworrier.blogspot.co.uk/
ScottishPol: http://scottishpol.blogspot.co.uk/
BBC: www.bbc.co.uk/news/scotland/scotland_politics/
Scots Independent: www.scotsindependent.org/index.htm
Constitution Unit: www.ucl.ac.uk/constitution-unit/
Edinburgh University Blog: www.referendum.ed.ac.uk/
Independence First: http://archive.scottish.parliament.uk/business/committees/petitions/mop-06/pumop06-1115.htm
Chapter 13

Conclusion

Studying Scottish politics

Devolution has already become a settled part of the UK’s constitutional landscape. Far more people support devolution than a return to Scotland without its own Parliament. Further, although surveys may identify often-high levels of dissatisfaction with politics in Scotland, they also suggest that Westminster gets the blame; the vastly favoured response is to give the Scottish Parliament more powers (short of independence) to deal with the problem. For example, most people think that the Scottish Parliament (as the body representing ‘devolution’ in such questions) has achieved ‘a little’ or ‘nothing at all’; the general response is that it has ‘made no difference’ to Scottish politics and policy-making. However, most people also choose Scottish institutions when asked ‘Who ought to have the most influence over the way Scotland is run?’ or if asked about who is most likely to ‘work in Scotland’s interests’ (see Cairney, 2011a: 157–65 which draws on reports by John Curtice).

However, there is also now an ‘unsettled’ feel about Scottish devolution. The formation of a minority SNP Government in 2007, followed by a majority one in 2011, has changed the agenda of Scottish politics. New politics has almost been forgotten, to be replaced by a reinvigorated fixation with constitutional change. Devolution may have had little effect on attitudes towards independence, but it has certainly helped to intensify attention to independence.

But how should we study these new political arrangements? We have suggested that a focus on the broad parameters, institutions, context and the historical legacy of Scottish politics is a useful starting point, and we have also compared Scottish and UK politics in some detail. The UK remains a useful reference point – particularly due to the inextricable linkages in the union but also the points of departure that exist and have been accentuated since 1999. We have reflected on the expectations engendered by the campaigns for home rule pre-devolution, and this perhaps represents a good case study of the role of idealism in political change. There were some rather naïve expectations that, when set against the contemporary reality of Scottish politics, look hopelessly unrealistic. On the other hand, the ideas associated with new politics set the tone for much of the ‘honeymoon period’ of Scottish politics (and are still referred to, on occasion, in parliamentary debates), while most of the new, important, Scottish political institutions live on – producing the ever-present potential for a distinctively Scottish form of politics, policy-making and political outcomes to
emerge (new cultures or norms may take decades to develop). We have also attempted to broaden our discussion of Scottish politics by placing it in a wider comparative dimension and assessing the relevance of universal concepts and debates developed within the political science literature.

Not least of these is the emphasis in the literature on concepts such as ‘governance’ which remind us that the ‘village life’ of Scottish politics and policy-making is surrounded by a much larger system and collection of actors that influence policy outcomes. Political behaviour and important decision-making often takes place outside the traditional executive, legislative and administrative institutions of government. Whilst the policy-making processes which take place within governing institutions are important, collective deliberation and political debate take place at many different levels and in many different contexts. Understanding power relationships within and between these different levels is a key focus for any student of Scottish politics, and a broad understanding of who (or what) influences the agenda of Scottish politics is crucial to an understanding of power in Scotland.

Consequently, we have discussed a wide range of arenas and actors at many levels that shape Scottish politics. These include ‘brass plate institutions’ such as the Scottish and UK Governments, Parliaments, local authorities, quangos, political parties, interest groups, the civil service, the EU, global multi-national companies and old media outlets such as the BBC and newspapers. They have been joined in recent years by new social movements, community pressure groups, internet blogs, message boards and other forms of social media (often used to pursue fiercely partisan agendas).

The study of politics also involves identifying those groups (and issues) which are excluded from politics and do not receive public, media and policy-maker attention. As Edelman (1988) notes, politics is a spectacle – image, perception and impression are crucially important. This is why so much political resource, energy and finance is invested in public relations and communication. Any student of politics must beware of the pitfalls of taking language at face value. The nuances of Scottish politics, governance and policy-making are often not in public view and require analysis beyond rhetoric. As Schattschneider (1960) suggests, politics is about the ‘mobilization of bias’, or making sure that attention and resources are devoted to one issue and not another. This is particularly relevant to a form of devolution designed partly to address the hitherto exclusion of social groups on the basis of gender, race, class and geography.

Our starting point was an appreciation of the historical context within which Scottish politics takes place. The liberalism inherent in the British state, with its stress on limited government and its light touch approach to regulation, allowed Scottish civil society to retain and carve out a distinct status in Scottish politics pre-devolution. In the 1980s and 1990s, many actors, excluded from policy-making by the Conservative-run Scottish
Office, aligned with opposition political parties to form the Scottish Constitutional Convention, which gave institutional expression to the campaign for devolution. The birth of the Scottish Parliament did not follow an ‘immaculate conception’ and an account of Scottish politics which concentrates exclusively on contemporary political practice would be misleading and inaccurate.

However, the ‘past’ does not simply survive – it requires institutions and actors that will reflect and reproduce it. So which aspects of the past have the most relevance today? First, the differences established since the union with England in 1707 still remain in the legal system, religion, education and local government organization. Second, the responsibilities of the Scottish Parliament were inherited from the administrative devolution arrangements of the past, and these powers developed incrementally following the decision to establish the Scottish Office. The Scottish Office began as a small patchwork of different agencies, but continued to grow in line with the expansion of the UK state in the twentieth century. Devolution as a policy evolved as much from a conservative as from a radical impulse – it was built on, and was designed to preserve, the pre-existing landscape of public institutions in Scotland. The non-reserved functions of the Scottish Parliament almost directly mirror the responsibilities of the Scottish Office pre-devolution. Thus, although the devolution process created an increased potential for political and policy diversity, it was built on the foundations of existing structures. This would be true for a further-devolved Scotland and, in many important respects, an independent Scotland.

Third, revisiting this period of Scottish politics is important in understanding the growing concern about a ‘democratic deficit’ despite a system of free and fair elections in the UK. This led initially to the articulation of alternative sources of democracy: a participatory democracy in which the Scottish population would seek to influence decisions made in Scotland directly rather than through a ballot box which seemed so remote; a pluralist democracy, in which interest and social groups would seek to counter policies ‘unsuitable’ for Scotland at all levels of implementation; and a deliberative democracy, in which a separate level of debate about the direction of UK policies implemented in Scotland could take place. More recently, it has led to renewed calls for constitutional change.

Fourth, the pre-devolution experience is valuable because it provides us with evidence about the experience of qualified autonomy. The question of whether Scotland has a political system now depends not only on the existence of UK decision-making powers, but the likelihood that these will be exercised to undermine decisions taken in Scotland. Since there is such a wide range of matters in which reserved and devolved issues intersect (including when devolved areas are Europeanized), the issue of UK power in Scottish affairs remains. Yet, the experience of long periods of autonomy caused by neglect, or long periods of low UK interest in Scottish matters
(compare with Bulpitt, 1983), suggests that UK dominance in entangled responsibilities is by no means inevitable.

Finally, Paterson (1994) has long encouraged us to consider Scotland’s relatively small size and the place in the world of independent states of a similar size. This is still relevant to discussions of European influence in which we may be comparing a Hobson’s choice between uncertain influence as part of a big player in the EU and a more certain but smaller influence as an independent member.

Is there a Scottish political system now?

Kellas’s famous argument is that Scotland had a ‘political system’ before devolution. Only this term did ‘justice to the scale and nature of the phenomena found in Scottish politics’ (1989: 4). Kellas highlighted factors such as the self-containment of many policy areas in Scotland and the indigenous bureaucratic culture. Scotland’s political institutions were distinctive within a union rather than a unitary state, and this difference allowed a level of policy autonomy for Scotland to go its own way. Distinct policy communities in areas such as education and health, combined with an enabling funding system, increased the scope for Scottish solutions to Scottish problems. Finally, he suggested that the political system would be made complete with the establishment of a separate legislature (ibid.: 162).

The counter-argument is that the UK state effectively controlled this level of discretion – the UK Treasury determined the level of funding that Scotland enjoyed and the ultimate decisions resided in the UK Cabinet in London rather than the Scottish Office in Edinburgh. Indeed, the experience of Thatcherism suggests that previously assumed levels of autonomy were often overturned by determined Conservative ministers. Yet, a significant literature still challenged the myth of the British unitary state (Mitchell, 1990a; 1996b; Midwinter et al., 1991; McCrone, 1992; Paterson, 1994; Brown et al., 1998). Each highlighted, in different ways, how a sense of Scottishness permeated all of Scotland’s key political institutions.

Further, and most importantly for current debates, there was agreement in the literature that the Conservative Government’s handling of territorial management in the 1980s and 1990s pushed the constitutional issue to the forefront of Scotland’s political agenda. There was not a widespread belief that a Scottish political system existed, but there was more agreement that a ‘Thatcherite’ challenge to the political arrangements negotiated for Scotland would produce a significant political response based on the importance of Scottish national identity. In turn, this response was addressed by devolution (although there is still clearly a sense of ‘unfinished business’).

In the Introduction, we suggested that debates about Scottish political autonomy have diminished in an era of multilevel governance. In this context,
to what extent has devolution contributed to what we could meaningfully call a ‘political system’? In terms of Almond and Coleman’s (1960) three categories – recruitment, articulation and aggregation – the Scottish dimension has grown significantly, but the transformation is not complete:

- The Scottish Parliament provides a new career path for elected representatives and Scottish elections are often fought on distinctive lines, with the issue of constitutional change generally playing some part in the competition for office. However, this route competes with paths towards the UK (and European) Parliament and UK issues may still have an important impact on Scottish elections. In terms of senior civil service recruitment, there is an increasingly clear career path within the Scottish Government.
- Scotland now enjoys its own ‘interest articulation’ processes such as voting, while parties now seek to project themselves as the party most concerned with Scotland’s national interest. The evidence from Scottish and UK elections often suggests that many voters do not know (or care) who is responsible for what. However, there is still a distinctive party system in Scotland. MMP has helped to produce a multi-party system, with two main parties (the SNP and Labour) competing with each other for office, joined by two smaller parties (Conservative and Liberal Democrat) and others (including the Greens) with the potential to tip the balance of power on some occasions. The SNP has no counterpart in London, the Liberal Democrats uphold a ‘federal’ system, and the relatively UK-centred parties, Labour and Conservative, have made some (albeit limited) recent attempts to devolve more powers to Scottish party leaders.
- There has also been a profound shift in ‘interest aggregation’ processes such as the lobbying by groups to government. Interest groups have increasingly focused their attention on Edinburgh. Further, the nature of post-devolution consultation contrasts markedly with the defensive form of lobbying by many groups in Scotland during the Conservative years. However, groups also maintain links at Scottish, UK and European levels.

In other words, there is much more substance to the Scottish political process since devolution. There are undoubtedly a multitude of political interactions taking place in Scotland that did not take place before 1999 and devolution has enhanced Scottish legislative and governing authority. The ‘idea’ of Scotland in a broad cultural sense has transformed institutions, with the Scottish Parliament giving physical and democratic expression to this idea; its existence lends greater legitimacy to the ‘authoritative allocation of values’ in Scotland (Easton, 1965). Key questions of Scottish politics have been decided increasingly at the Scottish level and the Scottish Government has gradually transformed from a government department applying UK policy to a govern-
ment in its own right with its own policy and leadership capacity (Keating, 2005a: 23).

On the other hand, the cliché ‘power devolved is power retained’ has some merit. Scotland continues to be dependent on fiscal transfers from the UK Treasury, while decisions on the major issues of the state such as macroeconomic policy, taxation, foreign, defence and national security policy are made elsewhere. The Scottish Parliament is legally subordinate to a UK Parliament (which has transferred considerable authority to the EU), with the Europeanization of policy and globalization of economies fostering a level of interdependence that transcends nations and regions. In turn, academic debate has moved on, from the examination of Scottish autonomy within the UK to the influence of Scottish political institutions in a wider process of multilevel governance.

New politics: a tale of missed opportunities?

The key phrase for the architects of devolution was ‘new politics’, in which a wide range of problems identified in the Westminster system of government would be overcome. A combination of the new Parliament and the proportional electoral system would result in fairer representation, cross-party coalition politics, power sharing rather than executive dominance, a strong role for committees and an enhanced scrutiny of Scotland’s executive branch of government. The hope was that the impact of the reforms would extend far beyond representative democracy. Power-sharing would extend to closer links between state and civil society through Parliament, with a focus on the right to petition Parliament (participatory democracy), the committee role to ensure that the Government consults widely (pluralist democracy) and a civic forum to introduce a wider range of voices in detailed pre-legislative debates (deliberative democracy). However, few of these aspirations have been realized, which is not surprising given the evidence in political science about the nature of power and politics.

In the case of political parties, new politics criticisms often related to the desire to remove the worst excesses of partisanship, in which political posturing becomes more important than reasoned debate. However, Scotland’s new political system still has more than its fair share of partisanship, which seems to have increased in intensity and tone since the formation of a minority government in 2007. The party whip is also remarkably strong in Scotland, allowing most governments (from 1999–2007 and from 2011) to control the business and outcomes of the Scottish Parliament.

Devolution has not fundamentally altered the Scottish Parliament and Government relationship. The power of MSPs and committees is under-
mined by resource constraints, inadequate support, legislative workloads and member turnover (and inexperience). Minority government increased the potential for a more assertive Parliament and a government more sensitive to parliamentary demands. However, the opposition parties lacked sufficient resources to monitor what the Scottish Government did, and provide a well-thought-out alternative. Consequently, the Scottish Parliament should be seen as an enhanced version of Westminster. The structure and operation of the Scottish Parliament perhaps reflects what Westminster would look like today if it wasn’t saddled with an inheritance of conventions and idiosyncratic procedures. The Parliament’s primary role remains as a scrutinizer of the Government’s legislation and policy-making activity (which includes the scrutiny and accountability of the public sector in Scotland – McGarvey, 2008: 40). Although committees consider the principles of legislation before examining detailed amendments, there is little evidence to show that this process profoundly affects the final result. Its role is to give collective expression to Scottish popular sovereignty and grant legitimacy to the Government though these activities (Judge, 1993; Mitchell, 2005: 33).

The wider evidence on democratic change is mixed. One of the most immediate successes was the improved balance (compared with Scottish MPs) of gender-based political representation (albeit from quite a low base in the UK), though this progress has stalled since 2007 and a 50/50 gender split in the Scottish Parliament seems like a distant prospect. Further, there was relative inattention to other sources of exclusion such as race and disability (and age) – areas in which there has been small but perhaps significant progress. In the field of participatory and deliberative democracy the experience of the now disbanded Scottish Civic Forum must be classified as a failure, with low levels of participation and government commitment to the concept. The public petitions process is held in relatively high regard, but the process is little more than an agenda setting exercise with great symbolic value but little policy effect.

Finally, the experience of pluralist democracy is that interest groups have not only shifted their lobbying activity to the devolved institutions, but enjoyed regular dialogue, substantive debate and engagement with MSPs and civil servants. There is a ‘Scottish Policy Style’ which is generally welcomed by participants. However, we should be careful before we argue that the form of pluralist democracy offered by the Scottish Government is superior to that of the UK Government. Both recognize the ‘logic of consultation’ with affected interests, while the closer links between groups and government in Scotland may reflect its relative lack of policy capacity – particularly in the early years when civil servants were adapting to their new roles – and its size, which allows more personal relationships to develop.

Overall, we have a mixed picture which combines the potential for change and disenchantment with progress so far. The potential for change can be
linked strongly to the political science literature. The aim was for Scotland to move further away from a UK ‘majoritarian’ democracy towards a ‘consensus’ democracy. Further, Flinders (2010) argues that, in many respects, Scotland has met those aims, with a new political system fostering new relationships within and beyond Government and Parliament. However, such political change has been rather muted at times, and certainly falls well below pre-devolution expectations.

**The Scottish Government**

Despite the expectation surrounding new forms of democracy, Scotland’s political system still has a powerful executive at the centre. The Scottish Government is Scotland’s key policy-making institution. It has access to the civil-service machine and the resources necessary to consult with groups and to research, initiate, draft, redraft, monitor and evaluate bills. However, it is easy to exaggerate its power if we treat it as a coherent organization with a powerful figurehead (for example, the First Minister or the ‘core executive’) rather than a large and often unwieldy set of organizations with great potential for weak central control. We may also exaggerate its role if we focus on the ‘most devolved’ areas, rather than those in which the Government must negotiate with the UK or follow the EU when formulating policy.

The relatively small size of the Government’s responsibilities, geographical scope and Cabinet may suggest that coordination and control from the ‘centre’ is easier. Although a ‘presidential’ style of politics may not be achievable in the UK (Bevir and Rhodes, 2006), perhaps it is more likely in Scotland. Yet, a range of factors undermine this possibility. The norm is coalition or minority government (the 2011 election result notwithstanding) and the governing party will generally be reliant on others to pursue its most high profile and controversial aims. Moreover, if the experience of Labour during 1999–2007 is indicative, problems of central control will often be compounded by party in-fighting. There also remains a weak centre, with the First and Finance Ministers lacking the resources held within the UK Cabinet Office and the Treasury. This suggests that most ‘day-to-day’ power resides within a range of individual departments and their ministers. Further, as Jack McConnell demonstrated, the First Minister may have no desire to centralize. Certainly, the strategy of Alex Salmond has been to focus on other issues: to present a strong image of governing competence; to cement Scotland’s position on the world stage; to ‘stand up for Scotland’ in the UK; and to promote further constitutional change.

A more concrete attempt towards coherence came with the SNP’s 2007 creation of a smaller Cabinet (partly to encourage efficiency savings) and a finance department with a much more significant capacity to oversee cross-
cutting issues. Yet, as in the Labour years, what often looks like a strategy for ‘joined-up-government’ arrangements may also be about the balance of power between ministers and the inheritance of previous administrative arrangements.

Central ministerial control may also be qualified by its dependence on the civil service, which is often portrayed as a single actor but is, in fact, a collection of departments, agencies, bodies and individuals. In the early years of devolution, the civil service was described as a force of inertia – slowing down new policy initiatives, which would often mark policy divergence from the rest of the UK, proposed by actors in the Scottish Government and Parliament. This reflected its general role as a source of stability during periods of alternating government and its specific role as a Scottish organization operating within a unified UK home civil service. Yet, a more convincing explanation for the role of the civil service comes from its inability rather than unwillingness to adapt quickly enough to changing political circumstances. Devolution transformed the executive branch of government in Scotland from a relatively quiet backwater of routine administration and parochial Scottish politics to the focal point for the development, legislation and implementation of policy. A period of learning on the job was necessary. New relationships (with many more ministers and a Scottish Parliament now on its doorstep) and policy capacity (to research and develop rather than just implement) took time to develop. Civil servants also relied on interest groups, policy experts and local authorities. Therefore, this paints a picture of power diffusion rather than centralization.

Finally, the lack of central control may reflect the sheer complexity of governance arrangements in Scotland today. Public policies in Scotland are implemented by an eclectic mix of different types of institutions, agencies and public bodies. Leading and coordinating these new networks is not easy even in a relatively small state. Further, in the case of local government, the Government faces competition over levels of legitimacy granted by elections and local circumstances, while local authorities can also draw on their own (albeit limited) levels of finance, professional expertise and close relations with key interest groups. The Scottish Government is ‘in charge’ of these bodies, but also dependent on their cooperation for policy success. The notion that the Government can simply use its authority to effect change neglects the complex, multi-layered nature of public policy processes. This aspect of policy-making has become more important since 2007, with the SNP Government promoting a more ‘hands off’ relationship with local authorities and perhaps a ‘bottom up’ approach to the implementation of many policies. Overall, the Scottish Government may be the biggest player in Scotland, but its power is exaggerated if we overstate its coherence and neglect the amount of dependency on other organizations in the governance process.
The Scottish Government in the wider world

Although the evidence suggests that the Scottish Government is the key player within Scotland, this does not mean that it is necessarily the biggest player in Scottish politics. A focus on multilevel governance reveals not only interdependence during the implementation of policy, but also in the formulation of policy when devolved areas intersect with reserved and Europeanized aspects of policy. There is no clear-cut division between reserved and devolved powers, while, in areas such as environmental and agricultural policy, Europeanization maintains a formal role for the UK (as the member state) in Scottish affairs.

The experience during 1999–2007 suggests that intergovernmental relations were fairly smooth and based on the rejection of formal types of contact such as the Joint Ministerial Committee. Rather, civil servants maintained informal channels, while Labour ministers shared information and took soundings via the party route. These are arguably positive reasons for a lack of formal contact, in the sense that the relationship suits both parties, and the fleeting UK interest in Scottish policy may lead to further examples of executive devolution in which national policies are left for Scottish interests to adapt. However, there were also negative reasons for a lack of formality, including Whitehall’s disengagement from devolution, with ministers and civil servants ‘forgetting’ to consult with Scottish interests on matters which affected them directly. In particular, the breakdown in communications leaves the Scottish Government unable to engage in EU negotiations early enough to make a difference and ensure a relatively smooth process of implementation further down the line.

An SNP Government has made some difference to this relationship by pushing for more regular formal meetings between UK and devolved ministers, and more direct contacts between the Scottish Government and European institutions, with Salmond keen to press the case for Scotland to ‘take the lead’ on issues with a particularly Scottish angle (such as fishing quota negotiations). There are also particular tensions related to the agenda for constitutional change. However, in general, this is not a radical break from the past. Most intergovernmental issues are addressed quietly and the occasional public disagreements tend to exaggerate levels of conflict. The SNP image of ‘standing up for Scotland’ plays well with the public but does not sum up well the day-to-day relationship between governments.

Policy change, convergence and divergence

The evidence points to as many good reasons to expect policy convergence as divergence. The idea of ‘Scottish solutions for Scottish problems’ perhaps refers more to new political processes – or the ‘Scottish policy style’ – rather
than new policies. Before devolution, Ross (1981) suggested that ‘Scottish administration is distinguished from its English equivalent more by how it does things than by what it does’ – and this emphasis has continued since. Further, the desire for policy divergence may not reflect a desire for policy change. As noted, the driver for devolution was, in part, a desire to stay the same, in contrast to the type of policy innovation witnessed during the Thatcher period (and continued under Blair and Cameron). The greater potential for a ‘social democratic’ consensus in Scotland may have stifled the type of policy innovation apparent in more ideologically competitive environments.

There are also a range of factors with only a qualified potential to produce divergence: the intergovernmental financial relationship allows spending autonomy but within the context of financial constraints and inherited commitments; public-sector professionals may have more of a role in Scotland, but in many cases they present part of a UK-wide professional consensus; and the SNP may strive for difference but also settle for the appearance of governing competence (particularly during a period of minority government).

This is not to say that policy change was not significant following devolution. Rather, we did not witness the type of radical change associated with, say, Central and Eastern European countries making a break from the Soviet Union. A comparison of Scottish and UK legislative and policy divergence since 1999 highlights that the ‘break’ from the UK was more muted, in reflection of broadly similar attitudes, shared information, policy learning and continued interdependence (furthered by EU integration) combined with the ‘externalities’ created by UK Government policies for England.

Key examples of clear divergence can also be heavily qualified. For example, the smoking ban was followed by England (in the end, suggesting policy change rather than divergence). Free care for older people demonstrated well the ‘implementation gap’ – responses to this policy from above (the Treasury) and below (local authorities) undermined the level of funding going directly to older people and towards their care services. This leaves a smaller number of high profile divergent policies, including the introduction of STV in Scottish local elections (note the rejection, in the UK, of AV in Westminster elections) and the increasingly significant divergence on policy on student fees.

A longer term analysis may suggest that major policy change results from the day-to-day decision-making processes of those delivering policy. Existing differences or decisions to diverge may have a ‘butterfly effect’ – these differences multiply, since diverging policies throw up different problems which have to be addressed in a different way. Eventually, the frames of reference change profoundly in each country, with contact and policy learning between Scotland and England diminishing because their political systems seem so different that there is little value in exchanging policy experiences. Indeed, the more complex, or removed from central control, these delivery systems are,
the greater potential for this type of day-to-day divergence. This suggests that a focus on legislation and flagship policies alone may exaggerate some examples of divergence and underestimate others. In either case, a complete picture cannot be painted with reference only to processes taking place at the ‘top’.

**Money and power**

Nor can a complete picture be painted with reference only to contemporary political processes. The most important factor in Scottish politics – how Scotland gets its money now and how much it will receive in the future – was determined decades before devolution and remains unscathed to this day. The Barnett formula is the best advert for going beyond the analysis of contemporary and visible decision-making in Scottish politics. In essence, the yearly transfer of the Scottish block grant from the Treasury (and the Scottish Government’s almost exclusive financial dependence on it) is an institutional device that reproduces the legacy of the previous year’s expenditure decisions, which act as the base from which Scottish politics operates year-on-year. The Barnett formula is used to calculate the incremental adjustment to this base. Its continued utilization is reflective of the historical conservatism in the Scottish–UK intergovernmental financial relationship. The maintenance of Barnett also appears to demonstrate a level of Scottish power, since its historically determined financial advantage is maintained and it enjoys the autonomy to direct its own spending.

A focus on finance gives vivid expression to the incremental nature of policy-making. Politicians inherit before they choose (Rose 1991), and Scottish politics takes place in the context of the historical legacy of previous commitments. The policy paths in many areas are restricted by the weight of expenditure commitments, the well documented tendencies of government bureaucracies to favour existing policies, and factors such as interest-group pressure. For the analyst of Scottish politics, the focus should therefore be on identifying the economic, social and political factors which help to explain the gradual modification of the historical legacy. Or, when we expect more radical change, it is often because policy-makers must think and act differently to respond to new events such as economic crises. Even in such cases, only time will tell how the Scottish Government responds to the new age of austerity. So far, its response has been less dramatic than that of the UK, keener to exploit a ‘good crisis’ (Hay, 2012).

**Power and politics in Scotland**

Our attempts to pin down the most powerful actors within Scottish Politics bring us full circle, to consider the role of agenda-setting and preference-shap-
ing outlined in Box 1.2. Power is a slippery concept and its nature is determined by the scope and direction of our analysis. Depending on where we look, power is both diffuse and concentrated, pluralist and elitist, explicit and implicit. Examples include:

- The Scottish Government: our analysis of new forms of democracy and the new role of the Scottish Parliament suggest that power is concentrated within the Government. Yet, ministers rely on the civil service; civil servants rely on interest groups; and both rely on a wide and diffuse range of organizations to shape and deliver policy.
- Scotland and the UK: Scotland is the junior partner and the ultimate decisions on the fate of Scottish politics reside elsewhere. Yet, the day-to-day politics are decided within Scotland, with the UK Government generally taking a back seat in the ‘most devolved areas’. It is true that the UK ‘elephant in the room’ remains. Virtually every major Scottish political institution is dwarfed by its UK equivalent. Compare and contrast the prestige, finance and political resources of the office of the First Minister to that of the Prime Minister, the Scottish Government to the UK Government, the civil service in Edinburgh to that in Whitehall, the Scottish Labour Party to the UK Labour Party. Further, each UK equivalent can potentially intervene in its Scottish equivalent. However, as Bulpitt notes, ‘it is a mistake to equate potential power with actual power’ (1983: 29–30) and devolution has undoubtedly enhanced the scope for Scottish policy autonomy.
- Knowledge is power: in the modern environment of disclosure, new information and communication technologies, and a wide and varied news media, it has become more difficult for any government to control information flows and manage the political agenda, particularly in a new era with legislation and a body dedicated to freedom of information (Cairney, 2011a: 74–5).
- Power is held, in various ways, by businesses and other organizations with considerable economic influence but no formal positions of authority – a fact that we perhaps downplay until events such as economic crises remind us of the powerful roles of particular organizations and the inequalities that they help to maintain within society.

Therefore, any discussion of power and politics in Scotland must acknowledge the structural and institutional context in which politics takes place. A key theme of this book has been that Scottish politics today, and the environment which underpins it, reflects the interaction of conscious political choices with unanticipated events and longer-term political, social and economic processes. Events (‘dear boy, events’) and the reaction to those events may be as useful to explain the developments in Scottish politics as the structures put in place by the architects of devolution.
Has devolution been a success?

If we treat devolution as a form of government policy, it allows us to use existing policy-related concepts to explore its success. It also allows us to broaden our horizons and examine the success of devolution without simply making reference to the unrealistic hopes associated with new politics. McConnell (2010: 46) and Marsh and McConnell (2010: 571) provide an analytical framework to evaluate success based on three broad categories (see Cairney, 2011a: ch. 11; McGarvey and McConnell, 2012; Torrance, 2012b):

- **Political** refers to the effect of the policy on the government’s credibility, popularity and chances of re-election. In this case, the policy as a whole was popular (and remains popular), but its success is likely to have been shared by parties involved in the devolution campaign (rather than just the UK Labour Government).

- **Process** includes a focus on a policy’s legitimacy, or the extent to which the government learned from more established and successful initiatives elsewhere, passed the policy through accepted democratic channels, secured a body of support and/or passed legislation with no significant opposition or amendment. We can identify some success in the way that the UK Government learned from previous experience (in the 1970s) about how to conduct a referendum, while the architects of devolution used some wider experience (such as from the Nordic ‘consensus democracies’) to design devolved institutions. The development of devolution policy was also an excellent example of ‘new politics’ in action, with the UK Government and political parties keen to consult and ensure wide participation.

- **Programmatic** refers to implementation success, in terms of the link between its objectives and outcomes, the extent to which it represented an efficient use of resources, and the question of benefit to a particular social group. The short-term outcome was that devolution was achieved, and its introduction may be seen by many as a simple measure of success.

Of course, the evaluation of policy is an inherently political exercise; success will be determined by a combination of evidence and value judgement. In this light, we may consider a wide range of examples of potential success and failure, including:

- **Addressing the democratic deficit**: devolution has allowed the Scottish electorate to get the government it voted for, although some will argue that only independence satisfies this demand fully.

- **Consensus democracy**: devolution has produced, successfully, a range of new institutions, even if they do not behave in the way that some expected.

- **Representativeness**: devolved elections have produced a greater gender
balance than in Westminster, but fallen short on other measures of social background.

- **Scottish solutions to Scottish problems**: devolution has helped to produce distinctive policies in Scotland – each of which could be evaluated individually for signs of success (unless divergence-from-England is an accepted measure in its own right).

- **Addressing inequalities**: devolved policies have produced winners and losers, favouring some groups over others. Perhaps ironically, it seems to have benefited the middle classes most, since Scottish Governments have introduced universal benefits (or abolished charges) without means testing or having the ability to adjust taxation (the ‘Nordic’ idea is that universal services are funded by high, often progressive, taxation). There is also some evidence of a reduction in inequalities and poverty within the Scottish population, but on a level also seen in the north of England, which makes it difficult to attribute success specifically to devolution (Sinclair and McKendrick, 2012: 65).

- **Maintaining the union**: an overarching aim of devolution may be to reduce the chances of Scottish independence. The success of this aim has yet to be determined.

**The constitutional question**

The UK Government’s response to nationalism was successful in the short term. For a brief period, the language of nationalism was replaced by the language of new politics and making devolution work. Yet, the Scottish constitutional debate has now returned to the fore. Contrary to former Labour Shadow Scottish Secretary George Robertson’s prediction, nationalism has not been killed ‘stone dead’ by devolution. Instead, it provided the SNP with a new platform for debate from 1999–2007 (Johns et al., 2010), the chance to negotiate a referendum during minority government from 2007 to 2011, and a referendum on independence in 2014. The initial devolution settlement was clearly not (in the late John Smith’s oft-cited phrase) ‘the settled will of the Scottish people’. Instead, the debate since 2007 has focused on how much we would like it to change.

All three main opposition parties in Scotland – Labour, Liberal Democrat and Conservative – are, in a sense, united by unionism. While some may favour an extension of the Parliament’s powers, they were initially reluctant to engage in a debate initiated by the SNP and geared towards (in their view) the independence agenda rather than a broader discussion of the success of devolution so far. The Scotland Act 2012 perhaps represented an attempt by those parties, in an unusual partnership with each other and successive UK Governments, to provide a new devolved ‘settlement’. However, if that was the aim, it has not been a success.
The SNP since 2007 has used the institutional platform of Scottish Government to establish and demonstrate how governing autonomously in Scotland can work. Its activities in fields like UK intergovernmental relations, central–local relations and economic development are all designed to increase support not only for the party but also independence. It also had obvious ‘get outs’ if performance was not all it could be: the global economic slow-down, its limited powers and the tight financial settlement from the UK Government. Activities associated with the National Conversation performed an agenda setting role in pushing the constitutional question to the forefront of the Scottish political agenda. While many would agree that the SNP performance in Government has been relatively successful, Scottish public opinion on constitutional preferences has not shifted in favour of the SNP’s preference of independence.

We have set out in detail, in Chapter 12, the terms of the independence debate and, as political scientists rather than soothsayers, we should perhaps be wary of further conjecture about Scotland’s constitutional future. However a few final points, which tie in with the themes of this book, are worth noting.

First, at a practical level, the only mechanism for amending the constitution in Scotland is a further new Act of the Westminster Parliament. Even if a consensus of Scottish public opinion, political parties, civic institutions, the Parliament and Government all supported the idea of more powers for the Scottish Parliament they would still require the compliance of the Westminster Parliament. Thus if there is to be further constitutional reform then the mechanics of intergovernmental relations are likely to be utilized. A ‘Yes’ vote in the referendum would allow a Scottish Government to negotiate independence with the UK Government.

Second, the springboard for change need not necessarily emerge solely from Scotland. The Barnett formula and the West Lothian Question continue to appear sporadically on the UK political agenda. To those that raise them – most commonly English MPs and the UK leadership of the Conservative Party – the ‘English Question’ (see Box 13.1) remains unresolved, with independence for Scotland no longer an option rejected out of hand.

Third, if independence takes place it will not be in the ‘big bang’ manner some of its opponents or advocates envisage. Enhanced self-government is more likely to be a gradual process with fiscal, economic, defence, foreign and some domestic policy powers shared over a transition period. The UK constitution has tended to evolve gradually to accommodate change. There is little reason to think that the independence experience would be different. Any reform of Scotland’s own constitutional set-up is also likely to incorporate most elements of the current devolved settlement (Cairney, 2013b).

Fourth, if independence did take place, Scotland would still be inextricably linked with its geographic neighbours. The physical proximity and economic
linkage of Scotland with the rest of the UK, within a shared European Union, would mean inevitable pressures for similarities in social, economic, public expenditure and taxation policies. The Scottish Government’s White Papers on independence outline the idea that any kind of Scottish independence would also be informed by a sharing of sovereignties and multiple unions.

Fifth, if further devolution (short of independence), after a ‘No’ vote in 2014, is to take place, it will require the type of party and civic society cooperation and consensus engendered previously by the Scottish Constitutional Convention.

A sixth point is that in other parts of Europe more pluralistic ways of thinking about political authority and self-government are evident. Nationalists in Wales, Catalonia and the Basque country are not necessarily seeking full statehood, but exploring new ways in which nations can now act and be represented. In the modern era, what matters is the powers a nation’s institutions have and their capacity to project themselves in new supranational and global networks of decision-making. In Europe, the German Länder, Spanish autonomous communities, Belgian regions and communities and the devolved bodies of the UK are now directly implementing EU laws and regulations and are increasingly calling for a recognized role within the EU (see Keating, 2004a: 326–30). This reflects what Rosenau (1984) calls cascading interdependence in the contemporary global political environment with decision-making taking place in national, state, supranational and global institutions.

**Box 13.1 The English question**

The ‘English Question’ refers to an examination of England’s uncertain place within the union following devolution. It rises frequently to the top of the UK agenda as more and more English MPs refer to the one-sided and ‘unfair’ nature of constitutional and financial issues. Constitutional issues such as the West Lothian question (Box 10.1) remain unresolved and MPs from Scotland, Wales and Northern Ireland continue to vote on matters affecting England without the ability of English MPs to return the favour. Financial issues refer to the per capita public expenditure ‘advantage’ that Scotland enjoys and the growing perception that English taxpayers are funding more generous policies in Scotland, such as the abolition of tuition fees in higher education and free personal care for older people. Although there is no real English equivalent to Scottish nationalism (with cultural expressions of identity reserved mainly to sport), its development could yet play an important role in the future of the UK (although note that the current ‘popular-in-England’ UKIP is a unionist party).

**Cascading interdependence:**
The rapidly changing patterns of institutional interaction in the world, characterized by interdependent relationships (across many levels of government) in a fragmented environment.
Final remarks: difference and dependence, continuity and change

An understanding of Scottish politics requires a breadth of knowledge of many different levels of government, the many different stages of the policy-making process and the myriad institutions beyond government. A key theme of this book has been to emphasize that politics takes place outside the formal machinery and mechanisms of traditional political institutions. As well as acknowledging the broader governing context, the scope of analysis must incorporate an analysis of public opinion, electoral behaviour, electoral processes and campaigning, extra-parliamentary democratic processes and the policy networks of interest groups linked to the Parliament and Government.

Politics in Scotland is different from UK politics, but many of these institutional differences existed in the past. Multi-layered governance, incremental policy-making, the Barnett formula, Scotland’s 32 local authorities, quangos and other institutions of governance all existed in more or less the same forms in 1999 as they exist today. Further, much change has not been of the fundamental revolutionary ‘root-and-branch’ variety. The significant historical legacy continues to shape the structure, style and practice of Scottish politics. The cumulative impact of devolution and the institutional changes associated with it are significant but are built upon the long established structure of government and politics in Scotland.

Scottish politics pre-devolution was inextricably linked to UK politics and it remains so through various financial and intergovernmental processes. It is difficult to talk of a Scottish political system when its institutions do not have the ability to decide on the overall size of Scottish public expenditure, fiscal powers are so marginal and its permanent bureaucracy remains part of the UK home civil service. Ultimate legal (though not necessarily political) authority is retained in Westminster and Whitehall. The UK state developed devolution and a new institution – the Scottish Parliament – to regulate home rule demands, ensure its own survival and to ensure the continued viability of the wider UK political system.

The election of the majority SNP government in 2011 may potentially result in radical political change. The SNP administration behaves more like a Scottish Government and does not appear as subordinate to the UK Government as did the Scottish Executive of 1999–2007. The constitutional change agenda is at the forefront of Scottish politics again. However, even if Scottish independence were actually to happen, a key theme of this book would still be relevant: understanding how Scotland came to be independent would require an appreciation and understanding of how Scottish politics has changed over the decades. The novelty of constitutional change should be tempered with the routine of longer term governance.
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