

# **The Future of the UK**

## Between Internal and External Divisions

Edited by

Marius Guderjan

# Imprint

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Design: Sandra van Lente  
Cover: Marius Guderjan  
Cover picture: [www.shutterstock.com](http://www.shutterstock.com)

A printed version of this ebook is available upon request.

Printed by  
WESTKREUZ-DRUCKEREI AHRENS KG Berlin  
[www.westkreuz.de](http://www.westkreuz.de)



Funded by the Future Concept resources of Humboldt-Universität zu Berlin through the Excellence Initiative of the German Federal Government and its Federal States.

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## 5. The Future of Scotland in the UK: Does the Remarkable Popularity of the SNP make Independence Inevitable?

Paul Cairney

The vote to remain in the UK, in the Scottish independence referendum in 2014, did not settle the matter. Nor did it harm the fortunes of the pro-independence party, the Scottish National Party (SNP). Instead, its popularity has risen remarkably, and major constitutional change remains high on the agenda, particularly during the run up to a referendum on the UK's exit from the EU. This continued fascination with the constitution overshadows the day-to-day business of Scottish politics. I highlight one aspect in particular: the tendency for limited public and parliamentary scrutiny of substantive policy issues when they are viewed through a constitutional rather than a substantive policy lens, producing an image of weak accountability. The aim of this chapter is to

- Explain why the SNP's popularity is remarkable.
- Note that none of us have predicted it – or indeed much of the short history of devolution - too well, and use this point as a cautionary tale.

- Describe why independence is not inevitable, even though it often seems likely.
- Shoehorn in some analysis of the links between our fascination with the constitution and the more humdrum world of actual policy.
- Provide a brief update on the impact of the EU referendum, bearing in mind that I am just as hopeless as anyone else about predicting the future.

## The Remarkable Popularity of the SNP

The SNP's popularity is remarkable. Scottish Labour had dominated Westminster and local elections in Scotland for decades before the first Scottish Parliament election in 1999 – it also won a plurality of European Parliament seats, but with far lower margins. Labour won most Scottish seats in every election from 1959-2010. In 1997, it won 46 per cent of the vote and 56 (78 per cent) of 72 Scottish Westminster seats (Cairney and McGarvey 2013, 45). The SNP won 22 per cent of the vote and 6 (8 per cent) seats. A similar pattern continued until 2010: Labour dominated Scottish Westminster seats even when the SNP began to win Holyrood elections. In the elections for the Scottish Parliament, its 44 per cent of the vote translated into 613 (53 per cent) of 1155 seats in 1995, and it remained the largest party until 2007 (Cairney and McGarvey 2013, 51).

This dominance produced an expectation that Scottish Labour would become the largest party in the Scottish Parliament for the foreseeable future. In that context, the fortunes of Labour and the SNP changed remarkably quickly. In 1999 and 2003, the main limit to Labour dominance was the electoral system: it won the majority of constituency seats comfortably but few regional seats and it also won most constituency seats in 2007. By 2011, this position had reversed and, by 2016, the regional list was the only thing standing between Scottish Labour and electoral oblivion.

In contrast, by 2011 the SNP achieved a majority of Scottish Parliament seats because the regional element of the mixed-member proportional system (56 of 129 seats) was not large enough to offset SNP dominance of constituency seats. This is a remarkable outcome if we accept the well-shared story that Holyrood's electoral system was 'chosen by Labour to stop the SNP ever the getting the majority it needed to push hard on the independence agenda' (Cairney 2011, 28).

It is also remarkable that the SNP's popularity did not dip after the 2014 referendum. You could be forgiven for thinking that a No vote in the referendum on Scottish independence would damage the SNP (Cairney 2015). If it is a single issue party, and most voters rejected its position on the issue, wouldn't you expect it to suffer? Yet, here is what happened instead: its membership rocketed, from 25,000 to 75,000 in two weeks, then to 115,000 by 2016; it won 56 of 59 Westminster seats in Scotland (2015) on the back of 50 per

cent of the vote; and it won a third Holyrood election in a row, only missing out narrowly on a second majority in a row, in a Mixed Member Proportional system.

This is not so remarkable if you know that the SNP is not a single issue party. Instead, it is a highly professional organisation which has won elections on the back of valence politics as well as identity. The SNP did well in 2007 (Johns et al. 2009), and very well in 2011, because 'most voters thought that the party would do a better job in office than its rivals' (Johns et al. 2013). People vote for a party when they respect its leader, its vision for the future, and have a high expectation of its competence while in office – and the SNP has benefited from being a party that looks highly professional (although one's belief in the competence of the SNP may be linked strongly to one's national identity and support for independence).

So, (a) it is worth noting that the SNP is doing well partly because 45 per cent of the vote will not win you a referendum, but it (plus a bit more) will do very nicely in a not-super-proportional election system, but (b) there is far more to the SNP's story than a translation of national identity into support for independence.

You will always find someone who claims that they predicted these developments correctly, but that is because of the immense number and range of hyperbolic predictions – from the claim that devolution provided a 'stepping stone' to

independence (Dalyell 2009), to the claim that it would kill nationalism 'stone dead' – rather than the predictability of politics. So, for example, in retrospect we can say that devolution provided an important new platform for the SNP (Johns et al. 2010), but at the time we did not know that it would use this platform so effectively from the mid-2000s. Similarly, maybe some people in the future will look back to argue that Scottish independence was inevitable, but without being able to predict the detailed mechanisms of decisions and events.

## Scottish Independence is Not Inevitable (Even Though it Often Seems Likely)

Before the Brexit vote, I tried to sell the idea that 10 years is the magic figure between Scottish referendums (2014 and 2024): a short enough distance to keep pro-independence actors content, and long enough to hope that enough people have changed their minds. In the meantime, the SNP and Greens would produce some vague triggers, like a surge in opinion poll support.

Now, if a second referendum is to happen, it is because of the constitutional crisis prompted by Brexit. Overall, most UK voters chose to leave the European Union, but most voters in Scotland chose to remain. The SNP and its allies will push for a second referendum on that basis, with reference to a

'democratic outrage'. It possesses the votes to pass a bill to that effect in the Scottish Parliament, and needs some cooperation from a UK Government led by the party that just used a referendum to justify major constitutional change. It is difficult to see why the Conservative Government would oppose a referendum under those circumstances – rather than allow it to take place and argue for the Union – even though UK government ministers have rejected the idea so far.

If a second referendum happens, it could happen before 2020. I am hesitant to say when exactly, partly because there is so much uncertainty, which too many people try to fill with needless speculation. For example, Sturgeon confirmed that it could happen as early as 2017, but only because the BBC asked her what she would do if the UK Government behaved unreasonably. In the same interview, Sturgeon also suggested that it may take a long time for the UK to invoke Article 50, which triggers a notional two-year negotiation period before the UK leaves the EU.

Before we know if a second referendum is likely, and the likely date, we need clarity on two things: first, the extent to which the UK can, and is willing to, negotiate a deal with the EU which satisfies the SNP and Scottish voters – by becoming Brexit-lite or providing Scotland-specific provisions on key issues like the free movement of people; and second, the timing of Brexit, since a Scottish referendum would hopefully not take place until we know what we are voting for – which

might not happen until near the end of the notional two-year negotiations. Still, it is likely that the vote would be binary, as some version of: stay in the UK out of the EU, or leave the UK and stay in the EU.

Dissatisfaction with devolution is not the same as support for independence. Recent events reinforce the sense that Scottish devolution will never seem like a 'settlement'. Instead, until recently, we have had a routine process in which: (a) there is a proposed devolution settlement, (b) it sticks for a while, (c) there is a rise in support for independence or further devolution, and (d) there is another settlement.

So far, this has happened in 1999, the first modern settlement, from the SNP's first Holyrood win in 2007 producing the Scotland Act 2011, and during the referendum itself producing the Scotland Act 2016. The difference this time is the sense – often generated by supporters and opponents of independence – that the 2016 Act is the final offer. If so, before Brexit, we had two key scenarios: first, this offer proves to be too unpopular to maintain support for devolution, there is a further referendum, and no-one can offer more devolution in exchange for a No vote. Second, the 2016 Act finally helps address the idea of a 'democratic deficit' in which (a) most people in Scotland vote for one party in a UK general election – usually Labour, now SNP – but get another – often Conservative, and (b) this problem helps produce the sense that the UK Government is imposing

unpopular policies on Scotland. For the new act to work, you would need to generate the widespread sense, among the public, that a Scottish Government could choose to mitigate the effects of a UK Government, perhaps without raising taxes.

Now, things are a bit more complicated, since devolution is no longer simply about Scotland's position in the UK. Scenario two now has to be accompanied by the sense, however true, that the Scottish Government is able to negotiate a distinctive relationship with the EU while remaining in the UK.

## What Happens in the Meantime? The Humdrum World of Scrutiny and Policy-Making

In the meantime, Scottish politics exhibits an unusual twist on the usual tale of Westminster politics. We have the familiar disconnection between two understandings of politics, in which (a) we use elections and some parliamentary scrutiny to praise or blame governments, but also (b) recognise the limits to central control, which undermine a meaningful sense of accountability. This confusion is complicated by devolution and 'multi-level governance' in which we are not always sure about which level of government is responsible for which policy – although Brexit will remove a level from many of those relationships! The 2016 Act, in which there are

many new shared responsibilities between the Scottish and UK Governments, adds complexity and confusion to the settlement. So, politicians tell very different stories about what the Scottish Government can do, who is in charge, and who should take the blame for policy outcomes. Moreover, the Scottish Parliament continues to struggle to know how best to try to hold the Scottish Government to account and it might soon struggle a bit more.

Perhaps one possible exception is the new debate on educational attainment. First Minister Nicola Sturgeon staked a large part of her reputation on reducing the gap in attainment between students in the most and least deprived areas of Scotland. Before the election, she promised to 'close the attainment gap completely'. Although the SNP manifesto in 2016 presents more equivocal language, reflecting the sense that it does not know how much it can reduce the gap, it remains significant as an issue in which there are constitutional complications. The Scottish Government does not control fully the economic and social security 'levers' affecting levels of deprivation, but the SNP is not using them to qualify its aims. This example supplements several ongoing debates of high party political importance, in which there is not a constitutional element on, for example, the Scottish Government's 'named person' policy and legislation on 'offensive behaviour' in relation to football.

Maybe such cases suggest that, for at least the next few years, we will pretend that there is a Scottish devolution

settlement and that we are not just killing time until the next referendum. This, however, already seems like an out of date hope. The constitution is back at the top of our agenda, and I cannot remember the last time I read a story about domestic policy in Scotland.

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