ANE END OF ANE AULD SANG:

SOVEREIGNTY AND THE RE-NEGO-TIATION OF THE UNION

Lindsay Paterson

At the end of the Scottish parliament’s last debate on the Treaty of Union, the Earl of Seafield described the outcome as marking “ane end of ane auld sang”(1). His sentiment has echoed down the centuries. Modern nationalists of a romantic disposition have seen the Treaty as the moment of supreme loss: the nation then ceased to be, and only the return of a fully sovereign parliament could call it back to life. Supporters of the constitutional status quo have, too, counted the Treaty as fundamental to our well-being: any idea of Scotland exercising even a degree of political independence would, they tell us, be the catastrophic end of a process whose origins are in that single event 284 years ago.

The problem with both these views is their narrow understanding of sovereignty. A notable thing about the recent constitutional debate is the importance it has accorded to popular sovereignty, in quite marked contrast to the debates of the 1970s(2). Every member of the Convention has signed a declaration that sovereignty lies with the Scottish people, and a great deal of discussion has been devoted to what that might mean in practice(3). The declaration was almost certainly a response to the SNP’s demands(4), but the SNP itself has based its withdrawal from the Convention on a belief that popular sovereignty was not being taken seriously. Therefore what is meant by sovereignty, and in particular whether sovereignty really is as indivisible as the Earl of Seafield’s comment might suggest, are questions of urgent political concern.

This essay argues that for a small nation like Scotland, sovereignty is a negotiated process, not a condition that is acquired or lost in one cataclysmic event. This was at true before the Union of parliaments, or indeed the Union of Crowns, as after. Scotland as a country has never, in modern times, been simply oppressed. By and large it – or rather that part of the society which has been enfranchised at any particular time – has chosen its fate, even if that choice has been not to push for more than a limited degree of managerial autonomy. If this is not understood, then the otherwise anomalous persistence of Scotland as an apparently state-less nation is incomprehensible. Likewise incomprehensible is the emergence in the past twenty years of a strong political movement for parliamentary self-government.

Moreover, not only does obsession with absolute sovereignty – whether of the Scots or of Westminster – ignore the actual practice of modern Scottish history; it is also an anachronism in a Europe of disintegrating state structures. It is also, I would add, very macho and very parochially British. The auld sang which is now coming to an end is the illusionary fixity of the sovereign nation state. The history of small nations – negotiation and compromise – is about to become the norm. If “ich bin ein Berliner” was the motto for an era that is ending, a suitable replacement might now be something like: “we’re aa Scots bairns noo”.

I discuss four processes in modern Scottish history to illustrate these contentions – the modernisation of the local state as industrial capitalism grew in the nineteenth century, the debate at the end of that century over university reform, the burgeoning of the Scottish Office in the middle of the twentieth century, and the access of the Labour movement to sufficient local and UK power to reconcile its supporters to the Union. I then return to the current situation. The essay contains no new information, merely a bringing-together of familiar interpretations. If my selection is tendentious, then that is because my intention is polemical in a debate about Scotland’s future.

The nationalist complaint in the early nineteenth century was that Scotland was disappearing: in Walter Scott’s famous words, “I think I see my native country of Scotland, if it is yet to be called by a title so discriminative," the problem with both these views is their narrow understanding of sovereignty. A notable thing about the recent constitutional debate is the importance it has accorded to popular sovereignty, in quite marked contrast to the debates of the 1970s(2). Every member of the Convention has signed a declaration that sovereignty lies with the Scottish people, and a great deal of discussion has been devoted to what that might mean in practice(3). The declaration was almost certainly a response to the SNP’s demands(4), but the SNP itself has based its withdrawal from the Convention on a belief that popular sovereignty was not being taken seriously. Therefore what is meant by sovereignty, and in particular whether sovereignty really is as indivisible as the Earl of Seafield’s comment might suggest, are questions of urgent political concern.

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The nationalist complaint in the early nineteenth century was that Scotland was disappearing: in Walter Scott’s famous words, “I think I see my native country of Scotland, if it is yet to be called by a title so discriminative,” falling so far as its national, or rather, perhaps, I ought to say its provincial, interests are concerned, daily into more absolute contempt”(5). The argument was that industrialism undermined the institutions that were guaranteed by the Union. But the process was not at all one of simple loss. What actually happened was that the Union was re-negotiated.

The Union had left intact all that really mattered to daily life in Scotland in the eighteenth century. Most important in this respect was the Kirk, which essentially constituted the local state: “the parish church and parish state were virtually one and the same”(6). In this sense the Union was, in Angus Calder’s words, “a rational solution to very dangerous economic and political problems”(7), involving the abandonment of an already highly constrained foreign policy in the interests of maintaining independent control over domestic policy.

But the settlement was breaking down in the early nineteenth century under pressure from the growing urban middle class who were exasperated with the political control exercised by the Tory landed interest: “in the burghs of Scotland the Ancien Regime was inexorably wasting away”(8). This exasperation was a challenge to details of the Union settlement because it brought into question the patterns of political power which the Union had established. But it was also – crucially – a challenge from within, a debate about how best to reform Scotland, not about whether to give up Scottish autonomy. Indeed, the campaign for reform could be interpreted as a demand for greater autonomy: institutions that had been sufficient in the eighteenth
century were now not enough, because sovereignty had drifted away. Thus we have the Whig Lord Cockburn complaining about lack of power: "in the absence of representation and municipal systems alone, our predecessors have left us fields in which patriotism may exhaust itself." The sentiment here is a desire for genuine power within Scottish institutions, not—say—an advocacy of surrender to English liberalism exercised from Westminster.

The outcome of this debate was indeed an undermining of the post-Union settlement, but in its place came a new set of just as distinctively Scottish institutions. The Scottish Reform Act of 1832 gave what R J Morris has described as "a political constitution for the first time." By "political" he meant control by the new middle class. The most important element of that control was not in fact parliamentary representation—parliament being even more in the new era of free trade largely about foreign policy—but rather the reform of the burghs. Municipalities were the sources of power throughout Britain—perhaps even more so in Scotland than elsewhere—so that in Scotland day-to-day life was still under the governance of Scottish agencies. On the one hand this put in place a constitutional framework that would not impede the growth of a Scottish capitalism that was largely owned and controlled from within Scotland. The Scottish professions—law, education, and the kirk—were a central element of this local economic management, providing the services that helped cement the new capitalism into Scottish—not English—civil society. On the other hand, control of the newly powerful burghs allowed the new middle class to link their civic with their business duties, creating a locally controlled provision of official social welfare. Supplanting these formal structures was what T C Smout has described as the "extraordinary" scope and extent of middle-class good works. Furthermore, informal as women were involved in these local governmental activities both formal and informal—the social basis of Scottish government was wider than that of the exclusively male British central state. For example, women formed in practice the backbone of the philanthropic societies; women rate-payers were given the vote in local elections in 1868; and from that date also both married and unmarried women could stand for school boards and poor law boards (and for parish councils from 1894).

The settlement of 1832 was itself modified during the century, by the accretion of ad-hoc boards coordinated at a central Scottish level—for prisons (1838), poor law (1845), lunacy (1857), health (1867), schools (1872), and the crofting counties (1866). Thus even though Scottish affairs were nominally the responsibility of the Home Secretary (advised by the Lord Advocate), in practice what mattered was a considerable degree of middle-class managerial self-government (aided by English indifference to what went on in Scotland).

In this context political nationalism was simply unnecessary for the middle class: "the politics which actually affected Scots people's everyday lives were civic...cities...burghs...parishes"; these made up "a structure of distinctive Scots corporations—church, education, law, local and devolved administration". The Scottish middle class already had that autonomy for which their counterparts in other small European nations were mobilising. The part of the constitution which constitutional theorists label "dignified" may have rested largely in London (although we should not forget the continuous symbolic importance of the Higher Courts and the Kirk). But the "efficient" part was as Scottish as it ever had been. The compromise has been summed up by R J Morris as "a state within a state"—a structure that has never fitted into the neat theories of nation-statism that we have inherited from the late nineteenth century.

None of this is to say that, for example, Scottish working-class people had political autonomy, but for understanding the evolution of Scottish autonomy in the nineteenth century that is irrelevant. Nowhere in Europe at that time was sovereignty in practice genuinely exercised by the mass of the population, although they might influence its distribution through periodic revolutions and wars. Nationalists in other small countries may have used the rhetoric of populism, but the reality of the states they established was not in practice much different from the Scottish reality. If Scotland had had a fully separate state, the only significant extra it would have had would have been an extremely circumscribed foreign policy, which no doubt might have provided an alternative for those who emigrated to positions of power in the Empire, but which would hardly have made much difference to the way that Scottish society evolved.

Thus the contemporary nationalist opposition to the various nineteenth-century reforms of Scottish institutions was more about illusions of sovereignty than about its reality: "a new emphasis on the old and the local was part of the response of the traditional ruling classes of Scotland to what they saw as a mounting threat to their long-standing political ascendency." Describes the nationalist reactions to the debate leading to the Reform Act as being "almost without exception historical"—about a mythical past in which Scotland was pure and had undiluted control of its own destiny. But despite these complaints, the new middle class could be as Scottish as the landed interests they displaced (or which, more accurately, they absorbed). A dual identity was available, which may have been anglicised where business was concerned, but which preserved and indeed intensified a vigorous local culture. As William Donaldson has pointed out, romantic nationalism was consistent with many types of political strategy, or even with none at all. The nation could have its authentic existence through popular culture without a formal nation state. A Murdoch and R B Sherr argue that setting Enlightenment nationalism against Scots romanticism as mutually exclusive applies a sort of intellectual civil war or schizophrenia. Each person could in principle have access to a range of linguistic and emotional registers, and could choose precisely the degree of anglicisation to adopt in any circumstance. Although Scott was prominent among those who complained of a loss of Scottish distinctiveness, he was far too fine a novelist not to reflect this duality: the conflicts in Heart of Midlothian, Old Mortality, and Waverley are resolved in...
favour of liberal and rational social development. The Earl of Seafield himself – prime mover of the Union – started this ambivalence off with the words I have quoted.

While the nationalist opposition to the constitutional effects of industrialism mistook and continues to mistake the waning of a particular form of Scottish autonomy for the loss of all Scottish control, so too do modern unionists fail to acknowledge the importance of the negotiated settlement that developed in the nineteenth century. Scottish industry flourished in a political and social context that owed much to de facto Scottish self-government.

My second illustration can be seen as a specific instance of the evolution of this Scottish semi-autonomy in the late nineteenth century. It is worth drawing out because its effects have become a celebrated instance in both the modern nationalist and the modern unionist cases. The illustration concerns the debate over reform of the universities. The nationalist case was persuasively stated by George Davie in the book whose title sums up what he considers to have been lost through anglicisation – *The Democratic Intellect*.[29] This concept is held to combine three main elements – a general curriculum, the centrality of philosophy in that curriculum, and the openness of universities to talented students from diverse social backgrounds. Davie believes this succumbed to attack over a period of some sixty years, culminating in the 1889 reform which, he says, marked the beginning of the end for the old Scottish approach to higher learning.

But a quite different interpretation of events can be made, which sees the debate as not at all a matter of attack from outside: “the debate on education was recognised by many to be not a question lying between England and Scotland, but rather between two views of how England should respond in educational terms to a rapidly changing world.”[29] The most extended account of this view is provided by Robert Anderson, who concludes that “it is difficult to find any real anglophone party in Scotland”.[29] People shifted “sides” because anglicisation was not the governing issue (and thus some of Davie’s own anglicisers of one generation become the heroes of the next – for example, the physicist J D Forbes).[31] The issue was in fact how the universities could best equip their students for the contemporary world, in particular for the world of technology.[32] Thus within science, and especially mathematics, the foreign model that posed the greatest challenge was that of Germany not England. Anderson points out that the 1889 reform in certain respects strengthened the general curriculum, and made philosophy more central than before. And access was almost certainly widened, not least because women were admitted to graduation around the same time.

Thus in this specific instance of negotiation over distinctive Scottish institutions, we cannot understand either the continued strength of the Scottish traditions, or the perceived need by Scots for change, without seeing the debate as being among Scots recognising their limited sovereignty.

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Scottish Government Yearbook 1991

Because of very broad social change (here predominantly the growth of technology), educational change was accepted as necessary in order to preserve for Scottish institutions some of the influence they were in danger of losing. The outcome was neither surrender to a predatory English system, nor (as unionists in the 1970s claimed) a happy accommodation to Oxbridge benevolence. The solution was a negotiated compromise between indigenous control and external constraints.

This theme provides an understanding of my third illustration as well – the growth of devolved administration in the twentieth century. The nationalist and unionist cases are familiar here, because they continue to be made frequently: for the one, the Scottish Office is an arm of English government, for the other it is what protects Scottish well-being from chaos. (The chaos we hear of in the 1990s is alleged to result from a socialist-nationalist plot against Scottish business, but it is as well to remind ourselves that in the 1960s and 1970s the Scottish Office was equally seen in some quarters as a bastion against Tartan Toryism.)

But a more plausible interpretation of administrative devolution is as a managerial solution to the perennial reality of limited sovereignty. Certainly the growth of the Scottish Office has challenged the pre-existing Scottish institutions; thus it took control over health away from the local state between the 1920s and the 1940s. But centralisation of this type at a Scottish level has often seemed the only feasible way of avoiding the rival centralisation on London which would indeed entail a net loss of Scottish sovereignty.[33] As the scope and power of the central state grew in the twentieth century, there was a possibility of local-state sovereignty leaking away to Westminster. This did happen in some areas of policy, notably economic, but by and large loss to the local state did not mean loss to Scotland. The Scottish Office was thus a negotiated compromise which kept significant sovereignty in Scotland when the previous means of doing so was being by-passed by social change.

Moreover, as with the growth of the nineteenth-century institutions, the growth of the Scottish Office can be understood as a series of responses to specific campaigns by – mainly – the Scottish middle class (although, as argued below, the Labour movement has been important as well). Thus in the 1930s, the Convention of Royal Burghs and industrial leaders set in motion those incipiently corporatist bodies which became quasi-official under Secretaries of State Walter Elliot and Tom Johnston (significantly, a Tory and a socialist sharing a view of Scottish government). The rhetoric was about Scottish control: Johnson saw the Hydro Board, for example, as a victory for Scottish autonomy.[34] The process by which powers have been subsequently transferred to the Scottish Office from Whitehall is well-known.[35] This process has created not only a new structure for the Scottish semi-state, but has also shaped what Stephen Maxwell has called the “state-sector middle class” who define their activities in Scottish terms.[36] Their style of governing has been managerial, not fully democratic, but it has had built into it a recognition
of the negotiated nature of realistic sovereignty. The Scottish Office is thus best understood as a site where specifically Scottish conflicts are resolved and managed. These processes are mostly somewhat hidden, but a detailed account of their operation in education between the 1940s and the 1970s has recently been provided by McPherson and Raab[37]. One of their main conclusions is that the Scottish Education Department was willing to compromise its own desires in the interests of not alienating the many educational interest groups in Scottish society (teachers, advisors, colleges, inspectors, education authorities, and so on).

Thus, in all but one absolutely crucial sense to which I will return, nationalist criticisms of the Scottish Office as working against Scottish autonomy are misplaced. The Scottish Office might have at times worked against Scottish interests, but that is a different matter altogether. For the same reason, the unionist case that Scottish autonomy would be disastrous ignores the fact that a degree of autonomy already exists, much of it in response to nationalist pressure: the status quo which today's unionists defend was the outcome of nationalist campaigns against a previous status quo that had broken down. Each time that there has been a period of nationalist agitation, the result has been an accession of more power to the Scottish Office – in the 1880s (when the process started), in the 1920s (when the Scottish Office took over the ad-hoc boards), in the 1940s (with Tom Johnston), and in the 1970s (with the setting up of the Scottish Development Agency and the transfer to the Scottish Office of powers over regional development grants). In each of these phases of nationalist pressure, we find the same jeremiads of doom as I quoted from Walter Scott in the 1820s. Thus a century after he had predicted the imminent demise of Scotland (and two centuries after the Earl of Seafield had pronounced it already dead), we find Edwin Muir lamenting: “Scotland is gradually being emptied of its population, its spirit, its wealth, industry, art, intellect, and innate character”, which he specifically associated with what he saw as the absence of power in Edinburgh – “a handsome, empty capital of the past”[38]. Opposition to the extent of the Scottish Office takeover of the 1920s of the ad-hoc boards was expressed in similar terms by the Labour ex-Secretary of State, William Adamson: it would “remove from Scotland the last vestige of independent Government and nationhood”[39]. And in the 1970s and 1980s the rhetoric was the same – Scotland about to disappear for ever: “the pressures which now face Scotland…. threaten the survival of the national identity”[40]. The jeremiads recur, apparently oblivious to their relative success not only in building up enough nationalist pressure to secure real transfers of power to Scottish bodies, but also in securing enough power of this sort to satisfy temporarily each such phase of nationalism. One of the peculiar ironies of nationalism is that it has to convince itself that it is perpetually doomed to failure; in this it serves the rhetorical ends of those unionists who refuse to acknowledge that the constitution of Scotland has repeatedly been revised.

Tom Nairn has dissected the most recent phase of nationalism as a reaction to Mrs Thatcher’s challenge to the institutions which have constituted Scottish semi-autonomous government[41]. But before I consider the current debate, I return to the one crucial sense in which the nationalists have a thoroughly convincing case that has not yet been satisfied. At no time in the process of negotiated sovereignty that I have outlined has the resolution been in favour of popular democracy. That was not surprising in the eighteenth and nineteenth centuries, when democracy would doubtless have meant something indistinguishably different from the self-government that was actually achieved – namely, middle-class management. The question is, however, why this absence of democratic control of the Scottish devolved administration did not lead in the early twentieth century to a more populist nationalism.

An answer to this lies in my fourth (and final) illustration of how sovereignty is negotiated – the access which the Labour movement has had to a degree of power. The nationalist case is here even more obvious than that against the Scottish Office: the Labour Party is high in their demonology as the primary agent of a putative English control of Scotland. The unionist case is two-folded: the traditional socialist-unionists (now extinct, or slumbering) invoke international solidarity which is, however, why this absence of democratic control of the Scottish devolved administration did not lead in the early twentieth century to a more populist nationalism.

The story is even more pertinent since local-government reform in 1975, since when the very pervasiveness of Labour has ensured that its sympathisers appeared throughout the administrative structures, by co-option as much as anything else but also by sheer force of numbers amongst the post-1940s and post-Robbins output of the universities. The STUC, furthermore, is not just an interest group, but a key part of Scottish civil society, at least as influential – and consensual – as the Kirk.

Tom Nairn has dissected the most recent phase of nationalism as a
Labour in Scotland has, in other words, used its allies in England to force real concessions out of the British state. A useful analogy is with the Reformation in the sixteenth century, and with the covenanters in the seventeenth: proponents of religious reform chose to ally themselves with segments of English society in order to fight domestic Scottish battles. Sovereignty, again, is about negotiation and compromise.

It would have been no less about compromise if Labour had established a Scottish parliament within the Union in the 1920s. Macro-economic policy would still have been constrained, especially from 1945 onwards: given that Scotland started from where it did, with a burden of declining heavy industries, the economic bargains achieved through the 1945 and 1964 Labour governments might not have been easily bettered. But whether or not that would indeed have been the case is immaterial to my point: the compromises which did emerge were, precisely, compromises - not sell-outs (as the nationalists allege) nor thorough absorption into a unitary state (as is wishfully celebrated by unionist propaganda of the 1990s).

In each of the four illustrations that I have sketched, it has been possible to argue that "Scotland" has negociated a degree of genuine autonomy. What is meant by "Scotland" as an agent in this context has varied over time, most importantly as a result of the extension of the franchise. The question which faces us in the 1990s is whether such compromises, and autonomy for specific groups in Scottish society, are any longer enough.

The settlement that is likely to emerge from the current constitutional debate will - as in the examples I have surveyed - be the outcome not only of campaigning for change, but also of the nature of the challenges that are taking place to the previous settlement: the debate does not start with a blank sheet. The existing autonomy of Scottish institutions is being challenged by a continuation of long-standing drifts of sovereignty to new locations, and by specific disruptive actions of Mrs Thatcher's government. The campaign for a new constitutional settlement has been shaped by a growing strength in Scottish civil society and culture: it is this which has forced the issue of democratic autonomy onto the political agenda. As always, however, what will be possible in the way of negotiated sovereignty will depend on what is happening outside Scotland, most significantly now on the transformation of Europe.

Sovereignty drifts away at different levels and rates. Some are a continuation of trends that have been going on for a long time. Thus the Scottish economy is no longer self-financing as it was in the nineteenth century, and the external control is greater in those industries which are expanding(43). And some sovereignty has drifted away quite recently. The power of the Westminster parliament to influence economic development anywhere in the UK is declining, partly because of the same process of internationalisation of financial control as has affected Scotland for longer, partly as a consequence of powers being transferred to the EC Commission, and partly because of the privatisation of state industries since 1979. The element of the Union bargain that ensures alternation at Westminster becomes emptier to the extent that Westminster power itself drifts away. Drift of sovereignty is a process which affects all constitutional settlements: for example, the West German Länder have lost powers over the past thirty years as sovereignty has drifted to the EC, and the states of the USA have been losing sovereignty in this way for two hundred years. Even constitutions based on popular democracy cannot always cope with unforeseen new areas of governmental power.

More specific challenges to Scotland's semi-autonomy have been products of that strand in Mrs Thatcher's policies which has been re-structurin the British state (and not merely pursuing economic changes)(44). Re-organisations of education, the legal profession, and of the health service come under this heading; the intention need not be deliberately anti-Scottish for the effects to be perceived as such, simply because so many of these effects impinge on specifically Scottish institutions - in other words, on the outcomes of previous compromises over Scottish sovereignty(45).

The re-structurin of Scottish devolved administration has, in particular, led to an increasing exclusion of Labour and its supporters from access to managerial power. At the same time, the other element of the Union bargain which seemed, at least until recently, to be breaking down was the regular alternation of Labour in UK power.

In reaction to these changes has emerged a celebration of a Scottish "tradition" of popular sovereignty. This might seem paradoxical: the institutions which Mrs Thatcher's government is perceived as challenging are managerial and middle-class, not populist, and the essence of Scottish autonomy since the Union has been institutional(46). Why, then, is there a movement for specifically democratic reform?

On the one hand, the government's policies are forcing the Scottish institutions to reconsider their source of legitimacy. In the past, the negotiations and compromises excluded popular sovereignty: the boundary of sovereignty was drawn so that both Westminster and the Scottish institutions were inside, and the Scottish people largely outside. Mrs Thatcher's government has had the effect of shifting that boundary to the other side of the Scottish institutions, so that they are out in the cold along with the people. This re-drawing is associated with a weakening of another aspect of the Union - the convention that the Secretary of State for Scotland speaks for Scotland to the government, and not merely for the government in Scotland(47). Mr Rifkind is seen as Westminster's agent in Scotland more than as Scotland's agent at Westminster. Faced with near exclusion from even a peripheral access to sovereignty, the Scottish institutions have found that their legitimacy can no longer derive from above: they must trust the people, or die.
This, then, is one explanation of why we find a new Scottish "ethnie" being invented, an "identity" based on a mythical notion of popular sovereignty and community. To call it "mythical", or to say that it did not figure so prominently in the 1970s, is not to say that it has no basis in Scottish history or modern experience: it is, simply, to say that it provides a way of re-legitimating institutions whose foundation is under threat.

But – on the other hand – the threatened institutions are not inventing Scottish identity on their own. There has been an extraordinary strengthening of Scottish civil society over the past two decades, in forms that are often defined against the conventional political channels through which the Scottish compromises with the Union have traditionally been made. The characteristics of this national self-confidence include a range of cultural activities, as well as institutional growths and reinforcements as diverse as the Crofters' Union and the Institute of Chartered Accountants of Scotland. It includes also a new generation of oppositional corporate bodies such as the Standing Commission on the Scottish Economy and the Constitutional Convention. Indeed, although sovereignty has drifted away from traditional Scottish institutions, some of it has ended up in new Scottish ones: for example, social work has drifted from the Kirk to the local state. The key political point about the cultural developments, moreover, is that they have provided a respectable Scottish identity for the middle class – not the Post. Being Scottish is no longer seen as being culturally parochial – indeed is increasingly parochial Britain.

The political manifestations of this strengthening civil society have emerged almost despite the indifference of the Labour Party: thus it was not its campaigning that brought constitutional change back onto the political agenda, although it reacted to its re-emergence with much greater alacrity and enthusiasm than in the early 1970s. Likewise, it was certainly not Labour advocacy that encouraged the tactical voting which reduced the Tories to ten MPs in 1987.

We also know that allegiance to a specifically Scottish identity is very strong. And – perhaps most fundamentally threatening to the Union – this newly defined Scottish identity is as much oppositional to the British state as a celebration of Scottish distinctiveness. Thus a MORI poll for The Scotsman in April 1989 found remarkably low faith in government institutions, as Table 1 shows; the patterns shown there were fairly consistent between men and women, and across different social classes, different age groups, and different forms of housing tenure (details not shown in the table). The better showing of the Scottish Office than of the London-based institutions suggests that the scepticism about government agencies was not merely the hostility of a non-Tory electorate to the current incumbents: thus the Table indicates an awareness of specifically constitutional issues, for example the convention that

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Table 1

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Source: MORI/Scotsman, April 1989; for further details, see footnote 52.
the Scottish Office speaks for Scotland in London. Only a series of polls over time could show whether that convention is perceived as breaking down (as I have implied above).

Such attitudes are to be contrasted to other parts of Britain: Table 2 is from the British General Election Survey of 1987(53). Again we see a Scottish reluctance to celebrate "Britain"; notably also, in the commitment to "health and welfare", we see the source of the mythical spirit of community which is often cited as forming the basis of Scotland's new consensus.

This alienation from British institutions, and the growing distinctiveness of Scottish politics(54), are probably long-term results of three decades during which the agenda of Scottish politics has been thoroughly oriented towards Scotland(55). SNP voting has been but one, relatively minor, manifestation of this. The Tory government therefore finds itself in an impossible position in its opposition to democratic constitutional reform. On the one hand, the Younger years served to emphasise Scottish institutional distinctiveness. On the other hand, the rhetoric of anti-statism is ready for interpretation as anti-British-statism and therefore for oppositional purposes. In a strange way, the Tories are compounding their own problems by setting up new semi-autonomous agencies of Scottish government - for example, school boards, and the Local Enterprises Companies of Scottish Enterprise and Highlands and Islands Enterprise.

When even Tory policies and rhetoric are serving to reinforce Scottish civil society, the process of increasing distinctiveness is unlikely to be reversed in the short term. In any case, these cultural growths of the last twenty years have survived several changes of government, severe fluctuations in every party's support, and even the debacle of the 1979 referendum. In this context, the current obsession with whether the Tories might win (say) six or sixteen seats at the next General Election seems almost trivially irrelevant.

Pulling all these strands of contemporary development together, we have a weakening of the bargains which have held the Union in place, an autonomous reinvention of Scottish identity, and a probably growing indifference to British state institutions. The resulting search for yet another renegotiation of the Union is in principle no different from the many such searches that have taken place before - whether in the 1820s, the 1880s, the 1920s, or the 1940s. What makes the current debate different - what has introduced into it a concern with popularity sovereignty - is a recognition that the energy for a redefinition of Scottishness is coming from below. We seem to be inventing something radically different from what Smout has called "a type of nationalism which, since it seeks special consideration for Scotland without ever rejecting the loyalty towards the larger unit, leads ultimately to greater dependency, not to separation"(56).

No feasible managerial solution therefore seems available: there are no

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**Table 2**

<table>
<thead>
<tr>
<th>Attitudes to Britain</th>
<th>Total (Gf)</th>
<th>Wales</th>
<th>North</th>
<th>Midlands</th>
<th>South-West</th>
<th>England</th>
<th>South-East</th>
<th>Greater London</th>
</tr>
</thead>
<tbody>
<tr>
<td>First source of pride in Britain</td>
<td>37</td>
<td>26</td>
<td>28</td>
<td>22</td>
<td>16</td>
<td>8</td>
<td>5</td>
<td>9</td>
</tr>
<tr>
<td>Monarchy</td>
<td>22</td>
<td>21</td>
<td>22</td>
<td>22</td>
<td>15</td>
<td>4</td>
<td>3</td>
<td>11</td>
</tr>
<tr>
<td>Scientific achievements</td>
<td>22</td>
<td>21</td>
<td>22</td>
<td>22</td>
<td>15</td>
<td>4</td>
<td>3</td>
<td>11</td>
</tr>
<tr>
<td>Health and welfare systems</td>
<td>22</td>
<td>21</td>
<td>22</td>
<td>22</td>
<td>15</td>
<td>4</td>
<td>3</td>
<td>11</td>
</tr>
<tr>
<td>Parliament</td>
<td>22</td>
<td>21</td>
<td>22</td>
<td>22</td>
<td>15</td>
<td>4</td>
<td>3</td>
<td>11</td>
</tr>
<tr>
<td>Sporting achievements</td>
<td>22</td>
<td>21</td>
<td>22</td>
<td>22</td>
<td>15</td>
<td>4</td>
<td>3</td>
<td>11</td>
</tr>
<tr>
<td>Theatre and arts</td>
<td>22</td>
<td>21</td>
<td>22</td>
<td>22</td>
<td>15</td>
<td>4</td>
<td>3</td>
<td>11</td>
</tr>
<tr>
<td>Economic achievements</td>
<td>22</td>
<td>21</td>
<td>22</td>
<td>22</td>
<td>15</td>
<td>4</td>
<td>3</td>
<td>11</td>
</tr>
<tr>
<td>Nothing</td>
<td>22</td>
<td>21</td>
<td>22</td>
<td>22</td>
<td>15</td>
<td>4</td>
<td>3</td>
<td>11</td>
</tr>
<tr>
<td>Base</td>
<td>3266</td>
<td>299</td>
<td>179</td>
<td>860</td>
<td>565</td>
<td>300</td>
<td>741</td>
<td>322</td>
</tr>
</tbody>
</table>

\* Sampling was restricted to the area south of the Great Glen; see footnote (53).

\* South-east England excluding Greater London.
more SDAs or Hydro Boards or Scottish Secretaries or burgh reforms to pull out of the unionist bag. The nature of the current debate over sovereignty, the extent to which all non-Tory parties in Scotland have become in effect (and even in rhetoric) nationalist, the growing discovery of Scottishness, and even the unwitting Tory contribution to all these trends in the ways I have indicated— all these factors point too strongly towards a need for denationalist reform to allow more institutional tinkering to be sufficient. The concern with the form of the resulting democracy is part of this response to pressure from below: electoral reform, the representation of women, and open government, for example, have been central even to Labour Party debates.

Two routes to a parliament seem available, although I suspect the destination of each would turn out to be much the same. Each route develops out of a specific aspect of the decay of the existing Union structures and compromises. One—the most likely—is a renegotiation within the Union, presumably by the return of a Labour government to power at Westminster. There are three reasons why mere access to power for Labour is unlikely any longer to reconcile Scotland to the current form of the Union, and therefore why Labour would almost certainly deliver a parliament this time: Scottish Labour is itself now thoroughly committed to the policy; Scottish electoral volatility over the last twenty years has shown that Labour is not the automatic choice of democratic expression for the distinctive Scottish society that has been emerging; and there is now a stronger advocacy from the English left than in the 1970s of constitutional reform throughout the UK. These pressures on Labour would be intensified if such a government depended on Liberal Democrat or nationalist votes at Westminster for its survival.

The other possibility is through a more extreme rupture of the Union, following another Westminster Tory government. The rupture might be led by the SNP, but it is more likely to emerge from the Convention led by Labour under SNP pressure. How this process might evolve is not easy to see just now: presumably it would require an autonomously organised referendum, and would be helped if Mrs Thatcher was no longer prime minister. But the reasons to believe that it is likely in the event of a UK Tory victory are the same as the reasons why popular sovereignty is now of such interest: ultimately, the pressure is coming from below, and solutions from above are no longer available.

The difference between these outcomes may seem stark at the moment, partly because it coincides approximately with the party-political difference between Labour and the SNP. But in practice the difference is not so great. I return to what I have suggested is the recurrent theme of modern Scottish history—that a small nation inevitably finds its sovereignty constrained. Whether we like it or not, Brussels will acquire more power, the new Europe of many newly independent states will require continuous multi-lateral negotiations, and the old states that survive from the nineteenth century will decay in importance and power. This is an opportunity for Scotland, but also a severe constraint. In practice, something like the SNP's independence in Europe is necessary and available, and yet also indistinguishable from Mr Donald Dewar's independence in the UK. Both slogans are ritualised shorthand for a constrained autonomy: they are different settings for the swansong of the nation state. To pretend that anything more is available would be to fall into the same naivety as characterised the Lithuanian nationalist leaders in early 1990s, a naivety which they were forced to abandon.

The importance of history is to induce precisely that necessary sense of realism. There is a limit to what can realistically be achieved, whatever may be the legal distinctions among different types of self-government. But, finally, there is a very simple point which supporters of the status quo ignore: what is being planned in the way of self-government is really not that different, as far as the outside world is concerned, from the negotiated autonomy which Scotland has always possessed. The main difference is that it will be an autonomy based on a wider concept of democracy, with all the psychological and cultural benefits which that responsibility can bring. And opponents of popular responsibility have not been doing too well in Europe of late.

Lindsay Paterson, Member of the Steering Committee of the Unit for the Study of Government in Scotland.

References

10. Lenman (1981), op cit, 162.


17. Gordon, E (1990). “Women’s spheres”. In Fraser and Morris (eds) (1990), op cit, 206-225. Middle-class women, uniquely among all groups in Scottish society, had access to the Scottish state but not to the British state. An interesting and un-investigated topic is: how did this influence their (and others’) attitudes to Scotland?


31. Davie (1982) op cit, 116 and 198. Davie sees Forbes’s position as contradictory, but the only sense in which that is the case is if the relevant criterion is defence of Scottish traditions intact.


34. Harvie (1981), op cit, 58. Davie’s title “the democratic intellect” was borrowed from Eliot.


42. Harvie (1981), op cit, 94.

43. See Claiming the Future: Scotland’s Economy – Ownership, Control, and Development (1989), Glasgow, STUC.

44. Nairn (1990), op cit.


46. Nairn (1990), op cit.

47. For the convention, see, for example, Kellas (1984), op cit, chapter 3, 27-61.


51. Survey evidence in 1986 showed only 6% of people in Scotland saying they are “British and not Scottish”, and as many as 39% saying they are “Scottish and not British”; the remainder regarded themselves as having a dual identity; thus well over 90% had some allegiance to Scotland. See Moreno, L (1988). “Scotland and Catalonia: the path to Home Rule”. In Scottish Government Yearbook 1988, McCrone, D and Brown, A (eds), Edinburgh, USGS, 166-181.

52. MORI/The Scotsman (April 1989). Quota sample of 1046 adults in 52 constituency sampling points throughout Scotland. Question was: “Now I would like you to think about the Union between Scotland and the rest of the UK. Please tell me from the box below how you feel about each of the items I read out”. Items were the phrases in the rows of Table 1, and respondents had to choose one of the options as phrased in the column headings in the Table.

53. Taken from Jowel, R, Witherspoon, S, and Brook, L. (1989). British Social Attitudes: Special International Report. London, Croom Helm, 120. Clustered random sample, as described in the report; Scotland was sampled only south of the Great Glen (a deplorable practice which is common amongst London-based survey organisations, including governmental organisations). Content of question was as follows (although of course layout was clearer): “Listed below are some things people have said make them proud of Britain. Please write ‘1’ in the box next to the thing that makes you feel proudest of Britain. Then write ‘2’ in the box next to the thing that makes you feel next proudest of Britain, and ‘3’ next to the third thing: British scientific achievements; the British parliament; British sporting achievements; the British monarchy; British theatre and arts; British economic
achievement; the British health and welfare system. Or tick: none of these makes me proud of Britain”.
56. Smout (1986), op cit, 239.